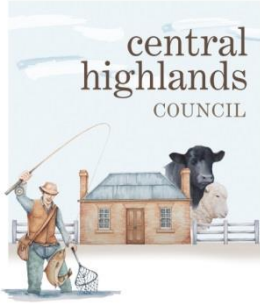




# **PLANNING COMMITTEE MEETING**

## **AGENDA**

**Tuesday 10<sup>th</sup> January 2023**



## NOTICE OF MEETING

**Council Representatives:**

Clr Allwright (Chairperson); Mayor Triffitt, Clr Cassidy &  
Clr Hall (Clr Bailey – 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, 10<sup>th</sup> January 2023, 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.

Kim Hossack  
**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 11<sup>th</sup> October 2022 to be confirmed.

*Carried*

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## 5.0 QUESTION TIME & DEPUTATIONS

Nil

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## 6.0 DA2021/72 : REORGANISATION OF BOUNDARIES & SUBDIVISION : 871 & 991 DAWSON ROAD, OUSE

### **Report by**

Louisa Brown (Planning Officer)

### **Applicant**

M Walsh, Peter Binny Surveys

### **Owner**

N Tomlin & S Danieluk Pty Ltd

### **Discretions**

26.3.3 Discretionary Use

26.5.1 Lot Design

26.5.2 Reorganisation of Boundaries

E3.8.1 Subdivision P1

## **Proposal**

Council is in receipt of a Development Application for the Reorganisation of Boundaries and Subdivision of properties at 871 & 991 Dawson Road, Ouse.

The proposal includes 871 Dawson Road, Ouse - CT 177250/2 & CT 179590/1 approximately 259ha owned by S Danieluk Pty Ltd and 991 Dawson Road, Ouse – CT 166928/3 approximately 21ha owned by N Tomlin.

The proposal seeks approval for the following:

- CT 177250/2 2 lot Subdivision creating lots 1 & 2 on the Plan of Subdivision.
- CT 166928/3 & 179590/1 boundary reorganisation shown with an adhesion symbol along existing boundary lines and subdivision creating lots 3, 4, 4 and 6 on the Plan of Subdivision.

Lot 1 – 60.17ha, accessed via Dawson Road, frontage 29.4m  
Lot 2 – 105.2ha, accessed via Dawson Road, frontage 26.1m  
Lot 3 – 45.86ha, accessed via existing Right of Way via Dunrobin Road, frontage 20m  
Lot 4 – 44.38ha, accessed via existing Right of Way on Dawson road, frontage 15m  
Lot 5 – 20.93ha, accessed by Right of Way from Dawson Road, 10m frontage  
Lot 6 – 2.933ha Utilities Lot, includes an existing small power station for electricity generation.  
accessed via a right of way 10m wide via lot 5.

The Subdivision is proposed as a staged development as follows;

Stage 1 - Lots 1 & 2

Stage 2 - Lots 3, 4 & 5

Stage 3 - Lot 6

The proposal is discretionary owing to being a Boundary Reorganisation/Subdivision and is assessed against the standards for the Rural Resource Zone pursuant to section 26.0 of the Central Highlands Interim Planning Scheme 2015.

