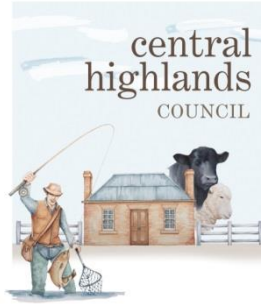




# **PLANNING COMMITTEE MEETING**

## **AGENDA**

**Tuesday 9<sup>th</sup> August 2022**



## 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 Bothwell Town Hall, 19 Alexander Street, Bothwell at 9.00 a.m. on Tuesday, 9<sup>th</sup> August 2022, 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

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## 2.0 APOLOGIES

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## 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.

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## 4.0 CONFIRMATION OF MINUTES

Moved **Clr**

Seconded **Clr**

**THAT** the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 12<sup>th</sup> July 2022 to be confirmed.

*Carried*

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## 5.0 QUESTION TIME & DEPUTATIONS

Nil

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## 6.0 DA2022/64 : SUBDIVISION 1 LOT PLUS BALANCE : 30 CURLYS LANE, ELLENDALE

### **Report by**

Louisa Brown (Planning Officer)

### **Applicant**

PDA Surveyors

### **Owner**

T Clark & S Gatenby-Clark

### **Discretions**

Subdivision is Discretionary.

16.5.1 A2 (b)

16.5.3 A1

16.5.4 A2 & A3

### **Proposal**

An application for a 1 lot subdivision plus balance has been made to Council by PDA Surveyors on behalf of the Central Highlands Council, for land described in Title Plan and Folio – CT 244366/1, 30 Curlys Lane Ellendale. The land is currently 1.643ha in area and is currently vacant.

The proposal seeks to create:

- Lot 1 will be 3802m<sup>2</sup>, with a frontage onto Ellendale Road of 30m. A new vehicular access and water connection will be provided to Ellendale Road. A drainage easement is proposed located between Lot 1 and the Jones River: and

- Balance of Lot will be 1.263ha, with frontage of 15m via an existing vehicular access to Ellendale Road. This access will require upgrading in line with Council's standards.

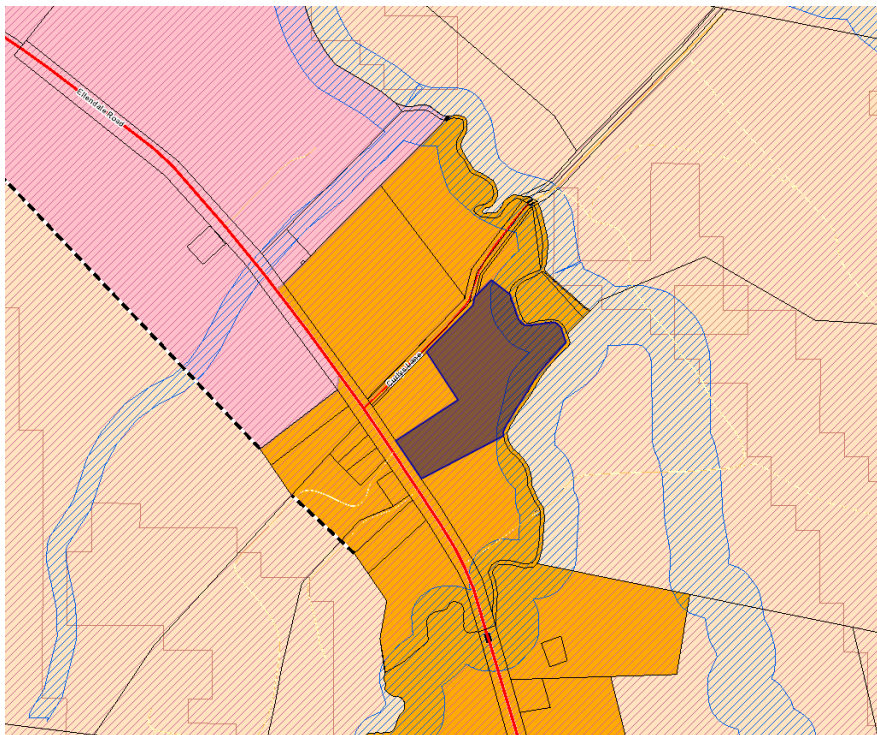
The proposal is discretionary owing to being a subdivision and is assessed against the subdivision standards for the Village Zone of the Central Highlands Interim Planning Scheme 2015.

