



Brighton Council

MINUTES OF THE **PLANNING COMMITTEE MEETING**
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
GAGEBROOK AT 5.30P.M. ON WEDNESDAY,
10TH JULY, 2012

PRESENT: Cr Gray (Chairperson); Cr Foster; Cr Garlick; Cr Owen and Cr Taylor.

IN ATTENDANCE: Cr Curran; Cr Jeffries; Cr Williams; Mr R Sanderson (General Manager); Mr G Davoren (Deputy General Manager); Mrs J Banks (Manager Governance & Human Services) and Mr J Dryburgh (Manager Strategic Planning).

1. **APOLOGIES:**

Cr Geard requested leave of absence as he is overseas.

Cr Owen moved, Cr Taylor seconded that Cr Geard be granted leave of absence.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Gray	
Cr Owen	
Cr Taylor	

2. **QUESTION TIME & DEPUTATIONS:**

As there were no members in the gallery 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 - EQUIPMENT & MACHINERY SALES AND HIRE (REPAIRS AND MODIFICATIONS AND OFFICE FACILITIES) IN INDUSTRY ZONE AND WITHIN THE ENVIRONMENTAL BUFFER AND BRIDGEWATER QUARRY OVERLAYS, 39 CROOKED BILLET DRIVE, BRIDGEWATER:

FILE REFERENCE:

AUTHOR:	Planning Officer (Ms J Tyson)
Applicant:	Royal Wolf Trading
Owner:	Miller Properties Tas Pty. Ltd.
Location:	39 Crooked Billet Drive, Bridgewater
Application no.:	DA2012/71
Zoning:	<i>Industry Zone</i> - Brighton Planning Scheme 2000 (the planning scheme)
Date accepted:	30 th May 2012

Date advertised: 6th June 2012

Decision required 17th July 2012 (by agreement to extension of time)

Discretion(s):

Equipment and Machinery Sales and Hire is a discretionary use in the Industry Zone.

Proposal:

Approval is sought for the existing operations on the site conducted by Royal Wolf Trading. This includes the storage, repairs/modifications, hire and sale of used shipping containers. Development on the site includes a workshop and a site office that is housed in a converted shipping container and associated parking and access.

Background:

There are two existing planning permits in place for the site that cover most of the existing operations. DA2007/345 allows for “Storage, Sale and Hire of Shipping Containers (Equipment and Machinery Hire and Sales)” and DA2010/91 which allows the site to be developed with “Storage (workshop)”.

In March 2012 an appeal was lodged with the Resource Management and Planning Appeals Tribunal by a third party under Section 64 of the *Land Use Planning and Approvals Act 1993*. The appeal grounds alleged that the existing planning permits do not cover all of the activities on the site, particularly in relation to modification and repairs to containers and raises various issues with the site office building. The proceedings have been adjourned to allow this application to be made that explicitly covers all of the activities and development existing on the site.

Site and Locality:

The subject land is located at 39 Crooked Billet Drive within the Industrial estate. It is surrounded by other Industry zoned parcels at various levels of development.

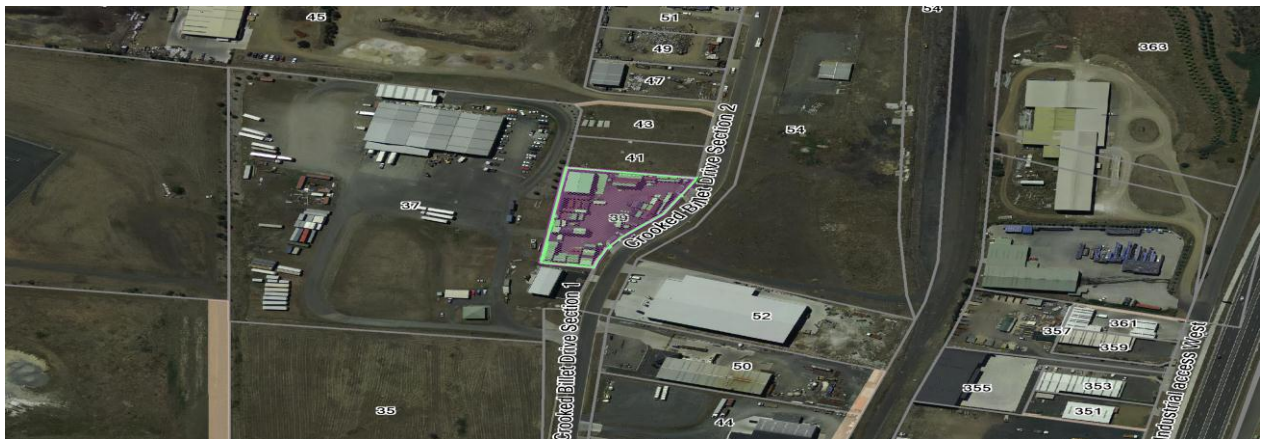




Figure 2: The zoning of the subject locality.

