



# Brighton Council

MINUTES OF THE **PLANNING AUTHORITY MEETING**  
OF THE BRIGHTON COUNCIL HELD  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES  
OLD BEACH AT 5.30PM ON TUESDAY,  
10<sup>TH</sup> APRIL, 2018

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

**IN ATTENDANCE:** Mrs J Banks (Governance Manager) and Mr D  
Allingham (Senior Planner).

## 1. APOLOGIES:

Cr Geard had requested leave of absence as he is currently interstate.

*Cr Williams moved, Cr Jeffries seconded that Cr Garlick and Cr Geard be granted leave of absence.*

**CARRIED**

## VOTING RECORD

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

## 2. QUESTION TIME & DEPUTATIONS:

*There was no requirement for question time.*

## 3. DECLARATION OF INTEREST:

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

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

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

*There were no declarations of interest.*

#### **4. COUNCIL ACTING AS PLANNING AUTHORITY:**

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

##### **4.1 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 – DA 2017/298 – 10 GLEN LEA ROAD, PONTVILLE – OUTBUILDINGS:**

Type of Report	Planning Authority – For Decision
Author	Jo Blackwell
Application No:	DA 2017/298
Address:	10 Glen Lea Road, Pontville
Applicant:	P Percy and A Percy
Proposal:	Outbuildings
Zone:	Rural Living
Representations:	One (1)
	Discretions:
	1. Setback
	2. Exterior Colour Scheme
	3. Gross Floor Area
	4. Outbuildings
	5. Stormwater Management Code
	6. Inundation Prone Areas Code

## **1. Executive Summary**

- 1.1. Retrospective planning approval is sought for alterations and additions to the subject site at 10 Glen Lea Road, Pontville. The additional building works that have been undertaken include:
  - Extension to existing garage 85sqm;
  - Portable storage shed 12.2sqm
  - Temporary carport (to be demolished) 24sqm
  - Workshop 105sqm
  - Garden Shed 15sqm
  - Shipping Container 15.5sqm
- 1.2. The application is discretionary arising from reliance on performance criteria in relation to setback; exterior colour scheme; gross floor area of all buildings and gross floor area of outbuildings; the Stormwater Management Code; and the Inundation Prone Areas Code.
- 1.3. One (1) representation was received raising concerns in relation to use undertaken within the outbuildings. It is considered that the issues raised in the representation relate to a prohibited use, and are being investigated.
- 1.4. The proposal is recommended for approval subject to various non-standard conditions relating to the above key planning issues and on servicing of the site. Conditions are also recommended in relation to residential use of the site, and demolition of the temporary carport.
- 1.5. The final decision must be made by the Planning Authority or by full Council acting as a planning authority due to the receipt of representations via the public exhibition period for the development application.

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

- 2.1. The purpose of this report is to enable the Planning Authority to determine application DA 2017/298.
- 2.2. This determination must be made no later than 17<sup>th</sup> April 2018, which has been extended beyond the statutory timeframe with the consent of the applicant.
- 2.3. The relevant legislation is the Land Use Planning and Approvals Act 1993 (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

- 2.4. This report details the reasons for the officer's recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2005.
- 2.5. This report has been prepared with appropriate regard to the State Policies that apply under the State Policies and Projects Act 1993.
- 2.6. This report has been prepared with appropriate regard to Council's Strategic Plan and other Council policies, and the application is not found to be inconsistent with these. Nevertheless, it must be recognised that the planning scheme is a regulatory document that provides the overriding consideration for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

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

- 3.1. Approval or refusal of this application will have no direct financial implications for the Planning Authority.

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

- 4.1. The application is a retrospective application for alterations and additions which include an additional five (5) outbuildings and an extension to a previously approved garage.
- 4.2. The need for the development application arises from complaints received regarding improper use of the site relating to the operation of a panel beating business and wrecking yard.
- 4.3. Investigation into the complaints have highlighted the failure by the property owners to obtain the relevant permits for the additional buildings that have been constructed during their ownership of the property (source: Council Records, Certificate of Title Volume 109172 Folio 40, and Google Earth).
- 4.4. The issues in relation to improper use of the site are currently being addressed through enforcement action, and do not form part of this assessment.

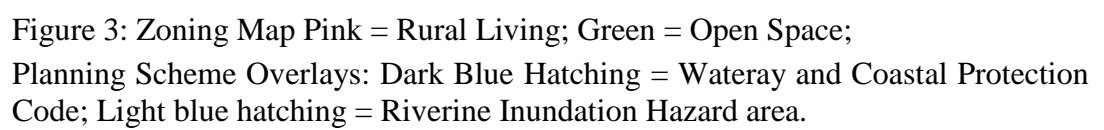
## 5. Site Detail

- 5.1. The subject site, located on the northern side of Glen Lea Road, approximately 700m north west of the Glen Lea Road's intersection with Brighton Road. The site has a total land area of 1.179ha and is generally rectangular in shape. The Certificate of Title shows a drainage easement 5.0m wide along the eastern boundary. The site is level, and does not have any significant vegetation on site. It is bounded to the north, west and east by residential dwellings (See Figure 1 and Figure 2 for subject site and locality).
- 5.2. The property is zoned Rural Living. The entirety of the site is overlaid by the Riverine Inundation Hazard Area, as shown in Figure 3.



Figure 1: 10 Glen Lea Road (Source: Google Earth)





## 5. Proposal

5.3. The proposal is for:

- Alteration and additions to original garage approved in 2002  
85sqm
- Workshop (constructed at rear of garage)  
105sqm
- Shipping container  
15.5sqm
- Garden Shed  
15sqm
- Portable storage shed  
12.2sqm
- Demolition of temporary carport  
24sqm (-)

5.4. Satellite imagery shows that the first alterations and additions to the existing garage were undertaken in the period between 18/2/2010 and 28/6/2011. The remainder of the outbuildings having been gradually added to the site since 2011, with the most recent addition having been constructed between February and October 2016 (Google Earth, 2017).