**Subject site and Locality.**

The subject land is located described as 30 Curlys Lane, Ellendale and has frontage to this road and Ellendale Road. It is irregular in shape, with the Jones River forming the property boundary to the north, east and south east. The property is characterised by grassland and is relatively level.

The property is located 400m north of Ellendale recreation ground and is within the Village Zone of the Central Highlands Interim Planning Scheme 2015. The property is within the Bushfire Prone Area Code and the Waterway & Coastal Protection Code overlays of the Planning Scheme.

The property has a dominant north-easterly aspect and is surrounded by land used for agricultural production, with some scattered residential development. An existing residential property at 990 Ellendale Road is located adjacent to the south-west corner of the property.



**Fig 1.** Location and zoning of the property (blue shaded), indicating the Village Zone (orange) and surrounding Rural Resource Zone (cream), the Waterway & Coastal Protection Code is shown in blue lines, brown lines indicate the Bushfire Prone Area Code. (Source: LISTmap, accessed 1/8/2022)



**Fig 2.** Aerial photo of the subject land and surrounding area, title marked blue shaded Source: LISTmap, accessed 1/8/2022).

**Exemptions**

Nil

**Special Provisions**

Nil

**Use standards**

There are no applicable use standards for subdivision.

**Development standards for Subdivision**

The subject land is in the Village Zone of the Central highlands Interim planning Scheme 2015. The proposal must satisfy the requirements of the following development standards, relevant to subdivisions:

**16.0 Village Zone**

**16.5 Development Standards for Subdivision**

**16.5.1 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 development, consistent with the Zone Purpose, located to avoid hazards and values;
- (c) are capable of providing for a high level of residential amenity including privacy, good solar access; and passive surveillance of public spaces;
- (d) are not internal lots, except if the only reasonable way to provide for efficient use of land;
- (e) are provided in a manner that provides for the efficient and ordered provision of infrastructure.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 The size of each lot must be no less than as specified below, except if for public	P1 No Performance Criteria.	The Acceptable Solution A1 is met, proposed Lot 1 is 3802m <sup>2</sup>

<p>open space, a riparian or littoral reserve or utilities:</p> <p>(a) no less than 1,000 m2.</p>		<p>and the balance of the lot is 1.26ha.</p>
<p>A2 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) has the long axis of the developable area facing north or within 20 degrees west or 30 degrees east of north;</p> <p>(f) is a minimum of 10 m x 15 m in size.</p>	<p>P2 The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) be 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 maximum solar access, given the slope and aspect of the land;</p> <p>(d) minimises the need for earth works, retaining walls, and fill and excavation associated with future development;</p> <p>(e) provides for sufficient useable area on the lot for both of the following;</p> <p>(i) on-site parking and manoeuvring;</p> <p>(ii) adequate private open space.</p>	<p>The proposed subdivision is within two codes of the Planning Scheme and must therefore be assessed against the Performance Criteria P2.</p> <p>The proposed subdivision is adequately sized to capably accommodate residential use, whilst meeting the Bushfire Prone Area Code and the Waterway &amp; Coastal Protection Code.</p> <p>Solar access for future development can be achieved given the slope and access of the land, earth works, cut and fill can be minimised.</p> <p>Sufficient useable area for on-site parking, manoeuvring and open space can be provided.</p> <p>The proposal meets the Performance Criteria P2.</p>
<p>A3 The frontage for each lot must be no less than 15 m, except if for public open space, a riparian or littoral reserve or utilities or if an internal lot.</p>	<p>P3 The frontage of each lot must satisfy all of the following:</p> <p>(a) provides opportunity for practical and safe vehicular and pedestrian access;</p> <p>(b) provides opportunity for passive surveillance between residential development on the lot and the public road,</p> <p>(c) is no less than 6m.</p>	<p>The Acceptable Solution A3 is met, proposed Lot 1 and Balanced lot both have frontages of no less than 15m.</p>
<p>A4 No lot is an internal lot.</p>	<p>P4 An internal lot must satisfy all of the following:</p> <p>(a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only</p>	<p>The Acceptable Solution A4 is met, no lot is an internal lot.</p>

	<p>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>(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 residential land and infrastructure;</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 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>	
A5 Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.	P5 Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.	Not applicable, the property is vacant with no existing buildings.