Consultation:

The application was subject to the 14 day statutory notification period. The proposal is discretionary because of the use class.

One (1) representation (Attachment B) was received during the statutory notification period. The concerns raised in the representations are outlined and addressed as follows:

Concerns Raised	Planning Response
<i>Representor 1:</i>	
<p>Due to the container office, staff room and ablutions block floor plans being different to those shown on the site plans it is impossible to check for compliance with various requirements.</p> <p>Specific issues include: door openings, ramps and paths and no disabled parking.</p>	<p>Planning assesses the use and site plan.</p> <p>Issues with respect to doorways, ramps disabled access and the like are assessed under the Building Code and are not planning matters.</p>
<p>No written submissions as per Part 4 of the Brighton planning checklist.</p>	<p>The Application for Planning Approval – Use and Development includes a checklist of items to be provided with an application and Part 4 suggests a written submission supporting the application.</p>

	<p>Part 3.1.2 of the Brighton Planning Scheme provides a list of items that must be included for an application to be valid. A written submission is not part of this list and the application is therefore considered to be valid. In this case a written submission was deemed unnecessary as the application is not for a new development but for one that exists and for which relevant information has been provided with previous applications.</p>
<p>No details of specifications including colours, roofing materials or floor coverings.</p>	<p>The buildings exist and these matters can be addressed by condition where necessary.</p>
<p>A number of the plans show an incorrect address, 32 Crooked Billet Drive not 39 Crooked Billet Drive.</p>	<p>This was a minor error by the drafter that was overlooked. The plans clearly show the subject site and amended plans correcting this error will be required by condition.</p>
<p>Site plans do not show adjoining properties and their uses</p>	<p>The site plans contain enough information for assessment. The site is located within an industrial estate and conflict between uses is unlikely in this environment.</p>
<p>No evidence of soil and water management plans (SWMP).</p>	<p>SWMP relate to the control of soil and water during construction to prevent runoff that causes environment issues and drainage problems.</p> <p>The application does not include any works as the development and use exists, so no SWMP is necessary.</p>
<p>No evidence of the location of existing buildings on site, indicating those to be retained or demolished and their relationship to buildings on adjacent sites, streets and access ways.</p>	<p>The site plan clearly shows the existing buildings, all of which are to be retained and existing access arrangements. Buildings on adjacent sites are not close enough to warrant detailed plans.</p>
<p>No conclusive details of the dimensions, layout and surfacing materials of all access roads, turning areas, parking areas and footpaths within and at site entrance.</p>	<p>Sufficient information is provided on the plans for assessment. No changes to the existing conditions are proposed in any case.</p>

No evidence of proposed landscaping.	No landscaping is proposed.
No evidence to detail the methods of minimising erosion and run off during and after construction and preventing contamination of storm water discharged from the site.	No further construction or site disturbance is proposed. The development exists and appropriate stormwater disposal is in place.
Office, Staff room and Ablution plans: Dimensions of internal room lengths do not appear to relate to anything. No fall on roof, no gutter or downpipe and no stormwater discharge. No lighting, power? Bondor is a brand, what type of product is used and what specifications.	Most of these matters relate to building and plumbing approvals. Where relevant (stormwater) conditions can address any issues.
Building surveyor - lists a number of matters that should be raised with a building surveyor.	These are not planning matters. Council's Building Control officer has advised that any problems can be addressed without requiring significant changes to the buildings and will be addressed in due course.

Where relevant the issues raised within the objections are considered further within this report.

Consultation has also been held with Council's Senior Technical Officer.

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 have minimal financial implications.

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 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.*

The proposal is considered consistent with Council's Strategic Plan as the application covers an existing, successful business operation that provides employment and is sited in an appropriate location.