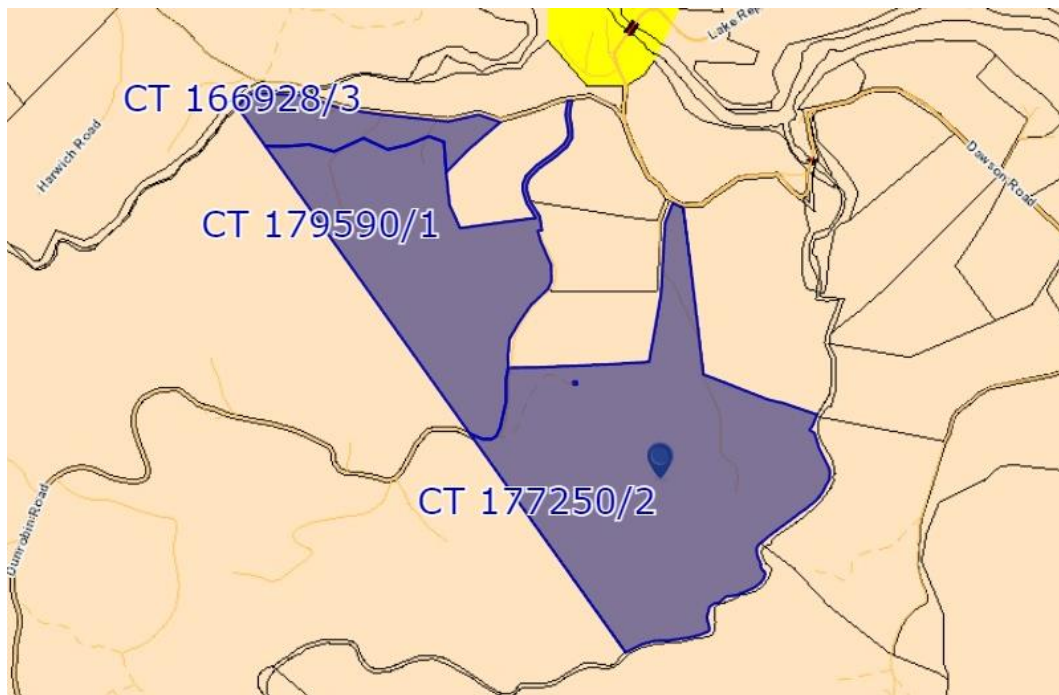
## **Subject site and Locality**

The properties are located off Dawson Road, 8km northwest of the intersection with Ellendale Road. Vegetation on the two properties varies across the sites from cleared areas, to areas of grasses and bracken ferns, areas of scattered eucalypts and areas of forestry plantations. Surrounding properties include some areas of plantation and areas of native vegetation.

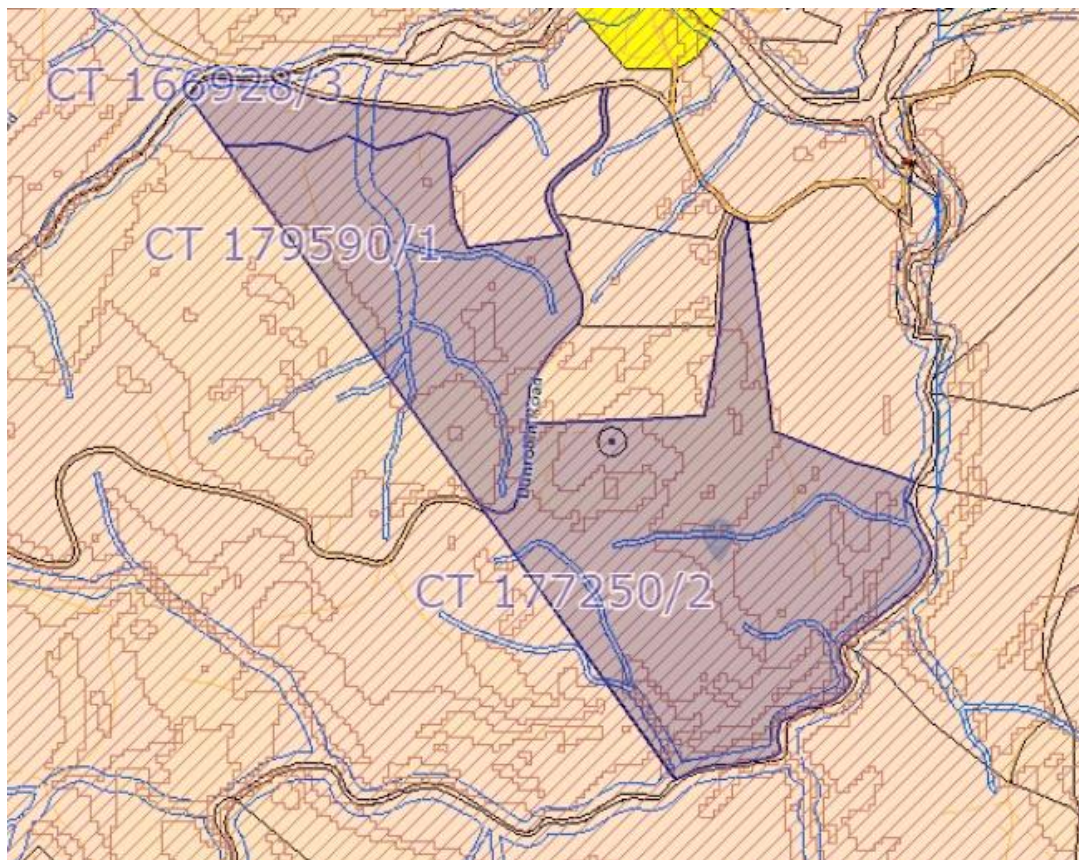
Broad River is located adjacent to the Eastern and Southern property boundary of 871 Dawson Road (CT 177250/2). Dunrobin Road currently forms the boundary between CT 179590/1 and CT 177250/2.

