



## Central Highlands Council

### AGENDA

### PLANNING COMMITTEE MEETING – 12<sup>TH</sup> SEPTEMBER 2023

#### Council Representatives:

Deputy Mayor J Allwright (Chairperson); Mayor L Triffitt, Cr R Cassidy & Cr J Hall  
(Cr A Bailey – Proxy)

Agenda of a **Planning Committee Meeting** (Special Committee of Central Highlands Council) scheduled to be held at the Bothwell Football Club & Community Centre, **Bothwell** on **Tuesday 12<sup>th</sup> September 2023**, commencing at **9.00am**.

I certify under Section 65 of the *Local Government Act 1993*, that the matters to be discussed under this Agenda have been, where necessary, subject of advice from a suitably qualified person and that such advice has been taken into account in providing advice to the Council.

Dated at Bothwell this **6<sup>th</sup>** day of **September 2023**.

Kim Hossack  
**General Manager**

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## 1.0 PRESENT

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## 2.0 APOLOGIES

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## 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.

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## 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.
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## 5.0 CONFIRMATION OF DRAFT MINUTES OF THE PLANNING COMMITTEE MEETING HELD 8 AUGUST 2023

### RECOMMENDATION 01/09.2023/PC

**Moved:** Cr

**Seconded:** Cr

***THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 8<sup>th</sup> August 2023 to be confirmed.***

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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.

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## 7.0 PLANNING REPORTS

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## 7.1 DA 2023/42 : 4 LOT SUBDIVISION : 6977 LYELL HIGHWAY, OUSE

### **Report By**

Louisa Brown, Senior Planning Officer

### **Attachments**

Development Application

### **Applicant**

PDA Surveyors

### **Owner**

P Allwright

### **Discretions**

12.5.1 Lot Design P2

### **Proposal**

An application for planning approval for a 4 lot subdivision at 6977 Lyell Highway, Ouse has been received by Council.

The property comprises of two existing titles CT223796/4 which is vacant and CT 233565/5 which includes an existing dwelling.

The subdivision proposes the following:

- CT 233565/5 subdivided into two lots, Lot 1 & Lot 2.
  - Lot 1 – Contains existing dwelling, lot size 894m<sup>2</sup>, 22m of frontage to Lyell Highway, existing TasWater service and single point of vehicular access;
  - Lot 2 – 1693m<sup>2</sup>, 4.4m of frontage to Lyell Highway, proposed single point of vehicular access and connection to TasWater services;
- CT223796/4 subdivided into two lots, Lot 3 & Lot 4.
  - Lot 3 – 600m<sup>2</sup>, 16.2m of frontage to Lyell Highway, proposed single point of vehicular access and connection to TasWater services;
  - Lot 4 – 900m<sup>2</sup>, 4.0m of frontage to Lyell Highway, proposed single point of vehicular access (Right of Way) and connection to TasWater services;

Under the Tasmanian Planning Scheme – Central Highlands subdivision is defined as development, Clause 3.1. 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.

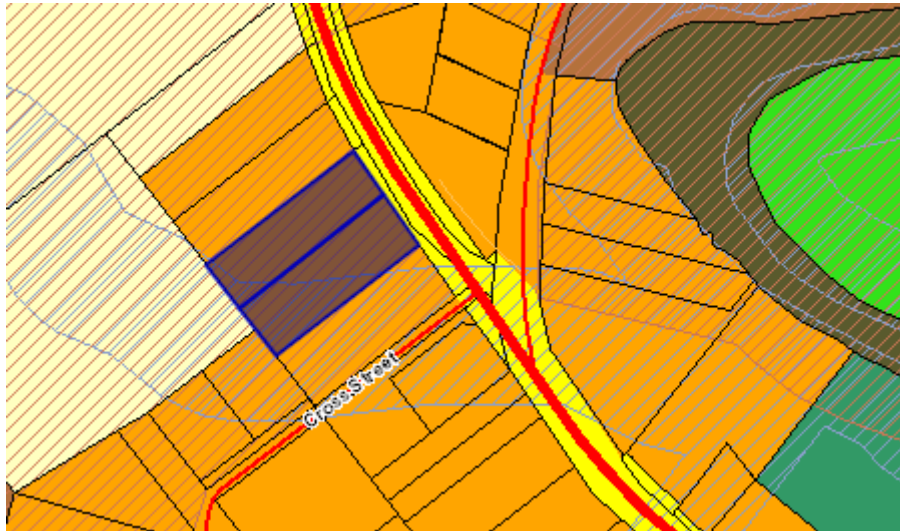
Council gave notice of the application for public comment for 14 days. During the notification period no representations were received.

