



# Central Highlands Council

## MINUTES

### PLANNING COMMITTEE MEETING – 8<sup>TH</sup> AUGUST 2023

Minutes of the **Planning Committee Meeting** (Special Committee of Central Highlands Council) held in the Bothwell Football Club & Community Centre, **Bothwell** on **Tuesday 8<sup>th</sup> August 2023**, commencing at **9.00am**.

#### 1.0 PRESENT

Deputy Mayor J Allwright (Chairperson), Cr R Cassidy, Cr J Hall & Cr A Bailey

##### IN ATTENDANCE

Cr J Honner, Mrs K Hossack (General Manager), Mr G Rogers (DES Manager), Mrs L Brown (Senior Planning Officer), Mr D Mackey (Planning Consultant), Mrs V Onslow, Mrs C Ferguson & Mrs K Bradburn (Minutes Secretary)

#### 2.0 APOLOGIES

Mayor L Triffitt

#### 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*

## 5.0 CONFIRMATION OF DRAFT MINUTES OF THE PLANNING COMMITTEE MEETING HELD 11 JULY 2023

### RESOLUTION 01/08.2023/PC

**Moved:** Cr R Cassidy

**Seconded:** Cr J Hall

**THAT** the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 11<sup>th</sup> July 2023 to be confirmed.

**CARRIED**

#### **FOR the Motion**

Deputy Mayor J Allwright, Cr R Cassidy, Cr J Hall & Cr A Bailey

## 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.

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

#### ***Mrs V Onslow – Item 7.1***

Mrs Onslow stated she is a ratepayer and resident of the Central Highlands and also represents the Keep Tasmania's Highlands Unique – No Turbine Action Group and is Secretary to this group. Mrs Onslow advised she had made a submission on the Central Highlands Local Provisions Schedule expressing concerns about the lack of scenic protection. The following points were raised at the meeting:

- Need for a Visual Impact Assessment undertaken prior to any decision being made on development at St Patrick Plains.
- Questioned the validity of any decision made by the Planning Authority without a Visual Impact Assessment.
- Would like Council to defer any decision until this is in place.

Mrs Onslow thanked the Planning Committee for their time.

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## **7.0 PLANNING REPORTS**

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### **7.1 CENTRAL HIGHLANDS LOCAL PROVISIONS SCHEDULE – ASSESSMENT OF REPRESENTATIONS UNDER SECTION 40K OF THE LAND USE PLANNING & APPROVALS ACT 1993 REGARDING THE PUBLIC EXHIBITION OF SUBSTANTIAL MODIFICATIONS AMENDMENT 2023/01, AMENDMENT 2023/02 & AMENDMENT 2023/03**

**REPORT BY**

Planning Consultant, Damian Mackey

**Purpose:**

The purpose of this report is to facilitate the Planning Committee's consideration of the representations received in response to the recent public notification of the three 'substantial modifications' to the Central Highlands Local Provisions Schedule that were directed by the Tasmanian Planning Commission following its assessment and determination of the Draft Local Provisions Schedule last year.

The outcomes of the Planning Committee's considerations will form recommendations to full Council, acting as the local Planning Authority, next week. It is necessary for an 'opinion' to be formed on each representation. The representations, and the opinions on them, will then be forwarded to the Tasmanian Planning Commission, who will hold public hearings and make a final determination.

**The 'Substantial Modification' Planning Scheme Amendments:**

When the Commission made its determination on the Draft Local Provisions Schedule, it directed that certain changes be made to it. Some of the changes were considered by the Commission to be 'Substantial Modifications', meaning that they had to be advertised for public comment. This had to be done using the Draft Planning Scheme Amendment process.

The three Draft Amendments are:

1. Amendment 2023/01: The Meadowbank Lake Specific Area Plan.

In transitioning from the old Central Highlands Interim Planning Scheme 2015 into the new Tasmanian Planning Scheme, it was Council's desire to amend the Meadowbank Lake Specific Area Plan. However, because such provisions of the planning scheme were supposed to be transferred exactly 'as is', the amended Specific Area Plan was technically considered to be a new Specific Area Plan entirely.

Therefore, in 2021, it was advertised alongside the Draft Local Provisions Schedule but was not formally a part of it. The Commission subsequently determined that the amended Specific Area Plan should be part of the planning scheme, and directed that it be considered a 'Substantial Modification' and publicly notified again.

2. Amendment 2023/02: Application of the Landscape Conservation Zone to titles at Marked Tree Road.

During the development of the Draft Local Provisions Schedule, the issue arose as to whether the Landscape Conservation Zone should be applied to land subject to nature conservation covenants. Many landowners had voluntarily agreed to such covenants with the State Government. Council adopted the policy position that it would support the Landscape Conservation Zone only where the landowners requested it. The Commission mostly agreed with this position at the initial hearings and several clusters of titles were directed to zoned Landscape Conservation.

In one cluster, however, at Marked Tree Road, the Commission included a title that had not been requested to be zoned Landscape Conservation by its owner. The owner had not engaged in the initial public notification process, and did not participate in the public hearings, and their view on the matter was therefore not known. For this reason, the Commission determined that the Marked Tree Road cluster be considered a 'Substantial Modification' and publicly notified.

3. Amendment 2023/03: Application of the Rural Zone, and subsequently the Priority Vegetation Area Overlay, to many titles throughout the municipal area.

After considering the representations received to the initial public notification of the Draft Local Provisions Schedule, Council (acting as the local Planning Authority) determined that large areas that had been initially advertised as changing to the new Agriculture Zone should remain Rural Zone, (the close equivalent of the previous Rural Resource Zone). This view was based on analysis by an agricultural scientists from Pinion Advisory, and other factors.

The areas proposed to remain Rural Zone were divided into a dozen sub-regions. Most were considered inappropriate for the Agriculture Zone as they were high in altitude with relatively poor soils and short growing seasons. One sub-region, at Fentonbury/Ellendale, was considered better suited to the Rural Zone as it had been fractured into relatively small titles and is generally used for rural-living purposes. The Commission mostly agreed with Council's view, and directed that all sub-regions to be changed back to Rural be considered 'Substantial Modifications' and publicly notified.

Note that in the Rural Zone the Priority Vegetation Area Overlay must apply, if and where it has been mapped.

## RESOLUTION 02/08.2023/PC

**Moved:** Cr R Cassidy

**Seconded:** Cr J Hall

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

That the Planning Authority:

- A. Agree to accept Representations 3 and 27, despite having received them after the advertised date for the close of submissions.
- B. Endorse the assessment and proposed opinion of each representation, as set out in the attached Assessment Report dated 2 August 2023 and as modified by the Planning Committee, for the purposes of the Planning Authority's report to the Tasmanian Planning Commission under Section 40K of the *Land Use Planning and Approvals Act 1993*.

**CARRIED**

### **FOR the Motion**

Deputy Mayor J Allwright, Cr R Cassidy, Cr J Hall & Cr A Bailey

## **7.2 APPEAL : DA 2023/27 : VISITOR ACCOMMODATION : 73A JONES ROAD, MIENA**

Noted

## **7.3 SCENIC LANDSCAPE**

Cr R Cassidy addressed the Committee and outlined a rationale for progressing Scenic Landscape Values and Scenic Road Corridors assessment.

It was noted that this item would require a decision of Council if it is to be progressed.

## **8.0 OTHER BUSINESS**

Nil

## **9.0 CLOSURE**

The Chairperson thanked everyone for their contribution and declared the meeting closed at 10.10am.