



# Central Highlands Council

## MINUTES

### PLANNING COMMITTEE MEETING – 5 DECEMBER 2023

Minutes of the **Planning Committee Meeting** (Special Committee of Central Highlands Council) held in the Bothwell Town Hall, **Bothwell** on **Tuesday 5<sup>th</sup> December 2023**, commencing at **9.00am**.

Mayor L Triffitt opened the meeting and welcomed everyone before handing over to the Chairperson.

Cr R Cassidy took the Chair.

#### 1.0 PRESENT

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

#### IN ATTENDANCE

Cr A Bailey (Proxy), Cr J Honner, Cr Y Miller, Mrs K Hossack (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 10 OCTOBER 2023

### RESOLUTION 01/12.2023/PC

**Moved:** Mayor L Triffitt

**Seconded:** Cr J Hall

*THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 10 October 2023 to be confirmed.*

**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.
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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.

The Chairperson welcomed Mrs Onslow & Mrs Ferguson and asked if they would like to address the Planning Committee during Public Question Time

#### ***Mr N Tomlin – Item 7.1***

Mr N Tomlin advised he owns land adjoining the proposed subdivision and that he had made a representation to the application within the timeframe but had mis-spelt the email address and had to re-send it outside the timeframe.

Mr Tomlin raised the following points:

- A laneway adjoining the property, which is owned by Council, is not shown on the proposal plan.
- No fencing plan for the subdivision.
- TasWater have requested he contribution toward the upgrade of TasWater Infrastructure as part of his development application. Would like Council to request TasWater to under hydraulic modelling prior to approval of this development.

Mrs L Brown, Senior Planning Officer, responded to Mr Tomlins concerns as follows:

- There is no Rights of Way or easements, other than the Wastewater Treatment System Easement for the Town Hall, on the property.
- No fencing details have been provided and are not required at this stage. It is not unusual for a stipulation to be included on Titles stating the subdivider is not required to fence.
- The application was referred to TasWater who have provided their Submission to Planning Authority Notice.

## 7.0 PLANNING REPORTS

### RESOLUTION 02/12.2023/PC

**Moved:** Deputy Mayor J Allwright

**Seconded:** Cr J Hall

***THAT** Council accept the late Representation from Mr Nigel Tomlin which was received on Wednesday 29<sup>th</sup> November 2023.*

**CARRIED**

**FOR the Motion**

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

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### 7.1 DEVELOPMENT APPLICATION (DA2023/50) FOR SUBDIVISION (8 LOTS & BALANCE LOT) AT 937 ELLENDALE ROAD, ELLENDALE OWNED BY J & A DALLEY

#### PROPOSAL

The owners J & A Dalley, have applied to the Central Highlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") to subdivide the land at 937 Ellendale Road, Ellendale.

The existing property is made up of one title (CT: 170358/1) with a total area of 2.010ha and includes a dwelling and outbuildings. Vehicular access is from Ellendale Road.

The application seeks to subdivide the site to create a total of eight lots in the following arrangement:

Lot 1 – 1742.13m<sup>2</sup>, existing shed to be removed, 27m of frontage, new vehicular access from The Avenue;

Lot 2 – 1364.5m<sup>2</sup>, vacant, 24m of frontage, new vehicular access from The Avenue;

Lot 3 – 1414.83m<sup>2</sup>, vacant, 24m of frontage, new vehicular access from The Avenue;

Lot 4 – 1440.00 m<sup>2</sup>, vacant, 24m of frontage, new vehicular access from The Avenue;

Lot 5 – 5035.78m<sup>2</sup>, vacant, 7m of frontage, new vehicular access from The Avenue;

Lot 6 – 4007.90m<sup>2</sup>, vacant, 6.5m of frontage, new vehicular access from Ellendale Road;

Lot 7 – 1611m<sup>2</sup>, vacant, 14m of frontage, new vehicular access from Ellendale Road, easement for existing wastewater for Town Hall;

Lot 8 – 2003.94m<sup>2</sup>, vacant, 29.32m of frontage, new vehicular access from Ellendale Road; and

Balance Lot – 1494.06m<sup>2</sup>, includes existing dwelling, outbuilding, and vehicular access from Ellendale Road.

The proposal is to stage the development as follows:

- Stage 1. Balance lot to be divided.
- Stage 2. Divide lots 1 to 4 and 7
- Stage 3. Divide lots 5,6 and 8

The land is currently used for residential purposes. There is a dwelling, outbuildings, fencing, gardens and associated infrastructure on the land.