An area of less than 300m<sup>2</sup> which includes a microwave tower is within the Electricity Transmission Infrastructure Code to the north of the property CT 177250/2.

Within the property 991 Dawson Road a small power station is located to the North West corner. An electricity infrastructure easement has been surveyed by Entura in 2021 from the power station in an easterly direction along Dawson Road and is awaiting registration with the Land Titles Office.

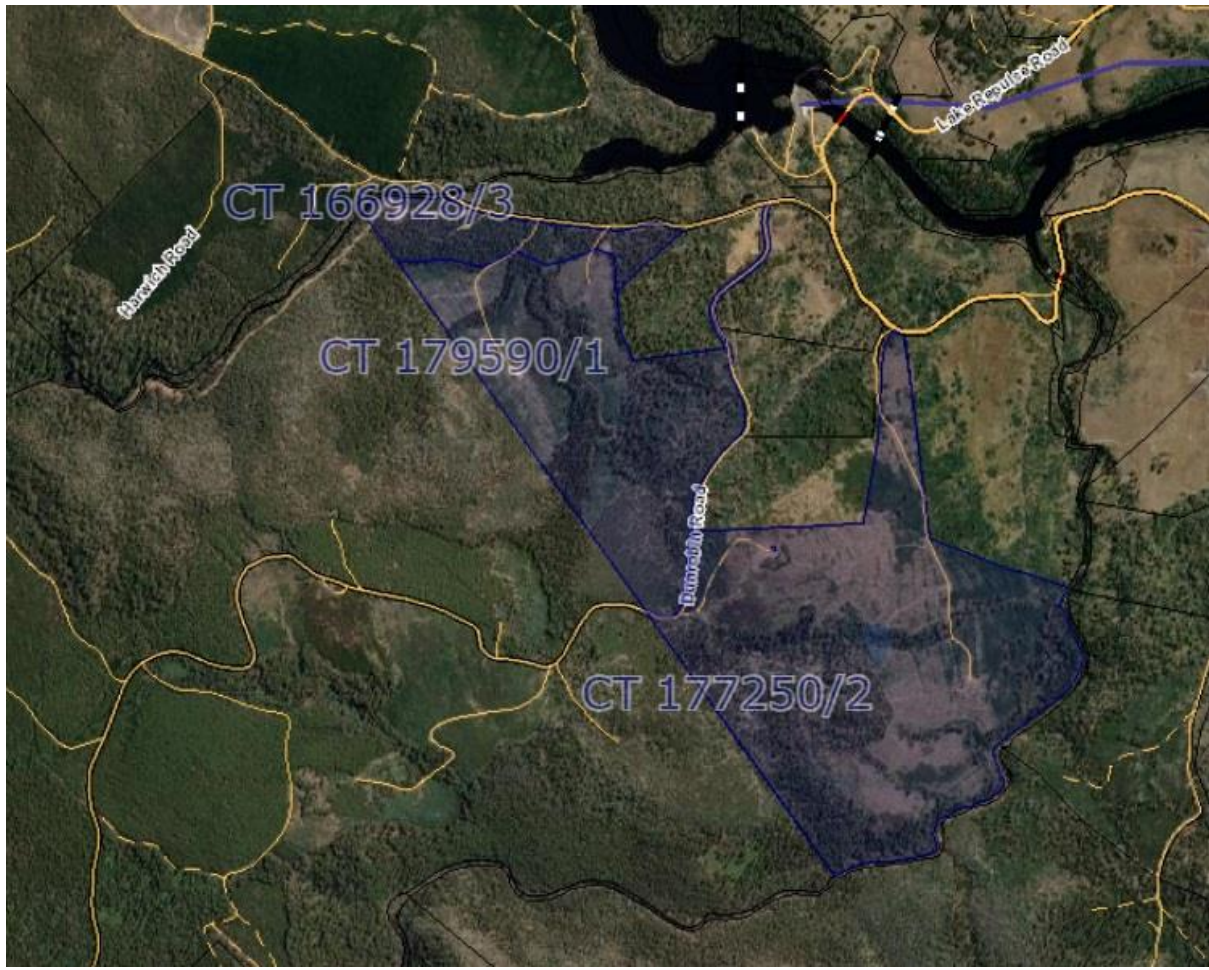


**Fig 1.** Location and zoning of the existing properties (blue shaded), indicating the Rural Resource Zone (Cream). (Source: LISTmap, accessed 03/01/2023)



**Fig 2.** Location of property (blue shaded) and Bushfire Prone Area Overlay Code (pink lines), landslip Hazard (brown lines) and Waterway & Coastal Protection Area (blue lines). (Source: LISTmap, accessed 03/01/2023)





**Fig 3.** Aerial photo of the subject land and surrounding area, titles marked blue (Source: LISTmap, accessed 03/01/2023).

### **Exemptions**

Nil

### **Special Provisions**

Nil

### **Use standards**

There are no applicable use standards for Boundary Reorganisations or Subdivision.

### **Development Standards for Rural Resource Zone**

Within the Rural Resource Zone, Subdivision and Boundary Reorganisation is a discretionary use and is therefore assessed against the following discretionary use standards and development standards of the Interim Planning Scheme 2015.

<b>26.3.3 Discretionary Use</b>		
To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1	P1	

No acceptable solution.	<p>A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</p> <p>(a) the characteristics of the proposed non-agricultural use;</p> <p>(b) the characteristics of the existing or likely agricultural use;</p> <p>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</p> <p>(d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.