

**MINUTES OF THE PLANNING COMMITTEE MEETING
OF THE CENTRAL HIGHLANDS COUNCIL HELD
IN THE BOTHWELL COUNCIL CHAMBERS
AT 9.00AM ON TUESDAY 10th SEPTEMBER 2019**

1.0 PRESENT

Clr Allwright (Chairperson), Mayor Triffitt, Clr Cassidy & Clr Bailey (Proxy)

IN ATTENDANCE

Mrs L Eyles (General Manager), Ms J Tyson (Senior Planning Officer) & Mrs K Bradburn (Minutes Secretary)

2.0 APOLOGIES

Clr Poore

3.0 PECUNIARY INTEREST DECLARATIONS

In accordance with Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, the Chairman requests Councillors to indicate whether they or a close associate have, or are likely to have a pecuniary interest (any pecuniary or pecuniary detriment) in any item of the Agenda.

Nil

4.0 CONFIRMATION OF MINUTES

Moved **Clr Cassidy**

Seconded **Clr Bailey**

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 13th August 2019 to be confirmed.

Carried

For the Motion: Clr Allwright, Mayor Triffitt, Clr Cassidy & Clr Bailey

5.0 QUESTION TIME & DEPUTATIONS

Nil

**6.0 DA2019/56: SUBDIVISION – REORGANISATION OF BOUNDARIES – 2 TITLES:
'DUNROBIN' ELLENDALE ROAD, OUSE**

Report by

Jacqui Tyson (Senior Planning Officer)

Applicant

Lark & Creese Surveyors

Owner

T R Brown

Discretions

26.5.2 (A1) Reorganisation of boundaries

Proposal

The proposal is to reorganise the boundaries of two existing titles located at the junction of Ellendale Road and the Lyell Highway that are part of the Dunrobin property.

The land is used for farming and the existing titles are described as follows:

- CT164996/4 – approximately 51.67ha with frontage to Ellendale Road and bisected by the Lyell Highway, developed with a dwelling; and
- CT169382/1 – 158.7ha, irregular shaped title with a long frontage to Lyell Highway.

Under the proposal, the majority of the land and the existing dwelling and farm buildings will be consolidated in one title with an area of 204ha (Lot 2). Lot 2 will have extensive frontage to the Lyell Highway and around 280m of frontage to Ellendale Road.

The proposed Lot 1 will have an area of 4.4ha and be vacant. Lot 1 will have frontage to Ellendale Road and will adjoin Dunrobin Park on the shore of Meadowbank Lake. It is anticipated that Lot 1 will be developed with a dwelling in the future.

Both lots can be accessed using existing crossovers.

The proposal is discretionary owing to being a subdivision and is assessed against the subdivision standards for the Rural Resource Zone, pursuant to section 26.0 of the Central Highlands Interim Planning Scheme 2015.

Subject site and Locality.

The subject land is part of a large farming property known as Dunrobin, located approximately 6km south of the Ouse settlement.

The land is located on the eastern side of Meadowbank Lake and the Lyell Highway passes through the property.

The locality is largely characterised by irrigated farming land around Meadowbank Lake and the Derwent River, with some remnant light bush on higher ground. The site and surrounding land is zoned Rural Resource.

