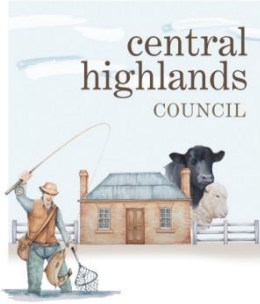




PLANNING COMMITTEE MEETING

AGENDA

Tuesday 13th September 2022



NOTICE OF MEETING

Council Representatives:

Clr Allwright (Chairperson); Mayor Triffitt, Clr Cassidy &
Clr Bailey (Clr Archer – Proxy)

Dear Councillors,

Notice is hereby given that the next Planning Committee Meeting will be held at the Bothwell Town Hall, 19 Alexander Street, Bothwell at 9.00 a.m. on Tuesday, 13th September 2022, to discuss business as printed below.

I certify that the contents of the reports have been provided in accordance with section 65 of the Local Government Act 1993.

Lyn Eyles
GENERAL MANAGER

PLANNING COMMITTEE AGENDA

1.0 PRESENT

2.0 APOLOGIES

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.

4.0 CONFIRMATION OF MINUTES

Moved **Clr**

Seconded **Clr**

THAT the Draft Minutes of the Planning Committee Meeting of Council held on Tuesday 9th August 2022 to be confirmed.

Carried

5.0 QUESTION TIME & DEPUTATIONS

Nil

6.0 PROPOSED TOWNSHIP STRUCTURE PLANNING PROJECT

REPORT BY

Council Planning Consultant (SMC) Damian Mackey

ATTACHMENTS

1. Project Plan – Draft: 1 September 2022.
2. Project Brief – Draft: 1 September 2022

PURPOSE

The purpose of this report is to progress the initiative to develop 'structure plans' for the townships of Bothwell, Ouse & Hamilton and possibly Miena, Gretna and Ellendale/Fentonbury. In particular, the 'workshopping' of the draft Project Brief and Project Plan.

BACKGROUND

The feedback received during last year's public notification of the Central Highlands Draft Local Provisions Schedule brought into focus a need to undertake strategic land use planning exercises for the townships of

Bothwell and Ouse. Furthermore, it is now standard practice for the Tasmanian Planning Commission to require that proposed planning scheme amendments within towns are supported by wholistic strategic planning. In other words: 'structure plans.

The State Planning Office (SPO) within the Department of Premier and Cabinet has advised it has funds available to assist Councils with this kind of work. The Central Highlands project has been costed at 240,000 over two financial years. The SPO has confirmed it will provide up to \$140,000, with the first financial year's allocation of \$70,000 confirmed. Through the recent budgeting workshop process, Council has allocated the necessary funds for the coming financial year. In short, the project is funded and can commence.

Recently, Council considered the timing of the project in regard to the need to appoint a Project Steering Committee that can see the project through to completion, and a recent proposal from the SPO that a component of the first stage of the project be undertaken in conjunction with the other rural councils in Southern Tasmania.

At the July Council meeting the following was resolved:

THAT:

- A. The Project Steering Committee be appointed after the October Council elections;
- B. Prior to October, full Council develop the Project Brief to a penultimate stage, to be finalised under the new Council after the elections.
- C. That Council join with the State Planning Office's proposed regional approach to a Residential Demand Analysis, which will be one component of the first phase of Council's township structure planning project.

THE STRUCTURE PLANNING PROCESS

The development of a 'structure plan' (also known as an 'outline development plan') is generally undertaken by suitably qualified and experienced independent consultants appointed by Council and working under the direction of a Council-appointed Project Steering Committee.

Prior to seeking proposals from potential consultants, a Project Brief needs to be finalised setting out the key components of the project, such as necessary research, timeframes, community consultation, specific matters that have already been identified, outputs and the project budget. It is essential to build into the process substantial community involvement. This will ensure the vision developed for a town is the best it can be, and the local community have a level of ownership. There are usually two phases of community involvement. The first phase is a structured process run by the consultants calling for all manner of ideas, issues, problems, risks, opportunities, etc, from the community. This usually involves a community workshop held at a venue in the town, along with a submission process for those unable to attend.

