



Brighton Council

MINUTES OF THE **PLANNING COMMITTEE MEETING**
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
GAGEBROOK AT 6.10 P.M. ON TUESDAY,
13TH SEPTEMBER, 2011

PRESENT: Cr Gray (Chairperson); Cr Curran; Cr Garlick; Cr Geard and Cr Taylor.

IN ATTENDANCE: Cr Jeffries; Cr Owen; Cr Williams; Mrs J Banks (Manager Governance & Human Services) and Mr J Dryburgh (Senior Planner).

1. **APOLOGIES:**

Cr Taylor moved, Cr Geard seconded that an apology be received from Cr Foster.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Taylor	

2. **QUESTION TIME & DEPUTATIONS:**

There was no requirement for question time.

3. DECLARATION OF INTEREST:

In accordance with Part 5, Section 48 of the *Local Government Act 1993*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have an interest in any item on the agenda; and

Part 2 Regulation 8 (7) of the *Local Government (Meeting Procedures) Regulations 2005*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of any interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2005*.

There were no declarations of interest.

4. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2005*, the intention of the Council to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 4. on this agenda, inclusive of any supplementary items.

4.1 APPLICATION FOR PLANNING APPROVAL - CHANGE OF USE (PARTIAL) RESIDENTIAL TO SPORT AND RECREATION (HORSE RIDING TUITION) IN RURAL RESIDENTIAL ZONE- 21 WEILY PARK ROAD, BRIDGEWATER:

FILE REFERENCE: DA 2011/146

AUTHOR: Planning Officer
(Miss A Beyer)

APPROVED: Senior Planner
(Mr J Dryburgh)

Applicant: P & V Eggins

Owner: P Eggins

Location: 21 Weily Park Road, Bridgewater

Application no.: DA 2011/146

Zoning: *Rural Residential-* Brighton Planning Scheme 2000 (the planning scheme)

Date accepted: 16 June 2011

Date advertised: 30 July 2011

Decision required 12 September 2011

Discretion(s):

The application generated discretion with regard to use and heritage.

Proposal:

Council received an application for retrospective approval for a partial change of use to allow for horse riding tuition (Sport and Recreation) on a developed rural residential property. Private lessons would be provided for groups of up to four people at any given time. The applicant would be providing their own horses on the property for lessons. The applicant envisages that approximately 10 separate tuition lessons would be held each week. Lessons would be hosted in an existing horse riding arena located at the rear of the property.

No additional persons would be employed on site to assist with the operation of the horse riding centre. The proposed hours of operation are 9am to 5pm with extended hours during daylight savings.

In terms of car parking provision, the site provides a large gravel parking area to the north of the dwelling which is capable of supporting 10 cars and buses if need be.

The applicant originally sought approval for offering trail rides to the public from the property to the top of Cobbs Hill Road and through private property, however due to public liability issues upon Council, this component of the application cannot be approved.

The proposal would be occurring on a place that is of local and state heritage significance as the site contains a 1900's weatherboard cottage. Heritage Tasmania were contacted to determine whether a Works Application was required under Part 6 of the *Historic Cultural Heritage Act 1995*. Heritage Tasmania advised that given the application is for a change of use only and no physical works are proposed to the building or the site, a Works Application is not required.

Background:

There is no town planning information located on Council files relevant to the assessment of this application.

Site and Locality:

The subject site is a 1.01 hectare rural residential allotment located on the western side of Weily Park Road within a small pocket of residential properties. The site is long and narrow in configuration and is provided with a 30 metre frontage onto Weily Park Road. The site is developed with a Victorian era weatherboard cottage constructed in the early 1900's.

The dwelling features a central door and flanking windows with a hip roof over. The site also contains a number of outbuildings/tack rooms and a horse riding arena.

Weily Park Road is of a gravel construction and terminates near Old Main Road to the south, with the two roads linked via a walking/bike track.

The site is bound by a Transend easement and the Bridgewater Sports Grounds to the north, residential development to the east and south, the Transend substation to the west and the Midlands Highway further beyond to the east. The surrounding Transend facilities are located within the Infrastructure Zone.

