



Central Highlands Council

AGENDA

PLANNING COMMITTEE MEETING – 8TH AUGUST 2023

Council Representatives:

Deputy Mayor J Allwright (Chairperson); Mayor L Triffitt, Cr R Cassidy & Cr J Hall
(Cr A Bailey – Proxy)

Agenda of a **Planning Committee Meeting** (Special Committee of Central Highlands Council) scheduled to be held at the Bothwell Football Club & Community Centre, **Bothwell** on **Tuesday 8th August 2023**, commencing at **9.00am**.

I certify under Section 65 of the *Local Government Act 1993*, that the matters to be discussed under this Agenda have been, where necessary, subject of advice from a suitably qualified person and that such advice has been taken into account in providing advice to the Council.

Dated at Hamilton this **3rd day of August 2023**.

Kim Hossack
General Manager

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 PERCEIVED INTEREST DECLARATIONS

Under the **Model Code of Conduct** made by Order of the Minister responsible for Local Government the following will apply to a Councillor –

PART 2 – Conflict of Interest that are not Pecuniary

(6) A Councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –

- (a) Declare the conflict of interest and the nature of the interest before discussion on the matter begins; and
 - (b) Act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the Councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.
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5.0 CONFIRMATION OF DRAFT MINUTES OF THE PLANNING COMMITTEE MEETING HELD 11 JULY 2023

RECOMMENDATION 01/08.2023/PC

Moved: Cr

Seconded: Cr

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 11th July 2023 to be confirmed.

6.0 PUBLIC QUESTION TIME

In accordance with Council's Policy No 2017-49 *Public Comment on Planning Agenda Items at Committee Meetings* a person may speak about an item on the agenda to be considered by the Planning Committee during public question time or at the beginning of the item, as determined by the Chairperson.

Speakers should follow the procedure below:

1. Only those people that have:
 - (a) Initiated the planning decision under the *Land Use Planning and Approvals Act 1993* (Act) ("Applicant"); or
 - (b) The owner of the land subject to the planning decision ("Owner"); or
 - (c) made a representation within the statutory notice period in relation to a planning decision ("Representor")

will be entitled to speak at a Planning Committee Meeting ("Meeting").

2. Prior to the commencement of the Meeting a person who wishes to address the Meeting must:
 - i. Notify the Council in writing by close of business on the Friday prior to the Planning Committee meeting of the person's intention to address the Meeting, including with the following detail:
 - (a) Identify whether the person is the Applicant or a Representor;
 - (b) If a Representor, the date the person made a representation in respect to the planning decision; and
 - (c) the relevant planning decision by the Council allocated number, or by reference to the land to which it relates (eg, by certificate of title, PID or address);
 - (d) the question or topic on which the person wishes to speak.
 - ii. Notify the Chairperson of his or her arrival prior to the commencement of the PCM and complete a register.
3. If a person has complied with the procedure in 2 above, the person will be entitled speak at the meeting.
4. The Chairperson will determine the order of speakers.
5. All people entitled to speak will be given equal opportunity to speak.
6. Each person will be limited to **5 minutes** unless otherwise allowed by the Chairperson.
7. A person may make a statement only or ask questions that are directed through the Chairperson.
8. A person may not direct questions to staff members unless directed through the Chairperson. The Chairperson may ask staff members to answer any question.
9. The Council is under no obligation to answer questions. Questions may be taken on notice by the Planning Committee. The Planning Committee may answer such questions at its discretion.
10.
 - (a) Planning Committee members may ask questions of the person speaking.
 - (b) Councillors present who are not members of the Planning Committee may ask questions or seek clarification only at the discretion of the Chairperson.
11. The Applicant may be given notice of a person's intention to speak. The Applicant will be given an opportunity to speak in reply, limited to 5 minutes unless otherwise allowed by the Chairperson. If the Applicant is not present at the Meeting, the Planning Committee may provide the Applicant with an opportunity to respond.
12. No debate or argument is permitted at any time.
13. Members of the gallery must not interject while another party is speaking.

Council's Policy 2017-49 'Public Comment on Planning Agenda Items' will be available for the public to view at the meeting.