The second phase of community consultation is undertaken after the consultants (with Council) have developed a draft of the structure plan, which is put out to the community for comment.

Other inputs besides that from the community include research on population growth forecasts, residential land demand & supply analysis, demographic trends, gaps in social services, key infrastructure issues and system capacities (water, sewer, roads, etc.), employment trends including existing and future industry sectors and a range of other issues that might be identified at the community workshops. All inputs contribute to a collective 'visioning' phase of the process

BENEFITS

The final structure plans would set out an agreed vision for each town. Desirable zone changes would be highlighted and the strategic planning rationale explained. Recommendations may also go to community infrastructure and/or facilities that may be missing or inadequate. Where such facilities are within Council's purview, the Structure Plan recommendations can inform Council's future works program and budgeting as well as support grant applications to State or Federal Government. Where such facilities are State-level responsibilities, the Structure Plan can be used to bolster Council's lobbying efforts.

GOVERNANCE

Full Council would always provide high level governance and make/endorse key decisions. The Steering Committee would provide regular direction and governance, and report back to full Council at key decision points. These would be specified in the Project Brief. Day-to-day liaison with the project consultants will be through a Project Manager, who will report to the Project Steering Committee.

Proposed governance and communication protocols are set out in more detail in the attached draft Project Plan.

As determined at the July Council meeting, the Steering Committee is to be appointed following the October council elections. This will provide governance continuity for the life of the project.

DRAFT PROJECT PLAN

A draft Project Plan is attached for consideration in detail at the Planning Committee meeting. It is intended that the document be 'workshopped' at the meeting. Councillors will note that there are a number of blanks and questions where particular input is needed.

As determined at the last Council meeting, the intention is that the Project Plan be developed to a high level before the October council elections. This will provide the Steering Committee, once appointed after the elections, with a sound basis to then finalise the document.

DRAFT PROJECT BRIEF

Whilst the Project Plan is Council's internal guiding document, the Project Brief (similar to a Tender Specification) is intended to be distributed to potential consultants during the Request for Proposals phase.

A draft Project Brief is also attached for consideration in detail at the Planning Committee meeting, to also be finalised following the October Council elections.

RECOMMENDATION

Moved **Clr**

Seconded **Clr**

THAT the Draft Project Brief and Draft Project Plan, as amended by the Planning Committee, be forwarded to Council for consideration.

Carried

6.1 DA2022/77 : VISITOR ACCOMMODATION (CHANGE OF USE) : 38 PATRICK STREET, BOTHWELL

Report by

Louisa Brown (Planning Officer)

Applicant

M Blackman

Owner

M Blackman

Discretions

16.3.2 Visitor Accommodation P1

Proposal

Council is in receipt of a Development Application for a change of use from dwelling to Visitor Accommodation at 38 Patrick Street, Bothwell. The proposal is for the 5 bedroomed house to be used for visitor accommodation - to provide short or medium term accommodation, for persons away from their normal place of residence, on a commercial basis.

Subject site and Locality

The 5 bedroomed, two storey dwelling is located on Patrick Street, Bothwell. It is a prominent building within the street scene, with large gardens surrounding the home. An existing driveway provides car parking for 2-3 vehicles.

