



# Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING  
OF THE BRIGHTON COUNCIL HELD  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES  
OLD BEACH AT 5.30 P.M. ON TUESDAY,  
16<sup>TH</sup> APRIL 2019**

**PRESENT:** Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Geard;  
Cr Gray; Cr Jeffries; Cr Murtagh; Cr Owen and Cr  
Whelan.

**IN ATTENDANCE:** Mr R Sanderson (General Manager); Mr G Davoren  
(Deputy General Manager); Mr H Macpherson (Municipal  
Engineer); Mr J Dryburgh (Manager Development  
Services); Mrs J Banks (Governance Manager) and Mr D  
Allingham (Senior Planner).

## **1. CONFIRMATION OF MINUTES:**

### **1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 19<sup>TH</sup> MARCH 2019.**

*Cr Curran moved, Cr Geard seconded that the Minutes of the Ordinary Council Meeting of 19<sup>th</sup> March 2019 be confirmed.*

**CARRIED**

## **VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

1.2 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 9<sup>TH</sup> APRIL 2019.

*Cr Owen moved, Cr Curran seconded that the Minutes of the Finance Committee Meeting of 9<sup>th</sup> April 2019 be confirmed.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

**2. APPLICATIONS FOR LEAVE OF ABSENCE:**

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

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

**3. PUBLIC QUESTION TIME AND DEPUTATIONS:**

- Scott Wade & Sachie Yasuda - Grassroots Community Development Project addressed Council.

**4. DECLARATION OF INTEREST:**

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

Part 2 Regulation 8 (7) of the *Local Government (Meeting Procedures) Regulations 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.*

## 5. REPORTS FROM COUNCILLORS:

### 5.1 MAYOR'S COMMUNICATIONS:

**AUTHOR:** Mayor  
(Cr T Foster)

The Mayor's communications were as follows:-

Mar 20	Taswater Board Selection Committee meeting at Campbell Town.
Mar 21	Meeting with our Public Relations Consultants, GM and James Dryburgh. SCS Meeting with Derwent Valley, Southern Midlands Mayors and GM's.
Mar 22	Meeting with David Marriner (proponent) Paul Lennon (Lobbyist) Premier Will Hodgman and Chinese Delegation of Investors and GM.
Mar 28	Meeting at Weily Park for announcement of Grant from Brian Mitchell MHR. Meeting at Pontville Oval for funding announcement by Senator Steve Martin.
Mar 31	Attended final day of cricket match Brighton v Kingborough – 3 <sup>rd</sup> Grade final. Brighton won.
Apr 02	Meeting with GM
Apr 04	Microwise Board Meeting. At the request of Mornington Park Development Pty Ltd we had a meeting with Heath, James and Directors of the Company Wesley Hazell and Malcolm McAully followed by a site inspection of the Mornington Facility. I had a meeting with Chris Rowe (Maiden Erleigh) at his home.
Apr 15	At the request of Clint Johnson had a meeting with David Allingham and James Dryburgh. Meeting with GM, DGM, and senior staff. Meeting with Margie Nolan (Tagari Lia) Project manager for “connected Beginnings” At the request of the Minister for Education the GM, James Dryburgh and I met with Christine and Todd from the Education Dept.
Apr 16	OCM

**RECOMMENDATION:**

That the Mayor's communications be received.

**DECISION:**

*Cr Owen moved, Cr Jeffries seconded that the report be received.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

**5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:**

**DECISION:**

Cr Geard – Flying Paws (Heath Macpherson, Scott Percey & Cathy Harper) recently attended a meeting at Pontville Park re the dog arena.

Cr Curran – Brighton Football Club presented the jumpers to the players.

*Cr Whelan moved, Cr Jeffries seconded that the reports be received.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

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

Correspondence and reports from the STCA, LGAT, TasWater and Joint Authorities.

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

### **6. NOTIFICATION OF COUNCIL WORKSHOPS:**

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015, it was reported that there were no workshops held since the last Council Meeting.

### **7. NOTICE OF MOTION:**

Cr Owen had requested the following Notice of Motion:

That Brighton Council acknowledges:-

- a) that a 'climate emergency' exists;
- b) that all levels of government need to act;
- c) that "business as usual" transition is not fast enough; and
- d) calls for fast action (10 years or less) to reach negative emissions.

That Brighton Council Develop a Climate Emergency Plan (CEP).

The Plan should:

- set a target of net negative emissions in an emergency timeframe (10 years)
- quantify what council can do towards reaching the target
- identify what the community can do toward reaching the target
- identify what state/federal/central governments will need to do for the target to be achieved.
- Ensure governance prioritises the response, e.g. prioritise the CEP in the Council's Strategic Plan.
- Build the capacity of staff around climate emergency and help them understand the why and how.

- Continue to communicate the climate emergency and engage the community so the community can support Council's entry into an emergency mode.

**DECISION:**

*Resolved that these matters be discussed at the Environment & Heritage Committee.*

**8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:**

In accordance with the requirements of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, the Council, by absolute majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

**RECOMMENDATION:**

That the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2015.

**DECISION:**

*Cr Gray moved, Cr Geard seconded that the supplementary agenda Item 12.2 in relation to the meeting with the Education Department on the proposed Brighton High School site be dealt with in Closed Council.*

**CARRIED**

**VOTING RECORD**

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

## 9. REPORTS FROM COMMITTEES:

### 9.1 FINANCE COMMITTEE MEETING – 9/4/19

The recommendations of the Finance Committee Meeting of 9<sup>th</sup> April 2019, are submitted to Council for adoption.

#### DECISION:

*Cr Gray moved, Cr Owen seconded that the recommendations of the Finance Committee meeting of 9<sup>th</sup> April 2019, be adopted.*

**CARRIED**

#### VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

The Chairperson adjourned the Council meeting to allow the Planning Authority to discuss the following Planning items.

Cr Gray took the Chair.

## 10. 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.

## **10.1 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 – DA 2018/00353 – 11 GREENBANKS ROAD, BRIDGEWATER - PARTIAL CHANGE OF USE TO RECYCLING AND WASTE DISPOSAL (VEHICLE WRECKING YARD):**

Type of Report	Planning Authority – For Decision
Application No:	DA2018/00353
Address:	11 Greenbanks Road, Bridgewater
Proposal:	Partial Change of Use to Recycling and Waste Disposal (Vehicle Wrecking Yard)
Zone:	General Industrial
Representations:	One
Discretion:	<ol style="list-style-type: none"><li>1. Potentially Contaminated Land Code (E2.0)</li><li>2. Road and Railways Asset Code (E5.0)</li><li>3. Parking and Access Code (E6.0)</li><li>4. Stormwater Management Code (E7.0)</li><li>5. Attenuation Code (E9.0)</li></ol>
Author:	Planner (Jo Blackwell)

### **1. Executive Summary**

- 1.1. Planning approval is sought for a partial change of use to allow the site to include Recycling and Waste Disposal (Vehicle Wrecking Yard). Existing uses on the site include Vehicle Fuel Sales and Services and a Transport Depot.
- 1.2. The application is a permitted use. but discretionary due to reliance on performance criteria.
- 1.3. One (1) representation was 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 parking and access, stormwater management, and environmental health.
- 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 DA2018/00353.
- 2.2. This determination must be made no later than 16<sup>th</sup> April 2019, 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. A subdivision approval (including a boundary adjustment) was granted pursuant to SA2017/25 with respect to 11, 15 and 17 Greenbanks Road, Bridgewater, and works are currently being undertaken. The land which is the subject of this application will be contained within Lot 3 of that approval.

### **5. Site Detail**

- 5.1. The current site has an area of 1.4ha in total. The area to be utilised for the proposed partial change of use to Recycling and Waste Disposal Use is approximately 4000sqm. Figure 1 shows the existing Fuel depot on the western corner of Greenbanks Road and Strong Street, and the Transport Depot located to the north (refer Figure 1).

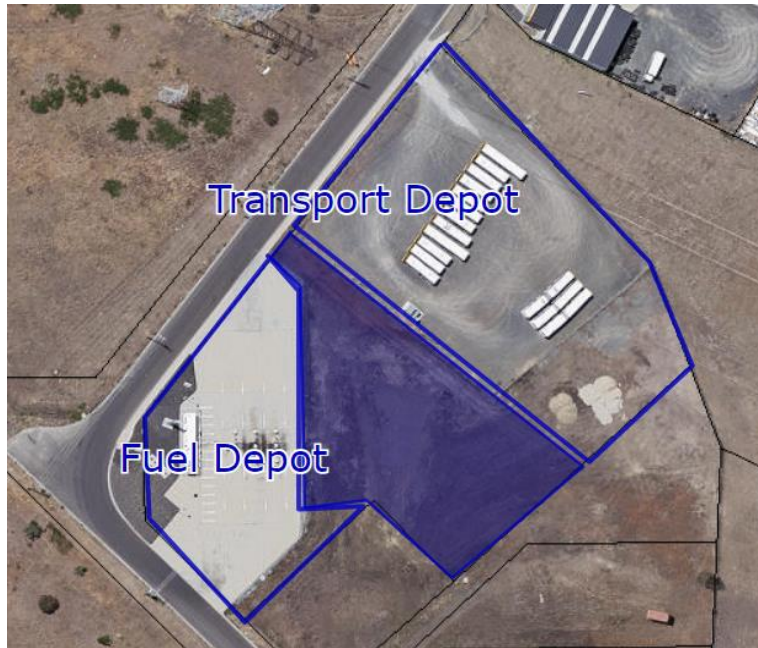
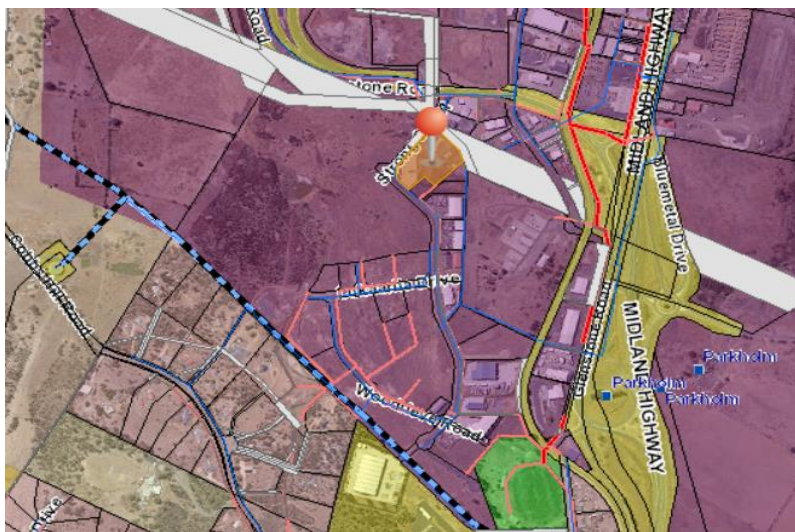


Figure 1: Aerial image of site including existing uses.

- 5.2. The access to the subject site is not sealed. The area shown on the site plan as “Driveway” is approximately 6m wide and covered in blue metal. The site is vacant, although it is temporarily being utilised by Roadways for storage of vehicles, machinery and gravel for the maintenance work being undertaken on the Midlands Highway adjacent to the Bridgewater Industrial Estate
- 5.3. The site is within the General Industrial Land and subject to the Bridgewater Quarry Attenuation Area, as well as the Potentially Contaminated Lands Code, the Stormwater Management Code and the Parking and Access Code.
- 5.4. The surrounding land is a mix of industrial, utilities, residential and recreation, as demonstrated in Figure 2.



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

## **6. Proposal**

- 6.1. The proposal is for a partial change of use to Recycling and Waste Disposal (vehicle wrecking). Works include placement of containers on the site, two concrete pads (one between the containers to create a work space and one on the northern eastern boundary for the vehicles to be drained of engine oil and radiator fluid prior to dismantling).
- 6.2. The application seeks approval to transport vehicles to the site, to allow for draining, and dismantling, prior to parts being shipped interstate for re-sale.
- 6.3. Up to four staff will be employed on the site, however no public access to the site is proposed.