5.5. The application is supported by the attached site plan and elevations.

## 6. Assessment against planning scheme provisions

6.1. The following provisions of the Planning Scheme are relevant to the proposed use and development;

- Rural Living Zone (D13) Development Standards for Building and Works
- Code E7.0 – Stormwater Management Code
- Code E15.0 – Inundation Prone Areas Code

6.2. The following discretions are invoked:

		BIPS 2015 requirement	Proposed
1	Side Setback (D13.4.2 A2)	20m	Storage Shed 7.65m

2	Exterior Building Surfaces	Light Reflectance Value not greater than 40%	Classic Cream LRV 69% Grey Yellow (container) (LRV between 48% and 70%)
3.	Gross Floor Area	Combined gross floor area no more than 375sqm	515sqm
4.	Outbuildings	Combined gross floor area no more than 100sqm; Wall height no more than 6.5m and building height no more than 7.5m; Setback from frontage no less than that of the existing or proposed dwelling on the site	310sqm  Complies  Complies
5.	Stormwater Code	Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.	On-site disposal via drainage easement
6.	Inundation Prone Areas Code (Riverine Inundation Hazard Areas)	The total floor area of all non-habitable buildings, outbuildings and Class 10b buildings under the Building Code of Australia, on a site must be no more than 60 m2.	310m2

### 6.3. Setback (D 13.4.2. A2)

6.3.1 The acceptable solution states:

#### D13.4.2 A2:



A1 Building setback from side and rear boundaries must be no less than:

20 m.

6.3.2 The proposal is for retrospective approval for a number of outbuildings and an addition to an existing outbuilding.

6.3.3 Two (2) outbuildings adjacent to the eastern boundary have been erected within the required setback. The remaining outbuildings satisfy the acceptable solution.

6.3.4 The two outbuildings subject to this standard include a "Temporary Carport" 12.2m from the boundary. The application notes that this building is to be demolished. The remaining outbuilding is a "portable storage shed" erected 7.65m from the eastern side boundary.

6.3.5 Accordingly, the application is required to address the performance criteria:

Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:

- (a) the topography of the site;
- (b) the size and shape of the site;
- (c) the location of existing buildings on the site;
- (d) the proposed colours and external materials of the building;
- (e) visual impact on skylines and prominent ridgelines;
- (f) impact on native vegetation;
- (g) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:
  - (i) overlooking and loss of privacy;
  - (ii) visual impact, when viewed from adjoining lots, through building bulk and massing.

- 6.3.6 The rectangular site is generally flat and has an area of 1.179ha. Accordingly there is no impact on ridgelines or skylines, given the topography in the vicinity. As shown in figure 1, the outbuildings are located behind the building line of the dwelling. The subject outbuilding sits slightly forward of the garage, is dark grey in colour, and is the same colour as the internal fence situated approximately 7m behind the shed, which helps to reduce the visual impact.
- 6.3.7 Further, there is limited visual impact on the adjoining property to the east, given the trees which have been planted along the boundary. Should the neighbouring property remove the trees in the future, it is not considered that the portable storage shed would cause any significant impact, given its limited size.
- 6.3.8 It is considered that the performance criteria can be satisfied. Standard conditions surrounding the demolition of the Temporary Carport are recommended, which includes a timeframe for the demolition process to occur.

**6.4. Exterior Building Surfaces (D13.4.3 A2)**

- 6.4.1 The acceptable solution states:

**D13.4.2 A2:**

Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.

The outbuildings are a mix of colours as follows:

- The additions to the existing garage are classic cream with brown roller doors (in keeping with the original colour scheme);
  - The additional workshop constructed at the rear of the original garage is dark grey
  - The Portable Storage Shed is dark grey.
  - The garden shed erected in the western half of the site is classic cream;
  - The shipping container is yellow.
- 6.4.2 Classic Cream has a light reflectance value (LRV) of 69%, yellows (depending on the specific colour have an LRV between 48-70%) and greys vary between 8% to 77%.

- 6.4.3 The performance criteria must be addressed, which states:

Exterior building surfaces must avoid adverse impacts on the visual amenity of neighbouring land and detracting from the contribution the site makes to the landscape, views and vistas.

- 6.4.4 All outbuildings have been constructed behind the building line, with the exception of the portable storage shed behind existing buildings. A grey internal fence has been recently constructed which reduces any visual impact from Glen Lea Road.

- 6.4.5 The dominant colour scheme being assessed under this criteria is the extension to the original garage, which has been clad in classic cream in keeping with the original outbuilding; and the garden shed which has the same colour scheme. It is considered appropriate that the extension to the original carport has been undertaken in the same colour as that previously approved. In relation to the garden shed, shrubs and creepers have been planted around the garden shed, which reduces any impact arising from the cladding of the garden shed;

- 6.4.7 It is considered that the proposal can predominantly satisfy the performance criteria. However, it is recommended that a condition be included requiring that, for conformity across the site, the shipping container be painted in the same colour grey as the other sheds on the property within three (3) months of the date of this permit, to the satisfaction of Council's Manager Development Services.

**6.5. Gross Floor Area**

- 6.5.1 The acceptable solution states:

D13.4.3 A3

The combined gross floor area of buildings must be no more than:  
375 m<sup>2</sup>.

- 6.5.2 The site plan shows that a combined total gross floor area of 515.10sqm.

- 6.5.3 The performance criteria needs to be addressed which states

The combined gross floor area of buildings must satisfy all of the following:

- (a) there is no unreasonable adverse impact on the landscape;
- (b) buildings are consistent with the domestic scale of dwellings on the site or in close visual proximity;
- (c) be consistent with any Desired Future Character Statements provided for the area;

6.5.4 The location of the outbuildings are not considered to have an unreasonable adverse impact on the landscape. The ground level is flat, and no significant excavation works have been undertaken prior to construction. There is a need to ensure that stormwater from all outbuildings is retained on site appropriately. However, to ensure that appropriate stormwater management is implemented, a condition requiring completion of same in accordance with a Certificate of Likely Compliance or Plumbing Permit in accordance with the Building Act 2016 is recommended.

6.5.5 Recent Google Earth imagery shows that the scale of development in the vicinity involves dwellings and outbuildings which are generally larger in size, given the rural nature of the lots. The development undertaken by the applicant, however exceeds the development on the majority of other lots within in the area by approximately 100m<sup>2</sup>. However, the outbuildings are all located within close proximity to each other, leaving significant portions of the site largely undeveloped. Further, visual impact is minimised as the buildings are of a relatively low scale individually with building heights well below the acceptable solution and dark exterior wall colours. The inclusion of a condition to paint the shipping container in a similar colour will lessen any impact further.

