



Brighton Council

**MINUTES OF A SPECIAL COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 5.30 P.M. ON MONDAY,
30th APRIL 2018**

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

IN ATTENDANCE: Mr R Sanderson (General Manager); Mr G Davoren (Deputy General Manager); Mr J Dryburgh (Manager Development Services) and Mr D Allingham (Senior Planner)

1. APPLICATIONS FOR LEAVE OF ABSENCE:

All members were present.

2. PUBLIC QUESTION TIME AND DEPUTATIONS:

There was no requirement for public 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.

Councillors resolved that the Special Council meeting be adjourned to act as a Planning Authority.

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 10 on this agenda, inclusive of any supplementary items.

4.1 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 – DA2018/00063 – 40 BRIGHTON ROAD, 15 DYLAN ST, PUBLIC OPEN SPACE LOT (CT139691/2), BRIGHTON RD ROAD RESERVE, MIDLAND HWY ROAD RESERVE (CT139691/4 & CT105503/1), BRIGHTON – HIGHWAY SERVICES CENTRE (VEHICLE FUEL SALES & SERVICE, FOOD SERVICES, PARKING & ACCESS, SIGNAGE AND SEWER PUMP STATION) & 2 LOT SUBDIVISION (PLUS ROAD LOT):

Type of Report	Planning Authority - For Decision
Application No:	DA2018/00063
Address:	40 Brighton Road, Brighton 15 Dylan St, Brighton Public Open Space Lot (Ct139691/2), Brighton Brighton Road Road Reserve, Brighton Midland Hwy Road Reserve, Brighton
Applicant:	Retail Fuel Developments Pty Ltd
Proposal:	Highway Services Centre (Vehicle Fuel Sales & Service, Food Services, Parking & Access, Signage and Sewer Pump Station 2 Lot Subdivision (Plus Road Lot)
Zone:	Rural Resource with Brighton Highway Service Precinct Specific Area Plan (SAP)
Representations:	One
Discretion:	<ol style="list-style-type: none"> 1. Hours of Operation 2. Noise emissions at boundary 3. Hours of Commercial Vehicle Movements 4. Expanse of blank wall facing public area 5. Setback to bowsers and fuel tanks

6. Passive Surveillance
 7. Openings within 50m of residential zone
 8. Subdivision
 9. Creation of new road
 10. 50m setback to Category 1 Road
 11. New junction in area exceeding speed limit of 60km/h
 12. Variation to car park requirement
 13. Number of accesses
 14. Bridgewater Quarry overlay
 15. Discretionary signs
 16. Number of signs
- Author: Senior Planner (David Allingham)

1. Executive Summary

- 1.1. Planning approval is sought for a Highway Services Centre (HSC) with Vehicle Fuel Sales & Service, Food Services uses and 2 lot subdivision in the Rural Resource Zone and covered by the Highway Services Precinct SAP at 40 Brighton Road, Brighton. The application includes an on and off ramp on the Midland Highway and new junction on Brighton Road. A sewerage pump station (SPS) is proposed on Council's public open space lot which is proposed to be accessed via right of way (ROW) over 15 Dylan Road. The subdivision will create a lot for the HSC, a balance lot for future commercial development and a road lot which will link Brighton Road and the Midland Highway.
- 1.2. The application is discretionary due to the reliance on the performance criteria for various standards. The two food services outlets and vehicle fuel sales and service uses are permitted.
- 1.3. The application is also considered to be a Level 2 Activity under the Environmental Management and Pollution Control Act 1994 (EMPCA) due to earthworks extracting greater than 5,000m³ per year. However, the Environmental Protection Authority (EPA) Board has decided an assessment under EMPCA is not necessary.
- 1.4. One representations was received. It is considered that the issues raised in the representations do not warrant modification of the proposal.
- 1.5. The key planning issues relate to noise, traffic, parking and signage.
- 1.6. The proposal is recommended for approval subject to various non-standard conditions relating to the above key planning issues and servicing of the site.
- 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 DA2018/00063.
- 2.2. This determination must be made no later than 8 May 2018.
- 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 2005.
- 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. Council are contributing to the construction of the SPS with the strategic intention that it will have the capacity to service land to the south of Brighton that has been identified for future in-fill residential development in the Brighton Structure Plan 2012. Council intend to recoup the contribution through the subdivision of this land. The land needs to be rezoned to facilitate in-fill development and there is a risk that a rezoning may not be approved or that land owners may not develop the land for some time.
- 3.2. The subdivision proposal includes a new link road between the Midland Highway and Brighton Road which will become a Council maintained road. There is a risk that this will become the preferred through road to Brighton and may create increased wait times at the new Brighton Road

junction and reduce the usage of the existing Brighton exit which is a superior exit ramp.

4. Relevant Background and Past Applications

4.1. 40 Brighton Road, Brighton was identified as a suitable location for a Highway Services Precinct in the Brighton Structure Plan 2012 and reinforced by the Brighton Local Area Plan 2012. A Brighton Highway Service Precinct SAP was inserted for the Brighton Interim Planning Scheme 2015. Despite the number of discretions triggered by this development proposal, the uses are permitted in accordance with the intent of the SAP.

4.2. An almost identical application was submitted and advertised in 2017 (DA2017/00189). During the public notification period a representation was received querying why the proposal had not been referred to the EPA as a Level 2 Activity given it was proposed to extract greater than 5,000m³ per annum for the roadworks. Previously it was understood that the need to refer applications with extraction rates above this level related directly to extractive industries such as quarries. However, a recent Supreme Court decision made it clear that any activity with an extraction rate above this level should be referred to the EPA. Subsequently, application DA2017/00189 was withdrawn and this application was resubmitted with no significant changes other than the addition of an Environmental Effects Report. This application was referred to the EPA and the Board decided that an assessment under EMPCA is not required for the following reason:

The Board has formed its opinion on the basis that the proposed activity, that is, earthworks extracting greater than 5,000m³ per year for the construction of roadworks and a retail fuel development, has a low likelihood of causing serious or material environmental harm or environmental nuisance. This opinion was formed in consideration of the limited duration of the activity, that it does not involve blasting, and that works will be undertaken during normal working hours.

5. Site Detail

5.1. The proposed service centre will be located at 40 Brighton Road, Brighton. The site is 5.587ha and is vacant. The site is covered by undulating grasslands. The Midlands Highway runs adjacent to the eastern boundary and Brighton Road runs adjacent to the western boundary. Both of these road reserves form part of the application due to proposed roadworks. Both Council and the Department of State Growth (DSG) have provided consent as the relevant road authority.

Council's public open space (POS) lot to the rear of Melinda Ct also forms part of the application for the construction of the SPS. The POS lot is accessed via ROW over 9 Melinda Ct. However, an alternative access arrangement is proposed over 15 Dylan St, and this land also forms part of the application.

