



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 27 JANUARY 2021

015/21 DRAFT AMENDMENT 04/2020: LOW DENSITY RESIDENTIAL LAND AT THE SOUTH OF LONGFORD

Responsible Officer: Erin Miles, Development Supervisor
Report prepared by: Paul Godier, Senior Planner
File Number: PLN-20-0230

1 INTRODUCTION

At its September 2020 meeting, Council resolved to initiate and certify an amendment to make Domestic Animal Breeding, Boarding or Training (if not animal pound, cattery or kennel) and Veterinary Centre 'permitted' in the Low Density Residential Zone in southern Longford.

The draft amendment was placed on public notification and one representation was received.

The representation was presented to the December 2020 meeting, where Council resolved to seek advice on withdrawing the amendment, with a further report to be presented to the 27 January 2021 meeting.

2 BACKGROUND

Applicant:

Northern Midlands Council

Proposal:

Amend the planning scheme to make Domestic Animal Breeding, Boarding or Training (if not animal pound, cattery or kennel) and Veterinary Centre 'permitted' in the Low Density Residential Zone in southern Longford

Critical Date:

Report on representations to be sent to Planning Commission by 5 February 2021

Recommendation:

Endorse statement of opinion as to the merit of the representation

Planning Instrument:

Northern Midlands Interim Planning Scheme 2013

Planning Authority:

Northern Midlands Council

3 STATUTORY REQUIREMENTS

In accordance with Schedule 6 (3) (2) (b) of the *Land Use Planning & Approvals Act 1993*, Council is required under Section 39 (2) to forward to the Planning Commission a report comprising –

- (a) a copy of each representation received by the authority in relation to the draft amendment; and
- (b) a statement of its opinion as to the merit of each such representation, including, in particular, its views as to–
 - (i) the need for modification of the draft amendment in the light of that representation; and
 - (ii) the impact of that representation on the draft amendment as a whole; and
- (c) such recommendations in relation to the draft amendment as the authority considers necessary.

These matters are discussed below.

In accordance with section 34 of the the *Land Use Planning & Approvals Act 1993*:

- (3) A planning authority may at any time determine to withdraw an amendment, of a planning scheme administered by it, that it has initiated of its own motion.
- (4) The withdrawal of an amendment of a planning scheme comes into effect 7 days after the date on which the planning authority determines to withdraw the amendment.
- (5) The planning authority is to –
 - (a) notify the Commission of the withdrawal of the amendment; and

- (b) give notice, in a daily newspaper circulating generally in the area, that the amendment has been withdrawn and of the date on which the withdrawal takes effect.

References to provisions of the *Land Use Planning and Approvals Act 1993* are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

4 REPRESENTATION

Notice of the draft amendment was given in accordance with Section 57 of the *Land Use Planning & Approvals Act 1993* from 3 October 2020 to 30 October 2020. No representations were received during the notification period.

On 10 November 2020, Council received an email from Mr. Michael Morris of the Longford Equine Clinic, Anstey Street, Longford. Mr. Morris advised:

I've just become aware of this proposed amendment to the Northern Midlands Planning Scheme 2013. I'm aware the date for comment (30th Oct 2020) or objections has passed but am writing to request an extension of this date.

It appears the major purpose of the amendment is to permit a general purpose veterinary practice to operate within the low residential area. Given I run the only other veterinary practice in town and I am already in the area it is pretty obvious I would be concerned about this amendment, since it will allow another practice to operate in very close proximity in direct competition.

I would have thought I should have been made aware of this proposed amendment and given the opportunity to comment, given I am the one person with the most at stake. For Council not to inform me of this is highly concerning and suggests a desire on their part to push the amendment through unopposed.

I await your response.

The Tasmanian Planning Commission advised that it is Council's decision whether it considers a representation lodged after the notification period.

Council's Planning Department advised Mr. Morris that:

It sent notice of the draft amendment to all properties affected by it including:

Ballymore Stables & Michael Austin Morris
Cnr Anstey & Brickendon Streets
Longford Tas 7301

The Occupier
97 Brickendon St
Longford Tas 7301

However, as he did not receive the notification, Mr. Morris was advised that he could lodge a submission to be considered by the Council.

Consideration of the Representation

The representation lodged by Mr Morris is attached. The matters raised in the representation are outlined below followed by the planner's comments.

The land was initially set aside for uses that aid and support the adjacent Longford training centre. Approval of the

draft amendment will allow residential and commercial interests unconnected with racing to threaten racings viability.

Planner's comment:

The previous zone – Particular Purposes (Horse Training and Stables) allowed for:

1	2	3	4
PERMITTED (NO PERMIT REQUIRED)	PERMITTED (WITH PERMIT)	DISCRETIONARY (WITH PERMIT)	PROHIBITED
Utility Services - minor	Equestrian Facility Home Business Passive Recreation Recreation Active Veterinary Establishment	House House & Ancillary Apartment Car Park Subdivision Use or development in accordance with Clause 2.6.1(iii)	All other uses not listed.

The draft amendment is to make Domestic Animal Breeding, Boarding or Training (if not animal pound, cattery or kennel) and Veterinary Centre 'Permitted' in the Low Density Zone south of Longford.

This is consistent with the previous zone, as shown above.

Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment

The representation does not impact on the draft amendment and the draft amendment does not require modification as a result of the representation.

5 OPTIONS

- Move the recommendation; or
- Move alterations to the recommendation;
- Withdraw the amendment pursuant to section 34(3) of the *Land Use Planning & Approvals Act 1993*.

