

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

SPECIAL COUNCIL MEETING

Wednesday, 12th April 2023
9.30 a.m.

Oatlands Municipal Offices
71 High Street, Oatlands

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OPEN COUNCIL MINUTES

MINUTES OF A SPECIAL ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL HELD ON WEDNESDAY 12th APRIL 2023 AT THE OATLANDS MUNICIPAL OFFICES COMMENCING AT 9.30 A.M.

1. ATTENDANCE

Mayor E Batt, Deputy Mayor K Dudgeon, Cllr D Blackwell, Cllr D Fish.

Mr T Kirkwood (General Manager), Mr A Benson (Deputy General Manager), Mr G Finn (Manager Development and Environmental Services), Ms L Brown (Planning Officer), Mrs A Burbury (Finance Officer), Mrs W Young (Manager Community & Corporate Development), Mr D Richardson (Manager Infrastructure & Works), Mrs J Crosswell (Executive Officer).

2. APOLOGIES

Cllr A E Bisdee OAM, Cllr F Miller and Cllr R McDougall (currently on leave of absence)

3. DECLARATION OF PECUNIARY INTEREST

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the Agenda.

Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter on the agenda, or any supplementary item to the agenda, which Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*.

Nil.

4. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME

Session of Council sitting as a Planning Authority pursuant to the Land Use Planning and Approvals Act 1993 and Council's statutory land use planning schemes.

4.1 Development Application (DA2200131) for Demolition of existing distillery, Construction of new distillery, storage building, seven bond stores and ancillary works at 76 Sheen Road, Pontville, submitted by ERA Planning & Environment.

AUTHOR: PLANNING OFFICER (LOUISA BROWN)

DATE: 12 APRIL 2023

Enclosure:

Development Application Documents

PROPOSAL

An application has been made to Council by ERA Planning & Environment, on behalf of Lark Distilling Co to demolish the existing distillery and construct a larger distillery building at the property described as 76 Shene Road, Pontville. The application includes the following development:

Demolition of:

- Existing distillery building;
- Ablution building;
- Roadside stall; and
- Substation.

Construction and development of:

- New two storey distillery building of 2305m², to include;
 - Production Area;
 - Storage area and rooms;
 - Offices;
 - Board room;
 - Blending lab;
 - Amenities;
- Change of use of an existing storage building to a bottling facility and disgorging area;
- New outbuilding (20ft shipping container);
- Agricultural building;
- Seven bond stores;
- Glass sliding doors and deck to the cellar door barn;
- Reinstating the existing tree lined property access; and
- Changes to car parking areas on the property.

As there is no change to the Cellar Door proposed, no increase in visitor numbers is anticipated and is likely to remain as 15 vehicle movements per day. Additional staff will be required, increasing the current staff vehicle movements from 30 movements per day, to 54 movements per day. A small increase, less than 5 vehicle movements per day, in commercial vehicle movements are expected.

The opening times of the cellar door are unchanged, Wednesday to Sunday 11am-5pm. Bottling will occur between 8am and 4pm Monday to Friday. The distilling process will become a 24 hour, 7 days a week operation. This will enable production to increase to 637 kL of pure alcohol a year.

The Shene Homestead is on the Tasmanian Heritage Register as a permanent Registered Place (No.554). Heritage Tasmania have provided a Notice of Heritage Decision in line with the *Historic Cultural Heritage Act 1995*, this notice must therefore form part of any Planning Permit for the proposal.

THE SITE

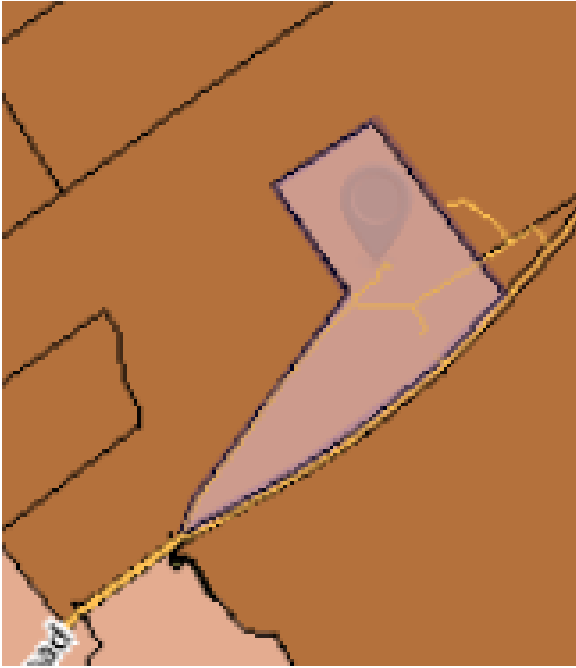
The Shene Homestead is situated to the north of Pontville, towards the end of Shene Road. The total area of the site is 15.08ha and includes Heritage Registered areas including the main farm complex of the homestead, stables, barn, servants quarters, shearing shed, workers cottage, several outbuildings, a stone water tank, water pump and irrigation channels.