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.

## **The Site**

The property contains two existing titles with a combined area of 4065m<sup>2</sup> and includes an existing dwelling with a single point of vehicular access to the northeast boundary. The property fronts onto Lyell Highway, a Department of State Growth Road.

Situated to the northwest of the township of Ouse, Ouse Golf Course is located 600m to the west of the property. The landscape of the surrounding area is characterised by grassland.



*Map 1\_ The land is zoned Village, as shown by the orange colour on the map. The site boundary is highlighted in blue. Blue lines represents areas of Waterway & Coastal Protection, brown lines indicate Bushfire Prone Areas. Source: The List 06/09/2023*



*Map 2\_ Ariel Photograph. The site boundary is highlighted in blue. Source: The List 06/09/2023*

## **The Application**

The Applicant has submitted the attached Plans and information to accompany the Development Application form. The Application includes:

Bushfire Hazard Report – prepared by Enviro-dynamics  
 Planning Compliance Report – prepared by PDA Surveyors  
 Proposed Plan of Subdivision - prepared by PDA Surveyors

The proposal has been referred to TasWater and conditions have been provided to be attached to the planning permit should approval be granted by Council.

As the Lyell Highway is a State Growth Road, the proposal has been referred to the Department of State Growth and conditions have been provided in the planning permit should approval be granted by Council.

### **Use / Development Definition**

The proposed use and development is defined, under the Planning Scheme, as development for Subdivision, which is Discretionary in accordance with the Tasmanian Planning Scheme – Central Highlands.

### **Use / Development Status under the Planning Scheme**

As a discretionary development, the application was advertised in accordance with Section 57 of the Act.

Council has the discretion to grant a permit for this proposal with or without conditions or refuse to grant a permit.

### **Public Notification and Representations**

The application was advertised on the 18 August 2023 for fourteen (14) days.

During this period Council received no representations.

### **Assessment – The Tasmanian Planning Scheme – Central Highlands**

#### **Village Zone**

The land is in the Village Zone of the Tasmanian planning Scheme – Central Highlands. The proposal is a discretionary land use and development in this zone. The proposal must satisfy the requirements of the following relevant provisions of this zone:

<b>12.5 Development Standards for Subdivision</b> <b>12.5.1 Lot design</b> That each lot: (a) has an area and dimensions appropriate for use and development in the zone; and (b) is provided with appropriate access to a road.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, must:  (a) have an area of not less than 600m <sup>2</sup> and:  (i) be able to contain a minimum area of 10m x 15m, with a gradient of not more than 1 in 5, clear of: a. all setbacks required by clause 12.4.3 A1 and A2; and. easements or other title restrictions that limit or restrict development; and  (ii) existing buildings are consistent with the setback required by clause 12.4.3 A1 and A2;	<b>P1</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to:  (a) the relevant requirements for development of existing buildings on the lots;  (b) the intended location of buildings on the lots;  (c) the topography of the site;  (d) the presence of any natural hazards;	<i>The proposed subdivision meets the Acceptable Solution in both minimum lot size and 10m x 15m indicative building area, clear of setbacks.</i>



