



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 5.37 P.M. ON TUESDAY,
21st OCTOBER 2014**

PRESENT: Cr Foster (Mayor); Cr Taylor (Deputy Mayor); Cr Curran;
Cr Garlick; Cr Geard; Cr Gray; Cr Owen and Cr Williams.

IN ATTENDANCE: Mr R Sanderson (General Manager); Mr G Davoren
(Deputy General Manager); Mrs J Banks (Governance
Manager); Mr H Macpherson (Asset Services Manager)
and Mr J Dryburgh (Development Services Manager).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 16TH SEPTEMBER 2014.

Cr Curran moved, Cr Garlick seconded that the Minutes of the Ordinary Council Meeting of the 16^h September 2014, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Owen	
Cr Taylor	
Cr Williams	

2. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Williams moved, Cr Garlick seconded that Cr Jeffries be granted leave of absence.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Owen	
Cr Taylor	
Cr Williams	

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Mr B Richardson addressed Council in relation to Item 11.7
- Robyn Storey, Principal Jordan River Learning Federation addressed Council in relation to the School Farm educational proposals.

4. 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.

5. REPORTS FROM COUNCILLORS:

5.1 MAYOR'S COMMUNICATIONS:

FILE REFERENCE: 0205-6
AUTHOR: Mayor
(Cr T Foster)

The Mayor's communications were as follows:-

Sep 18 Noeline and I along with senior staff attended the funeral service for

Mr Darrel Percey (Dad of Scott)

- Sep 19 I attended an official visit by Councillors and Staff to view the works undertaken at the new Old Beach Cricket Club facility
- Sep 23 The General Manager and I attended the official launch by Minister Matthew Groom and signing of a new agreement with all stakeholders involved in the Derwent Estuary Program.
- Sep 24 The General Manager, James Dryburgh and I met with Simon Touma and his son Paul Taylor to work out an agreement that would see the transfer of the building at the former Army Camp Site transferred to Council
- Sep 26 Noeline and I attended the official launch by Minister for Human Services and Women Jacque Petrusma of the remastered DVD "Breaking the Silence".
I commend the "Breaking for Silence" Advocacy Group and in particular our Councillor Sonya Williams
- Sep 26 The Deputy Mayor and I conducted the General Manager's Performance Review.
- Sep 26 I along with councillors and senior staff attended an official launch by Minister Rene Hidding of our contract with the State Government which sees us maintaining roundabouts and some road verges in our Municipality.
- Sep 26 Citizenship ceremonies at Council
- Sep 29 I, in my role as Chairman of the Selection Committee for Taswater held a meeting at Campbell Town with the other 8 representatives on the Committee.
- Oct 03 Cr Curran and I along with senior staff were given the opportunity to look at the development at Old Beach that Deane Caldwell is doing on behalf of his company Saldino Developments.
- Oct 03 Cr Curran and I at the invitation of the Tea Tree Hall committee attended a function at their Tea Tree hall facility.
- Oct 08 First meeting of the Civic Pride Consultancy Group.
Ron Sanderson, Heath Macpherson and Scott Percey were in attendance from the staff along with myself. James Dryburgh and Geoff Taylor were apologies.

- Oct 10 At the invitation of the University of Tasmania Noeline and I attended the farewell for Professor Jan Pakulski.
- Oct 16 Meeting with Jordan River Learning Federation Principal Robyn Storey.
- Oct 17 Official opening of the Old Beach Cricket Club new facility which incorporates the Garry Faulks Pavilion.
- Oct 21 Official launch at the Bridgewater Community Centre of the "Waterbridge Food Co-Op and Community Blitz"
- Oct 21 Citizenship ceremonies.
- Oct 21 Ordinary Council meeting.

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Curran moved, Cr Geard seconded that the report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Owen	
Cr Taylor	
Cr Williams	

As this was the last Council meeting before the Local Government Elections the Mayor gave thanks and gratitude to Cr Geoff Taylor for his loyalty over the past 12 years as Deputy Mayor, and thanked him for 'filling in' for him when he was away. (Cr Taylor was not standing for Deputy Mayor in the election)

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

Southern Waste Strategy Board Joint Authority – Cr Geard representative.

Cr Geard advised that he had attended a Fire Management meeting in Hobart.