The application has been lodged under the *Tasmanian Planning Scheme – Central Highlands* (“the Planning Scheme”) and the property is zoned Village within the Planning Scheme.

Under the Planning Scheme subdivision is defined as development. 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 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 03/12.2023/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 Subdivision (8 Lots & Balance Lot) at 937 Ellendale Road, Ellendale owned by J & A Dalley 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, Proposed Subdivision 8 Lots & Balance, 937 Ellendale Road, Ellendale (Mark Van den Berg, GES) J9025v2 dated October 2023.*
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.

#### Agreements

4. 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.

#### Easements

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

### Public Open Space

6. 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 (excluding the balance lot) 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.

7. 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.

### Covenants

8. 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 Development & Environmental Services Manager.

### Final plan

9. 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.
10. A fee of \$45.00 per lot (minimum fee \$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.
11. 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.
12. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

### Services

13. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's Development & Environmental Services Manager or responsible authority.
14. 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.  
*Advice: Any redundant services under the subject land are to be removed.*

### Access

15. A separate vehicle access must be provided from the road carriageway to the 8 proposed Lots. Accesses must be located and constructed in accordance with the standards shown on standard drawings Standard Drawings TSD-R09-v2 Urban Roads Driveways, or as otherwise agreed by Council's Works & Services Manager.

### Water

16. Each lot must be connected to a reticulated potable water supply.

### TasWater

17. The development must meet all required Conditions of approval specified by TasWater Submission to Planning Authority Notice, TWDA 2023/01317-CHL, dated 26/09/2023.

#### **Telecommunications and Electrical Reticulation**

18. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's General Manager.

#### **Construction**

19. The subdivider must provide not less than forty-eight (48) hours written notice to Council's Works & Services Manager before commencing construction works on-site or within a council roadway.
20. The subdivider must provide not less than forty-eight (48) hours written notice to Council's Manager Infrastructure and Works before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's Works & Services Manager.

#### **Construction Amenity**

21. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager –
- |   |                     |
|---|---------------------|
| • 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 |
22. All 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 -
- 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; and/or
  - transport of materials, goods or commodities to or from the land; and/or
  - appearance of any building, works or materials.
23. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on-site will be permitted unless approved in writing by the Council's General Manager.
24. 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 subdivision during the construction period.

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

- This permit does not imply that any other approval required under any other legislation has been granted.
- This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- 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.





## Submission to Planning Authority Notice

Council Planning Permit No.	DA 2023/50	Council notice date	20/09/2023
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2023/01317-CHL	Date of response	26/09/2023
TasWater Contact	Phil Papps	Phone No.	0474 931 272
<b>Response issued to</b>			
Council name	CENTRAL HIGHLANDS COUNCIL		
Contact details	kbradburn@centralhighlands.tas.gov.au		
<b>Development details</b>			
Address	937 ELLENDALE RD, ELLENDALE	Property ID (PID)	3122492
Description of development	Subdivision (8 Lots+ Balance) - 3 Stages		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of issue
Unknown	Plan of Subdivision / 21031-C01	C	28/07/2023
GES	Staging Plan / A01	--	22/08/2023
<b>Conditions</b>			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>			
<ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered 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.</li> <li>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.</li> <li>3. Prior to commencing use of the development, any water connection utilised for the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol>			
<b>DEVELOPER CHARGES</b>			
<ol style="list-style-type: none"> <li>4. 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 \$14,056.00 to TasWater for water infrastructure for 8.0 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.</li> <li>5. 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.</li> </ol>			
<b>DEVELOPMENT ASSESSMENT FEES</b>			
<ol style="list-style-type: none"> <li>6. 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.</li> </ol>			





The payment is required within 30 days of the issue of an invoice by TasWater.

7. 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>

##### Developer Charges

For information on Developer Charges please visit the following webpage - <https://www.taswater.com.au/building-and-development/developer-charges>

##### 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.

#### 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

**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**

Deputy Mayor Allwright asked if Council could write to TasWater asking for hydraulic modelling on the water supply considering the number of residential developments in the Ellendale area.

It was agreed that Deputy Mayor Allwright prepare a Notice of Motion for the December Council Meeting.

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**9.0 CLOSURE**

The Chairperson thanked everyone for their contribution and declared the meeting closed at **9.37am**.

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