## **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 E2.0 – Potentially Contaminated Lands Code
  - 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 “Recycling and Waste Disposal” is a Permitted use in the General Industrial Zone. There are no Use Standards for the Zone. The proposal satisfies the development standards for buildings and works.
- 8.3. The application satisfies the following relevant AS of the applicable Codes:
  - E5.5.1 A3 – Existing road accesses and junctions
  - E5.6.1 A1 – Development adjacent to roads and railways
  - E5.6.2 A1 - No New Roads Accesses and Junctions
  - E5.6.2 A2 - No. of Road Access 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 A1 Facilities for Commercial Vehicles
- E6.7.14 A1 - Access to a Road

8.4 The application relies on PC in relation to the following relevant codes

- E2.5 – Use Standards
- E5.6.2 A2 - No. of Road accesses and junctions
- E6.7.6 A1 - Surface Treatment of Parking Areas
- E6.7.7 A1 – Lighting of Parking Areas
- E6.7.8 A1 - Landscaping of parking areas
- E7.7.1 A2 – Water Sensitive Urban Design.
- E9.7.3 A1 - Development within Bridgewater Quarry Attenuation Area

**8.4.Discretion 1 – E2.5 – Use Standards**

- 8.4.1. The AS requires that the Director (of the EPA) or a person approved by the Director certifies that the land is suitable for the intended use or approves a plan to manage contamination and associated risk to human health or the environment that will ensure that the land is suitable for the intended use.
- 8.4.2. The applicant provided an environmental site assessment that prepared by a suitably qualified person, that addresses the performance criteria. That assessment has been reviewed by Council's Senior Environmental Health Officer, who is content that the assessment addresses the environmental issues.
- 8.4.3. The application was referred to the EPA, who did not comment on the proposal.
- 8.4.4. A condition requiring the use and development be carried out in accordance with the environmental site assessment is recommended as a permit condition.
- 8.4.5. The application satisfies the PC with conditions.

**8.5.Discretion 2 – E5.6.2 A2 – No. of Road Access and Junctions**

- 8.5.1. The AS requires that no more than one access providing both entry and exit, or two accesses providing separate entry and exit are provided. The existing site has two access along the Strong Street frontage and one to Greenbanks Road. Council's Technical Officer notes that the adjacent roads are subject to low speed vehicle movements and are currently underutilised. Further, the site is also the subject of an approved subdivision application. Completion of the subdivision will result in 2 x accesses to Strong Street.

8.5.2. The proposal is able to satisfy the performance criteria.

**8.6. Discretion 3 - E6.7.6 A1 - Surface Treatment of Parking Areas**

8.6.1. 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.

8.6.2. The applicant proposes spray sealing the cross-over and internal access where required for light motor vehicles as shown on the amended plan, with gravel to be used for heavy vehicle parking and manoeuvring (attachment D). This is considered to satisfy the PC, in that it will not unreasonably detract from the amenity of users, adjoining occupiers of the quality of the environment through dust or mud generation.

**8.7. Discretion 4 - E6.7.7 A1 - Lighting of Parking Areas**

8.7.1. No lighting of parking areas has been proposed for the parking areas on the site. A condition requiring lighting to be installed in accordance with the Acceptable Solution is recommended for inclusion in the permit.

**8.8. Discretion 5 - E6.7.8 A1 - Landscaping of parking areas**

8.8.1. 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.*

8.7.2 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.*

8.7.3 The leasehold portion of the site has a limited frontage of approximately 10m, with the subject area, being an internal one. The applicant proposes to reduce visual impact arising from the proposed development through the installation of shade cloth over the existing fencing. There is little opportunity for the Applicant to install additional landscaping given the layout of the leasehold area. No further landscaping of this portion of the site is proposed.

### 8.8 Discretion 6 - E7.7.1 A2 - Water Sensitive Urban Design

The AS requires that a new development must incorporate water sensitive urban design principles if the size of the impervious area is greater than 600sqm; provides parking for more than 6 cars or is for a subdivision greater than 5 lots.

The proposal does not demonstrate how WSUD principles are to be achieved. However, it is considered that the proposal is able to satisfy the AS, and a condition requiring that WSUD be undertaken in accordance with the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania or The Model for Urban Stormwater Improvement Conceptualisation (MUSIC) and to the satisfaction of the Council's Municipal Engineer is recommended.

### 8.9 Discretion 7 - E9.7.3 A1 - Development within Bridgewater Quarry Attenuation Area

8.9.1 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.

8.9.2 The proposal was referred to Boral, who commented that it had no objection to the proposal.

8.9.3 The application is for a non-sensitive use approximately 1.2km 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.

It is also noted that the sealing of the parking and access areas will result in the impervious pavement exceeding 600m<sup>2</sup> and water sensitive urban design (WSUD) measures will need to be implemented to meet the acceptable solution in the code. A condition as to this is recommended for inclusion in the permit.

9.1.3 *Council's Senior Environmental Health Officer*

Council's Senior Environmental Health Officer has reviewed the application, representation and additional information supplied in response to the issues raised in the representation. That officer has commented that, based on the scope and model of the business, that he is satisfied that the Environmental Management Plan and that the additional comments made address the relevant environmental issues.

## 10 Concerns raised by representors

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

Concern	Response
Stockpiling of vehicles sharing a fence/ border of large fuel depot is of concern. Suggest get on YOUTUBE and search "Wrecker Fire". Does the site have dedicated firefighting equipment / plumbing / hose reels?	This is not a planning consideration, fire fighting equipment will form part of building application requirements.
NIL Mention of how fuel (diesel and petrol) will be managed at this site.	The applicant has provided the following supplemental response:  "... Fuel will be stored on the same area as the oils. This area will be covered to minimise potential for hydrocarbon contamination. Site plan amended. Fuels will be recycled in accordance with the relevant regulations."  Please refer to clause 9.1.3 for SEHO's comments.  It is considered that this matter can be addressed under the Environmental Management Plan.
Residual fuel and oil will weep from the stockpile yet no concrete underneath to prevent ingress of hydrocarbons into soils.	The Applicant advises that "The cars to be dismantled will have had their fuel, oils and radiator water removed which significantly reduces the risk. In the event that hydrocarbons did spill on the ground, they will be cleaned up immediately."  Please refer to Clause 9.1.3 for SEHO's comments.

	<p>It is considered that this matter can be addressed under the Environmental Management Plan.</p>
<p>Old vehicles have a lot of "Mercury" switches in them, what control measures are implemented to identify the hazardous waste material and ensure it is treated properly?</p>	<p>The Applicant has provided the following supplemental response:</p> <p>"The business model is for the dismantling of good quality cars for quality parts. Therefore, the likelihood of old mercury switches being handled is less. Parts like switches will not be dismantled on site but sent to appropriate recyclers if needed."</p> <p>Council's SEHO has reviewed the application and supplemental response. Please refer to Clause 9.1.3 for SEHO's comments.</p> <p>It is considered that this matter can be satisfactorily addressed under the Environmental Management Plan.</p>
<p>There should be an interceptor pit to capture the oils before run off to storm water system. Plan only shows / explains qty 1 interceptor pit in a bunded storage area.</p>	<p>The applicant advises that "The highest risk of spills is on the pad that will be used for removing fuel and oils. This has an interceptor. The other areas are either covered, or the vehicles have already had their liquids removed. Visual checks will be made regularly to ensure that hydrocarbons have not spilled."</p> <p>In addition, an amended site plan was provided by the Applicant in response to the representation showing a covered bunded concrete area in the southern corner of the site, stormwater management and surfacing details for the site.</p> <p>The proposal includes a sump and triple interceptor trap on the concrete bunded area for fluid extraction. Council's Technical Officer is content with the application, with the inclusion of Water Sensitive Urban Design Principles being implemented on the site, prior to stormwater being discharged to Council's stormwater system.</p> <p>A condition to this effect is recommended, as well as allowing for replacement of the original site plan with the amended site plan in the approved documents.</p> <p>Council's SEHO does not have any concerns with regard to this representation.</p> <p>It is considered that the proposal can address the representors concerns.</p>
<p>Unless there is a machine to stack the cars, they cannot really be stacked very neatly. Unless they can be flattened they are</p>	<p>This is not a planning consideration.</p> <p>The Supplement to Supporting Information (Attachment D) states that car bodies are not going to</p>



<p>inherently unstable when stacked due to odd shapes, curves etc</p>	<p>be stacked on top of one another (page 2), contrary to what is stated in the Supporting Information for Development Approval (March 2019).</p> <p>A condition is recommended that prohibiting stacking of vehicles on the site, without the consent of the Manager Development Services.</p>
<p>What provision is there for a dedicated purpose-built material handler to shift the cars. Unsealed surfaces are dangerous for forklifts to operate on yet no consideration for this critical safety issue.</p>	<p>The Supplement to Supporting Information (Attachment D) states that car bodies are not going to be stacked on top of one another (page 2), contrary to what is stated in the Supporting Information for Development Approval (March 2019).</p> <p>Council's Technical Officer has made the following comments:</p> <p>Development mentions stacking vehicles and up to 30 awaiting dismantling. No information has been provided on what machines will be used to stack vehicles and what surface they require – it could be argued this is outside the scope of the planning scheme.</p> <p>The access and receival area have a sealed surface and meet the acceptable solution for this area. A compacted FCR surface is proposed for the vehicle stacking and some manoeuvring areas.</p> <p>A condition is recommended requiring a detailed site/manoeuvring plan including pavement surfaces that suit the types of vehicles used.</p> <p>The stacking of vehicles sits outside the Planning Scheme. However, it is recommended that a condition be included that limits stacking of vehicles to no more than two vehicles high, without the consent of the Manager Development Services.</p>
<p>Steel recyclers use large semi-trucks and large/long tri axle semi tipper trailers to collect parcels of car bodies. Due to the entrance off the road once the large semi-trucks/trailers get in there is very little room to manoeuvre a truck to put in safe place to load out material. Lots of traffic in that area will be affected by large trucks trying to reverse into the small site.</p>	<p>The Supplemental information states that the proponent will either arrange for transport of car bodies to a steel recycler or deliver them himself by car and trailer (one bodies per trip).</p> <p>Council's technical office has calculated that a 19.0m semi requires approximately 30m diameter to u-turn which fits within the site (rear boundary approximately 45m, side boundary approximately 50m).</p> <p>A condition is recommended requiring a parking and manoeuvring plan which demonstrates that buildings are clear of turning paths and that turning paths of</p>

	typical vehicles for unloading and turning, together with manoeuvring allow vehicles to enter/exit the site in a forward direction.
Suggest an estimate of 300 cars per annum is very understated. That would be less than 1 vehicle per day over the course of a year. Of note the current wrecker operator next door has told me personally he would do that many cars in approximately 4 days doing 70 tonnes a day.	This is not a planning consideration.
What are the proposed amenities for the workers other than a "porta-loo"? There is likely a workplace amenities checklist to be complied with.	Not a planning consideration. This will form part of the building application process.
What provision exists for emergency showers say if one of the employees gets acid on them as there is going to be lots of acid from automotive batteries?	Not a planning consideration. This will form part of the building application process.
Industry leaders who plan, invest and are committed to operating facilities applying "Best Practice" methodology must have a fair and level playing field and I believe this DA is lacking critical considerations.	Please refer to the body of this report, where it addresses the Planning Scheme discretions arising from the proposal.

## 11 Conclusion

- 11.1 The proposal is for a partial change of use to a Recycling and Waste Disposal Facility (vehicle wreckers) in the General Industrial Zone at 11 Greenbanks Road, Bridgewater. The proposed development includes developing the site to allow for the dismantling of vehicles for parts, and includes bunded concrete areas, car parking and areas set aside for vehicle storage and dismantling.
- 11.2 The key issue relates to environmental management of the site, stormwater management and parking and access issues.
- 11.3 The proposal 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 DA2018/00353 for a partial change of use to Recycling and Waste Disposal (vehicle wrecker) in the General Industrial Zone at 11 Greenbanks 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) The amended site plan in the form provided by the Applicant on 5<sup>th</sup> April 2019 is to replace the site plan headed Attachment 1 which forms part of the Supporting Information for Development Application dated March 2019.
- (3) 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*.

### ***Environmental Site Assessment***

- (4) The development is to be undertaken in accordance with the Environmental Site Assessment (March 2019) and the Supplemental Response (April 2019) and to the satisfaction of Council's Senior Environmental Health Officer.

### ***Amenity***

- (5) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Manager Development Services.
- (6) Motor vehicles, wrecked or otherwise, must not be stacked more than two vehicles high.