Cr Garlick moved, Cr Williams seconded that Cr Geard's report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Owen	
Cr Taylor	
Cr Williams	

5.3 CORRESPONDENCE FROM SOUTHERN TASMANIAN COUNCILS ASSOCIATION (STCA), LGAT, TASWATER AND JOINT AUTHORITIES:

Correspondence and reports from the STCA, LGAT, Taswater and Joint Authorities e.g. Southern Waste Authority are received periodically by Council.

If any Councillor wishes to view documents received contact should either be made with the Governance Manager or General Manager.

6. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2005, it was reported that there were no workshops held since the last Council meeting.

(This includes workshop, seminar or meeting, other than a meeting that is conducted by or on behalf of the council for the councillors.)

7. NOTICE OF MOTION:

There were no notices of motion.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:

In accordance with the requirements of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2005, the Council, by absolute majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and

- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

RECOMMENDATION:

That the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2005.

DECISION:

Cr Gray moved, Cr Curran seconded that Item 11.9 Jordan River Learning Federation - School Farm Scholarship be discussed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Owen	
Cr Taylor	
Cr Williams	

11.9 JORDAN RIVER LEARNING CENTRE – SCHOOL FARM SCHOLARSHIP:

The Principal, Robyn Storey, reported to the meeting about options for a scholarship provided by Council for students attending the high school farm.

DECISION:

Cr Owen moved, Cr Geard that Council provide 2 travelling scholarships to the Jordan River Learning Centre.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Owen	
Cr Taylor	
Cr Williams	

9. REPORTS FROM COMMITTEES:

There were no Committee meetings held this month.

10. 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 10. on this agenda, inclusive of any supplementary items.

10.1 APPLICATION FOR PLANNING APPROVAL – RESIDENTIAL (3 DWELLINGS) AND STAGED STRATA IN RESIDENTIAL ZONE, 19 ASHGROVE CRESCENT, OLD BEACH:

FILE REFERENCE:	ASHGRO /19
AUTHOR:	Senior Planner(S Wells)
Applicant:	T & S Galea
Owner:	T & S Galea
Location:	19 Ashgrove Crescent, Old Beach
Application no.:	DA 2014/ 160
Zoning:	Residential
Use Status:	Residential – Discretionary for more than two dwellings
Relaxation to standards:	Site Coverage (Clause 6.2.9 (a)), Efficiency (Clause S7.9 (b) A2 (b)), Privacy (Clause S7.9 (c) (A3), Private Open Space (Clause S7.9 (e) A6)
Date accepted:	6 August 2014
Date advertised:	3 September 2014
Decision required:	21 October 2014(extension granted)

Background:

19 Ashgrove Crescent, Old Beach is a recently completed lot as part of permit SA 2007 / 45. It is one of five new lots located at the termination of Ashgrove Crescent in an area zoned Residential.

Application

Application is made for 3 dwellings on a 1416m² internal lot at 19 Ashgrove Crescent (CT 167847 / 28).

Unit 1 is located along the northern boundary of the site. It provides a double garage, living spaces, rumpus and study on the lower level and three bedrooms on an upper level.

Unit 2 is located along the southern boundary of the site. It contains a double garage, living spaces and three bedrooms on one level.

Unit 3 is located along the western boundary of the site. It contains a double garage, living spaces and three bedrooms on one level.

All units skillion roofs and rendered cement sheet walls in an off white colour.

Access is proposed via an existing driveway that provides a shared access to the adjoining internal lot to the south.

The site is a vacant 1416m² lot that contains no vegetation. The site has a south-west aspect with a gradient of approximately 1 in 12.

The site adjoins an established Rural Residential area to the north and vacant Residential zoned lots to the west and south. Land to the east is zoned Recreation due to the buffer associated with the nearby quarry.

The site is connected to reticulated sewer, water and stormwater.

The development is proposed to proceed in stages, with stage 1 being Unit 2 and stage 2 containing Units 1 and 3.

In response to representations received, the applicant has advised that they would be willing to reduce the height of Unit 1 by 1.66m through the single storey section.



Figure 1. The site and surrounding land.

Consultation:

The application was advertised in accordance with the Act and *Land Use Planning and Approvals Regulations 2004* and two (2) representations were received. One was co-signed by the owners of two of the adjoining vacant residential lots.

