



Brighton Council

MINUTES OF THE **PLANNING AUTHORITY MEETING**
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 5.30PM ON TUESDAY,
11TH DECEMBER, 2018

PRESENT: Cr Gray (Chairperson) Cr Owen; (Deputy Chairperson);
Cr Curran; Cr Foster; Cr Garlick; Cr Geard; Cr Jeffries;
Cr Murtagh and Cr Whelan

IN ATTENDANCE: Mrs J Banks (Governance Manager); Mr D Allingham
(Senior Planner) and Mr H Macpherson (Municipal
Engineer)

1. APOLOGIES:

All members were present.

2. QUESTION TIME & DEPUTATIONS:

As there were no members in the gallery there was no requirement for question time.

3. DECLARATION OF INTEREST:

In accordance with Part 5, Section 48 of the *Local Government Act 1993*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have an interest in any item on the agenda; and

Part 2 Regulation 8 (7) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of any interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*.

There were no declarations of interest.

4. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Council to act as a planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 4. on this agenda, inclusive of any supplementary items.

4.1 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 – DA2018/00283– 1 WEILY PARK ROAD, BRIDGEWATER - CHANGE OF USE TO STORAGE (WAREHOUSE):

Type of Report	Planning Authority – For Decision
Application No:	DA2018/00283
Address:	1 Weily Park Road, Bridgewater
Proposal:	Change of Use to Storage (Warehouse)
Zone:	General Industrial
Representations:	Two
Discretion:	1. Development within Bridgewater Quarry Attenuation Area (E9.7.3) 2. Surface Treatment of Parking Areas (E6.7.6) 3. Landscaping of parking areas (E6.7.8)
Author:	Senior Planner (David Allingham)

1. Executive Summary

- 1.1. Retrospective planning approval is sought for a change of use to a storage warehouse for whitegoods. The use has already commenced.
- 1.2. The application is a permitted use, but discretionary due to reliance on performance criteria.
- 1.3. Two representations were received. It is considered that the issues raised in the representations warrant additional conditions to be placed on the permit.
- 1.4. The key issues relate to the manoeuvring of delivery trucks entering and exiting the site.
- 1.5. The proposal is recommended for approval subject to various conditions relating to the above key planning issues.
- 1.6. 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.

2. Legislative & Policy Content

- 2.1. The purpose of this report is to enable the Planning Authority to determine application DA2018/00283.
- 2.2. This determination must be made no later than 19 December 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. Implications for Council include general matters related to rate income, asset maintenance and renewal and responding to future building applications.

4. Relevant Background and Past Applications

- 4.1. The site was previously used as the "Midlands Fruit Market" which ceased operating about 2013.

5. Site Detail

- 5.1. The subject site is a 3,193m² lot with access to Weily Park Rd. The site has an existing warehouse which is approximately 630m².
- 5.2. The existing parking areas at the front of the warehouse are bitumen, which is in poor condition with signs of wear and tear throughout. Approximately five shipping containers are located along the Weily Park Rd frontage. To the rear (south-east) of the site is a small fenced gravel parking/storage area. Staff appear to be parking on the old unused Crown Land road to the front of the site.
- 5.3. The site is within the General Industrial Land and subject to the Bridgewater Quarry Attenuation Area.
- 5.4. The surrounding land is a mix of industrial, utilities, residential and recreation. Directly opposite the development is the shared access to Barwick's tyre recycling and TasBulk. The site adjoins the Midland Highway/Industrial Hub interchange to the east and adjoins the rail network to the south-west. Beyond the rail line is a series of rural living.

