



Brighton Council

MINUTES OF THE **PLANNING COMMITTEE MEETING**
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 5.40P.M. ON TUESDAY,
13TH AUGUST, 2013

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

IN ATTENDANCE: Cr Curran; Cr Jeffries; Cr Garlick; Cr Williams; Mr L Wighton (Senior Technical Officer); Mr J Dryburgh (Manager Strategic Planning) and Mrs J Banks (Manager Governance & Human Services).

1. APOLOGIES:

All members were present.

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 70 ELDERSLIE ROAD, BRIGHTON – SUBDIVISION:

FILE REFERENCE: SA2013/13

AUTHOR: Planning Officer
(Miss C Southern)

Background:

In June 2013, the application submitted by Noel Leary and Associates on behalf of the landowner of 70 Elderslie Road Brighton, was granted approval under delegation for a 1 Lot and Balance subdivision. The approved application involved subdividing off the existing dwelling on 735m² of land as Lot 1, and the undeveloped balance land of 4239m² as Lot 2. The property is zoned Residential.

The permit included the following conditions relating to roadworks.

1. The developer is to make a financial contribution to Brighton Council for the upgrading of Elderslie Road. The contribution is to be equal to the cost of upgrading half the width of the existing road along the full subdivision frontage of Elderslie Road, being 40 metres.
2. The value of the contribution is to be based on a detailed construction estimate approved by Council's Municipal Engineer. The estimate must be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer.
3. Roadworks and drainage must be in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's Municipal Engineer. Unless otherwise approved by Council's Municipal Engineer, Roadwork's must include -
 - Fully paved, sealed and drained road widening to achieve a total seal width 8.0m;
 - carriageway surface course must be 10 mm nominal size hotmix asphalt with a minimum compacted depth of 50 mm;
 - Concrete kerb and channel;

- Concrete footpath 1.50 metres wide;
- Underground drains

Noel Leary and Associates wrote to Council in July 2013 to request a minor amendment to the planning permit, regarding the required contribution for the upgrade of Elderslie Road along the subdivision frontage. The request is:

- *That the requirement for the contribution for the upgrade of half the width of Elderslie Road for 40m be reduced to reflect the fact that only 15% of the developable area of the site is being subdivided. This would result in the requirement for the upgrade of 6m of half the width of Elderslie Road.*
- *That a 'part 5 Agreement' be placed upon lot 2 requiring the upgrade of the remaining 85% of the 40m frontage will be paid for if further development of this lot occurs.*

The intent of Condition 23 is based on precedence, is intended to ensure that Council recoups the costs for road upgrades associated with such subdivisions, and has been applied to subdivisions of a similar nature in the past. In this instance it was considered that a financial contribution would be preferable to the works actually being undertaken at this point in time. A financial contribution would allow the required works to be included with adjoining works at a future point in time.

From a planning perspective, the request is deemed to meet the description for a minor amendment defined under Section 56 of the *Land Use Planning and Approvals Act 1993*. The proposed minor amendment, if deemed acceptable by Council, will not result in a change to the use or development for which the permit was issued, but rather constitutes a change to its description.

Consultation:

Municipal Engineer, Senior Technical Officer, Planning Officers, and the applicant.

Risk Implications:

Granting the request to amend the Planning Permit may in effect set a new Council precedent, regarding the process and timing of recouping Councils financial costs from road works associated with subdivision.

If granted as a 'one off' request, this minor amendment could be seen to be unfair, in the sense that previous, and potentially future, subdivisions of a similar nature have not been treated consistently.

Whilst Council will receive the full amount detailed by a construction estimate for the required works over time, there will be a delay in receiving the bulk of the contribution, until Lot 2 is developed.

Financial Implications:

The extent of the conditions imposed on the approved permit may be considered onerous, however this is largely due to the subdivision not maximising the allowable lot density allowed in the residential zone. It has been standard practice to require subdivisions to provide full services, suitable for the particular zone, including the provision of road upgrades. Not requiring the upgrades to be undertaken by the developer at the subdivision stage, or providing a financial contribution, will result in the upgrades being entirely funded by the general ratepayers.