- 5.2. 40 Brighton Rd is bounded to the north by Rural Living zoned lots off Dylan St. The three adjoining lots to the north are currently vacant. Dylan Street is identified as a future residential infill opportunity.

To the west of the development there is a cluster of smaller titles along Brighton Rd that fall within the Rural Resource Zone. There are a variety of uses on these lots, including residential, storage and vacant rural transport depot.

- 5.3. The site does not have an existing access nor does it have connections to reticulated sewer and water.
- 5.4. The site is zoned Rural Resource and is covered by the Highway Services Precinct SAP. The land is also subject to the Attenuation Areas for both the Boral Quarry and Industrial Precinct. A small part of the site is subject to the Waterway Protection Overlay.
- 5.5. A Part 5 Agreement exists on the property title between the Crown, Brighton Council and the owners of lots 1, 2 and 3 on Sealed Plan 139691 that no direct access shall be permitted onto the bypass of the Midland Highway.

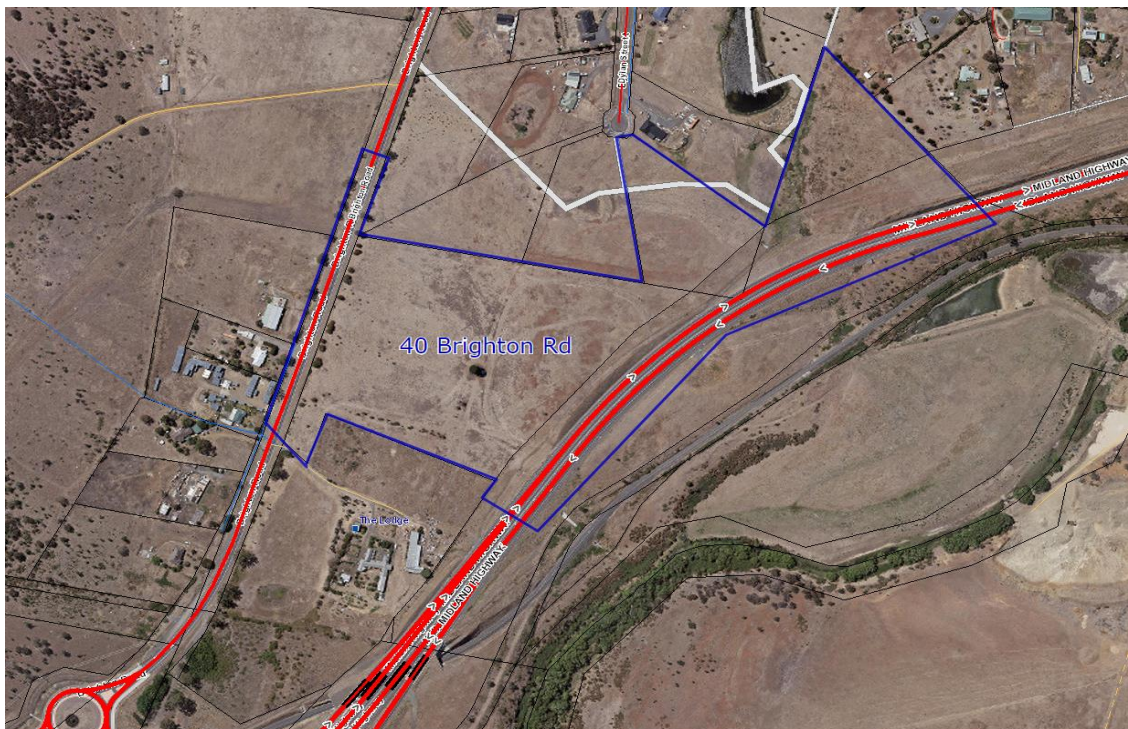


Figure 1 - Aerial image of development area

- 6.2. The proposal includes 80 car parking spaces, 10 bicycle spaces, 4 truck parking spaces, 3 motorbike spaces and 2 caravan spaces.
- 6.3. The proposal includes new entry and exit ramps to join the Midland Highway to the east and a proposed T-junction on Brighton Road to the west. A roundabout is proposed in the centre of the new road.
- 6.4. The proposal incorporates a wider 3 lot subdivision development for 40 Brighton Road. The subdivision includes:
 - Lot 1 – 2.2ha – proposed HSC site
 - Lot 2 – 2.4ha – vacant site.
 - Lot 3 – 1ha – new connector road between Brighton Rd and Midland Highway.

A ROW over lot 1 in favour of Lot 2 is proposed from the southern spur of the roundabout
- 6.5. The signage scheme is shown on drawing TP05 & 06 and includes:
 - Internal directional signage;
 - A 10m blade/pylon illuminated sign adjacent to the Brighton Road frontage; and
 - A 12m blade/pylon illuminated sign adjacent to the Midland Highway frontage.
 - Various building signage
- 6.6. The development is not currently serviced by TasWater Water and Sewer Network. The sewer is down slope from their infrastructure, so it is necessary to construct a SPS. The SPS is proposed to be located on Council's POS lot to the north of the HSC. The SPS will be developed with additional capacity for other developments. A new rising main will be constructed in the Midland Highway Road Reserve. A new easement in favour of TasWater is proposed over 15 Dylan St.
- 6.7. The application is supported by the attached building design plans, landscape plan, subdivision plan, planning report, traffic impact assessment (TIA), noise assessment, bushfire risk assessment, civil drawings and servicing report.

7. Assessment against planning scheme provisions

- 7.1. The following provisions are relevant to the proposed use and development;

- D26.0 - Rural Resource Zone – Clause 26
- F1.0 - Brighton Highway Services Precinct Specific Area Plan
- E1.0 - Bushfire Prone Area Code
- E6.0 – Parking & Access Code
- E7.0 – Stormwater management Code
- E9.0 – Attenuation Code
- E17.0 – Signs Code

7.2. It should be noted that the standards of the Highway Services Precinct SAP override the standards of the standards of the Rural Resource Zone in accordance with clause 7.4.2 of the Scheme:

Where there is a conflict between a provision in a specific area plan and a provision in a zone or a code, the specific area plan provision prevails.

7.3. The HSC will have a service station, drive through take-away premises that share a communal dining area with second café tenancy. The proposed uses under the Scheme are “vehicle fuel sales and service” and “Food Services” which are Permitted uses within the SAP Use Table.

7.4. The development relies on assessment against a number of Performance Criteria (PC) (listed on the front page of the report) and each is discussed in detail below:

7.4..1. Discretion 1 – Hours of Operation (F1.4.1 P1)

7.4..1.1. The AS for this clause requires hours of operation to be within the below timeframes for a use within 50m of a residential zone:

(a) 7.00 am to 9.00 pm Mondays to Saturdays inclusive;

(b) 8.00 am to 6.00 pm Sundays and Public Holidays.

except for office and administrative tasks.

