

**MINUTES OF THE PLANNING COMMITTEE MEETING
OF THE CENTRAL HIGHLANDS COUNCIL HELD
IN THE BOTHWELL TOWN HALL
AT 9.05AM ON TUESDAY 14th JULY 2020**

1.0 PRESENT

Clr Allwright (Chairperson), Mayor Triffitt, Clr Poore & Clr Cassidy (attended at 9.10am)

IN ATTENDANCE

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

2.0 APOLOGIES

Nil

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 Poore**

Seconded **Mayor Triffitt**

THAT the Draft Minutes of the Planning Committee Meeting of Council held on January 14th January 2020 to be confirmed.

Carried

For the Motion: Clr Allwright, Mayor Triffitt & Clr Poore

5.0 QUESTION TIME & DEPUTATIONS

Nil

**6.0 DA2020/17 : SUBDIVISION – REORGANISATION OF BOUNDARIES – 2
TITLES: CT 152049/1 & 131904/1 FOURTEEN MILE ROAD, BRONTE PARK**

Report by

Jacqui Tyson (Senior Planning Officer)

Applicant

Nick Griggs & Co Land Surveyors

Owner

T L Wood

Discretions

26.5.2 (A1) Reorganisation of boundaries

Proposal

The proposal is to reorganise the boundaries of two existing titles located on the eastern side of Fourteen Mile Road and south of Laughing Jack Road.

The purpose of the boundary reorganisation is to create a standalone title around an existing gravel quarry and consolidate the remaining land into a single title. This will allow for continued operation and efficient management of the quarry while making the remainder of the land available for sale.

The existing titles are undeveloped (other than the quarry) and are described below:

- CT152049/1– approximately 12ha with a long frontage to Fourteen Mile Road. Contains most of the quarry and associated mining lease; and
- CT131904/1 – approximately 74ha, with a section of frontage to Fourteen Mile Road and northern boundary fronting Laughing Jack Road.

Under the proposal, a lot of 6ha (Lot 1) will be created around the quarry, containing the entire mining lease area. Lot 1 will retain over 200m of frontage to Fourteen Mile Road.

The majority of the land will be consolidated in one title (Lot 2) with an area of approximately 80ha. Lot 2 will have extensive frontage to Fourteen Mile Road to the east and Laughing Jack Road to the north. The southern boundary is formed by the Clarence River.

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 a rural holding used for the quarry and for forestry purposes.

The land is located on the eastern side of Fourteen Mile Road and the southern side of Laughing Jack Road. The land extends south to the Clarence River. The land is approximately 2.5km south of the Lyell Highway.

The locality is largely characterised by mixed use rural land, including forest and cleared grazing land.

The nearest settlement is Bronte Park around 7.5km to the north east.

The site and surrounding land is zoned Rural Resource.