Other Issues:

N/A

Assessment:

The proposed request can be initiated as a minor amendment under Section 56 of the *Land Use Planning and Approvals Act 1993*.

It is considered the percentage contribution should be based on the frontage length rather than the percentage of land developed. This is consistent with a staged subdivision where the developer would be required to construct services across the full frontage of any lot contained within that stage.

Options:

1. As per the recommendation.
2. Grant the request for a minor amendment to the permit, as detailed by the applicant:

"That the requirement for the contribution for the upgrade of half the width of Elderslie Road for 40m be reduced to reflect the fact that only 15% of the developable area of the site is being subdivided. This would result in the requirement for a contribution for the upgrade of 6m of half the width of Elderslie Road.

That a Part 5 Agreement be placed upon Lot 2 requiring that the upgrade of the remaining 85% of the 40m frontage will be paid for if further development of the lot occurs."

3. Refuse the request for a minor amendment.

RECOMMENDATION:

That Council grant the request for a minor amendment to the permit, but with the percentage contribution based on road frontage rather than area:

That the requirement for the contribution for the upgrade of half the width of Elderslie Road for 40m be reduced to reflect that only 16.34 metres of the frontage is developed. This would result in the requirement for a contribution for the upgrade of 16.34m of half the width of Elderslie Road.

That a Part 5 Agreement be placed upon Lot 2 requiring that the upgrade of the entirety of the lot frontage must be paid for at the time of any further development of the lot.

DECISION:

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

CARRIED

VOTING RECORD

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

4.2 APPLICATION FOR PLANNING APPROVAL - CHANGE OF USE FROM "SPORT AND RECREATION" TO "TOURIST ACCOMMODATION" AND DEVELOPED BY A RV REST STOP AND ANCILLARY SITE WORKS IN THE RECREATION ZONE, 236 MIDLAND HIGHWAY, PONTVILLE:

FILE REFERENCE: MIDHWY/236

Author: Planning Officer (Mr D Allingham)

Applicant: Brighton Council

Owner: Brighton Council

Location: 236 Midland Highway, Pontville (Volume 42888 Folio 1)

Application no.: DA2013/93

Zoning: *Recreation Zone*

Planning Instrument: *Brighton Planning Scheme 2000*

Date received: 9th July 2013

Date advertised: 13th July 2013

Decision required 21st August 2013

Discretion(s):

The subject site is zoned "Recreation" in the *Brighton Planning Scheme 2000* (the Scheme). The Development Application is for a partial change of use from "Sport

and Recreation” to “Tourist Accommodation” and developed by a RV Rest Stop and ancillary site works in the Recreation Zone. “Tourist Accommodation” is a Discretionary Use under Clause 6.9.3 of the Scheme.

Proposal:

The proposal is for the use and development of a RV Rest Stop to be operated by Council on a small portion of the Pontville Sports Ground.

The physical works that are required to set up the RV Rest Stop are relatively minor and include fencing, landscaping, provision of a boom gate, and waste facilities. The RV Rest Stop will have the capacity to accommodate up to seven RVs at any one time, with each vehicle having a maximum stay time of 48 consecutive hours.

The primary access to the RV Rest Stop will be via the existing Glen Lea Road entry, which will be left open at all times. To ensure that the Pontville Sports Ground complex remains secure, the RV Rest Stop will be bordered by fencing and aurora poles and a boom gate will be erected. The boom gate will be opened each day when the main access off Midland Highway is opened and will allow RVs to access the dump point next to the existing toilet block during daylight hours from both entrances.

The existing dump point will be upgraded with a “Dump-Ezy” unit. This will be partly subsidised by Campervan & Motorhome Club of Australia (CMCA) if a pending grant application is successful. Council have also applied to CMCA to be recognised as an “RV Friendly Town”. If the application is successful, CMCA will provide standard signs that identify Brighton as an RV Friendly Town and will promote the town on the CMCA website and other publications.