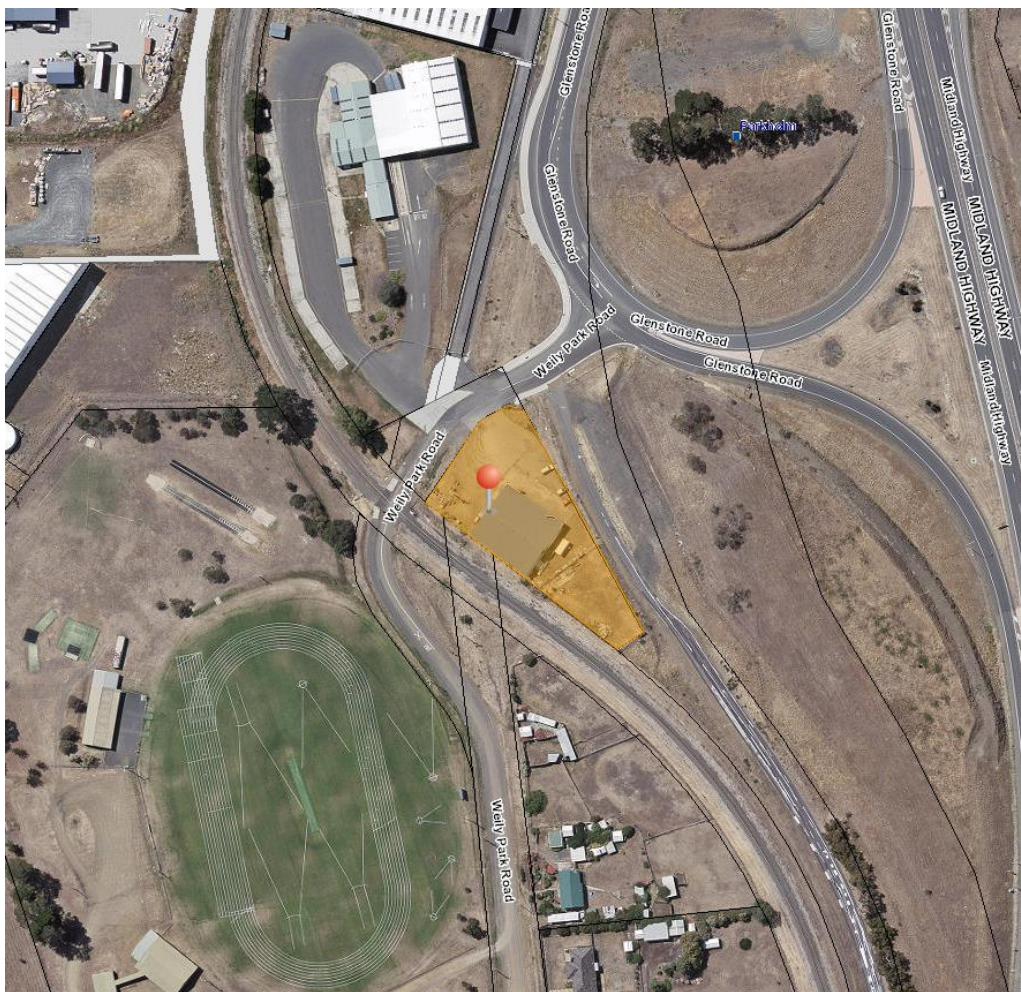


Figure 1. Aerial image: 1 Weily Park Rd and surrounds



Figure 2. Zoning: General Industrial (Purple), Utilities (Yellow), Recreation (Green) and Rural Living (pink) Zones. Attenuation Area (hatched red).

6. Proposal

- 6.1. The proposal is for a change of use to Storage (warehouse). No physical works are proposed.
- 6.2. The existing warehouse will be used for distribution of whitegoods. The warehouse will have 4 staff (1 clerical, 2 drivers and 1 warehouse). Movements of goods, including use of articulated vehicles (AV) (19.0m semi-trailers), will occur daily.
- 6.3. The application proposes a new parking and access arrangement. The Site Plan (Attachment A) shows parking for 7 light vehicles and two AVs. The Site Plan also shows swept path movements for an AV to enter and exit the site in a forward movement. Some on site manoeuvring extended beyond the sealed area within the site. Swept paths were generally within the appropriate lane on entry and exit with some crossing of the centreline.

7. Assessment

- 7.1. The Brighton Interim Planning Scheme 2015 is a performance-based planning scheme.