</p>	<p>The proposed boundary reorganisation and subdivision creates a better utilisation of rural land, for lots 1-5, which will allow options for future compatible rural resource land uses and potentially residential use.</p> <p>Lot 6 will include an existing small power station.</p> <p>The proposal will not prevent the potential for agricultural uses on the property or surrounding adjacent properties, as all lots are generous in size and can accommodate generous setbacks between boundaries and any development.</p> <p>Plantation is the predominant land use of the surrounding properties, the proposal will not adversely impact this agricultural use.</p> <p>The Board River creates a natural boundary and buffer to the north east, and east for lots 1 and 2. Dunrobin Road also creates a boundary between existing properties and the proposed lot 3.</p> <p>The proposal meet the Performance Criteria P1.</p>
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### **Development standards for Subdivision and Reorganisation of Boundaries**

The subject land is in the Rural Resource Zone of the Central Highlands Interim Planning Scheme 2015. The proposal must satisfy the requirements of the following development standards, relevant to subdivisions and boundary reorganisations:

<b>26.5 Development Standards for Subdivision</b> <b>26.5.1 Lot Design</b> Objective: To prevent further fragmentation and fettering of rural resource land.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b> A lot is for public open space, a riparian or littoral reserve, or a Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the	<b>P1</b> A lot must satisfy all of the following:  (a) be no less than 40ha;  (b) have a frontage of no less than 6m;  (c) not be an internal lot unless	Lot 6 will include an existing small power station and will be used for utilities.  Lots 1-5 are greater than 40ha and have frontages longer than the minimum 6m.  Lots 1, 2 and 3 are internal lots,