Attractive landscaping, including canopy trees, will be provided around the boundary of the RV Rest Stop to create a buffer to the existing uses of the Pontville Sports Ground and to improve the amenity of the area.

As RVs are considered to be self-sufficient, no upgrades of existing facilities or new facilities (e.g. toilet blocks, powered sites, etc.) are proposed at this stage.

Background:

The investigation into a local RV Rest Stop came about after a member of the public raised the matter at a meeting of Brighton business owners, suggesting that Council make Brighton/Pontville area an RV friendly town. There is a lack of tourist accommodation facilities within the municipality and since the opening of the Brighton Bypass there has been a significant reduction in through traffic in the Brighton and Pontville townships. Council needs to consider ways of harnessing desired through traffic that is beneficial to the town and creating new reasons for people to visit.

One way to attract more visitors to the area is to locate a Council run RV Rest Stop on underutilized Council land within the Pontville Sports Ground.

An Officer's Report was put to the February Ordinary Council Meeting considering a range of options for an RV Rest Stop at the Pontville Sports Ground and any potential issues that may arise. Council adopted the recommendation for Council staff to further investigate the provision of an RV Rest Stop area and to prepare a Development Application.

Council's Works Supervisor, Technical Officer and Planning Officer, in consultation with the Campervan Motorhome Club of Australia (CMCA) inspected a number of potential sites around the Pontville Sports Ground and alternative sites around the municipality, including Seymour Street Park and the Council owned land adjoining Brighton Bowls Club.

These areas were deemed inappropriate mainly because of conflicts with residential properties and the large setup costs to provide a large hardstand area. Other areas within Pontville Sports Ground were also deemed inappropriate mainly due to security reasons.

It was concluded that the site, that is subject of this DA, was the best available site for a Council run RV Rest Stop facility. A draft Development Application was put to the June Sport and Recreation Committee meeting with a recommendation that an application for planning approval is submitted. The Sport and Recreation Committee adopted the recommendation, which was then adopted at the June Ordinary Council Meeting.

Site and Locality:



Figure 1: Aerial view of proposed RV Rest Stop Area

The proposed RV Rest Stop is to be located in a relatively underutilised area of the Pontville Sports Grounds complex and is located between Thompson Oval and the Horse Show Arena (See **Figure 1**). The proposed site has a grass covering, is generally flat and is undeveloped. The proposed site is occasionally used for informal parking for dog and horse shows.

The subject site can be accessed from Glen Lea Road using an existing gravel driveway. This access is usually secured with a large chain mesh gate topped with barb wire which is usually only opened when there are events taking place at the site. The Pontville Sports Ground main access is located from the Midland Highway. This access is secured by boom gates during the evening.

The area for the proposed RV Rest Stop can be accessed via internal roads within the complex when entering from the Midland Highway.

Within the Pontville Sports Ground there are a mixed array of uses which take advantage of the existing facilities on the site. These include three football ovals, two horse arenas, a large show jumping "field", clubrooms, a sheltered picnic area, CWA facilities, buildings used for the Brighton Show, an RV dump station, toilet and shower block and recreational trails.

Uses across the Pontville Sports Ground facilities include:

- Australian Rules Football
- Cricket
- Horse Shows and Clubs
- Dog Shows and Clubs
- Dance School
- Girl Guides
- Karate Lessons
- Youth Group
- Brighton Show
- Brighton Agricultural Society

There is also a mix of uses surrounding the Pontville Sports Ground complex. Adjoining the NW boundary of the site and on the opposite side of Glen Lea Road are rural residential properties. The Jordan River runs along the NE boundary of the complex and separates the recreation area from the commercial and residential areas of the Pontville township. There is some residential development adjoining the site on the eastern boundary along the Midland Highway.

