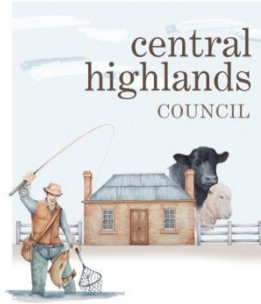




PLANNING COMMITTEE MEETING

AGENDA

Tuesday 10th August 2021



NOTICE OF MEETING

Council Representatives:
Clr Allwright (Chairperson); Mayor Triffitt, Clr Cassidy &
Clr Bailey (Clr Archer – Proxy)

Dear Councillors,

Notice is hereby given that the next Planning Committee Meeting will be held at the Council Chambers, 19 Alexander Street, Bothwell at 9.00 a.m. on Tuesday, 10th August 2021, to discuss business as printed below.

I certify that the contents of the reports have been provided in accordance with section 65 of the Local Government Act 1993.

Lyn Eyles
GENERAL MANAGER

PLANNING COMMITTEE AGENDA

1.0 PRESENT

2.0 APOLOGIES

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.

4.0 CONFIRMATION OF MINUTES

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 13th July 2021 to be confirmed.

Carried

5.0 QUESTION TIME & DEPUTATIONS

6.0 CENTRAL HIGHLANDS DRAFT LOCAL PROVISIONS SCHEDULE – PUBLIC NOTIFICATION PROGRAM

Report By

Planning Consultant (SMC) Damian Mackey

Attachments

Correspondence from the Tasmanian Planning Commission, dated 28 July 2021

Purpose

The purpose of this report is to determine the public notification program for the Central Highlands Draft Local Provisions Schedule (the draft LPS).

Background

The Tasmanian Planning Scheme will consist of the LPSs from individual Councils and the State Planning Provisions (SPPs).

As Councillors are aware, over the last two years Central Highlands has been working to get its draft LPS into a form that the Commission is prepared to endorse as suitable for public exhibition, attempting to negotiate through a number of issues of contention.

The Commission has now moved the process to the next stage by issuing the formal Notice under Section 35B(4) of the *Land Use Planning & Approvals Act 1993*, directing Council to publicly exhibit the draft LPS (see attached). The public exhibition period is to commence on Monday 23 August and run for 60 days.

At the July Planning Committee meeting and the following Council meeting, Council considered the Section 35 Directions Notice from the Commission formally directing Council to make certain modifications to its Draft LPS prior to public exhibition. Council also considered subsequent changes to its *Supporting Report*, particularly to elaborate on matters where the Commission directed amendments to be made contrary to Council's views as the local Planning Authority. The Supporting Report will be placed on public exhibition alongside the draft LPS.

As set out in the attached correspondence from the Commission, once the public exhibition period is completed it will be Council's role to consider the matters raised in submissions received and determine a view on them, including whether the LPS should be amended as a result. The submissions and Council's views on them will then be forwarded to the Commission which will hold public hearings and, ultimately, make final determinations. The Minister will then declare the Tasmanian Planning Scheme to be in force in the Central Highlands municipal area.

Note that the Commission's correspondence points out that certain matters are essentially 'off limits' for consideration in this public consultation process. If Council receives submissions, or parts of submissions, that raise these matters, Council is to essentially declare them to be void. These matters can be generally divided into two categories:

- The State Planning Provisions, and
- Provisions declared to be 'transitioning' from the current Central Highlands Interim Planning Scheme 2015, (CHIPS2015).

The State Planning Provisions make up almost all of the written part of the draft LPS, being provisions that are standardised across the whole State. They were subject to their own public exhibition process four years ago, which included public submissions and public hearings before final determination by the Commission. Understandably, they cannot be subject to the possibility of amendment as each local council area goes through the process of developing its LPS.

The provisions 'transitioning' from existing Central Highlands Interim Planning Scheme 2015 (CHIPS2015) also cannot be amended. When the government created the legislation to establish the Tasmanian Planning Scheme, it included the concept that many existing planning scheme provisions would be copied exactly into the respective LPSs. Changes are essentially only possible if necessary to make the existing provisions fit properly with the State Planning Provisions. The intent of this was, possibly, to speed the process of creating the Tasmanian Planning Scheme.