shares of which are held by or on behalf of the State or by a statutory authority.	<p>the site contains existing internal lots or creation of an internal lot is necessary to facilitate rural resource use;</p> <p>(d) be provided with safe vehicular access from a road;</p> <p>(e) provide for the sustainable commercial operation of the land by either:</p> <p>(i) encompassing sufficient agricultural land and key agricultural infrastructure, as demonstrated by a whole farm management plan;</p> <p>(ii) encompassing an existing or proposed non-agricultural rural resource use;</p> <p>(f) if containing a dwelling, setbacks to new boundaries satisfy clause 26.4.2;</p> <p>(g) if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the lot containing the primary dwelling;</p> <p>(h) if vacant, must:</p> <p>(i) contain a building area capable of accommodating residential development satisfying clauses 26.4.2 and 26.4.3;</p> <p>(ii) not result in a significant increase in demand for public infrastructure or services;</p> <p>(i) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.</p>	<p>however several internal lots exists adjacent to the proposal.</p> <p>Vehicular access are provided to all lots, either directly from Dawson Road or via Rights of Way. The majority of vehicular accesses are existing.</p> <p>The subdivision proposes large blocks, over the minimum lot size of 40ha, creating opportunity for agricultural uses within the Rural resource Zone to continue.</p> <p>Lots 1-5 are vacant and can accommodate a building area that satisfies the development standards of the zone. There is no reticulated water in the area, therefore no demand on public infrastructure.</p> <p>The proposed subdivision meets the Performance Criteria P1.</p>
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<b>26.5.2 Reorganisation of Boundaries</b> Objective: 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:  (a) all existing lots are adjoining or separated only by a road;	All lots are adjoining or separated by a road.  No lot was formally a crown reserve.  The proposal includes large lot sizes of over 40ha, creating



	<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 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>opportunity for agricultural uses within the Rural resource Zone to continue.</p> <p>Lots 1-5 are vacant and can accommodate a building area that satisfies the development standards of the zone. There is no reticulated water in the area, therefore no demand on public infrastructure.</p> <p>The proposed subdivision meets the Performance Criteria P1.</p>
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## **Codes**

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

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

A Bushfire Hazard Report was prepared by Lark & Creese, dated 28 September 2022 and forms a part of the Development Application Documents. The Report makes several recommendations which are included in conditions 9 and 10 of the Planning Permit below.

### ***E3 Landslide Code***

This Code applies to subdivision on land within a Landslide Hazard Area. The proposal includes areas of Low Landslide Hazard Area.

<b>E3.8.1 Subdivision</b>		
Objective: To ensure that landslide risk associated with subdivision in Landslide Hazard Areas, is: (a) acceptable risk; or (b) tolerable risk, having regard to the feasibility and effectiveness of any measures required to manage the landslide hazard.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1 No Acceptable Solution.	P1 Subdivision of a lot, all or part of which is within a Landslide Hazard Area must be for the purpose of one of the following:  (a) separation of existing dwellings;  (b) creation of a lot for the purposes of public open space, public reserve or utilities;  (c) creation of a lot in which the building area, access and services are outside the High Landslide Hazard Area and the landslide risk associated with the subdivision is either: (i) acceptable risk, or (ii) capable of feasible and effective treatment through hazard management measures, so as to be tolerable risk.	The Performance Criteria P1 (c) is met as any access and proposed building areas are outside of High Landslide Hazard Areas.
A2 Subdivision is not prohibited by the relevant zone standards.	P2 No performance Criteria.	The acceptable Solution A2 is met.

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

The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and
- (b) reduce conflicts between sensitive uses and major roads and the rail network.

This Code applies to the development of land that intensifies the use of an existing access.

<b>E5.5 Use Standards</b> <b>E5.5.1 Existing road accesses and junctions</b> To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b> The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	<b>P1</b> Any increase in vehicle traffic to a category 1 or category 2 road in an area subject to a speed limit of more than 60km/h must be safe and minimise any adverse impact on the efficiency of the road, having regard to: <ul style="list-style-type: none"> <li>(a) the increase in traffic caused by the use;</li> <li>(b) the nature of the traffic generated by the use;</li> <li>(c) the nature of the road;</li> <li>(d) the speed limit and traffic flow of the road;</li> <li>(e) any alternative access to a road;</li> <li>(f) the need for the use;</li> <li>(g) any traffic impact assessment; and</li> <li>(h) any written advice received from the road authority.</li> </ul>	The Acceptable Solution A1 is met, the proposal does not increase vehicular movements onto a category 1 or 2 road.
<b>A2</b> The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	<b>P2</b> Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to: <ul style="list-style-type: none"> <li>(a) the increase in traffic caused by the use;</li> <li>(b) the nature of the traffic generated by the use;</li> <li>(c) the nature and efficiency of the access or the junction;</li> <li>(d) the nature and category of the road;</li> <li>(e) the speed limit and traffic flow of the road;</li> </ul>	The Acceptable Solution A2 is met, the proposal does not increase vehicular movements by more than 10 vehicular movements or by more than 10%.

