



# Central Highlands Council

## MINUTES

### PLANNING COMMITTEE MEETING – 9<sup>TH</sup> MAY 2023

Minutes of the **Planning Committee Meeting** (Special Committee of Central Highlands Council) held in the Bothwell Council Chamber, **Bothwell** on **Tuesday 9<sup>th</sup> May 2023**, commencing at **9.00am**.

#### 1.0 PRESENT

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

#### IN ATTENDANCE

Cr A Bailey, Cr J Honner, Cr E Miller, Mrs K Hossack (General Manager), Mr G Rogers (DES Manager) & Mrs K Bradburn (Minutes Secretary)

#### 2.0 APOLOGIES

Mrs L Brown (Planning Officer)

#### 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.

*Cr A Bailey – Item 7.1 DA2023/01: Subdivision One Lot & Balance – 24 Ponsonby Street, Hamilton*

#### 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 FEBRUARY 2023

### RESOLUTION 01/05.2023/PC

**Moved:** Mayor L Triffitt

**Seconded:** Cr R Cassidy

**THAT** the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 14<sup>th</sup> February 2023 to be confirmed.

**CARRIED**

**FOR the Motion**

Deputy Mayor J Allwright, Mayor L Triffitt, Cr R Cassidy & Cr J Hall

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## 6.0 PUBLIC QUESTION TIME

In accordance with the *Local Government (Meeting Procedures) Regulations 2015*, the Council conducts a Public Question Time Forum to enable members of the public to ask question on Council related matters.

A period of 15 minutes, if required, will be set aside at the beginning of each Ordinary Council Meeting to conduct Public Question Time. If a response to a question cannot be provided at the meeting a written response will be provided as soon as practicable.

A member of the public may give written notice to the General Manager, 7 days before a meeting of a question to be put to the Meeting.

The Chairman may invite any member of the public present at a meeting to ask questions, without notice, relating to activities of the Council, subject to the provisions of Clause 2 below.

1. Once Question Time commences the Chairman will determine the order in which questions are heard.
2. Questions may relate to any business of the Council capable of being discussed in the open portion of the meeting, and which is not listed as an item for consideration on the Agenda for the Council Meeting.
3. Members of the public proposing a question are required to be present at the Council Meeting at which their question is to be read. Where a person submits a question for Public Question Time but fails to attend the meeting, the question will be treated as general correspondence and a written response will be provided at the earliest opportunity.
4. A person asking a question, when called upon by the Chairman is requested to:
  - Stand
  - State their name and address
  - Read out their question
5. The Chairman retains the right to accept or decline questions and to determine if the question is to be answered at the meeting by the appropriate Councillor or employee or written down and taken on notice. The decision to take the question on notice may also be taken by the Councillor or employee to whom the question is directed. Questions taken on notice will be answered at a later meeting.
6. The Chairman may rule a question inappropriate, and thus inadmissible if in his or her opinion it has already been asked, is unclear, irrelevant, insulting, improper or relates to any matter which would normally be discussed in the closed portion of the meeting as defined in the *Local Government (Meeting Procedures) Regulations 2015*.

7. Public Question Time forum will be limited to a maximum of 15 minutes in duration and will be declared closed following the expiration of the allocated time period, or where all valid questions have been dealt with, whichever is the sooner.
8. Each question is to be asked by the proponent who will be allowed a maximum of three minutes in which to put the question.
9. The Chairman will **not allow** any discussion or debate on either the question or the response.
10. Where a person proposes more than one question at any one forum, and there are a number of persons wishing to lodge questions, the Chairman may take the questions in such order so as to hear as many members of the public as practical during the time allocated.
11. The minutes of the Council Meeting will contain a summary of each question asked by members of the public and the response given.
12. Public Statements (as opposed to questions) **will not** be accepted for the reason that statements could be considered a form of participation.

Pertaining to any Planning Authority agenda item within this agenda, Council will do so in accordance with Council's Policy 2017-49.

Both the Public Question Time Procedure above and 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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*Cr A Bailey declared a conflict of interest in Item 7.1 and left the room at 9.05am*

### 7.1 DA2023/01: SUBDIVISION ONE LOT & BALANCE - 24 PONSONBY STREET, HAMILTON

#### **Proposal**

The proposal is for a one lot subdivision, plus balance at 24 Ponsonby Street, Hamilton. The lot is currently 5576m<sup>2</sup> and contains two outbuildings. Vehicular access is via an existing point of access from Ponsonby Street.

