

**Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015, the Council will now act as a Planning Authority under the Land Use Planning and Approvals Act 1993.**

## **13.2 Development Application**

<b>Action</b>	<b>Decision</b>
<b>Proponent</b>	GHD Pty Ltd
<b>Officer</b>	Jacci Smith I Development Services Coordinator
<b>File Reference</b>	DA20210072
<b>Annexures</b>	13.2.1 FolioPlan-226682-1 13.2.2 FolioText-226682-1 13.2.3 Planning report 13.2.4 Visuals Elevations 13.2.5 Representation to DA2021072

### **INTRODUCTION**

The proposal is for an extension to an existing residential dwelling on Little Dog Island. The application also seeks to upgrade and relocate the existing onsite wastewater system. The proposal relies on Clause 3.18.2 of the *Flinders Island Planning Scheme 2000 (the Scheme)* to allow for a once only application for the extension of an existing building, provided the existing gross floor area will not increase by more than 25%. Council officers confirmed that an application under clause 3.18.2 to extend the dwelling had not been made or considered since the Scheme came into operation.

A visit to the subject site was undertaken by Council's Consultant Town Planner and Development Services Coordinator on Thursday, June 2, 2022.

### **PREVIOUS COUNCIL CONSIDERATION**

Nil

### **PREVIOUS COUNCIL DISCUSSION**

Nil

### **STATUTORY REQUIREMENT**

The application was made pursuant to section 57 of the *Land Use Planning and Approvals Act 1993*. Determination of the application is a statutory obligation.

### **POLICY/STRATEGIC IMPLICATIONS**

1. Liveability - To protect and build upon our islands' way of life
  - 1.1 A viable population that enables the necessary services and activities required for the Community to prosper.
    - 1.1.1 Encourage and support an increased supply of affordable accommodation for long-term residential rental and purchase.

### **BUDGET AND FINANCIAL IMPLICATIONS**

Financial impacts are normally limited to the application process and any appeal that may be lodged against the Planning Authority's decision, provided statutory obligations are met.

### **OFFICER'S REPORT**

#### **SUBJECT SITE AND SURROUNDING AREA**

The subject site (CT: 226682/1) has an area of 15.78ha and consists primarily of native grassland. Little Dog Island can only be accessed from the water, usually by boat. A single

residential dwelling and access to the subject site is from the shoreline via an unsealed track across Crown Land. The subject site is relatively flat, and the island has a maximum gradient of approximately 7%, rising towards the island's centre. A location plan of the subject site is provided in Figures 1 and 2.



Figure 1: Location Plan



Figure 2: Location Plan

The subject site is located within the 5.10 Environmental Management and Recreation Zone, for which a residential use is prohibited. Therefore, the proposal relies on clause 3.18.2 of the Scheme.

### THE PROPOSAL

The proposal is for an extension to an existing residential dwelling on Little Dog Island. A site plan is shown in Figure 2, which indicates the site access, existing and proposed development, and the existing location of the onsite wastewater system. Access to the subject site is from the shoreline by foot to the dwelling.