### 16.5.2 Roads

To ensure that the arrangement of new roads within a subdivision provides for all of the following:

(a) the provision of safe, convenient and efficient connections to assist accessibility and mobility of the community;

(b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic;

(c) the efficient ultimate subdivision of the entirety of the land and of neighbouring land.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
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<p>A1 The subdivision includes no new road.</p>	<p>P1 The arrangement and construction of roads within a subdivision must satisfy all of the following:</p> <p>(a) the route and standard of roads accords with any relevant road network plan adopted by the Planning Authority;</p> <p>(b) the appropriate and reasonable future subdivision of the entirety of any balance lot is not compromised;</p> <p>(c) the future subdivision of any neighbouring or nearby land with subdivision potential is facilitated through the provision of connector roads and pedestrian lanes, where appropriate, to common boundaries;</p> <p>(d) an acceptable level of access, safety, convenience and legibility is provided through a consistent road function hierarchy;</p> <p>(e) cul-de-sac and other terminated roads are not created, or their use in road layout design is kept to an absolute minimum;</p> <p>(f) connectivity with the neighbourhood road network is maximised;</p> <p>(g) the travel distance between key destinations such as shops and services is minimised;</p> <p>(h) walking, cycling and the efficient movement of public transport is facilitated;</p> <p>(i) provision is made for bicycle infrastructure on new arterial and collector roads in accordance with Austroads Guide to Road Design Part 6A;</p> <p>(j) any adjacent existing grid pattern of streets is extended, where there are no significant topographical constraints.</p>	<p>The Acceptable Solution A1 is met, no new roads are proposed.</p>
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**16.5.3 Ways and Public Open Space**

To ensure that the arrangement of ways and public open space provides for all of the following:  
(a) the provision of safe, convenient and efficient connections to assist accessibility and



mobility of the community;  
 (b) the adequate accommodation of pedestrian and cycling traffic.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 No Acceptable Solution.</p>	<p>P1 The arrangement of ways and public open space within a subdivision must satisfy all of the following:</p> <p>(a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;</p> <p>(b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;</p> <p>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</p> <p>(d) convenient access to local shops, community facilities, public open space and public transport routes is provided;</p> <p>(e) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</p> <p>(f) provides for a legible movement network;</p> <p>(g) the route of new ways has regard to any pedestrian &amp; cycle way or public open space plan adopted by the Planning Authority;</p> <p>(h) Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.</p> <p>(i) new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:</p> <p>(i) the width of the way;</p>	<p>Connections for vehicles and pedestrians will be made to Ellendale Road for Lot 1 and the balanced lot.</p> <p>Connections will be made to the common boundary, Ellendale Road via the existing road network.</p> <p>No internal roads are proposed for the subdivision as yet.</p> <p>Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.</p> <p>The proposed subdivision meets the Performance Criteria P1.</p>

	<ul style="list-style-type: none"> <li>(ii) the length of the way;</li> <li>(iii) landscaping within the way;</li> <li>(iv) lighting;</li> <li>(v) provision of opportunities for 'loitering';</li> <li>(vi) the shape of the way (avoiding bends, corners or other opportunities for concealment).</li> </ul>	
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#### 16.5.4 Services

To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1 It is not necessary to connect a lot to a reticulated potable water supply.</p>	<p>P1 No Performance Criteria.</p>	<p>The proposed subdivision meets the Acceptable Solution A1, as the balanced lot will be served by an existing water supply and the new Lot 1 will have a suitably sized connection, in line with the SPAN provided by Taswater and contained within the conditions of this Planning Permit.</p>
<p>A2 Each lot must be connected to a reticulated sewerage system where available.</p>	<p>P2 Where a reticulated sewerage system is not available, each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</p>	<p>The area is not serviced by a reticulated sewerage system, therefore the proposed subdivision must be assessed against the Performance Criteria P2.</p> <p>Both lot 1 and the balance lot contain adequate space to provide an on-site wastewater treatment system. The Performance Criteria P2 is met.</p>
<p>A3 Each lot must be connected to a stormwater system able to service the building area by gravity.</p>	<p>P3 If connection to a stormwater system is unavailable, each lot must be provided with an on-site stormwater management system adequate for the future use and development of the land.</p>	<p>There is no stormwater system available in the area, therefore the proposed subdivision must be assessed against the Performance Criteria P3.</p> <p>Lot 1 and the balanced lot contain adequate space for an on-site stormwater system for future development. In addition, a drainage easement to the rear of Lot 1 to the Jones River is shown on the proposed plan of subdivision.</p>

#### Codes

##### **E1 Bushfire-Prone Areas Code**

The Bushfire-Prone Code applies to subdivision of land that is located within a bushfire-prone area.

