



# Brighton Council

**MINUTES OF THE PLANNING AUTHORITY MEETING  
OF THE BRIGHTON COUNCIL HELD  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES  
OLD BEACH AT 5.35P.M. ON TUESDAY,  
8<sup>TH</sup> DECEMBER, 2015**

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

**IN ATTENDANCE:** Mr J Dryburgh (Manager Development Services)

## **1. APOLOGIES:**

*Cr Geard moved, Cr Curran seconded that Cr Jeffries be granted leave of absence.*

**CARRIED**

## **VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Owen	
Cr Taylor	
Cr Williams	

## **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 2015, 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 2015.

*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 2015, the intention of the Council to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 4. on this agenda, inclusive of any supplementary items.

##### **4.1 APPLICATION FOR PLANNING APPROVAL RESIDENTIAL (12 DWELLINGS) REQUIRING VARIATION TO SETBACK AND OFF STREET CAR PARKING STANDARDS - 3, 5, 7 & 9 STAPLES AVENUE, OLD BEACH:**

<b>AUTHOR:</b>	Jo Blackwell (Planning Officer)
<b>Applicant:</b>	Brian Richardson
<b>Owner:</b>	S & A Johnson Pty Ltd
<b>Location:</b>	3 Staples Avenue, 5 Staples Avenue, 7 Staples Avenue & 9 Staples Avenue, Old Beach
<b>Application no.:</b>	DA 2015 / 56
<b>Zoning:</b>	<i>Residential</i> - Brighton Planning Scheme 2000 (the planning scheme)
<b>Date accepted:</b>	16/3/2015
<b>Date advertised:</b>	22 <sup>nd</sup> October 2015 to 5 <sup>th</sup> November 2015
<b>Decision required</b>	11 <sup>th</sup> November 2015 Extension granted until 22 <sup>nd</sup> December 2015

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**Discretion(s):**

- (a) Setbacks from frontage, side and rear boundaries in accordance with 7.5.8 (DPO 1)
- (b) Reduction in number of on-site car parking spaces

**Proposal:**

The applicant proposes the construction of twelve residential dwelling units, to be completed in six stages, as follows:

- Stage 1: Dwelling 1
- Stage 2: Dwelling 2
- Stage 3: Dwellings 3 & 4
- Stage 4: Dwellings 5 & 6
- Stage 5: Dwellings 7 - 9
- Stage 6: Dwellings 10-12

Each unit has the same internal layout, three south facing bedrooms (master bedroom with en-suite and walk in robe), north facing open plan kitchen/living/dining areas open plan. The laundry and bathroom are also located on the southern side of the proposed dwelling units.

The applicant proposes the use of external, light weight cladding, colourbond sheeting roof and powder coated aluminium windows as construction materials. The application notes that external cladding is to be selected by the owner, with further advice from the applicant noting that a mix of materials will be used to differentiate the external appearance of the units (Richardson, 14/10/2014).

**Background:**

**Development History**

DA2011/155          6 Unit Development on one of the four lots          - Withdrawn

This application was accepted and paid for when the Brighton Planning Scheme 2000 was still in effect, and as such must be assessed under that Planning Scheme as opposed to the Brighton Interim Planning Scheme 2015.

These four titles were once part of the St. Ann's aged care site, but were subdivided and sold off. However, they remained with the St. Ann's Development Plan Overlay within the Planning Scheme.

**Site and Locality:**

The development site encompasses 4 titles comprising Certificate of Title Volume 161042 Folios 1, 2, 3, and 4, with lots sizes varying between 2036m<sup>2</sup> and 2444m<sup>2</sup>. The titles show a drainage easement running along the rear of 5, 7 and 9 Staples Court.

A Part 5 Agreement has been registered against each Certificate of Title requiring water sensitive urban design principles to be included in the development, including water tanks or other detention methods.

The subject sites are located on the northern side of Staples Court, approximately 80m from the intersection of Stanfield Drive.

As can be seen from figure 1, the properties are zoned Residential and fall within the St Ann’s Development Plan, pursuant to the Brighton Planning Scheme 2000. The residential zoning is bordered by land zoned Recreational on the western edge of the Derwent River, and the East Derwent Highway to the east.

The land falls slightly to the north eastern corner of 9 Staples Avenue (Figure 2). An earth berm has been constructed on the land between the eastern side boundary of 9 Staples Avenue and the East Derwent Highway for noise attenuation.

