



# Brighton Council

MINUTES OF THE **PLANNING AUTHORITY MEETING**  
OF THE BRIGHTON COUNCIL HELD  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES  
OLD BEACH AT 5.35PM ON TUESDAY,  
13<sup>TH</sup> MARCH, 2018

**PRESENT:** Cr Gray (Chairperson) Cr Owen; (Deputy Chairperson);  
Cr Curran; Cr Foster; Cr Garlick; Cr Geard; Cr Higgins  
and Cr Jeffries.

**IN ATTENDANCE:** Mrs K Hossack (Acting Governance Manager) and Mr  
D Allingham (Senior Planner).

## 1. APOLOGIES:

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

**CARRIED**

## VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Higgins	
Cr Owen	

## 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 SECTION 43A REQUEST FOR PLANNING SCHEME AMENDMENT AND PLANNING PERMIT:**

##### **PARTS OF LOT 1674+ WALKER CRESCENT & 115 COVE HILL ROAD, BRIDGEWATER, OPEN SPACE AND LIGHT INDUSTRIAL TO GENERAL RESIDENTIAL & BOUNDARY ADJUSTMENT**

##### **SECTION 39 REPORT**

**FILE REFERENCE:** RZ 2017/01 and SA2017/00024

**Author:** Senior Planner (Mr David Allingham)

**Applicant:** Helen Dyer obo Centacare Evolve Housing

**Location:** Lot 1674+ Walker Crescent (CT31616/1674) and 115 Cove Hill Road, Bridgewater

**Application No:** RZ 2017/01 & SA2017/24

**Zoning:** Open Space Zone and Light Industrial Zone

**Planning Instrument:** Brighton Interim Planning Scheme 2015

**Date Advertised:** 20<sup>h</sup> January 2018 – 19<sup>th</sup> February 2018

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## **1. Executive Summary**

- 1.1 The report considers the partial rezoning of Lot 1674+ Walker Crescent and 115 Cove Hill Road, Bridgewater from the Open Space Zone and Light Industrial Zone, respectively, to the General Residential Zone and submission of development application for a boundary adjustment.
- 1.2 The request to initiate the combined rezoning and boundary adjustment application was approved by Council's Planning Authority at its meeting on 16<sup>th</sup> January 2018.
- 1.3 A notice of draft amendment was forwarded to the Tasmanian Planning Commission on 22<sup>nd</sup> January 2018.
- 1.4 The draft amendment was advertised in the *Mercury* newspaper on 20<sup>th</sup> and 24<sup>th</sup> January 2019, and placed on public exhibition between 20<sup>th</sup> January 2018 and 19<sup>th</sup> February 2018.
- 1.5 No representations from the public to the draft amendment were received during the public notification period. TasWater provided a response that they do not object to the proposed amendment or boundary adjustment.
- 1.6 The proposal is for recommendation to advise the Tasmanian Planning Commission that no representations were received following exhibition of the draft amendment RZ2017/01 to the Brighton Interim Planning Scheme 2015 and that a modification is necessary in relation to the description of the land so that it reads "1674+" as opposed to "1694+".

## **2. Background**

- 2.1 Council at its meeting of 16<sup>th</sup> January 2018 resolved to amend the Brighton Interim Planning Scheme 2015 by partially rezoning Lot 1674+ Walker Crescent and 115 Cove Hill Road, Bridgewater from the Open Space Zone and Light Industrial Zone, respectively, to the General Residential Zone and a minor boundary adjustment between the two zones to enable the land to be appropriately sized for residential allotments.
- 2.2 The boundary adjustment involves relocating the northern boundary of Lot 1674+ Walker Crescent towards the north to incorporate some Light Industrial zoned land. The new zone boundary will be amended to follow the lot boundary.
- 2.3 The certified draft amendment and permit were publicly exhibited. There were no representations received during the public exhibition period. The application was referred to TasWater, who does not object to the application. (See Annexure A).

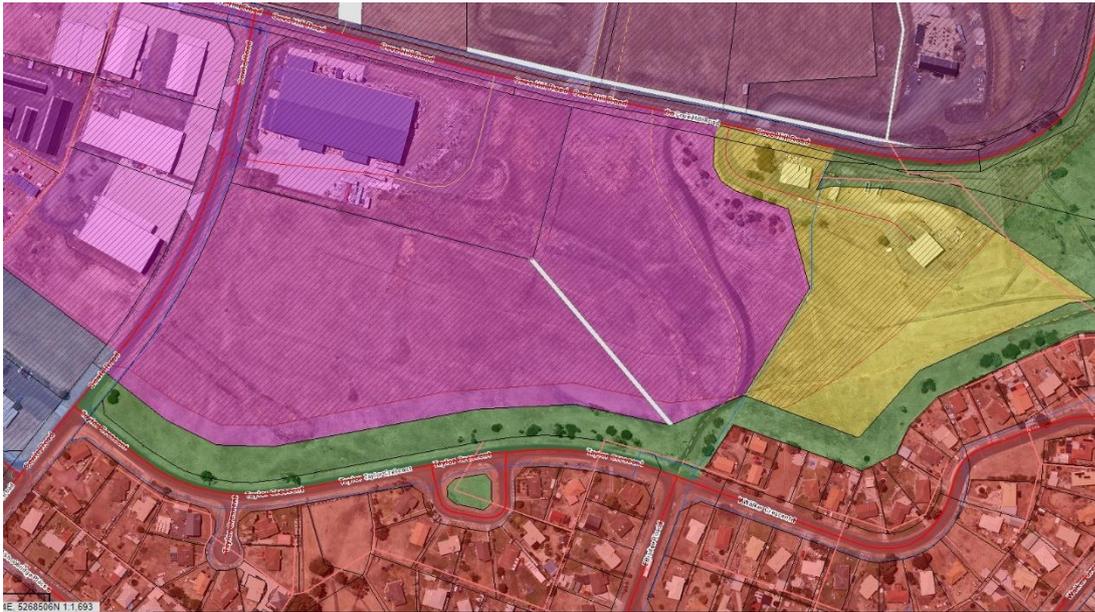


Figure 1: Zoning map of the subject area.

### 3. Consultation

3.1 The Draft Amendment was exhibited in accordance with Section 38 and Section 43F(4) of the *Land Use Planning and Approvals Act 1993* (the Act) and Section 6 of the *Land Use Planning and Approvals Act Regulations 2004* from 20<sup>th</sup> January 2018 to 19<sup>th</sup> February 2018 inclusive.