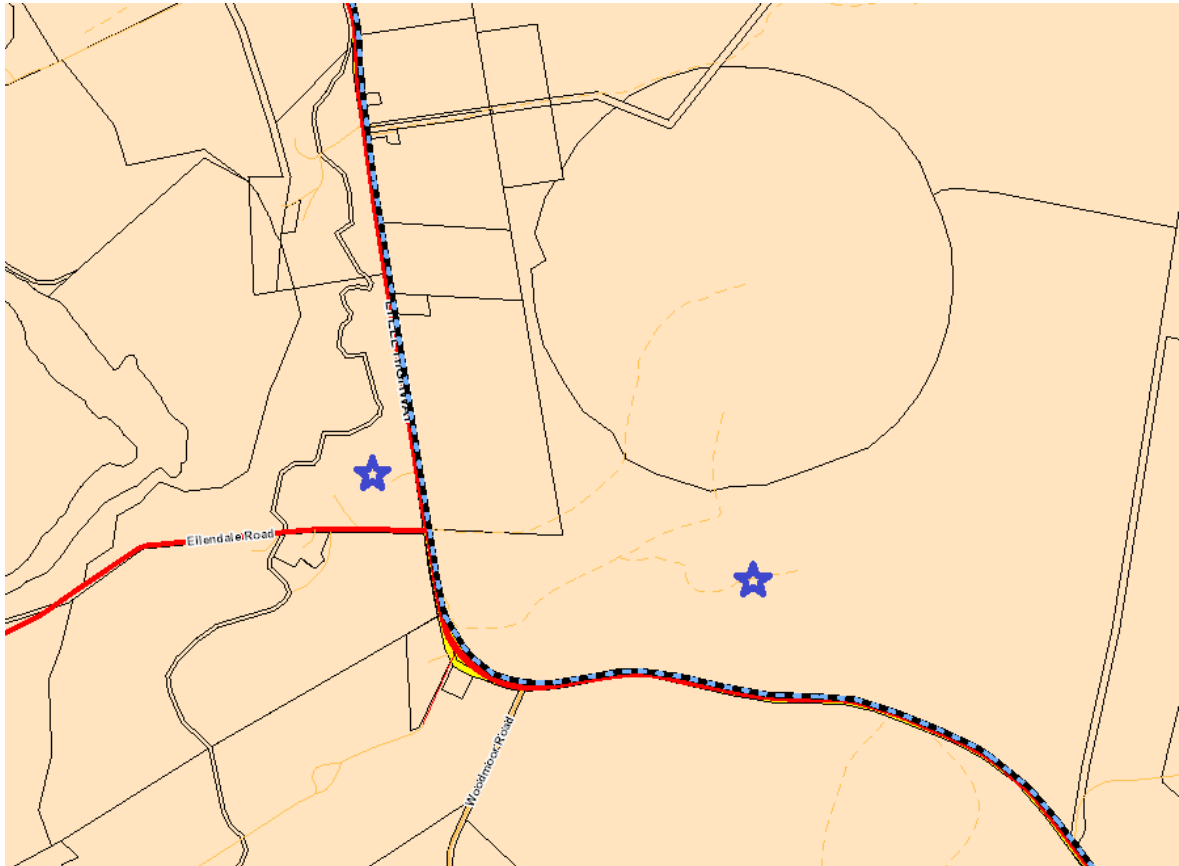


Fig 1. Location and zoning of the subject land (marked by blue stars) in the Rural Resource zone (Cream) (Source: LISTmap).