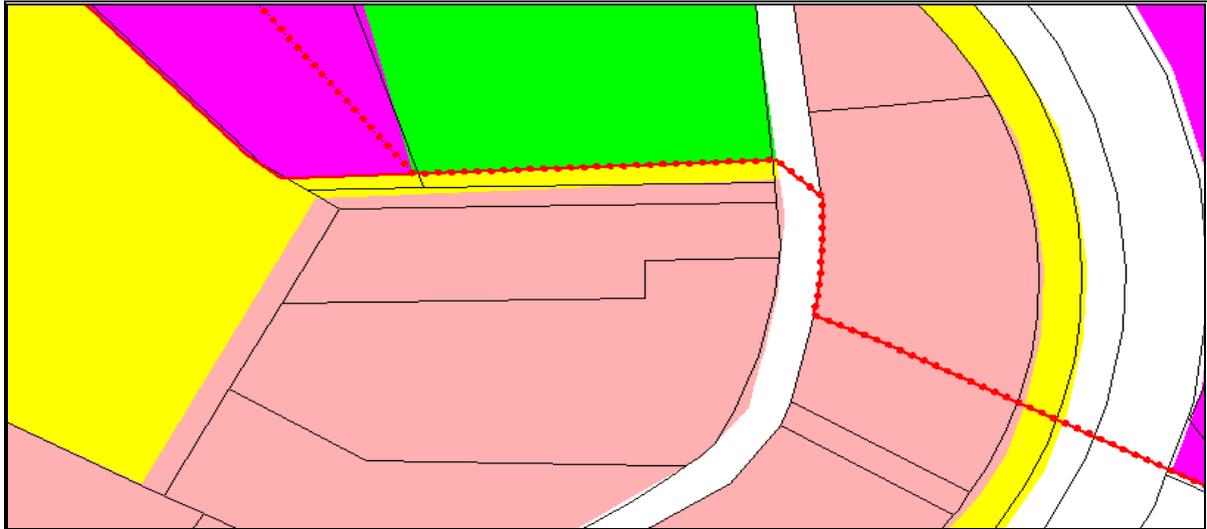


Plate 1: The subject site highlighted is located within the Rural Residential Zone.

Consultation:

The application was subject to the 14 day statutory notification period as the proposal was a discretionary application as the proposed use is 'discretionary' within the zone. The proposal was advertised from the 30 July 2011 to the 12 August 2011. Two representations (one non-statutory) were received during the statutory procedure (**Attachment B**). The concerns raised by the Representors' are detailed as follows:

Issue	Response
Representation 1	
<p><i>I am writing about my concerns to my neighbour's submission to run a horse business on their property. I have concerns about the amount of horses they have on 3 acres, which is causing me a lot of grief with flies already and its only winter, in the summer time it will be a lot worse, its already hard enough to able I can't have my door open because of this.</i></p>	<p><i>Council has no jurisdiction to control the number of horses on a rural residential property. A site visit confirmed that the horses are in good condition and there is no reason to believe the matter needs to be referred to the RSPCA.</i></p> <p><i>With regard to the flies, Council cannot control this however a condition is recommended ensuring that horse waste does not accumulate on site and that all</i></p>