E1.6 Development Standards, E1.6.1 Subdivision: Provision of Hazard Management Areas requires that a Bushfire Risk and Hazard Management Plan be prepared by TFS or an accredited person.

A Bushfire Hazard Report has been submitted as a part of the application, prepared by Geo-Solutions April 2022. This report includes a Certificate confirming that both lots Provides BAL-12.5, access complies with requirements and reticulated water supply complies with requirements for Lot 1 and static water supply consistent with relevant tables for the Balance Lot. The report has been certified by an accredited Bushfire Assessor.

#### ***E5.0 Road & Railway Assets Code***

This Code applies to use and development that involves changes to access arrangements.

No development is proposed within 50m of a railway network or category 1 or 2 road. No new access or junction is proposed within an area subject to a speed limit of more than 60 km/h.

Access to the balance lot is via an existing vehicular access from Ellendale Road. A new property access is proposed for Lot 1. The new access for Lot 1 will be designed and constructed to Council standards.

The proposed subdivision meets the criteria and standards of the Code.

#### ***E6.0 Parking & Access Code***

Both lots have a single point of vehicular access onto Ellendale Road and will be designed and constructed to meet Council standards. A new access from Ellendale Road to Lot 1 will be required, whereas the balance of the lot will require an upgraded access from Ellendale Road. The design of the accesses will need to be in accordance with the standard drawings and conditions are recommended in regard to this.

The proposed subdivision meets the criteria and standards of the Code.

#### ***E7.0 Stormwater Management Code***

Stormwater is proposed to be disposed of by gravity to the public stormwater infrastructure of Ellendale Road. In addition a proposed drainage easement of 3.0 has been provided into the Jones River and is shown on the Proposed Plan of Subdivision.

The proposed subdivision meets the criteria and standards of the Code.

#### ***E11.0 Waterway and Coastal Protection Code:***

The property boundary is formed by Jones River, which is covered by the Waterway Protection Areas under the Waterway and Coastal Protection Code. The Code applies to all development including subdivision.

The proposed subdivision will not unnecessarily impact on the natural values, a small area of Lot 1 is within the code overlay, however this is outside of the building area and Bushfire Hazard management Area and within a potable water supply area.

The proposed subdivision meets the criteria and standards of the Code.

#### **Representations**

The Development Application was advertised for the statutory 14 days period from 17 June until 1<sup>st</sup> July 2022 during which time no representations were received.

#### **Conclusion**

The proposal for the 1 Lot subdivision plus Balance of 30 Curlys Lane, Ellendale CT 244366/1 is assessed to comply with the applicable standards of the Village 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, 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 DA2022/64 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.

This determination has to be made no later than 19<sup>th</sup> August 2022, which has been extended beyond the usual 42 day statutory time frame with the consent of the application.

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 DA2022/64 1 Lot plus Balance Subdivision at 30 Curlys Lane, Ellendale CT 244366/1 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 DA2022/64 1 Lot plus Balance Subdivision at 30 Curlys Lane, Ellendale CT 244366/1, 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 DA2022/64 1 Lot plus Balance Subdivision at 30 Curlys Lane, Ellendale CT 244366/1, 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 DA2022/64 1 Lot plus Balance Subdivision at 30 Curlys Lane, Ellendale CT 244366/1, 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 :-

### **Recommended 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.

#### *Public Open Space Contribution*

- 3) Council requires that an amount equal to five percent (5%) of the unimproved value of the land 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.
- 4) The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey.

#### *TasWater*

- 5) Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P (2) (b) TasWater impose conditions on the permit as per Submission to Planning Authority Notice TWDA 2022/00924-CHL dated 21/07/2022 (attached).

#### *Bushfire Hazard Management*

- 6) The development and works must be carried out in accordance with the approved Bushfire Hazard Report prepared by GEO Environmental Solutions, April 2022, J6843v1.