6 ATTACHMENTS

- Draft amendment
- Representation

RECOMMENDATION

That Council, in accordance with section 39 (2) (b) (former provisions) of the *Land Use Planning & Approvals Act 1993*, forward to the Tasmanian Planning Commission the following regarding the representation:

ISSUE:

The land was initially set aside for uses that aid and support the adjacent Longford training centre. Approval of the draft amendment will allow residential and commercial interests unconnected with racing to threaten racings viability.

Planner's comment:

The previous zone – Particular Purposes (Horse Training and Stables) allowed for:

1	2	3	4
PERMITTED (NO PERMIT REQUIRED)	PERMITTED (WITH PERMIT)	DISCRETIONARY (WITH PERMIT)	PROHIBITED



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Utility Services - minor	Equestrian Facility Home Business Passive Recreation Recreation Active Veterinary Establishment	House House & Ancillary Apartment Car Park Subdivision Use or development in accordance with Clause 2.6.1(iii)	All other uses not listed.
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The draft amendment is to make Domestic Animal Breeding, Boarding or Training (if not animal pound, cattery or kennel) and Veterinary Centre 'Permitted' in the Low Density Zone south of Longford.

This is consistent with the previous zone, as shown above.

Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment

The representation does not impact on the draft amendment and the draft amendment does not require modification as a result of the representation.

Cr Goss attended the meeting at 6.55pm

DECISION

Cr Davis/Cr Goninon

That Council, in accordance with section 39 (2) (b) (former provisions) of the *Land Use Planning & Approvals Act 1993*, forward to the Tasmanian Planning Commission the following regarding the representation:

ISSUE:

The land was initially set aside for uses that aid and support the adjacent Longford training centre. Approval of the draft amendment will allow residential and commercial interests unconnected with racing to threaten racings viability.

Planner's comment:

The previous zone – Particular Purposes (Horse Training and Stables) allowed for:

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The draft amendment is to make Domestic Animal Breeding, Boarding or Training (if not animal pound, cattery or kennel) and Veterinary Centre 'Permitted' in the Low Density Zone south of Longford.

This is consistent with the previous zone, as shown above.

Impact of the Representation on the Draft Amendment and Need for Modification of the Draft Amendment

The representation does not impact on the draft amendment and the draft amendment does not require modification as a result of the representation.

Carried

Voting for the Motion:

Mayor Knowles, Cr Brooks, Cr Davis, Cr Goninon, Cr Goss, Cr Lambert

Voting against the Motion:

Cr Adams, Cr Calvert, Cr Polley

**NORTHERN MIDLANDS COUNCIL
SECTION 39 REPORT**

REPORT TO: TASMANIAN PLANNING COMMISSION

FROM: NORTHERN MIDLANDS COUNCIL

SUBJECT: DRAFT AMENDMENT 04/2020 TO THE NORTHERN MIDLANDS INTERIM PLANNING SCHEME 2013 – SECTION 39(2) – TO MAKE DOMESTIC ANIMAL BREEDING, BOARDING OR TRAINING (IF NOT ANIMAL POUND, CATTERY OR KENNEL) AND VETERINARY CENTRE ‘PERMITTED’ IN THE LOW DENSITY RESIDENTIAL ZONE IN SOUTHERN LONGFORD

DATE: 12 FEBRUARY 2021

FILE NO: PLN-20-0230

1 PUBLIC EXHIBITION OF THE DRAFT AMENDMENT

Council placed the draft amendment on public notification from 3rd October 2020 to 30th October 2020 in accordance with s38 of the *Land Use Planning Approvals Act 1993*. A notice was placed in the Examiner on Saturday 3 October 2020 and Wednesday 7 October 2020. Copies of the advertisements were forwarded previously.

No representations were received during the notification period.

A representation was received after the notification period and considered by Council on 14 December 2020 and 27 January 2021.

Section 39 of the *Land Use Planning and Approvals Act 1993* requires that a report be submitted to the Commission comprising:

- (a) a copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and
- (b) a statement of its opinion as to the merit of each such representation, including, in particular, its views as to–
 - (i) the need for modification of the draft amendment in the light of that representation; and
 - (ii) the impact of that representation on the draft amendment as a whole; and
- (c) such recommendations in relation to the draft amendment as the authority considers necessary.

2 REPRESENTATIONS IN RESPECT OF THE AMENDMENT REQUEST

ISSUE:

The land was initially set aside for uses that aid and support the adjacent Longford training centre. Approval of the draft amendment will allow residential and commercial interests unconnected with racing to threaten racings viability.

Planner’s comment:

The previous zone – Particular Purposes (Horse Training and Stables) allowed for:

1	2	3	4
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PERMITTED (NO PERMIT REQUIRED)	PERMITTED (WITH PERMIT)	DISCRETIONARY (WITH PERMIT)	PROHIBITED
Utility Services - minor	Equestrian Facility Home Business Passive Recreation Recreation Active Veterinary Establishment	House House & Ancillary Apartment Car Park Subdivision Use or development in accordance with Clause 2.6.1(iii)	All other uses not listed.

The draft amendment is to make Domestic Animal Breeding, Boarding or Training (if not animal pound, cattery or kennel) and Veterinary Centre 'Permitted' in the Low Density Zone south of Longford.

This is consistent with the previous zone, as shown above.

Impact of Representation on Draft Amendment

Council is of the opinion that the representation does not have an impact on the draft amendment.

Need for Modification of Draft Amendment

Council is of the opinion that the draft amendment does not require modification as a result of the representation.

3 ATTACHMENTS

1. Representation
2. Report to Council
3. Council's minute from 27 January 2021