

MINUTES OF THE PLANNING COMMITTEE MEETING OF THE CENTRAL HIGHLANDS COUNCIL HELD AT THE BOHTWELL TOWN HALL, AT 9.00AM ON TUESDAY 13TH SEPTEMBER 2022

1.0 PRESENT

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

IN ATTENDANCE

Clr Honner, Mrs L Eyles (General Manager), Mr G Rogers (Manager DES), Mr D Mackey (Planning Consultant) Mrs L Brown (Planning Officer) – attended at 9.43am & Mrs K Bradburn (Minutes Secretary)

2.0 APOLOGIES

Clr Campbell

3.0 PECUNIARY INTEREST DECLARATIONS

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

Nil

4.0 CONFIRMATION OF MINUTES

Moved **Clr Cassidy**

Seconded **Mayor Triffitt**

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 9th August 2022 be confirmed.

Carried

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

5.0 QUESTION TIME & DEPUTATIONS

Nil

6.0 PROPOSED TOWNSHIP STRUCTURE PLANNING PROJECT

REPORT BY

Council Planning Consultant (SMC) Damian Mackey

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 and Project Plan.

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' (also known as an 'outline development 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.

Proposed governance and communication protocols are set out in more detail in the attached draft Project Plan.

As determined at the July 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 PLAN

A draft Project Plan is attached 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 where particular input is needed.

As determined at the last Council meeting, the intention is that the Project Plan 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.

DRAFT PROJECT BRIEF

Whilst the Project Plan is Council's internal guiding document, the Project Brief (similar to a Tender Specification) is intended to be distributed to potential consultants during the Request for Proposals phase.

A draft Project Brief is also attached for consideration in detail at the Planning Committee meeting, to also be finalised following the October Council elections.

Mrs L Brown attended meeting at 9.43am
Mrs K Bradburn left meeting at 9.47am
Mrs K Bradburn returned to meeting at 9.50am

RECOMMENDATION

Moved **Clr Cassidy**

Seconded **Clr Bailey**

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

Carried

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

Meeting Broke for morning tea at 10.28am
Meeting Resumed at 10.40am
Mr D Mackey left meeting at 10.40am

6.1 DA2022/77 : VISITOR ACCOMMODATION (CHANGE OF USE) : 38 PATRICK STREET, BOTHWELL

Report by

Louisa Brown (Planning Officer)

Applicant

M Blackman

Owner

M Blackman

Discretions

16.3.2 Visitor Accommodation P1

Proposal

Council is in receipt of a Development Application for a change of use from dwelling to Visitor Accommodation at 38 Patrick Street, Bothwell. The proposal is for the 5 bedroomed house to be used for visitor accommodation - to provide short or medium term accommodation, for persons away from their normal place of residence, on a commercial basis.

Subject site and Locality

The 5 bedroomed, two storey dwelling is located on Patrick Street, Bothwell. It is a prominent building within the street scene, with large gardens surrounding the home. An existing driveway provides car parking for 2-3 vehicles.

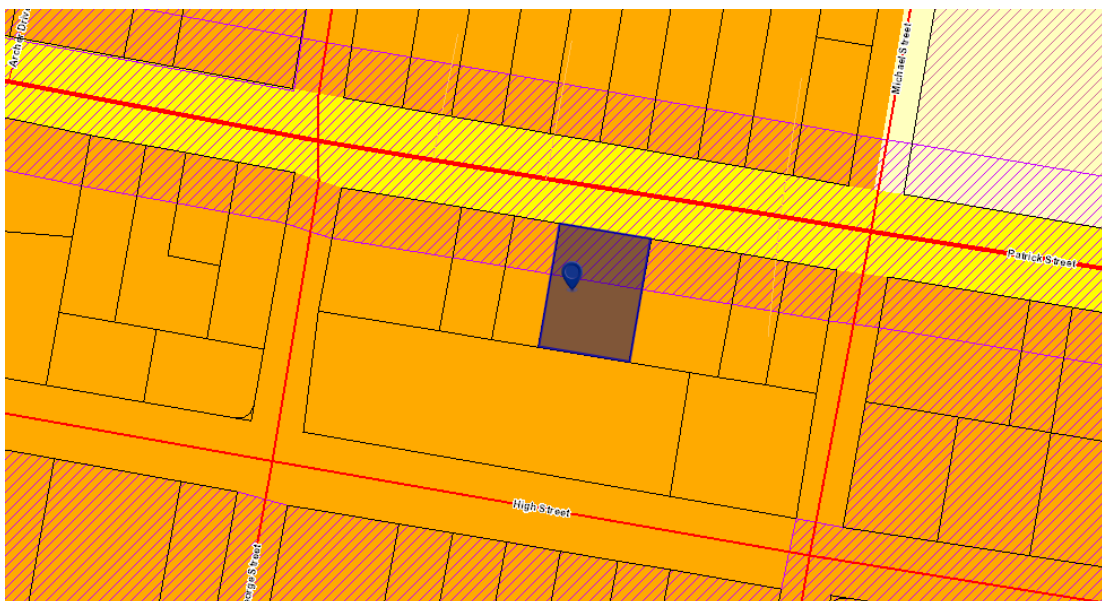


Figure 1.0 The property on Patrick Street highlighted in blue, is identified in the Village Zone (orange) and the Historic Heritage Code Overlay is on part of the property (Source: LISTmap September 2022)



Fig 2. Aerial photo of the property, highlighted in blue (Source: LISTmap September 2022)

Options

The Planning Authority must determine the Development Application DA2022/77: Visitor Accommodation (Change of use), 38 Patrick Street, Bothwell 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 DA2022/77: Visitor Accommodation (Change of use), 38 Patrick Street, Bothwell 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 DA2022/77: Visitor Accommodation (Change of use), 38 Patrick Street, Bothwell 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 DA2022/77: Visitor Accommodation (Change of use), 38 Patrick Street, Bothwell 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 :-

Discussion by Planning Committee

Clr Cassidy requested that the following be recorded in the Minutes:

Where heavy vehicles can stand or park

Heavy vehicles (GVM of 4.5 tonnes or more) or long vehicles (7.5 metres long or longer) must not stop on a length of road outside a built up area, except on the shoulder of the road. In a built up area they must stop on a length of road for longer than one hour (buses excepted). For more information on where vehicles can stand or park, refer to the Tasmanian Road Rules Handbook.