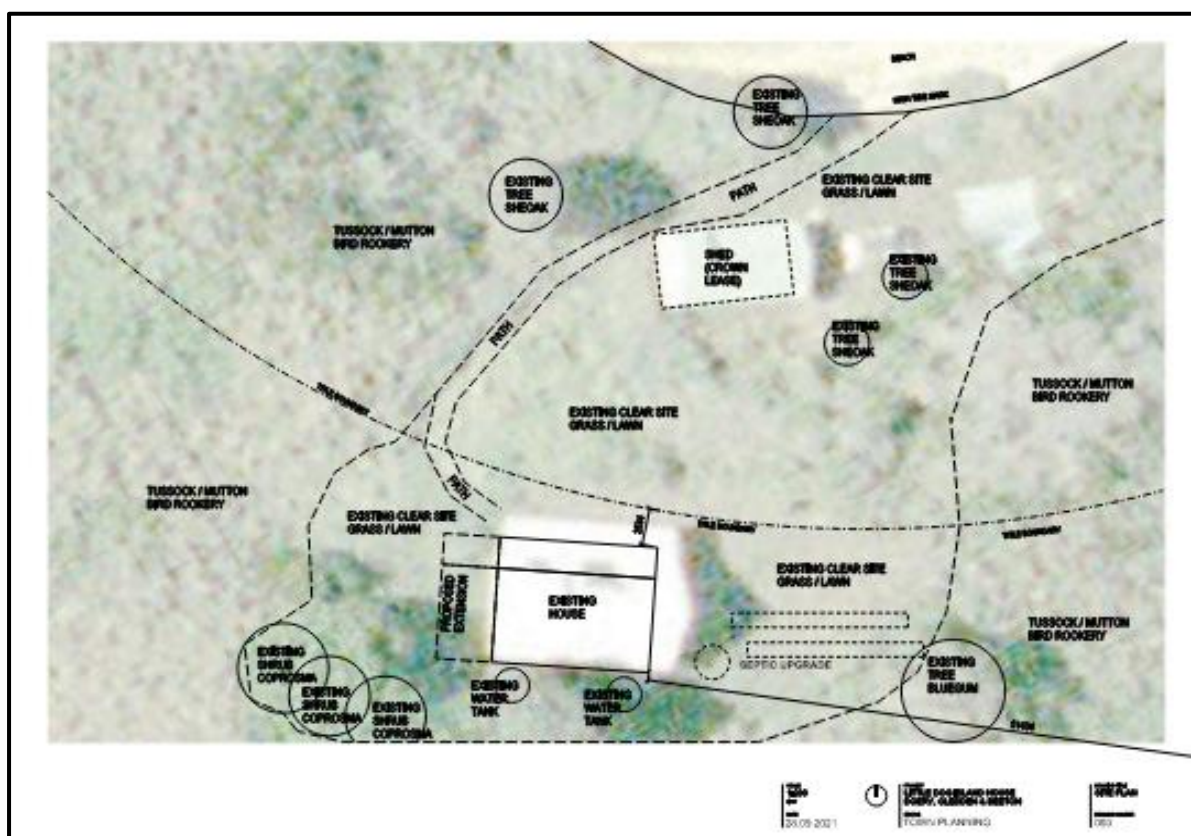


Figure 3 Site Plan

The subject site is located within the 5.10 Environmental Management and Recreation Zone, for which a residential use is prohibited. Therefore, reliance on clause 3.18.2 of the Scheme is required. Clause 3.18.2 allows for a once only application for the extension of an existing building, provided the existing gross floor area will not increase by more than 25%. Council officers confirmed that an application under clause 3.18.2 to extend the dwelling has not been previously considered. The proposed extension will increase the floor area by 24.7m<sup>2</sup>, an increase of 24.8%.

Vegetation is not easily grown on the subject site. However, the property owners carefully manage the land and limit their overall impact on the land. The owners have an ongoing program of clearing coprosma and noxious plants and, where feasible, regenerations with native flora.

The existing dwelling has a rectangular form and features a hip roof. The proposed extension has been designed to be consistent with the roof shape and building form and includes the use of similar external cladding materials and finishes.

The proposed extension to the dwelling will create an additional bedroom on the ground floor. Internal space will be reorganized to create a new storage area, a separate toilet, a renovated kitchen and a new staircase accessing the first floor/loft. The veranda to the north of the dwelling will be extended consistent with the proposed extension. The existing dwelling is located 2.8m from the northern boundary, the proposed extension will maintain this same setback along the primary façade.

## REFERRALS

The development application was referred to both Works and Health. No comments were received to affect planning conditions, though the Health referral noted the replacement of the existing waste water system.

## NOTIFICATION

The application was advertised for 14 days in accordance with the Act. One representation was received.

Issue raised	Officer comments
<p>No objection to the proposed development was noted.</p> <p>It is positive for the island environment that the onsite wastewater system is proposed to be upgraded.</p> <p>Although the siting and form of the dwelling dominates the landscape, the dwelling is existing and it is not unreasonable to update and extend by 25%.</p> <p>It is recommended that the following permit conditions be included:</p> <ol style="list-style-type: none"> <li>1. Paint the whole house in a darker colour in accordance with the requirements that would be imposed today under the Landscape Conservation Zone; and</li> <li>2. Plant some native vegetation such as she-oaks in front of the dwelling.</li> </ol> <p>It is noted that the suggestions are to improve the proposal only and there is no objection to the application.</p>	<p>The proposed dwelling extension relies on clause 3.18.2 of the Scheme is required. Clause 3.18.2 allows for a once only application for the extension of an existing building provided the existing gross floor area will not increase by more than 25%. Council officers confirmed that a previous application under clause 3.18.2 to extend the dwelling had not been considered. The proposed extension will increase the floor area by 24.7m<sup>2</sup>, an increase of 24.8% and complies with the relevant clause.</p> <p>The subject site is not located within the Landscape Conservation Zone and therefore a condition to achieve compliance with 'exterior building finishes must have a light reflectance value not more than 40%, in dark natural tones of grey, green or brown' cannot be applied to the application.</p> <p>Due to the location of the dwelling in relation to the property boundary, planting of trees in front of the dwelling cannot be achieved. The land in front of the dwelling is owned by the Crown and managed by the Parks and Wildlife Authority. The land owners do not have permission to plant trees on this land.</p> <p>The former <i>Land Use Planning and Approvals Act 1993</i> provides provisions for 'existing uses and developments'. Section 20(3)(e) (now Section 12 (1)) (e) –</p>

	<p>Subject to subsections (4), (5) and (6) , nothing in any planning scheme is to be taken (including by virtue of requiring a permit to be obtained) to—</p> <p>(e) require the removal or alteration of any lawfully constructed buildings or works;</p> <p>The proposal has been assessed against the relevant standards of the <i>Scheme</i> and compliance has been achieved.</p>
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## PLANNING ASSESSMENT

### PART 3: DEVELOPMENT APPLICATIONS, PERMITS AND EXEMPTIONS

#### 3.18 RIGHT TO CONTINUE EXISTING USES OR MAINTAIN EXISTING BUILDINGS AND STRUCTURES

3.18.1 The right to continue or maintain existing lawful Use or Development shall be in accordance with Section 20(3) of the Land Use Planning and Approvals Act 1993.

3.18.2 Notwithstanding any other provisions of this Scheme, the Council may, at its discretion and subject to Clause 3.5, permit a once only application for the extension of an existing building for the purposes of an existing non-conforming use. Such an extension, however, must not exceed 25% of the existing gross floor area of a building existing at the date of taking effect of the Amendment.