### ***Fencing***

- (7) Shade cloth is to be applied to existing fencing surrounding the development site and must continue to be maintained to the satisfaction of the Manager Development Services.

### ***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.

- (9) Services located under the proposed driveway are to be provided with trafficable covers to the requirements of the relevant authority and Council's Municipal Engineer.

*Parking and Access*

- (10) At least six (6) light vehicle 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.
- (11) The 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) Constructed with a durable all weather pavement.
  - (b) Access and Light Vehicle parking and manoeuvring areas (including area's where vehicles containing fluids are stored) are to be surfaced with a material to resist abrasion from traffic and to minimise the entry of water. The surfacing material must be concrete, asphalt or 2 coat seal.
  - (c) Heavy Vehicle parking and manoeuvring areas with a minimum gravel surface that is designed, construction and maintained to avoid dust or mud generation, erosion or sediment transfer off site;
  - (d) Drained to an approved stormwater system.
  - (e) On site turning.
- (12) All areas set-aside for parking and associated turning, loading and unloading areas and access must continue to be maintained to the satisfaction of the Council's Municipal Engineer.
- (13) A reinforced concrete vehicular access must be provided, from the road carriageway to the property boundary. The driveway apron is to comply with Tasmanian Standard Drawing TSD-R16-v1 - Concrete Kerbs and Channels, 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.

***Access to Public Road***

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.

(14) Lighting must be provided 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.

(15) 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 works commencing. The parking plan is to include:

- site access,
- pavement details,
- design surface levels and gradients,
- drainage,
- turning paths of the largest vehicle accessing the site,
- location of all buildings,
- dimensions,
- line marking & signage,
- entry and exit in a forward direction.

and shall form part of the permit when approved.

(16) 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.

(17) 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***

(11) Drainage from the proposed development must drain to Council's stormwater system 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.

- (12) 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 or The Model for Urban Stormwater Improvement Conceptualisation (MUSIC) and to the satisfaction of the Council's Municipal Engineer.
- (13) 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 50 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
- (14) The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.
- (15) Unless other approved by Councils Municipal Engineer spoon drains are to be sealed/concrete.
- (16) Prior to the commencement of works or the issue of a plumbing permit, detailed plans of the stormwater drainage system must be prepared by a suitably qualified civil engineer and be submitted to Councils Municipal Engineer for approval. The plans shall form part of the permit when approved.
- (17) The driveway must be drained to minimise surface runoff over the footpath or to the adjoining road in accordance with the requirements of the Municipal Engineer and a Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.

***Stormwater - external***

- (18) The developer is to provide a stormwater property connection (including SW main if required) to the lot in accordance with Council standards and to the satisfaction of Council's Municipal Engineer.

***Engineering***

- (19) All works associated with Council assets or within Council's road reservation must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 (attached).

- (20) Unless otherwise agreed by Councils Municipal Engineer engineering design drawings for all Council assets or works within Council's road reservation must be submitted to and approved by Council's Municipal Engineer before any works associated with development of the land commence.
- (21) Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, in accordance with the Tasmanian Subdivision Guidelines October 2013.
- (22) Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
- (23) 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 construction works relating to Council assets or works within Council's Road Reservation.
- (24) Public 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.

***Maintenance and Defects Liability Period***

- (25) 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.

***'As constructed' drawings***

- (26) Prior to the works being placed on the maintenance and defects liability period "As Constructed" drawings 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 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.

***Soil and Water Management***

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

- (28) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.

*Construction amenity*

- (29) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Strategic Planning:
- Monday to Friday 7:00 a.m. to 6:00 p.m.
  - Saturday 8:00 a.m. to 6:00 p.m.
  - Sunday and State-wide public holidays 10:00 a.m. to 6:00 p.m.
- (30) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - (b) The transportation of materials, goods and commodities to and from the land.
  - (c) Obstruction of any public footway or highway.
  - (d) Appearance of any building, works or materials.
- (31) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager Strategic Planning.
- (32) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- (33) 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. The owner is advised if external SW main works are required 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.
- C. 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.
- D. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.
- E. 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.
- F. There are currently no standards prescribed for compliance with the *Disability Discrimination Act* 1992, however, Australian Standards associated with the Act, including AS 1428.1-2001 - Design for access and mobility - General requirements for access - New building work and the Building Code of Australia (BCA) may apply to occupants of the building. It is recommended that you obtain further information concerning the *Disability Discrimination Act* 1992 from the Office of the Human Rights and Equal Opportunities Commission or the Tasmanian Anti-Discrimination Commission.
- G. **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**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

**10.2 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 – SA2018/00040 – 201 OLD BEACH ROAD, OLD BEACH & OTHERS - 45 LOT SUBDIVISION PLUS BALANCE LOT, PLUS UTILITIES LOT AND HYDRAULIC SERVICES:**

Type of Report	Planning Authority – For Decision
Application No:	SA2018/00040
Address:	201 Old Beach Road, Old Beach (CT173657/109) Lot 1 Lewis Ct , Old Beach (CT173656/1) Lot 1 Tivoli Road, Old Beach (CT165380/1) East Derwent Highway, Old Beach (CT12313/1 & CT10732/11) 35 Tottenham Road, Gagebrook (CT162195/1) Lamprill Circle, Herdsmans Cove (CT13200/626) 17 Tivoli Rd, Old Beach (CT165009/103)
Proposal:	45 lot subdivision plus balance lot, plus utilities lot and hydraulic services
Zone:	General Residential (Tivoli Green Specific Area Plan), Open Space, Utilities
Representations:	Two
Discretions:	9.7.1 - Subdivision F2.7.1 A1 - Lot Size 10.6.1 A4 - Internal lots 10.6.1 A5 - Subdivision is more than 3 lots 10.6.4 A4 - Services (fibre facilities and underground electricity) 19.2 - Utilities Use in Open Space Zone (OSZ) 19.3.5 A1 - Discretionary Use in OSZ 19.5.1 A2 -Utilities Lot frontage 19.5.1 A3 -Ways & public open space in OSZ

E5.6.2 A1 - New road junction  
E11.7.1 A1 - Building and Works in waterway protection area  
E20.7.1 A1 - Development on Acid Sulfate Soils  
E2.5 A1 - Use on Potentially Contaminated Land

Author: Senior Planner (David Allingham)

## **1. Executive Summary**

- 1.1. Planning approval is sought for a 45 lot subdivision at 201 Old Beach Road & Lot 1 Lewis Court in the area subject to the Tivoli Green Specific Area Plan. The application also includes a utilities lot for a Sewer Pump Station (SPS) at Lot 1 Tivoli Road and associated infrastructure.
- 1.2. The application triggers several discretions due to the subdivision layout for the residential lots and also the location of the utilities lot in the Open Space Zone and a number of overlays. There is also a discretion for the new junction created at Old Beach Road and Riviera Drive.
- 1.3. Two representations were received. It is considered that some of the issues raised in the representations are addressed by recommended permit conditions in relation to the final location of the Utilities lot and SPS.
- 1.4. The key issues are design and layout of the residential subdivision and infrastructure and the location of the Utilities lot and SPS.
- 1.5. The proposal is recommended for approval subject to standard and non-standard conditions.
- 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 SA2018/00040
- 2.2. This determination must be made no later than 16 April 2019, 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. 201 Old Beach Road is subject to an existing permit SA2007/00073 for a 112 lot subdivision. The first 7 stages of the subdivision have been completed.
- 4.2. In recent years, planning staff have been working with the applicant on a planning scheme amendment (RZ2016/0002) to rezone the land known as "Tivoli Green" and to rezone the land to General Residential and Open Space and to insert the Tivoli Green Specific Area Plan (SAP). The planning scheme amendment was approved in May 2016.
- 4.3. The SAP includes a Development Framework and additional use, development and subdivision standards. This application aligns with the new SAP and effectively overrides the existing subdivision permit.

### 5. Site Detail

- 5.1. The application relates to the below sites:

Address	Volume/Folio	Development proposed
201 Old Beach Road, Old Beach	(CT173657/109)	Residential subdivision
Lot 1 Lewis Ct , Old Beach	(CT173656/1)	Residential subdivision
Lot 1 Tivoli Road, Old Beach	(CT165380/1)	Sewer Pump Station, Utilities Lot
East Derwent Highway, Old Beach	CT12313/1	Sewer line
East Derwent Highway, Old Beach	CT10732/11	Sewer line
35 Tottenham Road, Gagebrook	(CT162195/1)	Sewer line
Lamprill Circle,	(CT13200/626)	Sewer line

Herdsmans Cove	)	
17 Tivoli Rd, Old Beach	(CT165009/10 3)	Decommission existing Sewer Pump Station and divert flows.

- 5.2. The main part of the proposed residential subdivision will be located at 201 Old Beach Road at the western end of the current Riviera Drive stub. The land is currently grassed and vacant and slopes gently downwards to the north-west.
- 5.3. 201 Old Beach Road has a 10m wide pipeline easement running NW to SE and a re-use water main running from NW to SE before it takes a dogleg to the east just before the boundary of the current residential lots.
- 5.4. The remainder of the private land is the surrounding paddocks between the residential areas to the north and south and the wetland area around Gage Brook. The northern area of Gage Brook contains a significant amount of land fill, including construction material and old tyres and is possibly subject to contamination.
- 5.5. The public land subject to the application is Council open space near Tivoli Road, the East Derwent Highway Road Reserve and some Housing Tasmania land around Lamprill Circle.
- 5.6. The residential subdivision on 201 Old Beach Road falls within the General Residential Zone and the utilities lot with the SPS will be located on Lot 1 Tivoli Rd in the Open Space Zone. Both parcels are subject to the Tivoli Green SAP. The utilities lot and SPS also fall within the Waterway and Coastal Protection Area and Potential Acid Sulfate Soils Area.

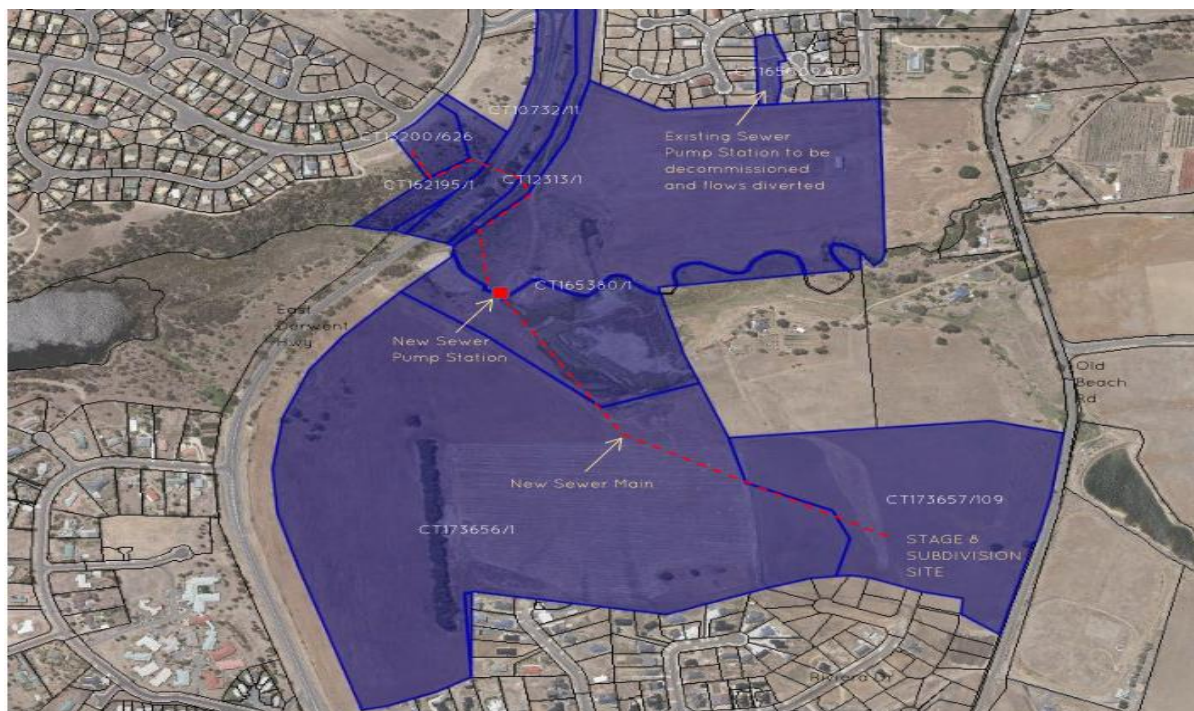
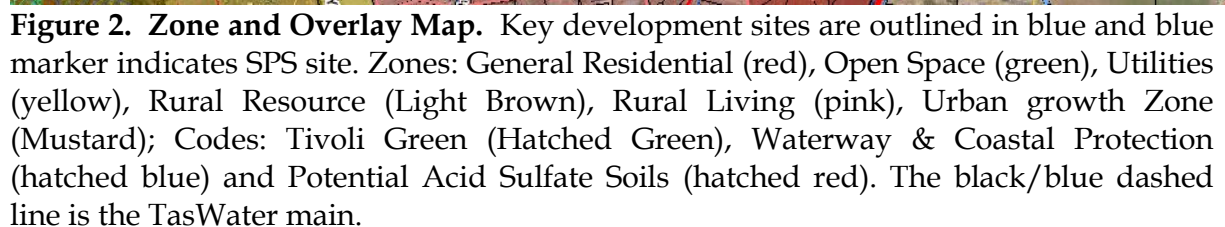