	<p><i>practical measures must be taken to reduce vector activity on site.</i></p>								
<p><i>They are already running a trail riding business, which we were not advised of. they are riding up and down the road and on other people's property, which is a major concern and liability. There is a web address for the business.</i></p>	<p><i>The applicant is seeking retrospective approval for the horse riding business as it was brought to Council's attention through a complaint. Enforcement action was undertaken by Council and subsequently the applicant has lodged a development application to formalise the business.</i></p>								
<p><i>They are also running a wood business from their house, they bring in logs all the time and are cutting the wood with loud chainsaws and machinery etc. Excavator, most nights until midnight, I have even heard some of the soccer and Friday night bingo people complain about it.</i></p>	<p><i>The processing and sales of wood are not subject to this application for a partial change of use for horse riding lessons. If this allegation is true, a formal complaint will need to be made to Council in order to undertake a full investigation.</i></p> <p><i>Any prolonged use of chainsaws and machinery has the potential to be regarded as unreasonable if the noise impacts on surrounding properties. Therefore, all available measures need to be taken to reduce the noise/nuisance impacts upon surrounding properties.</i></p> <p><i>The Noise Regulations specify that a chainsaw cannot be used within 300 metres of domestic premises unless the operator has the consent of all occupiers of the dwellings within that radius. When chainsaws are permitted to be used they can only be operated within the following times:</i></p> <table border="0"> <thead> <tr> <th style="text-align: left;">Days</th> <th style="text-align: left;">Permissible Hours Of Use</th> </tr> </thead> <tbody> <tr> <td>Monday To Friday</td> <td>7am until 6pm</td> </tr> <tr> <td>Saturday</td> <td>8am until 6pm</td> </tr> <tr> <td>Sunday, Good Friday and Christmas Day</td> <td>10am until 6pm</td> </tr> </tbody> </table> <p><i>Council officers will be required to conduct an investigation and if found to be unreasonable the business may be regarded as unsuitable in a residential area.</i></p>	Days	Permissible Hours Of Use	Monday To Friday	7am until 6pm	Saturday	8am until 6pm	Sunday, Good Friday and Christmas Day	10am until 6pm
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Representation 2 (non-statutory)	
<i>Thanks for referring this proposal for comment. The proposal has no impact on Transend's assets so Transend makes no representation regarding this application.</i>	<i>The proposal was referred to Transend as Transend infrastructure adjoins the site. As indicated in the letter, Transend do not wish to make a formal representation to the proposal as it would not impact upon their assets.</i>

Risk Implications:

Section 63A of the Act provides that a planning authority that fails to take all reasonable steps to ensure that its planning scheme is complied with may be liable to a fine of up to \$50,000.

Financial Implications:

Approval of the application will increase the number and value of rateable properties.

Other Issues:

This report details the basis and reasons for the recommendation. An alternative decision by Council will require a statement of the reasons for the decision in order to maintain the integrity of the planning approval process and to comply with the intent of the Judicial Review Act 2000.

In addition, section 25 of the Local Government (Meeting Procedures) Regulations 2005 provides that the General Manager is to ensure that the reasons for a decision by a Council acting as a planning authority are recorded in the minutes of the meeting.

Assessment:

Strategic Plan

The objectives of the planning process established by the *Land Use Planning and Approvals Act 1993* (the Act) in support of the Objectives of the Resource Management and Planning System of Tasmania include a requirement for sound strategic planning and co-ordinated action by State and local government. In addition, section 20(d) of the Act provides that a planning scheme must have regard to the strategic plan referred to in Division 2 of Part 7 of the *Local Government Act 1993* adopted by Council at the time the Scheme was prepared.

The Council's Strategic Plan provides for a future with practical and effective land use strategies that will be achieved by focusing on the following key area¹: -

- 1. A land use and development strategy to provide a long-term approach that produces sustainable and measurable economic, environmental (built and "green") and social benefits for the municipal area and the region.*

¹ Brighton Council: *Strategic Plan 2006 – 2016*, Brighton Council, Gagebrook, 2006.

The application will further the land use and development strategy by providing a sought after recreational facility in the Municipality that will have a positive impact on the economy through further opportunities for economic investment. The site is mostly cleared of vegetation therefore and does not contain any environmental values of significance. The site is appropriately zoned for domestic purposes and the keeping of horses is reasonable in a rural residential area. The proposal will provide positive social impacts through providing a recreational activity in the Municipality.

Objectives of the Resource Management and Planning System of Tasmania

Section 5 of the Act provides that Council is obliged to further the Objectives of the Resource Management and Planning System of Tasmania (RMPS) set out in Schedule 1 of the Act when determining an application for planning approval. The Objectives of the RMPS are –

- a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- c) *to encourage public involvement in resource management and planning; and*
- d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*
- e) *to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

The proposal would not have any adverse impact on natural or physical resources or the maintenance of ecological processes and genetic diversity as the number of horses would not be increasing on site and appropriate facilities are provided on site for the business activity, including stables/tack rooms, enclosed paddocks and an arena. On this basis, the proposal is also considered fair and sustainable use of air, land and water. The public have had the opportunity to provide input into the assessment of the proposal.

It is considered that the application will further the objectives of the RMPS on the proviso that it is carried out in accordance with the conditions attached to this report.