***Officer Comments: The associated works to the existing building are considered compliant with section 3.18.1. The residential use class has a prohibited classification in the Zone. The proposed extension will increase the floor area by 24.7m<sup>2</sup>, an increase of 24.8%. Council officers confirmed that a previous application under clause 3.18.2 to extend the dwelling had not been considered, the proposal complies with clause 3.18.2.***

### PART 5: ZONING

#### 5.10 Environment Management and Recreation Zone

##### 5.10.1 Zone Intent

The Intent of the Environmental Management and Recreation zone is to provide for the sustainable management of the natural and physical resources found on Crown lands and other lands whilst providing opportunities for public recreation at suitable sites. This intent recognises that on Crown lands that are leased, various use rights have been established and may continue with appropriate management under the terms and conditions of those leases. The Environmental Management and Recreation zone also contains places of special importance for the conservation of species and for their cultural heritage value; the intention is that those places be identified, documented and protected from inappropriate Use or Development.

##### 5.10.2 Desired Zone Character and Zone Guidelines

The zone should be characterised by:

Landforms, landscapes, places, places and habitats in which natural processes, native vegetation, indigenous fauna and items of cultural heritage are protected from inappropriate Use or Development;

- (a) Management goals that identify and protect the environmental values and heritage values of particular sites, including (but not limited to) scenic amenity,



water quality, water quantity, soil structure, biodiversity, evidence of human occupation and historic use, the presence of rare or endangered species and the absence of exotic species, diseases and weeds;

(b) The provision on public land of recreational facilities in a manner which minimises impacts upon identified environmental and heritage values;

(c) The restrained and careful application of management practices such as the clearing, burning or grazing of vegetation, the use of herbicides or pesticides, or the construction of tracks and firebreaks and then only after adequate investigation and where it can be demonstrated that such practices are in support of management goals;

(d) The careful siting and design of Buildings, Structures, Works and Landscaped Space in order to minimise adverse impacts on the identified values of the locality.

### 5.10.3 Subdivision Standards

There will be no further subdivision within the zone except in accordance with Clause 4.5 or to allow a lot of which the purpose is to give effect to the intended use or development of the land in accordance with a permit granted by Council.

### 5.10.4 Development Standards

There are no minimum height or setback requirements except those necessary to meet the zone intent.

***Officer Comment: A residential use is prohibited in the Environmental Management and Recreation Zone. However, the proposal is for the extension of an existing dwelling and therefore can rely on clause 3.18.2 of the Scheme. The residential dwelling is an existing non-conforming use and the minor extension is not expected to have an unreasonable impact on the environmental values of the Island. The area of development for the extension and new wastewater system will utilise land that was cleared during the construction of the existing dwelling in the 1970s, as shown in Photo 1. No clearing of unmodified vegetation is required or proposed.***



Photo 1 Eastern elevation of the dwelling showing extent of cleared area



**The proposed extension will have a maximum height of 4.8m, consistent with the existing dwelling. The proposed extension is located to the west of the existing dwelling and will be no closer to a property boundary than the minimum existing. The Zone Intent focuses on the sustainable management of the natural and physical resources found on Crown lands and other lands whilst providing opportunities for public recreation at suitable sites and does not provide any further height or setback requirements.**

**The proposal is generally consistent with the Zone Intent, Desired Future Character and Zone Guidelines and Development Standards of the zone.**

**On April 21, 2022, the Tasmanian Planning Commission (the Commission) provided its decisions, regarding the Flinders Local Provisions Schedule (LPS), to Flinders Council. As part of the decision the Commission directed those selected parcels of land on Little Dog Island (include the subject sit, CT 226682/1) be rezoned to Landscape Conservation.**

**Under the provisions of the Tasmanian Planning Scheme - Flinders, a discretionary permit pathway is provided for a Residential use, if for a single dwelling.**

**Part 6: USES AND DEVELOPMENT PRINCIPLES**

**6.0 USE AND DEVELOPMENT SHALL BE CONSISTENT WITH THE FOLLOWING PRINCIPLES:**

**6.1 USE**

Principles		Complies	Not Applicable
A	Use or development shall not unreasonably impact on any existing or intended use of development of neighbouring land	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Subdivision of land shall be carried out in accordance with the subdivision provisions for the zone within which the land is located or where that is not appropriate in accordance with: <ul style="list-style-type: none"> <li>i. the requirements of the intended use, and</li> <li>ii. the Zone Intent, or alternatively by</li> <li>iii. an approved Development Plan that has been adopted by Council and inserted as a provision in the Scheme.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	Residential Zones shall be protected from encroachment by incompatible use or development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Rural Industrial operations shall be appropriately located and designed to avoid any detrimental effects on neighbouring land use or development, particularly in respect of atmospheric emissions, solid waste disposal and water pollution, soil erosion, noise or visual quality.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Mining and quarrying operations shall be located and carried out in a form which does not conflict with surrounding land use or development, scenic values and the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer Comment: The proposed extension will increase the existing floor area of the dwelling by less than 25%, see Figure 4. The development is relatively minor in scale and is not expected to unreasonably impact on any existing or intended use of development of neighbouring land. The proposed extension will not reduce the setback distance from the northern boundary.**