The property may be accessed by two existing vehicular access points on Shene Road, the first access point is a tree lined avenue which is currently not open to the public. The second, main vehicular access is located a further 500m along Shene Road and is currently the main access onto the property for staff, visitors and commercial vehicles. The existing distillery and associated buildings are located adjacent to this access. The far north of the property contains 5 existing bond stores (three additional bond stores are under construction), the western are of the property remains open paddock.

The site is irregular in shape, relatively level and gently slopes to the south. Existing vegetation on the property includes grassed paddocks, landscaped areas and the mature tree lined avenue.

Surrounding land uses are zoned Agriculture and are predominantly pasture, including some outbuildings and dwellings.

Maps 1, 2 and 3 below indicate the location, zoning and code overlays of the property and immediate area.



Map 1_ The subject land area shown in pink is zoned Rural, surrounding properties are in the Agriculture Zone (brown) (source:thelist. 05/04/23)



Map 2_ The subject land area with the Bushfire Prone Area Code Overlay (black lines), waterway and Coastal Protection Area Code Overlay (light blue lines) (source:thelist. 05/04/23)



Map 3_ The subject land area aerial photograph (source:thelist. 05/04/23)

THE APPLICATION

The Application has been prepared by ERA Planning & Environment. The Development Application documents submitted with the proposal include:

- Planning Report;
- Title Documents;
- Development Plans;
- Bushfire Hazard Management Plan Report;
- Heritage Impact Assessment;
- Landscape Masterplan report;
- Proposed landscape Plans;
- Cultural Landscape Analysis;
- Lark Distillery Design Report: and
- Statement of Archaeological Potential and Development Impacts

Please note, due to the size of the documents, these are not included in the Agenda but are available on request.

USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Tasmanian Planning Scheme (The Planning Scheme), as 'resource processing':

Resource processing

use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal sale yard, cheese factory, fish processing, milk processing, winery, brewery, cidery, distillery, and sawmilling.

(Extract: Tasmanian Planning Scheme - Southern Midlands, April 2023)

Use/Development Status under the Planning Scheme

Under the Planning Scheme, a Development Application for resource processing is a permitted use in the Rural Zone. However a number of discretions arise in assessing the application. As a discretionary development, the application was advertised in accordance with Section 57 of the Act. Council has the discretion to grant a permit or refuse to grant a permit.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 3th March 2023 for fourteen (14) days. During this period no representations were received.

ASSESSMENT – TASMANIAN PLANNING SCHEME - SOUTHERN MIDLANDS

Rural Zone

The subject site is in the Rural Zone of the Tasmanian Planning Scheme.

The use of the proposal as a distillery is defined as use class “Resource Processing”, which is a permitted use in the Rural Zone.

The proposal must satisfy the requirements of the following relevant use and development standards of this zone:

20.4 Development Standards for Buildings and Works		
20.4.1 Building height		
To provide for a building height that:		
(a) is necessary for the operation of the use; and		
(b) minimises adverse impacts on adjoining properties.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Building height must be not more than 12m.	P1 Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to: (a) the proposed height of the building; (b) the bulk and form of the building; (c) the separation from existing uses on adjoining properties; and	<i>The height of the proposed development is under 12m, the highest structure is the equipment tower at 11.6m high. The proposal complies with the Acceptable Solution A1.</i>

	(d) any buffers created by natural or other features.	
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20.4.2 Setbacks		
That the siting of buildings minimises potential conflict with use on adjoining sites.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Buildings must have a setback from all boundaries of: (a) not less than 5m; or (b) if the setback of an existing building is within 5m, not less than the existing building.</p>	<p>P1 Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to: (a) the bulk and form of the building; (b) the nature of existing use on the adjoining properties; (c) separation from existing use on the adjoining properties; and (d) any buffers created by natural or other features.</p>	<p><i>The development meets the minimum setback of 5m to all boundaries.</i></p> <p><i>The proposal complies with the Acceptable Solution A1.</i></p>
<p>A2 Buildings for a sensitive use must be separated from an Agriculture Zone a distance of: (a) not less than 200m; or (b) if an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</p>	<p>P2 Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use within the Agriculture Zone, having regard to: (a) the size, shape and topography of the site; (b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties; (c) the location of existing buildings on the site; (d) the existing and potential use of adjoining properties; (e) any proposed attenuation measures; and (f) any buffers created by natural or other features.</p>	<p><i>The proposal does not include a sensitive use.</i></p>

Parking and Sustainable Transport Code

The Code applies to all use and development. The proposal must satisfy the requirements of the following relevant development standards:

<p>C2.5 Use Standards C2.5.1 Car parking numbers</p>
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That an appropriate level of car parking spaces are provided to meet the needs of the use.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required</p>	<p>P1.1</p> <p>The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p> <p>(ii) efficiencies gained by consolidation of car parking spaces;</p> <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2</p>	<p><i>The existing resource processing use is proposed to be intensified, with the requirement of 8 additional car parking spaces, a total of 18 car parking bays. These additional spaces will be provided, informally within the staff car park, relocated to the Back of House service area of the estate.</i></p> <p><i>There is no anticipated increase in the number of visitors to Lark Distillery, therefore no increase in the number of car parking requirements to that which is already provided. Visitor car parking will be provided informally on the property, in a new location towards the eastern property boundary.</i></p> <p><i>The proposal meets the acceptable solution A1.</i></p>

<p>A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to: (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area.</p>	
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C2.5.2 Bicycle parking numbers
 That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.

Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Bicycle parking spaces must: (a) be provided on the site or within 50m of the site; and (b) be no less than the number specified in Table C2.1.</p>	<p>P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to: (a) the likely number of users of the site and their opportunities and likely need to travel by bicycle; and (b) the availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.</p>	<p><i>The requirement for bicycle parking spaces is 4 spaces in accordance with the standard.</i></p> <p><i>No formal bicycle rack is proposed, however there is more than adequate space to accommodate bicycle parking within the property.</i></p> <p><i>The proposal meets the acceptable solution A1.</i></p>

C2.5.3 Motorcycle parking numbers
 That the appropriate level of motorcycle parking is provided to meet the needs of the use.

Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The number of on-site motorcycle parking spaces for all uses must: (a) be no less than the number specified in Table C2.4; and (b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided</p>	<p>P1 Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to: (a) the nature of the proposed use and development; (b) the topography of the site; (c) the location of existing buildings on the site;</p>	<p><i>The existing resource processing use is proposed to be intensified, with the requirement of any additional motorcycle parking spaces, being met on the property within the informal car parking areas.</i></p> <p><i>The proposal meets the acceptable solution A1.</i></p>

<p>the existing number of motorcycle parking spaces is maintained.</p>	<p>(d) any constraints imposed by existing development; and (e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.</p>	
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C2.5.4 Loading bays
That adequate access for goods delivery and collection is provided, and to avoid unreasonable loss of amenity and adverse impacts on traffic flows.

Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 A loading bay must be provided for uses with a floor area of more than 1000m² in a single occupancy.</p>	<p>P1 Adequate space for loading and unloading of vehicles must be provided, having regard to: (a) the type of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the location of the site; (e) the nature of traffic in the surrounding area; (f) the area and dimensions of the site; and (g) the topography of the site; (h) the location of existing buildings on the site; and (i) any constraints imposed by existing development.</p>	<p><i>Loading bays will be located within the Back of House and staff car parking area.</i></p> <p><i>The proposal meets the Acceptable Solution A1.</i></p>

C2.6 Development Standards for Buildings and Works
C2.6.1 Construction of parking areas
That parking areas are constructed to an appropriate standard.

Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 All parking, access ways, manoeuvring and circulation spaces must: (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and</p>	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to: (a) the nature of the use;</p>	<p><i>The Back of House and staff car parking area will be constructed from crushed limestone. Visitor car parking will be provided within a non-formal grass area.</i></p> <p><i>Stormwater is proposed to drain to existing</i></p>

<p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<p>(b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing.</p>	<p><i>stormwater drains on Shene Road or managed on site. Further information regarding stormwater management will be a condition of a Planning Permit.</i></p> <p><i>Separate access are proposed for visitors, staff and commercial vehicles.</i></p> <p><i>Materials for the car parking areas have been chosen to reflect the rural character and not to detract from the heritage significance of the built form, as recommended in the Heritage Impact Statement provided with the application documents.</i></p> <p><i>The proposal meets the Performance Criteria P1.</i></p>
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C2.6.2 Design and layout of parking areas		
That parking areas are designed and laid out to provide convenient, safe and efficient parking.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following: (i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p>	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to: (a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety; (e) the nature and use of the development; (f) the expected number and type of vehicles; (g) the likely use of the parking areas by persons with a disability;</p>	<p><i>Car parking areas are relatively level and will meet the Australian Standard AS 2890. However, as the proposed car parking spaces will not be delineated by lines or markings, the proposal must be assessed against the Performance Criteria P1.</i></p> <p><i>Car parking for both visitors and staff will be informal, as to not visually impact the setting of the heritage buildings, as recommended in the Heritage Impact Assessment prepared for the Development Application.</i></p>