Representation 1	
Issue	Comment
The proposal is inconsistent with the marketing of the subdivision.	This is not a relevant planning consideration.
The proposal does not provide a transition from the rural residential area.	Recommended modifications to the proposal can ensure that the development is largely single storey in scale to provide a reasonable degree of transition across the zones.
Proximity to adjoining land.	The setbacks comply to all boundaries.
Loss of views.	Recommended modifications to the proposal will ensure that the development has minimal effect on existing views.
Three units is over-development of the site.	Whilst the proposal requires a number of variations, it is considered that the development can occur without unreasonable off-site impacts.

Loss of property values.	This is not a relevant planning consideration.
Inadequate building setback.	The setbacks comply to all boundaries.
Loss of privacy due to the floor layout of Unit 3.	The living room of Unit 1 has a floor level approximately 1m above ground level. A living window and glass sliding door face the adjoining land with setbacks of 5m and 4m respectively. Single dwelling development on the adjoining lot is subject to a 4m rear setback. The living room window is adjacent to the rear corner of the adjoining lot and is oriented as far as practical to obtain views to the south-west and not to the west. The potential for loss of privacy is not unreasonable in this context but could nevertheless be mitigated further by a 2.1m fence / screen opposite these openings.
Inadequate solar access.	This issue is discussed later in the report and it is considered that the proposal is satisfactory.
Overshading of dwellings within the site and inadequate opportunity for roof top solar.	Recommended modifications to the proposal will alleviate this concern.
Design of private open space.	The proposal of private open space is considered satisfactory.
Landscaping.	The landscaping plan was omitted from public display. As discussed below, the level of landscaping is considered appropriate.
Representation 2	
Inconsistent with the established character of the adjoining Myna Park / Ashgrove Crescent area.	A degree of inconsistency must be expected given the change in zone. The level of the inconsistency is not considered unreasonable, particularly given recommended modifications to the proposal outlined in the report.
Traffic safety.	The existing access to the site and the surrounding road network is

	considered adequate for the proposal.
Loss of amenity through increased noise.	It is considered that multi-unit housing does not necessarily translate to higher noise or to an unreasonable noise.
Loss of property values.	This is not a relevant planning consideration.
Loss of views.	Recommended modifications to the proposal will ensure that the development has minimal effect on existing views.

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.

Judicial Review:

This report details the reasons for the recommendation. Any alternative decision requires a full statement of reasons in order to maintain the integrity of the planning process and to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.

Statutory Assessment

Decision Guidelines:

Clause 3.3 of the planning scheme requires consideration of various issues. The key issues for this site are:

- 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;
- h) the provision of access, loading, parking and manoeuvring of vehicles;
- i) the provision of adequate landscaping and associated furniture, amenity facilities, illumination and treatment of the site generally;
- j) 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;
- m) the orderly planning of the area;

- r) any representation received in relation to an application for which Section 57 of the Act applies;
- s) staging of use or development;

The remainder of the report will have regard to these matters.

Zone Provisions

The site is within the Residential Zone.

Zone Purpose:

Clause 6.2.1 provides that the purpose of the Residential Zone is:

- (a) To ensure sufficient land is available to meet anticipated demand for residential use in the next 5 years.*
- b) To protect residential amenity by reducing the potential for land use conflicts between residential uses and other uses.*
- c) To allow for a range of housing types within the zone, subject to meeting performance guidelines, so as to satisfy different housing needs within the community.*
- d) To restrict non-residential uses to those that are compatible with maintaining residential amenity and servicing local needs.*
- e) A broad range of residential options should be accommodated subject to the maintenance of satisfactory levels of amenity for new and existing development.*

The key issue is the degree to which the proposal maintains a satisfactory level of amenity for the adjoining Rural Residential land. Units 2 and 3 are single storey and are to be built below the highest point of the land. It is considered that they will be a minor element in the streetscape, particularly as they are located on an internal lot.

The two storey design of Unit 1 will provide a much stronger visual element and has the potential to provide an abrupt change from the Rural Residential area to the Residential area. It should be noted however that the scale of the building is within the acceptable range of a single dwelling under Planning Directive No. 4.

The applicant has sought to ameliorate this issue by reducing the height of Unit 1 by 1.66m through the single storey section. If this occurs, the two storey section of Unit 1 would be visible from the rural residential area.