#### *Services*

- 7) 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.
- 8) Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and the satisfaction of Council's General Manager.

#### *Access*

- 9) A sealed vehicle access must be provided from the road carriageway to Lot 1. The access must be located and constructed in accordance with the standards shown on standard drawings TSD-R09-v2 and the satisfaction of Council's Works Manager.
- 10) The access strip to the Balance Lot is to be sealed from Ellendale Road to the lot proper.

#### *Easements*

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

#### *Endorsements*

- 12) 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.

#### *Final plan*

- 13) 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.
- 14) A fee of \$205.00, 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.
- 15) 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.
- 16) 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) If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

## Submission to Planning Authority Notice

Council Planning Permit No.	DA 2022/64	Council notice date	15/06/2022
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2022/00924-CHL	Date of response	21/07/2022
TasWater Contact	Timothy Carr	Phone No.	0419 306 130
<b>Response issued to</b>			
Council name	CENTRAL HIGHLANDS COUNCIL		
Contact details	kbradburn@centralhighlands.tas.gov.au		
<b>Development details</b>			
Address	ELLENDALE RD, ELLENDALE	Property ID (PID)	7313544
Description of development	Subdivision - 1 lot		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
PDA	Proposed Subdivision – 48762CT-1	0	21/03/2022
<b>Conditions</b>			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>3. Prior to commencing construction of the subdivision, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol> <p><b>FINAL PLANS, EASEMENTS &amp; ENDORSEMENTS</b></p> <ol style="list-style-type: none"> <li>4. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made. <i>Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.</i></li> <li>5. In the event that the DN63mm water main is located in the proposed Balance of FR 244366/1 a Pipeline easement to TasWater's satisfaction, must be created over the existing TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions and requirements.</li> </ol> <p><b>DEVELOPMENT ASSESSMENT FEES</b></p> <ol style="list-style-type: none"> <li>6. The applicant or landowner as the case may be, must pay a development assessment fee of \$226.71, POA and a Consent to Register a Legal Document fee of \$239.90 to TasWater, as approved</li> </ol>			

by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.  
The payment is required within 30 days of the issue of an invoice by TasWater.

#### Advice

##### General

For information on TasWater development standards, please visit <https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit <https://www.taswater.com.au/building-and-development/development-application-form>

##### Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

A copy of the GIS is included in email with this notice and should aid in updating of the documentation. The location of this infrastructure as shown on the GIS is indicative only.

(a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure.

Further information can be obtained from TasWater

(b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit [www.taswater.com.au/Development/Service-location](http://www.taswater.com.au/Development/Service-location) for a list of companies

(c) TasWater will locate residential water stop taps free of charge

#### Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

#### TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au



- |  |                                     |                                 |
|--|-------------------------------------|---------------------------------|
| <b>TasWater Infrastructure</b>         | <b>Private Infrastructure</b>       | <b>Abandoned Infrastructure</b> |
| — Water Reticulation Main              | — Water Mains - Private             | — Water Abandoned Line          |
| — Stormwater Rising Main               | — Stormwater Gravity Main - Private | — Sewer Abandoned Line          |
| — Stormwater Gravity Reticulation Main | — Sewer Pressurised Mains - Private | — Recycled Water Abandoned Line |
| — Sewer Pressure Reticulation Main     | — Sewer Gravity Mains - Private     |                                 |
| — Sewer Rising Main                    | — Recycled Water Mains - Private    |                                 |
| — Sewer Gravity Reticulation Main      |                                     |                                 |
| — Recycled Water Distribution Main     |                                     |                                 |

**NOTE:**  
 The representation of the TasWater assets shown on this map was derived from data supplied by TasWater. TasWater makes no representation as to the accuracy or completeness of the assets shown on this map.





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## 6.1 PROPOSED TOWNSHIP STRUCTURE PLANNING PROJECT

### REPORT BY

Council Planning Consultant (SMC) Damian Mackey

### ATTACHMENT

Project Brief – Draft 6 – 3 August 2022.

### PURPOSE

The purpose of this report is to progress the initiative to develop 'structure plans' for the townships of Bothwell, Ouse & Hamilton and possibly Miena, Gretna and Ellendale/Fentonbury. In particular, the 'workshopping' of the draft Project Brief at the Planning Committee.