3.2 No representations were received to the application. A submission was received from TasWater stating that that entity does not object to the proposal and does not wish to have any involvement in subsequent hearings. Nor do they wish to impose any conditions on the boundary adjustment application.

### 4. Legislation

4.1 Section 39(2) and 43F(6) of the Act provides that a Planning Authority (Council) must, within 35 days after the public notification period has closed, forward to the Tasmanian Planning Commission a report comprising:-

- (a) *A copy of each representation received by the authority in relation to the draft amendment or, where it has received no such representation, a statement to that effect; and*
- (b) *A statement of its opinion as to the merit of each such representation, including, in particular, its views as to-*
  - (i) *the need for modification of the draft amendment in the light of that representation; and*
  - (ii) *the impact of that representation on the draft amendment as a whole; and*

(c) *Such recommendations in relation to the draft amendment as the authority considers necessary.*

- 4.2 Subsection (b) relates specifically to any representation received.
- 4.3 Subsection (c) allows the Planning Authority (Council) to provide any additional information or recommendation in relation to the draft amendment as certified or recommend to the Tasmanian Planning Commission (TPC) that a modification should be made regardless of any representation.
- 4.4 As the draft amendment has been initiated and certified the TPC must decide on the amendment and at the same time, determine the permit.

## **5. Assessment**

- 5.1 No representations were received to the draft amendment and the submission from TasWater does not warrant modification to the permit.

## **6. Discussion**

- 6.1 A small modification is required to the Draft Amendment because of an administrative error regarding the description of the land. The use of "1694+" as opposed to "1674+" on the instrument and in the advertising, was a clerical error. However, the correct Volume and Folio number (i.e. CT31616/1674) are referred to in brackets in both the instrument and the advertising. Additionally, the map on the instrument and subdivision plan clearly refers to the correct piece of land. Council's view is that the error does not prejudice the public interest, particularly because the land would most likely be identified using the Volume and Folio number given it does not have a recognised street address.
- 6.2 In Council's Section 35 report, the Bushfire Prone Areas Code was not addressed. Council wish to clarify that the surrounding area is not considered to be bushfire prone, because all land within 100m is subject to Council's Fire Abatement Program. The land is considered to be managed land as per the definition within AS3959-2009.

## **Options**

- 1. To adopt the recommendation; or
  - 2. To adopt an alternative recommendation satisfying the provisions of Section 39 of the Act, with a full statement of reasons as determined by Council.
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## RECOMMENDATION

That in accordance with Section 39 (2) and 39F(6) of the *Land Use Planning and Approvals Act 1993*, Council resolves to:-

- A. Advise the Tasmanian Planning Commission that no representations were received following exhibition of Draft Amendment RZ 2017/01 and Subdivision Application SA2017/00024 to the Brighton Interim Planning Scheme 2015; and
- B. Advise the Tasmanian Planning Commission that one modification to draft amendment RZ 2017/01 is necessary in relation to the description of the land on the Instrument of Certification so that it reads "1674+" as opposed to "1694+".

## 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 Jeffries	
Cr Higgins	
Cr Owen	

## 4.2 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 – DA 2017 / 00077 – 131 OLD BEACH RD, OLD BEACH – CHURCH HALL:

Type of Report	Planning Authority – For Decision
Application No:	DA 2017 / 00077
Address:	131 Old Beach Rd, Old Beach
Applicant:	B Chugg, P J Shedden & M C Le Souef
Proposal:	Church Hall
Zone:	General Residential
Representations:	One (1)
Discretion:	1. Use: Community meeting and entertainment (church)

2. Number of vehicle movements from site
3. Sight Distance
4. Operating Hours
5. Number of Car Parking Spaces
6. Number of Motorcycle Parking Spaces

**Author:** Richard Cuskelly (Planning Officer)

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## **1. Executive Summary**

- 1.1. Planning approval was sought for a church hall in the General Residential Zone at 131 Old Beach Rd, Old Beach.
- 1.2. The application is discretionary due to partial reliance on performance criteria.
- 1.3. One (1) representation was received. It is considered that the issues raised in the representation warrants partial modification of the application via permit condition.
- 1.4. The key planning issues relates to safe vehicle access to Old Beach Road, impact of operating hours on residential amenity, and stormwater management.
- 1.5. The proposal is recommended for approval subject to various conditions.
- 1.6. An extension of time was organised to initiate a speed limit reduction for the applicable section of Old Beach Road prior to finalising this recommendation.
- 1.7. The final decision must be made by the Planning Authority or by full Council acting as a planning authority due to the receipt of representations via the public exhibition period for the development application.

## **2. Legislative & Policy Content**

- 2.1. The purpose of this report is to enable the Planning Authority to determine application DA 2017 / 00077.
- 2.2. This determination must be made no later than 20<sup>th</sup> March 2018, which has been extended beyond the statutory timeframe with the consent of the applicant.
- 2.3. The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

- 2.4. This report details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the Local Government (Meeting Procedures) Regulations 2015.
- 2.5. This report has been prepared with appropriate regard to the State Policies that apply under *the State Policies and Projects Act 1993*.
- 2.6. This report has been prepared with appropriate regard to Council's Strategic Plan and other Council policies, and the application is not found to be inconsistent with these. Nevertheless, it must be recognised that the planning scheme is a regulatory document that provides the overriding consideration for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

### **3. Risk & Implications**

- 3.1. Approval or refusal of this application will have no direct financial implications for the Planning Authority.
- 3.2. No specific implications for Council asset maintenance or renewal or need for new capital works have been identified.

### **4. Relevant Background and Past Applications**

- 4.1. Tivoli Green Subdivision.

### **5. Site Detail**

- 5.1. The subject site is a 1,299m<sup>2</sup> parcel of land, with 23.12m frontage to Old Beach Road.
- 5.2. A 3m wide pipeline and drainage easement runs within the rear the property boundary.
- 5.3. The site is undeveloped and slopes gently down to the south-east.
- 5.4. The site is adjoined by General Residential land to the north, west and south, and Rural Resource land to the east (see Figure 1 below).
- 5.5. A Part 5 Agreement exists on the property title requiring development to incorporate Water Sensitive Urban Design principles for on-site stormwater management.