7.4..1.2. The proposed use will operate 24 hours 7 days a week and adjoins the Rural Living Zone and must be assessed against the following PC:

Hours of operation of a use within 50 m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.

7.4..1.3. The proposal is supported by a Noise Impact Assessment which demonstrates that noise from commercial vehicles will not be unreasonable.

7.4..1.4. The proposal satisfies the PC.

7.4..2. Discretion 2 – Noise (F1.4.2 P1)

7.4..2.1. The AS for this clause requires the following:

Noise emissions measured at the boundary of a residential zone must not exceed the following:

- (a) 55dB(A) (LAeq) between the hours of 7.00 am to 7.00 pm;
- (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00 pm to 7.00 am;
- (c) 65dB(A) (LAm_{ax}) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

Noise levels are to be averaged over a 15 minute time interval.

7.4..2.2. The Noise Impact Assessment (NIA) finds that heavy vehicle movements using the access will occasionally exceed the maximum 65dB(A) at the boundary with the RLZ and therefore must be assessed under the following PC:

Noise emissions measured at the boundary of a residential zone must not cause environmental harm within the residential zone.

7.4..2.3. In the assessment against the PC, the NIA interprets “environmental harm” to mean environmental nuisance, which is defined in EMPCA to be an emission that unreasonably interferes with a person’s enjoyment of the environment. The assessment considered the existing noise environment against the expected noise environment from traffic generated from the proposal.

7.4..2.4. The biggest impact would be along the northern boundary adjoining the RLZ zone. The existing noise environment was measured to average 14 sleep disturbance events per night. The predicted traffic generation is 320 vehicles per night and it is assumed that 12% of these are heavy vehicles, which would result in potentially an additional 38 heavy vehicle movements that could create sleep disturbance events.

7.4..2.5. The NIA concluded that doubling the number of waking events may not mean that sleepers would be woken up twice as frequently. Hypothetically, people would become accustomed to the noise and already live in an area where there are a high frequency of waking events.

7.4..2.6. In addition to these findings, it is proposed to provide a 1.8m high acoustic fence (colorbond steel) to mitigate waking events created by the development. The NIA concludes that the fence will reduce noise emissions by 2 and 8 dB(A).

7.4..2.7. The proposal satisfies the PC.

7.4..3. Discretion 3 – Hours of Commercial Vehicle Movements (F1.4.4)

7.4..3.1. The AS of this clause requires:

Commercial vehicle movements, (including load & unloading and garbage removal) to or from a site within 50 m of a residential zone must be within the hours of:

- (a) 7.00 am to 7.00 pm Mondays to Fridays inclusive;
- (b) 8.00 am to 6.00 pm Saturdays;
- (c) 9.00 am to 5.00 pm Sundays and Public Holidays.

The proposal will involve medium and heavy movements outside the hours required by the AS and must be assessed against the PC as follows:

Commercial vehicle movements, (including load & unloading and garbage removal) to or from a site within 50 m of a residential zone must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:

- (a) the time and duration of commercial vehicle movements;
- (b) the number and frequency of commercial vehicle movements;

- (c) the size of commercial vehicles involved;
- (d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);
- (e) noise reducing structures between vehicle movement areas and dwellings;
- (f) the level of traffic on the road;
- (g) the potential for conflicts with other traffic.

7.4..3.2. The proposal is supported by a Traffic Impact Assessment and the NIA discussed above. The TIA considers both the layout of the site and the impact of traffic generation on the surrounding road network. The TIA demonstrates that commercial vehicle movements will be inconsequential when considered against the overall traffic generation of the development.

7.4..3.3. An on-site loading bay is provided for heavy rigid vehicles and turning movements are shown to be safely accommodated.

7.4..3.4. Noise impacts area addressed in the section above.

7.4..3.5. The proposal satisfies the PC.

7.4.4. Discretion 4 – Design – blank walls (F1.5.3)

7.4..4.1. The AS of this clause requires building design to address the street by complying with, among other things, the following:

.....

(c) ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces does not exceed 20 m2;

.....

7.4..4.2. The proposed eastern elevation facing the Midland Highway exceeds a 20m2 single expanse of the blank wall and must be assessed against the below relevant PC:

Building design must enhance the streetscape by satisfying all of the following:

(a) provide main accesses to buildings in a way that addresses the street or internal areas of pedestrian and vehicular movement;

(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;

(c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;

7.4..4.3. The eastern elevation will face the Midland Highway, but has varying shades of concrete panels to break up the expanses of blank wall. Additionally, the truck parking and drive thru lanes will be between the wall and the Midland Highway. The treatment is considered appropriate.

7.4..4.4. The proposal satisfies the PC.

7.4..5. Discretion 5 – Setback to bowsers and fuel tanks (F1.5.8)

7.4..5.1. The AS of this clause requires: Bowsers and fuel tanks and any vehicular access associated with such infrastructure must be separated from land in a residential zone by no less than 50 m.

7.4..5.2. The bowsers are setback 43.6m from the residential zone and therefore must be assessed under the following PC:

Bowsers and fuel tanks and any vehicular access associated with such infrastructure must not have an unreasonable impact on residential amenity of adjoining land.

7.4..5.3. The bowsers and vehicular access will be screened by proposed vegetation (shown on the landscape plan to be 1.5m high at time of planting), fencing and battered earth wall and will not have an unreasonable impact on residential amenity.

7.4..5.4. The proposal satisfies the PC.

7.4..6. Discretion 6 – Passive surveillance (F1.5.4 P1)

7.4..6.1. The AS of this clause requires the following:

Building design must comply with all of the following:

- (a) provide the main entrance or entrances to a building so that they are clearly visible from the street and well lit at night;
- (b) provide windows with clear glazing no less than the following:
 - (i) 40% of the facade of walls that front a street;

- (ii) 30% of the facade of walls that face public space or a car park for the building;
- (c) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;
- (d) provide external lighting to illuminate car parking areas and pathways;
- (e) provide well-lit public access at the ground floor level from any external car park.

7.4..6.2. Car parks surround the development and the east and south elevations do not provide sufficient clear glazing for the proposal to satisfy (b)(ii) above. Therefore, the proposal must be assessed against the following PC:

Building design must provide for passive surveillance of public spaces by satisfying all of the following:

- (a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;
- (b) locate windows to adequately overlook the street and adjoining public spaces;
- (c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;
- (d) locate external lighting to illuminate any entrapment spaces around the building site;
- (e) provide external lighting to illuminate car parking areas and pathways;
- (f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces;
- (g) provide for sight lines to other buildings and public spaces.

7.4..6.3. The proposal provides for large areas of glazing on two elevations and surveillance from drive through windows on the other two elevations. The external and car parking areas around the building will be well lit with security lighting. Public access to the food services and service station will have clear sight lines.

7.4..6.4. The proposal satisfies the PC.