### BACKGROUND

The feedback received during last year's public notification of the Central Highlands Draft Local Provisions Schedule brought into focus a need to undertake strategic land use planning exercises for the townships of Bothwell and Ouse. Furthermore, it is now standard practice for the Tasmanian Planning Commission to require that proposed planning scheme amendments within towns are supported by wholistic strategic planning. In other words: 'structure plans.

The State Planning Office (SPO) within the Department of Premier and Cabinet has advised it has funds available to assist Councils with this kind of work. The Central Highlands project has been costed at 240,000 over two financial years. The SPO has confirmed it will provide up to \$140,000, with the first financial year's allocation of \$70,000 confirmed. Through the recent budgeting workshop process, Council has allocated the necessary funds for the coming financial year. In short, the project is funded and can commence.

Recently, Council considered the timing of the project in regard to the need to appoint a Project Steering Committee that can see the project through to completion, and a recent proposal from the SPO that a component of the first stage of the project be undertaken in conjunction with the other rural councils in Southern Tasmania.

At the July Council meeting the following was resolved:

#### THAT:

- A. The Project Steering Committee be appointed after the October Council elections;
- B. Prior to October, full Council develop the Project Brief to a penultimate stage, to be finalised under the new Council after the elections.
- C. That Council join with the State Planning Office's proposed regional approach to a Residential Demand Analysis, which will be one component of the first phase of Council's township structure planning project.

### THE STRUCTURE PLANNING PROCESS

The development of a structure plan is generally undertaken by suitably qualified and experienced independent consultants appointed by Council and working under the direction of a Council-appointed Project Steering Committee.

Prior to seeking proposals from potential consultants, a Project Brief needs to be finalised setting out the key components of the project, such as necessary research, timeframes, community consultation, specific matters that have already been identified, outputs and the project budget. It is essential to build

into the process substantial community involvement. This will ensure the vision developed for a town is the best it can be, and the local community have a level of ownership. There are usually two phases of community involvement. The first phase is a structured process run by the consultants calling for all manner of ideas, issues, problems, risks, opportunities, etc, from the community. This usually involves a community workshop held at a venue in the town, along with a submission process for those unable to attend.

The second phase of community consultation is undertaken after the consultants (with Council) have developed a draft of the structure plan, which is put out to the community for comment.

Other inputs besides that from the community include research on population growth forecasts, residential land demand & supply analysis, demographic trends, gaps in social services, key infrastructure issues and system capacities (water, sewer, roads, etc.), employment trends including existing and future industry sectors and a range of other issues that might be identified at the community workshops. All inputs contribute to a collective 'visioning' phase of the process

## **BENEFITS**

The final structure plans would set out an agreed vision for each town. Desirable zone changes would be highlighted and the strategic planning rationale explained. Recommendations may also go to community infrastructure and/or facilities that may be missing or inadequate. Where such facilities are within Council's purview, the Structure Plan recommendations can inform Council's future works program and budgeting as well as support grant applications to State or Federal Government. Where such facilities are State-level responsibilities, the Structure Plan can be used to bolster Council's lobbying efforts.

## **GOVERNANCE**

Full Council would always provide high level governance and make/endorse key decisions. The Steering Committee would provide regular direction and governance, and report back to full Council at key decision points. These would be specified in the Project Brief. Day-to-day liaison with the project consultants will be through a Project Manager, who will report to the Project Steering Committee.

As determined at the last Council meeting, the Steering Committee is to be appointed following the October council elections. This will provide governance continuity for the life of the project.

## **DRAFT PROJECT BRIEF**

A draft Project Brief is provided in Attachment 1 for consideration in detail at the Planning Committee meeting. It is intended that the document be 'workshopped' at the meeting. Councillors will note that there are a number of blanks and questions, highlighted in yellow, where particular input is needed.

As determined at the last Council meeting, the intention is that the Project Brief be developed to a high level before the October council elections. This will provide the Steering Committee, once appointed after the elections, with a sound basis to then finalise the document.