Figure 1. Context Plan (Source: Cover Letter)



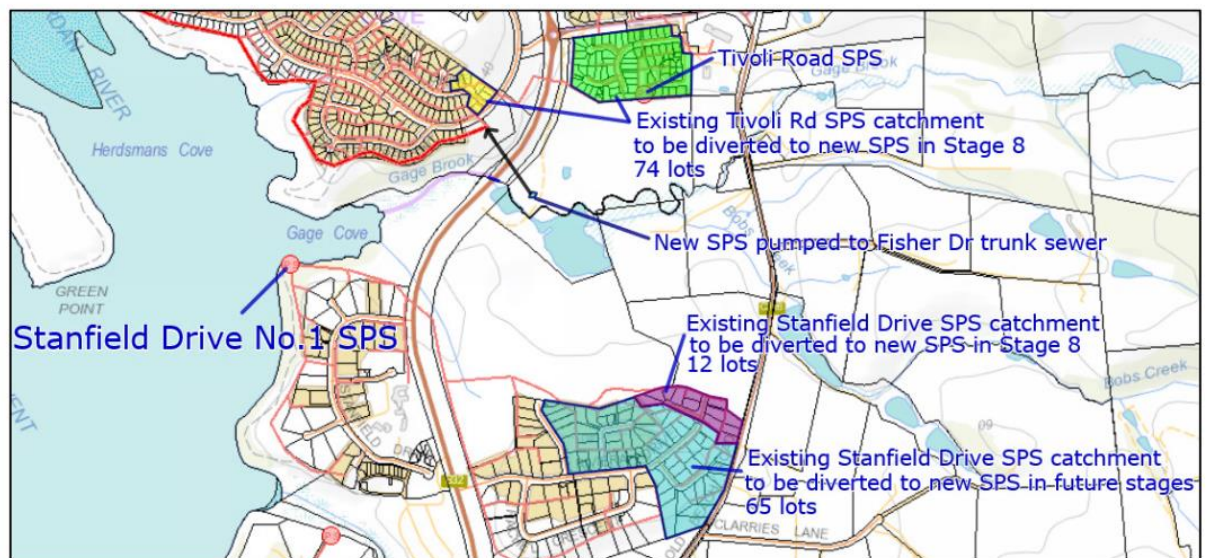


6.1. The proposal is for:

- a 45 lot residential subdivision at the northern end of Riviera Drive;
- a new Sewer Pump Station (SPS) and associated 750m2 utilities lot (Lot 1001) adjacent Gage Brook.
- Decommissioning of the existing SPS at Lot 1 Tivoli Road and an extension of the sewer main to the new SPS and to an existing SPS on Fisher Drive.



- 6.2. The 45 lot residential subdivision includes an extension of Riviera Drive to a new junction with Old Beach Road and three new roads which all terminate in temporary turning heads. The reuse water main is proposed to be relocated within the road reserve and the 10m pipeline easement is located in the road reserve and some private land.
- 6.3. The lots located in Precinct C of the SAP range between 666m<sup>2</sup> and 905m<sup>2</sup> and lots in Precinct B range between 600m<sup>2</sup> and 700m<sup>2</sup> and Lot 190, 264 and 265 are 1300m<sup>2</sup>, 1400m<sup>2</sup> and 1630m<sup>2</sup> respectively and designated for multiple dwellings.
- 6.4. The existing residential area off Riviera Drive currently drains to Stanfield Drive No.1 SPS which is at capacity. It is proposed to divert as much of the existing sewage to a new SPS that will pump to the Fisher Drive trunk gravity sewer. The location of the new SPS will allow decommissioning of the existing Tivoli Road SPS. Figure 3 shows a schematic of the proposed arrangement. The new SPS will effectively service the entire Tivoli Green SAP area at full development.
- 6.5. A 750m<sup>2</sup> lot is proposed to contain the SPS and associated infrastructure required for TasWater to maintain the asset once they take it over. The utilities lot will gain access via 4m wide Right-of-Way (ROW) from the existing Tivoli Rd SPS site.



**Figure 3 - New sewer arrangement (Source: JMG Tivoli Green Concept Service Report)**

- 6.6. Stormwater from the Tivoli Green subdivision are earmarked for use as public open space and hence stormwater treatment will play an important role in keeping the space clean. Under the ultimate development scenario this treatment will be located at the outfall to Gage Brook. This subdivision is located approximately 350m above Gage Brook and it is not considered feasible to construct underground drainage to this outfall point at this stage. This subdivision will consist of five drainage outlets at the end of each of the proposed roads and reticulated stormwater pipes.

These outlets will consist of temporary headwalls with the capacity to capture gross pollutants. Runoff will then be directed to Gage Brook via a temporary swale. Runoff from Riviera Drive will be treated in roadside swales as per the existing system; with pipes discharging to the Old Beach Road table drain.

## **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 10 – General Residential Zone
  - Part D – Clause 19 – Open Space Zone
  - Part E – Clause E1.0 – Bushfire Prone Areas Code
  - Part E – Clause E5.0 Road and Railway Assets Code
  - Part E – Clause E6.0 – Parking & Access Code
  - Part E – Clause E7.0 – Stormwater Management Code
  - Part E – Clause E11.0 – Waterway & Coastal Protection Code
  - Part E – Clause E20.0 – Acid Sulfate Soils Code
  - Part F – Clause F2.0 – Tivoli Green Specific Area Plan
- 8.2. The application satisfies the following relevant AS of the applicable provisions:
  - 10.6.1 A2 – Building area
  - 10.6.1 A3 – Frontage
  - 10.6.4 A1 – Reticulated water
  - 10.6.4 A2 – Reticulated sewerage
  - 10.6.4 A3 – Stormwater
  - 19.4.1 A1 – Building height
  - 19.4.2 A1 & A2 – Setbacks
  - 19.4.3 A2 – Landscaping
  - 19.5.1 A1 – Subdivision for utilities
  - 19.5.1 A4 – Servicing of lot



- E1.6.1 A1 – Provision of bushfire hazard management areas
- E1.6.2 A1 – Public and fire fighting access
- E1.6.3 A1 – Provision of water supply for fire fighting
- E5.6.4 A1 – Sight distances at junctions
- E11.8.1 A1 & A2 – Subdivision
- F2.7.3 A1 – Subdivision layout
- F2.7.4 A1 – Traffic impact
- F2.7.5 A1 – Water sensitive urban design
- F2.7.6 A1 – Noise attenuation for East Derwent Highway

8.3. The following discretions are invoked and are discussed in more detail below:

- 9.7.1 - Subdivision
- F2.7.1 A1 - Lot Size
- 10.6.1 A4 - Internal lots
- 10.6.1 A5 - Subdivision is more than 3 lots
- 10.6.4 A4 - Services (fibre facilities and underground electricity)
- 19.2 - Utilities Use in Open Space Zone (OSZ)
- 19.3.5 A1 - Discretionary Use in OSZ
- 19.5.1 A2 -Utilities Lot frontage
- 19.5.1 A3 -Ways & public open space in OSZ
- E5.6.2 A1 - New road junction
- E11.7.1 A1 - Building and Works in waterway protection area
- E20.7.1 A1 - Development on Acid Sulfate Soils
- E2.5 A1 – Use on Potentially Contaminated Land

8.4. Discretion 1 – 9.7.1 Subdivision

8.5.1 Under Clause 9.7.1 an application involving a plan of subdivision is discretionary. The purpose of the relevant zones, codes and SAPs are relevant when determining discretionary matters. Of particular relevance to the residential component of the plan of subdivision are the Zone purpose of the General Residential Zone and Tivoli Green SAP outlined below:

General Residential

*10.1.1 Zone Purpose Statements*

*10.1.1.1 - To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.*

10.1.1.2 - To provide for compatible non-residential uses that primarily serve the local community.

10.1.1.3 - To provide for the efficient utilisation of services

*Tivoli Green SAP*

*The purpose of the Specific Area Plan is:*

*F2.1.1 - To promote social interaction through an active and healthy residential environment based on provision of public open space, a pedestrian and trail network and the integration of water sensitive urban design into the road network.*

*F2.1.2 - To provide for a transition of densities, consistent with the character of established development on the adjacent areas to the north and south, while maintaining an overall net density compatible with the efficient utilisation of land and existing infrastructure.*

*F2.1.3 - In Precinct A, to promote a village centre around the central open space with:*

- (a) opportunities for local level retail activities and food services;*
- (b) higher density subdivision to provide opportunities for affordable home ownership in an area with good access to recreational and community facilities;*
- (c) a lot layout mostly in a formal grid pattern; and*
- (d) a built character defined by;*
  - (i) high levels of residential amenity and passive surveillance;*
  - (ii) a compact and visually interesting streetscape with small and consistent front setbacks reinforcing a building edge along the street;*
  - (iii) building mass and bulk located to the front of lots with generous provision of private open space at the rear.*
  - (iv) minimal side separation but with good solar access and privacy.*

*F2.1.4 - To promote a layout of subdivision that responds to the natural topography and maximises solar orientation.*

*F2.1.5 - To promote road connectivity with the existing and potential roads in adjoining areas occurring in a coordinated manner consistent with maintaining the safety and efficiency of the road network and a pedestrian friendly environment.*

*F2.1.6 - To provide for the staged release of land.*

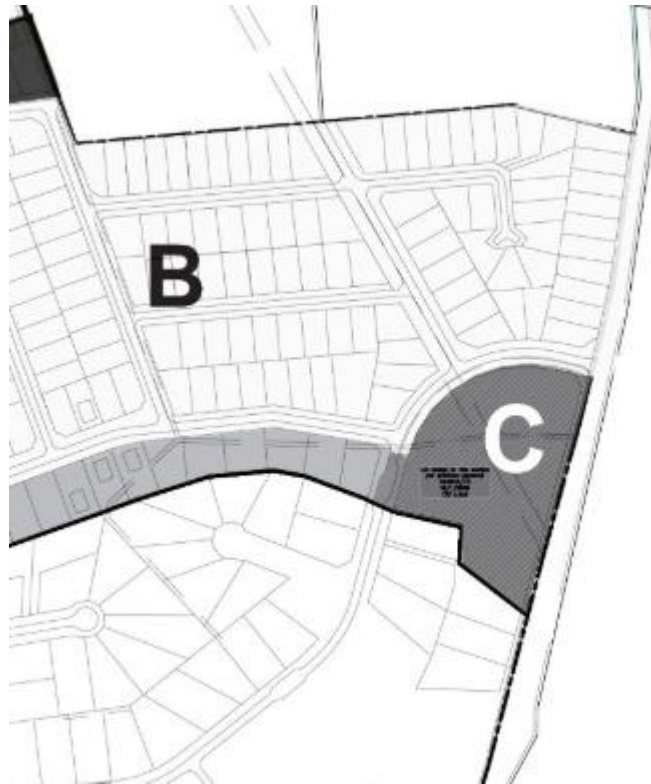
*F2.1.7 - To integrate water sensitive urban design principles into the subdivision of the land in a manner that contributes to protecting and improving the water quality of Gage Brook.*

F2.1.8 - To protect the safety and efficiency of the East Derwent Highway.