- 7.2. To meet an applicable standard, a proposal must demonstrate compliance with either an acceptable solution (AS) or a performance criterion. Where a proposal complies with a standard by relying on one or more performance criteria (PC), the Council may approve or refuse the proposal on that basis. The ability to refuse the proposal relates only to the PC relied upon.

8. Assessment against planning scheme provisions

- 8.1. The following provisions are relevant to the proposed use and development;
- Part D – Clause 25 - General Industrial Zone
 - Part E – Clause E5.0 – Road & Railway Assets Code
 - Part E - Clause E6.0 – Parking & Access Code
 - Part E – Clause E7.0 – Stormwater Management Code.
 - Part E – Clause E9.0 – Attenuation Code.
- 8.2. The application for “Storage” is a Permitted use in the General Industrial Zone. There are no Use Standards for the Zone and the Development Standards for buildings and works are not applicable because no development or works are proposed. The application satisfies the following relevant AS of the applicable Codes:
- E5.5.1 A3 – Existing road accesses and junctions
 - E6.6.1 A1 – Number of parking spaces
 - E6.7.1 A1 - Number of Vehicular Accesses
 - E6.7.2 A1 - Design of Vehicular Accesses
 - E6.7.3 A1 - Vehicular Passing Areas Along an Access
 - E6.7.4 A1 - On-Site Turning
 - E6.7.5 A1 - Layout of Parking Areas
 - E6.7.13 Facilities for Commercial Vehicles
 - E6.7.14 A1 - Access to a Road
 - E7.7.1 A1 & A2- Stormwater Drainage and Disposal
- 8.3. The following discretions are invoked and are discussed in more detail below:
- E6.7.6 A1 - Surface Treatment of Parking Areas
 - E6.7.8 A1 - Landscaping of parking areas

- E9.7.3 A1 - Development within Bridgewater Quarry Attenuation Area

8.4. Discretion 1 - E6.7.6 A1 - Surface Treatment of Parking Areas

- The AS of the above clause requires all parking surfaces and vehicle circulation roadways to be paved or treated with a durable all-weather pavement and drained to an approved stormwater system. The applicant proposes no change to the existing surfacing, however new parking areas and an intensification of truck movements is proposed. As noted above, the existing parking and access areas are either gravel or in poor condition. The recommendation includes conditions for all parking and access areas to be sealed within 6 months of the permit.

8.5 Discretion 2 – E6.7.8 A1 - Landscaping of parking areas

- 8.5.1 No landscaping is proposed for the new parking and access arrangement. The AS requires:

Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.

- 8.5.2 The PC requires:

Landscaping of parking and circulation areas accommodating more than 5 cars must satisfy all of the following:

- (a) *relieve the visual impact on the streetscape of large expanses of hard surfaces;*
- (b) *soften the boundary of car parking areas to reduce the amenity impact on neighbouring properties and the streetscape;*
- (c) *reduce opportunities for crime or anti-social behaviour by maintaining passive surveillance opportunities from nearby public spaces and buildings.*

- 8.5.3 As noted previously, the site and parking and access areas have poor amenity. The recommendation includes a condition requiring the Weily Park frontage to be landscaped to comply with the PC.

8.6 Discretion 3 – E9.7.3 A1 - Development within Bridgewater Quarry Attenuation Area

- 8.6.1 There is no AS for the above standard so the proposal must be assessed against the following PC:

P1

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.
- 8.6.2 The proposal was referred to Boral but no response was received.
- 8.6.3 The application is for a non-sensitive use approximately 830m from the quarry face. No new buildings are proposed. The proposal satisfies the PC.

9 Discussion

9.1 Referrals

9.1.1 TasWater

TasWater have not imposed any conditions on the proposal.

9.1.2 Council's Technical Officer

Council's Technical Officer has reviewed the application against Code E5, E6 & E7 and his comments and response to representations are incorporated into the body of the document.