	<p>(f) any alternative access to a road;</p> <p>(g) the need for the use;</p> <p>(h) any traffic impact assessment; and</p> <p>(i) any written advice received from the road authority.</p>	
<p>A3</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>	<p>P3</p> <p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature and efficiency of the access or the junction;</p> <p>(d) the nature and category of the road;</p> <p>(e) the speed limit and traffic flow of the road;</p> <p>(f) any alternative access to a road;</p> <p>(g) the need for the use;</p> <p>(h) any traffic impact assessment; and</p> <p>(i) any written advice received from the road authority.</p>	<p>The Acceptable Solution A2 is met, existing road speed limit is not less than 60km.</p>

## E6.0 Parking and Access Code

The purpose of this provision is to ensure enough parking is provided for a use or development to meet the reasonable requirements of users and are designed in conformity with recognised. This code applies to all use and development.

### E6.7.1 Number of Vehicular Accesses

To ensure that:

- (a) safe and efficient access is provided to all road network users, including, but not limited to: drivers, passengers, pedestrians, and cyclists, by minimising:
  - (i) the number of vehicle access points; and
  - (ii) loss of on-street car parking spaces;
- (b) vehicle access points do not unreasonably detract from the amenity of adjoining land uses;
- (c) vehicle access points do not have a dominating impact on local streetscape and character.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.</p>	<p>P1</p> <p>The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:</p> <p>(a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;</p> <p>(b) whether the additional access points can be provided without compromising any of the following:</p> <p>(i) pedestrian safety, amenity and convenience;</p> <p>(ii) traffic safety;</p> <p>(iii) residential amenity on adjoining land;</p> <p>(iv) streetscape;</p> <p>(v) cultural heritage values if the site is subject to the Local Historic Heritage Code;</p> <p>(vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.</p>	<p>The proposal complies with the Acceptable Solution A1, each lot frontage has a single point of access.</p>

#### E6.7.2 Design of Vehicular Accesses

To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Design of vehicle access points must comply with all of the following:</p> <p>(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – "Access Facilities to Off-street Parking Areas and Queuing Areas" of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</p> <p>(b) in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to</p>	<p>P1</p> <p>Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:</p> <p>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p> <p>(d) ease of accessibility and recognition for users.</p>	<p>The proposal meets the Acceptable Solution A1, access design and construction will be required to meet the applicable AS/NZS Rural Access standard as a requirement in the conditions of this permit.</p>



comply with all access driveway provisions in section 3 "Access Driveways and Circulation Roadways" of AS2890.2 - 2002 Parking facilities Part 2: Off street commercial vehicle facilities.		
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## **E8.0 Electricity Transmission Infrastructure Protection Code**

### *E8.8 Development Standards for Subdivision*

#### E8.8.1 Subdivision

Objective: To provide for new lots that:

- (a) contain building areas which are suitable for further development, located to avoid hazard from electricity transmission infrastructure and enable appropriate levels of amenity;
- (b) incorporate controls and restrictions to ensure that future development does not compromise safety, security and operational efficiency of existing and future electricity transmission infrastructure.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b> Subdivision of a lot, all or part of which is within the electricity transmission corridor must be for the purpose of one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) separation of existing dwellings;</li> <li>(b) creation of a lot for public open space, road or access;</li> <li>(c) creation of a lot in which the building area is located entirely outside the inner protection area.</li> </ul>	<p><b>P1</b> Subdivision of a lot, all or part of which is within the electricity transmission corridor must have regard to the following:</p> <ul style="list-style-type: none"> <li>(a) the need to ensure operational efficiencies of electricity transmission infrastructure;</li> <li>(b) the provision of access and security to existing or future electricity transmission infrastructure;</li> <li>(c) safety hazards associated with proximity to existing or future electricity transmission infrastructure;</li> <li>(d) the requirements of the electricity transmission entity.</li> </ul>	<p>The Acceptable Solution A1 is met, Lot 2 is 105 ha and contains ample space for a building area outside of the inner protection area.</p>
<p><b>A2</b> A lot, any part of which is located within 65m of a substation facility and which is capable of sensitive use, must:</p> <ul style="list-style-type: none"> <li>(a) identify a building area located no less than 65m from a substation facility that can accommodate a sensitive use; or</li> <li>(b) identify a building area located no less than 5m from the substation facility that can accommodate a sensitive use and demonstrate that noise emissions experienced at the edge of the building area</li> </ul>	<p><b>P2</b> A lot, any part of which is located within 65m of a substation facility, and which is intended for sensitive use, must demonstrate the provision of a building area having regard to the following:</p> <ul style="list-style-type: none"> <li>(a) the written advice of a suitably qualified person regarding the likelihood of a sensitive use on the lot experiencing an environmental nuisance (including any mitigation requirements to prevent an environmental nuisance) as a result of noise from a substation facility;</li> </ul>	<p>The Acceptable Solution A2 is met, Lot 2 is 105 ha and contains ample space for a building area outside of the inner protection area.</p> <p>No substation facilities are within the properties.</p>

<p>closest to the substation facility will not exceed:</p> <p>(i) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;</p> <p>(ii) 5 dB(A) above the background (LA90) level or 40 dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;</p> <p>(iii) 65 dB(A) (LAmax) at any time.</p> <p>a. Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness;</p> <p>b. Noise levels are to be averaged over a 15 minute interval.</p>	<p>(b) the written advice of the electricity transmission entity.</p>	
<p>A3</p> <p>A lot, any part of which is located within 55m of a communications station, must identify a building area which is no closer than:</p> <p>(a) 5m to any security fence associated with a communications station or the boundary of a site within which a communications station is located; or</p> <p>(b) 20m to the communications station;</p> <p>whichever is the lesser.</p>	<p>P3</p> <p>The design of each lot must:</p> <p>(a) ensure that the location of any building area will not compromise access, security or the operational efficiency of a communications station;</p> <p>(b) have regard to the written advice of the electricity transmission entity.</p>	<p>The Acceptable Solution A3 is met.</p>

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

Both properties include areas within the Waterway and Coastal Protection Code. This Code applies to all development including subdivision however the proposal meets the exemptions of the code owing to there being no access or development works required within a Waterway Protection Area.

### **Representations**

The proposal was advertised for the statutory 14 days period from 22 November to 6 December 2022. No representations were received.

## **Conclusion**

The proposal for the reorganisation of boundaries and subdivision at 871 Dawson Road, Ouse - CT 177250/2 & CT 179590/1 and 991 Dawson Road, Ouse – CT 166928/3 are 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 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 DA2021/72 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 for approval. The Planning Authority must consider the report but is not bound to adopt the Recommendation for approval. 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 17 January 2023 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 DA2021/72 Reorganisation of Boundaries and Subdivision at 871 Dawson Road, Ouse - CT 177250/2 & CT 179590/1 and 991 Dawson Road, Ouse – CT 166928/3 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 DA2021/72 Reorganisation of Boundaries and Subdivision at 871 & 991 Dawson Road, Ouse 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 DA2021/72 Reorganisation of Boundaries and subdivision at 871 & 991 Dawson Road, Ouse 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 DA2021/72 Reorganisation of Boundaries and subdivision at 871 & 991 Dawson Road, Ouse 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*.

#### **Staged development**

3. The subdivision development must not be carried out in stages except in accordance with a staged development plan submitted to and approved by Council's Manager Environment and Development Services.

#### **Easements**

4. 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**

5. 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.

#### **Covenants**

6. 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 Manager Environment and Development Services.