7.0 PLANNING REPORTS

7.1 CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE – ASSESSMENT OF REPRESENTATIONS UNDER SECTION 40K OF THE LAND USE PLANNING & APPROVALS ACT 1993 REGARDING THE PUBLIC EXHIBITION OF SUBSTANTIAL MODIFICATIONS AMENDMENT 2023/01, AMENDMENT 2023/02 & AMENDMENT 2023/03

REPORT BY

Planning Consultant, Damian Mackey

ATTACHMENTS

- Draft Assessment Report
- Representations: 27 in total

Purpose:

The purpose of this report is to facilitate the Planning Committee's consideration of the representations received in response to the recent public notification of the three 'substantial modifications' to the Central Highlands Local Provisions Schedule that were directed by the Tasmanian Planning Commission following its assessment and determination of the Draft Local Provisions Schedule last year.

The outcomes of the Planning Committee's considerations will form recommendations to full Council, acting as the local Planning Authority, next week. It is necessary for an 'opinion' to be formed on each representation. The representations, and the opinions on them, will then be forwarded to the Tasmanian Planning Commission, who will hold public hearings and make a final determination.

The 'Substantial Modification' Planning Scheme Amendments:

When the Commission made its determination on the Draft Local Provisions Schedule, it directed that certain changes be made to it. Some of the changes were considered by the Commission to be 'Substantial Modifications', meaning that they had to be advertised for public comment. This had to be done using the Draft Planning Scheme Amendment process.

The three Draft Amendments are:

1. Amendment 2023/01: The Meadowbank Lake Specific Area Plan.

In transitioning from the old Central Highlands Interim Planning Scheme 2015 into the new Tasmanian Planning Scheme, it was Council's desire to amend the Meadowbank Lake Specific Area Plan. However, because such provisions of the planning scheme were supposed to be transferred exactly 'as is', the amended Specific Area Plan was technically considered to be a new Specific Area Plan entirely.

Therefore, in 2021, it was advertised alongside the Draft Local Provisions Schedule but was not formally a part of it. The Commission subsequently determined that the amended Specific Area Plan should be part of the planning scheme, and directed that it be considered a 'Substantial Modification' and publicly notified again.

2. Amendment 2023/02: Application of the Landscape Conservation Zone to titles at Marked Tree Road.

During the development of the Draft Local Provisions Schedule, the issue arose as to whether the Landscape Conservation Zone should be applied to land subject to nature conservation covenants. Many landowners had voluntarily agreed to such covenants with the State Government. Council adopted the policy position that it would support the Landscape Conservation Zone only where the landowners requested it. The Commission mostly agreed with this position at the initial hearings and several clusters of titles were directed to zoned Landscape Conservation.

In one cluster, however, at Marked Tree Road, the Commission included a title that had not been requested to be zoned Landscape Conservation by its owner. The owner had not engaged in the initial public notification process, and did not participate in the public hearings, and their view on the matter was therefore not known. For this reason, the Commission determined that the Marked Tree Road cluster be considered a 'Substantial Modification' and publicly notified.

3. Amendment 2023/03: Application of the Rural Zone, and subsequently the Priority Vegetation Area Overlay, to many titles throughout the municipal area.

After considering the representations received to the initial public notification of the Draft Local Provisions Schedule, Council (acting as the local Planning Authority) determined that large areas that had been initially advertised as changing to the new Agriculture Zone should remain Rural Zone, (the close equivalent of the previous Rural Resource Zone). This view was based on analysis by an agricultural scientists from Pinion Advisory, and other factors.

The areas proposed to remain Rural Zone were divided into a dozen sub-regions. Most were considered inappropriate for the Agriculture Zone as they were high in altitude with relatively poor soils and short growing seasons. One sub-region, at Fentonbury/Ellendale, was considered better suited to the Rural Zone as it had been fractured into relatively small titles and is generally used for rural-living purposes. The Commission mostly agreed with Council's view, and directed that all sub-regions to be changed back to Rural be considered 'Substantial Modifications' and publicly notified.

Note that in the Rural Zone the Priority Vegetation Area Overlay must apply, if and where it has been mapped.

Assessment of Representations:

Refer to the enclosed copies of the representations and the attached Assessment Report dated 2 August 2023.

RECOMMENDATION 02/08.2023/PC

Moved: Cr

Seconded: Cr

THAT the Planning Committee make the following recommendation to Council acting as the Planning Authority:

That the Planning Authority:

- A. Agree to accept Representations 3 and 27, despite having received them after the advertised date for the close of submissions.
- B. Endorse the assessment and proposed opinion of each representation, as set out in the attached Assessment Report dated 2 August 2023 and as modified by the Planning Committee, for the purposes of the Planning Authority's report to the Tasmanian Planning Commission under Section 40K of the *Land Use Planning and Approvals Act 1993*.