Figure 4 Existing and proposed floor plan

## 6.2 CHARATCTER

Principles		Complies	Not Applicable
A	Use and development shall adequately respect the character of, and future intentions for the area in which it is to be located.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Subdivision layout, particularly roads, shall take adequate account of land contours and the need to avoid visual scarring.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	Use or development (including public facilities and services) should adequately respect the surrounding streetscape and neighbouring use or development, particularly in relation to scale, setbacks, form (including roof shape), landscaping, materials, colours and fencing.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	Landscaping of use or development shall be of a type, form, variety(s) and character which is suited to the intention of the zone, the area and the nature of the use or development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E	Where trees are an important element in the character of an area they should be retained.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F	Signs shall be consistent in type, scale and location, with the intention of the zone, the streetscape and the building or structure on which they are positioned or to which they otherwise relate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Forestry use or development, particularly plantations, shall be appropriately sited and planned to protect the visual quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	and character of the countryside generally, and from important viewing locations in particular.		
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**Officer Comment:** The proposed extension will increase the existing gross floor area by less than 25%, consistent with that allowed by clause 3.18.2. The extension will be consistent with the existing development on the site and is not expected to unreasonably impact adjoining land. Elevations are provided in Figure 5. The proposed development does not require the removal of any existing vegetation and no further landscaping is proposed.

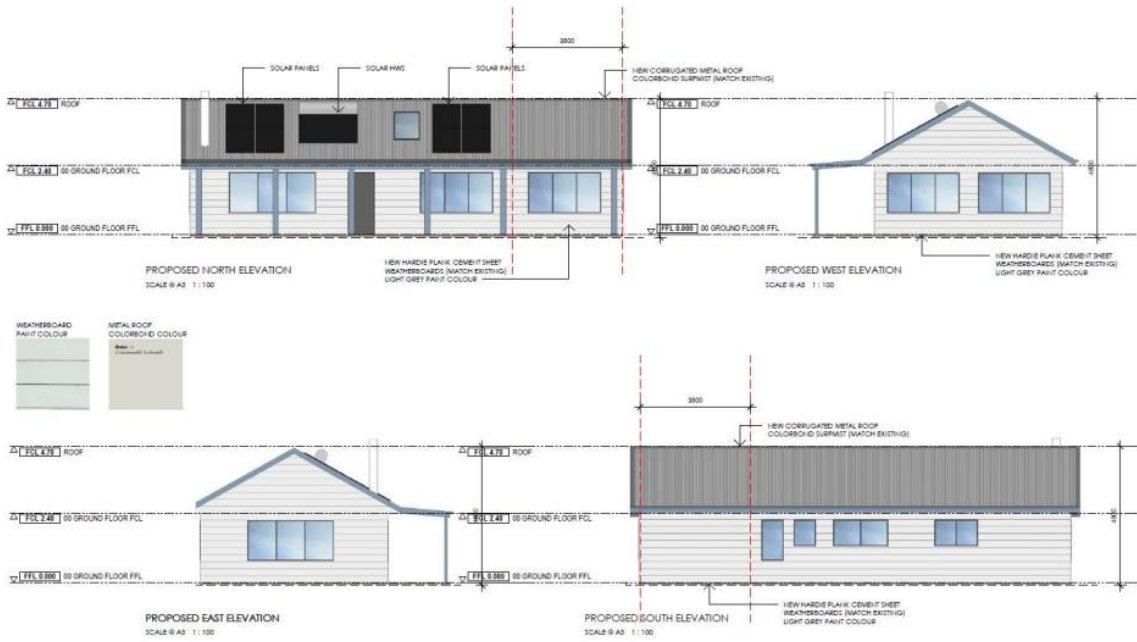


Figure 5 Existing and proposed dwelling elevations

**6.3 AMENITY**

Principles		Complies	Not Applicable
A	Adequate public open space shall be provided in areas of new subdivision, to meet the recreational and open space requirements of the community generally and particularly the new owners of the lots created by subdivision.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	Use or development shall accord all existing and/or future occupiers with adequate and reasonable levels of amenity, especially in relation to privacy, sunlight, aspect, views and noise disturbance.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Dwellings shall provide an adequate amount and appropriate type of private open space, to meet the expected lifestyle requirements of occupants. Such private open space shall provide adequate privacy, be exposed to reasonable levels of sunshine and directly accessible from the dwelling to which it belongs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Officer Comment:** The proposed extension is of minor scale, increasing the existing gross floor area of the dwelling by less than 25%. The extension is located to the west of the dwelling and is not expected to impact on levels of privacy, sunlight, aspect,

**views or noise disturbance. The visual impacts of the development area assessed in 7.2 Visually Sensitive Areas. The private open space of the dwelling will not be impacted by the proposed development.**