The site is in close proximity to the townships of Pontville and Brighton and has good access to local services and facilities. Both townships are within walking distance of the site.

In regards to zoning, the surrounding area is mainly zoned recreation and rural residential, however there is some residential and commercially zoned area in the adjacent Pontville township (See **Figure 2**). No overlays cover the subject site.

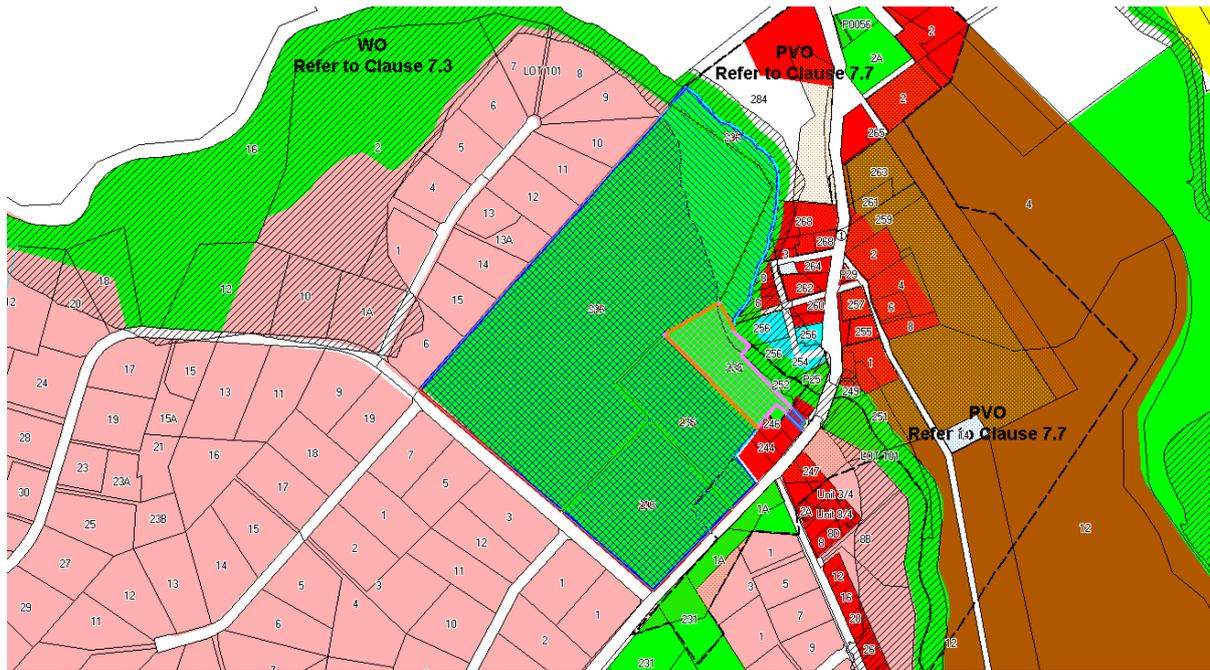


Figure 2: Zoning of subject site and surrounds

Consultation:

The application was subject to the 14 day statutory notification period. The application is discretionary because “Tourist Accommodation” is a discretionary use in the Recreation Zone.

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

<u>Issues Raised</u>	<u>Planning Response</u>
<p>Submission 1</p> <p>The RV Rest Stop proposal was the outcome of a small business meeting which users of the area and residents were not involved in.</p>	<p>The Pontville User Group was consulted on the proposed RV Rest Stop prior to the Development Application being submitted. Only one response was received in opposition of the RV Rest Stop, which was considered at the June Parks and Recreation Committee.</p> <p>The Pontville User Group was again notified by letter as part of the 14 statutory notification period, as were adjoining property owners. Local residents are able to submit a representation as part of the 14 statutory notification period and were notified via a public notice in the Mercury newspaper and a site notice.</p>

