



Central Highlands Council

MINUTES

PLANNING COMMITTEE MEETING – 9 JANUARY 2024

Minutes of the **Planning Committee Meeting** (Special Committee of Central Highlands Council) held at the Bothwell Football Club & Community Centre, **Bothwell** on **Tuesday 9th January 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 A Bailey (Proxy), Cr J Honner, Cr Y Miller, Cr D Meacheam, 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

5.0 CONFIRMATION OF DRAFT MINUTES OF THE PLANNING COMMITTEE MEETING HELD 5 DECEMBER 2023

RESOLUTION 01/01.2024/PC

Moved: Deputy Mayor J Allwright

Seconded: Cr J Hall

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 5 December 2023 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 (DA2023/63) FOR SUBDIVISION (2 LOTS & BALANCE LOT) AT LOT 2 ELLENDALE ROAD, WESTERWAY OWNED BY T CLARK & S GATENBY-CLARK

PROPOSAL

Council is in receipt of a Development Application for a 2 Lot and Balance subdivision at Lot 2 Ellendale Road, Westerway.

PDA Surveyors, Engineers and Planners, 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.

The existing property is made up of one title (CT: 177709/2) with a total area of 50.59ha. The property is vacant of any structures and an existing vehicular access is provided from Ellendale Road.

The application seeks to subdivide the site to create a total of two (2) lots and the balance lot in the following arrangement:

Lot 1 – 8.85ha, 272m of frontage to Ellendale Road, new shared vehicular access from the Road;

Lot 2 – 5.66ha, 186m of frontage to Ellendale Road, new shared vehicular access from the Road; and

Balance Lot – 36.08ha, 71m frontage to Ellendale Road and exiting vehicular access from the Road.

The application has been lodged under the *Tasmanian Planning Scheme – Central Highlands* ("the Planning Scheme") and the property is zoned Rural Living A 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 03/01.2024/PC

Moved: Cr J Hall

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 (DA2023/63) for Subdivision (2 Lots & Balance Lot) at Lot 2 Ellendale Road, Westerway owned by T Clark & S Gatenby-Clark 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 Lot 2 Ellendale Road, Westerway (Mark Van den Berg, GES) J9134v2 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 \$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 lot 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 new Lots (lot 1 & lot 2). The existing access which serves the Balance Lot must be upgraded. 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 2023/01632-CHL, dated 01/12/2023.

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 the 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 Works & Services Manager 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 | 7:00am to 6:00pm |
| Saturday | 8:00am to 6:00pm |
| Sunday and State-wide Public Holidays | 10:00am to 6:00pm |
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 2023/63 | Council notice date | 24/11/2023 |
| TasWater details | | | |
| TasWater Reference No. | TWDA 2023/01632-CHL | Date of response | 01/12/2023 |
| TasWater Contact | Timothy Carr | Phone No. | 0419 306 130 |
| Response issued to | | | |
| Council name | CENTRAL HIGHLANDS COUNCIL | | |
| Contact details | kbradburn@centralhighlands.tas.gov.au | | |
| Development details | | | |
| Address | Lot 2 ELLENDALE RD, WESTERWAY | Property ID (PID) | 9170139 |
| Description of development | Subdivision(2 Lots & Balance) | | |
| Schedule of drawings/documents | | | |
| Prepared by | Drawing/document No. | Revision No. | Date of Issue |
| PDA | Proposal Plan – 49834CT - 1 | - | 01/11/2023 |
| Conditions | | | |
| 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: | | | |
| CONNECTIONS, METERING & BACKFLOW | | | |
| 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. | | | |
| Advice: <i>The proposed water connection/meter for lot 2, must be located adjacent to the driveway.</i> | | | |
| 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. | | | |
| ASSET CREATION & INFRASTRUCTURE WORKS | | | |
| 3. Plans submitted with the application for the Certificate for Certifiable Work (Building and/or Plumbing) must, to the satisfaction of TasWater show, all existing or proposed property services and mains. | | | |
| a. An offset fire hydrant located in the road reserve, outside the proposed lots 1 & 2 as to comply with the hydrant spacing standards outlined in the TasWater Supplement table 8.8.8. Rural Living Zone. | | | |
| b. Provide long section of the proposed driveways as to confirm depth of cover over the existing water main. | | | |
| FINAL PLANS, EASEMENTS & ENDORSEMENTS | | | |
| 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. | | | |
| Advice: <i>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> | | | |



5. Pipeline easements, to TasWater's satisfaction, must be created over any existing or proposed TasWater infrastructure and be in accordance with TasWater's standard pipeline easement conditions.
6. Prior to the issue of a TasWater Consent to Register a Legal Document, the applicant must submit a .dwg file, prepared by a suitably qualified person to TasWater's satisfaction, showing:
 - a. the exact location of the existing water infrastructure,
 - b. the easement protecting that infrastructure.

The developer must locate the existing TasWater infrastructure and clearly show it on the .dwg file. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost.

DEVELOPER CHARGES

7. 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 \$3,514.00 to TasWater for water infrastructure for 2.0 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.

DEVELOPMENT ASSESSMENT FEES

8. 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.

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.

Advice to Planning Authority (Council) and developer on fire coverage

TasWater cannot provide a supply of water for the purposes of firefighting to the entirety of lots on the plan.

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 **9.09am**.