8.5.2 The proposed subdivision is consistent with the relevant Zone and SAP purposes.

**8.6 Discretion 2 – F2.7.1 A1 - Lot Size**

8.6.1 Clause F2.7.1 of the Tivoli Green SAP is in substitution of the lot size standards of the General Residential Zone. The lot sizes vary depending on what precinct the land is (see Figure 4).



**Figure 4 - Precinct Areas**

8.6.2 The AS requires:

A1

Each lot, or a lot proposed in a plan of sub division, must have an area not less than:

- (a) 300m<sup>2</sup> for Precinct A;
- (b) 500m<sup>2</sup> for Precinct B; and
- (c) 800m<sup>2</sup> for Precinct C.

8.6.3 Lots 188 & 189 in Precinct C are 625m<sup>2</sup> and 666m<sup>2</sup> respectively and do not satisfy the AS. The lot sizes must be assessed against the corresponding PC:

P1

*Each lot, or a lot proposed in a plan of subdivision, must have an area that is compatible with the purpose of the Specific Area Plan having regard to:*

- (a) the attainment of the development framework shown in Figure F2.3;*
- (b) the topography of the site;*
- (c) the pattern of development existing on established properties in the adjacent areas;*
- (d) the intended location of buildings on the lot;*
- (e) the potential for non-single dwelling residential use and development; and*
- (f) adequate provision of noise attenuation arising from the East Derwent Highway.*

8.6.4 The smaller lots on the eastern side of the Riviera Drive extension are required to provide for the most efficient lot layout in an area constrained by the 10.06m TasWater pipeline easement.

8.6.5 The proposed lot sizes are able to satisfy the requirements of the PC as they satisfy the SAP purpose and the attainment of the development framework.

#### **8.7 Discretion 3 – 10.6.1 A4 – Internal lots**

8.7.1 The AS for the above standard requires no lots to be internal lots. Lots 264 and 265 are internal lots. The proposal needs to be assessed against the PC as follows:

*P4*

*An internal lot must satisfy all of the following:*

- (a) the lot gains access from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;*
- (b) it is not reasonably possible to provide a new road to create a standard frontage lot;*
- (c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;*
- (d) the lot will contribute to the more efficient utilisation of residential land and infrastructure;*
- (e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;*
- (f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;*
- (g) passing bays are provided at appropriate distances to service the likely future use of the lot;*

- (h) *the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;*
- (i) *a sealed driveway is provided on the access strip prior to the sealing of the final plan.*
- (j) *the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.*

8.7.2 The internal lots have been created to accommodate the 10.06m wide pipeline easement running through the site. The proposed lot layout is the most efficient utilisation of the residential land and infrastructure in this area. The lots are designated for multiple dwellings, but are large enough to have no significant impact on the amenity of the neighbourhood.

8.7.3 The internal lots have adjoining 3.6m wide right of ways which are able to accommodate passing bays if they are reciprocal. A condition should be included that the access strip is to be constructed prior to sealing of the final plan.

8.7.4 As above, it is considered that the proposal can meet this PC with conditions.

#### **8.8 Discretion 4 – 10.6.1 A5 - Subdivision is more than 3 lots**

8.8.1 The AS requires “*Subdivision is for no more than 3 lots*”. The proposal is for 45 lots and must be assessed against the PC as follows:

*P5*

*Arrangement and provision of lots must satisfy all of the following;*

- (a) *have regard to providing a higher net density of dwellings along;*
  - (i) *public transport corridors;*
  - (ii) *adjoining or opposite public open space, except where the public open space presents a hazard risk such as bushfire;*
  - (iii) *within 200 m of business zones and local shops;*
- (b) *will not compromise the future subdivision of the entirety of the parent lot to the densities envisaged for the zone;*
- (c) *staging, if any, provides for the efficient and ordered provision of new infrastructure;*
- (d) *opportunity is optimised for passive surveillance between future residential development on the lots and public spaces;*
- (e) *is consistent with any applicable Local Area Objectives or Desired Future.*

8.8.2 The PC requirements have already been considered in the preparation of the Tivoli Green SAP and are generally covered in the Development Framework which sets out the road layout, lot layout, density areas and open space.

8.8.3 It is considered that the proposal can meet this PC.

**8.9 Discretion 5 - 10.6.4 A4 - Services (fibre facilities and underground electricity)**

8.9.1 The AS requires "Subdivision includes no new road". The proposed subdivision has new road and must be assessed against the PC as follows:

*P4*

*The subdivision provides for the installation of fibre ready facilities (pit and pipe that can hold optical fibre line) and the underground provision of electricity supply.*

8.9.2 A permit condition requiring fibre ready facilities and underground electricity provision to be provided is recommended.

8.9.3 The proposal satisfies the PC with conditions.

**8.10 Discretion 6 - 19.2 - Utilities Use in Open Space Zone (OSZ)**

8.10.1 The proposed SPS is a discretionary use (Utilities) in the OSZ (Table 19.2). In determining an application for a discretionary use, the assessment must have regard to the applicable Zone Purpose. The OSZ purpose is:

*19.1.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.*

*19.1.1.2 To encourage open space networks that are linked through the provision of walking and cycle trails.*

8.10.2 The SPS doesn't further the zone purpose, so it needs to be considered whether it greatly detracts from it. It is not uncommon for utilities infrastructure to be located within open space, however the proposal includes a 750m<sup>2</sup> lot dedicated to the SPS to be transferred to TasWater. It is important the open space remain as accessible as possible to the public but also maintain public safety and protection of the asset. Council can work with TasWater to ensure that the best outcome is achieved as the subdivision subject to the Tivoli Green SAP is developed.

8.10.3 The use satisfies the Zone purpose.

**8.11 Discretion 7 - 19.3.5 A1 - Discretionary Use in OSZ**

8.11.1 There is no AS for the above standard. The proposed SPS must be assessed against the corresponding PC as follows:

*P1*

*Discretionary use must complement and enhance the use of the land for recreational purposes by providing for facilities and services that augment and support Permitted use or No Permit Required use.*

8.11.2 The SPS will allow for residential development to occur in Tivoli Green, which is expected to enhance the use of the land within the open space zone for recreational purposes. The proposal will provide facilities that support permitted uses within Tivoli Green, and the SPS is necessary to achieving this.

8.11.3 The performance criterion at 19.3.5 P1 is considered to be met.

**8.12 Discretion 8 - 19.5.1 A2 - Frontage**

8.12.1 The AS requires frontage for each lot to be 15m. It is proposed for the utilities lot to gain access via 4m wide ROW to Lot 1 Tivoli Road where the existing SPS is located. TasWater have an existing ROW over this parcel of land. The application must be assessed against the corresponding PC as follows:

*The frontage of each lot must be capable of adequately serving the intended purpose.*

8.12.2 The proposed 4m wide ROW over land that will eventually be developed by a residential road network adequately serves the intended purpose. However, the existing ROW over Lot 1 Tivoli Rd does not currently extend to the southern extent of the lot and therefore TW will not have access to the new ROW without amending the ROW. A better solution for the ROW alignment is to provide it to the existing Tivoli Rd stub which is Council owned road reserve. This will also allow for the existing service road to the SPS on Lot 1 Tivoli Rd to be rehabilitated so that the land can be better utilised as public space.

8.12.3 The PC can be satisfied with a condition requiring the ROW to be realigned to the Tivoli Rd stub and the existing gravel maintenance access on Lot 1 Tivoli to be rehabilitated.

**8.13 Discretion 9 - 19.5.1 A3 -Ways & public open space in OSZ**

8.13.1 There is no AS for the above standard, therefore the utilities lot needs to be assessed against the following PC:

*P3*

*The arrangement of ways and public open space within a subdivision must satisfy all of the following:*

- (a) connections with any adjoining ways are provided through the provision of ways to the common boundary, as appropriate;*
- (b) connections with any neighbouring land with subdivision potential is provided through the provision of ways to the common boundary, as appropriate;*
- (c) connections with the neighbourhood road network are provided through the provision of ways to those roads, as appropriate;*
- (d) convenient access to local shops, community facilities, public open space and public transport routes is provided;*

- (e) *new ways are designed so that adequate passive surveillance will be provided from development on neighbouring land and public roads as appropriate;*
- (f) *provides for a legible movement network;*
- (g) *the route of new ways has regard to any pedestrian & cycle way or public open space plan adopted by the Planning Authority;*
- (h) *Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.*
- (i) *new ways or extensions to existing ways must be designed to minimise opportunities for entrapment or other criminal behaviour including, but not limited to, having regard to the following:*
  - (i) *the width of the way;*
  - (ii) *the length of the way;*
  - (iii) *landscaping within the way;*
  - (iv) *lighting;*
  - (v) *provision of opportunities for 'loitering';*
  - (vi) *the shape of the way (avoiding bends, corners or other opportunities for concealment).*

8.13.2 The proposal will create a utilities lot for an SPS in the Gage Brook open space that will be developed in the future as a high quality open space area to provide the Tivoli Road “village centre”. As mentioned previously it is important that the utilities lot and SPS do not have a significant impact on the functionality of the open space. As the Tivoli Green subdivision and open space is developed it is possible that the utilities lot may be consolidated with a larger open space lot in Council ownership and the necessary ROW's be provided to TasWater.

8.13.3 It is also critical that the location of the SPS does not inhibit the ability to provide the “indicative road link” as shown on the Tivoli Green Development Framework between the north and south. The final location of the SPS and utilities lot needs some further consideration and a condition to this effect is recommended.

8.13.4 The application satisfies the PC with conditions.

#### 8.14 **Discretion 10 - E5.6.2 A1 - New road junction**

8.14.1 The AS for the above is “No new access or junction to roads in an area subject to a speed limit of more than 60km/h.” The application proposes a new junction onto Old Beach Road which is currently signposted at 70km/h. Therefore, the application must be assessed against the corresponding PC:



P1

*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.*

8.14.2 A Traffic Impact Assessment (TIA) prepared by Milan Prodanovic forms part of the Tivoli Green Specific Area Plan. The TIA addresses the total Tivoli Green Development consisting of some 577 additional lots. Relevant to this application the TIA addresses traffic on Riviera Drive and the new intersection with Old Beach Road. The TIA concludes that:

*At the proposed location of the new Riviera Drive junction on Old Beach Road measurements have found the available sight distances along Old Beach Road will also be more than adequate with the clearance of vegetation and slight cut back of the embankment along the western side of the road to the north of the proposed junction.*

*In regard to the lots with direct access to Old Beach Road.....lots will have accesses with more than adequate sight distance along Old Beach Road.*

*There are no concerns with the proposed subdivision road layout ....*

*The layout of the streets will provide for fairly square T-junctions that will ensure vehicle priorities are clear.*

*Good junction sight lines will be available along the continuing street at all junctions for the expected speed environment within the subdivision.*

*At the Riviera Drive junction with Old Beach Road, there is a need to construct a BAR type treatment on Old Beach Road for southbound traffic.*

*Rather than requiring the residential subdivisional streets to be constructed to the wide Council standards, it is strongly recommended that these streets be constructed to a width between kerb faces of no more than 6.5m.*

*The exception to this would be the subdivisional road between the first four leg intersection on Lewis Court eastwards to Riviera Drive, to have a similar design standard to Riviera Drive, should Metro Tasmania consider the area would be better serviced with a bus route along this road.*

8.14.3 Council's preferred width is in accordance with the Council's Standard Drawings (i.e. a minimum width of 8.9m between kerb faces or 6.9m for cul de sacs <150m in length) however this could be further assessed at the detail design stage. Narrower widths MAY be considered at the Municipal Engineer's discretion subject to detail design and inclusion of measures such as the provision of parking bays or double driveways. It is noted however that the Bushfire Report has a minimum road carriageway width of 7m for through roads. All roads in this development are, or will be, through roads. Apart from road widths the conclusions and recommendations of the TIA are generally supported in relation to this application.

8.14.4 A condition is recommended requiring a BAR treatment at the junction as per the TIA submitted with the application.