<p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>(e) adequate provision of private open space; and</p> <p>(f) the pattern of development existing on established properties in the area.</p>	
<p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 10m.</p>	<p><b>P2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <p>(a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</p> <p>(b) the topography of the site;</p> <p>(c) the functionality and useability of the frontage;</p> <p>(d) the anticipated nature of vehicles likely to access the site;</p> <p>(e) the ability to manoeuvre vehicles on the site;</p> <p>(f) the ability for emergency services to access the site; and</p> <p>(g) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.</p>	<p><i>Lots 1 &amp; 3 meet the Acceptable Solution of a minimum frontage of 10m.</i></p> <p><i>The remaining lots are assessed against the Performance Criteria P2.</i></p> <p><i>Lots 2 and 4 will be provided with frontage of at least 4.0m wide from the Lyell Highway, which meets the minimum width.</i></p> <p><i>Lot 4 will be provided with a Right of Way from the Lyell Highway.</i></p> <p><i>As a state Growth Road, Sate Growth have been referred to and have provided conditions for any Permit which could be granted.</i></p> <p><i>Frontage for Lots 2 and 4 meet the Performance Criteria as the frontages are sufficient, safe and functional for vehicular access.</i></p>
<p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority</p>	<p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the distance between the lot or building area and the carriageway;</p>	<p>The proposed plan of subdivision meets the Acceptable Solution A3 as all lots are provided with vehicular access to a State Growth Road and to the conditions set by State Growth in the proposed Planning Permit.</p>

	(c) the nature of the road and the traffic; and  (d) the pattern of development existing on established properties in the area.	
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### 12.5.2 Roads

That the arrangement of new roads within a subdivision provides:

- (a) safe, convenient and efficient connections to assist accessibility and mobility of the community;
- (b) adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and
- (c) the efficient ultimate subdivision of the entirety of the land and of surrounding

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<b>A1</b> The subdivision includes no new roads	<b>P1</b> 1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, pedestrians and cyclists, having regard to: <ul style="list-style-type: none"> <li>(a) any relevant road network plan adopted by council;</li> <li>(b) the existing and proposed road hierarchy;</li> <li>(c) the need for connecting roads and pedestrian paths to common boundaries with adjoining land to facilitate future subdivision potential;</li> <li>(d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;</li> <li>(e) access to public transport;</li> <li>(f) the topography of the site; and</li> <li>(g) the future subdivision potential of any balance lots on adjoining or adjacent land.</li> </ul>	<i>Acceptable solution A1 is met as no new roads are proposed as a part of this subdivision.</i>

### 12.5.3 Services

That the subdivision of land provides services for the future use and development of the land.

Acceptable Solutions	Performance Criteria	Officer Comment
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a	<b>P1</b> No Performance Criterion.	<i>The proposal meets the acceptable solution A1 as Lot 1 has an existing connection to</i>



<p>riparian or littoral reserve or Utilities, must:</p> <p>(a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or</p> <p>(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a connection to a limited water supply service, unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service</p>		<p><i>potable water, the remaining lots will be provided with connections, as requested by TasWater in the SPAN attached.</i></p>
<p><b>A2</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system</p>	<p><b>P2</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land</p>	<p><i>The proposal meets the acceptable solution A2 as Lot 1 has an existing connection to reticulated sewerage, the remaining lots will be provided with connections, as requested by TasWater in the SPAN attached.</i></p>
<p><b>A3</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system</p>	<p><b>P3</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the size of the lot;</li> <li>(b) topography of the site;</li> <li>(c) soil conditions;</li> <li>(d) any existing buildings on the site;</li> <li>(e) any area of the site covered by impervious surfaces; and</li> <li>(f) any watercourse on the land.</li> </ul>	<p><i>The proposal meets the acceptable solution A3 as Lot 1 has an existing connection to Storm water infrastructure on the Lyell Highway, the remaining lots will be provided with connections, as requested by TasWater in the SPAN attached.</i></p>

## C2.0 Parking and Sustainable Transport Code

The purpose of the Parking and Sustainable Transport Code is:

- To ensure that an appropriate level of parking facilities is provided to service use and development.
- To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.
- To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.