State Policies

Clause 3.3 (a) of the planning scheme requires Council to take into consideration any State planning policies before granting or refusing planning approval.

State Coastal Policy 1996

The following provisions of the Coastal Policy are of relevance to the application and will be assessed accordingly:

Clause 1.1.10

The design and siting of buildings, engineering works and other infrastructure, including access routes to the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.

Clause 2.1.3 goes further to state:

Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.

Clause 2.4.2 also states:

Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.

The application is for a change of use only therefore no physical alterations are proposed to the building. The protection of the aesthetic qualities of the coastal environment is not relevant in this case as the site is well separated from the coast by an existing urban settlement.

The proposal is considered to accord to the objectives and principles of The State Coastal Policy.

State Water Quality Policy 1997

The development proposal includes the construction of a minor outbuilding and the total site disturbance is expected to be less than 250 square metres.

The risk of sediments being transported into surface waters such that environmental harm might be caused during development is considered negligible, in accordance with regional guidelines for best practice. A Soil and Water Management Plan is not required as no disturbance would be occurring to the land.

The State Policy on the Protection of Agricultural Land 2009

The Agricultural Land Policy applies to all agricultural land in Tasmania. The subject land is located in a residential zone and established suburb and it is therefore considered that the Agricultural Policy does not apply to the land.

National Environmental Protection Measures (NEPM's)

No NEPM's are considered of relevance to the assessment of this application.

Planning Scheme

Scheme Objectives

Clause 2.3 of the Brighton Planning Scheme 2000 prescribes the Rural Residential Objectives as being based on the following:

- a) To provide an opportunity for rural residential living in appropriate locations having regard to land capability, locational suitability, existing/likely future demand/supply, and the efficient use and economic provision of necessary services and infrastructure.
- b) To promote consolidation of rural residential areas already subdivided to enable infill and rationalisation of services.
- c) Ensure levels of servicing are provided by developers to reduce maintenance costs to Council at the same time as providing potential residents with an appropriate response.
- d) To provide for areas of rural residential living which integrate with future settlement patterns projected for Brighton- Pontville.
- e) Glen Lea Estate remains the only other area of land to be expanded for rural residential living having regard to its overall relationship to the Brighton- Pontville strategy and proposed links to enable a complete traffic network given the potential for development of the Army Camp Site.

The proposal is for a partial change of use only with the primary use of the site remaining as a residence which is a preferred development type within the zone.

The proposal would not provide any additional lot yield meaning the growth strategy objectives are not relevant to this application. A horse riding lesson business is considered a compatible use within the rural living area given the larger lot sizes and large separation afforded between each dwelling.

Zone

The subject site is located within the Rural Residential Zone under the Brighton Planning Scheme 2000. The proposed horse riding centre meets the definition of 'Sport and Recreation' which is a discretionary use within the Zone pursuant to Table 6.3.4 of the Planning Scheme. Clause 6.3.1 of the Planning Scheme provides that the purpose of the Rural Residential Zone is as follows:

- a) To allow for residential living on larger sized lots than contained in urban areas, where a reticulated water supply cannot always be provided.
- b) To allow for a semi-rural semi-residential character with retention of existing tree cover and enhancement of biodiversity.
- c) To avoid ribbon type development that creates multiple access points onto main access roads.
- d) To encourage substantial consolidation of the existing Rural Residential zoned areas before additional areas are re-zoned for rural residential subdivision.

Consideration a) and d) are not relevant as the application does not involve any additional lot generation. The proposal is considered consistent with consideration b) as a business is appropriately located within a rural living area as lots are much larger and are afforded with large curtilages to surrounding homes which reduces the likelihood of amenity loss upon neighbouring properties. Consideration c) is also irrelevant as the site has already been cleared of vegetation and developed for residential purposes. Accordingly, the proposal would not contravene the Zone Purpose statements.