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 is consistent with the objectives of Schedule 1 of the Act.

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

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 and Section 13(1) provides that where inconsistency occurs between State Policy and Planning Scheme the Policy takes precedence.

State Coastal Policy 1996

The State Coastal Policy 1996 (Coastal Policy) applies to the coastal zone, which includes all State waters and land within 1 km from the High Water Mark (HWM).² The subject land is not located within 1 km from the HWM of the Derwent Estuary and the Coastal Policy does not apply to the land.

State Water Quality Policy 1997

The State Policy on Water Quality Management 1997 (Water Quality Policy) requires that a use or development be consistent with the physical capacity of the land so that the potential for erosion and subsequent water quality degradation is minimised.

No site disturbance is expected as a result of this application as the development on the site is existing.

The State Policy on the Protection of Agricultural Land 2009

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 applicable to this proposal.

Planning Scheme

The land is located within the Industry zone of the Planning Scheme.

Scheme Objectives

Clause 2.6 of the Brighton Planning Scheme 2000 prescribes the Industrial Objectives as being based on the following:

- (a) *To promote Brighton as an important regional industrial location.*
- (b) *To provide a range of industrial lots and configurations to meet expected demand.*
- (c) *To encourage the development of new and expanded industries on existing zoned industrial land.*
- (d) *To encourage new industrial development to take locational advantage of the transport and distribution opportunities provided by the existing road and rail networks.*

²*State Coastal Policy Validation Act 2003*

- (e) *To promote a high quality of development and environmental control.*
- (f) *To protect industrial zoned land from being developed by inappropriate activities.*
- (g) *The strategic approach to industrial development within the Municipality is to encourage growth within the established industrial estate at Bridgewater given its economic and transport advantages to the metropolitan area. This location is able to accommodate a range of industrial uses including those of Level 2 activity in a manner that is environmentally sound and utilises available infrastructure effectively.*
- (h) *To ensure that industrial uses are protected by suitable buffers from incompatible uses.*

The proposal is consistent with the industrial objectives of the Scheme.

Zone

The proposed use and development meet the definition of 'Equipment and Machinery Sales and Hire use', which is 'discretionary' under the Table of Uses pursuant to Clause 6.4.3.

Clause 6.4.1 of the Scheme provides that the purpose of the Industry zone is: -

- a) *To allow for the development of industrial uses that could have major impact on other land use activities and the local environment.*
- b) *To provide long term security for the continuation of these industrial operations, with the protection of the Industrial Buffer Area.*
- c) *To ensure appropriate and adequate treatment of all trade waste and emissions.*
- d) *To allow for a range of smaller scale industrial uses which incorporate commercial functions and seek to be located near major commercial centres.*
- e) *To encourage the orderly and efficient take-up of industrial land.*

The use and development subject to this application is appropriate in the zone and is consistent with the purpose statements above.

Decision Guidelines

Council must consider the following decision guidelines before deciding on an application within the Industry zone under Clause 6.4.2: -

- (a) *ability to comply with any recommended attenuation distances;*
- (b) *ability to utilise existing infrastructure for waste emissions;*
- (c) *the interface with adjoining areas, especially the relationship with residential areas;*
- (d) *any natural or cultural values on or near the land;*
- (e) *suitable landscape treatment for all site boundaries;*
- (f) *adequate screening of outdoor storage from public places;*
- (g) *the use of lighting;*
- (h) *stormwater discharge; and*

- (i) *the environmental standards set down in Schedule 10.*

These issues have been addressed in this application or in previous approvals for the site. Conditions are recommended on this permit to ensure stormwater is captured appropriately.

Overlays

The subject site is located within the Bridgewater Quarry Overlay and the Environmental Buffer Overlay listed in Section 7 of the Brighton Planning Scheme 2000.

The purpose of the Environmental Buffer Overlay is to identify areas where the use and development of land may be affected by environmental constraints and to ensure that development is compatible with identified environmental values. In this case the overlay applies to the area within the Standard Recommended Attenuation Distance of the Bridgewater Quarry. The proposal does not conflict with the quarry operations and can be approved.

The purpose of the Bridgewater Quarry Overlay is to protect the operations from incompatible use and development and to ensure that new use and development in the vicinity of the quarry is aware of the operations and potential impacts. The application has been referred to the quarry operator as required and no objection has been received. The use does not conflict with the quarry operations and can be approved.