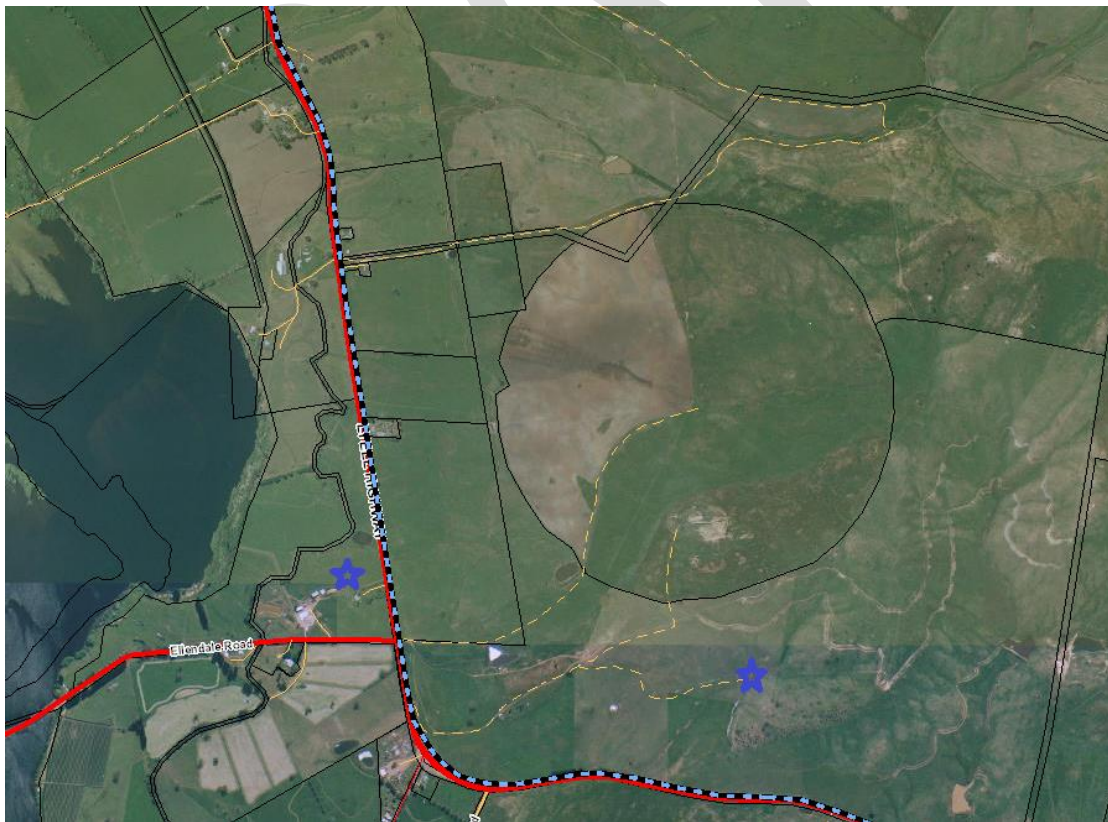


Fig 2. Aerial photo of the subject land and surrounding area, subject land marked with blue points (Source: LISTmap)

Exemptions

Nil

Special Provisions

Nil

Use standards

There are no applicable use standards for subdivision.

Rural Resource Zone - Development standards for subdivision

The subject land is in the Rural Resource Zone. The proposal must satisfy the requirements of the following development standards, relevant to subdivisions:

26.5.2 Reorganisation of Boundaries To promote the consolidation of rural resource land and to allow for the rearrangement of existing titles, where appropriate, to provide for a better division of land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 A lot is for public open space, a riparian or littoral reserve or utilities.	P1 The reorganisation of boundaries must satisfy all of the following: (a) all existing lots are adjoining or separated only by a road; (b) no existing lot was formally a crown reserved road or other reserved land; (c) provide for the sustainable commercial operation of the land by either: (i) encompassing all or most of the agricultural land and key agricultural infrastructure (including the primary dwelling) in one lot, the 'primary agricultural lot', as demonstrated by a whole farm management plan, (ii) encompassing an existing or proposed non-agricultural rural resource use in one lot; (d) if a lot contains an existing dwelling, setbacks to new boundaries satisfy clause 26.4.2; (e) if containing a dwelling, other	The proposal must be assessed against the Performance Criteria P1 as the lots are not for public open space, a riparian or littoral reserve or utilities. (a) Complies – the existing lots are adjoining. (b) Complies – none of the lots were a crown reserved road or other reserved land. (c) Complies The proposal will consolidate the majority of the land and key agricultural infrastructure including the existing dwelling onto Lot 2, which has the qualities of a primary agricultural lot. (d) The setbacks to the existing dwelling satisfy the applicable clause. (e) The land does not contain

	<p>than the primary dwelling, the dwelling is surplus to rural resource requirements of the primary agricultural lot;</p> <p>(f) a new vacant lot must:</p> <p>(i) contain land surplus to rural resource requirements of the primary agricultural lot;</p> <p>(ii) contain a building area capable of accommodating residential development satisfying clauses 26.4.2 and 26.4.3.</p> <p>(iii) not result in a significant increase in demand for public infrastructure or services;</p> <p>(g) all new lots must comply the following:</p> <p>(i) be no less than 1ha in size;</p> <p>(ii) have a frontage of no less than 6m;</p> <p>(iii) be serviced by safe vehicular access arrangements;</p> <p>(h) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.</p>	<p>any additional dwellings.</p> <p>(f) The proposed Lot 1 is vacant. The lot will have an area of 4.4ha and is located at the eastern edge of the land. The land is surplus to the requirements of the primary agricultural lot and contains an area that can accommodate residential development. The proposal will not require any significant increase in demand for public infrastructure or services.</p> <p>(g)</p> <p>(i) Complies – Both lots are larger than 1ha.</p> <p>(ii) Lots 1 and 2 have frontage of over 6m to Ellendale Road and Lot 2 also has frontage to Lyell Highway.</p> <p>(iii) The proposed lots are each serviced by suitable vehicular accesses.</p> <p>(h) There are no Local Area Objectives or Desired Future Character Statements in the Rural Resource zone.</p>
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Codes

E1.0 Bushfire Prone Areas Code

The land is bushfire prone and the Code applies to all subdivision. As such, a Bushfire Hazard Report from an accredited practitioner has been provided to address the requirements of the Code and demonstrate compliance.

The requirements of the Code are therefore satisfied.