7.4..7. Discretion 7 – Opening within 50m of residential zone (F1.5.3 P2)

7.4..7.1. The AS of this clause requires walls of a building must not have openings facing a residential zone within 50m of a residential zone.

7.4..7.2. The proposal has openings approximately 49m from the residential zone boundary and must be assessed against the following PC:

Walls of a building on land adjoining a residential zone must comply with all of the following:

- (a) be coloured in muted tones;
- (b) if within 50 m of a residential zone, any openings in walls facing the residential zone must be accompanied by effective acoustic screening in the intervening space.

7.4..7.3. The proposal has muted tones and will be screened by vegetation, a battered wall and 1.8m high colorbond fencing as outlined in the NIA.

7.4..7.4. The proposal satisfies the PC.

7.4..8. Discretion 8 – Subdivision (F1.6.1 P1)

7.4..8.1. There is no AS for this clause and the proposal must be assessed against the following PC:

The size of each lot must be sufficient to accommodate development consistent with the Specific Area Plan Purpose.

7.4..8.2. The proposed two lot subdivision provide for fuel and food services and a vacant lot large enough to accommodate showrooms that primarily sell bulky goods and require large display spaces in accordance with the below SAP purpose:

F1.1.3 - To provide for fuel and food services for motorists traveling the Midland highway.

F1.1.2 - To provide a location in Brighton for showrooms that primarily sell bulky goods and require large display areas.

F1.1.3 - To provide for use and development that is appropriate for, or requires, a location adjacent the Midland Highway.

7.4..8.3. The proposal satisfies the PC.

7.4..9. Discretion 9 – New Roads (F1.6.1 P4)

7.4..9.1. There is no AS for this clause and the proposal must be assessed against the following PC:

The arrangement of roads within a subdivision must satisfy all of the following:

- (a) *the subdivision is consistent with the Specific Area Plan Purpose;*
- (b) *accords with any relevant road network plan adopted by the Planning Authority;*
- (c) *does not inhibit the subdivision potential of adjoining land;*
- (d) *provides for acceptable levels of access, safety, convenience and legibility through a road function hierarchy;*
- (e) *provides a single point of entry and exit for all land within the Specific Area Plan to both Brighton Road and Midland Highway.*

7.4..9.2. The proposed subdivision is consistent with the SAP Purpose and provides a single point of entry to both Brighton Road and the Midland Hwy. The central roundabout facilitates future residential development of the adjoining land and the vacant lot.

7.4..9.3. The proposal satisfies the PC.

7.4..10. Discretion 10 – Setback to Category 1 Road (E5.6.1 P1)

7.4..10.1. The AS of this clause requires new buildings to be located at least 50m from a Category 1 or 2 road. The Midland Hwy is a Category 1 road and the fuel canopy is within 50m, therefore the application must be assessed against the following PC:

The location of development, from the rail network, or a category 1 road or category 2 road in an area subject to a speed limit of more than 60km/h, must be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:

- (a) the proposed setback;
- (b) the existing setback of buildings on the site;
- (c) the frequency of use of the rail network;

- (d) the speed limit and traffic volume of the road;
 - (e) any noise, vibration, light and air emissions from the rail network or road;
 - (f) the nature of the road;
 - (g) the nature of the development;
 - (h) the need for the development;
 - (i) any traffic impact assessment;
 - (j) any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and
 - (k) any written advice received from the rail or road authority.
- 7.4..10.2. The proposal is supported by a letter from the Department of State Growth (DSG) as the road authority which confirms DSG supports the proposal in this format.
- 7.4..10.3. The proposal is supported by a TIA which confirms the proposal will not compromise the safety and efficiency of the Midland Highway.
- 7.4..10.4. The part of the development that is within 50m of the Highway will be sited well above the road alignment and is well setback from the carriageway so as to not impact safety or sight lines.
- 7.4..10.5. The proposal satisfies the PC.
- 7.4..11. Discretion 11 - New access (E5.6.2 P1)
- 7.4..11.1. The AS of this clause requires no new access to be created to roads in areas subject to speed limits greater than 60 km/h.
 - 7.4..11.2. The proposal created two significant on and off ramps to the Midland Highway in an area with a speed limit of 110km/h and a new access from Brighton Rd in an area with a speed limit of 70km/h. The proposal must be assessed under the following PC:

For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- (a) the nature and frequency of the traffic generated by the use;
- (b) the nature of the road;
- (c) the speed limit and traffic flow of the road;
- (d) any alternative access;
- (e) the need for the access or junction;
- (f) any traffic impact assessment; and
- (g) any written advice received from the road authority.

The development is supported by a Traffic Impact Assessment.

7.4..11.3. The proposal is supported by the state road authority (DSG) subject to conditions. The development is supported by a Traffic Impact Assessment including a weaving analysis for the overlapping (existing) highway on ramp and proposed highway off ramp.

7.4..11.4. Permit to include advice that according to TIA proposed T-junction to Brighton Road will operate with some delays and development of remaining lot will require an updated TIA and possible upgrade of intersection.

7.4..11.5. Brighton Road/connector road to include splitter island for safety.

7.4..11.6. The proposal satisfies the PC.

7.4..12. Car parking requirement (E6.6.1 P1)

7.4..12.1. The AS of this clause requires the number of on-site car parking space to be as follows:

Land Use	Planning Scheme requirement	Area	Parking requirement
Fuel shop (Vehicle fuel sales and service)	1 space per 20m ² floor area of convenience store	300m ²	15
Tenancy 1 (Take away shop)	15 spaces for each 100m ² of floor area	200m ²	30
Tenancy 2 (take away shop)	15 spaces for each 100m ² of floor area	100m ²	15
Shared Area (take away shop use)	15 spaces for each 100m ² of floor area	170m ²	26
Total			86

7.4..12.2. The proposal provides for 80 parking spaces, including four truck spaces, 2 caravan spaces and three DDA spaces. The proposal falls short of the AS by 6 spaces and therefore must be assessed under the following PC:

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand;
- (b) the availability of on-street and public car parking in the locality;
- (c) the availability and frequency of public transport within a 400m walking distance of the site;
- (d) the availability and likely use of other modes of transport;
- (e) the availability and suitability of alternative arrangements for car parking provision;
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;

- (g) any car parking deficiency or surplus associated with the existing use of the land;
- (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;
- (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;
- (j) any verified prior payment of a financial contribution in lieu of parking for the land;
- (k) any relevant parking plan for the area adopted by Council;
- (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;

7.4..12.3. The TIA calculates the parking requirement in the Planning Scheme as 79 spaces because it calculates the Gross Floor Area of the shared dining area as 117m² as opposed to 170m² as shown in the supporting Planning Report. However, there is no justification for this difference. The TIA therefore does not provide justification for the shortfall in parking spaces.

7.4..12.4. There is no alternative on-street parking or public transport serving the site, however it is likely that users of the car park may visit for multiple uses (e.g. convenience store and take-away) which allows for some reduction in the required parking spaces

7.4..12.5. The application satisfies the PC.