Council's Technical Officer also notes that there should be no issues with capacity and safety on the adjacent road network providing sufficient space is made available on site so that vehicles are not required to wait on the public road. In that regard a condition is included that all parking and access areas must be kept clear at all times and that the storage of shipping containers is not approved as part of this development.

It is also noted that the sealing of the parking and access areas will result in the impervious pavement exceeding 600m² and water sensitive urban design (WSUD) measures will need to be implemented to meet the acceptable solution in the code.

10 Concerns raised by representors

10.1 The following table outlines the issues raised by the two representors.

Concern	Response
<p>The proposal shows that AV can theoretically enter and exit the site in a forward manner.</p> <p>In practice the AV's reverse into the site using the driveway apron of the business' opposite the development. This has caused and will continue to cause damage to the opposing driveway apron on private land.</p> <p>The current manoeuvring by reversing into the site conflicts with other traffic using this section of road and is dangerous.</p> <p>It is apparent that the site is unsuited to use by semi-trailers of the size utilised at the site at present. Even the plan forming part of the application documents notes that the swept path of the modelled vehicle is only "generally" within the traffic lane on entry and exit. The application does not state that vehicles accessing the site will be confined to the size shown on the plan, nor does it state that vehicles will only access and exit the site in a forward direction.</p>	<p>A condition requiring parking and access areas to be kept available for use on site at all times is recommended.</p> <p>The applicant has demonstrated that it is possible for vehicles to enter and exit the site in a forward motion without encroaching on neighbouring accesses. A condition requiring vehicles to enter and exit the site in a forward direction is recommended.</p>
<p>There have been a number of occasions where semi-trailers have been parked on the side of the road waiting to enter the site until another semi-trailer completes its manoeuvring and/or loading activities. The proposal does not deal with a situation where more than one semi-trailer is trying to access the site at the same time. Parking of such large vehicles on the road</p>	<p>A condition requiring vehicles not to park in the road reserves or Crown Land is included on the permit.</p> <p>The conditions relating to keeping parking and access areas clear will also assist with queuing issues on public roads.</p>

<p>verge at this location presents a danger to other road users.</p>	
<p>The car parking areas shown on the plan are clearly inadequate to serve the needs of the site as demonstrated by the current practice of parking such vehicles on the adjacent Crown land. This results in an additional informal vehicular access at a point very close to a junction where traffic movements are not clearly defined and are potentially in conflict with other vehicles.</p>	<p>The 7 car spaces on the site satisfy the planning scheme parking requirement.</p>
<p>If a permit is to be issued for the proposal, it should contain at least the following conditions:</p> <ol style="list-style-type: none"> 1. Vehicles accessing the site must be confined to rigid vehicles only. 2. All vehicles accessing the site must enter and leave only in a forward direction. 3. All vehicles associated with the use of the site must park only within the site boundaries and not on any road reserves or Crown land. 4. Areas within the site required for manoeuvring of vehicles must be kept clear for that purpose at all times. 5. All activities relating to loading and unloading of vehicles, shipping container movements and storage of shipping containers must be undertaken only within the site boundaries. 	<p>Proposed condition 1 is not supported as it has been demonstrated by a traffic engineer that an AV can enter and exit the site in a forward direction.</p> <p>Proposed conditions 2, 3, 4 and 5 are supported and included in the recommendation.</p>

11 Conclusion

- 11.1 The proposal is for a retrospective change of use to a Storage (warehouse) in the General Industrial Zone at 1 Weily Park Road, Bridgewater. The proposal utilises the existing warehouse and proposes a new parking and access arrangement.
- 11.2 The key issue relates to AVs accessing the site and two representations were received about this matter. Conditions requiring AVs to enter and exit the site in a forward direction and keeping parking and access areas clear at all times should resolve the issues.
- 11.3 The proposal satisfies the relevant provisions of the Brighton Interim Planning Scheme 2015, and as such is recommended for approval.

RECOMMENDATION:

Pursuant to the Brighton Planning Scheme 2000, Council approve application DA2018/00283 for a change of use to Storage (warehouse) in General Industrial Zone at 1 Weily Park Road, Bridgewater, 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*.