8.14.5 The proposal satisfies the PC with conditions.

**8.15 Discretion 11 - E11.7.1 A1 - Building and Works in waterway protection area**

8.15.1 The proposed SPS is proposed to be located to the north of Gage Brook near the existing farm bridge which is in the Waterway and Coastal Protection Area. The AS for the above is *"Building and works within a Waterway and Coastal Protection Area must be within a building area on a plan of subdivision approved under this planning scheme."* There are no existing building areas on the subdivision plan. Therefore, the application must be assessed against the corresponding PC:

P1

*Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:*

- (a) avoid or mitigate impact on natural values;*
- (b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;*
- (c) avoid or mitigate impacts on riparian or littoral vegetation;*
- (d) maintain natural streambank and streambed condition, (where it exists);*
- (e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;*
- (f) avoid significantly impeding natural flow and drainage;*
- (g) maintain fish passage (where applicable);*
- (h) avoid landfilling of wetlands;*
- (i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and*

*the unnecessary use of machinery within watercourses or wetlands is avoided.*

8.15.2 The area contains a significant amount of landfill and is unlikely to contain any natural values. However, the application has not adequately addressed the above requirements, particularly the impact the landfill could have on the waterway.

8.15.3 The proposed location of the SPS may need to be reconsidered based on a number of factors including the requirements of the PC above. It is recommended that a condition of permit requires a report be provided to Council prior to the subdivision works commencing, that assesses the impact of the building and works as per P1 above.

8.15.4 The application can satisfy the PC subject to conditions.

**8.16 Discretion 12 - E20.7.1 A1 - Development on Acid Sulfate Soils**

8.16.1 The proposed SPS is located within the Potential Acid Sulfate Soils Area. There is no AS for the above standard and the application needs to be assessed against the corresponding PC:

*P1*

*Development must be designed, sited and constructed to minimise the risk of acid sulfate soil to property and the environment having regard to the following, as appropriate:*

- (a) the acid sulfate or potential acid sulfate soils in the vicinity of proposed works involving excavation or disturbance of soil or sediment, or drainage of groundwater;*
- (b) the potential for those works to cause potential acid sulfate soils to be exposed to air or oxidised;*
- (c) the potential for the development to be affected by acid sulfate soils;*
- (d) the level of risk and potential consequences for human health, property and the environment;*
- (e) management measures to reduce risk to an acceptable level.*

8.16.2 The application provided no information to address the Acid Sulfate Soils Code. It is recommended that an acid sulfate soils management plan be prepared by a suitably qualified person prior to any subdivision works commencing.

8.16.3 The application can satisfy the PC subject to conditions.

**8.17 Discretion 13 - E2.5 A1 - Use on Potentially Contaminated Land**

8.17.1 The site of the proposed LPS contains a significant amount of landfill. The Potentially Contaminated Land Code is called up if there "ought reasonably to have known was used for a potentially contaminating activity." "Potentially contaminating activities" are

listed in Table E2.2 and includes “landfill sites, including on-site waste disposal and refuse pits”.

8.17.2 The AS for the standard is:

*A1*

*The Director (of the EPA), or a person approved by the Director for the purpose of this Code:*

- (a) certifies that the land is suitable for the intended use; or*
- (b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.*

The application does not satisfy the AS and must be assessed against the corresponding PC:

*P1*

*Land is suitable for the intended use, having regard to:*

- (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or*
- (b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or*
- (c) a plan to manage contamination and associated risk to human health or the environment that includes:*
  - (i) an environmental site assessment;*
  - (ii) any specific remediation and protection measures required to be implemented before any use commences; and*
  - (iii) a statement that the land is suitable for the intended use.*

8.17.3 The application provided no information to address the Potentially Contaminated Land Code. It is recommended that an environmental site assessment be prepared by a suitably qualified person prior to any subdivision works commencing.

8.17.4 The application can satisfy the PC subject to conditions.

## **9 Referrals**

### **9.1 Tas Water**

9.1.1 TasWater has imposed conditions on the proposal which are included in the recommendation.

9.1.2 TasWater has also provided a response to the representations and indicated that they have their own guidelines for environmental considerations when constructing an SPS in a sensitive area.

9.2 Council's Technical Officer

- 9.2.1 Council's Technical Officer (TO) has reviewed the application against Code E5, E6 & E7 and the Water Sensitive Urban Design (WSUD) standards of the Tivoli Green SAP and his comments and response to representations are incorporated into the body of the document except for the comments below.
- 9.2.2 The TO notes that, apart from road widths, the conclusions and recommendations of the TIA submitted with the application are generally supported in relation to this application.
- 9.2.3 WSUD principles are required for the treatment and disposal of SW.

A concept services report prepared by JMG was submitted with the application. With regard to stormwater the report states:

*The receiving waters are ear marked for use as public open space and hence stormwater treatment will play an important role in keeping the space clean. Under the ultimate development scenario this treatment will be located at the outfall to Gage Brook. Stage 8 is located approximately 350m above Gage Brook and it is not considered feasible to construct underground drainage to this outfall point at this stage. Stage 8 will consist of five drainage outlets at the end of each of the proposed roads and reticulated stormwater pipes. These outlets will consist of temporary headwalls with the capacity to capture gross pollutants. Runoff will then be directed to Gage Brook via a temporary swale. It is expected that this will provide sufficient treatment until further stages are developed. Runoff from Riviera Drive will be treated in roadside swales as per the existing system; with pipes discharging to the Old Beach Road table drain.*

Whilst this concept is supported there is currently no timeline or guarantee for future stages. As such consideration should be given to this "stage" being stand alone.

The stormwater from roads 1, 2 and 3 should be piped to create a consolidated single outfall to a vegetated swale drain. Council however may consider deferring the connection of the piped stormwater from the ends of roads 3 and 2 to the outfall of road 1 providing a temporary vegetated swale is provided and the developer enters into an agreement with Council for the deferral of works and a bond lodged with Council in accordance with Council Policy.

If future stages are constructed in a timely manner works could be incorporated into those stages and the bond returned.

## 9. Concerns raised by representors

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

Concern	Response
<p>Not opposed to this development, but concerned about the growing Old Beach population and no allowance for amenities.</p> <p>The nearest shops are at Bridgewater 6 km away. The public transport is sporadic at best. Every task and errand I need to make requires a car journey which totally goes against my views of sustainable living and development. Please put forward my objection to further residential development in this area without any provision for a local neighbourhood shopping and amenities centre and increased frequency of public transport to service the growing community.</p>	<p>The representation refers to a strategic planning matter which is not a concern for this development where the zone and controls are already in place.</p> <p>However, it is noted that the intent of the Tivoli Green SAP is to create an urban village around the open space and local shops and cafes are permitted in this area.</p> <p>Council has also recently rezoned a parcel of land on Gage Road from General Residential to Local Business to provide for more local shopping opportunities.</p>
<p>Concerned with the proposal to abandon the existing SPS on Lot Tivoli Rd on land that was provided to Brighton Council, and replace it with one which is inappropriately located and contrary to the provisions for the Waterway and Coastal Protection Code.</p>	<p>Tas Water has provided the following response in regard to decommissioning the existing SPS:</p> <p>In terms of the removal of the pump station that ..... required, I feel that argument is irrelevant as the aim of the water authority is to own and operate a little infrastructure as possible and seeing that the ownership was transferred to us, if we see an opportunity to make that asset redundant then we should take that opportunity in order to reduce operational costs which benefits the community.</p> <p>The requirements of the Waterway and Protection Code are discussed in section 8.15 of this report.</p>
<p>An SPS does not satisfy PC P1 of Clause 19.3.5:</p> <p>Discretionary use must complement and enhance the use of the land for recreational purposes by providing for facilities and services that augment and support Permitted use or No Permit Required use.</p>	<p>The SPS is considered to satisfy the PC as explained in section 8.11 of this report.</p>

<p>A SPS would not complement and enhance the use of the land for recreational purposes as it would not provide any facilities or services that augment and support Permitted or No Permit Required use.</p>	
<p>The application does not satisfy the PC at clause E11.7.1</p> <p><i>P1</i></p> <p><i>Building and works within a Waterway and Coastal Protection Area must satisfy all of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) avoid or mitigate impact on natural values;</i></li> <li><i>(b) mitigate and manage adverse erosion, sedimentation and runoff impacts on natural values;</i></li> <li><i>(c) avoid or mitigate impacts on riparian or littoral vegetation;</i></li> <li><i>(d) maintain natural streambank and streambed condition, (where it exists);</i></li> <li><i>(e) maintain in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</i></li> <li><i>(f) avoid significantly impeding natural flow and drainage;</i></li> <li><i>(g) maintain fish passage (where applicable);</i></li> <li><i>(h) avoid landfilling of wetlands;</i></li> <li><i>(i) works are undertaken generally in accordance with 'Wetlands and Waterways Works Manual' (DPIWE, 2003) and "Tasmanian Coastal Works Manual" (DPIPWE, Page and Thorp, 2010), and the unnecessary use of machinery within watercourses or wetlands is avoided.</i></li> </ul> <p>No information was provided in regard to (a) to (c), (e) and (i) and does not satisfy (d) as the location of the SPS would not maintain the natural streambank and stream bed condition.</p>	<p>The requirements of the Waterway and Protection Code are discussed in section 8.15 of this report.</p> <p>It is acknowledged that the Code was not adequately addressed. However, the developer and TasWater have indicated that the final location of the SPS is flexible, but does need to be in the low point adjacent to Gage Brook.</p> <p>It is practical for the SPS to be approved subject to further investigations.</p>

## 10. Discussion

- 10.1. The 45 lot residential subdivision application is complex as it also includes an SPS and utilities lot which will service the entire area subject to the Tivoli Green SAP.

- 10.2. The proposed location of the SPS is on landfill on the northern side of Gage Brook. The location triggers assessment against several codes relating to waterway protection, Acid Sulfate Soils and Potentially Contaminated Land. The location of the SPS also needs to be considered in regards to the indicative road link and also the impact it will have on the functionality of the open space network.
- 10.3. Further work needs to be done around the location of the SPS and associated utility lot and its potential impacts. Given the size of the area the SPS could be located and the distance it has to sensitive uses, it is considered that this can be done by requiring further work to be done as permit conditions.

## **11. Conclusion**

- 11.1. The proposal is for a 45 lot residential subdivision, SPS and associated utilities lot and new sewer mains.
- 11.2. The key issues relate to the lot layout, new junction at Old Beach Road and the final location of the SPS and utilities lot.
- 11.3. The proposal is considered to meet the relevant provisions of the Brighton Interim Planning Scheme 2015, and as such is recommended for approval with conditions.

## **12. RECOMMENDATION:**

That pursuant to the Brighton Interim Planning Scheme 2015, Council approve application SA2018/00040 for a 45 lot subdivision plus balance lot, plus utilities lot and hydraulic services at:

- 201 Old Beach Road, Old Beach (CT173657/109);
- Lot 1 Lewis Ct , Old Beach (CT173656/1);
- Lot 1 Tivoli Road, Old Beach (CT165380/1);
- East Derwent Highway, Old Beach (CT12313/1 & CT10732/11);
- 35 Tottenham Road, Gagebrook (CT162195/1);
- Lamprill Circle, Herdsmans Cove (CT13200/626); and
- 17 Tivoli Rd, Old Beach (CT165009/103),

for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### ***General***

1. 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.



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.

***Amended plan of survey required***

3. This permit shall not take effect and must not be acted on until three copies of an amended plan of survey have been submitted to and approved by the Manager Development Services. This amended plan of survey must show:
  - The “proposed Right of Way (Private) 4.00 Wide” relocated so that it has frontage to the Tivoli Road stub in the North-East; and
  - The Utilities lot containing the proposed Sewer Pump Station relocated so that it satisfies condition 5 below.
4. Once approved, the amended plan of survey shall become part of the endorsed documents of this permit.

***Sewer Pump Station (SPS) and Utilities Lot***

5. Prior to subdivision works commencing, the SPS and associated Utilities Lot must be relocated to the satisfaction of Council’s Manager Development Services and TasWater taking the following into consideration:
  - a. The location of the “Future road link (indicative alignment)” as shown in Figure 2.3 Development Framework in clause F2.0 Tivoli Green Specific Area Plan in the Brighton Interim Planning Scheme 2015 (the “Scheme”).
  - b. An acid sulfate soils management plan prepared by a suitably qualified person if the final location is within the Acid Sulfate Soils Area in the Scheme.
  - c. An environmental site assessment be prepared by a suitably qualified person if the final location is within the area around Gage Brook containing landfill.
  - d. A report prepared by a suitably qualified person addressing the requirements of the Waterway and Coastal Protection Code if the final location is within the Waterway and Coast Protection Area in the Scheme.