## **RECOMMENDATION**

**Moved:** Clr

**Seconded:** Clr

**THAT** the Draft Project Brief, as amended by the Planning Committee be forwarded to Council for consideration.

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## **6.2 SUBMISSION TO THE FIVE-YEAR STATUTORY REVIEW OF THE STATE PLANNING PROVISIONS**

### **REPORT BY**

Planning Consultant (SMC) Damian Mackey

## ATTACHMENTS

- State Planning Provisions Review Scoping Paper
- State Planning Provisions

## PURPOSE

The purpose of this report is to develop a submission to the State's five-year statutory review of the State Planning Provisions (the SPPs).

The submission period was initially intended to close on 29 July, but this has been extended to 14 August. It is proposed that a submission be developed at the Planning Committee meeting on 9 August and submitted before the 14 August deadline. If full Council amends the submission when endorsing it at its meeting on 16 August, Council would simply then submit the amended version.

## BACKGROUND

The attached *State Planning Provisions Review Scoping Paper* outlines what the SPPs are and why this review is being undertaken.

The SPPs form the great majority of the ordinance of the Tasmanian Planning Scheme, with the local provisions (as set out in each Council's Local Provisions Schedule) constituting a just small fraction. Around half of the Councils in the State have completed the move over to the Tasmanian Planning Scheme. Central Highlands will join them once the final hearings into its Draft Local Provisions Schedule are held at the Planning Commission in September and the Commission issues its final decisions on the matters of contention. The SPPs will therefore be a crucial part of the planning rules in the Central Highlands in the future.

Whilst many Councils are yet to complete the move to the Tasmanian Planning Scheme, the State Planning Provisions are now actually five years old. The legislation directs that the State must review the SPPs every five years, hence the review now underway.

This provides an opportunity for Council to raise some of the issues that arose through the process of developing the Local Provisions Schedule over the last few years. A number of these are set out below for discussion at the Planning Committee meeting. Councillors are encouraged to raise any other State Planning Provision matters for discussion.

## THE AGRICULTURE ZONE

### Spatial Application

The 'recalibration' of the previous Significant Agriculture and Rural Resource zones into the new Agriculture and Rural zones is the most significant change introduced by the SPPs for Central Highlands Council. The new Agriculture Zone provisions combined with the spatial allocation rules caused significant problems in the creation of the Local Provisions Schedule. The core issue is that there is a fundamental mis-match between the provisions of the zone and its spatial allocation rules.

The written provisions are essentially that of a *significant agriculture zone*, as they give almost absolute primacy to agricultural use to the exclusion of other uses, whilst the spatial allocation rules dictate that it should apply to good, average and poor agricultural land. Therefore, it ostensibly ought to cover a very large proportion of the Tasmanian countryside, whilst removing significant economic development opportunities from that land, (being almost anything that is a non-agricultural rural use).

Furthermore, implicit in the zone is the notion that the agricultural potential of the land is so important and the land so rare, that the Priority Vegetation Overlay must not apply. This principle is correct for genuinely important agricultural land, but not for poor or modest quality agricultural land.

The mis-match between the written provisions and the spatial allocation rules has resulted in a situation where the overall effect has gone far beyond Parliament's intention as expressed in the State Policy on the Protection of Agricultural Land.

Eleven principles are contained within the PAL Policy aimed at identifying and protecting agricultural land through regulations in planning schemes. Five of the eleven principles relate specifically to Prime

Agricultural Land whilst four of the remainder pertain to various forms of significant agricultural land. It is therefore appropriate that these nine principles are implemented through the Agriculture Zone and that in only apply to Prime Agricultural Land and other agricultural land considered 'significant'.

It is appropriate that the remaining two principles are implemented through the Rural Zone. It is important to recognise that both the Agriculture and Rural Zones are 'agriculture zones' in essence. The difference is that the Agriculture Zone is a restrictive single-purpose zone focussed on agriculture only, whilst the alternative Rural Zone is a multi-purpose zone able to accommodate not only agriculture but the full range of rural activities ranging from mining & forestry to lower-order nature conservation.

The current zone allocation rules provide that the default zone is Agriculture, with the Rural Zone to apply where it can be demonstrated that the Agriculture Zone is inappropriate. This is back-the-front, and will lead to the loss of sound economic development initiatives in rural areas. It is the Rural Zone that is the flexible multi-purpose, flexible zone, and it should be the default with the Agriculture Zone only applying where the PAL Policy warrants it. To do otherwise is bureaucratic policy over-reach.