This section however has a width of only 6m. On this basis it is considered that the proposal would maintain a satisfactory level of amenity to the adjoining land. It is therefore recommended that any permit granted require the reduction of Unit 1 by 1.66m through the living areas and to plant at least one tree between the garage and the boundary to soften the mass of the two storey element.

Zone Decision Guidelines:

Clause 6.2.2 provides the following decision guidelines that are additional to those detailed in clause 3.3:

- (a) the building appearance from public streets and adjoining sites is visually compatible with surrounding development;*
- (b) the siting and design of the development protect the amenity of neighbours, minimise overshadowing and overlooking, enable passive surveillance without unreasonably diminishing privacy, and contribute to residential character and usability of private open space;*
- (c) issues relevant to multi-unit housing are addressed adequately; and*
- (d) the design and siting of lots and buildings optimises solar access and water usage, minimizes waste and contributes to efficient use of energy and water.*

The development is positioned on an internal lot and, with the above mentioned lowering of floor levels, will be visually compatible with likely future development on the surrounding lots. It is considered that there is limited potential for unreasonable impacts of overshadowing or overlooking. Multi-unit housing and solar access are discussed later in the report. It is considered that the proposal is consistent with the zone decision guidelines.

Use and Development Standards:

Site Coverage:

The site coverage standard is 30%. The site coverage proposed is 34.5% which requires a variation. Clause 6.2.9 (a) (ii) provides that a variation can be granted where it is considered that “the amenity of neighbours will not be significantly adversely affected ...”. Further Clause 6.2.9 (a) (iii) provides that design in terms of site coverage should “facilitate energy efficient housing and to reduce energy wastage”.

Site coverage is the percentage of total gross floor area to the lot. The development exceeds the site coverage standard by 66m² of gross floor area which is approximately to one of the double garages.

Energy efficiency is also regulated through the National Construction Code and the dwellings will need to meet a 6 star requirement.

It is considered that a variation should be granted in this case as the additional site coverage is considered unlikely to cause any significant adverse impact.

Setback:

The setback standard is 5metres to the frontage and 1.5metres to the side. The proposal complies with side setback requirements.

Height:

The height standard is 8m. The proposal complies with this standard.

Overlay Provisions

No overlays apply to this application.

Schedule Provisions

The application is subject to Schedule 1 Off-Street Parking; Schedule 4 Environmental Management Standards; Schedule 6 Bushfire Management, Schedule 7 Medium Density Housing; & Schedule 8 Road Assets

Schedule 1 Off-Street Parking:

S1.2 requires the provision of 2 car parking spaces per dwelling and one common visitor space. The proposal complies with this standard.

S1.9 requires a detailed car parking plan to be submitted. The proposal plans are in many ways adequate however a condition should be included on any permit granted to require a parking plan to be submitted.

S1.10 relates to the future construction of car parking and can be satisfied through a condition on any permit granted.

S1.12 and S1.13 both provide dimension requirements which can be satisfied by way of conditions on any permit granted.

S1.16 requires driveways to comply with Australian Standard AS 2890.1 – 1993 which can be satisfied by way of a condition on any permit granted.

S1.18 requires the provision of adequate manoeuvring to ensure that vehicles enter and exit the site in a forward direction. This requirements is complied with but should nevertheless be confirmed by way of a condition on any permit granted.

S1.19 requires the access to be 5.5metres wide for the initial 7.5metres of the driveway. The existing driveway complies with this requirement.

Schedule 4 Environmental Management Standards:

Schedule 4 provides various standards of which Issue 1 A1 (gradient); Issue 4 A4 (reticulated sewer); and Issue 4 A (reticulated water) are relevant and are satisfied.

Additionally Issue 7 A12 (soil and water management) is relevant and can be satisfied by way of a condition on any permit granted.

Schedule 6 Bushfire Management

Schedule 6 provides that the site has a moderate fire risk. The application includes a Bushfire Hazard Management Plan which demonstrates that the proposal satisfies all relevant provisions of the planning scheme.