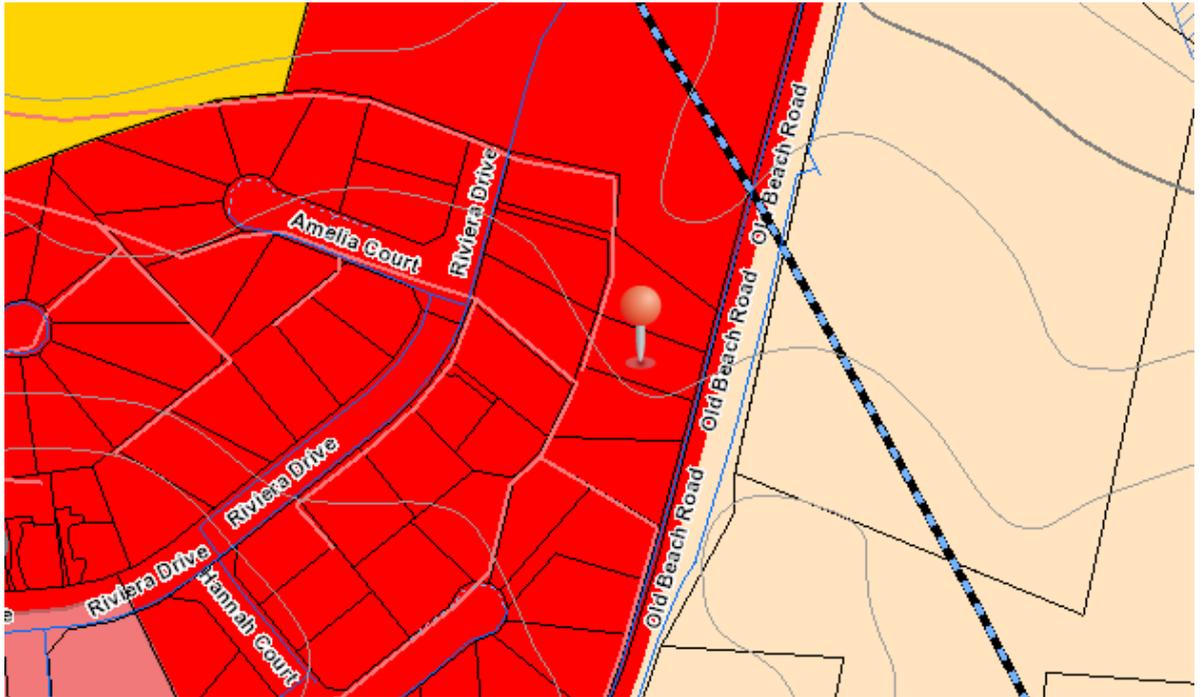


Figure 1. Zoning: General Residential (Chilli Red), Deep Pink (Low Density Residential), Yellow (Urban Growth Zone) and Tan (Rural Resource)

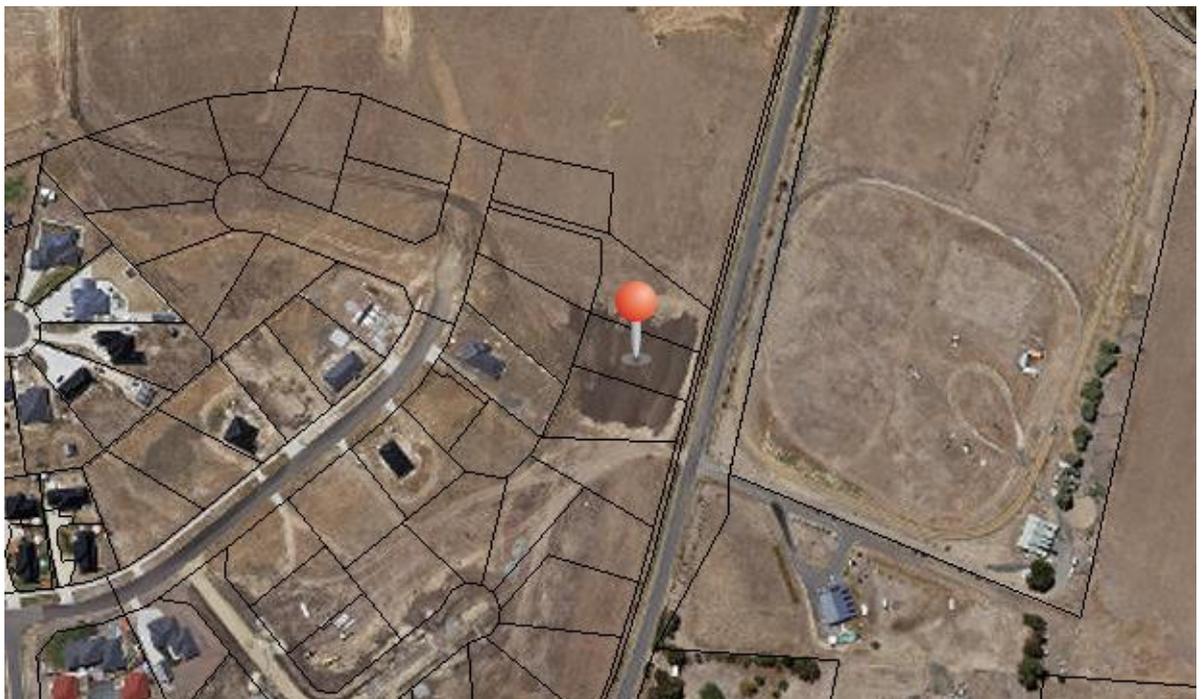


Figure 2. Aerial image

## 6. Proposal

- 6.1. Proposed is a church hall and associated car park.
- 6.2. A church falls within the 'Community meeting and entertainment' use class. This use is Discretionary in the General Residential Zone.

- 6.3. The single-storey church building has a gross floor area of 155.5m<sup>2</sup> with brick walls and Colourbond roofing.
- 6.4. 20 car-parking spaces are proposed on-site, one of which specifically for people with a disability.
- 6.5. Water Sensitive Urban Design measures are proposed to manage stormwater from new impervious surfaces.
- 6.6. The application is supported by the attached plans, and traffic impact assessment from a traffic engineer engaged by the applicant.