It is contended that the Southern Region's application of the Significant Agriculture Zone in the 2015 Interim Planning Schemes is far more in alignment with the PAL Policy than the SPPs Agriculture Zone.

### **Residential Use**

The Agriculture Zone appears to allow, as a discretionary use, farm workers' accommodation. For clarity, the list of examples under the definition of 'Residential' should be expanded to specifically include farm workers' accommodation.

### **Access for New Dwellings**

The Agriculture Zone provides that access for new dwellings must be either by direct frontage to a public road or via a right-of-way to such a road. This excludes the possibility of the use of a Reserved Road, and would render many titles in the large expanses of the Central Highlands off-limits for a new dwelling. In the past it has not been uncommon for landowners to obtain a Crown licence to use Reserved Roads for access, and this should be possible in the future, at the Planning Authority's and the Crown's discretion.

## **THE RURAL ZONE**

### **Landscape Provisions**

The old Rural Resource Zone contains (brief) provisions aimed at minimising unnecessary impacts on the rural landscape. The new Rural Zone contains no such provisions, and it appears the intention of the SPPs is that if a rural area is considered to have particularly important scenic landscape qualities, then the Planning Authority should establish a Scenic Protection Area or a Scenic Road Corridor under the Scenic Protection Code.

This proposition is costly to pursue and the outcome would, in many circumstances, be 'regulatory overkill'.

The existing Rural Resource provisions provide Planning Authorities with an efficient, flexible and 'light touch' mechanism to minimise unnecessary visual impacts which in practice would often be achieved by conditions of approval relating to external colour and/or the planting of screening trees, for example.

The proposed establishment of Scenic Protection Areas raises the issue by several orders of magnitude, both in a local political sense and in the regulatory outcome. It creates a sledgehammer for cracking what are, in most circumstances, walnuts.

The reintroduction of landscape protection provisions similar to those in the Rural Resource Zone should be considered.

### **Access for New Dwellings**

The Rural Zone provides that access for new dwellings must be either by direct frontage to a public road or via a right-of-way to such a road. This excludes the possibility of the use of a Reserved Road, and would render many titles in the large expanse of the Central Highlands off-limits for a new dwelling. In the past it has not been uncommon for landowners to obtain a Crown licence to use Reserved Roads for access, and this should be possible in the future, at the Planning Authority's and the Crown's

discretion.

## **THE LOCAL HISTORIC HERITAGE CODE**

Clause C6.2.2 of the Local Historic Heritage Code provides that if a site is listed as a Local Heritage Place and is within a Local Heritage Precinct, any development application is not subject to the rules of the Local Heritage Precinct.

This misses the point of Local Heritage Precincts, which are concerned with visual impacts on an entire streetscape, or townscape.

This provision should be removed.

## **LANDSCAPE CONSERVATION ZONE / SCENIC PROTECTION CODE**

The Landscape Conservation Zone does the same thing as the Scenic Protection Code. The issue at hand, protecting important landscape values, is a matter best suited to a code overlay, as such values may extend over a wide area in which the best underlying zone may change.

The need for the Landscape Conservation Zone should be questioned. It would appear that wherever the zone has been applied in Local Provisions Schedules so far, the same result could have been achieved by using one of the other zones combined with a Scenic Protection Area overlay.

## **RECOMMENDATION**

**Moved:** Clr

**Seconded:** Clr

**(Subject to discussion)**

**THAT** the above points be submitted to the State's five-year statutory review of the State Planning Provisions.

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## **6.3 ASSESSMENT OF MAJOR DEVELOPMENT APPLICATIONS**

The assessment of major development applications has been discussed at previous meetings.

Council has a current resource share arrangement with Southern Midlands Council for a Planning Officer one day per week to undertake routine planning and development application assessments. Council has seen an increase in enquiries and the number of applications submitted over the past few years which is being managed during the one day per week. Southern Midlands Council have advised that they do not have the resources to provide additional coverage to assess major developments of this kind.

For this reason, during budget deliberations the budget allocation for consultants was increased knowing that one large development application would likely be submitted during this financial year and Council would have to engage a consultant planner to undertake the assessment.

Council Officers have recently met with a Developer who has advised a Development Application will be submitted soon. Based on this Council will need to have resources in place to undertake the assessment of the application.

***For Discussion***

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## **7.0 OTHER BUSINESS**

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## **8.0 CLOSURE**

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