#### 6.4 ENVIRONMENT

Principles		Complies	Not Applicable
A	Use or development shall not be allowed to detrimentally affect the environment. All areas, and sensitive ecological and/or visual areas in particular, shall be developed in a manner and to an extent which is consistent with the protection of the values of the area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Use or Development and land management practices shall be directed towards achieving environmental sustainability, biodiversity and ecological balance, and avoiding environmental damage such as soil erosion, coastal dune erosion, loss of important animal and plant species and increases in vermin populations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Use or Development shall not be located in areas of unacceptable risk (e.g. from fire, flood or landslip). In situations where risk may exist, use and development shall be appropriately sited and designed to provide an acceptable level of protection and safety for future users. In particular. <ul style="list-style-type: none"> <li>i. Lands subject to flood risk are those subject to a greater than one in a 100 year flood interval (1% probability), and land, the natural surface level of which is below 3 metres Australian Height Datum (AHD); and</li> <li>ii. Land which comprises soils of known or suspected instability, has a slope greater than 1 in 4, or is filled or reclaimed land, are deemed to constitute an unstable land hazard; and</li> <li>iii. Use and development in bushfire prone areas will comply with the provisions of Schedule 7 Development in Bushfire Prone Areas or some other provisions acceptable to Council and the Tasmania Fire Service.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	Potentially incompatible Uses or Developments shall be adequately and appropriately located, sited and designed to avoid conflict. Level 2 activities or sources of pollution shall be sited in accordance with the following: <ul style="list-style-type: none"> <li>i. Use or Development for a use of land that is a Level 2 activity under the provisions of the Environment Management and Pollution Control Act 1994 shall not be allowed within the lesser distance from a residential zone than that recommended by the Director of Environmental Management.</li> <li>ii. Use or Development of land that is not a Level 2 activity, but which Council nonetheless considers will or has the potential for environmental harm, shall not be allowed within a lesser distance from a residential zone than that determined by Council after taking into account the advice from the Director of Environmental Management.</li> <li>iii. A dwelling unit shall not be erected within a lesser distance of any established Level 2 activity or other use</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	of land which Council considers a source of pollution, than that determined by Council taking into account the advice from the Director of Environmental Management.		
E	Activities involving extensive site works, such as quarrying, shall be suitably sited, screened, and rehabilitated where appropriate, to protect the ecological and visual qualities of the area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Use or development shall be of a suitable form and siting to avoid any adverse impact on any watercourse and vice versa. Use or development (including the siting of effluent disposal systems) shall be setback a minimum of 40 metres, or such distance as is required, from a watercourse to avoid degradation of water quality.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G	Use of land in the vicinity of those watercourses identified in Schedule 3 shall provide Riparian Reserves in an appropriate location and form.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer Comment: The development area is limited to an existing area of disturbed land adjacent to the dwelling. The proposed wastewater system works are in response to a recent site classification and geotechnical and onsite wastewater disposal assessment report conducted on the site. These investigations undertaken will ensure the stability and function of the works. The site area for the onsite wastewater system is proposed to be rehabilitated (grassed) after completion of the works to reduce erosion and exposure of sands and soils to winds. The land is not mapped as a flood risk area and the development area is relatively flat. The development is in a bushfire prone area and is considered against the provisions of Schedule 7 of the Planning Scheme.**

## 6.5 HERITAGE

	Principles	Complies	Not Applicable
A	Use or Development shall be undertaken in areas and in a manner which conserves items, sites, areas and customs of historic and cultural value.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Any Use or Development carried out on or in the vicinity of an item, site, area, feature or customary activity (including Aboriginal sites and shipwrecks) or conservation value, shall adequately respect its historic and cultural integrity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	The protection and conservation of items, sites, areas, features and customary activities of historic and cultural importance applies to those previously identified and listed in the Scheme, and those which subsequently become known to Council.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	Where an item, site, area, feature or customary activity has or may have historic or cultural importance, Council may require a Statement of Cultural Significance to be prepared.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E	Use or development shall be carried out in accordance with the principles and practices of the <i>Burra Charter</i> .	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F	Use or Development involving any historic building or group of buildings shall adequately respect the design and construction elements of the building(s) and particularly the relationship of spaces, orientation, form, mass, scale, fenestration, detailing, style, materials and colour.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

G	Areas of identified conservation value, including National Parks and Nature Reserves, shall be protected from inappropriate use or development and detrimental land management practices including land clearance, within such areas and adjacent areas outside them.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Officer Comment: The development area is not listed as a heritage place under the Scheme or on the Tasmanian Heritage Register under the Historic Cultural Heritage Act 1995. The works are proposed to be undertaken in accordance with best practice. An Unanticipated Discovery Plan will be implemented in the event that any sites of Aboriginal Heritage Significance are discovered during the works. A similar approach to the above will be undertaken in regard to the discovery of any other items of cultural significance that are uncovered during the works. It is noted once again that the buildings and site area are not recognized formally as a place of historical significance.**

## 6.6 ACCESS AND PARKING

	Principles	Complies	Not Applicable
A	Areas of identified conservation value, including National Parks and Nature Reserves, shall be protected from inappropriate use or development and detrimental land management practices including land clearance, within such areas and adjacent areas outside them.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	All Use or Development shall provide satisfactory pedestrian and vehicular access which is suited to the volume and needs of future users.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C	Buildings and spaces intended for public access shall provide for satisfactory use and access by the disabled; the requirements of the Building Regulations in relation to AS1428.1-1988 shall be met.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D	Road widths shall be appropriate to the road function, expected traffic type and volume, and future subdivision potential of the subject and surrounding land.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E	Footpaths shall normally be required in areas of new subdivision except where low vehicle traffic volumes are anticipated, in which case a footpath one side only or no footpath may be appropriate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F	Road intersections shall be kept to a minimum with the use of existing roads, service roads and/or shared driveways being encouraged where appropriate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G	Intersections of roads, footpaths and foot crossings and driveways shall provide adequate safety for all users and shall satisfy the relevant requirements of Schedule 4.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H	New Use or Development shall provide a suitably constructed driveway of a width to provide for the safe ingress and egress of the anticipated volume of traffic associated with the Use or Development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I	New Use or Development shall provide adequate car parking to provide for the demand it generates and shall be capable of being safely accessed.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J	On site turning shall be provided for development involving significant traffic volumes, heavy vehicle types and/or on roads which carry significant amounts of traffic.	<input type="checkbox"/>	<input checked="" type="checkbox"/>