**7. Assessment against planning scheme provisions**

- 7.1. The following provisions are relevant to the proposed use and development;
  - General Residential Zone (10)
  - Road and Railway Assets Code (E5)
  - Parking and Access Code (E6)
  - Stormwater Management Code (E7)
- 7.2. The application satisfies the following Acceptable Solutions:
  - 10.4.2 A1 and A3 – Building envelope
  - 10.4.3 A1 (a) and (c) – Site coverage (new roofed and impervious areas)
  - E6.6.2 A1 – Disabled access parking
  - E6.7.1 A1 – Number of vehicle access points
  - E6.7.2 A1 – Design of vehicle access point
  - E6.7.3 A1 – Vehicular passing
  - E6.7.4 A1 – On-site turning
  - E6.7.5 A1 – Layout of parking areas
  - E6.7.6 A1 – Surfacing
  - E6.7.7 A1 – Car park lighting
  - E6.7.8 A1 – Car park landscaping

- E6.7.14 A1 – Road access
- E7.7.2 A1 – Water Sensitive Urban Design

7.3. The following discretions are invoked:

Discretion		Acceptable Solution	Proposed
1	Use	Various No Permit Required and Permitted uses (i.e. Residential)	<u>Discretionary Use</u> Community meeting and entertainment (church)
2	Number of Vehicle movements from site	10% or 10 vehicle movements/day  E5.5.1 A2 – ‘...must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.’	20 (peak hour)  With justification from Traffic Impact Assessment
3	Sight Distance at accesses, junctions and level crossings	E5.6.4 A1 – ‘Sight distance must comply with the Safe Intersection Sight Distance shown in Table E5.1.’	With justification from Traffic Impact Assessment and specifically with reference to E6.7.2 A1(a) and the sight distance criteria in AS2890.1 Figure 3.2.  Also, reduction of speed limit to 70kmh ensures closer compliance with Table E5.1
4	Operating Hours	10.3.1 A1 – ‘Hours of operation must be within 8.00am to 6.00pm, except for office and administrative tasks or visitor accommodation.’	<u>Weekly</u> 5:30pm Monday service (maximum 40 persons, 10 vehicles)  5:30am Sunday service (maximum 40 persons, 10 vehicles)  <u>Fortnightly</u> 7:30pm Thursday service (maximum 70 persons, 20 cars)

			<p>3:00pm Sunday service (maximum 70 persons, 20 cars)</p> <p>All services not to exceed 1 hour</p> <p>1.5m high Colourbond fence proposed at side and rear boundaries to mitigate vehicle headlights shining into adjoining dwellings</p>
5	Number of Car Parking Spaces	<p>24</p> <p>E6.6.1 A1 - '1 for each 15m<sup>2</sup> floor area or for each 3 seats whichever is the greater'</p>	<p>20</p> <p>With justification from Traffic Impact Assessment</p>
6	Number of Motorcycle Parking Spaces	<p>1</p> <p>E6.6.3 A1 - '...1 space to each 20 car parking spaces'</p>	<p>0</p> <p>With justification from Traffic Impact Assessment</p>

Discretion 1 - Use

- 7.3..1. The proposed use of the site is for a church. This falls within the Community meeting and entertainment use class, which has Discretionary status in the General Residential Zone.
- 7.3..2. There are no specific standards against which to assess the use class, however, the use of the site for a church is considered a compatible non-residential use, in accordance with the relevant General Residential Zone Purpose Statement 10.1.1.2,  
  
'To provide for compatible non-residential uses that primarily serve the local community.'

Discretion 2 - Number of Vehicle movements from site

- 7.3..3. Discretion is sought for greater vehicle movements from the site than the Acceptable Solution.
- 7.3..4. The original subdivision was approved with the intention of residential use and associated traffic generation.

- 7.3..5. The TIA states, "...the car traffic generated by the church development will not adversely impact on the efficiency of traffic movements along Old Beach Road and the performance criteria of Clause E5.5.1 - P2 are met." It also states, "There should not be a need for any special physical measures along Old Beach Road at the access driveway due to traffic conditions."
- 7.3..6. Notwithstanding this, council is taking steps to address overall road safety by reducing the speed limit on Old Beach Road and implementing other traffic control measures in the vicinity of the access. These measures will be implemented irrespective of this specific development.
- 7.3..7. Thus, the application is considered to meet the Performance Criteria.

Discretion 3 - Sight Distance at Accesses and Junctions

- 7.3..8. Discretion is sought for a lesser access sight distance than that specified in the Acceptable Solution (Safe Intersection Sight Distance shown in Table E5.1).
- 7.3..9. The original subdivision was approved under the previous planning scheme and domestic access sight distance complied with the standard drawings/sight distance at the time.
- 7.3..10. This has been justified by the traffic engineer by mentioning the two differing sight distance criteria in the planning scheme and that the access sight distance complies with the sight distance criteria most applicable to accesses E6.7.2 A1(a) - AS2890.1 Figure 3.2. The traffic engineer states the sight distance criteria in Table E5.1 applies to the intersection of two roads.
- 7.3..11. After the application, approval has been granted by the Department of State Growth to reduce the existing 80km/h speed zone along Old Beach Road to 70km/h. A road safety review has also been undertaken and Council have approved the implementation of traffic control measures including centreline marking, guide posts and concealed entrance signage near the proposed development.
- 7.3..12. Thus, the application is considered to meet the Performance Criteria.

Discretion 4 - Operating Hours

- 7.3..13. Proposed operating hours of the use are listed above in Table 7.3.
- 7.3..14. Operating times outside of 8:00am to 6:00pm (as defined within the Acceptable Solution in Table 7.3 above) have been considered against the corresponding Performance Criteria (10.3.1 P1),

'Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.'

- 7.3..15. The proposed 5:30 – 6:30pm Monday service (weekly) and 7:30 – 8:30pm Thursday service (fortnightly) were both considered by Council's planning staff and Senior Environmental Health Officer as not unreasonable in their timing, duration or extent.
- 7.3..16. The proposed 5:30am Sunday service (maximum 40 persons, 10 vehicles) was considered not to meet this Performance Criteria, however, due to the proximity of existing and potential dwellings, and the subsequent likelihood of up to 20 car movements within a 1-hour period to disturb nearby residents early on a Sunday morning. On weekends, compliance with the Acceptable Solution was considered reasonable to protect residential amenity and avoid any future land-use conflict.
- 7.3..17. Consideration was also given to the representation received (outlined below in Table 9.1), which specifically objected to the unreasonable impact on residential amenity that this timing may cause.
- 7.3..18. Thus, the application is considered to meet the Performance Criteria, overall, however with the recommended inclusion of a permit condition that hours of operation not to commence prior to 8:00am on Saturday and Sunday.