Development Standards

Clause 3.3(j) of the Scheme requires Council to take into consideration the position and scale of buildings on allotments in relation to boundaries or to other buildings, their density, character, height and harmony in design of facades before granting or refusing planning approval. Of specific relevance to this development application are the following relevant provisions detailed under 3.3 of the Scheme:

- i) the provision of adequate landscaping and associated furniture, amenity facilities, illumination and treatment of the site generally;*

The site currently supports a cottage and a number of small outbuildings within the rear curtilage of the property. The curtilage of the dwelling is well vegetated with a mature garden therefore screening the rear of the allotment from the road. Consequently, there is no need for site treatment to screen the development from the street.

- e) the character of the locality, the existing and future amenities of the neighbourhood and the effect of the development on the amenity of the area;*

The keeping of domestic animals is a compatible use within the rural living area and would not diminish the character of the area. There are no foreseeable amenity impacts associated with the horses as there would be no additional horses on site and horses are not noisy creatures. As indicated by the representor, the build up of horse faeces can harbour vector activity. This can be addressed through permit conditions ensuring that waste is not accumulated on site.

In addition to the matters listed in Clause 3.3 of the Scheme, the Council must also consider the following matters before deciding on an application pursuant to Clause 6.3.3:-

- a) whether the subdivision design complies with the bushfire provisions set out in Schedule 6, particularly provision of through roads or adequate turning areas and means of escape in the event of fire to the satisfaction of the Tasmanian Fire Service;*
- b) whether the subdivision design provides a range of lot sizes and does not result in multiple minimum lot sizes side by side along a road frontage;*
- c) whether the subdivision design facilitates energy efficient housing and reduces energy wastage;*
- d) whether the building appearance from public streets and adjoining sites is visually compatible with surrounding development;*

e) *whether the building siting and design enable flexibility to protect neighbouring amenity, enhance passive surveillance, maintain residential character and visual bulk, and the usability of private open space; and*

f) *whether the building design optimises aspects of solar and energy efficiency.*

Consideration a), b) and c) are not relevant to this application as a subdivision is not proposed. In addition, Clause d), e) and f) are also not applicable as no physical works are proposed as part of the application.

Siting, Height

Assessment under the Siting and Height provisions of the Planning Scheme is not required in this instance as no physical works are proposed to occur on site.

Overlays

The subject site is not located within any of the overlays listed in Section 7 of the Brighton Planning Scheme 2000.

Schedules

Schedule 1: Off Street Parking: - Car Parking, Access and Loading

Clause S1.2 of this schedule provides that the number of car parking spaces be provided in accordance with the requirements of Table S1.1. Under Table S1.1 the required parking for a 'Sport and Recreation' use is determined on the specific use sporting activity. A horse riding centre is not provided for in the Table and the examples provided in the table are not suitable to be used as a measure as they are larger scale facilities that are likely to attract many more patrons. The applicant has indicated that lessons would be provided to groups no larger than four people at a time. Assuming four vehicles are required for each group undertaking a lesson and that proceeding lessons will result in a transitional period, it could be expected that a total of eight customer cars would be located on site at any given time.

The use is for a partial change of use only therefore consideration also is required to ensure that adequate parking is afforded to the occupants of the existing dwelling. Table S1.1 requires a single dwelling to provide two on-site car parking spaces. The applicant has indicated that a gravel area located on site would accommodate a total of 10 on-site car parking spaces. This meets the expected demand at peak periods therefore is acceptable.

In terms of the requirements specified within S1.12 through to S1.19 relating to car space dimensions, access driveways and manoeuvring space on site, these aspects can be adequately addressed through permit conditions.

Schedule 9: Heritage

The purpose of this schedule is to conserve and enhance places of cultural significance. The subject site is listed under Table S9.1 which details the register of places of cultural significance. The site is also listed on the Tasmanian Heritage Register which is a state based register.

