



Meander Valley Council
Working Together

SPECIAL COUNCIL MEETING MINUTES

Friday 15 January 2021

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Minutes of the Special Meeting of the Meander Valley Council held at the Council Chambers, 26 Lyall Street, Westbury, on Friday 15 January 2021 at 3.30pm.

PRESENT

Mayor Wayne Johnston, Deputy Mayor Michael Kelly, Councillors Susie Bower, Stephanie Cameron, Tanya King, Frank Nott, Andrew Sherriff, Rodney Synfield and John Temple.

APOLOGIES

Matthew Millwood, Director Works

IN ATTENDANCE

John Jordan, General Manager
Jacqui Parker, Governance Coordinator
Narelle Beer, Acting Director, Corporate Services
Dino De Paoli, Director Infrastructure Services
Krista Palfreyman, Director Development & Regulatory Services
Laura Small, Town Planner
Leanne Rabjohns, Town Planner

PLANNING AUTHORITY ITEMS

For the purposes of considering the following Planning Authority items, Council is acting as a Planning Authority under the provisions of the Land Use Planning and Approvals Act 1993.

The following are applicable to all Planning Authority reports:

Strategic/Annual Plan Conformance

Council has a target under the Annual Plan to assess applications within statutory timeframes.

Policy Implications

Not applicable.

Legislation

Council must process and determine the application in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA) and its Planning Scheme. The application is made in accordance with Section 57 of LUPAA.

Risk Management

Risk is managed by the inclusion of appropriate conditions on the planning permit.

Financial Consideration

If the application is subject to an appeal to the Resource Management Planning and Appeal Tribunal, Council may be subject to the cost associated with defending its decision.

Alternative Recommendations

Council can either approve the application with amended conditions or refuse the application.

Voting Requirements

Simple Majority

1/2021 CHURCH STREET, CARRICK

The Mayor invited Mia Blair, Graham Smith, Brendan Soetekouw and Claudia Soetekouw to address Council.

Planning Application: PA\21\0158

Proposal: Additions & alterations to Single dwelling (Ancillary dwelling & outbuildings x2)

Author: Laura Small
Town Planner

1) Recommendation

It is recommended that the application for Use and Development for Additions & alterations to Single dwelling (Ancillary dwelling & outbuildings x2) on land located at 2 Church Street CARRICK (CT:161803/3) by B Soetekouw, be APPROVED, generally in accordance with the endorsed plans:

- a) S. Group – Site Plan – Project # J002602 – Drawing # A1-001;
- b) S. Group – Elevations-House – Project # J002602 – Drawing # A3-002;
- c) S. Group – Ground Floor Plan – Project # J002602 – Drawing # A2-001;
- d) Brendan & Mel Soetekouw – Shed 2;
- e) Brendan & Mel Soetekouw – Shed 1;
- f) S. Group – Garage – Project # J002602 – Drawing # A3-003;
- g) Brendan & Mel Soetekouw – Garage Floor Plan;

and subject to the following conditions:

1. **Prior to the commencement of any further works, amended plans must be submitted for approval to the satisfaction of Council's Town Planner. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must show:**
 - a) **Shed 2 to be located a minimum distance of 4.5m from the front boundary and a minimum distance of 4m from the rear boundary.**
 - b) **The areas of the existing garage to be used for the purpose of an ancillary dwelling clearly shown with a total floor area of 60m² or less. The area/s to be used for residential storage must be shown on the floor plan.**

- 2. Within 3 months of the occupancy permit being issued for the single dwelling, areas identified as ancillary dwelling on the endorsed floor plan must be appropriately separated from the residential storage area.**
- 3. The use of outbuildings is not permitted for human habitation and is limited to residential storage and related residential activities only.**
- 4. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2020/02053-MVC attached).**

Notes:

- 1. Any other proposed development and/or use, including amendments to this proposal, may require a separate planning application and assessment against the Planning Scheme by Council. All enquiries can be directed to Council's Community and Development Services on 6393 5320 or via email: mail@mvc.tas.gov.au.**

- 2. This permit does not imply that any other approval required under any other by-law or legislation has been granted. The following additional approvals may be required before construction commences:**

- a) Building approval**
- b) Plumbing approval**

All enquiries should be directed to Council's Permit Authority on (03) 6393 5320 or Council's Plumbing Surveyor on 0419 510 770.