#### Discretion 5 – Number of Car Parking Spaces

- 7.3..19. Discretion is sought for 20 car spaces rather than the Acceptable Solution of 24 which is based on number of seats (maximum 70 people).
- 7.3..20. This has been justified by the applicant and traffic engineer as sufficient due to the majority of service attendees being large families (at least four persons to a car, for instance). The Traffic Impact Assessment also identifies the ability to include additional car spaces in the future without the need to modify the impervious footprint of the proposed car park.
- 7.3..21. The Performance Criteria requires the assessment to have regard to the availability of on-street parking and availability and frequency of public transport. As there is neither of these available in the area, there is a risk that when there are events that reach capacity of 70 seats, people will park on Old Beach Road and create an unnecessary traffic hazard.

7.3..22. Approval is to be conditional on there being 24 car parking spaces provided and that no parking on Old Beach Road related to use of the development.

7.3..23. Thus, the application is considered to meet the Performance Criteria.

Discretion 6 – Number of Motorcycle Parking Spaces

7.3..24. No motorcycle parking spaces have been provided as part of the development.

7.3..25. This has been justified by the applicant and traffic engineer as sufficient due to the majority of service attendees being large families, ‘likely users’ of the church not being motorcyclists, and the aforementioned (7.3.8) ability to provide for additional parking in the future if required.

7.3..26. Due only to the latter of these justifications, the application is considered to meet the Performance Criteria.

**8. Discussion**

8.1. Referrals

TasWater

TasWater’s Submission to Planning Authority Notice, Reference TWDA 2017/00422-BTN, dated 11<sup>th</sup> September 2017, imposed no objection or conditions to the proposed development.

Council’s Technical Officer

In response to this development and other direct accesses to Old Beach Road Council undertook a safety review of Old Beach Road in conjunction with the Department of State Growth. The outcomes of that review include a reduction in the existing 80km/h speed limit and other traffic control measures.

A Part 5 Agreement exists on the property title requiring development to incorporate Water Sensitive Urban Design principles for on-site stormwater management. Given the use is not residential and most of the site is proposed to be an impervious surface (carpark) it has been deemed appropriate that an overflow from the WSUD treatment is connected to an extension of councils piped stormwater system. This will reduce the likelihood of the capacity of an on-site detention system being exceeded and flooding downstream properties. The extension of the public stormwater system in the road reservation at the developers cost will be a condition of approval.

Council’s Senior Environmental Health Officer

Written response received regarding Discretion 2:

‘In a dense residential area, the movement of 10 vehicles and 40 people at 5.30am on a Sunday morning would have to be regarded as unreasonable, it is also expected that a church service would involve the amplification of voices and other actions that would disrupt the amenity of the area particularly at that early hour, I would therefore advise against the approval of the activity from an Environmental Health perspective.’

- 8.2. A Traffic Impact Assessment report prepared by traffic engineer Milan Prodanovic was submitted by the applicant concluding that the sight distances met the required Parking and Access Code acceptable solution E6.7.2 A1 (compliance with Australian Standard AS 2890.1).

In response to an internal road safety review and concern from several Old Beach Road residents regarding road safety, Council sought approval from the Department of State Growth to reduce the speed limit of Old Beach Road from 80km/h to 70km/h in late 2017.

Approval was received by the Department of State Growth for this speed limit reduction on 5<sup>th</sup> March 2018, and it is understood signs will be changed within the short term. Notwithstanding this, a permit condition is recommended below that the use not commence prior to the reduction of the speed limit.

**9. Concerns raised by representors**

- 9.1. The following table outlines the issues raised by the representor.

Issue	Response
Vehicle access is unsafe at the current speed limit	Considered and addressed in section 8.1 & 8.2 above.
Concentrated vehicle movements at 5:30am on a Sunday will have an unreasonable impact on residential amenity	Considered and addressed in section 7.3 above.

**10. Conclusion**

- 10.1. The proposed use and development of a church hall in the General Residential Zone at 131 Old Beach Rd, Old Beach, satisfies the relevant provisions of the Brighton Interim Planning Scheme 2015, and as such is

recommended for conditional approval.

## RECOMMENDATION

That: A. Pursuant to the Brighton Interim Planning Scheme 2015, Council approve application DA 2007/00077 for a church hall in the General Residential Zone at 131 Old Beach Road, Old Beach, for the reasons outlined in the officer's report, and a permit containing the following conditions be issued:

### *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*.

### *Amenity*

- (3) 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.

### *Hours of Operation*

- (4) The use or development must only operate between the following hours unless otherwise approved by Council's Manager Development Services:
  - Monday to Friday 7:00 a.m. to 9:00 p.m.
  - Saturday 8:00 a.m. to 6:00 p.m.
  - Sunday and State-wide public holidays 8:00 a.m. to 6:00 p.m.

### *Landscaping*

- (5) Before any work commences submit a landscape plan must be submitted to and approved by Council's Manager Development Services. The landscape plan must show the areas to be landscaped, the form of landscaping, plants species and estimate of the cost of the works. The landscaping plan should,
  - Relieve the visual impact on the streetscape of large expanses of hard surfaces,
  - Soften the boundary of car parking areas to reduce the amenity impact on neighbouring properties and the streetscape, &

- Reduce opportunities for crime or anti-social behaviour by maintaining passive surveillance opportunities from nearby public spaces and buildings; and shall form part of the permit when approved.
- (6) The landscaping works must be completed in accordance with the endorsed landscape plan and to the satisfaction of Council's Manager Development Services prior to the first use of the development. All landscaping must continue to be maintained to the satisfaction of Council.

*Services*

- (7) **The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred because of the development. Any work required is to be specified or undertaken by the authority concerned.**
- (8) Any 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.

*Parking and Access*

- (9) At least twenty-four (24) car parking spaces must be provided on the land at all times for the use of the development, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- (10) The parking space for people with a disability, as shown on the endorsed site plan, must satisfy the relevant provisions of the Building Code of Australia.
- (11) Site use is to be managed such that on-site parking is not exceeded. No parking associated with use of the development is permitted within the Old Beach Road reserve.
- (12) Clear access sight lines meeting AS2890.1 Figure 3.2 are to be maintained always.
- (13) The use is not to commence until the Old Beach Road speed limit is reduced to 70km/h, maximum.
- (14) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with 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, and must include all the following:
- (a) Constructed with a durable all-weather pavement.
  - (b) Drained to an approved stormwater system.