Schedule 7 Medium Density Housing:

Purpose

Clause S7.1 provides that the purpose for the Medium Density Housing schedule is to ensure that such developments:

- (a) Comply with the intent of the Scheme requirements for each zone and any Schedules applicable to the site.*
- (b) Provide sensitively and appropriately designed medium density housing that:-*
 - (i) adequately responds to the basic needs of its occupants;*
 - (ii) adequately respects the natural and man-made environment in which it is located; and*
 - (iii) adequately respects the basic needs of neighbouring residents.*
- (c) Provide a high degree of amenity for occupants with adequate levels of:*
 - (i) privacy;*
 - (ii) sunlight/daylight;*
 - (iii) private open space; and*
 - (iv) parking.*
- (d) Must not unreasonably deprive any neighbouring property of privacy, sunlight/daylight, or aspect/view.*
- (e) Are encouraged in those areas that are closest to support services and commercial centres by allocating particular and suitable medium density housing sites at the subdivision stage.*

It is considered that the proposal largely satisfies these purpose statements.

The proposal provides an adequate level of amenity to future occupants. The possibility that the development would result in an unreasonable transition from rural residential to residential land can be ameliorated by reduction in height to Unit 1.

The majority of adjoining lots are currently vacant. The development will have limited affect on the privacy of adjoining land as unit 1 is oriented to the south, unit 2 is positioned to the rear of the site and unit 3 maintains separation to the adjoining land and is also oriented for views to the south.

Decision guidelines

Clause S7.3 provides the following additional matters that Council must consider:

- (a) *The provision of communal space and/or facility specifically intended for the use by residents of the development. Such space or facility will normally only be required in the case of:*
 - (i) *larger sized development;*
 - (ii) *where the provision of private open space is small; and/or*
 - (iii) *where public open space areas are inappropriate, inadequate or inaccessible.*
- (b) *Whether the developer should prepare a landscape plan.*

Communal open space is not warranted in a development of this size. A landscape plan has been submitted with the application.

Density standard

Clause S7.9 (a) provides a maximum density of 1 unit per 350m² of site area. The proposed density, with a site area of 1416m², is 472m² which complies.

Efficiency standard

Clause S7.9 (b) requires that “the main living provided with an area of north facing glazing”.

Units 1 and 3 do not comply. Unit 2 has an area of north facing windows adjacent to the kitchen.

The performance standard for this clause is “habitable buildings are provided with adequate area of windows capable of receiving reasonable levels of direct sunlight all year”. The associated objective is to ensure “that dwellings are sited and designed to provide year round comfort for occupants and reduce energy consumption”.

The schemes definition of a habitable room includes bedrooms. However, the key consideration of the scheme is the adequacy of direct sunlight and the degree of satisfaction with the objective. Both comfort and energy consumption will largely be satisfied through the 6 star energy efficiency provision of the National Construction Code. Therefore, it is considered that a variation can be granted in this case.

Privacy standard

Clause S7.9 (c) requires that openings such as windows and doors in rooms with a floor level more than 0.5m above natural ground level and that overlook an adjoining window or private open space area incorporate privacy measures of either:

- (a) a 9m setback from any adjoining opening or private open space; or
- (b) window sills of at least 1.7m; or
- (c) obscure glazing to a height of at least 1.7m.

Unit 1 does not comply with respect to the bedroom windows and private open space of Unit 2. Conversely, Unit 2 does not comply with respect to the living room windows and private open space of Unit 1.

However, the units are separated from one-another by approximately 7.5m and have large areas of private open space. It is considered that a reasonable level of internal privacy will be achieved.

The only adjoining lot with development is to the north. Unit 1 is in excess of 25m from the house on this lot.

Noise standard

Clause S7.9 (d) requires a 3m separation between walls of dwellings other than for shared walls. The proposal complies with this standard.

Private open space standard

Clause S7.9 (e) requires each dwelling to have 70m² of north-facing private open space that is directly accessible from living areas, has a minimum dimension of 4 metres, a maximum gradient of 1 in 6 and is enclosed by a 1.5 metre high (minimum) fence.

Each dwelling complies with this standard in terms of area and dimension. Unit 1 and Unit 3 do not have direct access from living areas. Compliance for Unit 1 would be achieved if the eastern window was a sliding door, which is unclear on the plan. A condition to this effect should be included on any permit granted. For Unit 3, private open space is access from the steps on the western side of the building approximately 10m distance from the private open space. The performance criteria provides that private open space shall be "adjacent to and directly accessible from the dwelling to which it belongs".

It is considered that the performance criteria is applicable to Unit 3, particularly as there is an area approximately 30m² in size adjacent to the steps.