- To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.
- To ensure that parking spaces and accesses meet appropriate standards.
- To provide for parking precincts and pedestrian priority streets.

<b>C2.5 Use Standards</b>		
<b>C2.5.1 Car parking numbers</b>		
Objective: That an appropriate level of car parking spaces are provided to meet the needs of the use		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b></p> <p>The number of on-site car parking spaces must be no less than the number specified in Table 2.1, less the number of car parking spaces that cannot be provided due to the site including container refund scheme space, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p><math>N = A + (C - B)</math> N = Number of on-site car parking spaces</p>	<p><b>P1.1</b></p> <p>The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p> <p>(ii) efficiencies gained by consolidation of car parking spaces;</p> <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p>	<p><i>As the subdivision proposal includes an existing dwelling, this use must be assessed against. The existing dwelling contains sufficient on-site car parking to meet the requirements of the code, the Acceptable Solution A1 is met.</i></p> <p><i>Car parking for Lots 2, 3 and 4 will be assessed once development applications for each lot come forward for development. The standard will be applied based on the use of any proposed development.</i></p>

<p>required A = Number of existing on-site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p><b>P1.2</b> The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p> <p>(c) the pattern of parking in the surrounding area.</p>	
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<b>C2.6.3 Number of accesses for vehicles</b> That: <ul style="list-style-type: none"> <li>(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;</li> <li>(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and</li> <li>(c) the number of accesses minimise impacts on the streetscape.</li> </ul>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b> The number of accesses provided for each frontage must:</p> <ul style="list-style-type: none"> <li>(a) be no more than 1; or</li> <li>(b) no more than the existing number of accesses, whichever is the greater.</li> </ul>	<p><b>P1</b> The number of accesses for each frontage must be minimised, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any loss of on-street parking; and</li> <li>(b) pedestrian safety and amenity;</li> <li>(c) traffic safety;</li> <li>(d) residential amenity on adjoining land; and</li> <li>(e) the impact on the streetscape.</li> </ul>	<p><i>The proposal meets the Acceptable solution as no more than 1 vehicular access is proposed for each lot. Lot 1 contains an existing singular vehicular access point.</i></p>
<p><b>A2</b> Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	<p><b>P2</b> Within the Central Business Zone or in a pedestrian priority street, any new accesses must:</p> <ul style="list-style-type: none"> <li>(a) not have an adverse impact on:               <ul style="list-style-type: none"> <li>(i) pedestrian safety and amenity; or</li> <li>(ii) traffic safety; and</li> </ul> </li> <li>(b) be compatible with the streetscape.</li> </ul>	<p><i>Not applicable.</i></p>

### C7.0 Natural Assets Code

The application of this Code applies to development on land within a Waterway & Coastal Protection Area and a Priority Vegetation within the Village Zone.

<b>C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area</b>		
That:		
(a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>Officer Comment</b>
<b>A1</b> Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must: (a) be for the creation of separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.	<b>P1</b> Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to: (a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and (b) future development likely to be facilitated by the subdivision.	<i>A small section of the proposed access road and the majority of the Bushfire Hazard Area of Lot 1 and one third of the Bushfire Hazard Area for Lot 4 is within the Waterway &amp; Coastal Protection Area (WCPA) and therefore the proposal must be assessed against P1.</i>  <i>A natural low point which may have been/could be a watercourse is situated outside of the property to the southwest and northeast. The watercourse is currently dry, however the area surrounding the route of the watercourse generates the Waterway Code Overlay. Any future development and works of the area in the Code Overlay will be assessed as development comes forward.</i>  <i>The Performance Criteria is met.</i>

### C13.0 Bushfire Prone Area Code

This code applies to subdivision of land that is located within a bushfire-prone area, which the property is located within.

A Bushfire Hazard Assessment Report and Bushfire Hazard Management Plan for the proposed 4 lot and balance subdivision at 6977 Lyell Highway, has been prepared by Enviro-dynamics and dated July 2023, v1.0.