6.5.6 The desired future character statements (DFCS) note that the Rural Living A Zone will develop at a higher density than other Rural Living areas, capitalising on their proximity to settlements, whilst still providing for rural values and a high level of amenity and privacy. It is considered that the proposal can satisfy the DCFS as there the erection of the outbuildings do not cause unreasonable impacts on neighbouring amenity.

## **6.6. Outbuildings**

6.6.1 The acceptable solution in relation to outbuildings states:

D13.4.4 A1

Outbuildings (including garages and carports not incorporated within the dwelling) must comply with all of the following:

- (a) *have a combined gross floor area no more than 100 m<sup>2</sup>;*
- (b) have a wall height no more than 6.5 m and a building height not more than 7.5 m;
- (c) have setback from frontage no less than that of the existing or proposed dwelling on the site.

6.6.2 The total floor area of outbuildings on the site is 310m<sup>2</sup> which exceeds the acceptable solution. The criteria set out in (b) and (c) can be met.

6.6.3 The performance criteria requires:

Outbuildings (including garages and carports not incorporated within the dwelling) must be designed and located to satisfy all of the following:

- (a) be less visually prominent than the existing or proposed dwelling on the site;
- (b) be consistent with the scale of outbuildings on the site or in close visual proximity
- (c) be consistent with any Desired Future Character Statements provided for the area or, if no such statements are provided, have regard to the landscape.

6.6.4 As set out in 6.5 above, it is considered that the outbuildings can satisfy the performance criteria.

**6.7. Stormwater Management Code**

6.7.1 The acceptable solution for the Stormwater Management Code requires that

E7.7.71 A1

Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.

6.7.2 As there is no gravity fed, public stormwater infrastructure supplied to the site, the applicant must rely on performance criteria, which states:

Stormwater from new impervious surfaces must be managed by any of the following:

- (a) *disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles;*
- (b) collected for re-use on the site;
- (c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.

6.7.3 The applicant proposes to dispose of stormwater through the diversion of same to the 5.0m wide drainage easement situated along the eastern boundary of the site, as is the current practice for the dwelling and approved outbuilding.

6.7.4 Accordingly, the proposal is able to satisfy the performance criteria, subject to the aforementioned condition relating to implementation of same in accordance with a Certificate of Likely Compliance or Plumbing Permit in accordance with the Building Act 2016.

#### 6.8. Inundation Prone Areas Code

6.8.1 The entirety of the site is overlaid with a Riverine Inundation overlay. The acceptable solution for development of outbuildings within the Riverine Inundation overlay as shown on the Planning Scheme Maps states:

##### *E15.7.4 A3*

*The total floor area of all non-habitable buildings, outbuildings and Class 10b buildings under the Building Code of Australia, on a site must be no more than 60 m<sup>2</sup>.*

6.8.2 The development on the site exceeds 60sqm, namely 310sqm. Accordingly the performance criteria must be addressed which states:

*A non-habitable building, an outbuilding or a Class 10b building under the Building Code of Australia, must satisfy all of the following:*

- (a) *risk to users of the site, adjoining or nearby land is acceptable;*
- (b) *risk to adjoining or nearby property or public infrastructure is acceptable;*
- (c) *need for future remediation works is minimised;*
- (d) *provision of any developer contribution required pursuant to policy adopted by Council for riverine flooding protection works;*



- 6.8.3 The Inundation Prone Areas Code as set out in the Planning Scheme defines tolerable risk as:
- “the lowest level of likely risk from the relevant hazard:*
- (a) to secure the benefits of a use or development in a relevant hazard area; and*
  - (b) which can be managed through:*
    - (i) routine regulatory measures; or*
    - (ii) by specific hazard management measures for the intended life of each use or development.”*
- 6.8.4 There is not considered to be any risk to users of the site, nor adjoining or nearby land arising from the erection of the outbuildings. Some buildings have been in situ for up to approximately 8 years.
- 6.8.5 There is no public infrastructure located within proximity to the outbuildings;
- 6.8.6 As the works required for construction have been completed, there is no need for future remediation of the site. No significant excavation work appears to have been undertaken.
- 6.8.7 Council does not currently have a policy in relation to riverine flooding protection works.
- 6.8.8 Accordingly it is considered that the proposal can satisfy the performance criteria. However, it is recommended that advice be included in any permit advising the property owners that they are solely responsible for any damages that may occur to their or adjoining properties as a result of the construction of the outbuildings within the Riverine Inundation Hazard Area.

## 6.6 Discussion

The Zone Purpose Statements for the General Residential Zone are:

- 13.1.1.1 To provide for residential use or development on large lots in a rural setting where services are limited.
- 13.1.1.2 To provide for compatible use and development that does not adversely impact on residential amenity.
- 13.1.1.3 To provide for agricultural uses that do not adversely impact on residential amenity.
- 13.1.1.4 To facilitate passive recreational uses that enhance pedestrian, cycling and horse trail linkages.

13.1.1.5 To avoid land use conflict with adjacent Rural Resource or Significant Agriculture zoned land by providing for adequate buffer areas..

The proposal is considered to meets the zone purpose statements.

## 7. Concerns raised by representors

7.1. The following table outlines the issues raised by representors.

Representation	Brief Response
The representation relates to the proposed use of the site and alleges that the buildings are used for a panel beating/spray painting business. The representor is concerned about the risks that arise from such a business to neighbouring properties.	<p>The panel beating use the representor identifies in their correspondence, is a prohibited use (Service Industry) within the Rural Living zone.</p> <p>The applicant has advised council that the sheds are used for personal use only. To ensure this is the case, a condition is recommended for inclusion in the permit that the outbuildings are for residential use only.</p> <p>In relation to the amount of vehicle wrecks on the site, enforcement action is in progress;</p> <p>Further investigation of the representor's allegations in relation to the service industry use are continuing, but do not form part of this application.</p>
The representation also queries how many shed can be erected on this property?	Refer to Cl 6.5 and 6.6. of the report regarding this issue.