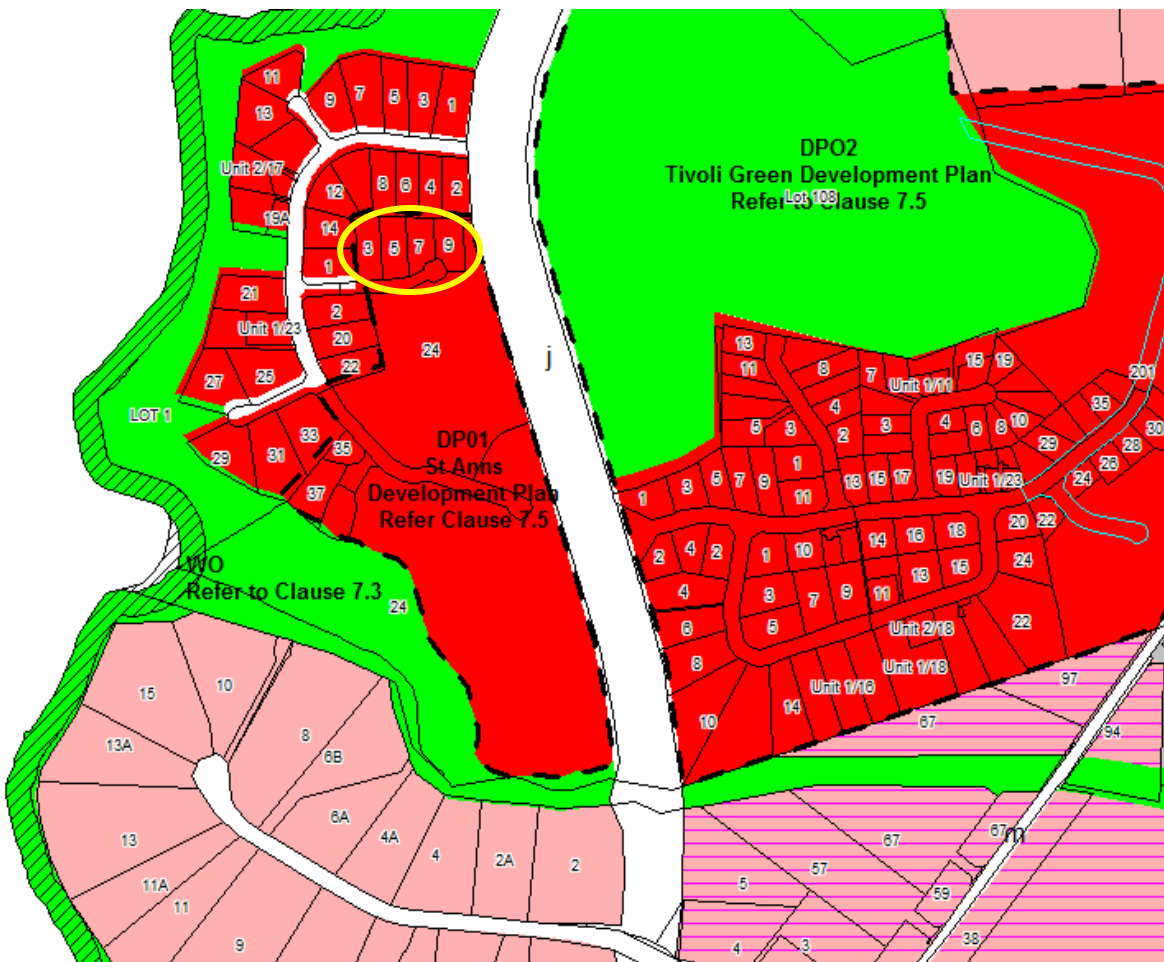


Figure 1: The subject site highlighted is located within the Residential Zone and DPO1 – St Ann’s Precinct



Figure 2: A recent aerial image of the subject site.

**Consultation:**

The application was subject to the 14 day statutory notification period. The proposal is discretionary because of variations sought to the setbacks, and in relation to provision of off-street car parking spaces.

Five (5) representations (Attachment B) were received during the statutory notification period. The concerns raised in the representations are outlined and addressed as follows:

Concerns Raised	Planning Response
<b>Representor 1:</b>	
Proposed development does not maintain rural setting	See report for assessment and discussion.
Part 5.1 Schedule 5 Compton North Precinct - Density not exceed 4 lots per ha, and maximum of 1 dwelling per 800m2	<p>Application is subject to Brighton Planning Scheme 2000.</p> <p>The application is not for subdivision. The four lots have already been subdivided.</p> <p>There is no reference to a maximum of 1 dwelling per 800m2 in the Brighton Planning Scheme 2000 (BPS). The use for Multiple dwelling units (exceeding 2) is a discretionary use pursuant to clause 6.2.3 of the BPS (see report)</p>

<p>Advised by St Ann's that no more than 2 dwellings would be allowed to be constructed on each allotment</p>	<p>Not a planning consideration. The BPS permits two dwelling units, with the option to apply for a discretion to vary (cl 6.2.3). See report</p>
<p>Detrimental impact on value and potential for re-sale for existing properties</p>	<p>Not a planning consideration and no evidence to support this claim.</p>
<p>Increased traffic flow and associated impact on safety</p>	<p>It is not considered that this development would have any significant impact on road safety or amenity. Refer to report for assessment and discussion.</p>
<p>Inadequate footpaths, lighting and water issues</p>	<p>See Report for assessment and discussion.</p>
<p>Structural issues associated with construction due to shallow rock bed</p>	<p>This is not a planning consideration. The proposed works will be required to be engineered appropriately, in accordance with Australian Standards. The Building Act 2000 provides for recourse for adjoining property owners should damage occur.</p>
<p><b>Representor 2:</b></p>	
<p>Proposal does not satisfy the Desired Future Character Statement for the Compton Downs Precinct</p>	<p>The subject sites fall within the St Ann's Development Overlay. See report for assessment and discussion.</p>
<p>Proposal detrimentally affects lifestyle, privacy, and ambience of the estate and demeans the status of Old Beach (Compton Downs)</p>	<p>See report for assessment and discussion.</p>
<p>Existing infrastructure does not provide services adequate to the needs of supporting greater housing density, such as footpaths, lighting, water quality and water pressure</p>	<p>See report for assessment and discussion.</p>
<p>Proposal constitutes high density living, change in lifestyle of current residents.</p>	<p>The application proposes that each unit has a strata lot area of approximately 7858m<sup>2</sup>.  See report for further discussion and assessment.</p>