7.4..13. Discretion 13 – Number of accesses (E6.7.1 P1)

7.4..13.1. The AS of this clause allows only 1 vehicle access per frontage.

7.4..13.2. The proposal is for two new accesses to the link road between Brighton Road and the Midland Highway and must be assessed under the following PC:

The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:

- (a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;
- (b) whether the additional access points can be provided without compromising any of the following:
 - (i) pedestrian safety, amenity and convenience;
 - (ii) traffic safety;
 - (iii) residential amenity on adjoining land;
 - (iv) streetscape;
 - (v) cultural heritage values if the site is subject to the Local Historic Heritage Code;
 - (vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.

7.4..13.3. The two new access locations are assessed in the TIA as being appropriate for truck and car movements. The link road has not been designed for on-street parking. One of the accesses is highly controlled through the installation of a roundabout.

7.4..13.4. The proposal satisfies the PC.

7.4..14. Discretion 14 – Development within Bridgewater Quarry Overlay (E9.7.3 P1)

7.4..14.1. This clause has no AS, so the proposal must be assessed against the following PC:

Development, including subdivision, must not result in potential to be impacted by quarry operations having regard to all of the following:

- (a) the nature of the quarry; including:
 - (i) operational characteristics;
 - (ii) scale and intensity;
 - (iii) degree of hazard or pollution that may be emitted from the activity;
- (b) the degree of encroachment or development or use into the Bridgewater Quarry Attenuation Area;

(c) measures in the design, layout and construction of the development or use to eliminated, mitigate or manage effects of the quarry.

7.4..14.2. The application was referred to the Bridgewater Quarry operators as required by clause E9.5.2. The operators have responded that the development will have no impact on their operations.

7.4..14.3. The proposal satisfies the PC.

7.4..15. Discretion 15 – Discretionary signs (E17.7.1 P1)

7.4..15.1. The proposed signs are classified as follows:

- 2 x pylon signs (illuminated)
- 4 x awning fascia signs (on fuel canopies) (illuminated)
- 6 x wall signs (on external façade of building) (4 x illuminated)

7.4..15.2. The AS of this clause requires signs to copy with the dimensions listed below:

Sign Type	Sign Standards
Awning Fascia Sign	(a) Projects no more than 40mm in profile from the surface to which they are attached and are no less than 300mm from the kerb alignment; (b) Does not extend above, below or beyond the awning; (c) Height of lettering or other graphics is no more than 450mm.
Pylon Sign	(a) Height to the highest point of the sign above ground no more than 5000mm; (b) Clearance from ground to sign no less than 2400mm; (c) Projects no more than 1200mm beyond the boundary with the footpath or road reservation.

	(d) Area of each face no more than 2m ² .
Wal sign	(a) Message on the front face only; (b) Projection from the face of the wall or fence no more than 450mm; (c) Does not extend laterally beyond the wall or above the top of the wall to which it is attached; (d) Area of sign no more than 2m ² .

7.4.15.3. A number of the signs fail to meet the above standards and therefore the signage must be assessed against the following PC:

A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:

- (a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;
- (b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;
- (c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;
- (d) not result in loss of amenity to neighbouring properties;
- (e) not involve the repetition of messages or information on the same street frontage;
- (f) not contribute to or exacerbate visual clutter;
- (g) not cause a safety hazard.

7.4.15.4. Other than the two pylon signs, the signage scheme is located on the external building façade and will be integrated into the design of the development and will be well setback from adjoining residential properties and will not impact the streetscape.

7.4..15.5. The two pylon signs are typical of a development of this type and are large in size (12m on Midland Hwy and 10m on Brighton Rd) and illuminated all night. The key concern is the amenity to neighbouring properties, particularly in relation to light spill. However, the proposal satisfies clause E16.7.1 A4 that requires illuminated signs not to be located within 30m of residential use.

7.4..15.6. The proposal satisfies the PC.

7.4..16. Discretion 16 – Number of signs

7.4..16.1. The AS of this clause requires the following:

The number of signs per business per street frontage must comply with all of the following:

- (a) maximum of 1 of each sign type;
- (b) maximum of 1 window sign per window;
- (c) if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3;
- (d) if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6.

7.4..16.2. The western and northern elevation both have three wall signs and do not meet (a) above. Therefore the proposal must be assessed under the following PC:

The number of signs per business per street frontage must:

- (a) minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;
- (b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;
- (c) not involve the repetition of messages or information.

7.4..16.3. Given there are multiple tenancies within the development, it is appropriate that they each have external signage and there will not be repetition of messages. The wall signage is well spaces and not imposing on the streetscape.

7.4..16.4. The proposal satisfies the PC.

8. Discussion

8.1. Referrals

8.1.1. TasWater

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

8.1.2. Department of State Growth

Obtaining support from DSG for the new on and off ramp was clearly one of the projects biggest hurdles. DSG has provided their consent and provided the following statement:

The Department of State Growth (the Department) has assessed the analysis of the traffic impact of the access design undertaken by Pitt & Sherry on your behalf and agrees the proposal meets relevant national technical standards. On the basis of the plans presented to us, and subject to previous conditions specified by the Department (refer attached correspondence), the Department provides land owner consent for a Development Application for the proposed Brighton Fuel and Truck Stop to be submitted to Brighton Council. If the design and relevant assumptions do not change the Department will not need to make a representation to Council.

It is understood that DSG will manage the construction of the new on and off ramps through their own separate permit processes. It is recommended that a condition is included in Council's permit that requires the developer to get a permit from DSG.

8.1.3. Council's Technical Officer

The development proposes the following parking spaces,

- 70 x light vehicle spaces
- 3 x disabled spaces
- 3 x motorbike spaces
- 2 x caravan spaces (within connector road corridor)
- 4 x truck spaces

Access is proposed via new off and on ramps to the Midland Highway and a new T-junction to Brighton Road with a two way (council owned) connector road in between. Initially the application proposed a roundabout at Brighton Road.

A roundabout is proposed in the middle of the connector road with a private southern leg on the service centre land that provides access to the proposed 'bulky goods' site (lot 2) via a right of way.

The service centre is proposed to have an all movement access at the eastern end of the connector road and an all movement light vehicle access and heavy vehicle exit only to the private road.

The existing on ramp to the Midland Highway and proposed off ramp to the service centre overlap. It is understood DSG had concerns with this. The TIA undertook a weaving analysis. The Department of State Growth has since issued approval of the development subject to a works application to work in the State Road.

The TIA has identified that the proposed T-junction will not meet acceptable performance levels if 10% of existing Brighton traffic re-routed from the existing off ramp to the new road. Pitt & Sherry justified the T-junction by saying traffic will then not re-route and traffic generation rates for the development are conservative (high). If the traffic generation of the bulky goods site (Lot 2) is removed it is more likely the performance of this intersection will be within acceptable performance levels.