K	New Use or Development in Bushfire Prone Areas will require access that complies with the provisions of Schedule 7, Development in Bushfire Prone Areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Officer Comment: The site is currently accessed via a pedestrian pathway over Crown Land. The access to the site will not be impacted or altered by the development. Access to the site is via pedestrian access only. No vehicular access is achievable on the island and therefore car parking is not required. The site is located within a Bushfire Prone Area and therefore the proposal will be assessed against the standards of Schedule 7.**

## 6.7 SERVICES

Principles		Complies	Not Applicable
A	Use or Development shall be provided with adequate and appropriate services which are suited to the lifestyle requirements of people, the nature of the location, and the ability of the community to provide.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
B	Lot size and arrangement shall be adequate and appropriate to ensure an acceptable level of servicing, particularly in relation to waste disposal.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	In areas not serviced with water use or development shall provide adequate water supply and effluent disposal systems. Each dwelling shall provide a potable water storage facility (minimum capacity of 40kl) to provide for the anticipated number of occupants, and a wastewater disposal system approved by the Council's Environmental Health Officer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	Use or Development in the bushfire prone areas will provide fire protection features and water supplies which comply with Schedule 7.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E	Use or Development shall be appropriately sited, designed and constructed to avoid conflict with service mains (including telephone, power, sewer, water and irrigation channels/pipelines). Buildings shall not be erected over any service main or within any easement providing for same whether utilised or not.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F	Servicing systems shall use adequate and appropriate design methods and materials to ensure an acceptable life span and allow for adequate maintenance requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
G	Use or Development shall optimise efficiency in the use of energy and resources. In particular, land should be subdivided on a generally sequential basis (i.e. one area is substantially developed before the next is subdivided), common trenching should be used for different services where appropriate, and solar access maximised.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer Comment: A site classification & On-site Wastewater Disposal Assessment and Design report was prepared by GeoTon Pty Ltd Geotechnical Consultants. The proposed works to facilitate the extension provided an opportunity to upgrade and relocate the onsite wastewater system. The report states that "The existing dwelling is three bedrooms with the extension expanding the living area and not increasing the hydraulic loading of the dwelling" it is noted that the existing dwelling contains two bedrooms and the extension will reconfigure the floor plan and add an additional bedroom. The onsite wastewater system has been assessed for a three-bedroom dwelling and is considered appropriate. All works are required to be compliant with the**

**National Construction Code and Plumbing Code of Australia to ensure an acceptable life span of the system is achieved. The existing water tanks on site are considered adequate for the use and power and telecommunications continue to be supplied as part of the overall off grid system. There are no service mains in the vicinity of the works. The site is located within a Bushfire Prone Area and therefore the proposal will be assessed against the standards of Schedule 7.**

### 6.8 SOCIAL INTEREST

Principles		Complies	Not Applicable
1	Use or Development should demonstrate how it suits the community interest.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Use or Development shall have adequate and appropriate types and levels of access to social facilities and services (e.g. shops, government agencies, telecommunication, health services and educational facilities).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Officer Comment: Not applicable -the proposal is for a minor extension to an existing dwelling. The development is for a residential use and the interest of the community along with access to social facilities and services are not relevant to the application.**

### 6.9 ADMINISTRATION

Principles		Complies	Not Applicable
A	In considering subdivision and/or rezoning proposals, an appropriate balance shall be maintained between current demand and stock available for use or development, and the number of new lots that would be created.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B	Use or Development proposals should only be approved where the cost to the public of providing and maintaining services is not exceeded by the economic benefit of the use or development to the community.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	In considering any proposal, Council shall obtain the advice and opinion of other relevant group(s), individual(s) or organisation(s) with direct interest in the proposal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D	A Development Plan for an integrated development may be prepared and adopted by Council for any area in this Scheme, A Development Plan shall include: <ul style="list-style-type: none"> <li>i. The intended use for the land for which the Development Plan has been created;</li> <li>ii. The reason(s) for selection of the area;</li> <li>iii. A map showing clearly the area subject to the Development Plan showing principal physical features, including existing use or development, hills/slopes, trees, watercourses and existing services buildings and improvements;</li> <li>iv. The nature, form and capacity of proposed services including water, sewerage disposal, power, telephone, roads, footways and reserves;</li> <li>v. A plan of subdivision with proposed staging showing lot sizes and layouts, building envelopes where appropriate, and physical features intended to be conserved;</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	vi. Any special provisions to be used to control land use and development in the area (e.g. height, form, character, materials, colours etc.); vii. Any other provisions intended to secure the intention of the Plan. A Development Plan shall be incorporated into the Scheme by way of a Scheme amendment in accordance with the Act.		
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**Officer Comment: The proposal is for a minor extension to an existing dwelling. The application was advertised in accordance with the provisions of the Act and relevant stakeholders were engaged with.**

**PART 7: SPECIAL AREA PROVISIONS**

Special Area	Applicable	Not Applicable
Visually Significant Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ecologically Significant Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Heritage Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shoreline, Waterbodies and Watercourses	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Officer Comment: The subject site is located within the 7.2 Visually Sensitive Areas and 7.5 Shorelines, Waterbodies and Watercourses.**

**7.2: VISUAL SENSITIVE AREAS**

**7.2.1**

These areas have been identified in recognition of their contribution to the landscape character and scenic values of the Planning Area.