<p>Concerns regarding the amount of possible residents living on the sites/increase in population adjacent to residence and associated detrimental human footprint</p>	<p>Not a planning consideration at statutory level. These are issues taken into account when deciding zoning applications. If the site had been developed as part of the St. Ann's development it could have provided for a far higher number of residents under a Permitted process.</p>
<p>Increase in traffic flow and noise generated from vehicles</p>	<p>It is not considered that this development would have any significant impact on road safety or amenity. Refer to report for assessment and discussion.</p>
<p>Reduced privacy necessitating timber fences and landscaping  Proposed paling fence is "foreign to the maintenance of the natural features".  Existing paling fence on property was constructed by neighbour without consent</p>	<p>Side and rear fences are generally not a planning consideration.</p>
<p>Depreciation of value of existing properties</p>	<p>Not a planning consideration</p>
<p>Proposal does not maintain natural features</p>	<p>See report for assessment and discussion. The subject allotments have previously been cleared and demonstrate no significant vegetation (see Figure 2)</p>
<p>Vegetation specified is not suited to soil type, demonstrating lack of understanding of topographical conditions</p>	<p>A landscaping plan is recommended as a permit condition.</p>
<p>Concern regarding structural stability of premises through construction works</p>	<p>Not a planning consideration.  The proposed works will be required to be engineered appropriately, in accordance with the Building Act 2000. Further that Act provides for recourse for adjoining property owners should damage occur.</p>
<p>Proposal does not meet setback requirements which original owners were expected to comply with, thereby reducing privacy</p>	<p>See report for assessment and discussion.</p>

Proposal does not maintain rural setting (Desired Future Character Statement)	See report for assessment and discussion.
Quality of proposed dwellings does not accord with existing.	Not a planning consideration. Construction will be required to meet current Australian Standards and Building Codes of Australia
Proposed units all have the same floor plan/appearance and materials appear inexpensive, and look like they are targeting the “affordable housing market”	See report for assessment and discussion.  Not a planning consideration.
Proposed units are of “abject ugliness”	Whether or not a dwelling is aesthetically pleasing is subjective to the individual, and is not relevant under the Planning Scheme.
Proposal seeks a variation to car parking per dwelling which will adversely affect appearance of dwellings and surroundings	See report for assessment and discussion.
<b>Representor 3:</b>	
Increased density does not accord with existing low density residential character of area	See Report for assessment and discussion.
Minimum block size is not 2000m2	Each title lot comprising the development consists of 2000ha (min). There is no application made for further subdivision.
Reduced amenity in terms of living space, traffic volumes and “population pressures”	It is not considered that this development would have any significant impact on road safety or amenity. Refer to report. The increase in traffic will not be significant, particularly when considered with the future development scope of the St. Ann’s facility.
Negative impact on market values	Not a planning consideration



<b>Representor 4:</b>	
Minimum lot size is less than required 2000m <sup>2</sup> (cl 6.2.8)	Each title lot comprising the development consists of 2000m <sup>2</sup> (min). There is no application made for further subdivision.
Subdivision does not accord with the zone purpose	No application for subdivision has been made.
Proposal conflicts with the character of the Compton Downs area, .... "spaciousness, tranquillity, large block size, low density, unique lifestyle"	Representor is not referring to the Brighton Planning Scheme 2000, under which the application is made.
Increase in traffic and noise	See report for assessment and discussion.
Proposal contradicts undertaken given by St Ann's at a community meeting	Not a planning consideration
Proposal will degrade the natural characteristics of the area	See report for assessment and discussion.
<b>Representor 5:</b>	
Proposal does not comply with the "Compton Downs original planning as in with a maximum of 2 residences per allotment"	Representor is not referring to the Brighton Planning Scheme 2000, under which the application is made.  The BPS permits two dwelling units per site, with the power to vary that requirement (cl6.2.3). See report for further discussion.
Proposal will affect the rural look and feel of the Compton Downs Estate	See report for assessment and discussion.
Lack of infrastructure (footpaths, street lighting) will not provide safety required for additional residents	See report for assessment and discussion.
Detrimental impact on market value of existing residences	Not a planning consideration.
Increase traffic volume will affect structural integrity of existing roads and increase safety concerns	See report for assessment and discussion.

The issues raised within the objections are considered further within this report. Consultation has also been held with Council's Senior Technical Officer and Manager Development Services.

### **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/ provide for further development and growth in the area.

### **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<sup>1</sup>: -

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

The proposal is considered consistent with Council's Strategic Plan as the proposal will provide environmental and social benefits for the municipal area and the region through increased residential development in the Compton/Old Beach area, in accordance with the Scheme Objectives (Cl. 2.2)

#### **Objectives of the Resource Management and Planning System of Tasmania**

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

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

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<sup>1</sup> Brighton Council: *Strategic Plan 2006 – 2016*, Brighton Council, Gagebrook, 2006.

- e) *to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

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

## **State Policies**

Clause 3.3 (a) of the Planning Scheme requires Council to take into consideration any State planning policies before granting or refusing planning approval and Section 13(1) provides that where inconsistency occurs between State Policy and Planning Scheme the Policy takes precedence.

### State Coastal Policy 1996

The State Coastal Policy 1996 (Coastal Policy) applies to the coastal zone, which includes all State waters and land within 1 km from the High Water Mark (HWM).<sup>2</sup> The subject land is located within 1 km from the HWM of the Derwent Estuary and the Coastal Policy applies to the land.

The following provisions of the Coastal Policy are of relevance to the assessment of this development application:

Clause 1.1.10 provides the following:

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

Clause 2.1.3 goes further to state:

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

*The development is on land zoned Residential under the Planning Scheme, and has accordingly been identified as land suitable for development.*

*In addition, Clause 2.4.2 also states:*

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

*The development would result in development within an established residential area and thus is considered to accord to the Coastal Policy in this regard.*

*On the above basis, the proposal is considered consistent with the outcomes of the State Coastal Policy.*

### Policy on Water Quality Management 1997

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

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<sup>2</sup>State Coastal Policy Validation Act 2003

The total site disturbance is expected to be greater than 250 square metres. A Soil and Water Management Plan will be required prior to the issue of any Building Permit for the works and a permit condition is recommended to reflect this.