#### **Bushfire**

7. The development and works must be carried out in accordance with the Bushfire Hazard Report, prepared by Lark & Creese dated 28 September 2022.
8. Prior to Council sealing the final plan of survey for any stage the developer must provide certification from a suitably qualified person that all works required by the approved Bushfire Hazard Management Plan has been complied with.

#### **Agreements**

9. Agreements made pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must be prepared by the applicant on a blank instrument form to the satisfaction of the Council and registered with the Recorder of Titles. The subdivider must meet all costs associated with the preparation and registration of the Part 5 Agreement.

#### **Final plan**

10. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. 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.

11. A fee of \$180.00, 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 for each stage.
12. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Central Highlands Council. The security must be in accordance with section 86(3) of the *Local Government (Building & Miscellaneous Provisions) Council 1993*. The amount of the security shall be determined by the Council's Municipal Engineer.
13. 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. 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.
14. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

#### **Water quality**

15. Where a development exceeds a total of 250 square metres of ground disturbance a soil and water management plan (SWMP) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Municipal Engineer before development of the land commences.
16. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's Municipal Engineer until the land is effectively rehabilitated and stabilised after completion of the development.
17. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's Municipal Engineer.
18. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

#### **Property Services**

19. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.

#### **Existing services**

20. 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.

#### **Rural Access**

21. A separate vehicle access must be provided from the road carriageway to each lot. New and existing access must be sealed with a minimum width of 3 metres at the property boundary and located and constructed in accordance with the standards shown on standard drawings SD-1009 *Rural Roads - Typical Standard Access* and SD-1012 *Intersection and Domestic Access Sight Distance Requirements* prepared by the IPWE Aust. (Tasmania Division) (attached) and the satisfaction of Council's Municipal Engineer.

#### **Construction amenity**

22. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Environment and Development Services:
 

• Monday to Friday	7:00 AM to 6:00 PM
• Saturday	8:00 AM to 6:00 PM
• Sunday and State-wide public holidays	10:00 AM to 6:00 PM
23. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity,



function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -

- (a) Emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property.
- (b) Transport of materials, goods or commodities to or from the land.
- (c) Appearance of any building, works or materials.

24. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Municipal Engineer.

25. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

### **Construction**

26. The subdivider must provide not less than 48 hours written notice to Council's Municipal Engineer before commencing construction works on site or within a council roadway. The written notice must be accompanied by evidence of payment of the Building and Construction Industry Training Levy where the cost of the works exceeds \$12,000.

27. The subdivider must provide not less than 48 hours written notice to Council's Municipal Engineer before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's Manager Engineering Services.

28. A fee for supervision of any works to which Section 10 of the *Local Government (Highways) Council 1982* applies must be paid to the Central Highlands Council unless carried out under the direct supervision of an approved practising professional civil engineer engaged by the owner and approved by the Council's Municipal Engineer. The fee must equal not less than three percent (3%) of the cost of the works.

### **THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -**

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The SWMP must show the following:
  - (a) Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
  - (b) Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
  - (c) Estimated dates of the start and completion of the works;
  - (d) Timing of the site rehabilitation or landscape program;
  - (e) Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection.
  - (f) Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion.
  - (g) Temporary erosion and sedimentation controls to be used on the site.
  - (h) Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia (2000), AS/NZS 1547: *On-site wastewater management*, Standards Australia, Sydney.

Appropriate temporary control measures include, but are not limited to, the following (refer to brochure attached):

- Minimise site disturbance and vegetation removal;
- Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to

a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);

- Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
- Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
- Stormwater pits and inlets installed and connected to the approved stormwater system before the roadwork's are commenced; and
- Rehabilitation of all disturbed areas as soon as possible.

D. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.

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## **6.1 REGIONAL PLANNING FRAMEWORK DISCUSSION PAPER AND DRAFT STRUCTURE PLAN GUIDELINES**

Council has received a letter from the Minister for Planning inviting submissions on the Regional Planning Framework Discussion Paper and draft Structure Plan Guidelines.

**Submissions must be received by COB Tuesday 28 February 2023.**

***For Discussion***

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## **7.0 OTHER BUSINESS**

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## **8.0 CLOSURE**

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