## CONCLUSION:

The proposed use and development of Residential (Outbuildings) in the Rural Living at 10 Glen Lea Road, Pontville, satisfies the relevant provisions of the Brighton Interim Planning Scheme 2015, and as such is recommended for approval, subject to conditions.

## RECOMMENDATION:

That pursuant to the Brighton Interim Planning Scheme 2015, Council approve application DA-2017/298 for use and development of Residential (Outbuildings) at 10 Glen Lea Road, Pontville, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

***General***

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the Land Use Planning and Approvals Act 1993.
- (3) The outbuildings as shown on the attached site plan are approved as ancillary to the existing residential use only. They must not be used for any other purpose or be extended or intensified unless in accordance with a permit issued by Council or as otherwise permitted by Council's Planning Scheme.

***Amenity***

- (4) The proposed colours and materials for the walls as shown on Elevation Plan – Drawing no. C200 are approved for the Additional Garage and Workshop and Storage Shed. Any variation in the colours and materials must be submitted to and approved by the Council's Manager Development Services.
- (5) Within three (3) months of the date of this permit, the yellow container identified on Elevation Plan Drawing No C200 is to be painted the same colour grey as the Storage Shed and Garage and Workshop, to the satisfaction of the Council's Manager Development Services.
- (6) The outbuildings are to be used for domestic use only. They are not to be used for commercial, industrial or habitable purposes.
- (7) 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.

***Services***

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

### ***Parking and Access***

- (9) Any internal driveways and areas set-aside for parking and associated access and turning must be designed, constructed and maintained to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties to the standard required by Council's Municipal Engineer

### ***Stormwater***

- (10) Stormwater drainage from the proposed development must be retained on site to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

### ***Demolition***

- (11) Within three (3) months of the date of this permit, the temporary carport identified on Site Plan Drawing No C100 is to be removed to the satisfaction of the Council's Manager Development Services.
- (12) The demolition must only be carried out between the following hours unless otherwise approved by the Council's Manager Development Services:
- Monday to Friday 7:00 a.m. to 6:00 p.m.
  - Saturday 8:00 a.m. to 6:00 p.m.
  - Sunday and State-wide public holidays 10:00 a.m. to 6:00 p.m.
- (13) All works associated with the demolition 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.
- (14) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager Development Services.

- (15) 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.
- (16) 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 land owner is advised that they are solely responsible for any damage to property that may arise as a result of the construction of the outbuildings located within the area shown as the Riverine Inundation Hazard Area on the Brighton Interim Planning Scheme maps.
- C. **This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.**

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

**4.2 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015  
- DA2017/00297 - LOT 11 GAGE ROAD, GAGEBROOK - 50 MULTIPLE  
DWELLINGS:**

Type of Report	Planning Authority – For Decision
Application No:	DA2017/00297
Address:	Lot 11 Gage Rd, Gagebrook
Applicant:	Andrew Goelst obo Centacare Evolve
Proposal:	50 multiple dwellings
Zone:	General Residential
Representations:	One
Discretion:	<ol style="list-style-type: none"><li>1. Density for multiple dwellings</li><li>2. Front setback</li><li>3. Garage/carport setback</li><li>4. Building envelope</li><li>5. Site coverage</li><li>6. Private Open Space</li><li>7. Sunlight</li><li>8. Multiple dwelling sunlight</li><li>9. Privacy</li><li>10. Parking spaces</li><li>11. Number of accesses</li><li>12. Lighting of parking spaces</li><li>13. Layout of parking areas</li></ol>
Available upon request	<p>A – Planning Report and addendums</p> <p>B – Housing Tas Landowner consent</p> <p>C – Shadow Diagrams</p> <p>D – Traffic Impact Assessment and addendums</p> <p>E – Engineering Services Plan</p> <p>F – Plans (full package – 102 pages)</p>
Author:	Senior Planner (David Allingham)

**1. Executive Summary**

- 1.1. Planning approval is sought for 50 multiple dwellings in the General Residential Zone at Lot 11 Gage Rd, Gagebrook.
- 1.2. The application is discretionary due to reliance on several Performance Criteria.



- 1.3. One representation was received. It is considered that the issues raised in the representations warrant minor modifications of the proposal to include additional landscaping for screening.
- 1.4. The key planning issues relate to density, car parking and vehicular circulation.
- 1.5. The proposal is recommended for approval subject to various non-standard conditions relating to the above key planning issues and servicing of the site.
- 1.6. 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 DA2017/00297.
- 2.2. This determination must be made no later than 17<sup>th</sup> April 2018 which has been extended beyond the statutory timeframe with the consent of the applicant.
- 2.3. The relevant legislation is the Land Use Planning and Approvals Act 1993 (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.
- 2.4. This report details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2015.
- 2.5. This report has been prepared with appropriate regard to the State Policies that apply under the State Policies and Projects Act 1993.
- 2.6. This report has been prepared with appropriate regard to Council's Strategic Plan and other Council policies, and the application is not found to be inconsistent with these. Nevertheless, it must be recognised that the planning scheme is a regulatory document that provides the overriding consideration for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

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

- 3.1. Approval or refusal of this application will have no direct financial implications for the Planning Authority.
- 3.2. Implications for Council include general matters related to rate income, asset maintenance and renewal and responding to future building applications.

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

- 4.1. This development is one of the projects identified in the Bridgewater Gagebrook Master Plan prepared by Holmes Dyer for Centacare Evolve. Centacare Evolve was successful under the Department of Health and Human Services, Better Housing Futures Tasmania Programme to manage Housing Tasmania tenants, maintenance and upgrade of housing stock and redevelopment of sites to provide greater housing diversity, increase housing tenure mix and generally improve the area and quality of life for residents.

### **5. Site Detail**

- 5.1. The subject site is owned by Housing Tasmania and is a large vacant lot with an area of 13,244m<sup>2</sup> located on the corner of Gage Road and Tottenham Road.
- 5.2. Most of the subject site has frontage to Gage Road, with frontage to Tottenham Rd and Ashburton Rd. Gage Road is a council collector road of approximately 8m trafficable width with a broken centreline central to the road alignment. Most of the Gage Road frontage has mountable kerb. Ashburton Road is a local road of approximately 8.6m trafficable width. There is no formal access to the site from either road. There is evidence that pedestrians cross the vacant site in several directions.
- 5.3. The site is relatively flat and has a fall of approximately 8 metres across the site from the SE to NW. A TasWater sewerage line is located along the frontage on the SE side of Gage Rd and the length of the Tottenham Road frontage.
- 5.4. There is an existing Council stormwater pipe at the north western corner of the subject property at Tottenham Road which the applicant proposes to connect to. This portion of Council's stormwater network has no spare capacity and the developer will need to provide onsite detention and/or upgrade the downstream network.