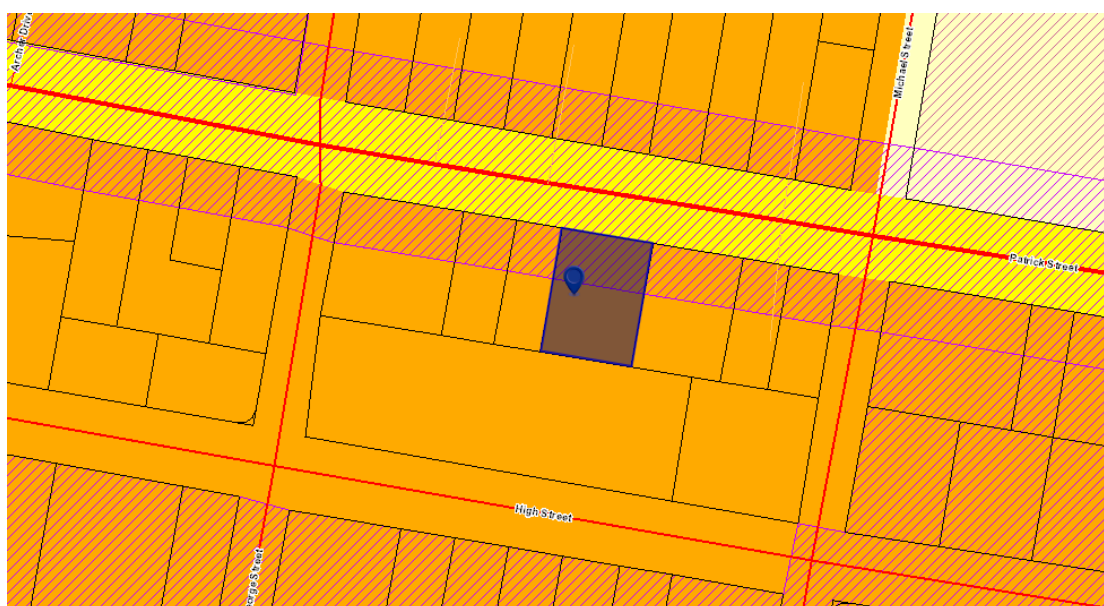


Figure 1.0 The property on Patrick Street highlighted in blue, is identified in the Village Zone (orange) and the Historic Heritage Code Overlay is on part of the property (Source: LISTmap September 2022)



Fig 2. Aerial photo of the property, highlighted in blue (Source: LISTmap September 2022)

Exemptions

Nil

Special Provisions

Nil

Village Zone - Development standards for Visitor Accommodation

The proposal must satisfy the requirements of the following development standards for the Village Zone, relevant to Visitor Accommodation:

16.3.2 Visitor Accommodation		
(a) To ensure visitor accommodation is of a scale that accords with the residential character and use of the area.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 Visitor accommodation must comply with all of the following: (a) is accommodated in existing buildings; (b) provides for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) has a floor area of no	P1 Visitor accommodation must satisfy all of the following: (a) not adversely impact residential amenity and privacy of adjoining properties; (b) provide for any parking and manoeuvring spaces required pursuant to the Parking and Access Code on-site; (c) be of an intensity that	The dwelling has a floor area over 160m ² and is assessed against the Performance Criteria P1. The house proposed to be Visitor Accommodation is a large 5 bedroomed dwelling with generous garden area surrounding the dwelling. There is ample space to maintain privacy and residential amenity of adjoining properties.

more than 160m2.	<p>respects the character of use of the area;</p> <p>(d) not adversely impact the safety and efficiency of the local road network or disadvantage owners and users of private rights of way.</p>	<p>An existing driveway can accommodate 2-3 vehicles and additional car parking of 2-3 vehicles if required can be accommodated on the property, towards the rear adjacent to the outbuilding. The Code requires a car parking space for every bedroom, at least 5 vehicles can be accommodated on the property.</p> <p>Short stay visitor accommodation on the main street within Bothwell is unlikely to be used throughout the year.</p> <p>The dwelling will be available as a whole, not individual rooms let, therefore it may be assumed that groups of friends or extended families are more than likely to use the accommodation.</p> <p>It is not anticipated that the intensity of the use will adversely impact on the road network or the residential amenity of adjoining properties.</p>
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Representations

The proposal was advertised for the statutory 14 days period from 22 August 2022 until 5 September 2022.

One representation was received.

Representation	Officer Response
Concerned that if the place is Visitor Accommodation, then complaints will be made about trucks starting up and maintenance of truck at residence nearby.	<p>Council understands the concern, however this is not grounds to refuse a Planning Permit for Visitor Accommodation.</p> <p>With respect to the noise associated with the maintenance of trucks/vehicles and the starting up of trucks to go to work, there are guidelines with how long trucks can be left to idle etc which</p>

	truck drivers who live in residential areas should familiarise themselves with.
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Conclusion

The proposal is for a change of use to Visitor Accommodation at 38 Patrick Street, Bothwell.