*The State Policy on the Protection of Agricultural Land 2009*

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

*National Environmental Protection Measures (NEPM's)*

No NEPM's are applicable to this proposal.

***Planning Scheme***

As mentioned earlier, this application was accepted and paid for when the Brighton Planning Scheme 2000 was still in effect, and as such must be assessed under that Planning Scheme as opposed to the Brighton Interim Planning Scheme 2015.

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

*Scheme Objectives*

Clause 2.2 of the Brighton Planning Scheme 2000 prescribes the Residential Objectives as being based on the following:

- (i) To encourage and facilitate opportunities for diversity in residential type, choice and affordability commensurate with Brighton's quality of lifestyle and environment.
- (ii) To promote Brighton as an independent suburb within the regional metropolitan context.
- (iii) To establish residential growth within existing settlement areas serviced with infrastructure.
- (iv) To ensure that the future patterns of residential development protect and enhance the natural and man-made assets of the Municipality.
- (v) To encourage infill within the existing townships and suburbs as a consolidation of services and to provide definable communities with strong interconnectivity.
- (vi) To discourage the loss of existing housing stock by conversion to or redevelop for non-residential use.
- (vii) Concentration of new residential development remains within the green fields sites of Tivoli Green and Compton and for continued growth of Old Beach and Brighton- Pontville. Other areas will concentrate on the infill of existing develop areas within the service capabilities of the local area.

The proposed development does not conflict with these Objectives.

## **Zone**

The proposed multiple dwelling units do not satisfy the definition of a Permitted 'Residential use' under the Table of Uses pursuant to Clause 6.2.3, which permits no more than two dwellings on each site. The applicant has proposed three dwelling units per lot (a total of 12). Accordingly, as the proposal is for a "permitted use or development that does not meet the qualification", the application is deemed discretionary.

*Clause 6.2.1 of the Scheme 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 five 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.

It is considered that the proposed development is consistent with clause 6.2.1.

## ***Development Standards***

### *Site coverage*

The St Ann's Precinct Development Plan does not address site coverage. Accordingly, the Residential Zone provisions prevail. The maximum permissible site coverage for unit developments within the Residential Zone is 30% pursuant to Clause 6.2.9(a)(i), with provision for Council to vary site coverage up to 45% (cl.6.2.9(ii)).

The total building footprint on site would be 2231 square metres. Given the land area is 9096m<sup>2</sup>, the resultant site coverage equates to 24.5 percent, and accordingly satisfies the acceptable solution.

### *Siting*

The properties lie within DPO1 St Ann's Development Plan Overlay (SADPO). The proposed setbacks are discussed below.

*Height*

There is no maximum height prescribed by the SADPO. Accordingly, the maximum height permitted within the Residential zone is 8m (cl6.2.9(c)(i)). The maximum height for the proposed units would be 5.1m above natural ground level, taking into account the existing topography, which is in accordance with the numerical standard for the Zone.

*Overlays*

The subject site is located within the St Ann’s Development Plan Overlay, as listed in Section 7 of the Brighton Planning Scheme 2000.

**DPO 1 - ST ANN’S DEVELOPMENT PLAN**

Development within the St Ann’s precinct requires that any proposed use or development shall be in accordance with the specific objectives and requirements including:

- (a) Desired Future Character
- (b) Use
- (c) Subdivision and Development Criteria

*Desired Future Character*

The desired future character statement is:

*To promote low-density development within the precinct, maintaining the natural features and enhancing those features by the location and style of buildings in keeping with the area with minimal over-looking and the maintenance of views, giving a feeling of being situated within a rural setting.*

The proposed development encompasses a site area of 9096m<sup>2</sup>, and is cleared of vegetation (see figure 3).



**Figure 3: Photo taken from north western corner of site (Blackwell, 17/11/2015). Trees shown in top half of photo are located on road reserve and land owned by St Ann’s**

**Density:**

Each of the proposed dwellings are single storey (with a maximum building height above natural ground level of 5.1m, 2.9m less than the 8m permitted pursuant to the Scheme). The twelve (12) three bedroom dwellings will have individual lot sizes equating to approximately 758m<sup>2</sup>. Under the Scheme, single dwelling Residential lots can go down to a size of 400m<sup>2</sup> and traditional single dwelling lots are generally 600 – 800m<sup>2</sup> in area. As such, the proposed strata development is more akin to a lower density residential development than a medium density unit development.

A number of representors have voiced concerns in relation to dwelling density on the site. The previous subdivision of the land has satisfied the minimum lot requirements prescribed by cl. 6.2.8; the proposal accords with the maximum site coverage prescribed under clause 6.2.9(a)(1) and the prevailing SADPO fails to specify site coverage for lots. Accordingly it is considered that the proposal satisfies dwelling density requirements of the Brighton Planning Scheme.

Further, it is noted that, should the land have been retained by St Ann's for future development, it is plausible that the subject lots may have been developed for apartments or residential buildings, which would have increased the density of the sites far above what is proposed.

The proposed development also provides a density transition from the higher density St. Ann's facility to the lower density residential dwellings to the north and west of the site.

### **Maintaining the natural features**

As can be seen from Figure 3 above, the subject sites are devoid of natural features, other than remaining grass coverage. The site has been cleared, and there is little likelihood that significant habitats are provided on the sites.

The application shows that minimal cut and fill will occur on site, with units located to take into account existing contours of the land, and to encompass solar passive orientation.

### **Location and style of buildings in keeping with the area with minimal overlooking and the maintenance of views**

#### *Building Style:*

A variety of housing styles exist within the Stanfield Court area, although most are predominantly of brick construction with pitched roofs (see photo montage contained in Appendix 1). The style of the units proposed by the applicants does not significantly differ from the existing, in that they feature gable and hip style pitched roofs. Construction materials are to be light-weight cladding, which can be seen further along Stanfield Court in the Verve complex.