Any reports submitted to satisfy the requirements above the reports shall become part of the endorsed documents of this permit and their recommendations must be adhered too.

***Staged development***

6. The subdivision development must not be carried out in stages except in accordance with a staged development plan submitted to and approved by Council’s Manager Development Services.

***Transfer of reserves***

7. 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.

***Landscaping***

8. The road reserves must be landscaped by trees or plants in accordance with a landscape plan prepared by a landscape architect or other person approved by Council and submitted to Council for endorsement with the engineering drawings. The landscape plan must show the areas to be landscaped, the form of landscaping, and the species of plants and estimates of the cost of the works.
9. Street trees must be a minimum of 2 metres in height at the time of planting.

***Part 5 Agreements:***

10. Prior to the sealing of the Final Plan, a Part 5 Agreement must be entered into and registered under Part 5 of the Land Use Planning and Approvals Act 1993 for lots 190, 264 and 265 as shown on the Plan of Subdivision to have the effect that these lots are to be developed by multiple dwellings.
11. Agreements made pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be prepared by the applicant on a blank instrument form to the satisfaction of the Council and registered with the Recorder of Titles. The subdivider must meet all costs associated with the preparation and registration of the Part 5 Agreement.

***Final plan***

12. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing. 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.
13. Prior to Council sealing the final plan of survey, 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.
14. 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.
15. The subdivider must pay any Titles Office lodgement fees direct to the Recorder of Titles.

***Bushfire***

16. Before sealing of the Final Plan, the approved use and development must comply with the requirements of the "Bushfire Report for Tivoli Green Pty. Ltd. – Tivoli Green Subdivision – Stage 8" prepared by JMG and dated January 2019.

***Easements***

15. 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.
16. A drainage easement must be provided over the proposed stormwater pipes and temporary drains on the balance lot.

***Engineering***

17. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 (**attached**).
18. Engineering design drawings to the satisfaction of the Council's Municipal Engineer must be submitted to and approved by Council before development of the land commences.
19. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, and must show -
  - (a) all existing and proposed services required by this permit;
  - (b) all existing and proposed roadwork required by this permit;
  - (c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - (d) measures to be taken to limit or control erosion and sedimentation;
  - (e) any other work required by this permit.
20. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
21. 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***

22. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's General Manager or responsible authority.
23. 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.
24. Property services to internal lots must be extended the full length of the access strip to the lot proper.

***Drainage***

25. The developer is to provide a 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
26. The developer is to provide a piped 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.
27. The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.
28. 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.
29. The stormwater from roads 1, 2 and 3 is to be piped to create a consolidated single outfall to a vegetated swale drain.

Advice: Council may allow deferring the connection of the piped stormwater from the ends of roads 3 and 2 to the outfall of road 1 providing a temporary vegetated swale is provided and the developer enters into an agreement with Council for the deferral of works and a bond lodged with Council in accordance with Council Policy.

***Tas Water***

30. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2018/01974-BTN, dated 22/02/2019.

***Telecommunications and electrical reticulation***

31. 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.
32. 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.
33. 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.

***Roads and Access***

34. Roadworks and drainage must be designed and constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's Municipal Engineer.
35. The developer must provide a Basic Right Turn Treatment (BAR) treatment on Old Beach Road at the intersection with the extension of Riviera Drive.
36. Temporary turning heads with a minimum radius of 12.0 metres are to be provided at the ends of each road in accordance with the approved bushfire management plan. Unless approved otherwise by Council's Municipal Engineer, turning heads are to be surfaced with hotmix asphalt.
37. New roads must, unless approved otherwise by Council's Municipal Engineer, include: -
  - a. Riviera Drive
    - i. A minimum carriageway width of 11.0m or 8.9m with indented bus lay bys and parking bays;
    - ii. Kerb and channel;
    - iii. 1.5m wide concrete footpath both sides; and
    - iv. Underground stormwater drainage.
  - b. Subdivision Roads 1, 2 & 3
    - i. A minimum carriageway width of 8.9m;
    - ii. Kerb and channel;
    - iii. 1.5m wide concrete footpath on at least one side; and
    - iv. Underground stormwater drainage.

Advice: Council's Municipal Engineer may approve variations to the above requirements, subject to detail design, to incorporate water sensitive urban design principles or where narrower pavements are utilised to provide traffic calming and assist in creating a clear road hierarchy within the development.

38. All carriageway surface courses must be constructed with a 10 mm nominal size hotmix asphalt in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's Municipal Engineer.

***Vehicular Access***

39. A reinforced concrete vehicle access must be provided from the road carriageway to each lot in accordance with Council's Standard Drawings and to the satisfaction of Council's General Manager.
40. Internal lot vehicular accesses must be constructed for the full length of the access strip.
41. The shared access to lots 264 and 265 must be constructed for the entire shared portion and include:
  - (a) 5.5 metre min. width carriageway;
  - (b) Constructed in reinforced concrete;
  - (c) Stormwater drainage.

***Water quality***

42. 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 General Manager before development of the land commences.
43. 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 General Manager until the land is effectively rehabilitated and stabilised after completion of the development.
44. 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 General Manager.
45. 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 General Manager.

***Construction***

46. The subdivider must provide not less than forty eight (48) hours written notice to Council's Municipal Engineer before commencing construction works on-site or within a council roadway.
47. The subdivider must provide not less than forty eight (48) hours written notice to Council's Municipal Engineer before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's Municipal Engineer.
48. Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's Municipal Engineer.

**Construction Amenity**

49. 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
50. 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 -
- (a) 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
  - (b) transport of materials, goods or commodities to or from the land; and/or
  - (c) appearance of any building, works or materials.
51. 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.
52. 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.

**Survey pegs**

53. Survey pegs must be stamped with lot numbers and marked for ease of identification.
54. 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.

**'As constructed' drawings**

55. 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.

**Maintenance and Defects Liability Period**

56. The subdivision must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
57. Prior to placing the subdivision onto the twelve (12) month maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

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

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. 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 \$270.00, must be paid to Council in accordance with Council's fee schedule.
- D. The following legislation may impose obligations that affect the approved or use development. This legislation is separate to the planning scheme and as such has not been considered by the Planning Authority in granting this permit. You may wish to obtain your own independent advice or discuss with the relevant Government department:
  - i. Aboriginal Heritage Act 1975 (Tasmanian)
  - ii. Threatened Species Protection Act 1995 (Tasmanian)
  - iii. Weed Management Act 1999 (Tasmanian)
  - iv. Disability Discrimination Act 1992 (Commonwealth); see AS 1248 for technical direction
- E. The SWMP shall be prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, the State Policy for Water Quality Management 1997 and the requirements of the Council's Municipal Engineer and show the following:
  - (a) Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
  - (b) Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
  - (c) Estimated dates of the start and completion of the works;
  - (d) Timing of the site rehabilitation or landscape program;



- (e) Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection;
  - (f) Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion;
  - (g) Temporary erosion and sedimentation controls to be used on the site; and
  - (h) Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia: AS/NZS 1547: On-site wastewater management, Standards Australia, Sydney, 2000.
- F. Appropriate temporary erosion and sedimentation control measures include, but are not limited to, the following:
- (a) Minimise site disturbance and vegetation removal;
  - (b) Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);
  - (c) Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
  - (d) Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
  - (e) Gutters spouting and downpipes installed and connected to the approved stormwater system before the roofing is installed; and
  - (f) Rehabilitation of all disturbed areas as soon as possible.
- G. All approved engineering design drawings will form part of this permit on and from the date of approval.
- H. 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 Geard	
Cr Gray	

Cr Jeffries  
Cr Murtagh  
Cr Owen  
Cr Whelan

*Cr Curran moved, Cr Gray seconded that the Ordinary Council meeting be resumed.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

## **11. REPORTS FROM OFFICERS:**

### **11.1 SIGNAL TOWER – INSTALLATION OF EQUIPMENT:**

**AUTHOR:** Project Engineer  
(Mr C Pearce-Rasmussen)

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#### **Background:**

Brighton Council were recently contacted by teenager Josh Agnew who manages youth radio broadcaster Pulse FM. Pulse FM currently have small scale broadcasts in the Kingborough, Huon Valley, South Arm and Tasman areas.

Josh has requested use of the signal tower site in order to expand the broadcasting service to Brighton, Bridgewater, Gagebrook and surrounding areas.

The Pulse FM have acquired the relevant low power FM broadcasting license on 87.6 MHz.

The signal tower is currently used by Council, TasWater, and Guilford Young College for various communications services. These services would not be interrupted by the additional equipment if installed.

Pulse FM have requested use of the site on an ongoing basis.

**Consultation:**

Project Engineer, General Manager, Municipal Engineer.

**Risk Implications:**

Potential liability for new equipment being installed in tower.

**Financial Implications:**

Cost of equipment power usage.

**Other Issues:**

Nil.

**Assessment:**

The installation of new broadcasting equipment will have no impact on the current operations of the tower.

Based upon the 90W power consumption figure provided by the station manager, the new system power consumption cost will be approximately \$237 annually.

If proceeding with an installation, council would require a waiver for all potential damage that may occur to the equipment. This agreement would also include a requirement to remove all broadcasting equipment at council's discretion should it begin to interfere with current or future operations of the site.

**Options:**

1. As per the recommendation.
2. Proceed with installation of equipment, invoicing the station for power consumption annually.
3. Deny request.

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**RECOMMENDATION:**

That Council permit installation of new equipment to provide the municipality with a new youth radio station.

Consider the cost of power consumption as an annual donation towards provision of this service and recognised in the Annual Report.

**DECISION:**

*Cr Owen moved, Cr Jeffries seconded that the recommendation be adopted.*

**CARRIED**

**VOTING RECORD**

**In favour**

**Against**

Cr Curran

Cr Foster

Cr Geard

Cr Gray  
Cr Jeffries  
Cr Murtagh  
Cr Owen  
Cr Whelan

## 11.2 SOUTH BRIGHTON MASTER PLAN:

**AUTHOR:** Senior Planner  
(Mr D Allingham)

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### Background:

The Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS) identifies South Brighton as a key residential development site for the growth of Greater Hobart. The landowners in Melinda Court and Dylan Street, Brighton were approached in 2014 to gauge their interest in rezoning the land to residential densities.

The landowners in Dylan Street had an appetite for the rezoning and consultants, Gerard Coutts & Associates, formed a landowner's group for those that were willing and interested in taking the next steps. Five of the nineteen property owners in the area chose not to participate.

The consultants have prepared a Master Plan over the properties of the landowners group and a planning scheme amendment was submitted to Council in late 2018.

After receiving the Master Plan, it became apparent that the gaps in the Master Plan over the non-participating landowners were problematic when trying to deliver the most efficient subdivision layout. It was also doubtful that the Tasmanian Planning Commission (TPC) would support a planning scheme amendment that didn't include *all* the properties in the Dylan Street area.

For a planning scheme amendment to apply to all the land (including non-participating landowners), Council will need to use its legislative powers as the planning authority to prepare and submit the planning scheme amendment.

If Council were to prepare a Master Plan for Dylan Street, it seems logical that the Master Planning project be extended to the whole of the Southern Brighton area (See Figure 1). The South Brighton area is approximately 80ha and if the STRLUS aim of 15 dwelling per ha are achieved, the development would result in approximately 1200 new dwellings in the Brighton township. It is therefore critical that the area is strategically planned.

The advantages of preparing a South Brighton Master Plan include:

- Provide well-connected and efficient road and pedestrian linkages.

- Understand the need for new road connections to Brighton Road, Elderslie Road and William Street and locate these appropriately with the necessary controls (e.g. roundabouts).
- A greater understanding of the infrastructure needs and provision (e.g. stormwater, sewerage and water) and how this might be funded;
- The most efficient provision and location of public open space;
- Provide a well considered and attractive entry to the Brighton township;
- Providing a range of lot sizes that lead to a diverse housing mix; and
- Understanding the need for additional neighbourhood amenities (e.g. local shops, etc.)

Council will need to engage external consultants to prepare the South Brighton Master Plan.