Schedules

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

The purpose of Schedule 1 of the Planning Scheme is to ensure the provision of an appropriate number of car spaces having regard to the activities of the land and the nature of the locality as well as ensuring an appropriate design and location of car parking and manoeuvring areas.

Clause S1.2 of this Schedule requires 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 Equipment and Machinery Sales and Hire is to be determined by Council.

Previous planning permits for the site required a total of five (5) parking spaces to be provided. There was no condition requiring disabled parking to be provided.

A total of five (5) on-site car parking spaces are provided on the site. Accordingly, the application complies with the required number of parking spaces.

Clause S1.18 requires adequate maneuvering space to ensure vehicles enter and leave the site in a forward direction with a single turning movement. The site provides adequate space for vehicles to turn and complies with this requirement.

The proposal complies with all other relevant provisions relating to car space dimensions and driveway access for a commercial site.

Schedule 4: Environmental Management Standards

Clause 3.3(n) of the planning scheme requires Council to take into consideration the effect on the environment of the development on nearby land before granting or refusing planning approval.

The proposal is consistent with the provisions outlined under the Environmental Management Schedule subject to a number of conditions that should form part of any planning permit in the event the proposal is approved.

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.

The existing development and use of the site is considered to be appropriate for the area. Previous permit conditions required landscaping of the site and the current plans also show this although it has not been established. It is considered appropriate to require the landscaping to be completed to improve the character of the site as viewed from the road.

Services

Clause 3.4(l) of the planning scheme requires Council to take into consideration the availability and provision of utility services, including water, sewerage, drainage and electricity when considering the application.

The use and development is existing and no changes to the servicing are proposed at this time. In any case a standard condition is included to ensure that the developer meets the cost of any alterations or reinstatement of existing services, Council infrastructure or private property incurred as a result of the development.

Southern Water

The proposal was referred to Southern Water who provided a response indicating that they wish to impose conditions on the planning permit relating to service connections and asset protection. The conditions from the water authority shall form part of the recommended permit conditions.

Traffic and Access:

The proposal is considered acceptable from a traffic and access point of view.

Access to the site exists and is considered satisfactory.

Refer to engineering report below for additional comments.

Engineering report

With respect to engineering assets, Council's Senior Technical Officer advises as follows -

Access

Turning path diagrams submitted with the application demonstrate that a semi-trailer can enter and exit the site satisfactorily. A standard condition is to be included requiring that all parking and access is certified by an engineer upon completion.

Stormwater

The development proposes an upgrade of the stormwater property connection to a DN300 pipe. The existing stormwater system downstream of the development is near capacity and on site detention and/or the upgrading of downstream infrastructure may be required. A condition requiring this is included.

Stormwater from the site is to be treated to minimise any pollutants entering Council's stormwater system.

Water and Sewer

The application was referred to Southern Water and their conditions have been included.

Conclusion

This application has been made in response to an appeal alleging that some of the activity and development on the site is not covered by previous planning approvals.

The proposed use and development exists and is considered to be appropriate in an industrial area. All of the relevant standards are met and the application can be approved, subject to conditions.

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 3 of the Local Government (Building and Miscellaneous Provisions) Act 1993 and Part 4 of the Land Use Planning and Approvals Act 1993 for land at 39 Crooked Billet Drive, Bridgewater, described in Folio of the Register Volume 158467 Folio 1, to be used for developed by Equipment and Machinery Sales and Hire (Repairs and modification and office facilities) and associated works 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) Drawings B01 and B02 must be amended to reflect the correct site address and submitted to Council for approval. The amended plans shall form part of this permit when approved.
- (3) 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*.

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 Manager Strategic Planning.
- (5) Before any work commences a schedule specifying the finish and colours of all external surfaces and samples must be submitted to and approved by the Council's Manager Strategic Planning. The schedule shall form part of this permit when approved.

Parking & access

- (6) 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.
- (7) 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.
- (8) 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) An all weather pavement constructed and surfaced to the satisfaction of the Council's Municipal Engineer.
 - (c) Drainage discharging to the stormwater system in accordance with the requirements of a plumbing permit issued by the plumbing Permit Authority.