Shipping containers

- (3) Shipping containers must be kept clear of all parking and access areas and must not be stored on-site except for the purposes of loading and unloading goods.
- (4) The existing shipping containers must be removed from the site within 28 days of the date of this permit.

Loading and unloading

- (5) All activities relating to loading and unloading of vehicles, shipping container movements and storage of shipping containers must be undertaken only within the site boundaries.

Landscaping

- (6) Within 28 days of the date of this permit, a landscape plan to the satisfaction of Council's Manager Development Services must be submitted and approved. The landscaping plan must show:
- a. Landscaping between the light vehicle car parking bays, Weily Park Road and either side of the vehicle access at the entrance.
 - b. A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- Once considered satisfactory, the landscape plan will be endorsed and will form part of this permit.
- (7) The landscaping works must be completed in accordance with the endorsed landscape plan and to the satisfaction of Council's Manager Development Services within 6 months of the date of this permit. 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 as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Parking and Access

- (9) All vehicles must enter and exit the site in a forward direction.
- (10) The existing vehicle access from Weilly Park Road must be upgraded, where required, to accommodate a 19.0m Articulated Vehicle in accordance with;
- (a) Councils Standard Drawings;
 - (b) Standards Australia (2004): Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney;
 - (c) Standards Australia (2002): Australia Standard AS 2890.2 - 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities, Sydney;
- and to the satisfaction of Council's Municipal Engineer.
- (11) The vehicle access must be sufficient for vehicles to enter and exit the site without leaving the road pavement or encroach on driveways opposite, to the satisfaction of Council's Municipal Engineer.

ADVICE: 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.

- (12) At least seven (7) 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.
- (13) At least two (2) 19.0m Articulated Vehicle (truck) parking spaces must be provided on the land at all times for the use of the development.
- (14) All vehicles associated with the use of the site must park only within the site boundaries and not on any road reserves or Crown land.
- (15) 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 / Standards Australia (2002): Australia Standard AS 2890.2 - 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities, Sydney, and to the satisfaction of Council's Municipal Engineer, and must include all of the following:
 - (a) Adequate turning space on site to allow that all vehicles enter and leave the site in a forward direction.
 - (b) Constructed with a durable all weather pavement.
 - (c) Drained to an approved stormwater system.
 - (d) Surfaced with concrete, asphalt or pavers.
 - (e) Vehicular passing areas
- (16) All areas set-aside for parking and associated turning, loading and unloading areas and access must continue to be maintained and kept available for said use at all times to the satisfaction of the Council's Municipal Engineer.
- (17) 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, unless approved otherwise by the General Manager.
- (18) 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 within 3 months of the permit being issued and prior to the commencement of any works. The parking plan is to include:
 - road access,
 - pavement details,
 - design surface levels and gradients,

- drainage,
- turning paths,
- dimensions,
- line marking,
- signage,
- pedestrian access,
- lighting

and shall form part of the permit when approved.

- (19) 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.
- (20) All areas set-aside for parking and associated turning, and access must be completed within 6 months of the permit being issued and must continue to be maintained to the satisfaction of the Council's Municipal Engineer.
- (21) All vehicles associated with the use of the site must park only within the site boundaries and not on any road reserves or Crown land.

Stormwater

- (22) 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.
- (23) Where the new impervious area exceeds 600m² 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.
- (24) Prior to the commencement of works or the issue of a plumbing permit, detailed plans and calculations of the stormwater drainage system, including treatment, detention and outfalls must be prepared by a suitably qualified civil engineer and be submitted to Councils Municipal Engineer for approval.
- (25) The completed stormwater treatment systems, detention and outfalls 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.

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. 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.
- C. A separate permit is required for any signs unless otherwise exempt under Council’s planning scheme.
- 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 Geard moved, Cr Owen 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 Murtagh	
Cr Owen	
Cr Whelan	

The meeting closed at 5.40 pm

Confirmed: _____
(Mayor)

Date: _____
18th December 2018