This report makes several recommendations which form a part of the planning conditions of the permit, and which must be completed prior to Council sealing the final plan of survey.

### Conclusion

The 4 Lot subdivision at 6977 Lyell Highway, Ouse has been assessed to comply with the applicable standards of the Village Zone and the relevant codes of the *Tasmanian Planning Scheme – Central Highlands* as outlined in the body of this report.

The proposal was advertised for public comment for 14 days and no representations were received.

It is recommended that the application be approved, subject to conditions.

### **Legislative Context**

The purpose of the report is to enable the Planning Authority to determine the Development Application DA2023/42 in accordance with the requirements of the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a Planning Authority to take all reasonable steps to ensure compliance with the Planning Scheme.

This report details the reasons for the officers Recommendation for approval. The Planning Authority must consider the report but is not bound to adopt the Recommendation for approval. Broadly, the Planning Authority can either: (1) adopt the Recommendation, (2) vary the Recommendation by adding, modifying or removing recommended conditions or (3) replacing an approval with a refusal.

This determination has to be made no later than 22 September 2023.

Any decision that is an alternative to the Recommendation requires a full statement of reasons to ensure compliance with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*. Section 25 (2) of the *Local Government (Meeting Procedures) Regulations 2015* states:

**25 (2):** *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

### **Options**

The Planning Authority must determine the Development Application DA2023/42 4 Lot Subdivision at land described as 6977 Lyell Highway, Ouse in accordance with one of the following options:

#### **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 DA2023/42 4 Lot Subdivision at land described as 6977 Lyell Highway, Ouse subject to conditions in accordance with the Recommended Conditions.

#### **2. Approve with altered conditions:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Approve** the Development Application DA2023/42 4 Lot Subdivision at land described as 6977 Lyell Highway, Ouse subject to conditions as specified below.

*Should Council opt to approve the Development Application subject to conditions that are different to the Recommendation the modifications should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Alteration to Conditions:-

#### **3. Refuse to grant a permit:-**

In accordance with section 57 of the Land Use Planning and Approvals Act 1993 the Planning Authority **Refuse** the DA2023/42 4 Lot Subdivision at land described as 6977 Lyell Highway, Ouse for the reasons detailed below.

*Should the Planning Authority opt to refuse to grant a permit contrary to the officers Recommendation, the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:*

Reasons :-

## RECOMMENDATION 02/09.2023/PC

**Moved:** Cr

**Seconded:** Cr

*THAT the Planning Committee make the following recommendation to Council acting as 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 DA2023/42 4 Lot Subdivision at land described as 6977 Lyell Highway, Ouse subject to conditions in accordance with the Recommended Conditions.

### **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*.

#### **Staged Development**

3. The subdivision development must not be carried out in stages except in accordance with a staged development plan submitted to and approved by Council's Manager Environment and Development Services.

#### **Easements**

4. 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**

5. 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**

6. 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**

7. The development and works must be carried out in accordance with the Bushfire Hazard Assessment Report and Bushfire Hazard Management Plan prepared by Enviro-dynamics dated July 2023 v1.0.
8. 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**

9. 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**

10. 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.
11. 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.
12. 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.
13. 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.
14. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

**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.

**TasWater**

21. The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA2023/01025-CHL dated 09/08/2023, as attached to this permit.

**Access to State Growth Road (Lyell Highway)**

22. The proposed new accesses to Lots 2, 3 and 4 are to be sealed from the edge of the state road to the property boundary.



23. The existing access to Lot 1 is to be upgraded to sealed from the edge of the state road to the property boundary.
24. 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 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)
25. 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.

#### **Construction Amenity**

26. 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
27. 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.
28. 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.
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.