The down side of the 'transitioning provisions' concept is that Councils have not been able to undertake 'scheme renovation', to amend the many minutia within planning schemes that have become unnecessary, irrelevant or, in some cases, detrimental to appropriate development. Such changes are generally too insignificant to justify the expense of full-blown planning scheme amendment processes and Council planners have generally looked forward to whole-scheme reviews to fix them in an efficient and cost effective manner. Unfortunately, Tasmanian Councils have not been able to undertake scheme renovation for, in some cases, decades, as the previous regional planning reform process similarly did not allow for such changes.

Central Highlands has several matters that have been caught in this dilemma, such as Council's desire to remove a redundant attenuation buffer area from around the decommissioned sewage treatment ponds at the Great Lake Hotel.

The Lake Meadowbank Specific Area Plan.

The Commission is of the view that the Lake Meadowbank Specific Area Plan (SAP) should be a 'transitioning provision'. Central Highlands, as the local Planning Authority, is of the view that certain modifications ought to be made to it. For example, for the recognition and protection of the important Aboriginal heritage sites around the lake. However, even one modification would tip the SAP from being a 'transitioning provision' to an entirely new provision and therefore subject to the requirement for full

justification under the planning legislation, including whether the SAP should exist at all.

The Commission has, so far, not been satisfied with Council's rationale for a modified Lake Meadowbank SAP, or even that it should exist at all. As per the attached corresponded, the Commission has determined to subject the SAP to an 'Outstanding Issues Notice'. This means it is not officially part of the Draft LPS but will be publicly exhibited alongside it, and members of the public may make submissions in regard to it.

The issues around the proposed modified Lake Meadowbank Specific Area plan are set out in the Supporting Report.

The Spatial Extent of Heritage Places.

It was Council's intention to include the CHIPS2015 Heritage Places in the Draft LPS but with their spatial extents modified to match the revised spatial extents of the equivalent listings on the Tasmanian Heritage Register. The THR listings have been systematically revised by the Tasmanian Heritage Council over the last 20 years to delete the extensive areas of land that were added to the listings 'overnight' when the THR was created in the 1990s and their spatial definition was, for the first time, defined by the titles that were part of each country estate. This process arbitrarily cobbled together multiple titles containing many hundreds of hectares of land into each listing.

The Tasmanian Heritage Register listings have mostly been corrected within the Central Highlands area and Council's intention was to simply to align the equivalent planning scheme listings. It had intended to request the Minister to allow an amended heritage list under Schedule 6, Clause 8D of the *Land Use Planning & Approvals Act 1993*.

There is over 3,000 ha of land currently encumbered by these unnecessarily large spatial extents. This represents a significant unnecessary and unfair encumbrance on future development of these titles.

As an adjunct to the above, it should be noted that it has been Council's long-held policy to only list those places that are also listed on the THR. In other words, there are no local-only listings.

The Commission has advised that the current heritage place list in the Central Highlands Interim Planning Scheme 2015 must be directly 'transitioned' into the LPS without any amendments to remove superfluous titles. Any amendments to any one place on the list would mean the entire list would need to comply with the new information requirements for listed places. This would involve Council engaging a suitably qualified person to create full data sheets of all listed places, (whether their spatial extent was amended or not), including a detailed description and list of heritage values, etc. for each place. This would take considerable time and financial resources, and Council was not prepared to pursue this course of action. It would have delayed the public exhibition of the draft LPS by around one year and would have essentially just duplicated the professional heritage assessment process already undertaken by the Tasmanian Heritage Council. In other words, Council judged this to be an imprudent use of Council time and money.

Council then adopted the position that, if the listings cannot be amended to remove superfluous titles and thereby align with the Tasmanian Heritage Register, then it would prefer that the listings be removed entirely. It formed this view noting that all listings are also on the THR and therefore their heritage values will remain protected by the State heritage-protection system.

