



# Central Highlands Council

## MINUTES

### PLANNING COMMITTEE MEETING – 13 AUGUST 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 13<sup>th</sup> August 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

Cr J Honner, Cr A Bailey, Mr J Branch (Acting General Manager), 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.

*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 14<sup>TH</sup> MAY 2024

### RESOLUTION 01/08.2024/PC

**Moved:** Cr J Hall

**Seconded:** Deputy J Mayor Allwright

*THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 14<sup>th</sup> May 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 (DA2024/43) FOR SUBDIVISION (3 LOTS) AT 1204 ELLENDALE ROAD, ELLENDALE & LOT 1 ELLENDALE ROAD, ELLENDALE (CT'S 244823/1 & 43479/1) SUBMITTED BY PDA SURVEYORS, ENGINEERS & PLANNERS OBO BY T & S WALLACE**

#### **PROPOSAL**

Council is in receipt of an application for a planning permit for a 3 lot Subdivision at Lot 1 Ellendale Road and 1204 Ellendale Road, Ellendale (CT 244823/1 and CT 43479/1).

The proposal seeks that Lot 1 Ellendal Road (CT 244823/1) which is currently 64.98ha be subdivided into 3 lots (Lot 1, 2 and 3). The property 1204 Ellendale Road be consolidated with proposed Lot 5, as illustrated on the plan of subdivision.

Lot 1 Ellendale Road is currently split zoned, Rural and Rural Living A with the zone boundary formed by an existing water course. The proposal will bring the new lots 1,2 and 3 into alignment with the existing Rural Living (A) Zone boundary. The proposed Lot 5 and balance of CT 244823/1 encompasses all of the Rural Zone.

It is propsoed that;

Lot 1 - area of 1ha, access via new Right of Way, frontage 12.9m.

Lot 2 - area of 1.36ha, access via new Right of Way, frontage 8.22m.

Lot 3 - area of 3.06ha, access via new Right of Way, frontage 8.3m.

Balance of lot CT 244823/1 – area of 47.83ha, access via exitsing Right of Way, frontage 90m.

Lot 5 is to be consolidated with CT 43479/1 to form a single parcel of 14.62ha, containing the existing residential dwelling, existing access and frontage of 6m.

The documents provided with the Development Application include the following:

- Completed Development Application Form;
- Certificate of Title documents;
- Proposed Plan of Subdivision: PDA-52416CT-P4;
- Bushfire Hazard Report, prepared by GES Solutions, J10343v1 dated June 2024: and
- Planning Compliance Report, Subdivision 3 Lots by PDA Surveyors, Engineers & Planners.

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

## **RESOLUTION 02/08.2024/PC**

**Moved:** Mayor L Triffitt

**Seconded:** Deputy Mayor J Allwright

**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 (DA2023/68) to demolish the existing dwelling, construct a new dwelling, outbuilding, four (4) cabins to be used as Visitor Accommodation and associated infrastructure at the property described as 14246 Lyell Highway (CT 241772/1), owned by J Butt & R Parker and that a permit be issued with the following 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 painted to the satisfaction of the Manager Development and Environmental Services.
- 4) No vegetation other than that necessary for the construction of the development, associated access and services is to be cleared without the approval of Council.
- 5) The proposed outbuilding is approved as ancillary to the Residential and is to be used for domestic storage only. It is not to be used for commercial, industrial or habitable purposes, unless in accordance with a permit issued by Council or as otherwise permitted by Council's Planning Scheme.

### **Parking and Access**

- 6) Detailed design drawings of the culvert over the watercourse prepared by a suitably qualified person (engineer), are to be provided and approved by Council's Manager of Infrastructure and Works before application for permits under the *Building Act 2016* are lodged.
- 7) The siting of vehicular accesses and car parking spaces must generally accord with the endorsed plans.
- 8) At least four (4) car parking spaces must be provided for the use of the visitor accommodation and must be available for car parking at all times. Car parking must be in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – *Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney.

- 9) 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;
  - b) Minimum carriageway width of 4 metres;
  - c) Drained to an approved stormwater system; and
  - d) Vehicular passing areas 6 metres wide (total) x 20 metres long every 200 metres.
 or as otherwise required by an approved Bushfire Plan.
- 10) The internal driveway and areas set-aside for parking and associated access and turning must be designed, constructed and maintained to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties to the standard required by Council's Municipal Engineer.

### **Access to State Road**

- 11) The Access to the Lyell Highway is to be a minimum 5.5m wide to permit two vehicles to pass each other.
- 12) The Access is to be sealed a minimum of 6.0m from the edge of the existing seal of the Lyell Highway.
- 13) The existing B2 Centre line (double continuous line) is to be modified to create a break in the line to permit vehicles to legally turn right into the access from the Lyell Highway.
- 14) The existing access where the structure to be demolished is located, must be either removed or blocked to prevent future use.
- 15) Any conditions imposed by the Department of State Growth for works affecting the road reserve shall form part of this permit and must be adhered to.
- 16) 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 located at; [https://www.transport.tas.gov.au/road\\_permits/permits\\_and\\_bookings](https://www.transport.tas.gov.au/road_permits/permits_and_bookings)
- 17) 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.

### **Services**

- 18) 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.

### **Stormwater**

- 19) A Stormwater Management Plan prepared by a suitably qualified person must be prepared and submitted to Council's Municipal Engineer for approval. Once approved the plans shall form part of the permit.
- 20) Prior to the commencement of use and the issuing of a plumbing permit, detailed plans and calculations of the stormwater drainage system, including treatment, retention and outfalls must be prepared by a suitably qualified civil engineer and be submitted to Council's Plumbing Surveyor for approval. Once approved the plans shall form part of the permit.
- 21) 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**

- 22) 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.

#### **Protection of Water Quality**

- 23) 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 Development and Environmental Services before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.
- 24) 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 Development and Environmental Services.

#### **Natural Values**

- 25) Unless otherwise agreed by the Council's General Manager, the development and works must be carried out in accordance with the recommendations made in the Flora and Fauna Report, prepared by RMCC and dated 27 February 2024.

#### **Weed Management**

- 26) Prior to the carrying out of any works approved or required by this approval, the property owner must provide a weed management plan detailing measures to be adopted to 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 Manager of Development & Environmental Services.

#### **Construction Amenity**

- 27) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager of Development and Environmental Services:
- |                                       |                         |
|---------------------------------------|-------------------------|
| 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. |
- 28) 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.
  - 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.
- 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.
- 30) 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 Manger of Works and Technical Services.



## ADVICE NOTES

The following advice applies to this permit:

- A. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing. 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 \(PDF, 504.4 KB\)](#) or for Low Risk Building Work information go to: [Consumer Guide to Low Risk Building and Plumbing Work](#).
- B. 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.
- C. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- 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 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.
- F. 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.
- G. 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.
- H. Land on adjacent properties are Timber Production Zone Land (PTPZL) and will be subject to noise and heavy vehicle movements outside of business hours. It should also be noted that as Timber Production land, once harvested, the visual amenity of the area will change.
- I. A separate application may be required for Signage.

**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 **9.17am**.

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