<p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.</p> <p>[S35]</p>	<p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p> <p>(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</p>	<p><i>There is more than adequate space to accommodate the car parking requirements of the Planning Scheme, in terms of the dimensions of the car parking spaces and the number of spaces.</i></p> <p><i>Car parking for persons with a disability will be located as close as possible to main entry point to the building and will be appropriately signed.</i></p> <p><i>The proposal meets the Performance Criteria P1.</i></p>
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<p>C2.6.3 Number of accesses for vehicles</p>		
<p>That:</p>		
<p>(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;</p> <p>(b) accesses do not cause an unreasonable loss of amenity of adjoining uses;</p> <p>(c) the number of accesses minimise impacts on the streetscape.</p>		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p>	<p>P1 The number of accesses for each frontage must be minimised, having regard to:</p> <p>(a) any loss of on-street parking; and</p>	<p><i>The acceptable solution A1 is met as no more than the existing two access are proposed.</i></p>

<p>(b) no more than the existing number of accesses, whichever is the greater.</p>	<p>(b) pedestrian safety and amenity; (c) traffic safety; (d) residential amenity on adjoining land; and (e) the impact on the streetscape.</p>	
<p>A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<p>P2 Within the Central Business Zone or in a pedestrian priority street, any new accesses must: (a) not have an adverse impact on: (i) pedestrian safety and amenity; or (ii) traffic safety; and (b) be compatible with the streetscape.</p>	<p><i>Not applicable, the zone is Rural.</i></p>

<p>C2.6.5 Pedestrian access</p>		
<p>That pedestrian access within parking areas is provided in a safe and convenient manner.</p>		
<p>Acceptable solutions</p>	<p>Performance Criteria</p>	<p>OFFICER COMMENT</p>
<p>A1.1 Uses that require 10 or more car parking spaces must: (a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by: (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p>A1.2 In parking areas containing accessible car parking spaces for use by persons</p>	<p>P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to: (a) the characteristics of the site; (b) the nature of the use; (c) the number of parking spaces; (d) the frequency of vehicle movements; (e) the needs of persons with a disability; (f) the location and number of footpath crossings; (g) vehicle and pedestrian traffic safety; (h) the location of any access ways or parking aisles; and (i) any protective devices proposed for pedestrian safety.</p>	<p>The acceptable solution is met, as the new car parking areas will connect to the main entrance of the building with a pathway of 1.5m wide, separated from the car parking areas and connecting all parking spaces.</p>

<p>with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>		
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C2.6.6 Loading bays
 That the area and dimensions of loading bays are adequate to provide safe and efficient delivery and collection of goods.

Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The area and dimensions of loading bays and access way areas must be designed in accordance with Australian Standard AS 2890.2–2002, Parking facilities, Part 2: Off-street commercial vehicle facilities, for the type of vehicles likely to use the site.</p>	<p>P1 Loading bays must have an area and dimensions suitable for the use, having regard to: (a) the types of vehicles likely to use the site; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the area and dimensions of the site; (e) the topography of the site; (f) the location of existing buildings on the site; and (g) any constraints imposed by existing development.</p>	<p><i>The acceptable solution A1 is met, a loading bay designed to meet the Australian Standard is included within the Back of House and staff car parking area of the proposal.</i></p>
<p>A2 The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.</p>	<p>P2 Access for commercial vehicles to and from the site must be safe, having regard to: (a) the types of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the area and dimensions of the site; (e) the location of the site and nature of traffic in the area of the site; (f) the effectiveness or efficiency of the</p>	<p><i>The acceptable solution A1 is met, the Australian Standard will be met as commercial vehicles will be able to enter and leave the property in a forward direction.</i></p>

	surrounding road network; and (g) site constraints such as existing buildings, slope, drainage, vegetation, parking and landscaping.	
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Road and Railway Assets Code

The Code applies to all use and development. The proposal must satisfy the requirements of the following relevant development standards:

C3.5 Use Standards		
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction		
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing.</p> <p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p>	<p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to: (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.</p>	<p><i>The proposed vehicular movements provided with the development application does not anticipate an increase in visitor numbers. An additional 24 vehicle movements will occur from the additional staff travelling to and from work. The increase does not exceed the amount of acceptable increase in daily traffic numbers.</i></p> <p><i>The proposal meets the Acceptable Solution A1.</i></p>

<p>(a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</p> <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>		
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Natural Assets Code

This Code applies as an area of Waterway & Coastal Protection Code Overlay is located on the property. The proposal must satisfy the requirements of the following relevant development standards:

<p>C7.6 Development Standards for Buildings and Works C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.</p>		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 Buildings and works within a waterway and coastal protection area must: (a) be within a building area on a sealed plan approved under this planning scheme; (b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or (c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date..</p>	<p>P1.1 Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to: (a) impacts caused by erosion, siltation, sedimentation and runoff; (b) impacts on riparian or littoral vegetation; (c) maintaining natural streambank and streambed condition, where it exists; (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (e) the need to avoid significantly impeding natural flow and drainage; (f) the need to maintain fish passage, where known to exist;</p>	<p><i>An area of the property to the eastern boundary is located within the Waterway and Coastal Protection Area, therefore the proposal must be assessed against the performance criteria.</i> <i>There is no native vegetation in this area, no fill or excavation is proposed and there is no water within the overlay area.</i></p> <p><i>A Soil & Water Management Plan will form a part of the conditions of a planning permit.</i></p> <p><i>The proposal meets the performance criteria.</i></p>