- (c) Surfaced with a material to resist abrasion from traffic and to minimise the entry of water. The surfacing material must be concrete, pavers or other material approved by Council's Municipal Engineer.
  - (d) Vehicular passing areas. Vehicular passing areas must be a minimum of 6m long, 5.5m wide and taper to the width of the driveway. Passing areas must be provided at intervals of no more than 30m along the access, with the first passing area constructed at the road kerb.
  - (e) On site turning.
  - (f) Line-marking or some other means to show the parking spaces to the satisfaction of Council's Municipal Engineer; &
  - (g) Signs not exceeding 0.3 square metres to direct drivers to the area set aside for the parking space for disabled persons.
- (15) Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting, or as otherwise approved by Council's General Manager. Lighting must be baffled to ensure they do not cause emission of light into adjoining private land.
- (16) 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 gradients,
  - drainage,
  - turning paths
  - dimensions,
  - line marking,
  - signage,
  - pedestrian access,
- and shall form part of the permit when approved.

- (17) 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.
- (18) 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.

***Stormwater***

- (19) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Municipal Engineer and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2016*. The legal discharge point is to be an extension of council's piped SW main in Old Beach Road.
- (20) Stormwater drainage plans prepared and certified by a qualified civil engineer experienced in the design of public stormwater infrastructure must be submitted for approval by Council's Municipal Engineer prior to or in conjunction with lodgement of Building Application. The stormwater plans are to include plans and long sections detailing the extension of council's SW main and connection of the piped overflow/drainage of the WSUD treatment described below to council's SW main.
- (21) The Developer is to incorporate Water Sensitive Urban Design Principles into the development for the treatment and disposal of stormwater. These Principles will be in accordance with the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's Municipal Engineer.
- (22) The driveway must be drained to minimise surface runoff over the footpath or to the adjoining road in accordance with the requirements of the Municipal Engineer and a Plumbing Permit issued by the Permit Authority in accordance with the *Building Act 2016*.

***Access to Public Road***

- (23) 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***

- (24) The development must meet all required Conditions of approval specified by TasWater Submission to Planning Authority Notice, date 11/09/2017 (TWDA2017/00422-BTN).

***Soil and Water Management***

- (25) 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 General Manager before development of the land commences. The SWMP shall form part of this permit when approved.
- (26) 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 General Manager. Construction amenity

***Construction Management***

- (27) 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.
- (28) 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.

- (29) 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.
- (30) 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.
- (31) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

**THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:**

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.
- C. There are currently no standards prescribed for compliance with the *Disability Discrimination Act 1992*, however, Australian Standards associated with the Act, including AS 1428.1-2001 - *Design for access and mobility - General requirements for access - New building work* and the Building Code of Australia (BCA) may apply to occupants of the building. It is recommended that you obtain further information concerning the *Disability Discrimination Act 1992* from the Office of the Human Rights and Equal Opportunities Commission or the Tasmanian Anti-Discrimination Commission.
- D. **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 Jeffries seconded that the recommendation be adopted with an amendment to Item (4) Hours of Operation for Sunday & State-wide Public Holidays to be changed to 5.30am to 6.00pm.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Foster	Cr Curran
Cr Garlick	Cr Geard
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	

**4.3 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 – DA 2017 / 00182 – 109 OLD BEACH RD, OLD BEACH – 3 DWELLINGS:**

Type of Report	Planning Authority – For Decision
Application No:	DA 2017 / 00182
Address:	109 Old Beach Rd, Old Beach
Applicant:	Bryden Homes Pty Ltd
Proposal:	Three (3) multiple-dwellings
Zone:	General Residential
Representations:	One (1)
Discretion:	1. Private Open Space: Gradient
<b>Author:</b>	Richard Cuskelly (Planning Officer)

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**11. Executive Summary**

- 11.1. Planning approval was sought for 3 multiple-dwellings in the General Residential Zone at 109 Old Beach Rd, Old Beach.
- 11.2. The application is discretionary due to partial reliance on performance criteria.
- 11.3. One (1) representation was received. It is considered that the issues raised in the representation do not warrant refusal or modification of the application.
- 11.4. The key planning issue relates to safe vehicle access to Old Beach Road. For this reason, an extension of time was organised to initiate a speed limit reduction for the applicable section of Old Beach Road prior to finalising this recommendation.

- 11.5. The proposal is recommended for approval subject to various conditions.
- 11.6. The final decision must be made by the Planning Authority or by full Council acting as a planning authority due to the receipt of representations via the public exhibition period for the development application.

## **12. Legislative & Policy Content**

- 12.1. The purpose of this report is to enable the Planning Authority to determine application DA 2017 / 00182.
- 12.2. This determination must be made no later than 20<sup>th</sup> March 2018, which has been extended beyond the statutory timeframe with the consent of the applicant.
- 12.3. The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.
- 12.4. This report details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.
- 12.5. This report has been prepared with appropriate regard to the State Policies that apply under the *State Policies and Projects Act 1993*.
- 12.6. This report has been prepared with appropriate regard to Council's Strategic Plan and other Council policies, and the application is not found to be inconsistent with these. Nevertheless, it must be recognised that the planning scheme is a regulatory document that provides the overriding consideration for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

## **13. Risk & Implications**

- 13.1. Approval or refusal of this application will have no direct financial implications for the Planning Authority.
- 13.2. No specific implications for Council asset maintenance or renewal or need for new capital works have been identified.

**14. Relevant Background and Past Applications**

14.1. Tivoli Green Subdivision, which allowed accesses to be constructed to Old Beach Road. Since the subdivision approval, sight distance standards have become more conservative.

**15. Site Detail**

15.1. The subject site is a relatively large parcel of land, 2,639m<sup>2</sup>, with 40m frontage to Old Beach Road (along which runs a 3m wide service easement).

15.2. The site is undeveloped and slopes gently down to the south-east.

15.3. The site is adjoined by General Residential land to the north, west and south, and Rural Resource land to the east (see Figure 1 below).

15.4. A Part 5 Agreement exists on the property title requiring development to incorporate Water Sensitive Urban Design principles for on-site stormwater management.