- 5.5. The north of the site adjoins residential development. Gagebrook Primary School is located on the northern side of Ashburton Rd. To the west is a large area of Public Open Space which includes an electricity transmission corridor. On the opposite side of Gage Rd, to the south, is the Brighton Council Chambers and residential allotments. On the opposite corner to the west is a service station.
- 5.6. The surrounding area is generally of a residential character. A bus stop is located approximately 60m west of the site. Cris Fitzpatrick Park is approximately 300m north of the site. A corner shop is 700m north of the site.
- 5.7. The subject site is zoned General Residential and the eastern portion of the lot is covered by an Electricity Transmission Infrastructure Protection Overlay.

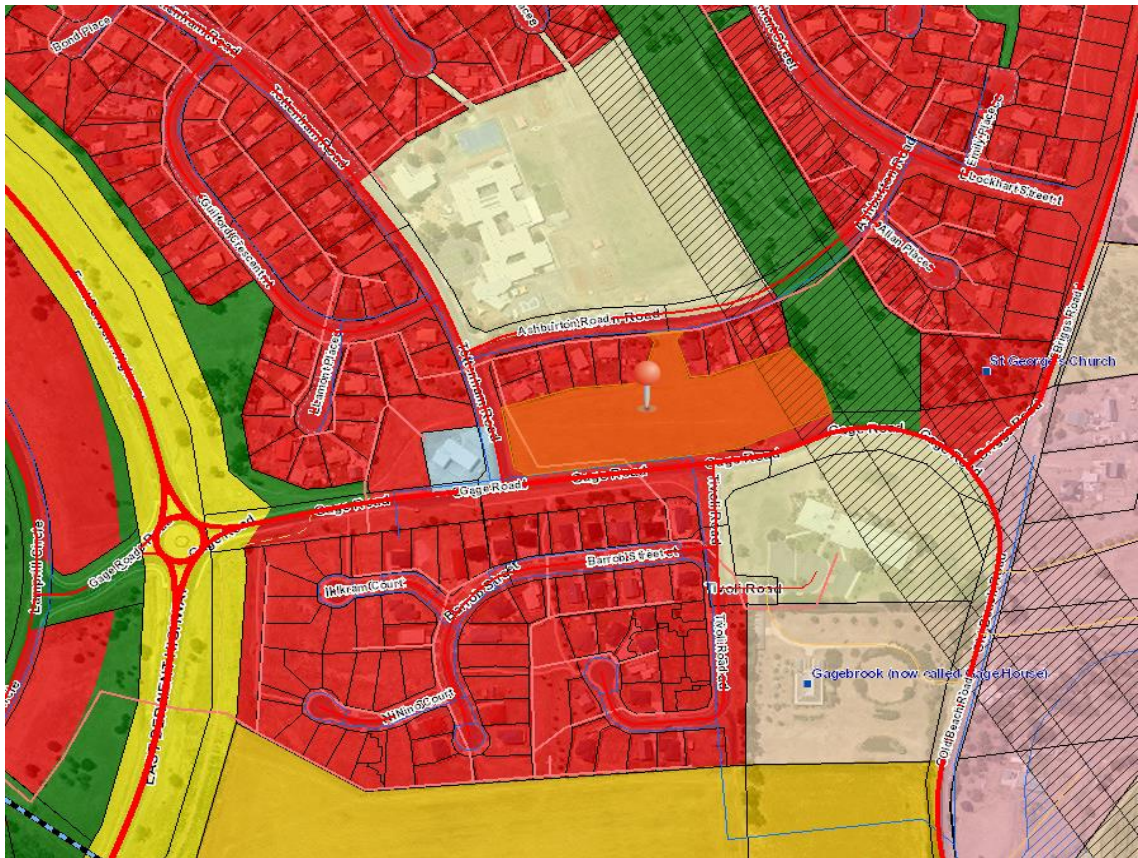


Figure 1. Zoning: General Residential (red), Community Purpose (light yellow), Local Business (light blue), Open Space (green).





Figure 2. Aerial image.

## 6. Proposal

- 6.1. The proposal is for 50 multiple, two bedroom dwellings and a central parkland/walkway. The dwellings comprise 17 single storey dwellings and 33 double storey dwellings.
- 6.2. The development is intended to be strata titled when completed, however it has been designed as a subdivision with all dwellings facing either a public road or the 5m wide central loop road.
- 6.3. The dwellings are arranged to appear as town houses and semi-detached dwellings. There are five different dwelling designs used throughout the site. Double storey dwellings front Gage Road and Tottenham Road, except at the intersections where single storey dwellings are used. Single storey dwellings are used through the centre of the site to reduce overshadowing.

- 6.4. Each dwelling will have two bedrooms with exclusive private open space areas ranging between 37m<sup>2</sup> and 91m<sup>2</sup>.
- 6.5. Each dwelling will have a single carport allocated. Type 1 and Type 2 dwellings are designed to appear as one building and have a shared double carport.
- 6.6. Each dwelling has at least one undercover car space and 34 can accommodate a second car in the driveway. Ten visitor parking spaces are provided along the central loop road.
- 6.7. A new 5.1m wide trafficable width two-way access road is proposed with 2 x new accesses off Gage Road. The development is strata and the road will be privately owned. Kerb crossovers are proposed to delineate the access road from Gage Road. A further 9 x shared accesses are proposed at a width of 9m. 7 of these are to Gage Road and 2 to Tottenham Road.
- 6.8. An area of open space is proposed to centrally bisect the site in north to south direction including a linear park which provides a pedestrian link between Gage Rd and Ashburton Rd. The northern section of the open space will include an informal handball court. The central open space is intended to be a public thorough, however management and a mechanism for this to be made public remain unclear.
- 6.9. The open space area will be landscaped with deciduous trees and the street tree planting along Gage Road will be continued. A 1.5m wide footpath will be provided in the road reserve along Gage Rd and Tottenham Rd and a 1m wide footpath will be provided around the loop road.
- 6.10. The applicant proposes a biofiltration/detention pond be installed in the north western corner adjacent to the boundary with 2 Tottenham Road to provide treatment of water quality and limit outflows from the site. Water, sewer, power and telecommunications are all available to the site. However the existing sewer main will need to be relocated closer to the property boundary along Tottenham Road.
- 6.11. The application is supported by the attached building design plans, 3D renders, landscape plans, planning report, Traffic Impact Assessment (TIA) and Engineering Services Plan.