Clause S9.7 states that use or development of a place of cultural significance is a discretionary application. The Decision Guidelines provided under S9.5 specify the matters Council must consider before deciding on an application and are detailed as follows:

- (a) *the cultural significance of the place and whether the proposal will adversely affect the cultural significance;*
- (b) *any applicable heritage study and any applicable conservation policy;*
- (c) *whether the location, bulk, form or appearance of the proposed building will adversely affect the cultural significance of the place;*
- (d) *whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and cultural significance of the place;*
- (e) *whether the demolition, removal or external alteration will adversely affect the cultural significance of a place;*
- (f) *whether the proposed works will adversely affect the cultural significance of a place;*
- (g) *whether the proposed subdivision or consolidation will significantly adversely affect the cultural significance of a place;*
- (h) *whether the proposed subdivision or consolidation may result in development that will significantly adversely affect the cultural significance of a place;*
- (i) *whether the proposed advertising sign will significantly adversely affect the cultural significance of a place;*
- (j) *whether the pruning, lopping or development will significantly adversely affect the health, appearance or cultural significance of a tree specified on a place;*
- (k) *any advice sought and/or received from the Tasmanian Heritage Council or the Aboriginal Heritage Office; and*
- (l) *the articles of the Australia ICOMOS Burra Charter, 1999.*

The change of use would not involve any physical works to the exterior or interior of the heritage listed cottage. The proposal was referred to the Tasmanian Heritage Council for comment and it was deemed that a Works Application was not required due to the minor impact of the proposal and negligible impact upon the building itself.

On this basis the proposal warrants approval under Schedule 7 of the Scheme.

Other considerations:

Amenity

Clause 3.3(e) of the Planning Scheme requires Council to take into consideration the character of the locality, the existing and future amenities of the neighbourhood and the effects of the development on the amenity of the area. Subject to appropriate conditions, the application would result in a positive outcome by allowing the occupants to be afforded with a level of privacy without jeopardizing the heritage values of the property, namely maintenance of the view corridor extending from Gunn Street.

Services

The site is serviced with existing water, sewer, stormwater, power and telecommunications infrastructure and the proposed change of use would not impact upon the capacity of these services.

Southern Water

The proposal did not require a referral to Southern Water.

Traffic and Access

Clause 3.3(o) of the Scheme requires Council to take into consideration the accessibility of the site, its relationship to major roads, the capacity of the existing streets and roads in the locality and the effect of the development on such capacity when considering the application. Clause 3.4(g) of the Scheme requires Council to take into consideration the layout of roads, having regard to their function and relationship to existing roads.

The proposal would increase the traffic demands on site and this issue has been addressed by Council's Senior Technical Officer.

Engineering Comments:

Council's Senior Technical Officer advises:

The section of Weily Park Road fronting the development is constructed to a rural gravel standard, with a shared pathway on the western side delineated by guide posts. Given the low traffic volumes generated by the development it is expected the impact on the road would be minor.

Conclusion

The application before Council seeks approval for a partial change of use to a horse riding centre whilst still retaining the primary residential function of the site. The application does not involve any physical works as the existing infrastructure located on site provides for horse related facilities. Consequently, the physical development standards of the Scheme are not relevant and assessment was required to be had to the zone objectives, purpose statements and decision guidelines. These aspects of the scheme are considered to be maintained as the proposal would be contained to the rear of the allotment, would have minimal impact on neighbours through unreasonable noise or dust emissions.

An objection was received raising irrelevant planning grounds including the prevalence of flies, number of horses kept on site and the operation of a chainsaw at unreasonable hours. These matters are required to be addressed through separate legislation and will be addressed by the relevant Council officers.

The key problem presented in the initial proposal was the use of busy Council owned roads (namely Cobbs Hill Road) for trail rides. This was simply unacceptable from Council's position due to public safety and liability issues associated with exposing inexperienced horse riders to roads which received large volumes of traffic, crossing a rail line and the proximity of the Midland Highway to the roads being used. In addition, Council has imminent plans to upgrade the section of Cobbs Hill Road extending from Old Main Road to Sorell Street

On this basis, the proposal has been restricted to on-site activities only and a permit condition is recommended to this effect.

The application is a reasonable use of the site and any potential impacts can be adequately addressed through the imposition of permit conditions as recommended below.

Options:

1. Issue a written approval specifying the conditions (if any) imposed upon the use or development in accordance with the recommendation; or
 2. Issue a written approval providing alternative or additional conditions (if any) imposed upon the use or development; or
 3. Issue a written refusal for the use or development stating the reasons for refusal.
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RECOMMENDATION:

That the application submitted in accordance with Part 4 of the Land Use Planning and Approvals Act 1993 for land at 21 Weily Park Road, Bridgewater, described in Folio of the Register Volume 27847 Folio 1, to be developed by Change of Use (Partial) Residential to Sport and Recreation (Horse Riding Tuition) in Rural Residential Zone, and associated works be approved subject to the following 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 letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *land Use Planning And Approvals Act 1993*.
- (3) Approval is granted for riding lessons on-site only. No horse (trail) riding associated with the business is approved off-site.