<p>Decrease in parking space for both dog and equestrian enthusiasts.</p>	<p>Pontville Sports Ground has large areas designated for parking. The proposed RV Rest Stop will not be located in a formal parking area.</p>
<p>The current toilet/shower facilities provided in the area are inadequate and are in need of upgrading.</p>	<p>The toilet/shower facility has not been considered as part of this application as it is expected that the users of the RV Rest Stop will be self-sufficient.</p>
<p>There is more suitable land available for an RV Rest Stop at the end of Racecourse Road (assumed he means 23 Midland Highway - vacant land) as it is close to local services</p>	<p>The alternative block of land referred to is within the Commercial Zone. An RV Rest Stop would also be a Discretionary Use within the Commercial Zone, however it does not fit the purpose of this zone as per Clause 6.5.1 of the Scheme.</p> <p>Additionally, the Brighton Town Centre Local Area Plan has identified the proposed alternative site as a strategically important location for future retail and commercial development within the Brighton area. The site is also privately owned which would require Council to acquire or lease it from the landholder.</p> <p>The alternative RV Rest Stop site is not appropriately zoned and does not align with Council's strategic direction for Brighton's Main Street.</p>
<p>Pontville has no other businesses other than the hotel and the proposed restaurant to attract RVs to the immediate area.</p>	<p>The Brighton shopping precinct is only 1.5km from the proposed RV Rest Stop, so it is not unlikely that users of the Rest Stop will drive or walk this distance to utilise the local services. Council has plans to upgrade the footpath between Pontville and Brighton which will create a more inviting pedestrian linkage between the two areas.</p> <p>It can also be argued that Pontville has plenty to offer a user of the RV Rest Stop, including historical sites of interest, the local hotel and restaurant and attractive trails along the Jordan River.</p>

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:

Initial costing for setting up the RV Rest Stop is estimated as follows:

Item	Cost
Boom gate	\$3,500
Relocate Aurora poles (owned by Council)	\$1,000
Landscaping	\$3,500
Fencing - approx. 45m	\$4,500 (\$100/metre)
Signage	\$700
Upgrade Dump Station	\$1,500
Expand water pipes	\$2,000
TasWater Headworks charges	\$1,772.97
TasWater Application Fees	\$477
Total	\$18,950+ 10% contingency =\$20,845

The cost for using the RV Rest Stop will be \$5 per night and the Brighton Bowls Club and other local businesses will be responsible for issuing permits and collecting payments.

A permit will include the following information:

- Vehicle Registration Number.
- Vehicle Description.
- Commencement date of Permit.
- Expiry date of Permit.
- Signature of Authorised Officer.
- Signature of Permit Holder.
- Terms and Conditions, including:
 - i. The permit is valid for the dates shown.
 - ii. This permit must be displayed prominently on the vehicle dashboard, and visible from the front left side of the vehicle.
 - iii. This permit applies only to a vehicle which is self contained with respect to shower, toilet, washing, cooking and sleeping facilities, with holding tanks for all toilet waste and sullage water sufficient for 48 hours.

- iv. Discharge of liquid in any waste form is prohibited within the designated overnight stop area.

Council will be responsible for the maintenance of the RV Rest Stop. Council are currently responsible for maintenance within the Pontville Sports Ground, so the additional work required will be minimal.

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 area: -

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 proposed RV Rest Stop will have a positive economic impact on the area as it will bring more visitors to the region who will in turn take advantage of local services. The RV Rest Stop will have a small environmental footprint and may even provide an environmental net gain through landscaping works.

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 -

to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and

- a) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- b) *to encourage public involvement in resource management and planning; and*
- c) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*
- d) *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.

State Policies

State Coastal Policy 1996

The *State Coastal Policy 1996* (Coastal Policy) came into operation on 10 October 1996. This Policy applies to the coastal zone, which includes all State waters and land within 1 km from the High Water Mark (HWM).¹ The subject land is not located within 1 km from the HWM of the ocean and as such the Coastal Policy does not apply to the land.