E5.0 Road and Railway Assets Code

The proposal is for a boundary reorganisation only and does not include any new accesses or changes to the use of existing accesses.

Further assessment against this Code is not required.

E11.0 Waterway and Coastal Protection Code:

Parts of the site around waterways and water bodies are covered by Waterway Protection Areas under the Waterway and Coastal Protection Code.

The Code applies to all development including subdivision, however this proposal meets the exemptions of the code owing to there being no works required within a Waterway Protection Area.

Representations

The proposal was advertised for the statutory 14 days period from 20th August 2019 until 3rd September 2019.

No representations were received.

Conclusion

The proposal for the subdivision (boundary reorganisation) of two titles that are part of the Dunrobin property near Ouse is assessed to comply with the applicable standards of the Rural Resource Zone and the relevant codes of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment and no representations were received.

It is recommended that the application be approved, subject to conditions.

Legislative Context

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2019/56 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This report details the reasons for the officers Recommendation. The Planning Authority must consider the report but is not bound to adopt the Recommendation. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

25 (2): *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

Options

The Planning Authority must determine the Development Application DA2019/56 in accordance with one of the following options:

1. Approve in accordance with the Recommendation:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/56 for subdivision (reorganisation of boundaries) at 'Dunrobin' CT164996/4 & CT169382/1 Ellendale Road, Ouse, subject to conditions in accordance with the Recommendation.

2. Approve with altered conditions:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/56 for subdivision (reorganisation of boundaries) at 'Dunrobin' CT164996/4 & CT169382/1 Ellendale Road, Ouse, subject to conditions as specified below.

Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:

Alteration to Conditions:-

3. Refuse to grant a permit:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2019/56 for subdivision (reorganisation of boundaries) at 'Dunrobin' CT164996/4 & CT169382/1 Ellendale Road, Ouse, for the reasons detailed below.

Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:

Reasons :-

RECOMMENDATION FROM PLANNING COMMITTEE

Moved **Clr Bailey**

Seconded **Clr Cassidy**

THAT the Planning Committee recommends approval in accordance with Option 1:

Approve in accordance with the Recommendation:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/56 for subdivision (reorganisation of boundaries) at 'Dunrobin' CT164996/4 & CT169382/1 Ellendale Road, Ouse, subject to conditions in accordance with the Recommendation.

Conditions

General

- 1) The subdivision layout 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.

Easements

- 2) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's General Manager. The cost of locating and creating the easements shall be at the subdivider's full cost.

Covenants

- 3) Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's General Manager.

Services

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

Access

- 5) A vehicle access must be provided from the road carriageway to each lot. Accesses must be located and constructed in accordance with the IPWE Aust. (Tasmania Division) standard drawings, the approved Bushfire Hazard management Report and to the satisfaction of Council's General Manager.

Final plan

- 6) A final approved plan of survey and schedule of easements as necessary, together with one copy, must be submitted to Council for sealing. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- 7) A fee of \$245.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey.
- 8) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage.
- 9) It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

The following advice applies to this permit:

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

Carried

For the Motion: Clr Allwright, Mayor Triffitt, Clr Cassidy & Clr Bailey

6.1 DA2019/06: SUBDIVISION – 16 LOTS IN 6 STAGES: CT 27874/1 AND 6 BANNISTER ROAD, TODS CORNER

Report by

Jacqui Tyson (Senior Planning Officer)

Applicant

Owner

R A & D J Drysdale

Discretions

12.5.1 Subdivision

Proposal

The application is for a subdivision of an 8ha parcel of land at the end of Bannister Road, Tods Corner (CT27874/1) into 16 lots including new roads, over a number of stages.

The final lots will have areas ranging from 1843m² to 2.77ha, with the majority of the lots around 2000-3000m². The proposal includes an extension of Bannister Road to the east and creation of two new cul de sacs to the north and south to serve all the lots.

The subdivision includes a section of the neighbouring property at 6 Bannisters Road, in order to achieve sufficient width for frontages in the first stage and the road construction for future stages.

Under the proposal, the subdivision will be staged as follows:

- Stage 1 – Division into 3 large lots (Lot 1 - 2.837ha, Lot 2 - 2.923ha and Lot 3 - 2.269ha and each with frontage to the end of Bannister Road and mutual ROW access;
- Stage 2 – Division of the northern lot (Lot 3) created in Stage 1 into 7 lots (Lots 3-9), with areas between 1843m² and 3569m² and frontage to the new northern cul de sac road;
- Stage 3 – Division of the southern lot created in Stage 1 into 8 lots (Lot 2 and 10-16), with areas between 2232m² and 6368m² and frontage to the new southern cul de sac road,

Release of the lots in Stages 2 and 3 may be further staged to respond to market requirements, with up to 6 stages overall. Lot 1 will remain as a large lot as created in Stage 1.