Important elements in their selection are:

- (a) Visual prominence when seen from public roads, foreshores and coastal waters;
- (b) Undisturbed landforms and natural vegetation;
- (c) Minimal visible evidence of human activity in the form of buildings, structures or works.

**7.2.2**

The objectives of the Visually Sensitive Areas are:

- (a) To retain the natural appearance of each Area;
- (b) To minimise the visual impact of Use or Development;
- (c) To retain and restore where possible the natural vegetation cover

**7.2.3**

Notwithstanding any other provision in this Scheme, within the Visually Sensitive Areas any application for Use or Development (other than those prohibited within the zone) shall be considered as a discretionary Use or Development in accordance with Clause 3.5.

**Am RZ02/02 25/03/03**

**7.2.4**

In considering an application for Use or Development within the Visually Sensitive Areas and whether to impose conditions Council shall consider the following matters:

- (a) The objectives listed in Clause 7.2.2
- (b) The siting, orientation, setbacks, bulk, form, height, scale and external finishes of buildings and structures.
- (c) The visual impact of buildings, clearing, excavation, access, construction, fences, firebreaks or the deposition of fill.
- (d) The adequacy of proposed landscaping and whether any special works or practices are required to protect the scenic values of the site.
- (e) Whether development is proposed to be located on skylines or ridgelines.

***Officer Comment: Issues such as visual impact, especially when in visually sensitive areas, often are difficult matters to determine as outlined in Tribunal Decision MA Roberts & J Cazaly v Flinders Council and J & T Youl & Ors [2016] TASRMPAT 05B. In order for the Planning Authority to assess compliance with the provisions of clause 7.2 a Visual Impact Assessment was requested.***

***The Visual Impact Assessment (VIA) was prepared in accordance with the Australia Institute of Landscape Architects guidance notes and provides criteria and assessment for assessing the visual impact of the proposed development. With regard to the provisions of the Planning Scheme, it is necessary to assess the development against each of these objectives -***

- a) The retention of the natural appearance of the area;***
- b) Minimisation of the visual impact of use or development; and***
- c) Retention and restoration where possible of natural vegetation cover.***

***The Little Dog Island landscape has several elements that complete for visual dominance, these include, form, line, color and texture. The existing dwelling and shed is located below the skyline of the island when typically viewed from the water at approximately a 500m distance. The development area is slightly recessed into the natural slopes of the island and vegetation at the rear of the dwelling provides a backdrop to the proposed extension when viewed from the water.***

***The VIA states that the proposed dwelling extension is relatable to development within a natural environment. Photos 2 and 3 provides a view of the existing dwelling and shed (located on Crown Land) when viewed from the water.***



Photo 2 Photograph of existing dwelling when viewed from the water





Photo 3 Photograph of existing dwelling when viewed from the water, approximately 500m from shoreline.

***The proposed extension will increase the building footprint by approximately 25%. Photo 4 below provides a photograph showing the extent of the proposed extension.***



Photo 4 Photograph showing extent of the proposed additional building footprint



***The extension has been designed to match in with the existing development including roof form. The hip roof will be extended, creating a continuation of the long axis of the building. Figure 5 in section 6.2 of this report provides the proposed building elevation showing building and roof form.***

***The area of development for the extension and new onsite wastewater system will utilise land that was cleared during the construction of the existing dwelling in the 1970s, as shown in Photo 5. No clearing of unmodified vegetation is required or proposed. The site area for the wastewater system is proposed to be rehabilitated (grassed) after completion of the works to reduce erosion and exposure of sands and soils to winds.***



Photo 5 Eastern elevation of the dwelling showing extent of cleared area

***The existing development on the site has visual prominence when seen from coastal waters, observed in both the photos provided in the planning report and the site visit. Consideration has been given to the bulk, form and overall visual appearance of the extension ensure that the visual impact is minimized and the qualities that are exhibited by the area are preserved.***

## **7.5: SHORELINES, WATER BODIES AND WATERCOURSES**

### **7.5.1**

The shorelines, water bodies and watercourses identified in Schedule 3 shall be sustainably managed for the protection of water quality, the conservation of aquatic and shoreline habitat and the enhancement of recreational opportunities.

**Am RZ02/02 25/03/03**

### **7.5.2**

Development (other than that prohibited within the zone) which pertains to a Shoreline, Water Body or Watercourse listed in Schedule 3 shall be considered as a Discretionary Use or Development in accordance with Clause 3.5.