State Policy on Water Quality Management 1997

The *State Policy on Water Quality Management 1997* (Water Quality Policy) came into operation on 27 September 1997. Clause 31.5 of the 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 earthworks are proposed for the RV Rest Stop as the existing gravel driveway will be utilised and it was determined by Council's Works Supervisor and Technical Officer that a hardstand will not be required. As such, the proposed development is consistent with the physical capacity of the land.

The Revised State Policy for the Protection of Agricultural Land 2007 (PAL Policy)

The PAL Policy applies to all agricultural land in Tasmania. The subject land is located in a recreation area with no legitimate agricultural potential and it is therefore considered that the Agricultural Policy does not apply to the land.

National Environmental Protection Measures (NEPM).

NEPMs are broad framework setting statutory instruments made under the *National Environment Protection Council (Tasmania) Act 1995* and are taken to be State Policies. Eight NEPMs have been made to date which deal with air quality, movement of waste, site contamination and used packaging materials. None of the NEPMs are considered relevant to the proposed draft amendment.

Planning Scheme

The RV Rest Stop will be located within the Recreation Zone of the Planning Scheme and within an established Sports Precinct.

Recreation

Under the Recreation Zone an RV rest stop would be considered a "Tourist Accommodation" which is a Discretionary use within the Recreation Zone.

The relevant provisions of the Recreation Zone that currently apply to the land are considered below.

¹ *State Coastal Policy Validation Act 2003*

Clause 2.7 of the Scheme establishes the Recreation and Leisure Objective of the Planning Scheme as follows:

- (a) *To promote appropriate sporting and recreation facilities for a changing population base.*
- (b) *To maximise community access to recreation facilities.*
- (c) *To maintain, conserve and manage areas of recreation land use.*
- (d) *Open space linkages within the urban areas and along the foreshore and watercourse areas will encourage their longer-term development and usage for recreation activity.*
- (e) *Development of prominent ridgelines and highly visible elevated areas together with locations adjacent important watercourses and vegetation habitat are those that are discouraged in the Scheme.*

The RV Rest Stop is proposed to be located in an area that has minimal impact on the existing sporting facilities located in the Brighton Sports Ground Complex.

Members of the local community identified the need for an RV Rest Stop in the Brighton area that will provide additional recreation facilities for a changing population base.

The *Brighton Municipal Area Open Space Strategy 2012* (OSS) prepared by Inspiring Place identifies this site as a regional open space where the sporting and recreational facilities should be upgraded and improved. It is expected that the provision of an RV Rest Stop will improve maintenance and management of the site so that it is attractive to visitors.

The provision of an RV Rest Stop is likely to result in an increase in foot traffic around Pontville and the Jordan River, promoting use of the existing trails in these areas and provide incentive to upgrade them further.

Clause 6.9.1 of the Scheme establishes the purpose of the Recreation zone as follows:

- (a) *To recognise areas for public recreation and open space.*
- (b) *To protect and conserve areas of significance where appropriate.*

The OSS identifies that the subject land should continue to be upgraded and improved for recreational and sporting uses. It also identifies that the site is of regional importance in the open space hierarchy, meaning that it “serves the needs of the residents of the broad geographical area such as southern Tasmania, and may provide facilities for multiple municipal areas.” An RV Rest Stop will contribute to the provision of facilities and recreation space for tourists across southern Tasmania.

The decision guidelines relating to the Recreation zone pursuant to Clause 6.9.2 of the Planning Scheme are provided as follows:

- (a) *the design and appearance of all buildings shall be sympathetic to the character of the surrounding landscape elements.*

No buildings are proposed for the RV Rest Stop as visitors will be self-sufficient or encouraged to take advantage of the existing facilities.

The proposed fencing and landscaping will integrate well with the character of the surrounding landscape elements.

General Provisions

Decision Guidelines – Clause 3.3

The criteria within Clause 3.3 of the Scheme must be considered before Council determines an application for planning approval.