The Development Application is accompanied by documents addressing requirements of the planning scheme including the following:

- Planning statement (PDA);
- Bushfire Assessment Report (Jamie Wood, SEAM, with endorsement from Tasmanian Fire Service);
- Site and soil evaluation (Jamie Wood, SEAM); and
- Natural Values Report (Jim Mulcahy, PDA).

The Site and soil evaluation has assessed the capability of each lot to support an onsite wastewater system. This is important at the subdivision stage in this environment with shallow, rocky soils. The initial assessment required the consolidation of one lot which has been reflected in the final proposal plan.

With regard to Natural Values, the assessment particularly addressed potential impacts on threatened raptors (Wedge-tailed Eagle, White-bellied Sea Eagle and Grey Goshawk) and the threatened Miena Cider Gum (*Eucalyptus gunnii divaricata*). The report did not identify any raptor nests on the property and notes that the nearest recorded nest is in State forest located approximately 4km south west of the site. The standard buffer distances recommended for protection of raptor nests is 1km, so the large separation of the known nest makes it very unlikely that this proposal will impact use of the recorded nest site. The site is identified as suitable foraging habitat for raptor species, however the planning scheme does not provide any protection for this value and it cannot be directly considered in this assessment. However it is noted that there is a large area of reserved land surrounding the site, so the impact of removing this area of habitat may not be as significant in any case.

The final Bushfire Assessment Report has been edited from what was originally submitted as the Tasmanian Fire Service (TFS) required further detail given the complexity of the staging of the subdivision and the relatively high fire risk. The report has now been finalised and endorsed by TFS.

The application has been referred to Councils contract Engineering Officer for consideration and advice regarding conditions.

The proposal is discretionary owing to being a subdivision and is assessed against the subdivision standards for the Low Density Residential Zone pursuant to section 12.0 of the Central Highlands Interim Planning Scheme 2015.

Subject site and Locality.

The subject land is a large block of just over 8ha the end of Bannister Road at the north eastern edge of the main Tods Corner settlement. The land has recently been developed with an outbuilding and access driveway.

The proposal also includes some land that is currently part of 6 Bannister Road, located to the south of the access strip of the main title.

The site and surrounds is mostly vegetated with alpine bushland. The main section of the Tods Corner township is south of the site and Great Lake to the west.

Land to the north and east of the site is largely state owned and managed by Parks and Wildlife in reserves (Great Lake Conservation Area) or by Hydro.

Tods Corner is generally characterised as a lake side settlement with shacks and permanent dwellings.