## **7. Assessment against planning scheme provisions**

- 7.1. The following provisions are relevant to the proposed use and development;
  - 10.0 - General Residential Zone
  - E5.0 - Road and Railway Assets Code

- E6.0 – Parking & Access Code
- E7.0 – Stormwater Management Code
- E8.0 – Electricity Transmission Infrastructure Protection Code

7.2. It should be noted that the size of the site, the three frontages and the fact that a large portion of the development is configured as a subdivision (i.e. dwellings fronting streets with no common property) makes the assessment of the proposal as a multiple unit development complex and most likely not result in the best outcomes for residential amenity and streetscape.

For example, the Scheme states that a primary frontage means: where there are 2 or more frontages, the frontage with the shortest dimensions measured parallel to the road irrespective of minor deviations and corner truncations.

This would mean that Ashburton Rd is the primary frontage, and that Tottenham Rd and Gage Rd would be treated as secondary frontages, with setback requirements of 3m, rather than 4.5m. Because of the layout of the development, it is considered most appropriate to treat both Tottenham Road and Gage Road as the primary frontages and for the rear boundary to be along the existing fence line backing onto the existing residential lots.

7.3. The application satisfies the following Acceptable Solutions:

- 10.4.4 A3 – multiple dwelling private open space sunlight
- 10.4.7 A1 – front fences
- 10.4.8 A1 – multiple dwelling waste
- E5.6.4 A1 – sight distances at new 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
- E6.7.6 A1 – Surface Treatment of parking areas
- E6.7.8 A1 – Landscaping of parking areas
- E6.7.14 A1 – Access to a road.
- E7.7.1 A1/A2 – Stormwater drainage and disposal



- E8.7.1 A1 – Development within the electricity transmission corridor

7.4. The application is for a Residential use for multiple dwellings which is a permitted use.

7.5. The following discretions are invoked:

		<b>BIPS 2015 requirement</b>	<b>Proposed</b>
1	Density for multiple dwellings	325m2 site area per dwelling	264.9m2 site area per dwelling
2	Front setback	4.5m	Dwelling 27-28 & 30 – 35 less than 4.5m
3	Garage/carport setback	5.5m	Dwelling 29 carport setback less than 5.5m
4	Building envelope	Rear setback – 4m	Dwelling 9 = 2.3m
5	Site coverage	60m2 of private open space	<60m2 for a number of dwellings
6	Private open space	Receive 3 hours of sunlight between 9am and 3pm on 21 June	POS for units 42-45 and 47-50 do not receive 3 hours of sunlight.
7	Sunlight	Habitable rooms must have a window that faces between 30 degrees west of north and 30 degrees east of north	Dwellings 1, 2, 7, 8, 25 & 26 do not have a habitable room window in the required location.
8	Multiple dwelling sunlight	Dwellings to the north of a window of a habitable window of another dwelling on the same site must be setback 3m.	Dwelling 1 <3m setback to 2 Dwelling 8 <3m setback to 7 Dwelling 24 <3m setback to 25 & 26.
9	Privacy	Windows of a habitable room with a floor level >1m which overlook a	Windows of a number of dwellings have sill heights at 1.5m.

		habitable room or private open space of a dwelling on the same site must be setback at least 6m or have a sill height >1.7m from floor level.	
10	Car parking spaces	113 spaces	94 spaces
11	Number of accesses	1 access	11 accesses
12	Lighting of parking spaces	Lighting must be provided in accordance with Australian Standards along parking, vehicular circulation and pedestrian areas	No lighting proposed
13	Layout of parking areas	Trafficable width of 5.5m for vehicle circulation in accordance with Australian Standards (AS)	5.1m wide

#### 7.6. Discretion 1 - Density for multiple dwellings

7.6..1. The Acceptable Solution (AS) of 10.4.1 A1 requires multiple dwellings to have a site area per dwelling of not less than 325m<sup>2</sup> (Calculated as area of site divided by number of dwellings). For the AS to be satisfied the maximum number of dwelling allowed would be 40 (13,244m<sup>2</sup>/325).

7.6..2. The density for the proposal is 264.9m<sup>2</sup> (13,244m<sup>2</sup>/50), with dwelling lot sizes ranging from 130m<sup>2</sup> to 352m<sup>2</sup> and a common property area of 2,709m<sup>2</sup>. The proposal must be assessed against the following Performance Criteria (PC):

Multiple dwellings must only have a site area per dwelling that is less than 325 m<sup>2</sup>, or that specified for the applicable density area in Table 10.4.1, if the development will not exceed the capacity of infrastructure services and:

- (a) is compatible with the density of the surrounding area; or
- (b) provides for a significant social or community housing benefit and is in accordance with at least one of the following:
  - (i) the site is wholly or partially within 400 m walking distance of a public transport stop;
  - (ii) the site is wholly or partially within 400 m walking distance of a business, commercial, urban mixed use, village or inner residential zone.

7.6..3. The proposed 50 dwelling development will not exceed the capacity for infrastructure services. The proposal does not comply with (a) as it is clearly not compatible with the density of the surrounding area which is predominantly single storey detached dwellings on separate lots greater than 500m<sup>2</sup>.

7.6..4. Therefore, the proposal must comply with (b). The proposal satisfies (b)(i) as it is within 400m of a bus stop on Gage Road so it must provide for a significant social or community housing benefit.

7.6..5. The planning report supporting the application states that 40 of the 50 units will be provided for social housing which, on the face of it, is a significant social housing benefit. However, there is some concern about the increased number of social housing properties within Gagebrook, which already has a significant proportion of social housing which is strongly linked with the low socio-economic status of the area. It has also been identified that decreasing the proportion of social housing within the suburb is part of the solution of improving the socio-economic status of the area and revitalising the community.