**Am RZ02/02 25/03/03**

### 7.5.3

Before considering an application pursuant to Clause 7.5.2 Council may require additional information, prepared and submitted for Council's consideration by a suitably qualified person(s) to ensure that the proposal is adequately described in terms of:

- (a) Contours and levels of the natural surfaces in relation to the range of water levels likely to occur in the vicinity of the proposed Use or Development.
- (b) Existing water quality, including seasonal variations;
- (c) Quantities and qualities of water that are proposed to be abstracted from or discharged to the sea, a water body or a watercourse listed in Schedule 3;
- (d) The likely impact of the proposed Use or Development on the quality of waters by reason of off-site effects such as erosion, siltation, salination chemical spray drift, nutrient seepage, seed dispersal, or other emissions;
- (e) The natural, ecological, cultural, recreational and aesthetic qualities of the site.

**Am RZ02/02 25/03/03**

### 7.5.4

In considering an application for Use or Development in Shorelines, Water Bodies and Watercourses and whether to impose Conditions Council shall consider the following matters:

- (a) The siting, orientation, setbacks, bulk, form, height, scale, materials and external finishes of buildings and structures;
- (b) The impact upon water quality, foreshore or streamside vegetation and wildlife habitat of building, clearing, excavation, effluent disposal, access construction, fences, firebreaks or the deposition of fill;
- (c) Whether land should be acquired by Council, as a condition of subdivision or otherwise, to protect the items listed in Schedule 3.
- (d) Whether additional fencing or any other special works or practices are required to protect the items listed in Schedule 3;
- (e) The design, content and location of signage and interpretative displays.

**Am RZ02/02 25/03/03**

***Officer Comment: The Shoreline, Waterbody and Watercourse of Little Dog Island are not identified in Schedule 3. The building and onsite wastewater system are located in response to the existing development on the site, and as far back from the watercourse as practicable. The wastewater system has been designed and certified as suitable by GeoTon Pty Ltd to ensure no impact on existing water quality will occur.***

## PART 8: SCHEDULES

Schedule	Applicable	Not Applicable
Schedule 2 - Buildings and Works of Historic Interest	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 3 - Riverside, Wetlands and Shorelines	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 4 - Roads	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 5 - Signs	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 6 - Telecommunications Infrastructure Schedule	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schedule 7 - Development in Bushfire Prone Areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schedule 8 - North East River Development Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>

***Officer Comment: The subject site is located within a Bushfire Prone Area, although the schedule does not apply to the development the building works will require a Bushfire Attack Level Assessment (BAL) prior to the detailed design for a building***

*permit being undertaken. The remoteness and unique nature of the site is likely to require a performance-based solution under the National Construction Code and at the discretion of a qualified Building Surveyor.*

#### **VOTING REQUIREMENTS**

Simple majority

#### **RECOMMENDATION**

That the application for an extension to an existing dwelling and replacement of an onsite wastewater system in the Environment Management and Recreation Zone, by GHD Pty Ltd for land located at Little Dog Island - Bass Strait Islands (CT 226682/1) be APPROVED subject to the following conditions:

#### **ENDORSED PLANS**

1. The use and/or development must be carried out as shown on the endorsed plans to the satisfaction of the Council:
  - a) Proposed Elevations - Project Name Little Dog Island House - Drawing Number 006 - Dated 22/03/2022;
  - b) Render View- Proposed - Project Name Little Dog Island House - Drawing Number 008 - Dated 22/03/2022;
  - c) Site Classification & On-site Wastewater Disposal Assessment and Design - Prepared By GeoTon Pty Ltd - Reference No. GL20818Ab - Dated 26 February 2021; and
  - d) Planning Report - Prepared by GHD - Project No. 12536086 - Dated 26/04/22.

Any other proposed development and/or use will require a separate application to and assessment by the Council.

#### **ADVISORY NOTES:**

*The following notes are not conditions of this permit and are supplied for the assistance of the applicant only.*

- A. This permit was issued based on the proposal documents submitted for DA20210072. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit takes effect after:
  - a) the 14 day appeal period expires; or
  - b) any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or
  - c) any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or
  - d) any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. A once only extension may be granted if a request is received within 6 months after the expiration date.

#### **Restrictive Covenants**

- D. The granting of this permit takes no account of any covenants applicable to the land. The permit holder and any other interested party, should make their own enquires as to whether the proposed development is effected, restricted or prohibited by any such covenant. If the proposal is non-compliant with any restrictive covenants, those restrictive covenants should be removed

from the title prior to construction commencing or the owner will carry the liability of potential legal action in the future.

#### **Access for People with a Disability**

- E. This permit does not ensure compliance with the Disability Discrimination Act, furthermore the developer may be liable to complaints under the said Act. The developer is directed to Australian Standard 1428 Parts 1 - 4 for technical direction on how to cater for people with disabilities.

#### **Appeal Provisions**

- F. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal.

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Resource Management and Planning Appeal Tribunal website [www.rmpat.tas.gov.au](http://www.rmpat.tas.gov.au)

#### **Permit Commencement.**

- G. If an applicant is the only person with a right of appeal pursuant to section 61 of the Land Use Planning and Approvals Act 1993 and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

#### **Aboriginal Heritage**

- H. If any Aboriginal relics are uncovered during works;
- a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
  - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au); and the relevant approval processes will apply with state and federal government agencies.