The proposal was advertised for public comment and one (1) representation was 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 DA2022/77 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. The Planning Authority must consider the report but is not bound to adopt the Recommendation. 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 2 October 2022, within the 42 day statutory time frame.

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 DA2022/77: Visitor Accommodation (Change of use), 38 Patrick Street, Bothwell 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 DA2022/77: Visitor Accommodation (Change of use), 38 Patrick Street, Bothwell subject to conditions in accordance with the Recommendation.

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 DA2022/77: Visitor Accommodation (Change of use), 38 Patrick Street, Bothwell 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 Development Application DA2022/77: Visitor Accommodation (Change of use), 38 Patrick Street, Bothwell 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 :-

Recommended Conditions

General

- 1) The use 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.

Approved Use

- 3) The building is approved for use as Visitor Accommodation only and must not be used for any other purpose unless in accordance with a permit issued by Council or as otherwise permitted by Council's planning scheme.

Parking & Access

- 4) At least five (5) parking spaces must be provided on the land at all times for the use of the occupiers in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.

Services

- 5) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

The following advice applies to this permit:

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing.
- C. No signs are approved as part of this permit. Signs may require further approval unless exempt under the Southern Midlands Interim Planning Scheme 2015.

- D. 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.
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6.2 PETITION TO AMEND SEALED PLAN – REMOVAL OF COVENANTS TO LOT 3 OF SEALED PLAN 163527, 1280 MEADOWBANK RD, MEADOWBANK TAS 7140

REPORT BY

Planning Officer

APPLICANT

Ogilvie Jennings Lawyers

ATTACHMENTS

1. Petition to Amend a Sealed Plan - Blank Instrument Form
2. Plan of Survey - Sealed Plan 163527
3. Site Plan of DA2022/05 Visitor Accommodation & Outbuilding Lot 3, 1280 Meadowbank Road.

DETAIL

This report to Council is to provide background planning information to the Petition to Amend a Sealed Plan so that Council can make an informed decision.

Council is in receipt of a Petition to remove all Covenants for Lot 3 of Sealed Plan 163527 at land located at 1280 Meadowbank Road, Meadowbank, owned by Michael Wilson.

The Petition to Amend is lodged for Council's approval pursuant to *Section 103 of Local Government (Building and Miscellaneous Provisions) Act 1993*.

The owner seeks to remove all Covenants.

PLANNING HISTORY

24/12/2004 Application for Boundary Adjustment for Four (4) lots at Meadowbank Lake submitted by G Coombe obo M & M Winter – DA1/05.

- DA Assessed against Central Highlands Planning Scheme 1998.

Planning Report – Planning evaluation states that the proposal was consistent with the General Objectives of the Planning Scheme and the intent of the Rural Zone. In response to Part 6 – Riverside, Lakeside and Wetland Areas of scheme, the Planning Report made an additional recommendation with regard to the potential impact on water quality, that an additional 100m building setback be provided.

Technical Matters and Environmental Implications of the Planning report made recommendations based on advice from Council's EHO, that a 100m setback be specified from Lake Meadowbank for the disposal and treatment of wastewater.

- DA1/05 recommended for approval by Planning Officer to Council with the following relevant conditions:
 6. Covenant to be applied to all lots requiring a 100m building setback from high water mark of Lake Meadowbank.
 7. Covenant to be applied to all lots requiring a 100m setback from the high water mark of Lake Meadowbank for any wastewater infrastructure.

- 15/02/2005 Council as planning Authority rejected DA1/05 for the following reasons:
The proposal did not meet the objects of the Rural Zone, to protect rural resources from conversion to other uses, the effect of the development on the landscape, the sizing of the proposed lots and increase in traffic generated by the development.
- 21/03/2005 Resource Management & Planning Appeal Tribunal (RMPAT) met to discuss DA1/05.
- 13/05/2005 RMPAT Consent Decision Agreement reached.
- 17/05/2005 Planning Permit issued with the following conditions relevant to this petition:
 6. Covenant to be applied to all lots requiring a 100m building setback from high water mark of Lake Meadowbank.
 7. Covenant to be applied to all lots requiring a 100m setback from the high water mark of Lake Meadowbank for any wastewater infrastructure.