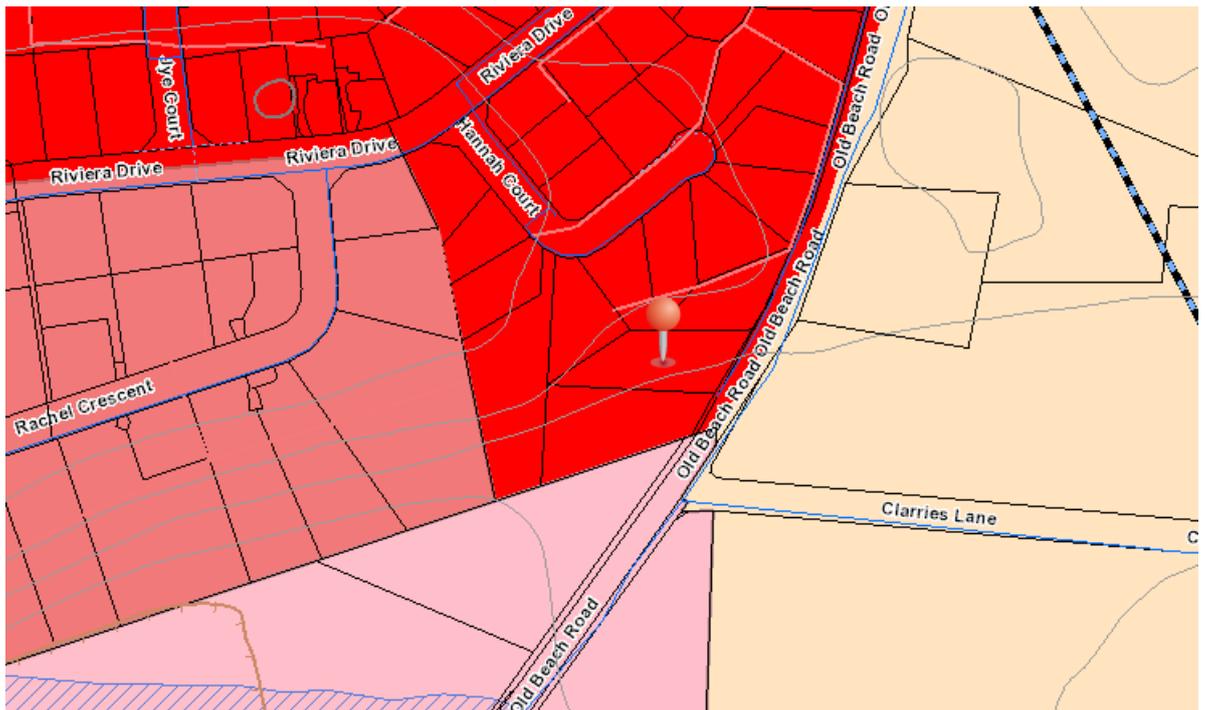


Figure 1. Zoning: General Residential (Chilli Red), Deep Pink (Low Density Residential), Light Pink (Rural Living Area A) and Tan (Rural Resource)



Figure 2. Aerial image

## 16. Proposal

- 16.1. Proposed are three three-bedroom dwellings, including associated vehicle access, parking and manoeuvring, landscaping and fencing.
- 16.2. Water Sensitive Urban Design measures are proposed to manage stormwater from new impervious surfaces; access to reticulated water is available, as is reticulated sewerage system via proposed 'pump stations'.
- 16.3. Staged development is not proposed.
- 16.4. The application is supported by the attached plans and a supporting statement from a traffic engineer engaged by the applicant.

## 17. Assessment against planning scheme provisions

- 17.1. The following provisions are relevant to the proposed use and development;
  - General Residential Zone (10)
  - Parking and Access Code (E6)
  - Stormwater Management Code (E7)

17.2. The application satisfies the following Acceptable Solutions:

- Use (Permitted)
- 10.4.1 A1 - Residential density for multiple dwellings
- 10.4.2 A1-A3 - Setbacks and building envelope for all dwellings
- 10.4.3 A1 - Site coverage and private open space for all dwellings
- 10.4.4 A1 - A3 - Sunlight and overshadowing for all dwellings
- 10.4.5 A1 - Width of openings for garages and carports for all dwellings
- 10.4.6 A1 - A3 - Privacy for all dwellings
- 10.4.7 A1 - Frontage fences for all dwellings
- 10.4.8 A1 - Waste storage for multiple dwellings
- E6.6.1 A1 - E6.7.14 A1 - Parking & Access Code Standards
- E7.7.1 A2 - Stormwater drainage & disposal

17.3. The following discretion is invoked:

		<b>Acceptable Solution</b>	<b>Proposed</b>
1	Private Open Space (Gradient)	10.4.3 A2 (f) - 'has a gradient not steeper than 1 in 10'	Gradients range from 1 in 5 to 1 in 7

Discretion 1 - Private Open Space (Gradient)

17.3..1. The Acceptable Solution requires private open space to have a gradient not steeper than 1:10. The Performance Criteria requires:

A dwelling must have private open space that:

(a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:

- (i) conveniently located in relation to a living area of the dwelling; and
- (ii) orientated to take advantage of sunlight.

- 17.3..2. Each dwelling is provided over 100m<sup>2</sup> of private open space that is immediately accessible from a living area and orientated with good solar access. Landscaping for privacy is also provided.
- 17.3..3. The natural gradients of the private open space areas range from 1 in 5 to 1 in 7. This is not considered to unreasonably detract from the capability of the areas to the provide for outdoor recreation.
- 17.3..4. Thus, the application satisfies the Performance Criteria.

## **18. Discussion**

### 18.1. Referrals

#### TasWater

TasWater have imposed the attached conditions that must be included in any permit granted.

#### Council's Senior Technical Officer

The application is for the development of a lot that was approved under a previous planning scheme. That approval allowed for more relaxed sight distance standard than is currently required. The Australian Standard for off street parking defines a domestic driveway as one servicing 3 or less domestic units. As such it could be argued that the proposal does not result in an intensification in traffic movements from the original subdivision and as such the previously approved sight distances apply.

A road safety review has been undertaken and Council have approved the implementation of traffic control measures including centreline marking, guide posts and concealed entrance signage in the vicinity of the proposed development. Approval has also been granted by the Department of State Growth to reduce the existing 80km/h speed zone along Old Beach Road to 70km/h. These measures will improve traffic safety in the vicinity of the development.