The proposal seeks to create:

- Lot1: accessed from Franklin Place, lot size 1000m<sup>2</sup>; and
- Balance lot: accessed from Ponsonby Street, balance lot size 4576m<sup>2</sup>.

24 Ponsonby Street is within the Heritage Precinct and subject to the Historic Heritage Code.

Subdivision is a Discretionary use and development in the Village Zone in the Central Highlands Interim Planning Scheme 2015.

#### **RESOLUTION 02/05.2023/PC**

**Moved:** Cr R Cassidy

**Seconded:** Mayor L Triffitt

**THAT** the Planning Committee make the following recommendation to 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 DA2023/01 Subdivision One Lot & Balance at 24 Ponsonby Street, Hamilton, subject to conditions in accordance with the Recommendation.

### **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*.

#### *Public Open Space Contribution*

- 3) Council requires that an amount equal to five percent (5%) of the unimproved value of the land be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer.
- 4) 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.

#### *Bushfire Hazard Management*

- 5) The development and works must be carried out in accordance with the approved Bushfire Hazard Report prepared by GEO Environmental Solutions, November 2022, J8054v1.0.
- 6) Prior to Council sealing the final plan of survey the developer must provide certification from a suitably qualified person that all works required by the Bushfire Hazard Report have been complied with.

#### *Services*

- 7) 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.
- 8) Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and the satisfaction of Council's General Manager.
- 9) Each lot must be connected to a reticulated potable water supply.
- 10) Each lot must be connected to a reticulated sewerage system.

#### *Access to State Road (Franklin Place)*

- 11) 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*.
- 12) Applications for Permits can be found at [https://www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings](https://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings)

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.

#### *Access*

- 13) A sealed vehicle access must be provided from the road carriageway to Lot 1. The access must be located and constructed in accordance with the standards shown on standard drawings TSD-R09-v2 and the satisfaction of Council's Works Manager.
- 14) The access strip to the Balance Lot is to be sealed from Ponsonby Road to the lot proper.

*Easements*

- 15) 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*

- 16) 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.

*Final plan*

- 17) A final approved plan of survey and schedule of easements as necessary, together with one copy, must be submitted to Council for sealing. 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.
- 18) A fee of \$250.00, 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.
- 19) 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.
- 20) 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.

**The following advice applies to this permit:**

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) If you notify Council that you intend to commence the use or development before the date specified above, you forfeit your right of appeal in relation to this permit.

**CARRIED****FOR the Motion**

Deputy Mayor J Allwright, Mayor L Triffitt, Cr R Cassidy & Cr J Hall

*Cr A Bailey returned to the meeting at 9.10am*

**7.2 DA2022/48: BOUNDARY ADJUSTMENT - 6371 LYELL HIGHWAY, OUSE****Proposal**

Council is in receipt of a development application for the Boundary Reorganisation of land described as CT 122993/2, CT 122993/4 and CT197864/1. The reorganisation of the boundary seeks to separate the existing dwelling and outbuildings on CT122993/4 form a 1ha Lot (referred to as Lot 1 on the plans).

CT122993/4 includes the former Water Operators Cottage, which is in a poor state of repair and has not been lived in for many years. The property is accessed via a Right Of Way from an access at the junction with the Lyell Highway.

The existing pipeline easement and water channels will form part of the balance lot, which are shown on the proposed plan as Lot 3 and Lot 4 and Lot 2 (CT122993/2). No Water Trust infrastructure will be contained on the proposed Lot 1, as the pump station at the end of the channel which then pumps the water up into CT 122993/2 will be contained on the proposed Lot 2.

The proposal is Discretionary and is assessed against the relevant standards for the Rural Resource Zone pursuant to section 26.0 of the Central Highlands Interim Planning Scheme 2015.

**RESOLUTION 03/05.2023/PC****Moved:** Mayor L Triffitt**Seconded:** Cr J Hall**THAT** the Planning Committee make the following recommendation to 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 DA2022/48 Boundary Reorganisation to land described as CT 122993/2, CT 122993/4 & CT197864/1, subject to conditions in accordance with the Recommendation.