7.6..6. These concerns were put to the applicant who submitted that the development was part of the overall Bridgewater-Gagebrook Master Plan for delivering the Better Housing Futures Program for Housing Tasmania. Ultimately, the Program will deliver more social housing, but also aims to create more housing diversity and betterment and beautification of the local area through smaller housing stock and quality development with a focus on landscaping and enhancing streetscapes. It is also noted that the development contributes to what is being reported in the media as a social housing crisis.

7.6..7. The applicant has also revised the number of privately occupied dwellings upwards to 16 (8 private owner-occupiers, 8 private rentals). The applicant has further acknowledged the concerns and will seek to work with Housing Tasmania to provide a further 8 dwellings from this proposal to the private market over a 5 year period, bringing the total of private investment to 24.

7.6..8. There has also been a significant underinvestment in Gagebrook over the years, with more buildings being demolished than being built. The proposal may have a flow on effect of stimulating investment in the area.

7.6..9. The applicant's explanation is accepted and the proposal is considered to satisfy the PC.

#### 7.7. Discretion 2 – Front setback

7.7..1. The AS at clause 10.4.2 A1 requires the front setback to be 4.5m. Dwellings 27-28 & 30 – 35 , which are all located along Gage Road, do not satisfy this requirement.

7.7..2. The PC requires:

A dwelling must:

(a) have a setback from a frontage that is compatible with the existing dwellings in the street, taking into account any topographical constraints; and

(b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road.

7.7..3. There are currently no dwellings which front Gage Road. However the front setbacks from the Tottenham Rd and Gage Road intersection are gradually reduced, particularly where the distance between the road edge to the property boundary increases. This is an appropriate transition for the length of Gage Road.

7.7..4. The proposal is considered to satisfy the PC.

#### 7.8. Discretion 3 - Garage/carport setback

7.8..1. The AS of clause 10.4.2 A2 requires a carport/garage to have a setback of 5.5m or 1m behind the dwelling façade. Dwelling 29 has a garage with a setback of 4.4m.

7.8..2. Dwelling 29 must be assessed against the following PC:

A garage or carport must have a setback from a primary frontage that is compatible with the existing garages or carports in the street, taking into account any topographical constraints.

7.8..3. Dwelling 29 will have an enclosed garage instead of an open carport like the other dwellings facing Gage Road. The garage also sits in front of the building line. The garage will contribute positively to the streetscape in that it provides variation to the streetscape and breaks up the built form of the proposed dwelling.

7.8..4. The proposal is considered to satisfy the PC.

#### 7.9. Discretion 4 – Building envelope

7.9..1. The AS of clause 10.4.2 A3 requires dwellings to have a rear setback of 4m. Dwelling 9 has a rear setback of 2.3m.

7.9..2. Dwelling 9 must be assessed against the following PC:

The siting and scale of a dwelling must:

- (a) not cause unreasonable loss of amenity by:
  - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining lot; or
  - (ii) overshadowing the private open space of a dwelling on an adjoining lot; or
  - (iii) overshadowing of an adjoining vacant lot; or
  - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining lot; and
- (b) provide separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.

7.9..3. Dwelling 9 is located to the south of the adjoining lot to the north, so no overshadowing will occur. The existing dwelling on the adjoining lot is located approximately 20m from the rear boundary, reducing the visual bulk and scale when viewed from that dwelling. Given this large setback of the existing dwelling, the separation between dwellings on adjoining lots is compatible with the prevailing area.

7.9..4. The proposal is considered to satisfy the PC.

#### 7.10. Discretion 5 –Size of private open space

7.10..1. The AS of clause 10.4.3 A1 requires multiple dwellings to have an area of not less than 60m<sup>2</sup> for private open space (POS) associated with each dwelling. Dwellings 3-6, 10-21 24, 25, 27-29 37, 38, 42 and 50 all are shown to have areas of POS less than 60m<sup>2</sup>.

7.10..2. The units identified above must be assessed against the following PC:

Dwellings must have:

- (a) private open space that is of a size and dimensions that are appropriate for the size of the dwelling and is able to accommodate:
  - (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any communal open space provided for this purpose within the development; and
  - (ii) operational needs, such as clothes drying and storage; and
- (b) reasonable space for the planting of gardens and landscaping.

7.10..3. The POS areas for each unit are quite generous given the lot sizes, and provide for outdoor recreational space. The communal open space strip through the centre of the site provides for a secondary area of open space. Each unit has a clothes line shown on the plans, and a large proportion of units have an area large enough for storage. Planting and gardens are shown for each unit on the Landscape Plan.

7.10..4. The proposal is considered to satisfy the PC.

#### 7.11. Discretion 6 – Overshadowing of POS

7.11..1. The AS of clause 10.4.3 A2 requires, among other things, a dwelling to have an area of POS that is not located to the south of a dwelling, unless that dwelling receives at least 3 hours of sunlight to 50% of the area between 9am and 3pm on 21 June. Dwellings 42-45 and 47-50 do not meet this requirement.

7.11..2. The dwellings indicated above must be assessed against the following PC:

A dwelling must have private open space that:



- (a) includes an area that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and that is:
  - (i) conveniently located in relation to a living area of the dwelling; and
  - (ii) orientated to take advantage of sunlight.
- 7.11..3. Dwellings 42-50 contain all their POS to the south of the dwelling, and despite them all being single storey they are significantly overshadowed in the winter months. It should be noted that all these dwellings have larger POS areas of at least 80m<sup>2</sup>. As a design response the applicant has proposed to have an additional area of decking and/or hardstand pavement to the front of the dwelling to maximise solar access during the winter months. It is proposed that these dwellings are designed for older residents and/or people with disabilities, where an area of open space to the front dwelling is beneficial for facilitating community interaction.
- 7.11..4. The plans for dwellings 42-50 generally show concrete patios of 2m x 3m located at the front of the dwellings adjacent to the front door. These are not considered to be an additional area of open space as proposed by the applicant as they are little more than a landing at the front door. For these areas to satisfy (a) above, they should be a minimum of 2m x 6m and be decking as opposed to concrete patio.
- 7.11..5. The proposal is considered to satisfy the PC with conditions.

