

Central Highlands Council

MINUTES

PLANNING COMMITTEE MEETING – 12TH SEPTEMBER 2023

Minutes of the **Planning Committee Meeting** (Special Committee of Central Highlands Council) held in the Bothwell Football Club & Community Centre, **Bothwell** on **Tuesday 12th September 2023**, commencing at **9.01am**.

Deputy Mayor J Allwright (Chairperson) submitted a written Declaration to Item 7.1 on the Agenda and an apology for the meeting.

In the absence of the appointed Chairperson, the Committee members present are to elect one of the members of the Planning Committee as Chairperson of the meeting.

RESOLUTION 01/09.2023/PC

Moved: Cr A Bailey

Seconded: Cr J Hall

***THAT** Cr R Cassidy be appointed as Chairperson of the meeting.*

CARRIED

FOR the Motion

Cr R Cassidy, Cr J Hall & Cr A Bailey

Cr R Cassidy took the Chair and welcomed everyone to the meeting.

1.0 PRESENT

Cr R Cassidy, Cr J Hall and Cr A Bailey

2.0 IN ATTENDANCE

Cr J Honner, Mrs K Hossack (General Manager), Mr G Rogers (DES Manager), Mrs L Brown (Senior Planning Officer) and Mrs K Bradburn (Minutes Secretary).

3.0 APOLOGIES

Deputy Mayor J Allwright (Chairperson) and Mayor L Triffitt

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.

Deputy Mayor J Allwright submitted a written Declaration to Item 7.1 on the Agenda.

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

6.0 CONFIRMATION OF DRAFT MINUTES OF THE PLANNING COMMITTEE MEETING HELD 8 AUGUST 2023

RESOLUTION 02/09.2023/PC

Moved: Cr J Hall

Seconded: Cr A Bailey

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 8th August 2023 to be confirmed.

CARRIED

FOR the Motion

Cr R Cassidy, Cr J Hall & Cr A Bailey

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.
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.

Nil

7.0 PLANNING REPORTS

7.1 DA 2023/42 : 4 LOT SUBDIVISION : 6977 LYELL HIGHWAY, OUSE

Proposal

An application for planning approval for a 4 Lot Subdivision at 6977 Lyell Highway, Ouse has been received by Council.

The property comprises of two existing titles CT223796/4 which is vacant and CT 233565/5 which includes an existing dwelling.

The subdivision proposes the following:

- CT 233565/5 subdivided into two lots, Lot 1 & Lot 2.

Lot 1 – Contains existing dwelling, lot size 894m², 22m of frontage to Lyell Highway, existing TasWater service and single point of vehicular access;

Lot 2 – 1693m², 4.4m of frontage to Lyell Highway, proposed single point of vehicular access and connection to TasWater services;
- CT223796/4 subdivided into two lots, Lot 3 & Lot 4.

Lot 3 – 600m², 16.2m of frontage to Lyell Highway, proposed single point of vehicular access and connection to TasWater services;

Lot 4 – 900m², 4.0m of frontage to Lyell Highway, proposed single point of vehicular access (Right of Way) and connection to TasWater services;

Under the Tasmanian Planning Scheme – Central Highlands subdivision is defined as development, Clause 3.1. 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.

Council gave notice of the application for public comment for 14 days. During the notification period no representations were received.

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

RESOLUTION 03/08.2023/PC

Moved: Cr A Bailey

Seconded: Cr J Hall

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

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 DA2023/42 4 Lot Subdivision at land described as 6977 Lyell Highway, Ouse subject to conditions in accordance with the Recommended Conditions.

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 Assessment Report and Bushfire Hazard Management Plan prepared by Enviro-dynamics dated July 2023 v1.0.
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 \$225.00, 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 topsoil 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 lot 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.

TasWater

21. The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA2023/01025-CHL dated 09/08/2023, as attached to this permit.