**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*.

**Easements**

3. 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**

4. 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**

5. 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**

6. The development and works must be carried out in accordance with the Bushfire Assessment Report Version – 1.0, prepared by Rogerson & Birch Surveyors dated 15/02/2023.
7. 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**

8. 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**

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 \$250.00, 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. 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.
12. 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.
13. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

#### **Weed Management**

14. Prior to the carrying out of any works approved or required by this approval, the subdivider 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 Municipal Engineer and of the Regional Weed Management Officer, Department of Primary Industries Water and Environment.

#### **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 top soil 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 lots 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.

#### **Rural Access**

21. A separate vehicle access must be provided from the right of way to the balanced lot 3. Accesses must be located and constructed in accordance with the standards shown on standard drawings SD-1009 *Rural Roads - Typical Standard Access* and SD-1012 *Intersection and Domestic Access Sight Distance Requirements* prepared by the IPWE Aust. (Tasmania Division) (attached) or as otherwise stated in the Bushfire Assessment and to the satisfaction of Council's Municipal Engineer.



**Construction Amenity**

22. 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

23. 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.
24. 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.
25. 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.

**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. Approval of this boundary reorganisation does not imply approval for any residential use on the lots. Note that the relevant standards from the Tasmanian Planning Scheme – Central Highlands for the Rural Zone and/or Agriculture Zone will apply, and that residential use is listed as a Discretionary Use in these Zones.

**CARRIED****FOR the Motion**

Deputy Mayor J Allwright, Mayor L Triffitt, Cr R Cassidy &amp; Cr J Hall

**7.3 POLICY 2013-08 – PUBLIC OPEN SPACE****Background**



A review of the Policy 2013-08 Public Open Space was postponed so a review and updated could be carried out in line with the Local Provision Schedule once the Tasmanian Planning Scheme was adopted. Council's Planning Officer has now carried out this review.

Providing and maintaining quality public open spaces for the community is an important role of Councils. Public open spaces include parks, reserves, gardens, sports/recreation fields and pedestrian or cycle paths and trails.

When land is subdivided to create new lots suitable for housing it will increase the local population and therefore increase the demand for public open spaces in that area. As towns and cities grow it is necessary for Councils to provide for new public open spaces and make improvements to the existing ones for the benefit of the community.

In Tasmania, the *Division 8 of the Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP Act) gives Councils the power to require a subdivision developer to contribute to the provision of public open space commensurate with the increase in public open space demand likely to be created by their subdivision.

The LGBMP Act provides that Council may take up to 5% of the subdivision land area for public open space, or a cash in lieu payment equivalent to the value of 5% of the unimproved land value at the time of subdivision (or a combination of the two up to 5%).

Since the adoption of the Tasmanian planning Scheme, the question has been asked, does Council need to update the Public Open Space Policy in line with the new Planning Scheme?

In short, the answer is no. This is because there are no Public Open Space standards in the Tasmanian Planning Scheme and the only amendments required are to the zone names. Therefore, Council can continue to rely upon LGBMP for the determination of POS Contributions and apply the Central Highlands Council Policy 2013-08 Public Open Space Policy, with the minor amendments.

### **Action to Consider**

Council may wish to explore if there is any merit in changing the Public Open Space Policy to accommodate improved values within the terminology, rather than unimproved. However, there may not be much economic benefit and the majority of Councils use the unimproved value.

A copy of the Public Open Space Policy from Brighton Council has been included in the attachments for your information.

## **RESOLUTION 04/05.2023/PC**

**Moved:** Cr R Cassidy

**Seconded:** Cr J Hall

**THAT** the Planning Committee recommends Council approve the reviewed Policy 2013-08 Public Open Space.

## **AMENDED RESOLUTION 04/05.2023/PC**

**Moved:** Cr J Hall

**Seconded:** Mayor L Triffitt

**THAT** the Planning Committee recommends Council approve the reviewed Policy 2013-08 Public Open Space with the reference to Agriculture Zone land removed from the Policy.

**CARRIED**

### **FOR the Motion**

Deputy Mayor J Allwright, Mayor L Triffitt, Cr R Cassidy & Cr J Hall

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## **7.4 RIVER CLYDE FLOOD MAPPING STUDY – FINAL REPORT**

**Background**

The River Clyde Flood Mapping Study – Final Report has now been completed. A final presentation by GHD Consultants will be held at the Council Workshop later today before being tabled on the 16 May 2023 Ordinary Council Meeting agenda. Councillors need to be aware that once this document is formally endorsed by Council, it will need to be considered when assessing developments under the relevant Central Highlands Planning Scheme and any future Town Structure Plans that may come into place.

***Noted***

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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 9.22am.

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