Stormwater in the Tivoli Green subdivision is intended to be managed on site with the implementation of Water Sensitive Urban Design Principles. The developer proposes the use of tanks , with overflow from tanks and driveway runoff being directed to the roadside drain. This is supported in principle however the developer will be required to restrict flow to that of predevelopment or to a quantity that can be accommodated within the drain.

- 18.2. A Driveway Sight Distances report prepared by traffic engineer Milan Prodanovic was submitted by the applicant post-advertising concluding that the sight distances met the required Parking and Access Code

acceptable solution E6.7.2 A1 (compliance with Australian Standard AS 2890.1).

Erring on the side of caution, and regarding concern from several Old Beach Road residents regarding safety, Council sought approval from the Department of State Growth to reduce the speed limit of Old Beach Road from 80km/h to 70km/h in late 2017.

Approval was received by the Department of State Growth for this speed limit reduction on 5<sup>th</sup> March 2018, and it is understood signs will be changed within the short term. Notwithstanding this, a permit condition is recommended below that the use not commence prior to the reduction of the speed limit.

**Concerns raised by representors**

18.3. The following table outlines the issues raised by the representor.

Issue	Response
Multiple dwellings are out of character for the area	A site area of 879.67m <sup>2</sup> per dwelling is proposed. As this meets the applicable General Residential Zone acceptable solution for 'Residential density for multiple dwellings' of 'not less than 325m <sup>2</sup> ' (10.4.1 A1), there is no ability to assess multiple-dwelling compatibility with the surrounding area further.
Vehicle access is unsafe at the current speed limit	Considered and addressed in section 8.2 above.
Stormwater discharge onto Old Beach Road infrastructure is undesirable	A proposed stormwater management concept plan was submitted with the application. A condition requiring that stormwater runoff be restricted pre-development levels or to a quantity that can be accommodated by the open drain along Old Beach Road is recommended.

**19. Conclusion**

19.1. The proposed use and development of three (3) multiple-dwellings in the General Residential Zone at 109 Old Beach Road, Old Beach, satisfies the relevant provisions of the Brighton Interim Planning Scheme 2015, and as such is recommended for conditional approval.

## **RECOMMENDATION**

That: A. Pursuant to the Brighton Interim Planning Scheme 2015, Council approve application DA 2007/00182 for three (3) multiple-dwellings in the General Residential Zone at 109 Old Beach Road, Old Beach, for the reasons outlined in the officer's report, and a permit containing the following conditions be issued:

### ***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*.

### ***Amenity***

- (3) 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.
- (4) The waste and recycling bin storage areas must be formed to the satisfaction of Council's Manager Development Services prior to occupancy commencing.
- (5) Private open space areas must be formed to the satisfaction of Council's Manager Development Services prior to occupancy commencing.

### ***Landscaping***

- (6) An amended landscape plan must be submitted to and approved by Council's Manager Development Services in conjunction with a Building Permit application. The amended landscape plan must show the plants species and shall form part of the permit when approved.
- (7) The landscaping works must be completed in accordance with the endorsed landscape plan and to the satisfaction of Council's Manager Development Services prior to occupancy commencing. All landscaping must continue to be maintained to the satisfaction of Council.

*Services*

- (8) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred because of the development. Any work required is to be specified or undertaken by the authority concerned.
- (9) Any 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.

*TasWater*

- (10) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, date 29/08/2017 TWDA 2017/01363-BTN.

*Parking and Access*

- (11) At least seven (7) car parking spaces must be provided on the land at all times for the use of the development, one (1) of which reserved 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.
- (12) The use is not to commence until the Old Beach Road speed limit, in the vicinity of the development, is reduced to 70km/h, maximum.
- (13) Clear access sight lines meeting AS2890.1 Figure 3.2 are to be maintained at all times.
- (14) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with 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, and must include all the following:
  - (a) Constructed with a durable all-weather pavement.
  - (b) Drained to an approved stormwater system.
  - (c) Surfaced with a material to resist abrasion from traffic and to minimise the entry of water. The surfacing material must be concrete, pavers or other material approved by Council's Municipal Engineer.
  - (d) Vehicular passing areas. Vehicular passing areas must be a minimum of 6m long, 5.5m wide and taper to the width of the driveway. Passing areas must be provided at intervals of no more than 30m along the access, with the first passing area constructed at the road kerb.

- (e) On site turning.
  - (f) Line-marking or some other means to show the parking spaces to the satisfaction of Council's Municipal Engineer; &
  - (g) Signs not exceeding 0.3 square metres to direct drivers to the area set aside for visitor parking.
- (15) Parking and vehicle circulation roadways and pedestrian paths must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting, or as otherwise approved by Council's General Manager. Lighting must be baffled to ensure they do not cause emission of light into adjoining private land.
- (16) 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 gradients,
  - drainage,
  - turning paths
  - dimensions,
  - line marking,
  - signage,
  - pedestrian access,
- and shall form part of the permit when approved.
- (17) 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.
- (18) 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.

***Stormwater***

- (19) The Developer is to incorporate Water Sensitive Urban Design Principles into the development for the treatment and disposal of stormwater. These Principles will be in accordance with the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's Municipal Engineer.
- (20) 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 2016.
- (21) The stormwater system must be designed such that stormwater runoff from the developed site will be no greater than pre-existing runoff for a 20 year ARI or any increase can be accommodated within the open drain in Old Beach Road.
- (22) An amended stormwater drainage 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.
- (23) The driveway must be drained to minimise surface runoff over the footpath or to the adjoining road in accordance with the requirements of the Municipal Engineer and a Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.

***Access to Public Road***

- (24) 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.

***Soil and Water Management***

- (25) 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 General Manager before development of the land commences. The SWMP shall form part of this permit when approved.

- (26) 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 General Manager. Construction amenity.

***Construction Management***

- (27) 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.
- (28) 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:
- (e) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - (f) The transportation of materials, goods and commodities to and from the land.
  - (g) Obstruction of any public footway or highway.
  - (h) Appearance of any building, works or materials.
- (29) 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.
- (30) 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.
- (31) 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. Separate planning approval is required for the strata division of the land. There are also separate requirements under the *Strata Titles Act 1998* that must be considered.
- 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.**

**DECISION**

*Cr Higgins moved, Cr Geard seconded that the recommendation be adopted.*

**CARRIED**

**VOTING RECORD**

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Higgins	
Cr Jeffries	
Cr Owen	

The meeting closed at 5.55pm

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

Date: \_\_\_\_\_  
20<sup>th</sup> March 2018