



Central Highlands Council

MINUTES

PLANNING COMMITTEE MEETING – 12 MARCH 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 12th March 2024**, commencing at **8.58am**.

1.0 PRESENT

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

IN ATTENDANCE

Cr A Archer (Proxy), Cr J Honner, Cr Y Miller, Cr D Meacheam, Mr G Rogers (Development & Environmental Services Manager), Mrs L Brown (Senior Planning Officer) and Mrs K Bradburn (Minutes Secretary).

2.0 APOLOGIES

Nil

3.0 PECUNIARY INTEREST DECLARATIONS

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

Item 7.1 – Cr Archer advised he is a member of the River Clyde Trust.

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.

Item 7.1 – Cr Cassidy advised he did not serve in Vietnam but did serve in the US about this time and classes himself as a veteran.

5.0 CONFIRMATION OF DRAFT MINUTES OF THE PLANNING COMMITTEE MEETING HELD 9 JANUARY 2024

RESOLUTION 01/03.2024/PC

Moved: Cr J Hall

Seconded: Mayor L Triffitt

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 9th January 2024 to be confirmed.

CARRIED

FOR the Motion

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

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

7.0 PLANNING REPORTS

7.1 DEVELOPMENT APPLICATION (DA2024/06) FOR MULTI-PURPOSE BUILDING (EDUCATION & TRAINING FACILITY) SUBMITTED BY THE VIETNAM VETERANS ASSOCIATION OF AUSTRALIA – TASMANIA INC AND OWNED BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT TASMANIA

PROPOSAL

Council is in receipt of an application for a Planning Permit for a new building, Multi-Purpose Education & Training Facility for current Australian Defence Personnel and ex serving veterans to conduct workshops, meetings, short courses and training at the property 2 Galaxia Avenue, Interlaken.

The proposal is for a new building of 95m² which includes 2 bedrooms, toilet, store room, bathroom, kitchen area, open living area and patio. The building will provide space for ex serving veterans to hold meetings, undertake workshops and training. The bedrooms are provided for any visiting conference facilitators or trainers of the workshop or training events to stay on site whilst conducting the training course, as it is highly likely these facilitators will come from interstate or other parts of Tasmania.

There is an existing retreat building for veterans and their families to use on the property and an additional retreat on the adjacent property for veterans. The Multi-Purpose building would create an opportunity for additional support services for veterans, it is not an additional retreat facility, and this is a stipulation of the grant agreement between the Department of Veterans Affairs and the Vietnam Veterans Association of Australia – Tasmania Branch Inc.

The application has been lodged under the *Tasmanian Planning Scheme – Central Highlands* ("the Planning Scheme"). The "use" of the building is defined in the Planning Scheme as *Educational and Occasional Care*; use of land for educational or short-term care purposes. Examples include a childcare centre, day respite centre and employment training centre.

The property is within the Environmental Management Zone of the Planning Scheme, education and Occasional care is a permitted use/development in this zone with the qualification that the use/development has an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.

The proposal is to be assessed against the development standards of the zone and the development standards of the applicable Codes. 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 one representation was received. The representation is summarised below and response from Council's planning Officer included.

This report will assess the proposal against the relevant provisions of the Act and the Planning Scheme. It is recommended that Council grant a planning permit for the development application subject to conditions.



Figure 1. Site plan – proposed building is located to the north of the property.

PLANNING COMMITTEE DISCUSSION

Confirmation was sought on the distance of the proposed building from the full supply level of Lake Sorell to ensure it is not located within the splash zone. It was stated there is a splash zone around both Lake Sorell (1m) and Lake Crescent (2m). Ms L Brown & Mr G Rogers both confirmed that there is no splash zone within Council's Planning Scheme or a Council Policy on this. Cr Archer advised this was applied to a subdivision approved at Lake Crescent within the past 6 years.

RESOLUTION 02/03.2024/PC

Moved: Mayor L Triffitt

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** Development Application (DA2024/06) for Multi-Purpose Building (Education & Training Facility) submitted by the Vietnam Veterans Association of Australia – Tasmania Inc and owned by the Department of Natural Resources and Environment Tasmania subject to conditions detailed below:

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 letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.

Amenity

- (3) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or to the satisfaction of Council's Manager Development and Environmental Services.
- (4) No vegetation other than that necessary for the construction of the building, associated access and services is to be cleared without the approval of Council.

Bushfire

- (5) The development and works must be carried out in accordance with the Bushfire Hazard Report, prepared by GES Solutions J6910v1 and dated January 2024.

Services

- (6) 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.

Parking and Access

- (7) At least four (4) car parking spaces must be provided on the land at all times for the use of the development, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- (8) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and to the satisfaction of Council's Municipal Engineer, and must include all of the following;
 - a) Constructed with a durable all weather pavement, to the satisfaction of the Council's General Manager;
 - b) Space on site to allow that vehicles to enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction.
 - c) Minimum carriageway width of 4 metres; and
 - d) Drained to an approved stormwater system; or as otherwise required by an approved Bushfire Plan.

Stormwater

- (9) Stormwater drainage from the proposed development must be retained on site (or) drain to a legal point of discharge to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

Wastewater

- (10) Wastewater from the development must discharge to an on-site waste disposal system in accordance with a Certificate of Likely Compliance or Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.

Soil and Water Management

- (11) Before any work commences 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 General Manager before development of the land commences. The SWMP shall form part of this permit when approved.

- (12) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.

Construction amenity

- (13) The development must only be carried out between the following hours:
- | | |
|---------------------------------------|-------------------------|
| Monday to Friday | 7:00 a.m. to 6:00 p.m. |
| Saturday | 8:00 a.m. to 6:00 p.m. |
| Sunday and State-wide public holidays | 10:00 a.m. to 6:00 p.m. |
- (14) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or 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:
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise;
 - The transportation of materials, goods and commodities to and from the land;
 - Obstruction of any public footway or highway;
 - Appearance of any building, works or materials; and
 - 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 Manager of Development and Environmental Services.
- (15) 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.
- (16) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. 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.
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. It is necessary to seek approval prior to any new building work, work being carried out in accordance with the Building Act 2016. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the CBOS website: [Director's Determination - Categories of Building and Demolition Work \(PDF, 504.4 KB\)](#)

If an owner undertakes any Low Risk Building Work as allowed by the Directors determination, they are responsible for ensuring that any proposed work complies with this Determination, in particular to ensure that they:

- Review and comply with any relevant Standard Limitations,
- That permitted size limits are not exceeded;
- That Boundary setbacks are complied with.

Types of Low Risk structure of sizes greater than permitted for this Category are to be considered against the next relevant Category being either Low Risk Work (Category 2), Notifiable Work (Category 3) or Permit Work (Category 4).

- C. The proposed works are located within a mapped bushfire prone area and as such a bushfire assessment and BAL by a suitably qualified person may be required as part of the certified documents for the building approval.

- D. Appropriate temporary erosion and sedimentation control measures during construction include, but are not limited to, the following -
- i. Minimise site disturbance and vegetation removal;
 - ii. 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 (e.g. temporarily connected to Council's storm water system, a watercourse or road drain);
 - iii. 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;
 - iv. 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; and
 - v. Rehabilitation of all disturbed areas as soon as possible.
- 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.

CARRIED

FOR the Motion

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

8.0 OTHER BUSINESS

Nil

9.0 CLOSURE

The Chairperson thanked everyone for their contribution and declared the meeting closed at **9.25am**.