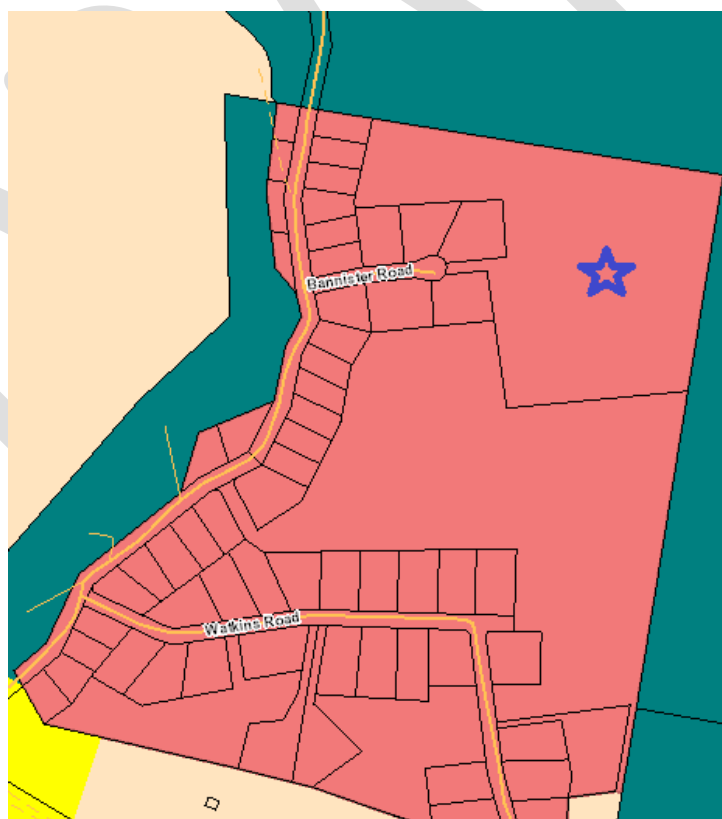


Fig 1. Location and zoning of the subject land (marked by blue star) in the Low Density Residential Zone, with surrounding land in the Rural Resource zone (Cream), Environmental Management Zone (green) and Utilities Zone (yellow). (Source: LISTmap)



Fig 2. Aerial photo of the subject land and surrounding area, subject land marked with blue stars (Source: LISTmap)

Exemptions

Nil

Special Provisions

Nil

Use standards

There are no applicable use standards for subdivision.

Rural Resource Zone - Development standards for subdivision

The subject land is located in the Low Density Residential Zone. The proposal must satisfy the requirements of the following development standards, relevant to subdivisions:

12.5.1 Lot Design

To provide for new lots that:

- (a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;
- (b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;
- (c) are not internal lots, except if the only reasonable way to provide for desired residential density.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 The size of each lot must be in accordance with the	P1 No Performance Criteria.	<i>Table 12.1 specifies that the minimum lot size in the Low Density Residential Zone is 1500m².</i>

<p>following, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>as specified in Table 12.1.</p>		<p><i>The proposed lots all exceed 1500m² in compliance with the Acceptable Solution.</i></p>
<p>A2</p> <p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p> <p>(b) not subject to any codes in this planning scheme;</p> <p>(c) clear of title restrictions such as easements and restrictive covenants;</p> <p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) is a minimum of 10 m x 15 m in size.</p>	<p>P2</p> <p>The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) is reasonably capable of accommodating residential use and development;</p> <p>(b) meets any applicable standards in codes in this planning scheme;</p> <p>(c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;</p> <p>(d) minimises the requirement for earth works, retaining walls, and cut & fill associated with future development;</p>	<p><i>The design and layout of the proposed lots complies with the requirements of Acceptable Solution A2.</i></p>
<p>A3</p> <p>The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:</p> <p>30m.</p>	<p>P3</p> <p>The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than:</p> <p>6 m.</p>	<p><i>Each lot in each stage is provided with frontage of at least 6m, to comply with the Performance Criteria.</i></p>
<p>A4</p> <p>No lot is an internal lot.</p>	<p>P4</p> <p>An internal lot must satisfy all of the following:</p> <p>(a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</p> <p>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</p>	<p><i>The final subdivision design includes two lots that are internal lots (Lot 1 and Lot 16).</i></p> <p><i>These lots will be accessed from a new road created by the subdivision. The site constraints in terms of topography, rocky ground and bushfire requirements are such that internal lots in this located are a reasonable option to efficiently utilise the zoned land.</i></p> <p><i>The lots are all larger than the minimum lot size and it is</i></p>

	<p>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</p> <p>(d) the lot will contribute to the more efficient utilisation of living land;</p> <p>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p> <p>(g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;</p> <p>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</p> <p>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</p> <p>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</p>	<p><i>expected that amenity will be reasonable for this zone.</i></p> <p><i>Access to the internal lots will be a minimum of 6m wide and the accesses will be suitably constructed.</i></p>
<p>A5</p> <p>Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.</p>	<p>P5</p> <p>Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.</p>	<p><i>The land is vacant so this clause is not relevant.</i></p>

Codes

E1.0 Bushfire Prone Areas Code

An assessment and Bushfire Hazard Management Plan (BHMP) by a qualified person endorsed by the Tasmanian Fire Service has been provided to address the requirements of this Code.

The report identifies an envelope on each lot at each stage for a hazard management area to provide for BAL 19 level for a habitable dwelling and provides information informing the required construction standard of the new subdivision roads. Suitable access and water supply will also need to be provided on each lot when it is developed.

E5.0 Road and Railway Assets Code

The subdivision includes a continuation of Bannister Road and a new road to each side to provide frontage and access for the proposed lots at each stage. Conditions are included below to require detailed engineering design drawings to be submitted to Council prior to construction of the new roads.

Each of the proposed lots will also require a new access from the road, which must be constructed in accordance with the required standard.