Amenity

- (4) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Council's Municipal Engineer.
- (5) Horse waste cannot accumulate on site. All practical measures must be undertaken to reduce vector activity on site.
- (6) The use of the site is not to have an unreasonable detrimental impact upon the amenity of adjacent properties by reason of noise, vibration, dust or odour emanating from the site.

Signage

- (7) No signs are to be erected on the property without Council approval unless exempt under the Scheme.

Hours of Operation

- (8) The approved hours of operation are as follows:
 - Monday to Friday 9:00 a.m. to 7:00 p.m.
 - Saturday 9:00 a.m. to 6:00 p.m.
 - Sunday and State-wide public holidays 9:00 a.m. to 6:00 p.m.

Parking and access

- (9) At least ten (10) 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.
- (10) Car parking spaces, other than those designed and marked out for use by the disabled, must be a minimum of 2.60 metres wide and 5.50 metres long, unless otherwise approved by the Council's Municipal Engineer.
- (11) The areas set-aside for parking and associated access and turning must have: -
 - (a) A driveway access with a minimum 3 metres internal width and an average maximum longitudinal grade of 1 in 5 (20%) or, if the topography makes this impractical, an absolute maximum longitudinal grade of 1 in 4 (25%).
 - (b) Space on site to allow cars to turn with a single turning movement and leave the site in a forward direction.
 - (c) An all weather pavement constructed and surfaced to the satisfaction of the Council's Municipal Engineer.
 - (d) Line-marking or some other means to show the parking spaces to the satisfaction of Council.
 - (e) Signs not exceeding 0.3 square metres to direct drivers to the area set aside for visitor parking.
 - (f) Drainage discharging to the stormwater system in accordance with the requirements of a plumbing permit issued by the plumbing Permit Authority.
- (12) The driveway must, unless separate entry and exits with a minimum width of 3.6 metres are provided, be a minimum of 5.5 metres wide for a distance of 7.50 metres from the carriageway of the road to allow vehicles to pass each other, or otherwise as required by Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 –*

Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney / Standards Australia (2002): Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities, Sydney.

- (13) The vehicle access from the carriageway of the road onto the subject land must be located and constructed using a sealed/gravel pavement in accordance with the construction and sight distance standards shown on standard drawings SD 1012 and SD 1009 prepared by the IPWE Aust. (Tasmania Division) (**attached**) and to the satisfaction of Council's Municipal Engineer.
- (14) A parking plan prepared and certified by a qualified civil engineer or other person approved by Council's Municipal Engineer must be submitted to Council prior to or in conjunction with lodgement of Building Application. The parking plan is to include:
- pavement details,
 - design surface levels and drainage,
 - turning paths,
 - dimensions

and shall form part of the permit when approved.

- (15) All parking and associated turning areas and access must be constructed in accordance with the approved parking plan.
- (16) The completed parking and associated turning areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
- (17) All areas set-aside for parking and associated turning areas and access must be completed before the use commences or the building is occupied and must continue to be maintained to the satisfaction of the Council's Municipal Engineer.

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. Please be advised that any buildings proposed in the future to support to use will require further planning and building approvals from Council.
- C. In the event that physical works are required to support this use, a Works Application may be required from the Tasmanian Heritage Council due to the site being heritage listed both under local and state legislation.
- D. **This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.**

DECISION:

Cr Geard moved, Cr Garlick seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Taylor	

4.2 PLANNING UPDATE:

FILE REFERENCE:

AUTHOR: Senior Planner
(Mr J Dryburgh)

The Senior Planner, James Dryburgh provided Committee with an update on planning matters within the municipality.

RECOMMENDATION:

That the report be received.

DECISION:

Cr Garlick moved, Cr Taylor seconded that the report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Taylor	

The meeting closed 6.30p.m.

Confirmed: _____
(Mayor)

Date: _____
20th September 2011