Overlooking:

As previously outlined, the units are single storey, with a maximum building height of 5.1m above natural ground level. Proposed setbacks are addressed later in this report, however, the minimum rear setback proposed is 4m (unit 9), which, when coupled with rear setbacks for adjoining properties, provide greater setback distances than prescribed by the SPDPO (see Figure 4).



Figure 4: For example, the distance between the rear of the dwelling at 6 Stanfield and the adjoining rear boundary is approximately 26m (source: exponare)

Views

As can be seen from Figure 2, the proposed development is situated between Stanfield Court and the East Derwent Highway, and will therefore not adversely affect existing river or mountain views. Views to the East will generally be maintained given the topography of the land, and the gentle slope downwards towards the north eastern corner, allowing views of the Meehan Range.

**Rural Setting**

The location proposed for the development is within an existing residential area. Whilst existing development consists predominantly of single dwellings on lots exceeding 2000m<sup>2</sup>, it is not considered the original rural setting has been maintained. Native vegetation has in many cases been replaced with introduced species, and lots have been cleared and developed (see, for example, figure 5 and 6) and, other than the subject lots, the area has been almost entirely developed residentially.





Figure 5 and 6 demonstrate urban development within close proximity, along Stanfield Drive

Accordingly, it is considered that the proposed development can satisfy the Desired Future Character Statement for the St Ann's Precinct.

### ***Use***

This clause is not applicable, as it is used to identify uses for the precinct, in addition to those permitted by the Residential zone.

### ***Subdivision and Development Criteria***

The criteria in relation to this clause include:

- (i) Allotment density must not exceed 4 lots per hectare exclusive of all Public Open Space;
- (ii) Minimum road frontage or the allotment shape to be capable of having inscribed a 30m diameter circle drawn within 30m from the road frontage.
- (iii) The colour scheme and appearance of buildings must blend with the surrounding landscape.
- (iv) Minimum setbacks for all structures shall be as follows:
  - Front boundary 10m

- Side boundary            5m
- Rear boundary            10m; or

as the topography and flora permit.

- (v) The streetscape within the development;
- (vi) Each housing unit must have its own parking area and be landscaped as if for a single residence
- (vii) Recreation facilities such as tennis, croquet, a rotunda for public meetings, amphitheatre, shall be provided on site;
- (viii) All housing units and facilities shall be linked by a pedestrian network and landscaping, in accordance with a landscape plan to be approved by Council.

Allotment density, Minimum Road Frontage, Allotment shape

The application is not for subdivision. Accordingly, (i) and (ii) are deemed to have been satisfied during the previous application for subdivision.

Colour scheme

The application has not been specific in relation to the proposed use of exterior colours within the development, contrary to (iii) above. However, a condition is recommended as part of the planning permit, requiring a schedule of colours which blend with the surrounding landscape, to be provided prior to commencement of works for the approval by Council’s Manager, Development Services.

Setbacks

The proposed development fails to meet the minimum setbacks prescribed (10m front and rear; 5m side). The applicant seeks variations to the standard as follows:

	<i>Proposed (m)</i>	<i>Variation Sought (m)</i>
<b><i>Frontage setback</i></b>		
<i>Unit: 1</i>	5	5
<i>Unit 6</i>	6.9	3.1
<i>Unit 7</i>	5.15	4.85m
<i>Unit 12</i>	4.5	5.5m
 <b><i>Side Setback</i></b>		
<i>Unit 1</i>	3.8	1.2
<i>Unit 12</i>	2.9	3.1
 <b><i>Rear Setback</i></b>		
<i>Unit 3</i>	6	4
<i>Unit 4</i>	7.2	2.8
<i>Unit 9</i>	4.1	5.9
<i>Unit 10</i>	7.12	2.88

Clause 7.5.6(d) permits the proposal to be considered, in relation to the objectives and outcomes of the overlay. Further, clause 6.2.9.(b)(v) permits Council to exercise discretion to vary the :

*“siting and setback standards of any development where it considers the amenity of neighbours will not be significantly adversely affected in accordance with a Discretionary application under Section 57 of the Act”*

It is submitted that the proposed development is not likely to significantly adversely affect the amenity of neighbours, with sunlight and privacy being maintained, taking into account the proposed setbacks, building height, minimal visual bulk and proposed landscaping. Given the fact that the dwellings are one storey not two, the reduced setbacks will have little impact. It is also considered that part of the rationale for the large setbacks as an acceptable solution would have been to ensure higher density development such as that of the St. Ann’s aged care facility would be appropriately setback from private dwellings.

Further, as outlined earlier in this report, it is recommended that an amended landscaping plan be submitted showing additional landscaping along the western side boundary of 3 Staples Avenue, the eastern side boundary of 9 Staples Avenue, and the entirety of the rear boundary, to provide separation from adjoining properties.

#### Streetscape

The subject lots are located to the south and east of adjoining residential lots, and are separated from development to the south by Staples Court (see Figure 2). The units are all to be single storey, with a maximum height of 5.1m (approx.) above natural ground level, on a site with a gradual fall to the north eastern corner of 9 Staples Avenue.

The site plan provided by the Applicant shows a varied dwelling orientation. The orientation of units 1 and 6 have the bedrooms, laundry and bathroom facing Staples Avenue, however the landscaping plan shows fencing and landscaping in the frontage to enhance the visual impact from the street.

One representor questions the effect of the development on the ambience of the area. It is considered that this concern is unfounded, and that, based on site inspection, the proposed development will not have a detrimental effect on the existing character or streetscape.