Planning Committee Meeting

10/7/12

- (9) Adequate manoeuvring space must be provided in accordance with Standards Australia (2002): *Australian Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Standards Australia, Sydney and the requirements of the Council's Municipal Engineer to ensure that heavy trucks or articulated vehicles may leave the site in a forward direction.
- (10) The loading and unloading of goods from commercial vehicles must only be carried out on the land in accordance with Standards Australia (2002): *Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Sydney.
- (11) The vehicle access from the carriageway of the road onto the subject land must be located and constructed using an uncoloured reinforced concrete pavement in accordance with the construction and sight distance standards shown on standard drawings SD 1003 and SD 1012 prepared by the IPWE Aust. (Tasmania Division) (**attached**) or otherwise as required of Standards Australia (2002): *Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Sydney and to the satisfaction of Council's Municipal Engineer.
- (12) Prior to development commencing, a parking plan prepared and certified by a qualified civil engineer or other person approved by Council's Municipal Engineer must be submitted to and approved by Council's Municipal Engineer. The parking plan is to include pavement details, design surface levels and drainage, and shall form part of the permit when approved.
- (13) All parking and associated turning, loading and unloading areas and access must be constructed in accordance with the approved parking plan.
- (14) The completed parking and associated turning, loading and unloading 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.
- (15) All areas set-aside for parking and associated turning, loading and unloading 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.

Services

- (16) 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.

Landscaping

- (17) A landscape plan prepared by a landscape architect or other person approved by Council's Manager Strategic Planning must be submitted to and approved by Council's Manager Strategic Planning. The landscape plan must show the areas to be landscaped, the form of landscaping, plants species and estimates of the cost of the works. The landscaping plan shall form part of the permit when approved.

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- (18) The site must be landscaped by trees, shrubs, fences or other means approved by Council's Manager Strategic Planning. Planting must bear a suitable relationship to the proposed height of the buildings and must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics or unsuitable for fire prone areas. The landscaping must be completed with three (3) months of the date of this permit.

Stormwater

- (19) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Municipal Engineer and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2000*.
- (20) The driveway must be drained to minimise surface runoff over the footpath or to the adjoining road in accordance with the requirements of the Municipal Engineer and a Plumbing Permit issued by the Permit Authority in accordance with the *Building Act 2000*.
- (21) The developer is to provide on site detention of stormwater, or upgrade downstream pipework, to cater for stormwater flows from the development, to the satisfaction of Council's Municipal Engineer.
- (22) The developer is to provide treatment to all stormwater from the site, including the reduction of gross pollutants and hydrocarbons using best practice environmental management, to the satisfaction of the Municipal Engineer.

Southern Water

- (23) The development must meet all required Conditions of approval specified by Southern Water Response to the Council Notice of Planning Application Referral, date 1 June 2012 (SWSA 2012/00373-BTN).

Construction amenity

- (24) The development must only be carried out between the following hours unless otherwise approved by the Council's Municipal Engineer:
- Monday to Friday 7:00 a.m. to 6:00 p.m.
 - Saturday 8:00 a.m. to 6:00 p.m.
 - Sunday and State-wide public holidays 10:00 a.m. to 6:00 p.m.
- (25) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or 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 of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - (b) The transportation of materials, goods and commodities to and from the land.
 - (c) Obstruction of any public footway or highway.
 - (d) Appearance of any building, works or materials.
- (26) 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.

- (27) 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.
- (28) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development 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. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.
- C. The issue of this permit does not ensure compliance with the provisions of the Commonwealth *Disability Discrimination Act 1992* in relation to access to or use of premises that the public can enter or use. Building access issues may also arise under other *Disability Discrimination Act 1992* provisions relating to employment, access to services and accommodation provisions. The operator may be liable to complaints in relation to any non-compliance with the *Disability Discrimination Act 1992*.

There are currently no standards prescribed for compliance with the *Disability Discrimination Act 1992*, however, Australian Standards associated with the Act, including AS 1428.1-2001 - *Design for access and mobility - General requirements for access - New building work* and the Building Code of Australia (BCA) may apply to occupants of the building. It is recommended that you obtain further information concerning the *Disability Discrimination Act 1992* from the Office of the Human Rights and Equal Opportunities Commission or the Tasmanian Anti-Discrimination Commission.

- 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.**
- E. **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 Taylor moved, Cr Owen seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Gray	

Cr Owen
Cr Taylor

The meeting closed 5.40 p.m.

Confirmed:

(Mayor)

Date:

17th July 2012