Access to State Growth Road (Lyell Highway)

22. The proposed new accesses to Lots 2, 3 and 4 are to be sealed from the edge of the state road to the property boundary.
23. The existing access to Lot 1 is to be upgraded to sealed from the edge of the state road to the property boundary.
24. Prior to undertaking any access (or other) works in the state road reserve an Access Permit is required from the Department of State Growth in accordance with Section 16 of the *Roads and Jetties Act 1935*. Application for permits can be found at https://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings
25. Applications must be received by the Department of State Growth at least 20 business days before the expected start date for works, to allow enough time to assess the application.

Construction Amenity

26. 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

27. 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.
28. 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.
29. 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

30. 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.
31. 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.
32. 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 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*.
- 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.
- E. Appropriate temporary erosion and sedimentation control measures during construction include, but are not limited to, the following -

- a) Minimise site disturbance and vegetation removal;
- b) 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);
- c) 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;
- d) 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
- e) Rehabilitation of all disturbed areas as soon as possible.



Submission to Planning Authority Notice

Council Planning Permit No.	DA 2023/42	Council notice date	2/08/2023
TasWater details			
TasWater Reference No.	TWDA 2023/01025-CHL	Date of response	9/08/2023
TasWater Contact	Shaun Verdouw	Phone No.	0467 901 425
Response issued to			
Council name	CENTRAL HIGHLANDS COUNCIL		
Contact details	kbradburn@centralhighlands.tas.gov.au		
Development details			
Address	6977 LYELL HWY, OUSE	Property ID (PID)	5469422
Description of development	Subdivision - 3 Lots + Balance		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
PDA Surveyors	51017CT-3	A	24/07/2023
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p>CONNECTIONS, METERING & BACKFLOW</p> <ol style="list-style-type: none"> 1. A suitably sized water supply with metered connections and sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 3. Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. <p>FINAL PLANS, EASEMENTS & ENDORSEMENTS</p> <ol style="list-style-type: none"> 4. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made. <i>Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.</i> <p>DEVELOPER CHARGES</p> <ol style="list-style-type: none"> 5. Prior to TasWater issuing a Consent to Register a Legal Document, the applicant or landowner as the case may be, must pay a developer charge totalling \$10,542.00 to TasWater for water and sewerage infrastructure for 3 additional Equivalent Tenements, indexed by the Consumer Price Index All groups (Hobart) from the date of this Submission to Planning Authority Notice until the date it is paid to TasWater. 6. In the event Council approves a staging plan, prior to TasWater issuing a Consent to Register a Legal Document for each stage, the developer must pay the developer charges commensurate with the 			



number of Equivalent Tenements in each stage, as approved by Council.			
DEVELOPMENT ASSESSMENT FEES			
7. The applicant or landowner as the case may be, must pay a development assessment fee of \$389.86 and a Consent to Register a Legal Document fee of \$248.30 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.			
The payment is required within 30 days of the issue of an invoice by TasWater.			
8. In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.			
Advice			
General			
For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards			
For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form			
Sewer Capacity			
The sewer system in the area is over capacity, but TW are willing to accept the risk of this development on our system			
Developer Charges			
For information on Developer Charges please visit the following webpage - https://www.taswater.com.au/building-and-development/developer-charges			
Water Submetering			
As of July 1 2022, TasWater's Sub-Metering Policy no longer permits TasWater sub-meters to be installed for new developments. Please ensure plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) reflect this. For clarity, TasWater does not object to private sub-metering arrangements. Further information is available on our website (www.taswater.com.au) within our Sub-Metering Policy and Water Metering Guidelines.			
Service Locations			
Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.			
(a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.			
(b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit https://www.taswater.com.au/building-and-development/service-locations for a list of companies.			
(c) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.			
Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au



Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au
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CARRIED

FOR the Motion

Cr R Cassidy, Cr J Hall & Cr A Bailey

8.0 OTHER BUSINESS

Nil

9.0 CLOSURE

The Chairperson thanked everyone for their contribution and declared the meeting closed at **9.09am**.