#### Individual Parking Areas

The site plan and parking layouts submitted by the Applicant show that two car parking spaces per dwelling are proposed. Landscaping and screening is to be used to delineate each dwelling’s car parking areas on site.

The parking layout accords with the SADPO, in relation to provision of car parking as if for a single dwelling, however, it does not accord with Schedule 1 – Off-street Parking – Car Parking, Access and Loading of the Brighton Planning Scheme 2000, in that the application shows a short fall in 5 visitor car parking spaces. Clause 8.1 states that where there is any inconsistency between a Schedule and Zone or Overlay, the Schedule prevails. The car parking shortfall is addressed later in this report.

Recreation facilities such as tennis, croquet, a rotunda for public meetings, amphitheatre, shall be provided on site;

The application is for private residential development. Accordingly it is not considered that recreation facilities are a necessary component of the development.

All housing units and facilities shall be linked by a pedestrian network and landscaping, in accordance with a landscape plan to be approved by Council.

The application is for small scale, private residential development. The development has access to existing footpaths in Staples Avenue, and Stanfield Court site. The applicant has submitted a landscaping plan which shows common property and vehicle access for units 1 – 6 and another for units 7-12, which is considered to satisfactorily address this requirement.

**Schedules**

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

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

Clause S1.2 of this Schedule requires that the number of car parking spaces be provided in accordance with the requirements of Table S1.1. Under Table S1.1 the required parking for ‘Residential’ (units) is as follows:

*0.5 & 0.5 per bedroom & 1 common visitor space per 2 dwellings*

Thirty (30) on-site car parking spaces are required in order to meet the prescriptive parking space provision made up as follows:

12 x 3 bedroom units = 12 units x (0.5 + 1.5 cps) = 24

12 x 0.5 visitor cps/unit 6

**Total on-site car parking spaces required 30**

A total of 25 on-site car parking spaces are provided in the form of 2 car parking spaces per unit, plus an additional car parking space located between units 9 and 10. Accordingly, the application does not comply with the required number of parking spaces.

Clause 21.4 states:

*“A discretionary permit may be granted in accordance with section 57 of the Act to reduce the number of car spaces required or to waive the requirement. Council may also consider accepting a cash-in-lieu payment for car spaces required for a use. ”*

However, pursuant to clause S1.7, prior to reducing or waiving the requirement for car parking spaces, Council is required to be satisfied that the arrangement is justified with regard to:

- (a) the demand and supply of car parking in the locality;
- (b) any reduction in car parking demand due to the sharing of car spaces by multiple users because of variation to car parking demand over time;
- (c) any car parking deficiency or surplus associated with the existing use of the land;
- (d) local traffic management;
- (e) local amenity including pedestrian amenity.

The application was referred to Council’s Technical Officer to consider the effect of reduced on-site car parking spaces on the locality. That officer’s recommendation is set out later in this report, but concludes that Staples Court does not have the capacity to facilitate on street car parking for the development. Further, that officer is of the opinion that the additional car parking spaces required can be accommodated on site. Accordingly, a condition requiring the submission of an amended car parking layout showing an additional five (5) visitor car parking spaces is recommended as part of the permit.

Council’s Senior Technical Officer has indicated that the proposed car parking arrangement complies with the Australian Standards relating to Off-Street Car Parking.

#### **Schedule 4: Environmental Management Standards**

Clause 3.3(n) of the planning scheme requires Council to take into consideration the effect on the environment of the development on nearby land before granting or refusing planning approval. The application meets the acceptable solutions contained in Issues 1 – 6 of the Schedule.

In relation to issue 7 – Soil and Water Management, site disturbance will exceed 250m<sup>2</sup>. Accordingly, a condition requiring the provision of a Soil and Water Management Plan is recommended as part of any planning permit.

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

### Amenity

Clause 3.3(e) of the Planning Scheme requires Council to take into consideration the character of the locality, the existing and future amenities of the neighbourhood and the effects of the development on the amenity of the area, issues which have been discussed previously in this report. Further, it is noted that the Stanfield Court area is serviced by Metro Tasmania bus services, providing additional transport infrastructure if required by residents.

Accordingly, it is considered that the proposed residential development is consistent with the character of the locality, and is unlikely to cause an unreasonable impact upon the existing and future amenities of the neighbourhood.

### 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.

In addition, representations were received querying the effects, if any, the proposed development may have on existing water and sewerage infrastructure.

Site inspection indicates that electrical infrastructure is present in the street, as evidenced by council's GIS records (Figure 7 shows stormwater, water and sewer infrastructure, whilst Figure 8 shows signs, footpaths, power poles and stormwater)

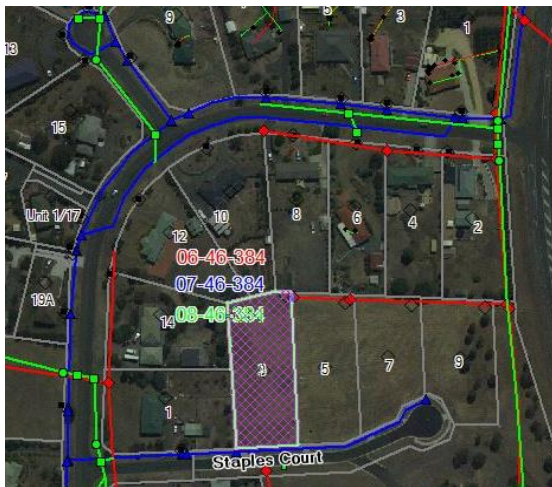


Figure 7: Blue = water,  
Red = sewer;  
Green = stormwater



Figure 8: Yellow line = footpaths  
Brown dots = power pole

Sewer and water reticulation is available to the development. It is therefore considered that the proposed development will not create any significant issues with regard to services.