A T-junction has the benefit of maintaining priority of Brighton Road (as opposed to a roundabout) making the new 'rat run' less attractive and reducing the weaving on the Midland Highway. The TIA has however shown that the right turn out of Brighton Road will experience some delays. Based on this information it is possible development of the remaining Lot 2 may require an upgrade of this intersection depending on the results of an updated TIA. It is considered wise for conditions to include dedication of land to allow a future roundabout at this location.

Due to the delays for vehicles existing the connector Road, Council staff requested Pitt & Sherry undertake a follow up TIA to assess if separate left and right turn lanes exiting the connector road would improve performance levels. This led to a small improvement. Pitt and Sherry did not support due to increased cost for small improvement in performance.

Overall, the TIA supports the development. Council officers have some concern regarding delays for right turners entering Brighton Road and that the eastern access to the connector road is all movement.

A representation was received concerned about increased traffic on Brighton Road and reduced safety for cyclists and safe functioning of the existing highway on ramp.

Brighton Road is the proposed north/south route for cyclists in the region. Infrastructure in the form of separated paths or sealed shoulders have been provided from and through the Brighton Transport Hub and in Brighton township to some extent. It is recommended the new intersection on Brighton Road consider the needs of cyclists in the design.

- 8.2. As noted in section 5.5 above, a Part 5 Agreement exists on the property prohibiting access to the Midland Highway form 40 Brighton Rd. This will need to be amended and/or removed prior to the development commencing. A condition to this effect should be included on any permit.

9. Concerns raised by representors

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

Concerns raised	Response
<p>The proposal does not fit with Council’s vision for business precinct in Brighton.</p> <p>The proposed businesses are already catered for and the proposal could have economic implications for existing business.</p>	<p>The proposed uses are permitted on the site.</p> <p>The proposed uses are expected to serve people travelling on the Midland Highway that would most likely not have travelled through Brighton. There will also be the added benefit of having less heavy vehicles travel through the Brighton township.</p>
<p>The development will increase traffic along Brighton Road, and diminish the usage of a safe bicycle connection.</p> <p>The increase in heavy vehicles will increase the rate of deterioration and frequency of repair to Brighton Road.</p>	<p>A condition requiring the safety and efficiency of the cycle lane to be maintained is recommended as a permit condition.</p> <p>The TIA submits that Brighton Rd can accommodate the additional traffic movements generated from the proposed development. The condition of Brighton Rd will be managed through Council’s Asset Maintenance program.</p>
<p>There is no consideration of impact of future development on vacant commercial lot on residences to the south and west.</p> <p>The 10m high illuminated signage and external lighting would have an impact greater</p>	<p>Future development of the vacant lot will be considered as part of any future application. The Planning Scheme standards are designed to help protect residential amenity.</p> <p>As discussed in section 7.5.15 above, illuminated signs are required to be located 30m from residential use. The proposal satisfies this requirement.</p>

<p>than 50 metres to surrounding residents.</p>	
<p>I feel that this development may pose an environmental risk to the subterranean water springs that has historically existed on the land. With the volume of fuel storage on the site, the potential for contamination to waterways could be significant.</p>	<p>The environmental risk is a valid concern, however the Planning Scheme has no head of power to assess this.</p> <p>Rather, installation of new fuel tanks is regulated by the Environment Protection Authority under the Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2010 and relevant Australian Standards.</p> <p>It is recommended that an advice clause is included on any permit referring to this requirement.</p>
<p>The proposed vacant commercial lot is located closer to the heritage listed property to the south. Any future development of this property would have a significant impact on the historical integrity of this property.</p>	<p>There is no requirement in the Planning Scheme for developments on properties external to Heritage listed properties to consider the impact on the heritage values of that property.</p>
<p>During the Brighton bypass construction a criteria set by Heritage Tasmania was to retain "Rural Vista" to highway views. This application does not adhere to this criteria.</p>	<p>See above.</p> <p>If this criteria was set, it was not translated into the Planning Scheme.</p>
<p>This application hasn't addressed any impact on the Aboriginal Cultural Heritage of the area. Verbal history suggests that this area may have been a significant historical travel route for aboriginal people.</p>	<p>While this is a valid concern, the Planning Scheme does not require any assessment of aboriginal heritage.</p> <p>Rather, this is assessed under the Aboriginal Relics Act 1975 and advice should be included on any permit.</p>

CONCLUSION:

The proposed use and development of Highway Services Centre (vehicle fuel sales & service, food services, parking & access, signage and sewer pump station) & 2 lot subdivision (plus road lot) at 40 Brighton Road, 15 Dylan St, Public Open Space Lot (CT139691/2), Brighton Rd Road Reserve, Midland Hwy Road Reserve (CT139691/4 & CT105503/1), Brighton satisfies the relevant provisions of the Brighton Interim Planning Scheme 2015, and as such is recommended for approval.

RECOMMENDATION:

That pursuant to the Brighton Interim Planning Scheme 2015, Council approve application DA2018/00063 for use and development of Highway Services Centre (vehicle fuel sales & service, food services, parking & access, signage and sewer pump station) & 2 lot subdivision (plus road lot) at 40 Brighton Road, 15 Dylan St, Public Open Space Lot (CT139691/2), Brighton Rd Road Reserve, Midland Hwy Road Reserve (CT139691/4 & CT105503/1), Brighton, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

USE AND DEVELOPMENT CONDITIONS

General

1. The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, which ever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.

Part 5 Agreement(s)

3. Prior to works commencing, the existing Part 5 Agreement on the property title (Dealing Number C493608) must be amended to permit access to the Midland Highway from 40 Brighton Road.
4. An agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be entered into, prior to use of the site, to the effect that:
 - a. the detention/biofiltration basins must be maintained to ensure water quantity and quality is maintained and water is conveyed so as not to create any nuisance to adjacent properties or downstream waterways.
5. Agreement(s) made pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must bind the current owner and his/her successors in title and must be prepared on a blank instrument form and registered with the Recorder of Titles in accordance with Section 78 of the Land Use Planning and Approvals Act 1993 by the applicant at no cost to Council.

Amenity

6. All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of Council's Manager Development Services.

7. The proposed colours and materials for the walls as shown on the Proposed External Elevation Plan – Drawing no. TP05 (Revision C, dated Jan. '17) are approved. Any variation in the colours and materials must be submitted to and approved by the Council's Manager Development Services.

Landscaping

8. The landscaping works, including all road reserves, must be completed in accordance with the endorsed landscape plan (prepared by John Patrick, date: Aug 2017, Drawing No. L-TP01) and to the satisfaction of Council's Manager Development Services prior to the use commencing. All landscaping must continue to be maintained to the satisfaction of Council.
9. In addition to the landscaping approved above, the area between the eastern edge of the parking area and the detention basin must be landscaped with grass or other suitable low maintenance landscape treatment to the satisfaction of Council's 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(s) are to be provided with trafficable covers to the requirements of the relevant authority and Council's Municipal Engineer.