All relevant matters under Clause 3.3 of the Scheme have been addressed throughout the various sections of this report with no significant issues arising from there consideration.

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 & Loading

Clause S1.2 of the *Brighton Planning Scheme 2000* sets out the number of car spaces required according to the use of land. An RV Rest Stop is defined as Tourist Accommodation and a “Caravan Park/Camping Ground” must have 1 space per site plus 2 spaces per 3 employees. As there are 6 sites and no employees the total parking requirement is calculated as 6 spaces.

Swept path diagrams have been provided to show that a vehicle up to 14.5m long can safely enter and exit the site in a forwards manner with only one turning movement.

Schedule 2: Advertising Signs

The Recreation Zone is not covered under Schedule 2 of the *Brighton Planning Scheme 2000*.

The CMCA will provide “RV Friendly Town” signage to erect along the Brighton Bypass at Brighton exits and within the town. As the Brighton Bypass is a State Road, permits will be required from the Department of Infrastructure, Energy and Resources (DIER) to erect the CMCA signs.

Any other signage that will be places throughout the Brighton road network will be subject to a separate application.

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 lot is existing and serviced. There are no servicing issues.

A standard condition is required 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.

TasWater

The application was referred to TasWater who have imposed conditions.

Traffic and Access:

The proposal utilises an existing access. It is considered that traffic volumes generated by the proposed development will be insignificant and have no detrimental impact on the adjacent road network. As such the proposal is acceptable from a traffic and access point of view.

Conclusion:

The proposed RV Rest Stop is consistent with the Planning Scheme and is considered to provide a desirable service within the municipality in a suitable area. As such, the proposed RV Rest Stop is recommended for approval.

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.

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 236 Midland Highway, Pontville described in Folio of the Register Volume 42888 Folio 1, to be developed by a RV Rest Stop and associated works be granted planning approval 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, which ever is later, in accordance with section 53 of the *land Use Planning And Approvals Act 1993*.

Landscaping

- (3) 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.
- (4) Before any work commences submit 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.
- (5) The landscaping works must be completed in accordance with the endorsed landscape plan and to the satisfaction of Council's Manager Strategic Planning within six (6) months of the first use of the development or prior to the sealing of a stratum plan. All landscaping must continue to be maintained to the satisfaction of Council.

Operation of business

- (6) No Recreation Vehicle is permitted to stay for longer than two (2) consecutive nights.

Parking & access

- (7) 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.

- (8) 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 vehicles may leave the site in a forward direction.
- (9) The vehicle access from the carriageway of the road onto the subject land must be located and constructed in accordance with the construction and sight distance standards shown on standard drawings SD 1009 and SD 1012 prepared by the IPWE Aust. (Tasmania Division) (**attached**) or otherwise as required of Standards Australia (2002): *Australian Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities*, Sydney and to the satisfaction of Council's Municipal Engineer.
- (10) 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.
- (11) All parking and associated turning areas and access must be constructed in accordance with the approved parking plan.
- (12) 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.
- (13) 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.

Services

- (14) 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.

Tas Water

- (15) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, date 07/08/2013 (DA 2013/00538-BTN)

Protection of water quality

- (16) Before any work commences install temporary run-off, erosion and sediment controls (refer to advice below) and maintain these at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's Manager Strategic Planning.

Construction amenity

- (17) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Strategic Planning:
- 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.
- (18) 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.
- (19) 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 Manager Strategic Planning.
- (20) 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.
- (21) 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. Appropriate temporary erosion and sedimentation control measures include, but are not limited to, the following -
- Minimise site disturbance and vegetation removal;
 - Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council’s storm water system, a watercourse or road drain);
 - Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
 - Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
 - Gutters spouting and downpipes installed and connected to the approved stormwater system before the roofing is installed; and
 - Rehabilitation of all disturbed areas as soon as possible.
- 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 Taylor moved, Cr Geard seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

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

The meeting closed 5.55 p.m.

Confirmed: _____
 (Mayor)

Date: _____
 20th August 2013