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.

## **Tas Water**

The proposal was referred to Tas Water who provided a response indicating that they wish to impose conditions on the planning permit relating to service connections and asset protection. The conditions from the water authority shall form part of the recommended permit conditions (refer to Submission to Planning Authority, TasWater Reference No. TWDA 2015/00389-BTN dated 29<sup>th</sup> October 2015).

## **Traffic and Access:**

A Traffic Impact Assessment was not requested because Staples Court does not access a road in an area with a speed limit greater than the General Urban Speed Limit (Schedule S8.7 of the Brighton Planning Scheme 2000) and the street does not access onto a category I, II or III road (S8.15, Brighton Planning Scheme 2000).

Representations were made in relation to provision of footpaths and street lighting in light of increased traffic in the area. Site inspection reveals that Stanfield Drive and Staples Court have been provided with street lighting, and a footpath has been constructed in Staples Court on the northern side of the road reserve commencing the front of number 3 to the cul-de-sac at the eastern end. Footpaths have also been constructed along Stanfield Drive, 150m south of that road's intersection with Staples Court. The proposal is considered acceptable from a traffic and access point of view (see Figure 8 above).

Refer to engineering report below for additional comments.

## **Engineering report**

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

### **Access & Traffic**

The proposed development has access off Staples Court. Staples Court is a cul de sac constructed to a full urban standard, with 6.0m carriageway including semi mountable kerb and channel and concrete footpath on the northern side.

Each of the lots currently has a concrete driveway apron. The development proposes 2 new double width accesses which will service 6 and 5 dwellings each, the existing access at 9 Staples Court will remain to service a single dwelling. The existing driveway aprons at 3, 5 & 7 are not used and will need to be removed and the footpath and nature strip reinstated.

The proposed access to units 7 to 11 is located over an existing grated side entry pit. This pit will need to be converted to a grated vee pit at the developers cost.

The 6.0m carriageway in Staples Court only provides room for 1 through lane when a car is parked on the street, as such it is not considered appropriate to reduce on-site parking requirements. A condition requiring an amended parking plan showing the required additional on-site parking spaces is recommended.

A Traffic Impact Assessment was undertaken as part of the St Ann's redevelopment. This assumed 38 residential lots with a total trip generation of 304 trips per day. The unit development would result in an additional 40 to 64 vehicle trips per day. Given the total estimated vehicle trips per day estimated in the report including traffic generated by the St Ann's development was 1,414, it is considered that the unit development poses a relatively insignificant increase in traffic generation. It is not considered that this development would have any significant impact on road safety or amenity.

### **Storm Water**

No storm water connection is provided to the lots. The 4 lots each have a Part 5 Agreement registered on the title requiring the lots to dispose of storm water on site. An easement is located at the rear of the lots, containing the sewer main. This easement was provided at sufficient width to allow for the installation of a storm water pipe should any problems arise in the future with on-site disposal. The easement provides access to the existing piped storm water system to the east alongside the highway reservation. This piped system is near capacity and can only accept a low flow pipe.

The developer's engineer, in consultation with Council's engineering department, has provided design details and calculations for a storm water system for the proposed development comprising on site detention via means of water tanks and underground storage, with a low flow outfall to a DN150 pipe to be installed in the easement at the rear of the lots.

Council has previously agreed to contribute 50% toward the construction of the DN150 stormwater line from the north eastern corner of 3 Staples Court to the existing main at the north eastern corner of 9 Staples Court. As the lots will be adhered this line can remain a private main, not adopted by Council. A condition requiring the developer to construct this line is included with advice that council will contribute 50% of the costs based on an estimate approved by Council's Municipal Engineer.

The proposed storm water system has been designed for a 1 in 20 year rainfall event. In a 1 in 100 year rainfall event the system will have some overflow, albeit less than existing runoff, which would need to be contained in a swale or with a berm along the rear boundary to prevent any discharge onto neighbouring properties.

The solution provided is considered acceptable.

### **Sewer & Water**

Sewer and water reticulation is available to the development. The application was referred to Tas Water who have imposed conditions, which are included with this report as Attachment C.

### **Conclusion**

The application is for the construction of 12 single storey units, across four titles, with an area of approximately 758m<sup>2</sup> each.



Five representations were received during the public exhibition period, raising similar concerns, predominantly with regard to lot size, increase in traffic and associated safety implications, provision of infrastructure and maintaining the existing character of the area. It is submitted that this report addresses each of the representors concerns, in conjunction with the standards required by the Brighton Planning Scheme 2000.

The proposal is considered to accord with State Policies, the objectives of the Land Use Planning and Approvals Act 1993 and the Brighton Planning Scheme 2000.

Accordingly, it is recommended that approval be granted, subject to conditions.

**Options:**

1. Issue a written approval specifying the conditions (if any) imposed upon the use or development in accordance with the recommendation; or
2. Issue a written approval providing alterative 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 3, 5, 7, and 9 Staples Avenue, Old Beach described in Folio of the Register Volume 161042 Folios 1, 2, 3, and 4, to be developed by Twelve (12) Dwellings, and associated works approved subject to the following conditions:

***General***

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.
- (3) The development must proceed in the order of stages shown on the endorsed plans unless otherwise agreed in writing by Brighton Council.

- (4) The titles comprising the development site (Certificate of Titles Volume 161042 Folio 1, Folio 2, Folio 3 and Folio 4) are to be adhered in accordance with the provisions of section 110 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* to the satisfaction of the Council's Manager of Development Services prior to the lodgement of an Application for a Building Permit for Stage 1.