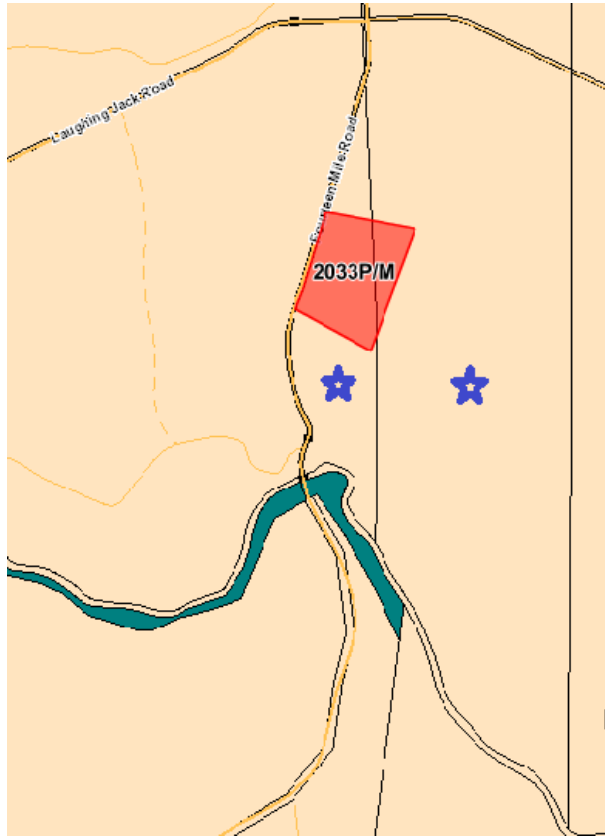


Fig 1. Location and zoning of the subject land (marked by blue stars) in the Rural Resource zone (Cream), with the mining lease shown in red. Part of the Clarence River is located in the Environmental Management Zone (Dark green) (Source: LISTmap).

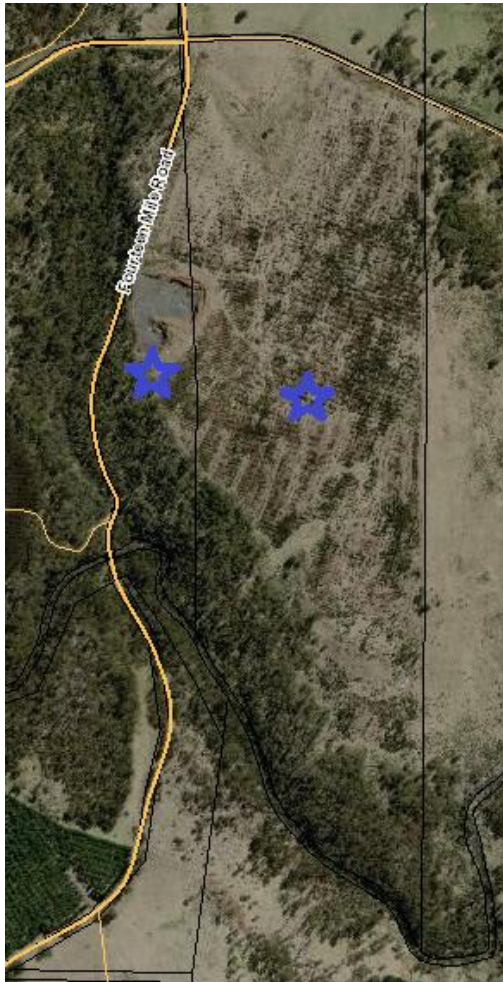


Fig 2. Aerial photo of the subject land and surrounding area, subject land marked with blue points (Source: LISTmap)

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:	The proposal must be assessed against the Performance Criteria P1 as the lots are not for public open space, a riparian or

	<p>(a) all existing lots are adjoining or separated only by a road;</p> <p>(b) no existing lot was formally a crown reserved road or other reserved land;</p> <p>(c) provide for the sustainable commercial operation of the land by either:</p> <p>(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,</p> <p>(ii) encompassing an existing or proposed non-agricultural rural resource use in one lot;</p> <p>(d) if a lot contains an existing dwelling, setbacks to new boundaries satisfy clause 26.4.2;</p> <p>(e) if containing a dwelling, other 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</p>	<p>littoral reserve or utilities.</p> <p>(a) Complies – the existing lots are adjoining.</p> <p>(b) Complies – none of the lots were a crown reserved road or other reserved land.</p> <p>(c) Complies The proposal will create a lot encompassing an existing non-agricultural rural resource use (Lot 1) around the quarry and Lot 2 will consolidate the majority of the land and has the qualities of a primary agricultural lot.</p> <p>(d) There are no existing buildings or dwellings.</p> <p>(e) The land does not contain any dwellings.</p> <p>(f) The proposed Lot 2 is vacant; however it represents the primary agricultural lot and contains an area capable of accommodating residential development if desired. The proposal will not require any significant increase in demand for public infrastructure or services.</p>
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	<p>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>(g)</p> <p>(i) Complies – Both lots are larger than 1ha.</p> <p>(ii) The lots will have sufficient frontages to Fourteen Mile Road and Laughing Jack Road (Lot 2).</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.