A condition confirming the detailed requirements of private open space should be included in any permit granted.

Landscaping standard

Clause S7.9 (f) requires that the site be landscaped. The proposal plans show indicative landscaping which is considered to be largely adequate. A condition confirming the works outlined in the landscaping plan should be included on any permit granted.

Vehicle parking and manoeuvring areas standard

Clause S7.9 (g) provides:

- controls over parking between the building line and the front boundary, which do not apply in this case;
- windows of habitable rooms to be at least 1.5metres from a driveway or otherwise have a sill height of 1.4metres;
- footways separated from driveways be 2metres; and
- that driveways are to have concrete or masonry paving.

The proposal complies with these requirements.

Schedule 8 Road Assets

Table S8.2 Issue 1 A1 specifies the minimum sight distance requirements for accesses which are complied with.

Table S8.2 Issue 2 A4 (a) specifies that there should be one direct vehicular access only, which the proposal complies with. Table S8.2 Issue 2 A4 (b) requires that accesses be more than 9m from the junction with a Category I-III road which the proposal complies with.

Referrals

TasWater

TasWater have advised Council of the conditions of approval that must be included in any permit granted.

Council's Senior Technical Officer

Council's Senior Technical Officer has provided the following information

Access & car parking

The property has access to the newly constructed cul de sac at the end of Ashgrove Crescent. The vehicle access is shared with the adjacent property and is already constructed in reinforced concrete to the lot proper. The existing driveway comprises a 6 metre wide section for the 1st 7.5 metres from the road then narrowing down to 3 metres wide to the lot proper.

Should passing opportunity be provided at the lot proper, the existing driveway should have adequate sight lines to operate effectively without the need to widen the entire driveway to 5.5 metres. It is not expected that the development will have any negative impact on the adjoining road network.

Stormwater

A stormwater connection is provided to the lot.

State Policies

The State Policies are of limited relevance to this site as the land is not agricultural land and is not near the coast. A standard condition relating to storm and water management plans is considered appropriate for any permit granted.

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 section 57 of the *Land Use Planning and Approvals Act 1993* for land at 19 Ashgrove Crescent, Old Beach, to be used for Residential purposes and developed by construction of 3 dwellings & 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.

Amended Plans Required

- (2) Prior to the lodgement of a building permit application, amended plans are to be submitted to Council's Manager Development Services showing:
 - i. the reduction in the height of the Unit 1 by 1.66m through the section of Unit 1 that contains the living areas, rumpus and study;
 - ii. the provision of a 2.1m fence or screen along the western boundary of the site adjacent to the windows and doors in the living and dining areas of Unit 2 and solid fencing along all other external boundaries of at least 1.8m in height;

- iii. the provision of at least one tree between the garage wall and the northern boundary of Unit 1 with the potential to achieve a height equal to or higher than the maximum height of Unit 1; and
- iv. the provision of a sliding glass door in the eastern elevation of Unit 1.

Once satisfactory, the plans will be endorsed as being part of this permit and any future building permit application must be consistent with this endorsement.

Private open space

- (3) Each dwelling must be provided with at least 90 square metres of private open space that:
 - i. has a minimum dimension of 4.00 metres;
 - ii. has a maximum slope of 1 in 6 (16%);
 - iii. is located adjacent to and directly accessible from the dwelling for the exclusive use of the occupants that is and not used for vehicular access and parking or utility areas;
 - iv. is enclosed by a 1.8metre high solid paling fence; and
 - v. is landscaped prior to the commencement of the use.

Privacy

- (4) Windows of habitable rooms must be 1.5 metres from the edge of common driveways and footways.

Landscaping

- (5) Before any work commences submit a landscape plan prepared by a landscape architect must be submitted to and approved by Council's Manager Development Services. The landscape plan must be implemented prior to the commencement of the use. 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.

Parking & access

- (6) All car parking spaces, other than the garages, must be allocated for visitor car parking and not allocated to any individual unit.
- (7) At least one uncovered visitor car 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.