I would refer the persons making a Representation against the AirBnB to Noise Nuisance Regulations of the Tasmania EPA-

<https://epa.tas.gov.au/environment/noise/noise-management/residential-noise-and-hours-of-use>

<https://epa.tas.gov.au/about-the-epa/policy-legislation-cooperative-arrangements/acts-regulations/empca/noise-regulations>

Specifically-

The Regulations outline the following prohibited times* for the use of various types of machinery and equipment at residential premises, construction and demolition sites:

Motor vehicles (unless moving in and out of premises), thus long periods of idling beyond that necessary to reach Operating Temperature is not allowed.

Monday to Friday: Before 7am and after 6pm

Saturday: Before 9am and after 6pm

Sunday and Public Holidays: Before 10am and after 6pm

So, the heavy vehicles and prime movers with trailers are actually in violation of Tasmania Road Rules and EPA (Noise) Regulations 2016.

RECOMMENDATION

Moved: Cllr Cassidy

Seconded: Cllr

THAT the following recommendation be made to Council:

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 DA2022/77: Visitor Accommodation (Change of use), 38 Patrick Street, Bothwell subject to conditions as specified below.

Reason:

The current parking arrangements at 38 Patrick Street are sufficient.

MOTION LAPSED

RECOMMENDATION 2

Moved: Mayor Triffitt

Seconded: Cllr Bailey

THAT the following recommendation be made to Council:

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 DA2022/77: Visitor Accommodation (Change of use), 38 Patrick Street, Bothwell subject to conditions in accordance with the Recommendation.

Recommended Conditions

General

- 1) The use 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.

Approved Use

- 3) The building is approved for use as Visitor Accommodation only and must not be used for any other purpose unless in accordance with a permit issued by Council or as otherwise permitted by Council's planning scheme.

Parking & Access

- 4) At least five (5) parking spaces must be provided on the land at all times for the use of the occupiers in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.

Services

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

The following advice applies to this permit:

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing.
- C. No signs are approved as part of this permit. Signs may require further approval unless exempt under the Southern Midlands Interim Planning Scheme 2015.
- D. 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.

Carried

For the Motion: Deputy Mayor Allwright, Mayor Triffitt, Cllr Bailey & Cllr Cassidy

6.2 PETITION TO AMEND SEALED PLAN – REMOVAL OF COVENANTS TO LOT 3 OF SEALED PLAN 163527, 1280 MEADOWBANK RD, MEADOWBANK TAS 7140

REPORT BY

Planning Officer

APPLICANT

Ogilvie Jennings Lawyers

DETAIL

Council is in receipt of a Petition to remove all Covenants for Lot 3 of Sealed Plan 163527 at land located at 1280 Meadowbank Road, Meadowbank, owned by Michael Wilson.

The Petition to Amend is lodged for Council's approval pursuant to *Section 103 of Local Government (Building and Miscellaneous Provisions) Act 1993*.

The owner seeks to remove all Covenants.

OPTIONS

Council must determine the Petition to Amend Sealed Plan in accordance with one of the following options:

1. Approve :-

In accordance with section 103 of *Local Government (Building and Miscellaneous Provisions) Act 1993* the Council **Approve** the Petition to Amend Sealed Plan – 163527 Lot 3, 1280 Meadowbank Road, Meadowbank as per the wording in the Blank Instrument Form.

If approved by Council a completed 'Instrument Form' with instructions to make the necessary changes, signed and sealed by Council will need to be lodged at the Land Titles Office in accordance with the Land Titles Act 1980.

2. Refuse :-

In accordance with section 103 of *Local Government (Building and Miscellaneous Provisions) Act 1993* the Council **Refuse** the Petition to Amend Sealed Plan – 163527 Lot

3, 1280 Meadowbank Road, Meadowbank as per the wording in the Blank Instrument Form.

the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:

Reasons :-

DISCUSSION BY PLANNING COMMITTEE

Concerned about the removal of all Covenants. Not supportive of removing the following points listed on the Petition to Amend Sealed Plan:

- ii. construct or maintain any wastewater infrastructure on lot 3 north east of the line marked 100 METRE SET BACK FROM MEADOWBANK LAKE FULL SUPPLY LINE on the plan;
- iii. place a caravan on lot 3 as a permanent fixture; and
- iv. not to use a caravan on lot 3 for permanent occupation.

RECOMMENDATION

Moved: Clr Cassidy

Seconded: Mayor Triffitt

THAT the following recommendation be made to Council:

2. Refuse :-

In accordance with section 103 of *Local Government (Building and Miscellaneous Provisions) Act 1993* the Council **Refuse** the Petition to Amend Sealed Plan – 163527 Lot 3, 1280 Meadowbank Road, Meadowbank as per the wording in the Blank Instrument Form.

the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:

Reasons :-

- 1. Protection of Water Quality.
- 2. Caravans as a permanent fixture and permanent occupation.

Carried

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

7.0 OTHER BUSINESS

Nil

8.0 CLOSURE

There being no further business the Chairperson thanked everyone for attending and closed the meeting at 11.13am.