E8.0 Attenuation Code

The Attenuation Code applies to the existing gravel quarry on the land.

An Attenuation Area applies to land around the quarry site and would restrict development for a sensitive use, such as a dwelling, in this area.

Lot 2 is around 80ha so there is sufficient area to allow for any future development for a sensitive use to be located outside the Attenuation Area for the quarry, protecting both uses from land use conflict.

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 1st June 2020 until 16th June 2020.

No representations were received.

Conclusion

The proposal for the subdivision (boundary reorganisation) of two titles located at Fourteen Mile Road, Bronte Park 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 DA2020/17 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 DA2020/17 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 DA2020/17 for subdivision (reorganisation of boundaries) at CT152049/1 & 131904/1 Fourteen Mile Road, Bronte Park, 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 DA2020/17 for subdivision (reorganisation of boundaries) at CT152049/1 & 131904/1 Fourteen Mile Road, Bronte Park, 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 DA2020/17 for subdivision (reorganisation of boundaries) at CT152049/1 & 131904/1 Fourteen Mile Road, Bronte Park, 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

Moved **Clr Poore**

Seconded **Mayor Triffitt**

The proposal is assessed to substantially comply with the requirements of the Central Highlands Interim Planning Scheme 2015 and so in accordance with section 57 of the Land Use Planning and Approvals Act 1993, the Planning Authority is recommended to approve the application for DA2020/17 for subdivision (reorganisation of boundaries) at CT152049/1 & 131904/1 Fourteen Mile Road, Bronte Park, subject to the conditions below.

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.

Easements

- 3) 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.

Covenants

- 4) 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

- 5) 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

- 6) 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

- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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 Poore

Clr Cassidy attended the meeting at 9.10am

6.1 DA2020/29: SUBDIVISION (REORGANISATION OF TITLES) – 1-2, 14 & 16 WIGRAMS WAY, LONDON LAKES

Report by

Jacqui Tyson (Senior Planning Officer)

Applicant

All Urban Planning Pty Ltd

Owner

Lot 42 Pty Ltd; J & S V & E West; V A Wardley & A K Lucan

Discretions

12.5.1 Subdivision

Proposal

The application is for a boundary reorganisation at Wigrams Way, London Lakes to move a 10m wide footway that forms part of the title encompassing Highland Waters lake from between 14 & 16 Wigrams Way to the eastern side of 14 Wigrams Way.

The footway is not constructed and no works are proposed. The owners of all three titles are supportive of the proposal.

The existing footway strip will be consolidated with 16 Wigrams Way (Lot 2) increasing the land area to 1.13ha. The new footway will be transferred from 14 Wigrams Way to the lake title, reducing the area of #14 to 9550m² (Lot 1).

The residential lots (14 and 16 Wigrams Way) are zoned Low Density Residential and the lake title is zoned Rural Resource.

The application has been prepared by a consultant planner and is supported by a planning assessment.

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 and the Rural Resource Zone, pursuant to section 26.0 of the Central Highlands Interim Planning Scheme 2015.

Subject Site and Locality

The proposal relates to land located on the southern side of Highland Waters, London Lakes, accessed from Wigrams Way. The two residential titles are currently vacant.

The London Lakes area consists of Low Density Residential lots arranged around the Highland Waters lake. Many of the lots are developed with dwelling, while others remain vacant. The surrounding area is mostly vegetated with forest.