- (8) 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 Manager Development Services.
- (9) The areas set-aside for parking and associated access and turning must have:
- i. driveway access with a minimum 3.0 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%);
 - ii. space on site to allow that vehicles enter and leave the parking space in a single manoeuvre and enter and leave the site in a forward direction;
 - iii. an all-weather pavement constructed and surfaced to the satisfaction of the Council's Municipal Engineer;
 - iv. line-marking or some other means to show the parking spaces to the satisfaction of Council;
 - v. signs not exceeding 0.3m² to direct drivers to the area set aside for visitor parking; and
 - vi. drainage discharging to the stormwater system in accordance with the requirements of a plumbing permit issued by the plumbing Permit Authority.
- (10) The driveway must be a minimum of 5.5 metres wide for a distance of 7.50 metres from the carriageway of the road, and at the end of the access strip/lot proper, 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.
- (11) 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, including for waste collection vehicles;
 - dimensions;

and shall form part of the permit when approved.

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- (12) 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.
- (13) All areas set-aside for parking and associated turning, 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.
- (15) The approved structure(s) must be sited clear of any easement and located at least 1.0 metre measured horizontally from any Council service mains.
- (16) Services located under the proposed driveway are to be provided with trafficable covers to the requirements of the relevant authority and Council's Municipal Engineer.
- (17) A separate sequentially numbered mailbox must be provided for each dwelling and the Body Corporate created under the *Strata Titles Act 1998*. The mailboxes must be located together at the junction of the driveway and the frontage to the satisfaction of the Council's Manager Development Services.

Stormwater

- (18) Drainage from the proposed development, including all buildings and hardstand areas, 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*.
- (19) Driveways 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*.
- (20) Where required the developer is to provide on site stormwater detention to ensure peak stormwater runoff for a 1:20 ARI does not exceed the capacity of the existing DN150 property connection.

Tas Water

- (21) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, date 10 September 2014 (TWDA 2014/00734-BTN).

Protection of water quality

- (22) Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Manager Development Services before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.

Construction amenity

- (23) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Development Services:
- 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.
- (24) 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.
- (25) 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 Development Services.

- (26) 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.
- (27) 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. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.
- C. 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.
- D. 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.

- E. The SWMP shall be prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, the State Policy for Water Quality Management 1997 and the requirements of the Council's Municipal Engineer and show the following -
- Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
 - Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
 - Estimated dates of the start and completion of the works;
 - Timing of the site rehabilitation or landscape program;
 - Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection;
 - Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion;
 - Temporary erosion and sedimentation controls to be used on the site; and
 - Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia: *AS/NZS 1547:On-site wastewater management*, Standards Australia, Sydney, 2000.
- F. 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.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	Cr Owen
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Taylor	
Cr Williams	

11. REPORTS FROM OFFICERS:

11.1 65 RACECOURSE ROAD, BRIGHTON – SUBDIVISION PROPOSAL:

FILE REFERENCE: RACECO65

AUTHOR: Corporate Executive
(Mrs G Browne)

Background:

In 2004 a heads of agreement was signed between Brighton Council and TOTE Tasmania Pty Ltd for the long term operation of the Brighton Training Centre. There was an undertaking that TOTE Tasmania Pty Ltd would enter into a new arrangement with Brighton Council, consistent with the signed heads of agreement, for a period of fifty years with an option to renew for a further period of 20 years.

Certain assets, liabilities, rights and employees of TOTE Tasmania were assigned to the Tasmanian Racing Board in 2008. Tas Racing is now seeking to formalise a lease for their capital improvements on this site.

As the Brighton Training Centre and the Ted Jeffries Memorial Park are located on the same title it is not possible to enter into a fifty year lease without contravening the *Local Government (Building and Miscellaneous Provisions) Act 1993*. For Council to stay compliant with this Act it may either subdivide the park into two new titles or sign five back to back leases of ten years.

The land in question is located on the attached plan and includes the racecourse and greyhound area as well as a small patch of land at the far end of Seymour Street, Brighton.

Consultation:

General Manager, Corporate Executive, CFO Tas Racing, Planning Officer

Risk Implications:

Nil

Financial Implications:

Cost of subdivision fees.

Other Issues:

Nil

Assessment:

The subdivision would be a permitted use and there would be no change to the zoning of the new lots.

Options:

1. As per the recommendation.
2. To not allow the subdivision
3. To sign five back to back ten year leases with Tas Racing.

RECOMMENDATION:

It is recommended that approval be given to subdivide 65 Racecourse Road, Brighton into two new titles.