	<p>(g) the need to avoid land filling of wetlands;</p> <p>(h) the need to group new facilities with existing facilities, where reasonably practical;</p> <p>(i) minimising cut and fill;</p> <p>(j) building design that responds to the particular size, shape, contours or slope of the land;</p> <p>(k) minimising impacts on coastal processes, including sand movement and wave action;</p> <p>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</p> <p>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</p> <p>(n) the guidelines in the Tasmanian Coastal Works Manual.</p> <p>P1.2 Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <p>(a) the need to access a specific resource in a coastal location;</p> <p>(b) the need to operate a marine farming shore facility;</p> <p>(c) the need to access infrastructure available in a coastal location;</p> <p>(d) the need to service a marine or coastal related activity;</p> <p>(e) provision of essential utility or marine infrastructure; or</p> <p>(f) provisions of open space or for marine-related</p>	
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	educational, research, or recreational facilities.	
A2 Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.	<p>P2.1 Buildings and works within a future coastal refugia area must allow for natural coastal processes to continue to occur and avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) allowing for the landward transgression of sand dunes and the landward colonisation of wetlands, saltmarshes and other coastal habitats from adjacent areas; (b) avoiding the creation of barriers or drainage networks that would prevent future tidal inundation; (c) allowing the coastal processes of sand deposition or erosion to continue to occur; (d) the need to group new facilities with existing facilities, where reasonably practical; (e) the impacts on native vegetation; (f) minimising cut and fill; (g) building design that responds to the particular size, shape, contours or slope of the land; (h) the impacts of sea-level rise on natural coastal processes and coastal habitat; (i) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and (j) the guidelines in the Tasmanian Coastal Works Manual. <p>P2.2</p>	<i>Not applicable.</i>

	<p>Buildings and works within a future coastal refugia area must be for a use that relies upon a coastal location to fulfil its purpose, having regard to:</p> <ul style="list-style-type: none"> (a) the need to access a specific resource in a coastal location; (b) the need to operate a marine farming shore facility; (c) the need to access infrastructure available in a coastal location; (d) the need to service a marine or coastal related activity; (e) provision of essential utility or marine infrastructure; and (f) provision of open space or for marine-related educational, research, or recreational facilities. 	
<p>A3 Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.</p>	<p>P3 Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) the need to minimise impacts on water quality; and (b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff. 	<p><i>The proposal meets the acceptable solution A3, no new stormwater point will be discharged into a watercourse.</i></p>
<p>A4 Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.</p>	<p>P4.1 Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must minimise adverse impacts on natural coastal processes and natural assets, having regard to:</p>	<p><i>The proposal meets the acceptable solution A4, no dredging or reclamation will occur in the watercourse.</i></p>

	<p>(a) impacts caused by erosion, siltation, sedimentation and runoff;</p> <p>(b) impacts on riparian or littoral vegetation;</p> <p>(c) the need to avoid land filling of wetlands;</p> <p>(d) impacts on sand movement and wave action; and</p> <p>(e) the potential for increased risk to inundation of adjacent land.</p> <p>P4.2 Dredging or reclamation within a waterway and coastal protection area or a future coastal refugia area must be necessary:</p> <p>(a) to continue an existing use or development on adjacent land; or</p> <p>(b) for a use which relies upon a coastal location to fulfil its purpose, having regard to:</p> <p>(i) the need to access a specific resource in a coastal location;</p> <p>(ii) the need to operate a marine farming shore facility;</p> <p>(iii) the need to access infrastructure available in a coastal location;</p> <p>(iv) the need to service a marine or coastal related activity;</p> <p>(v) provision of essential utility or marine infrastructure; and</p> <p>(vi) provision of open space or for marine-related educational, research, or recreational facilities.</p>	
<p>A5 Coastal protection works or watercourse erosion or inundation protection works must not occur within a waterway and</p>	<p>P5 Coastal protection works or watercourse erosion or inundation protection works within a waterway and coastal protection area</p>	<p><i>Not applicable.</i></p>

<p>coastal protection area or a future coastal refugia area.</p>	<p>or a future coastal refugia area must be designed by a suitably qualified person and minimise adverse impacts on natural coastal processes, having regard to:</p> <p>(a) impacts on sand movement and wave action; and</p> <p>(b) the potential for increased risk of inundation to adjacent land.</p>	
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Attenuation Code

This Code applies to activities listed in Tables C9.1 and includes the proposed distillery use. The proposed capacity of the distillery is a level 1 activity and requires a 200m attenuation area.

