



# Central Highlands Council

## MINUTES

### PLANNING COMMITTEE MEETING – 08 OCTOBER 2024

Minutes of the **Planning Committee Meeting** (Special Committee of Central Highlands Council) held at the **Bothwell Council Chambers, 19 Alexander Street, Bothwell** on **Tuesday 08<sup>th</sup> October 2024**, commencing at **9.00am**.

#### 1.0 PRESENT

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

#### IN ATTENDANCE

Mr S Mackey (Acting General Manager, Mr G Rogers (Development & Environmental Services Manager), Mr G Finn (Senior Planning Officer) and Mrs J Housego (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 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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## 5.0 CONFIRMATION OF DRAFT MINUTES OF THE PLANNING COMMITTEE MEETING HELD 13<sup>TH</sup> AUGUST 2024

### RESOLUTION 01/10.2024/PC

**Moved:** Deputy Mayor J Allwright

**Seconded:** Cllr J Hall

*THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 13<sup>th</sup> August 2024 to be confirmed with a minor clerical error amended.*

**CARRIED**

#### **FOR the Motion**

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

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## 6.0 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.
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.

*No Public Questions*

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## 7.0 PLANNING REPORTS

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### **7.1 DEVELOPMENT APPLICATION (DA2024/00003) : BOUNDARY REORGANISATION : 580 AND 575 DAWSON ROAD (CT179591/7) OUSE : SUBMITTED BY DG POTTER SURVEYOR ON BEHALF OF SUNRAY STRAWBERRIES LTD AND RL & KL CRAWFORD**

#### **PROPOSAL**

The applicant DG Potter Surveyor on behalf of the owners, Sunray Strawberries Ltd and RL & KL Crawford have applied for a Permit under the Land Use Planning and Approvals Act 1993 ("the Act") to undertake an adjustment (reorganisation) of existing property boundaries on land at 575 and 580 Dawson Road, Ouse.

The proposal is for a boundary reorganisation between the existing titles to enable the excision of 9.2ha of productive Class 4 land from 580 Dawson Road being adhered to 575 Dawson Road, Ouse. The purpose of the application is for increased horticultural production.

580 Dawson Road is zoned Rural whilst 575 Dawson Road is zoned Agriculture.

Water rights held by Sunray Strawberries allow for the development and intensive horticulture on a parcel of land that is currently dryland grazing.

The application has been lodged under the Tasmanian Planning Scheme – Central Highlands ("the Planning Scheme").

The land is zoned Rural and Agriculture and is affected by the following Planning Code overlays:

- Low landslip hazard band,
- Waterway and Coastal protection area, and
- Bushfire-prone areas

The proposal is to be assessed against both the development standards of the zone and applicable Codes within the Planning Scheme and the LPS. These matters are described and assessed in this report.

This is a discretionary application under the Planning Scheme. The Council gave notice of the application for public comment as required by the Act. During the notification period no representations were received from members of the public.

## RESOLUTION 02/10.2024/PC

**Moved:** Deputy Mayor J Allwright

**Seconded:** Cr J Hall

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

**THAT**, in accordance with the provisions of the *Tasmanian Planning Scheme – Central Highlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA2024/03) for subdivision (boundary adjustment) on land at 575 and 580 Dawson road, Ouse at Lot 2 owned by RL & KL Crawford and Sunray Strawberries P/L. subject to conditions detailed below.

### 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. The development and works must be carried out in accordance with:  
*Bushfire Hazard Report, Richard Dawson Boundary Adjustment 580 & Lot 7 Dawson Road Ouse 7140 dated April 2024 (version 2.0)*
3. 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.

#### Easements

4. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Manager Environment and Development Services. The cost of locating and creating the easements shall be at the subdividers full cost.

#### Covenants

5. 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

6. 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.
7. A fee of \$315.00, 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.
8. 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 subdividers responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.

9. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

**Access**

10. Unless approved otherwise by Council's General Manager the existing vehicular access to the portion of 580 Dawson Road that is to be adhered to 575 Dawson Road must be durable all-weather surface with a minimum width of 3 metres at the property boundary to the Road and must comply with Standard Drawings TSD-R03-v1 Rural Roads Typical Property Access, TSD-R04-v1 Rural Roads Typical Driveway Profile and TSD-RF01-v1 Guide To Intersection And Domestic Access Sight Distance and to the satisfaction of Council's General Manager. Or as otherwise required by the approved Bushfire Hazard Report & Plan.

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

**Legal:**

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- B. This permit does not take effect until 15 days after the date that this permit was served on you as the applicant and each representor provided that no appeal is lodged as provided by s53 of the Land Use Planning and Approvals Act 1993.
- C. 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.
- D. 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.
- E. Any changes to the use or development approved, may be deemed as substantially in accordance with the permit or may first require either a formal amendment to this permit or a new permit.

**Asset Protection:**

- F. In accordance with the Local Highway Bylaw 2 of 2015, the owner is required to repair any damage to any Council infrastructure caused during construction.
- G. No works on or affecting any Council road reservation is to be commenced until the Central Highlands Council has issued a WORKS IN ROAD RESERVATION PERMIT.
- H. Council recommends contacting Dial-Before-You-Dig (phone 1100 or [www.1100.com.au](http://www.1100.com.au)) before undertaking any works.

**Other Approvals:**

- I. This permit does not imply that any other approval required under any other by-law or legislation has been granted.
- J. 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.
- K. That any excavations be monitored by a qualified historical archaeologist. If any archaeological indications of burials or any early buildings are found, then Council's Manager Heritage Projects is to be consulted on an appropriate action to mitigate archaeological impact.
- L. Separate Council approval is required for the subdivision or strata division of the land.

- M. This permit does not ensure compliance with the *Aboriginal Heritage Act 1975*. It is recommended that you conduct a property search with Aboriginal Heritage Tasmania prior to commencing works – see this website for further details: <https://www.aboriginalheritage.tas.gov.au/assessment-process>

**Generally:**

- N. All engineering related queries should be directed to the Works & Services Manager. The Council General Manager has delegated functions relevant to the permit to the Works & Services Manager.

You may appeal against the above conditions, any such appeal must be lodged within fourteen (14) days of service of this notice to TASCAT, 38 Barrack Street, Hobart 7000 Ph.: (03) 6165 6790 or email [resourceplanning@tascat.tas.gov.au](mailto:resourceplanning@tascat.tas.gov.au)

**CARRIED**

**FOR the Motion**

Cr R Cassidy, Mayor L Triffitt, Deputy Mayor J Allwright 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 9.11am.

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