DECISION:

Cr Taylor moved, Cr Garlick seconded that the recommendation be adopted. **CARRIED**

VOTING RECORD

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

Cr Owen
Cr Taylor
Cr Williams

11.2 CIVIC PRIDE CONSULTATIVE GROUP:

FILE REFERENCE:

AUTHOR: Asset Services Manager
(Mr H Macpherson)

Background:

After the signing of the Deed for Council to take over the maintenance of the East Derwent Highway a Civic Pride Consultative Group has been established.

The group consists of the Mayor, Deputy Mayor, General Manager, Municipal Engineer and Works Supervisor.

The Municipal Engineer will provide an update on the meetings of the group.

Consultation:

Nil

Risk Implications:

Nil

Financial Implications:

Nil

Other Issues:

Nil

Assessment:

Nil

Options:

1. As per the recommendation
 2. Not receive the report
-

RECOMMENDATION:

That the report be received.

DECISION:

Cr Geard moved, Cr Curran seconded that the report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Owen	
Cr Taylor	
Cr Williams	

11.3 OLD BEACH CRICKET CLUB – EXTENSION:

FILE REFERENCE: 84 Jetty Road
AUTHOR: Asset Services Manager
(Mr H Macpherson)

Background:

Council has received a letter from Old Beach Cricket Club requesting additional funding of \$30,000 to ensure satisfactory completion of the extension of the redeveloped cricket club rooms and change rooms at 84 Jetty Road, Old Beach. Council in turn requested a breakdown of outstanding costs that make up the \$30,000. Council subsequently received a further letter stating detailed costings of the remaining money required of approximately \$22,112.20 exclusive of GST.

Consultation:

Executive Officer, Municipal Engineer

Risk Implications:

Nil

Financial Implications:

Brighton Council budgeted \$250,000 in the 2013-14 for the Old Beach development. This included an \$80,000 grant from Sport and Recreation.

At the August 2013 meeting it was agreed that the Cricket Club would project management the project and the resolution of Council was:

“Grant the Old Beach Cricket Club \$200,000 and hold the \$30,000 for use by the Club if required. Subject to appropriate project management and progress payments.”

A reconciliation of the building account has established to date the expenditure of the building has been \$243, 250.79 exc GST, with Council contributing \$230, 000 exc GST (including the \$80,000 Sport and Recreation Grant) and Old Beach Cricket Club \$18 181.81 exc GST (but with a tax credit still to be claimed).

Other Issues:

Nil

Assessment:

By allowing the Cricket Club to project manage the works they have been able to use club members and donations / reduced price materials to build new club rooms they have been able to produce a building worth more than what Council would have been able to build if the project had been put out to tender. The cost overrun is about 6.5% over budget which is within the usual 10% that is allowed for contingencies and variations.

If the club contribute the full \$20,000 that they proposed, and with an outstanding credit of a Tax Refund, there is approximately \$17,000 exc GST still owing for them to finish works.

Options:

1. As per the recommendation.
2. Request Old Beach Cricket Club to make a contribution towards the shortfall.

RECOMMENDATION:

Council contributed the extra money required (approximately \$17,000 exc GST) to finish the building works once invoices have been received confirming the works.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Owen	
Cr Taylor	
Cr Williams	

11.4 2014-15 ANNUAL PLAN:

FILE REFERENCE:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

The Annual Plan for 2014/15 had been prepared in accordance with Section 71 of the *Local Government Act 1993*, and Council's budget.

Consultation:

Senior Management Team

Risk Implications:

Nil

Financial Implications:

In accordance with the adopted budget.

Other Issues:

N/A

Assessment:

Council is required under the *Local Government Act* to adopt an Annual Plan on an annual basis.

Options:

1. As per the recommendation.
 2. That Council not adopt the 2014/15 Annual Plan
-

RECOMMENDATION:

That the 2014/15 Annual Plan be adopted in accordance with Section 71 of the *Local Government Act 1993*, and that a copy be forwarded to the Director of Local Government and Director of Public Health.

DECISION:

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

CARRIED

VOTING RECORD

In favour Against

Cr Curran

Cr Foster
Cr Garlick
Cr Geard
Cr Gray
Cr Owen
Cr Taylor
Cr Williams

12. QUESTION ON NOTICE:

There were no questions on notice.

The meeting closed at 7.40 pm.

Confirmed:

(Mayor)

Date:

18th November 2014