

# Central Highlands Council

## MINUTES

### PLANNING COMMITTEE MEETING – 10<sup>TH</sup> OCTOBER 2023

Minutes of the **Planning Committee Meeting** (Special Committee of Central Highlands Council) held in the Bothwell Football Club & Community Centre, **Bothwell** on **Tuesday 10<sup>th</sup> October 2023**, commencing at **9.00am**.

#### 1.0 PRESENT

Cr R Cassidy (Chairperson), Mayor L Triffitt, Deputy Mayor J Allwright and Cr J Hall.

#### 2.0 IN ATTENDANCE

Cr A Bailey, Cr J Honner, Cr Y Miller, Cr D Meacham, Mrs K Hossack (General Manager), Mr G Rogers (Development & Environmental Services Manager) and Ms Joanne Housego (Minutes Secretary).

#### 3.0 APOLOGIES

*Nil*

#### 4.0 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*

#### 5.0 PERCEIVED INTEREST DECLARATIONS

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

##### **PART 2 – Conflict of Interest that are not Pecuniary**

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

- (a) Declare the conflict of interest and the nature of the interest before discussion on the matter begins; and

- (b) Act in good faith and exercise reasonable judgement to determine whether a reasonable person would consider that the conflict of interest requires the Councillor to remove himself or herself physically from any Council discussion and remain out of the room until the matter is decided by the Council.

Nil

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## 6.0 CONFIRMATION OF DRAFT MINUTES OF THE PLANNING COMMITTEE MEETING HELD 12<sup>TH</sup> SEPTEMBER 2023

### RESOLUTION 01/10.2023/PC

**Moved:** Mayor L Triffitt

**Seconded:** Cr J Hall

**THAT** the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 12<sup>th</sup> September 2023 to be confirmed.

**CARRIED**

#### **FOR the Motion**

Mayor L Triffitt, Deputy Mayor J Allwright, Cr Cassidy and Cr J Hall.

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## 7.0 PUBLIC QUESTION TIME

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

Speakers should follow the procedure below:

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

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

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

*Mr Anthony Waring of Big Tree Investments (Applicant for Item 7.1) was in attendance and spoke to the future plans for the proposed development.*

## 7.0 PLANNING REPORTS

### 7.1 DA 2022/82 : 16 LOT SUBDIVISION : 40,46,48,50,56,58,60 & 64 ARTHURS LAKE ROAD, WILBURVILLE

#### **Proposal**

An application to subdivide 8 existing lots into 16 lots at Arthurs Lake Road, Wilburville was made to council in August 2022 by the applicant PDA Surveyors.

The subdivision comprises of the following:

40 Arthurs Lake Road – Subdivided into 2 lots,	Lot 1 at 2667m <sup>2</sup>
	Lot 2 at 1566m <sup>2</sup>
46 Arthurs Lake Road – Subdivided into 2 lots,	Lot 3 at 2622m <sup>2</sup>
	Lot 4 at 1519m <sup>2</sup>
48 Arthurs Lake Road – Subdivided into 2 lots,	Lot 5 at 2569m <sup>2</sup>
	Lot 6 at 1802m <sup>2</sup>
50 Arthurs Lake Road – Subdivided into 2 lots,	Lot 7 at 2827m <sup>2</sup>
	Lot 8 at 1870m <sup>2</sup>
56 Arthurs Lake Road – Subdivided into 2 lots,	Lot 9 at 2993m <sup>2</sup>
	Lot 10 at 2269m <sup>2</sup>
58 Arthurs Lake Road – Subdivided into 2 lots,	Lot 11 at 2913m <sup>2</sup>
	Lot 12 at 2175m <sup>2</sup>
60 Arthurs Lake Road – Subdivided into 2 lots,	Lot 13 at 3030m <sup>2</sup>
	Lot 14 at 2209m <sup>2</sup>
64 Arthurs Lake Road – Subdivided into 2 lots,	Lot 15 at 2860m <sup>2</sup>
	Lot 16 at 2082m <sup>2</sup>

The proposal is discretionary owing to being a subdivision and is assessed against the subdivision standards for the Low Density Residential pursuant to section 12.0 of the Central Highlands Interim Planning Scheme 2015.

## RESOLUTION 02/10.2023/PC

**Moved:** Mayor L Triffitt

**Seconded:** Cr J Hall

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

### Option 1

#### 1. Approve in accordance with the Recommendation:-

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the DA2022/82 Subdivision 8 Lots into 16 Lots at land described as 40, 46, 48, 50, 56, 58, 60 & 64 Arthurs Lake Road, Wilburville (CT 178097 folios 2,4,5,6,9,10,11 &13), subject to conditions in accordance with the Recommendation.

### Recommended Conditions

#### 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*.

##### Bushfire Hazard Management

3. The development and works must be carried out in accordance with Livingston Natural Resource Services, dated 30 November 2022, version 1.
4. 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

5. Prior to the sealing of the Final Plan of Survey an agreement 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.

##### Staged Development

6. The subdivision must be carried out in the approved stages or in accordance with a staged development plan submitted to and approved by Council's General Manager.

##### Public Open Space

7. In accordance with the provisions of Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey. The cash contribution amount is to be equal to 5% of the value of the land being subdivided in the plan of subdivision at the date of lodgement of the Final Plan of Survey. The value is to be determined by a Land Valuer within the meaning of the *Land Valuers Act 2001* at the developers' expense.
8. The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.

### Transfer of Reserves

9. All roads or footways must be shown as "Road" or "Footway" on the final plan of survey and transferred to the Central Highlands Council by Memorandum of Transfer submitted with the final plan.