Parking & access

12. Parking and access must be generally in accordance with:
 - a. TRG plans 16462 - TP01D, TP02E and TP03D;
 - b. Brighton Service Centre, Traffic Impact Assessment, 23 January 2018 prepared by Pitt & Sherry;and to the satisfaction of Council's Municipal Engineer.
13. At least eighty (80) parking spaces must be provided on the land at all times, including 71 car spaces, 3 disabled spaces, 2 caravan spaces and 4 truck spaces, in accordance with the approved documents and Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.

14. Unless approved otherwise by Council's Municipal Engineer the internal private driveways 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 / Standards Australia (2002): Australia Standard AS 2890.2 - 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities, Sydney, and include all of the following:
 - a. Surfaced with concrete or asphalt.
 - b. Drained to an approved stormwater system.
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.
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:
 - i. pavement details,
 - ii. design surface levels and gradients,
 - iii. drainage,
 - iv. turning paths,
 - v. dimensions,
 - vi. line marking,
 - vii. signage,
 - viii. pedestrian access,and shall form part of the permit when approved.
17. 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. An amended Stormwater Management Report is to be submitted to Council for approval by Council's Municipal Engineer prior to the commencement of works. Once approved the stormwater management report will form part of the permit. The amended report must be based on the principles outlined in the document Stormwater Management Report, 40 Brighton Road prepared by Pitt & Sherry dated 3 August 2017 Rev01.
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 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 developer must provide a minor stormwater drainage system designed to comply with all of the following:
 - i. be able to accommodate a storm with an ARI of 20 years when the land serviced by the system is fully developed;
 - ii. stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure
23. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.
24. 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 2016.

Hours of operation

25. The use and development is approved to operate 24 hours per day, 7 days per week.

Noise

26. Fencing must be erected along the northern boundary in accordance with Proposed Site Plan 1 (Drawing No. TP02, Rev. E, Date Jan '17) and the Noise Report Addendum (Author: D. Ford (Pitt & Sherry), Date: 19/01/2018) to the satisfaction of Council's Manager Development Services. Prior to erection of the fence, colours and materials must be submitted to and approved by Council's Manager Development Services.

SUBDIVISION CONDITIONS

General

27. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

Amended Plan of Subdivision

28. Prior to the development commencing, an amended Plan of Subdivision must be submitted to Council showing all lots including boundary dimensions, areas and lot numbers, including road, future road, and public open space lots.

Transfer of reserves

29. All roads or footways must be shown as "Road" or "Footway" on the Final Plan of Survey and transferred to the Council by Memorandum of Transfer submitted with the Final Plan of Survey.

Easements

30. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

Final plan

31. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.

32. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Brighton Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's Municipal Engineer in accordance with Council Policy 6.3 following approval of any engineering design drawings and shall not be less than \$5,000.
33. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied.
34. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Engineering

35. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 (attached).
36. Engineering design drawings, to the satisfaction of the Council's Municipal Engineer, must be submitted to and approved by Council before any works associated with development of the land commence.
37. A preliminary concept drawing of all roadworks necessary to provide the level of service and safety required for the development is to be submitted to Council's Municipal Engineer for approval prior to detailed design commencing.
38. Engineering design drawings are to be prepared by a qualified and experienced civil engineer in accordance with the current Austroads design guidelines and the Tasmanian Subdivision Guidelines October 2013.
39. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
40. The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

Services

41. Each lot must be connected to services adequate to support the likely future use and development of the land.
42. Sewer pump station and rising main to be sized to suit proposed development plus an additional 146 lots (or number as agreed by Council's Municipal Engineer) and have capacity to be further upgraded to ultimately service the upstream catchment to the satisfaction of Council's Municipal Engineer and with a financial contribution from council as separately agreed.
43. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.
44. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.

Telecommunications and electrical reticulation

45. Electrical and telecommunications services must be provided underground to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's Municipal Engineer.
46. Street lighting must be provided in accordance with the requirements of the responsible authority and to the satisfaction of Council's Municipal Engineer.
47. Prior to the work being carried out a drawing of the electrical reticulation and street lighting, and telecommunications reticulation in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's Municipal Engineer.
48. Prior to sealing the final plan of survey the developer must submit to Council:
 - a. A "Provisioning of Telecommunications Infrastructure - Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
 - b. A Letter of Release from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network

extension or upgrade costs, other than individual property connections at the time each lot is further developed.

Drainage

49. The developer is to provide a stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's Municipal Engineer.
50. The developer must provide a minor stormwater drainage system designed to comply with all of the following:
 - a. be able to accommodate a storm with an ARI of 20 years when the land serviced by the system is fully developed;
 - b. stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
51. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.
52. Water Sensitive Urban Design Principles must be incorporated into the development. 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 Manager Development Services.
53. Unless approved otherwise by Council's Municipal Engineer Stormwater treatment and detention is to be provided separately for Lots 1 and 2 and contained within each lot.

Roadworks

54. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's Municipal Engineer. Unless approved otherwise by Council's Municipal Engineer roadworks must include -
 - a. Works generally in accordance with TRG plans 16462 - TP01D, TP02E, TP03D.
 - b. New subdivision (connector) road,
 - i. Minimum road reserve width of 20 metres,
 - ii. Provision of the necessary land to permit a future R12m roundabout at Brighton Road including clearances for footpaths, services and batter slopes,

- iii. Widening to suit 2 car/caravan parking bays,
 - iv. Concrete footpaths 1.50 metres wide from Brighton Road to each lot with kerb ramps at all pedestrian crossing points;
 - v. Underground drains.
- c. On/off ramps at the junction with the Midland Highway designed to the requirements of the Department of State Growth.
 - d. A minimum R9.5m roundabout at the junction of the connector road and north/south private access road designed to suit the turn paths of the largest vehicle expected to use the junction.

Advice: In the future a new leg to the north may be added to this roundabout.

- e. A channelised T-junction in the form of a CHR/ AUL(S) at the junction of Brighton Road and the connector road including,
 - i. A splitter island on the connector road leg;
 - ii. Safe provision for bicycles on Brighton Road
 - iii. Separate right and left turn lanes on the connector road.

Advice: Council may accept a short right turn lane at this junction if the design is accompanied by an assessment against turn lane warrants and satisfactory engineering justification.

- 55. All public carriageway surface courses must be constructed with a 10 mm nominal size asphalt with a minimum compacted depth of 50 mm in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's Municipal Engineer.
- 56. All public road, footpath and road batters to be contained within the road reserve.
- 57. All new public road infrastructure and north/south access road to include kerb and channel (both sides) and piped drainage.