The proposal must satisfy the requirements of the following relevant use and development standards:

<p>C9.5 Use Standards C9.5.1 Activities with potential to cause emissions That an activity with potential to cause emissions is located so that it does not cause an unreasonable impact on an existing sensitive use.</p>		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 The attenuation area of an activity listed in Tables C9.1 or C9.2 must not include: (a) a site used for a sensitive use which is existing; (b) a site that has a planning permit for a sensitive use; or (c) land within the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone A, Rural Living Zone B, Village Zone or Urban Mixed Use Zone.</p>	<p>P1 An activity listed in Tables C9.1 or C9.2 must not cause: (a) an unreasonable loss of amenity or unreasonable impacts on health and safety of a sensitive use which is existing, or has a planning permit; or (b) unreasonable impacts on land within the relevant attenuation area that is in the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Rural Living Zone A, Rural Living Zone B, Village Zone or Urban Mixed Use Zone, having regard to: (i) operational characteristics of the activity;</p>	<p><i>AS there is an existing sensitive use on the property, the homestead which is currently vacant, the proposal must be assessed against the Performance Criteria P1.</i></p> <p>The proposal is to replace an existing distillery on the property. The distilling process may occasionally generate odour, however these are localised and transient and are not expected to be detected outside of the distilling building.</p> <p>As the distillery is already in operation and the proposal seeks to expand the existing use, it is anticipated that noise generation will remain the</p>

	<p>(ii) scale and intensity of the activity;</p> <p>(iii) degree of hazard or pollution that may be emitted from the activity;</p> <p>(iv) hours of operation of the activity;</p> <p>(v) nature of likely emissions such as noise, odour, gases, dust, particulates, radiation, vibrations or waste;</p> <p>(vi) existing emissions such as noise, odour, gases, dust, particulates, radiation, vibrations or waste; and</p> <p>(vii) measures to eliminate, mitigate or manage emissions from the activity.</p>	<p>same as existing, and unreasonable noise generation will be limited.</p> <p>The use is permitted within the rural zone and surrounded by agriculture zone land, it is therefore anticipated that there will be no unreasonable loss of amenity or impact on health and safety.</p> <p>The proposal meets the Performance Criteria P1.</p>
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Bushfire-Prone Areas Code

The subject site is within a Bushfire Prone Areas Overlay.

A Bushfire Hazard Management Plan Report Hazardous use Distillery & Bond Stores – 76 Shene Road, Pontville, forms part of the application documents. This report was prepared by Bushfire Prone Development Solutions and dated November 2022.

The proposal must satisfy the requirements of the following relevant use and development standards:

<p>C13.5.2 Hazardous uses That hazardous uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the hazardous use and the bushfire hazard.</p>		
Acceptable solutions	Performance Criteria	OFFICER COMMENT
<p>A1 No Acceptable Solution.</p>	<p>P1 A hazardous use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:</p> <p>(a) the location, characteristics, nature and scale of the use;</p> <p>(b) whether there is an overriding benefit to the community;</p>	<p><i>A Bushfire Hazard Management Plan has been undertaken by an accredited person and is contained within the application documents.</i></p> <p><i>The proposal is an existing use, which will increase the hazardous use on the site.</i></p> <p><i>The Bushfire Hazard Management Plan concludes that the BAL rating meets requirements and that the development will be able to achieve a</i></p>

	(c) whether there is no suitable alternative lower-risk site; (d) the emergency management strategy (hazardous use) and bushfire management plan; and (e) other advice, if any, from the TFS.	<i>compliant Hazard Management Area. The proposal complies with the Performance Criteria P1.</i>
A2 An emergency management strategy (hazardous use) endorsed by the TFS or accredited person.	P1 No Performance Criterion.	<i>The proposal complies with the Acceptable Solution A2, the Bushfire Hazard management Plan is endorsed by TFS.</i>
A3 A bushfire hazard management plan that contains appropriate bushfire protection measures that is certified by the TFS or an accredited person.	P3 No Performance Criterion.	<i>The proposal complies with the Acceptable Solution A3, the Bushfire Hazard management Plan is endorsed by TFS.</i>

CONCLUSION

This report has assessed a Development Application to demolish the existing distillery and construct a larger distillery building at the property described as 76 Shene Road, Pontville. The application includes the construction and development of:

- New two storey distillery building of 2305m², to include;
 - Production Area;
 - Storage area and rooms;
 - Offices;
 - Board room;
 - Blending lab;
 - Amenities;
- Change of use of an existing storage building to a bottling facility and disgorging area;
- New outbuilding (20ft shipping container);
- Agricultural building;
- Seven bond stores;
- Glass sliding doors and deck to the cellar door barn;
- Reinstating the existing tree lined property access; and
- Changes to car parking areas on the property.

No representations were received to Council during the notice period.

The proposal has been found to comply with all the relevant standards of the Rural Zone and the applicable Codes.

It is recommended that the Development Application be approved and a Permit issued with conditions and advice.