7.2 APPEAL : DA 2023/27 : VISITOR ACCOMMODATION : 73A JONES ROAD, MIENA

A Notice of Appeal has been lodged with the Tasmanian Civil & Administrative Tribunal (TASCAT) against the Planning Authorities refusal to grant a permit under section 61(4) of the *Land Use Planning and Approvals Act 1993* for the proposed change of use to visitor accommodation at 73A Jones Road, Miena.

A Preliminary Conference for this appeal will be held on Friday 11th August 2023.

For information

7.3 SCENIC LANDSCAPE

The following request has been received from **Cr R Cassidy**:

For this Council Meeting, I am requesting an update regarding acquiring a Consultant to assess and progress Scenic Landscape Values and Scenic Road Corridors, using Southern Council methodology outlined in the documents supporting the draft CHC Local Provision Schedule. This supporting document outlined the rule/method to be used.

Please note Tasmania Planning Commission's feedback, below.

Refer to-

https://www.planning.tas.gov.au/_data/assets/pdf_file/0006/687885/Decision-Under-Section-35K1a-to-Modify-Draft-LPS-4-January-2023.pdf

Tas Planning Commission Decision 4th Jan 2023

https://www.planning.tas.gov.au/_data/assets/pdf_file/0006/687885/Decision-Under-Section-35K1a-to-Modify-Draft-LPS-4-January-2023.pdf

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TPC were advised at the Hearings that CHC (the planning Authority) would be doing a scenic assessment of the Municipality

Commission consideration

289. The Commission acknowledges the strong case made for the application of the Scenic Road Corridor overlay and Scenic Protection Area overlay by the representors and the quality of material presented. However, it accepts the recommendations and reasons of the planning authority that further local strategic work and public consultation is required to determine whether the Scenic Protection Code overlays are warranted and ought to be applied. It is appropriate for this to occur outside the draft LPS process.

290. The Commission notes there are undoubtedly areas of significant scenic value in the municipality that may be suitable for inclusion in overlays. The Commission also notes the LPS Central Highlands draft Local Provisions Schedule 71 requirements of the SPPs, specifically clauses LP1.7.6 and LP1.8.1, providing for Scenic Protection Code overlays to be included in the draft LPS, but does not mandate inclusion. As such, the incorporation of the overlays is a matter of local policy for the planning authority.

291. The Commission acknowledges the significant number of representations that requested mapping of Scenic Protection Code overlays. Without further evidence however, there is no rationale for the overlay to be applied to the land identified in the representations. **The Commission notes the planning authority intends to undertake further work to develop overlay mapping in the future.**

292. The Commission notes a Scenic Protection Area overlay and a Scenic Road Corridor overlay must be supported by a suitably qualified person that establishes the scenic values of each area and what management objectives would apply.

Commission decision

293. The Commission considers that no modifications are required.

Background

This matter was last considered by Council at the May 2022 Ordinary Meeting of Council. A copy of the report has been included in the attachments for your information with the approved resolution being passed below –

15.5 SCENIC LANDSCAPES

Moved: Clr J Honner

Seconded: Clr J Poore

THAT:

- A. Council engage with the State Government's ReCFIT program, with a view to supporting its community engagement program and expediting its assessment of community values, including scenic values, within Central Highlands.
- B. Invite ReCFIT representatives to the next Council meeting to provide a briefing on the project.

CARRIED 8/1

FOR the Motion

Mayor L Triffitt, Deputy Mayor J Allwright, Clr A Archer, Clr A W Bailey, Clr A Campbell, Clr R Cassidy, Clr J Honner, Clr J Poore

AGAINST the Motion

Clr S Bowden

Following this approval, Alice Johnson from ReCFIT (Renewables, Climate and Future Industries Tasmania) attended the June 2022 Ordinary Meeting and gave a presentation.

For Discussion

7.4 TOWN STRUCTURE PLAN PROJECT

At the last Town Structure Plan Project Steering Group meeting it was determined that the Steering Group interview the prospective consultants, prior to completing its assessment process and making a determination of the preferred consultant.

The Project Manager liaised with prospective consultants with a view to arranging for all to be interviewed on the 8th August, or a date to suit all parties.

Not all prospective consultants were available on the 8th August and in consultation with staff it was determined to defer the interviews until a new date could be discussed and determined at the August Planning Committee Meeting.

For Discussion

8.0 OTHER BUSINESS

9.0 CLOSURE

The Chairperson thanked everyone for their contribution and declared the meeting closed at _____.