**Figure 1 - Proposed South Brighton Master Plan area (delineated by blue line)**

### **Consultation:**

Consultation has occurred between Council's SMT, Gerard Coutts & Associates, Tasmanian Planning Commission, Planning Policy Unit and Strategy, Policy and Coordination Division (Department of State Growth).

Council will need to engage with all affected landowners if the recommendation is supported.

### **Risk Implications:**

There are no significant risks in engaging consultants to prepare the South Brighton Master Plan. There may be some pushback from landowners that do not want their land developed at higher densities.

If a South Brighton Master Plan is not prepared there is a risk that the area will be developed in an ad-hoc manner that leads to poor outcomes for the community and unnecessary infrastructure costs.

### **Financial/Budget Implications:**

High level discussions with consultants suggest that the South Brighton Master Plan will cost in the range of \$20K - \$40K. One developer has flagged the possibility of doing it for free if they can enter into a separate agreement with landowners to develop the land.

### **Social Implications:**

The South Brighton Master Plan will ultimately result in a well designed, holistic and efficient subdivision that will benefit the Brighton community.

### **Environmental Implications:**

The South Brighton Master Plan is likely to have a positive impact on the immediate environment.

### **Economic Implications:**

The South Brighton Master Plan will hopefully provide the most efficient way to develop South Brighton which will reduce infrastructure costs. Once developed, the South Brighton area will help stimulate the growth of the Brighton township as a thriving and vibrant place to live and work.

### **Strategic Plan:**

The proposed strategic project fits neatly within the key strategic plan need to plan proactively for the high growth Brighton is set to witness.

### **Options:**

1. As per the recommendation.
2. Reject the proposal and provide reasons.
3. Other

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### **RECOMMENDATION:**

That Council:

- a. Support the preparation of a South Brighton Master Plan; and
- b. Support the relevant allocation of funds within the draft budget for the preparation of the South Brighton Master Plan.

### **DECISION:**

*Cr Owen moved, Cr Gray seconded that Item b be adopted.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

**11.3 ECONOMIC DATA AND ANALYSIS FOR GREATER HOBART  
(GAPS AND OPPORTUNITIES):**

**AUTHOR:** Chief Operations Officer  
(Mr J Dryburgh)

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**Background:**

The Greater Hobart area has enjoyed several years of healthy economic growth and local government plays an important role in creating and sustaining this economic growth.

The Councils of Brighton, Clarence, Glenorchy, Hobart and Kingborough have undertaken the joint procurement of consultancy services to deliver key economic data and analysis to inform strategic decision-making in each LGA and across the Greater Hobart area.

The study will gather and analyse data and combine this with stakeholder consultation to provide a summary of the current economy in each LGA (local government area), identify a range of potential opportunities that exist and the role of each council in developing these opportunities.

Potential areas for collaboration between the Councils activities in economic development may also be identified.

The output of this consultancy will be made available to each Council individually, the use of the research will vary, and supports various Council activities such as;

- updates to/development of economic development plans,
- targeted investment attraction,
- underlying insights for strategic land-use,
- infrastructure investment for Asset Management Plans,
- scope projects for grant funding proposals, and

- identification of jobs/skills demand in your area.

The joint procurement recognises that the Greater Hobart area is an integrated functional economic area with permeable municipal boundaries, but that each Council area has unique strengths to build upon and weakness to recognise and manage.

AEC Group Pty Ltd were the successful tenderer out of seven who made detailed submissions. A detailed procurement process was undertaken involving senior managers from each of the five councils.

The cost of the study will be approximately \$95,000 with Brighton contributing up to \$10,000. Despite Brighton's relatively smaller size this proportion of the cost represents good value for Brighton given the necessary data collection and analysis is comparable for each council area.

### **Consultation:**

Consultation has occurred between Council's COO and managers from the four other councils.

### **Risk Implications:**

There are no significant risks associated with this project.

### **Financial/Budget Implications:**

The cost of this project will be covered from within the existing budget, with the line item 'Strategic Projects' with the Development Services budget.

### **Social Implications:**

The primary reason motivation for undertaking this study is to better target both public and private investment in the Brighton area, which will lead to more local training and employment opportunities and in turn a more comfortable living standard for our community.

### **Environmental Implications:**

More coordinated, efficient and long-term focussed development results in a decreased overall environmental impact.

### **Economic Implications:**

Having a better understanding of our local and regional economy creates opportunities for better targeted investment and increased efficiencies, both of which contribute positively to the economy. Such information is valuable for both private and public investment and economic activity.

### **Strategic Plan:**

The proposed study is entirely consistent with Council's Strategic Plan and will be particularly important to assist council to target business and investment based on a better understanding of our competitive advantages and weaknesses.



**Options:**

1. As per the recommendation.
  2. Other.
- 

**RECOMMENDATION:**

That Council receive the report.

**DECISION:**

*Cr Gray moved, Cr Jeffries seconded that the report be received.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

**11.4 EXPRESSION OF INTEREST FOR 2A EDDINGTON STREET,  
BRIDGEWATER - MONA**

**AUTHOR:** Chief Operations Officer  
(Mr J Dryburgh)

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**Background:**

In late 2018, long term tenant of Council's property at 2A Eddington Street, St Vincent de Paul, informed council that they would no longer be leasing the site for their growth centre.

Having had some interest in the site from organisations that already operate in the area, including Able Australia, Centacare Evolve and MONA, council prepared a targeted EOI process to call for submissions with the goal of ensuring the land continue to be used for community purposes.

In the end, only one submission was received, mainly due to the applicant (MONA) consulting and being willing to partner with the other organisations.

## **Submission**

The attached documents provide sufficient detail to show both the short and long-term vision of the site by MONA and their eagerness to partner with other organisations. The proposal is considered a good fit for the immediate area and with the ongoing implementation of the Bridgewater Parkland Master Plan over the coming years. There is no land use conflict foreseen, it is more likely the activities proposed on site will assist in the Master Plan implementation and its ongoing success.

More broadly, the proposal is a great fit for the broader community and an exciting opportunity to create a genuine, sustainable and meaningful social enterprise in the area.

## **Consultation:**

Consultation has occurred between Council's SMT, relevant staff, Centacare Evolve, MONA and Able Australia.

## **Risk Implications:**

There are no significant risks in supporting the MONA proposition and leasing the site to them, with conditions. There is a minimal risk that by not doing so no reasonable alternatives will be found and the land will not be used for a compatible community purpose.

## **Financial/Budget Implications:**

The financial arrangements would likely continue as is, whereby there is no rental charge, but council invoice the tenant for power and water charges. MONA would likely sub-lease part of the land to Able Australia just as St Vincent's did previously.

## **Social Implications:**

The project is ideally located to become a social hub: in the centre of Bridgewater; near the main activity area; and within the parkland that council is currently undertaking major improvements to. Social enterprise tends to maximise the number of people who benefit from the activities and the likelihood of partnerships with a multitude of other organisations should result in more widely spread social benefits.

## **Environmental Implications:**

The proposed use is likely to have a positive impact on the immediate environment.

## **Economic Implications:**

The proposal involves increased economic activity within Bridgewater and importantly involves people for whom it is often more difficult to participate economically. Social enterprises tend to keep money within their local area and to reinvest directly back into the core activity.

There are also potential opportunities for partnerships to create savings and efficiencies for other projects in the area and even opportunities to provide local residents with cheap healthy produce.

### Options:

1. As per the recommendation.
2. Reject the proposal and provide reasons.
3. Other.

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### RECOMMENDATION:

That Council inform MONA of their endorsement of their response to the EOI for 2A Eddington St, Bridgewater and staff finalise the terms of the lease.

### DECISION:

*Cr Curran moved, Cr Murtagh seconded that the recommendation be adopted.*

**CARRIED**

#### VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

## 11.5 DOG REGISTRATION & KENNEL LICENCE FEES 2019-2020:

**AUTHOR:** Deputy General Manager  
(Mr G. Davoren)

### Background:

Under Brighton's Dog Management Policy 2012, Council is required to adopt dog registration and kennel licence fees annually.

The dog registration fee has not increased since 2016-2017 and it is recommended that there is a slight increase for the upcoming financial year, with concession rates remaining unchanged.

In comparison to other Council's fee, Brighton's fees are relatively low.

### Consultation:

Governance Manager.

### Risk Implications:

None foreseen.

## Financial Implications:

As provided.

## Assessment:

A comparison between the current (2018-2019) and proposed dog registration and kennel licence fees for the 2019-2020 financial years are as follows:-

	CURRENT 2018-19	PROPOSED DISCOUNTED 2019-2020	FULL RATE 2019-2020
	Paid by July 31	Paid by July 31	Paid after July 31
Domestic Dog (desexed)	\$27.00	\$30.00	\$45.00
Domestic Dog (not desexed)	\$77.00	\$80.00	\$95.00
Working Dog	\$42.00	\$45.00	\$60.00
TGRB registered Greyhound	\$42.00	\$45.00	\$60.00
Pure Bred Dog kept for breeding	\$42.00	\$45.00	\$60.00
Dangerous Dog (declared under the Act)	\$450.00	\$500.00	\$500.00
Assist Dog	Nil	Nil	Nil

The following concession rates apply to **ONE** dog only per owner and a Pensioner Concession Card or Health Care Card must be sighted at the time of payment.

	CURRENT 2018-2019	PROPOSED DISCOUNTED 2019-2020	FULL RATE 2019-2020
	Paid by July 31	Paid by July 31	Paid after July 31
<b>Concession Rates</b>			
Domestic Dog (desexed)	\$25.00	\$25.00	\$40.00
Domestic Dog (not desexed)	\$52.00	\$52.00	\$67.00

**Fees will be discounted to the above rates if registrations are paid by 31<sup>st</sup> July 2019 or otherwise the full rate will apply.**

Renewal of kennel licences and other related dog/animal fees are as follows:-

Kennel Licences & Fees	CURRENT 2018-2019	PROPOSED DISCOUNTED RATE 2019-2020	FULL RATE 2019- 2020
New & Renewal	\$125.00	\$130.00	\$160.00
Dog Complaint Fee	\$90.00	\$90.00	\$90.00
Replacement Tags	\$3.00 each	\$3.00 each	

**Ordinary Council Meeting**

**16/4/19**

Animal Agistment Fee	\$45.00 per day	<b>\$45.00 per day</b>	<b>\$45.00 per day</b>
Reclaim Fees from the Dogs Home	\$75.00 per dog	<b>\$75.00 per dog</b>	<b>\$75.00 per dog</b>

The below fee will offset the call-out charge for Council's Animal Control Officer to attend stock being reported at large via the local police or Council's after-hours pager service. This charge will be payable by the owner of the stock.

	<b>CURRENT 2018-2019</b>	<b>PROPOSED_ 2019-2020</b>
Farm Animals not confined to the owner's property ( <i>Brighton Council Environmental Health By-law No.1 of 2017</i> )	Up to \$400	<b>Up to \$400_</b>

**Other Issues:**

N/A

**Options:**

1. As per the recommendation.
2. That Council not adopt the Animal Control fees for the 2019-2020 financial year.

**RECOMMENDATION:**

That Council adopts the Dog Registration and Kennel Licence Fees for the 2019-2020 financial year as listed in the report.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

**In favour**

**Against**

Cr Curran  
Cr Foster  
Cr Geard  
Cr Gray  
Cr Jeffries  
Cr Murtagh  
Cr Owen  
Cr Whelan

*Cr Jeffries moved, Cr Curran seconded that Council resolve into Closed Council*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

**12. 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 is to be considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(g)*

**12.1 CONFIRMATION OF MINUTES OF THE CLOSED PORTION OF THE ORDINARY COUNCIL MEETING OF 19<sup>th</sup> MARCH 2019.**

*Cr Geard moved, Cr Gray seconded that the Minutes of the closed portion of the Ordinary Council Meeting of 19<sup>th</sup> March 2019 be adopted.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

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

## 12.2 MEETING WITH EDUCATION DEPARTMENT:

*Cr Jeffries moved, Cr Curran seconded that Council resolve out of Closed Council and the decisions made while in Closed Council be ratified.*

**CARRIED**

### VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

## 13. QUESTION ON NOTICE:

*There were no questions on notice.*

The meeting closed at 7.20pm

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

Date: \_\_\_\_\_  
21<sup>st</sup> May 2019