RECOMMENDATION

THAT, in accordance with the provisions of the Tasmanian Planning Scheme - *Southern Midlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA2200131) for Demolition of existing distillery, Construction of new distillery, storage building, seven bond stores and ancillary works at 76 Sheen Road, Pontville, submitted by ERA Planning & Environment obo Kernke Family Shene Estate Pty Ltd. and that a permit be issued with the following conditions:

A GENERAL

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) Colours, materials and finishes for the external cladding of all buildings must be in accordance with the approved 'materials and finishes schedule' that form part of the approved plans for the development. Any deviation from this may require further Council approval.
- 3) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the Land Use Planning and Approvals Act 1993.

A. PRIOR TO COMMENCEMENT

Heritage Tasmania

- 4) Compliance with any conditions or requirements of the Tasmanian Heritage Council in the attached 'Notice of Heritage Decision' THC WORKS No.8040 and dated 4 April 2023.

Parking and Access

- 5) The siting of vehicular accesses and car parking spaces must generally accord with the endorsed plans.
- 6) At least eighteen (18) car parking spaces must be provided for the use of staff and must be available for car parking at all times.
- 7) The proposed main access for visitors and the existing access to serve the Back of House area must be designed in accordance with the requirements of LGAT standard drawing TSD-RO5-V2 Rural Properties Type A and to the satisfaction of Council's Manager of Works and Infrastructure.
- 8) Unless approved otherwise by Council's Municipal Engineer the internal driveways and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2009): Australian Standard AS 2890. Parking Facilities Parts 1-6 and include all of the following;
 - i. Constructed with a durable all weather pavement.
 - ii. Drained to an approved stormwater system.
 - iii. On site turning
 - iv. Provision for two way traffic.

- 9) The internal driveway and areas set-aside for parking and associated access and turning must be designed, constructed and maintained to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties to the standard required by Council's Municipal Engineer.
- 10) All areas set-aside for parking and associated turning, and access must be completed before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's Municipal Engineer.

Services

- 11) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Stormwater

- 12) Prior to the commencement of use and the issuing of a plumbing permit, detailed plans and calculations of the stormwater drainage system, including treatment, retention and outfalls must be prepared by a suitably qualified civil engineer and be submitted to Councils Plumbing Surveyor for approval. Once approved the plans shall form part of the permit.
- 13) The completed stormwater retention and treatment elements must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.

Wastewater

- 14) Prior to the commencement of use and the issuing of a plumbing permit, a Wastewater Management Report, prepared by a suitably qualified civil engineer, must be submitted to Councils Plumbing Surveyor and Environmental Health Officer for approval. The report must include detailed plans and calculations of the wastewater system, including any proposed irrigation regime. The use of recycled wastewater and any proposed fertigation must be undertaken in accordance with requirements of the *Environmental Management and Pollution Control Act 1994*. Once approved the plans shall form part of the permit.

Protection of Water Quality

- 15) A Soil and Water Management Plan (SWMP) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Development and Environmental Services before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.
- 16) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's Development and Environmental Services.

B. DURING WORKS

Hours of Operation

- 17) The Cellar door must only operate between the following hours:
Wednesday to Sunday 11:00 a.m. to 5:00 p.m.
- 18) The bottling facility must only operate between the following hours:
Monday to Friday 8:00a.m to 4:oop.m
- 19) The operating times for the distillery are 24/7.

Bushfire

- 20) The development and works must be carried out in accordance with the Bushfire Hazard Management Plan Report Hazardous use Distillery & Bond Stores – 76 Shene Road, Pontville, prepared by Bushfire Prone Development Solutions and dated November 2022.

Landscaping

- 21) The Landscape Masterplan report prepared by March Studio and dated November 2022, the Concept Site plan, Legend and Plant Schedule drawing number L100, Issue B and the Concept General Arrangements drawing number L201 issue A, drawing number L202 issue A and drawing number L203 issue A Sheets 1-3 must be completed in accordance with the endorsed landscape plan and to the satisfaction of Council's General Manger within six (6) months of the first use of the occupation of the new development. All landscaping must continue to be maintained to the satisfaction of Council.