A Specific Area Plan for Lake Meadow Bank was introduced into the Planning Scheme in the current Interim Scheme in 2015. The purpose of the Lake Meadowbank Specific Area Plan (SAP) is to provide for the use and development of the land immediately adjoining Lake Meadowbank for recreational purposes whilst maintaining environmental quality consistent with Local Area Objectives for the area.

Issues such as maintaining water quality are addressed through the implementation of the development standards within the SAP. For example Policy F1.7 Development Standards for Tourism Operations and Visitor Accommodation provides Acceptable Solution A3 or Performance Criteria P3 for Building Setbacks and Waste Treatment System. The standard states that building setback must be sufficient to satisfy that a waste treatment system suitable for site conditions. This enables the assessment of Development Applications against the suitability and the design of the system with respect to the site specific ground conditions, for the purpose of the Planning Permit. Specific details regarding the waste water system are assessed in detail as a part of the Plumbing Permit.

On 21 June 2022 Council as Planning Authority agreed to grant a Planning Permit DA2022/5 Visitor Accommodation (3 cabins) & Outbuilding at lot 3, Lake Meadowbank, Meadowbank with conditions. The DA shows the development of 3 Cabins within the line marked 100 metre set back from Meadowbank Lake full supply line. The septic wastewater system and trench are outside of the 100 metre setback area, however each cabin includes a pump station inside the 100m setback area.

The Planning Permit issued with DA2022/5 states the following *advice*:

D. *A covenant on the title restricts development, stating not to construct any building or construct or maintain any wastewater infrastructure on such lot north east of the line marked 100 METRE SET BACK FROM MEADOWBANK LAKE FULL SUPPLY LINE on the plan. The development approved by this permit may not be able to proceed without further written approval of the covenanters and Central Highlands Council.*

Conclusion

When the Development Application for the subdivision at Lake Meadowbank was approved, a covenant on the title which recommended a 100m setback for wastewater infrastructure was a recommendation from Council's EHO. The 100m building setback Covenant was made based on the recommendation by the Planning officer in response to meeting the requirements of Part 6 of the 1998 Scheme, which sought to protect water quality as there were no development standards in the scheme.

The Central Highlands Interim Planning Scheme 2015 created a Specific Area Plan for development at Lake Meadowbank. The SAP accommodates for the protection of water quality through Development Standards. The standard states that building setback must be sufficient to satisfy that a waste treatment system suitable for site conditions. This enables the assessment of Development Applications against the

suitability and the design of the system with respect to the site specific ground conditions, for the purpose of the Planning Permit.

OPTIONS

Council must determine the Petition to Amend Sealed Plan in accordance with one of the following options:

1. Approve :-

In accordance with section 103 of *Local Government (Building and Miscellaneous Provisions) Act 1993* the Council **Approve** the Petition to Amend Sealed Plan – 163527 Lot 3, 1280 Meadowbank Road, Meadowbank as per the wording in the Blank Instrument Form.

If approved by Council a completed 'Instrument Form' with instructions to make the necessary changes, signed and sealed by Council will need to be lodged at the Land Titles Office in accordance with the Land Titles Act 1980.

2. Refuse :-

In accordance with section 103 of *Local Government (Building and Miscellaneous Provisions) Act 1993* the Council **Refuse** the Petition to Amend Sealed Plan – 163527 Lot 3, 1280 Meadowbank Road, Meadowbank as per the wording in the Blank Instrument Form.

the reasons for the decision should be recorded below, as required by Section 25(2) of the Local Government (Meeting Procedures) Regulations 2015:

Reasons :-

FOR RECOMMENDATION

7.0 OTHER BUSINESS

8.0 CLOSURE