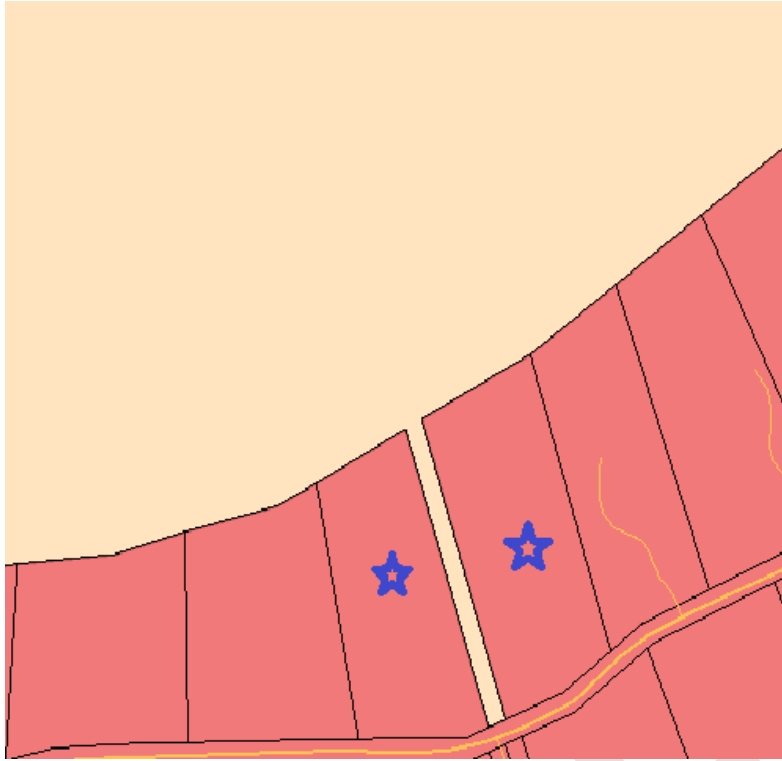


Fig 1. Location and zoning of the subject properties (marked by blue stars) in the Low Density Residential Zone, with the footway and lake title in the Rural Resource zone (Cream). (Source: LISTmap)



Fig 2. Aerial photo of the subject land and surrounding area, subject land marked with blue stars. The existing footway title is marked with a red line and the proposed location is marked with a yellow line (Source: LISTmap)

Exemptions

Nil

Special Provisions

Nil

Use standards

There are no applicable use standards for subdivision.

Low Density 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:

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>12.5.1 Lot Design To provide for new lots that:</p> <p>(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;</p> <p>(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;</p> <p>(c) are not internal lots, except if the only reasonable way to provide for desired residential density.</p>		
<p>A1</p> <p>The size of each lot must be in accordance with the following, except if for public open space, a riparian or littoral reserve or utilities:</p> <p>as specified in Table 12.1.</p>	<p>P1</p> <p>No Performance Criteria.</p>	<p><i>Table 12.1 specifies that the minimum lot size in the Low Density Residential Zone is 1500m².</i></p> <p><i>The proposed lots (1 and 2) 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</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 & dill</p>	<p><i>The design and layout of the proposed lots complies with the requirements of Acceptable Solution A2.</i></p>

<p>slope of no more than 1 in 5;</p> <p>(e) is a minimum of 10 m x 15 m in size.</p>	<p>associated with future development;</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 is provided with frontage of more than 30m to Wigrams Way in compliance with the Acceptable Solution.</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>(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</p>	<p><i>No lot is an internal lot, complying with the Acceptable Solution.</i></p>

	<p>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>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>

12.5.3 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 for accessibility, mobility and recreational opportunities for the community;
- (b) the adequate accommodation of pedestrian and cycling traffic;
- (c) the adequate accommodation of equestrian traffic.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>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><i>The proposal involves a footway so assessment against the Performance Criteria is required.</i></p> <p><i>The proposed relocation of the footway title will not result in any significant change to the function and potential use of this access strip in the future as no physical footway has been constructed.</i></p> <p><i>The new location will still provide a through way to the lake shore and provide the potential to formalise this in the future if the owner chooses to do so.</i></p> <p><i>All if the land involved is in private ownership. The footway is not a public asset</i></p>