PUBLIC EXHIBITION

Minimum Requirements:

The attached correspondence from the Commission sets out the minimum requirement for the 60-day public exhibition process. These are:

- Advertising twice in the daily newspaper. The form and content of the notice is specified.
- Making the draft LPS available for viewing and downloading on Council's website. (PDF documents of the ordinance and the maps). The Commission will also make these documents available on its website).
- Making a copy available for viewing at the Council offices.
- Notifying all Councils within our region and any neighbouring Councils.
- Notifying specified State agencies.

To comply with the above, Council will need to print at least one hard copy set of the ordinance and maps and have them available at one of its offices.

Council's supporting report will also be similarly available.

Potential Additional Measures:

In addition to the minimum public exhibition requirements, at recent meetings Council has discussed the following extra measures:

- Making the hard copy sets available at both the Hamilton and Bothwell offices.

The cost of this would be the cost of printing an additional set, which will be several hundred dollars.

- Making the maps available via an online interactive mapping tool, enabling members of the public to search properties, see what the proposed zoning is and turn the overlay layers off and on, to see which codes apply. The TasMap and satellite photography layers will be able to be turned on and off, for locational information.

As Councillors will recall from the LPS workshops, the officially endorsed pdf maps cannot include certain locational information. In large rural areas like Central Highlands, this makes property location very difficult, if not impossible. The online mapping tool would solve this problem, as well as make the mapping accessible to all with access to a computer and internet connection.

Council's mapping consultants, Insight GIS, have quoted the interactive mapping tool at \$3,250.00, excluding GST.

- A mail-out to ratepayers. The advertising period specified by the Commission does not coincide with a rates mail-out in which Council normally includes a newsletter. Therefore, a mail out regarding the draft LPS would have to be a 'stand-alone' process.

The contractors that put together Council's rates mailouts have quoted \$722.37 to produce a double-sided colour A4 flyer for each ratepayer. This does not include postage. However it is noted that some may be able to be emailed, thereby reducing postage costs.

- Information drop-in sessions. During the various public consultation processes involved in the development of the current Central Highlands Interim Planning Scheme 2015, public information 'drop-in sessions' were held at Council's Hamilton and Bothwell offices and also at the Miena community hall. These ran from around mid-afternoon to early evening, with a view to providing as many members of the community as possible the opportunity to call in. These would be staffed by Council's Special Projects Officer / Planning Consultant / Planning Officer who would be able to guide members of the public in terms of what is proposed for their properties, and other aspects of the draft LPS, and answer questions.

In anticipation of Council giving the go-ahead for this facet of the public exhibition program, the Council meeting rooms and the Miena hall have been booked for the following dates:

- Miena: Tuesday September 14th, 3:00pm to 7:30pm.
- Hamilton: Wednesday September 15th, 3:00pm to 7:30pm.
- Bothwell: Thursday September 16th, 3:00pm to 7:30pm.

These dates are in the fourth week of the 60-day exhibition period. This should give Council sufficient time to advertise the whole process and make the general community aware of the process. It should also then leave enough time for people to formulate any submissions they may wish to make.

The cost would be the cost of the time of Council's Special Projects Officer, via the resource-sharing arrangement with Southern Midlands Council.

RECOMMENDATION

Moved: Clr

Seconded: Clr

THAT it be recommended to Council that:

- The 60-day public exhibition period for the Central Highlands Draft Local Provisions Schedule commence on Monday 23 August as directed by the Tasmanian Planning Commission.
- In addition to the minimum public advertising mechanisms required by legislation, Council institute the following:
 - A hard copy set of the ordinance, maps and supporting report is to be available for perusal at both the Bothwell and Hamilton offices, (instead of just one).
 - The maps are to be made available online via an interactive mapping tool, enabling members of the public with access to the internet to search particular properties and determine which zone and what code overlays are proposed to apply.
 - Prior to, or in the first week of the advertising period, a colour, double-sided A4 flyer is to be posted and/or emailed to every ratepayer and also any local community group which might have an interest in land use planning matters.
 - Local community information drop-in sessions are to be held, as follows:
 - Miena: Tuesday September 14th, 3:00pm to 7:30pm.
 - Hamilton: Wednesday September 15th, 3:00pm to 7:30pm.
 - Bothwell: Thursday September 16th, 3:00pm to 7:30pm.

7.0 OTHER BUSINESS

8.0 CLOSURE