- 3. This permit takes effect after:**
 - a) The 14 day appeal period expires; or**
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.**
 - c) Any other required approvals under this or any other Act are granted.**

- 4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au**

5. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.
6. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received.
7. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
8. If any Aboriginal relics are uncovered during works:
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and
 - c) The relevant approval processes will apply with state and federal government agencies.

DECISION: (MOVED AND AMENDED MOTIONS)

Cr Kelly moved and Cr Nott seconded ***"that that the application for Use and Development for Additions & alterations to Single dwelling (Ancillary dwelling & outbuildings x2) on land located at 2 Church Street CARRICK (CT:161803/3) by B Soetekouw, be APPROVED, generally in accordance with the endorsed plans:***

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 - a) Shed 2 to be located a minimum distance of 4.5m from the front boundary and a minimum distance of 4m from the rear boundary.**
 - b) The areas of the existing garage to be used for the purpose of an ancillary dwelling clearly shown with a total floor area of 60m² or less. The area/s to be used for residential storage must be shown on the floor plan.****
- 2. Within 3 months of the occupancy permit being issued for the single dwelling, areas identified as ancillary dwelling on the endorsed floor plan must be appropriately separated from the residential storage area.**
- 3. The use of outbuildings is not permitted for human habitation and is limited to residential storage and related residential activities only.**
- 4. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2020/02053-MVC attached).**

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 - c) The relevant approval processes will apply with state and federal government agencies.

AMENDED AND PASSED MOTION (DECISION)

As an amendment Cr Kelly moved and Cr Nott seconded ***“that the application for Use and Development for Additions & alterations to Single dwelling (Ancillary dwelling & outbuildings x2) on land located at 2 Church Street CARRICK (CT:161803/3) by B Soetekouw, be APPROVED, generally in accordance with the endorsed plans:***

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and subject to the following conditions:

1. Prior to the commencement of any further works, amended plans must be submitted for approval to the satisfaction of Council’s Town Planner. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must show:
 - a) Shed 2 to be located a minimum distance of 4.5m from the front boundary and a minimum distance of 4m from the rear boundary.
 - b) The areas of the existing garage to be used for the purpose of an ancillary dwelling clearly shown with a total floor area of 60m² or less. The area/s to be used for residential storage must be shown on the floor plan.
2. Within 3 months of the occupancy permit being issued for the single dwelling, areas identified as ancillary dwelling on the endorsed floor plan must be appropriately separated from the residential storage area.
3. The proposed window of the ancillary dwelling shown on the west elevation on plan A3-003 must have fixed obscure glazing extending to a height of at least 1.7m above the floor level or be otherwise screened to ensure the privacy for dwellings on adjoining lots is maintained.
4. Within three months of issuing a planning permit, a landscaping plan must be submitted for approval by Director Development & Regulatory Services. The plan must show site landscaping along the eastern (rear) boundary. The proposed plantings must be capable of growing to a

mature height to providing screening of the proposed development (shed 1).

5. **The use of outbuildings is not permitted for human habitation and is limited to residential storage and related residential activities only.**
6. **The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2020/02053-MVC attached).**

Notes:

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 - c) The relevant approval processes will apply with state and federal government agencies.

The amended motion was declared CARRIED with Councillors Bower, Cameron, Johnston, Kelly, King, Sherriff and Temple voting for the amended motion and Councillors Nott and Synfield voting against the amended motion.

The meeting closed at 4.18pm.

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Wayne Johnston
MAYOR