Survey pegs

- 58. Survey pegs must be stamped with lot numbers and marked for ease of identification.
- 59. Prior to works being taken over by Council, evidence must be provided from a registered surveyor that the subdivision has been re-pegged following completion of substantial subdivision construction work. The cost of the re-peg survey must be included in the value of any security.

Maintenance and Defects Liability Period

60. All works to be adopted by Council or within a Council Road Reservation must be placed onto a 12 month maintenance and defects liability period following the completion of the works in accordance with the approved engineering plans, permit conditions and Council Policy.
61. Upon satisfactory completion of the maintenance period Brighton Council will assume responsibility of the connector road within the extents of the approved road lot.

'As constructed' drawings

62. Prior to the works being placed on the maintenance and defects liability period "as constructed" drawings and data for all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council's Municipal Engineer. These drawings and data sheets must be prepared by a qualified and experienced civil engineer or other person approved by the Municipal Engineer in accordance with Council's Guidelines for As Constructed Data.

CONDITIONS APPLYING TO BOTH USE AND DEVELOPMENT AND SUBDIVISION

Department of State Growth

63. Prior to the works commencing, the developer must obtain a permit provided by the Transport Infrastructure Services Division of the Department of State Growth. Any conditions imposed by the Department of State Growth for works affecting the Crown road reserve, including drainage, shall form part of this permit and must be adhered to. No works on the State Road shall commence until the Minister's consent has been obtained and a permit issued in accordance with the *Roads and Jetties Act 1935*.

TasWater

64. The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA 2018/00592-BTN dated 24/04/2018, as attached to this permit.

Water quality

65. A soil and water management plan (here referred to as a '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 Municipal Engineer before development of the land commences.

66. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's Municipal Engineer until the land is effectively rehabilitated and stabilised after completion of the development.
67. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's Municipal Engineer.
68. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

Construction Amenity

69. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager

Monday to Friday	7:00 AM to 6:00 PM
Saturday	8:00 AM to 6:00 PM
Sunday and State-wide public holidays	10:00 AM to 6:00 PM
70. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably 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 -
 - i. emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
 - ii. transport of materials, goods or commodities to or from the land; and/or
 - iii. appearance of any building, works or materials.
71. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on-site will be permitted unless approved in writing by the Council's General Manager.

72. 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 subdivision during the construction period.
73. 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 new or amended TIA addressing traffic, access and parking matters will be required as part of any future planning assessment of use or development of the balance land.
- C. The issue of this permit does not ensure compliance with the provisions of the Commonwealth *Disability Discrimination Act 1992* in relation to access to or use of premises that the public can enter or use. Building access issues may also arise under other *Disability Discrimination Act 1992 provisions* relating to employment, access to services and accommodation provisions. The operator may be liable to complaints in relation to any non-compliance with the *Disability Discrimination Act 1992*.
- D. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the Commonwealth Environmental Protection and *Biodiversity Protection Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of State Growth or the Commonwealth Minister for a permit.
- E. The issue of this permit does not ensure compliance with the provisions of the *Aboriginal Relics Act 1975*. The applicant may be liable to any non-compliance with this Act.
- F. The issue of this permit does not ensure compliance with the provisions of the *Environmental Management and Pollution Control (Underground Petroleum Storage Systems) Regulations 2010*. The applicant should contact the Environmental Protection Agency Tasmania prior to installing any underground petroleum storage system.
- G. This permit does not imply that any other approval required under any other legislation or by-law has been granted.

- H. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works, or a minimum of \$286.00, must be paid to Council in accordance with Council’s fee schedule.

- I. 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.

DECISION:

Cr Higgins moved, Cr Geard seconded that the matter be deferred so that more information can be received.

MOTION LOST

VOTING RECORD

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

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

CARRIED

VOTING RECORD

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

Councillors resolved to resume the Special Council Meeting.

5. REPORTS FROM OFFICERS:

5.1 PROPOSED BRIGHTON CRICKET TEAM IN THE CRICKET TASMANIA PREMIER LEAGUE:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

For several years Brighton Council has been working with Cricket Tasmania to have a team from Brighton back in the Premier League. Two options were considered; to have two city clubs merge to allow a new team to enter or to have an existing team relocate to Brighton. Both options were rejected by existing teams.

The new CEO of Cricket Tasmania, Nick Cummins, has made major changes at Cricket Tasmania, one being the introduction of a northern team into the Premier League. This allows another team to retain an equal number of teams that negates the need for a bye.

The Brighton Eagles Cricket Club has applied to Cricket Tasmania to join the Premier League. They have a presentation scheduled for 1st May to the Cricket Tasmania Board. The club would change its name to Brighton District Cricket Club and form a new board with a new constitution.

Nick Cummins has made it very clear that they would have no chance of joining without the support of Brighton Council.

Consultation:

Mayor, Councillor Gray, Manager Asset Services, Council Services Officer, Cricket Tasmania Staff

Risk Implications:

If Council does not support this application, it will likely be many years before the area will have a Premier League Team.

Financial Implications:

Council would need to commit to provide turf practice wickets costing an estimated \$120,000 which could be offset by receiving grant funds.

Other Issues:

A successful inclusion in the Premier League could assist in getting grant funds for a new regional sports centre at Pontville.

Assessment:

A question has been raised about how much funding has been given to the Brighton Eagles Cricket Club by Council. No funds have been given to the club and the only expenses incurred for their direct benefit is some minor repairs to the practice nets at Pontville.

The provision of new turf wicket practice nets should be considered in line with funds expended for the benefit of the Old Beach Cricket Club.

New practice nets would not be required in the next financial year as there would be no first-grade team in place. However, grant funding would be sought to minimise costs to Council.

Council is maturing and such a team would enhance its place in the region. As a growing area with a large youth population it is important that Council provides the best possible facilities and opportunities for its youth, both male and female.

The proposal is to enter the Premier League in a phased approach beginning next year in the third grade, moving to first grade in one or two years later. Cricket Tasmania would take a strong role in making sure that this new team is successful during this period.

Options:

1. As per the recommendation.
2. That Council does nothing.

RECOMMENDATION:

That Council supports the application of the Brighton Eagles Cricket Club to join the Cricket Tasmania Premier League by working with the club and advising Cricket Tasmania of its support.

DECISION:

Cr Gray 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 Higgins	
Cr Jeffries	
Cr Owen	
Cr Williams	

Cr Garlick moved, Cr Jeffries seconded that Council resolve into Closed Council.

CARRIED

VOTING RECORD

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

6. CLOSED MEETING:

Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters are listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

This matter was considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(c)

6.1 OLD HOSPITAL OFFER OF PURCHASE:

Cr Gray moved, Cr Jeffries seconded that Council resolve out of Closed Council and that the decision made whilst in Closed Council be ratified.

CARRIED

VOTING RECORD

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

Meeting closed 6.50pm

Confirmed:

(Mayor)

Date:

15th May 2018