E7.0 Stormwater Management Code

The proposed lots are large enough to allow for stormwater to be managed onsite.

Detailed design for the stormwater infrastructure for the new roads will be required to be submitted as part of the engineering plans for those works.

Representations

The proposal was advertised for the statutory 14 days period from 23rd May 2019 until 6th June 2019. No representations were received.

Conclusion

The proposal for a subdivision of 16 lots in 6 stages at Bannister Road, Tods Corner is assessed to comply with the applicable standards of the Low Density Residential Zone and the relevant codes of the *Central Highlands Interim Planning Scheme 2015* as outlined in the body of this report.

The proposal was advertised for public comment and no representations were received. It is recommended that the application be approved, subject to conditions.

Legislative Context

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2019/06 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This determination has to be made no later than 21 August 2019, which has been extended beyond the usual 42 day statutory time frame with the consent of the application.

This report details the reasons for the officers Recommendation. The Planning Authority must consider the report but is not bound to adopt the Recommendation. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

25 (2): *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

Options

The Planning Authority must determine the Development Application DA2019/06 in accordance with one of the following options:

1. Approve in accordance with the Recommendation:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/06 for subdivision of sixteen (16) lots in 6 stages at CT27874/1 & 6 Bannister Road, Tods Corner, subject to conditions in accordance with the Recommendation.

2. Approve with altered conditions:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/06 for subdivision of sixteen (16) lots in 6 stages at CT27874/1 & 6 Bannister Road, Tods Corner, subject to conditions as specified below.

Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:

Alteration to Conditions:-

3. Refuse to grant a permit:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the Development Application DA2019/06 for subdivision of sixteen (16) lots in 6 stages at CT27874/1 & 6 Bannister Road, Tods Corner, for the reasons detailed below.

Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:

Reasons :-

RECOMMENDATION FROM PLANNING COMMITTEE

Moved **Clr Cassidy**

Seconded **Clr Bailey**

THAT the Planning Committee recommends approval in accordance with Option 1:

Approve in accordance with the Recommendation:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2019/06 for subdivision of sixteen (16) lots in 6 stages at CT27874/1 & 6 Bannister Road, Tods Corner, subject to conditions in accordance with the Recommendation.

Conditions

General

1. The subdivision layout 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. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development

before this date, in accordance with Section 53 of the Land Use Planning and Approvals Act 1993.

3. The subdivision must be carried out in accordance with the Bushfire Hazard Report – Lot 1 Bannister Road, Tods Corner Project #18028 v4 prepared by SEAM, dated 4 September 2019 (Bushfire Assessment Report).

Public open space

4. As insufficient provision has been made for recreational space, and having formed the opinion that such a provision should be made in respect of the proposal, Council requires that an amount equal to five percent (5%) of the unimproved value of Lots 2-16 must be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the Local Government (Building & Miscellaneous Provisions) Act 1993. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer and pay the applicable amount for lots in each stage prior to sealing of that stage.

Covenants

5. Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's General Manager.

Easements

6. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's General Manager. The cost of locating and creating the easements shall be at the subdivider's full cost.

Endorsements

7. The final plan of survey must be noted that Council cannot or will not provide a means of drainage to all lots shown on the plan of survey.

Transfer of reserves

8. All roads or footways must be shown as "Road" or "Footway" on the Final Plan of Survey and transferred to the Council by Memorandum of Transfer submitted with the Final Plan of Survey.

Final Plan

9. A final approved plan of survey and schedule of easements as necessary, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
10. A fee of \$210.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
11. All conditions of this permit must be satisfied before the Council seals the final plan. It is the subdivider's responsibility to arrange any required inspections and to advise Council in writing that the conditions of the permit have been satisfied. The final plan of survey will not be dealt with until this advice has been provided.
12. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Engineering

13. The subdivision must be carried out in accordance with the *Central Highlands Council Subdivision Guidelines 2012* (attached).

14. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by Council before development of the land commences.
15. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show -
 - (a) all existing and proposed services required by this permit;
 - (b) all existing and proposed roadwork required by this permit;
 - (c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - (d) measures to be taken to limit or control erosion and sedimentation;
 - (e) any other work required by this permit.
16. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
17. The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

Property Services

18. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's General Manager or responsible authority.
19. Wastewater disposal systems for each lot must be designed and provided in accordance with the recommendations of the Site Suitability Assessment Report – Lot 1 Bannister Road, Tods Corner Project # 18028 prepared by SEAM, dated 21 December 2018.