*Advice*

Council consider the adhesion of the subject titles as a component of this Development Application. The Adhesion Order must be prepared by a suitably qualified person and submitted to Council for execution and then registered at the Lands and Titles Office.

*Amenity*

- (5) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Manager Development Services.
- (6) Before any work commences a schedule specifying the finish and colours of all external surfaces and samples must be submitted to and approved by the Council's Manager Development Services. The schedule must provide for finished colours that complement the surrounding landscape. The schedule shall form part of this permit when approved and must be completed within three (3) months or otherwise approved by Council's Manager Development Services.

*Landscaping*

- (7) The private open space must be formed or constructed to the satisfaction of Council's Manager Development Services before the use commences.
- (8) Before any work commences an amended landscape plan prepared by a landscape architect or other person approved by Council's Manager Development Services must be submitted to and approved by Council's Manager Development Services. The landscape plan must show the areas to be landscaped, including 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.
- (9) Landscaping extending the full length of the eastern, western and northern property boundary must be provided. Plants should provide screening and grow to a height of approximately 3 metres and be planted no more than 3 metres apart. Plans showing compliance with this condition must be submitted to and approved by the Manager Development Services.

*Services*

- (10) 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.
- (11) 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.

*Stormwater*

- (12) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Municipal Engineer and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the Building Act 2000.
- (13) The developer must provide on-site detention of stormwater such that:
  - I. Flows from events up to the 1 in 20 year ARI shall be directed into the minor (piped) drainage network at a rate not exceeding the predevelopment (current) discharge from the site during a 1 in 20 year ARI event.
  - II. Flows from the site from events exceeding a 1 in 20 year ARI shall either be directed into Councils major (overland) network at a rate not exceeding the predevelopment discharge from the site during a 1 in 100 year ARI event or released into the minor network at a rate not exceeding the predevelopment discharge from the site during a 1 in 20 year ARI event. Events up to a 1 in 100 year ARI shall considered in the design of the system.
  - III. Flows in excess of the above shall be detained on site and released at the above rates. Flow mitigation measures must be situated within the property boundaries and maintainable by the owners of the property.
- (14) The developer is to construct a DN150 stormwater line from the north eastern corner of 3 Staples Court to the existing main at the north eastern corner of 9 Staples Court.

ADVICE:

*Council will contribute 50% of the costs of this stormwater line based on an estimate provided by the developer and approved by Council's Municipal Engineer.*

- (15) The developer is to construct a berm or swale drain along the northern boundary of the development to direct any overland stormwater toward the East Derwent Highway to the satisfaction of Council's Municipal Engineer.

- (16) The 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.

***Parking and Access***

- (17) At least Thirty (30) parking spaces must be provided on the land at all times for the use of the occupiers with at least six(6) designated for visitor parking, in accordance with Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney.
- (18) All areas set-aside for parking and associated turning, and access must be constructed, drained and paved to the standard required by Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney and to the satisfaction of Council's Municipal Engineer.
- (19) All areas set-aside for parking and associated turning, and access must have: -
- (a) A driveway access with a minimum 3 metres internal width and an average maximum longitudinal grade of 1 in 5 (20%) or, if the topography makes this impractical, an absolute maximum longitudinal grade of 1 in 4 (25%).
  - (b) On site turning.
  - (c) A durable all-weather pavement constructed and surfaced to the satisfaction of the Council's Municipal Engineer.
  - (d) Line-marking or some other means to show the parking spaces to the satisfaction of Council.
  - (e) Signs not exceeding 0.3 square metres to direct drivers to the area set aside for visitor parking.
  - (f) Drainage discharging to the stormwater system in accordance with the requirements of a plumbing permit issued by the plumbing Permit Authority.
- (20) The new driveways must 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.

- (21) The new access driveways from the carriageway of the road onto the subject land must be constructed using an uncoloured reinforced concrete pavement in accordance with the construction standards shown on standard drawings TSD-R09-v1 *Urban Roads Driveways* prepared by the IPWE Aust. (Tasmania Division) (**attached**) or otherwise as required of Standards Australia (2004): *Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking*; Standards Australia, Sydney and to the satisfaction of Council's Municipal Engineer.
- (22) The existing site entry pit under the proposed driveway is to be modified to create a trafficable vee grate to Council's specification at the developer's cost.
- (23) The existing driveway aprons to 3, 5 & 7 Staples Court must be removed and the footpath and nature strip replaced consistent with the surrounding area and to the satisfaction of Council's Municipal Engineer.
- (24) An amended 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:
- Revised layout showing all parking spaces required by this permit
  - pavement details,
  - design surface levels and drainage,
  - turning paths,
  - dimensions
- and shall form part of the permit when approved.
- (25) 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.
- (26) 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.

***Access to Public Road***

- (27) No works on or affecting any Council road reservation is to be commenced until the Brighton Council has issued a *WORKS IN ROAD RESERVATION PERMIT*. Application for the issue of the necessary works permit is to be made to the Brighton Council's Asset Services department prior to the proposed date of commencement of any works.

***Taswater***

- (28) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, date 29th October 2015 (TWDA 2015/00389-BTN).

***Protection of water quality***

- (29) 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.
- (30) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls 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 Development Services.

***Construction amenity***

- (31) 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.
- (32) 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.
- (33) 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.
- (34) 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.
- (35) 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.

**ADVICE TO APPLICANT:**

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted
- B. Registration of a Strata Plan must be in accordance with the requirements of the Strata Titles Act 1998 and to the satisfaction of the Manager of Development Services.
- C. 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.

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

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	Cr Taylor
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Owen	
Cr Williams	

The meeting closed at 5.50 p.m.

Confirmed: \_\_\_\_\_  
(Mayor)

Date: \_\_\_\_\_  
15<sup>th</sup> December 2015