Construction Amenity

- 22) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager of Development and Environmental Services:
- | | |
|---------------------------------------|-------------------------|
| Monday to Friday | 7:00 a.m. to 6:00 p.m. |
| Saturday | 8:00 a.m. to 6:00 p.m. |
| Sunday and State-wide public holidays | 10:00 a.m. to 6:00 p.m. |
- 23) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - The transportation of materials, goods and commodities to and from the land.
 - Obstruction of any public footway or highway.
 - Appearance of any building, works or materials.
 - Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 24) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

- 25) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

ADVICE NOTES

The following advice applies to this permit:

- A. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the CBOS website: [Director's Determination - Categories of Building and Demolition Work \(PDF, 504.4 KB\)](#) or for Low Risk Building Work information go to: [Consumer Guide to Low Risk Building and Plumbing Work](#).
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The issue of this permit does not ensure compliance with the provisions of the *Aboriginal Relics Act 1975*. If any aboriginal sites or relics are discovered on the land, stop work and immediately contact the Tasmanian Aboriginal Land Council and Aboriginal Heritage Unit of the Department of Tourism, Arts and the Environment. Further work may not be permitted until a permit is issued in accordance with the *Aboriginal Relics Act 1975*.
- D. The SWMP must show the following:
- Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
 - Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
 - Estimated dates of the start and completion of the works;
 - Timing of the site rehabilitation or landscape program;
 - Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection.
 - Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion.
 - Temporary erosion and sedimentation controls to be used on the site.
 - Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia (2000), AS/NZS 1547: *On-site wastewater management*, Standards Australia, Sydney.
- E. Appropriate temporary control measures include, but are not limited to, the following (refer to brochure attached):
- Minimise site disturbance and vegetation removal;
 - Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (e.g. temporarily connected to Council's storm water system, a watercourse or road drain);
 - Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;

- Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
 - Stormwater pits and inlets installed and connected to the approved stormwater system before the roadwork's are commenced; and
 - Rehabilitation of all disturbed areas as soon as possible.
- F. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.
- G. In accordance with s53(4) *Land Use Planning & Approvals Act 1993* where any other approvals under this Act or any other Act are required for the proposed use or development to which the permit relates, the permit does not take effect until all those approvals have been granted.

DECISION

Moved by Cllr D Fish, seconded by Deputy Mayor K Dudgeon

THAT, in accordance with the provisions of the Tasmanian Planning Scheme - *Southern Midlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA2200131) for Demolition of existing distillery, Construction of new distillery, storage building, seven bond stores and ancillary works at 76 Sheen Road, Pontville, submitted by ERA Planning & Environment obo Kernke Family Shene Estate Pty Ltd. and that a permit be issued with the following conditions:

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- 7) The proposed main access for visitors and the existing access to serve the Back of House area must be designed in accordance with the requirements of LGAT standard drawing TSD-RO5-V2 Rural Properties Type A and to the satisfaction of Council's Manager of Works and Infrastructure.
- 8) Unless approved otherwise by Council's Municipal Engineer the internal driveways and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2009): Australian Standard AS 2890. Parking Facilities Parts 1-6 and include all of the following;
 - i. Constructed with a durable all weather pavement.
 - ii. Drained to an approved stormwater system.
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- 10) All areas set-aside for parking and associated turning, and access must be completed before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's Municipal Engineer.

Services

- 11) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Stormwater

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- 16) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's Development and Environmental Services.

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Construction Amenity

- 22) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager of Development and Environmental Services:

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.

- 23) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - b. The transportation of materials, goods and commodities to and from the land.
 - c. Obstruction of any public footway or highway.
 - d. Appearance of any building, works or materials.
 - e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 24) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- 25) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

ADVICE NOTES

The following advice applies to this permit:

- A. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the CBOS website: [Director's Determination - Categories of Building and Demolition Work \(PDF, 504.4 KB\)](#) or for Low Risk Building Work information go to: [Consumer Guide to Low Risk Building and Plumbing Work](#).
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The issue of this permit does not ensure compliance with the provisions of the *Aboriginal Relics Act 1975*. If any aboriginal sites or relics are discovered on the land, stop work and immediately contact the Tasmanian Aboriginal Land Council and Aboriginal Heritage Unit of the Department of Tourism, Arts and the Environment. Further work may not be permitted until a permit is issued in accordance with the *Aboriginal Relics Act 1975*.
- D. The SWMP must show the following:
 - (a) Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
 - (b) Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
 - (c) Estimated dates of the start and completion of the works;
 - (d) Timing of the site rehabilitation or landscape program;
 - (e) Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection.

- (f) Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion.
 - (g) Temporary erosion and sedimentation controls to be used on the site.
 - (h) Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia (2000), AS/NZS 1547: *On-site wastewater management*, Standards Australia, Sydney.
- E. Appropriate temporary control measures include, but are not limited to, the following (refer to brochure attached):
- Minimise site disturbance and vegetation removal;
 - Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (e.g. temporarily connected to Council’s storm water system, a watercourse or road drain);
 - Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
 - Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
 - Stormwater pits and inlets installed and connected to the approved stormwater system before the roadwork’s are commenced; and
 - Rehabilitation of all disturbed areas as soon as possible.
- F. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.
- G. In accordance with s53(4) *Land Use Planning & Approvals Act 1993* where any other approvals under this Act or any other Act are required for the proposed use or development to which the permit relates, the permit does not take effect until all those approvals have been granted.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr D Blackwell	✓	
Clr D F Fish	✓	

5. CLOSURE

The Meeting closed at 9.44 a.m.