### Easements

10. 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

11. 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

12. 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.

### Final Plan

13. 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.
14. 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.
15. 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.
16. 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.
17. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

### Water Quality

18. 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.
19. 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.
20. 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.
21. 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.

### Weed Management

22. Prior to the carrying out of any works approved or required by this approval, the subdivider must provide a weed management plan detailing measures to be adopted to control any weeds on the site and limit the spread of weeds listed in the *Weed Management Act 1999* through imported soil or land disturbance by appropriate water management and machinery and vehicular hygiene to the satisfaction of Council's Municipal Engineer and of the Regional Weed Management Officer, Department of Primary Industries Water and Environment.

### Property Services

23. 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

24. 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.

### Sizing of Services

25. All services must be sized and located to service the ultimate potential development of the site to the satisfaction of Council's Municipal Engineer or the responsible authority.

### Telecommunications, Electrical and Gas Reticulation

26. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and the satisfaction of Council's Municipal Engineer.
27. Prior to the work being carried out a drawing of the electrical reticulation and telecommunications reticulation in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's Municipal Engineer.
28. A Letter of Release from each authority confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed, must be submitted to Council prior to the sealing of the final plan of survey.

### Access to Arthurs Lake Road

29. A separate vehicle access must be provided from the road carriageway to each lot. Accesses 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.
30. Access road construction standards may be varied by Council's Municipal Engineer.
31. Prior to Council Sealing Final Plans, all vehicular accesses must be completed to the satisfaction of Council's Municipal Engineer and in accordance with the Bushfire Prone Area Code of the Central Highlands Interim Planning Scheme 2015 and the Bushfire Hazard Report, prepared by Livingston Natural Resource Services, dated 30 November 2022, Version 1.

### Engineering Drawings

32. Engineering design drawings to the satisfaction of the Council's Municipal Engineer must be submitted to and approved by the Central Highlands Council before development of the land commences.
33. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, in accordance with Standards Australia (1992): *Australian Standard AS1100.101 Technical Drawing – General principles*, Homebush, and Standards Australia (1984): *Australian Standard AS1100.401 Technical Drawing – Engineering survey and engineering survey design drawing*, Homebush, and must show -
  - (a) All existing and proposed services required by this permit;
  - (b) All existing and proposed roadwork required by this permit;
  - (c) Measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - (d) Measures to be taken to limit or control erosion and sedimentation;
  - (e) Any other work required by this permit.



34. Two sets of preliminary engineering design drawings are to be initially submitted to Council for inspection and comment. Following this, four (4) sets of final engineering plans are to be submitted for final approval by Council. The approved engineering design drawings shall form part of this permit when approved.
35. Council will keep two (2) sets of approved drawings and two (2) sets will be returned to the subdivider's engineer. One (1) set of the approved engineering design drawings must be kept on site at all times during construction.
36. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
37. All new public infrastructure and subdivision work must be designed and constructed to the satisfaction of Council's Municipal Engineer and in accordance with the following -
  - *Local Government (Building & Miscellaneous Provisions) Act 1993;*
  - *Local Government (Highways) Act;*
  - *Drains Act 1954;*
  - *Waterworks Clauses Act;*
  - Australian Standards;
  - Building and Plumbing Regulations;
  - Relevant By-laws and Council Policy;
  - Current IPWEA (Tasmanian Division) and central Highlands Council Municipal Standard Drawings;
  - Current IPWEA and central Highlands Council Municipal Standard Specification.

### Construction Amenity

38. 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

39. 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.
40. 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.
41. 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

42. 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.



43. 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.
44. 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.

#### **Survey Pegs**

45. Survey pegs to be stamped with lot numbers and marked for ease of identification.
46. Prior to the works being taken over by Council, evidence must be provided from a registered surveyor that the subdivision has been re-pegged following completion of substantial subdivision construction work. The cost of the re-peg survey must be included in the value of any security.

#### **'As Constructed' Drawings**

47. Prior to the works being placed on the maintenance period an "as constructed" drawing of all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council's Municipal Engineer. These drawings must be prepared by a qualified and experienced civil engineer or other person approved by the Municipal Engineer and provided in both digital and "hard copy" format.

#### **Defects Liability Period**

48. The subdivision must be placed onto a 6-month statutory defects liability period in accordance with section 86 of the *Local Government (Buildings and Miscellaneous Provisions) Act 1993*, Councils Specification and Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.

#### **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 issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the *Environmental Protection and Biodiversity Protection Act 1999* (Commonwealth). The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Tourism, Arts and the Environment or the Commonwealth Minister for a permit.
- D. The issue of this permit does not ensure compliance with the provisions of the *Aboriginal Relics Act 1975*. If any aboriginal sites or relics are discovered on the land, stop work and immediately contact the Tasmanian Aboriginal Land Council and Aboriginal Heritage Unit of the Department of Tourism, Arts and the Environment. Further work may not be permitted until a permit is issued in accordance with the *Aboriginal Relics Act 1975*.
- E. 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.

F. 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.

G. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works, or a minimum of \$220.00, must be paid to Council in accordance with Council's fee schedule.

H. 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.

**CARRIED**

#### **FOR the Motion**

Mayor L Triffitt, Deputy Mayor J Allwright, Cr R Cassidy and Cr J Hall.

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## **8.0 OTHER BUSINESS**

*Nil*

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## **9.0 CLOSURE**

The Chairperson thanked everyone for their contribution and declared the meeting closed at **9.30am**.

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