#### **Construction**

30. The subdivider must provide not less than 48 hours written notice to Council's Municipal Engineer before commencing construction works on site or within a council roadway. The written notice must be accompanied by evidence of payment of the Building and Construction Industry Training Levy where the cost of the works exceeds \$12,000.
31. The subdivider must provide not less than 48 hours written notice to Council's Municipal Engineer before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's Manager Engineering Services.
32. A fee for supervision of any works to which Section 10 of the *Local Government (Highways) Council 1982* applies must be paid to the Central Highlands Council unless carried out under the direct supervision of an approved practising professional civil engineer engaged by the owner and approved by the Council's Municipal Engineer. The fee must equal not less than three percent (3%) of the cost of the works.

#### **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. Appropriate temporary erosion and sedimentation control measures during construction include, but are not limited to, the following -
  - a) Minimise site disturbance and vegetation removal;
  - b) 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 (e.g. temporarily connected to Council's storm water system, a watercourse or road drain);
  - c) 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;
  - d) 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; and
  - e) Rehabilitation of all disturbed areas as soon as possible.



## Submission to Planning Authority Notice

Council Planning Permit No.	DA 2023/42	Council notice date	2/08/2023
<b>TasWater details</b>			
TasWater Reference No.	TWDA 2023/01025-CHL	Date of response	9/08/2023
TasWater Contact	Shaun Verdouw	Phone No.	0467 901 425
<b>Response issued to</b>			
Council name	CENTRAL HIGHLANDS COUNCIL		
Contact details	kbradburn@centralhighlands.tas.gov.au		
<b>Development details</b>			
Address	6977 LYELL HWY, OUSE	Property ID (PID)	5469422
Description of development	Subdivision - 3 Lots + Balance		
<b>Schedule of drawings/documents</b>			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
PDA Surveyors	51017CT-3	A	24/07/2023
<b>Conditions</b>			
<p>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:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections and sewerage system and 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 construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> </ol> <p><b>FINAL PLANS, EASEMENTS &amp; ENDORSEMENTS</b></p> <ol style="list-style-type: none"> <li>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. <i>Advice: 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></li> </ol> <p><b>DEVELOPER CHARGES</b></p> <ol style="list-style-type: none"> <li>5. 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 \$10,542.00 to TasWater for water and sewerage infrastructure for 3 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>6. 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</li> </ol>			



number of Equivalent Tenements in each stage, as approved by Council.			
<b>DEVELOPMENT ASSESSMENT FEES</b>			
7. 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.			
8. 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.			
<b>Advice</b>			
<b>General</b> For information on TasWater development standards, please visit <a href="https://www.taswater.com.au/building-and-development/technical-standards">https://www.taswater.com.au/building-and-development/technical-standards</a> For application forms please visit <a href="https://www.taswater.com.au/building-and-development/development-application-form">https://www.taswater.com.au/building-and-development/development-application-form</a>			
<b>Sewer Capacity</b> The sewer system in the area is over capacity, but TW are willing to accept the risk of this development on our system			
<b>Developer Charges</b> For information on Developer Charges please visit the following webpage - <a href="https://www.taswater.com.au/building-and-development/developer-charges">https://www.taswater.com.au/building-and-development/developer-charges</a>			
<b>Water Submetering</b> As of July 1 2022, TasWater's Sub-Metering Policy no longer permits TasWater sub-meters to be installed for new developments. Please ensure plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) reflect this. For clarity, TasWater does not object to private sub-metering arrangements. Further information is available on our website ( <a href="http://www.taswater.com.au">www.taswater.com.au</a> ) within our Sub-Metering Policy and Water Metering Guidelines.			
<b>Service Locations</b> 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 <a href="https://www.taswater.com.au/building-and-development/service-locations">https://www.taswater.com.au/building-and-development/service-locations</a> for a list of companies. (c) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.			
<b>Declaration</b>			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
<b>TasWater Contact Details</b>			
Phone	13 6992	Email	development@taswater.com.au



Mail	GPO Box 1393 Hobart TAS 7001	Web	<a href="http://www.taswater.com.au">www.taswater.com.au</a>
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## **8.0 OTHER BUSINESS**

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## **9.0 CLOSURE**

The Chairperson thanked everyone for their contribution and declared the meeting closed at \_\_\_\_\_.

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