Existing services

20. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

Telecommunications and electrical reticulation

21. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's Municipal Engineer.
22. Prior to sealing the final plan of survey the developer must submit to Council:
 - An Exemption from the installation of fibre ready pit and pipe, a "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from Telstra or NBN Co.
 - Written evidence from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed.

Roads and Access

23. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's General Manager.
24. The extension of Bannister Road must be constructed to include:
 - A minimum road reservation width of 18.0m;

- Fully paved and drained carriageway;
 - a minimum overall carriageway width of 7.0m;
 - Cul-de-sac turning head with a minimum 12.0m outer radius;
 - Stormwater table drains; and
 - In accordance with the endorsed Bushfire Assessment Report.
- 25.** Subdivision roads must be constructed to include:
- A minimum road reservation width of 15.0m;
 - Fully paved and drained carriageway;
 - a minimum overall carriageway width of 7.0m;
 - Cul-de-sac turning head with a minimum 12.0m outer radius;
 - Stormwater table drains; and
 - In accordance with the endorsed Bushfire Assessment Report.
- 26.** A vehicle access, with a minimum carriageway width of 4.0m, must be provided from the road carriageway to each Lot.
- 27.** The vehicle accesses must be constructed in accordance with the standards shown on standard drawings TSD-R03-v1 Rural Roads Typical Property Access and TSD-R04-v1 Rural Roads Typical Driveway Profile prepared by the IPWE Aust. (Tasmania Division) and to the satisfaction of Council's General Manager.
- 28.** The vehicular access for all internal lots must be constructed for the full length of the access strip, to the lot proper, and include:
- 4.0 metre min. width carriageway
 - Constructed with a durable all weather pavement
 - Stormwater drainage; and
 - In accordance with Table In accordance with the endorsed Bushfire Management Planning Report.

Weed management

- 29.** Prior to the carrying out of any works approved or required by this approval, the subdivider must provide a weed management plan detailing measures to be adopted to limit the spread of weeds listed in the Weed Management Act 1999 through imported soil or land disturbance by appropriate water management and machinery and vehicular hygiene to the satisfaction of Council's Municipal Engineer and of the Regional Weed Management Officer, Department of Primary Industries Water and Environment.

Natural Values Management

- 30.** The Miena Cider Gums (*Eucalyptus gunnii divaricata*) identified on the site in the Natural Values Supplementary Assessment - prepared by Jim Mulcahy PDA, dated 27 March 2019 must be retained on the site, unless approved otherwise under the applicable legislation.
- 31.** Best practice methods must be adopted during construction of the subdivision to identify and protect the Miena Cider Gums, including root zone protection. A plan outlining the proposed protection management plan must be submitted with the engineering drawings prior to construction commencing.

Soil and Water Management

- 32.** A soil and water management plan (here referred to as a '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 General Manager before development of the land commences.
- 33.** Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's General Manager until the land is effectively rehabilitated and stabilised after completion of the development.

34. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's General Manager.
35. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's General Manager.

Construction

36. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before commencing construction works on-site or within a council roadway.
37. The developer must provide not less than forty eight (48) hours written notice to Council's General Manager before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's General Manager.

Construction amenity

38. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Environment and Development Services:
- Monday to Friday 7:00 AM to 6:00 PM
 - Saturday 8:00 AM to 6:00 PM
 - Sunday and State-wide public holidays 10:00 AM to 6:00 PM
39. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably 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 from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property.
 - (b) Transport of materials, goods or commodities to or from the land.
 - (c) Appearance of any building, works or materials.
40. 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 Municipal Engineer.
41. 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.

Maintenance and Defects Liability Period

42. Works required by this permit must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
43. A bond clearly in excess of 5% of the value of works and no less than \$5000.00, must be submitted to Council at the commencement of the defect liability period or prior to sealing the final plan or survey, whichever is earliest. The bond will be returned at the expiration of the defect liability period if all works are maintained and repaired as necessary to the satisfaction of Council's General Manager.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.

- B.** 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.
- C.** This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.
- D.** The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule.
- E.** All approved engineering design drawings will form part of this permit on and from the date of approval.

Carried

For the Motion: Clr Allwright, Mayor Triffitt, Clr Cassidy & Clr Bailey

7.0 OTHER BUSINESS

Nil

8.0 CLOSURE

There being no further business the meeting closed at 9.15am