	<p>(c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;</p> <p>(d) new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;</p> <p>(e) topographical and other physical conditions of the site are appropriately accommodated in the design;</p> <p>(f) the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;</p> <p>(g) 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> <ul style="list-style-type: none"> (i) the width of the way; (ii) the length of the way; (iii) landscaping within the way; (iv) lighting; (v) provision of opportunities for 'loitering'; (vi) the shape of the way (avoiding bends, corners or other opportunities for concealment). <p>(h) the route of new equestrian ways has regard to any equestrian trail plan adopted by the Planning Authority.</p>	<p><i>and this will not change.</i></p>
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Rural Resource Zone - Development standards for subdivision

The existing footway 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
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<p>A1</p> <p>A lot is for public open space, a riparian or littoral reserve or utilities.</p>	<p>P1</p> <p>The reorganisation of boundaries must satisfy all of the following:</p> <p>(a) all existing lots are adjoining or separated only by a road;</p> <p>(b) no existing lot was formally a crown reserved road or other reserved land;</p> <p>(c) provide for the sustainable commercial operation of the land by either:</p> <p>(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,</p> <p>(ii) encompassing an existing or proposed non-agricultural rural resource use in one lot;</p> <p>(d) if a lot contains an existing dwelling, setbacks to new boundaries satisfy clause 26.4.2;</p> <p>(e) if containing a dwelling, other 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</p>	<p>The proposal is considered to comply with the Acceptable Solution as it is for the relocation of an existing footway access to the lake.</p> <p>The proposal will have no impact on agricultural land.</p>
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	<p>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>	
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Codes

E3.0 Landslide Code:

Parts of the subject land are within Low Landslide Hazard Areas under the Landslide Code.

The Code applies to all development including subdivision; however this proposal meets the exemptions of the code as there are no works and the hazard area is Low.

E11.0 Waterway and Coastal Protection Code:

Parts of the subject land around the lake 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 11th June 2020 until 25th June 2020. No representations were received.

Conclusion

The proposed boundary reorganisation at Wigrams Way, London Lakes to move a footway that provides access from Wigrams Way to Highland Waters lake is assessed to comply with the requirements of the Low Density Residential and Rural Resource Zones 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 DA2020/29 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 DA2020/29 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 DA2020/29 for subdivision (reorganisation of titles) at 1-2, 14 & 16 Wigrams Way, London Lakes, 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 DA2020/29 for subdivision (reorganisation of titles) at 1-2, 14 & 16 Wigrams Way, London Lakes, 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 DA2020/29 for subdivision (reorganisation of titles) at 1-2, 14 & 16 Wigrams Way, London Lakes, 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

Moved **Clr Poore**

Seconded **Clr Cassidy**

The proposal is assessed to substantially comply with the requirements of the Central Highlands Interim Planning Scheme 2015 and so in accordance with section 57 of the Land Use Planning and Approvals Act 1993, the Planning Authority is recommended to approve the application for DA2020/29 for subdivision (reorganisation of titles) at 1-2, 14 & 16 Wigrams Way, London Lakes, subject to the conditions below.

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.

Easements

- 3) 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.

Covenants

- 4) 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.

Final plan

- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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 Poore & Clr Cassidy

7.0 OTHER BUSINESS

Planning Delegations

The delegations given to Council's Planning Officer under the *Land Use Planning and Approvals Act 1993* to assess Planning Applications were discussed.

RECOMMENDATION

Moved **Mayor Triffitt**

Seconded **Clr Poore**

THAT a workshop be held on Tuesday 11th August 2020 to discuss delegations under the *Land Use Planning and Approvals Act 1993* and any other planning issues; and

THAT Council's Senior Planning Officer prepare a discussion paper for the workshop.

Carried

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

Draft Local Provision Schedule (LPS)

Ms J Tyson advised that Damien Mackey and herself attended a post lodgement conference with the Tasmanian Planning Commission (TPC).

The TPC will now provide details on any further clarification required on the Draft LPS.

8.0 CLOSURE

There being no further business the meeting closed at 9.33am