#### 7.12. Discretion 7 – Sunlight

- 7.12..1. The AS of clause 10.4.4 A1 requires a dwelling to have at least one habitable room (other than a bedroom) with a window that faces between 30 degrees west of north and 30 degrees east of north. Dwellings 1, 2, 7, 8, 25 & 26 do not have a north facing window to a living room.
- 7.12..2. The dwellings indicated above must be assessed against the following PC:

A dwelling must be sited and designed so as to allow sunlight to enter at least one habitable room (other than a bedroom).
- 7.12..3. The PC is particularly vague about how much sunlight is required to enter a habitable room. All the dwellings indicated above will receive some sunlight, however there could be some improved design features that could allow compliance with the AS, which is the preferred outcome. These include:

- Dwelling 1 & 8 - A highlight window on the northern elevation in the kitchen and/or in the stairwell.
- Dwelling 2 & 7 - A highlight window in the northern elevation opposite the kitchen.

Conditions of a planning permit should reflect the above.

7.12..4. The proposal is considered to satisfy the PC with conditions.

#### 7.13. Discretion 8 – multiple dwelling sunlight

7.13..1. The AS of clause 10.4.4. A2 requires:

A multiple dwelling that is to the north of a window of a habitable room (other than a bedroom) of another dwelling on the same site, which window faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A), must be in accordance with (a) or (b), unless excluded by (c):

- (a) The multiple dwelling is contained within a line projecting (see Diagram 10.4.4B):
  - (i) at a distance of 3 m from the window; and
  - (ii) vertically to a height of 3 m above natural ground level and then at an angle of 45 degrees from the horizontal.
- (b) The multiple dwelling does not cause the habitable room to receive less than 3 hours of sunlight between 9.00 am and 3.00 pm on 21st June.
- (c) That part, of a multiple dwelling, consisting of:
  - (i) an outbuilding with a building height no more than 2.4 m; or
  - (ii) protrusions (such as eaves, steps, and awnings) that extend no more than 0.6 m horizontally from the multiple dwelling.

Dwelling 1 overshadows the habitable room of dwelling 2, dwelling 8 overshadows the habitable room of dwelling 7 and dwelling 24 overshadows the habitable room of dwellings 25 & 26.

7.13..2. Dwelling 1, 8 and 24 must be assessed against the following PC:

A multiple dwelling must be designed and sited to not cause unreasonable loss of amenity by overshadowing a window of a habitable room (other than a bedroom), of another dwelling on the same site, that faces between 30 degrees west of north and 30 degrees east of north (see Diagram 10.4.4A).

7.13..3. As noted in the section above, all dwellings will receive some direct sunlight and will have a reasonable amount of amenity.

7.13..4. The proposal is considered to satisfy the PC.

#### 7.14. Discretion 9 – Privacy

7.14..1. The AS of clause 10.4.6 A2 requires windows of a dwelling with a floor level of greater than 1m to be setback 6m from a window to habitable room of another dwelling on the same site, or to have a minimum sill height of 1.7m above floor level. Type 1 & Type 5 dwellings have habitable room windows overlooking POS that have sill heights of 1.5m.

7.14..2. Rather than assess the dwellings against the PC, it is considered a better outcome if the sill heights are lifted to 1.7m to satisfy the AS. A condition to this effect should be included on a planning permit.

7.14..3. The proposal is considered to satisfy the PC with conditions.

#### 7.15. Discretion 10 – Car parking spaces

7.15..1. The AS of clause E6.6.1 A1 requires 2 car parking spaces for each dwelling and 1 dedicated visitor parking space per 4 dwellings. The 50 dwelling development requires 113 car spaces, 13 of which are to be dedicated for visitor parking.

7.15..2. A total of 94 car parking spaces are proposed, which includes one dedicated car parking space in a carport/garage per dwelling and 34 of the dwellings have sufficient driveway space to park an additional vehicle behind the carport/garage. Ten dedicated visitor parking spaces are proposed.

7.15..3. The development must be assessed against the following Performance Criteria:

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

(a) car parking demand;

- (b) the availability of on-street and public car parking in the locality;
  - (c) the availability and frequency of public transport within a 400m walking distance of the site;
  - (d) the availability and likely use of other modes of transport;
  - (e) the availability and suitability of alternative arrangements for car parking provision;
  - (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;
  - (g) any car parking deficiency or surplus associated with the existing use of the land;
  - (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;
  - (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;
  - (j) any verified prior payment of a financial contribution in lieu of parking for the land;
  - (k) any relevant parking plan for the area adopted by Council;
  - (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;
- 7.15..4. The applicant provided a Traffic Impact Assessment (TIA) (including addendums), which submits that 2 spaces for each dwelling is excessive given the nature of the residential development which consists of medium density semi-detached dwellings. The TIA uses the "Guide to Traffic Generating Developments" by NSW RTA (2002). The RTA Guide is commonly used by traffic engineers to assess variations in parking requirements.
- 7.15..5. The RTA Guide sets out parking requirements for medium density dwellings as follows:

1 space per unit

- +1 space for every 5 x 2 bedroom units
- +1 space for every 2 x 3 bedroom unit
- +1 spaces for 5 units (visitor parking).

The car parking requirement for the proposal based on the RTA Guide is for 60 parking spaces plus 10 visitor parking spaces, as shown in the table below:

Table 4.2: Car Parking Requirements according to RTA Guide

Type	Number of Dwellings	Car Parking Rate	Car Parking Requirement
2 Bedroom Dwelling	50	1 space per unit plus an additional 1 space for every 5 two-bedroom units	60 spaces
Visitor	50	1 space for every 5 units	10 spaces
TOTAL			70 spaces

The proposed 94 parking spaces strikes a balance between the RTA Guide requirement of 70 spaces and planning scheme requirement of 113 spaces. The applicant further submits that there are socio-demographic indicators of low car ownership in the community. At the last ABS census, approximately 15% of all households within Bridgewater-Gagebrook did not own a car (double that for Tasmania), 37% were single car households, and only 27% were two car households. There is further evidence of lower than average levels of car ownership within the specific client base for the proposed housing.

- 7.15..6. (b) has regard to the availability of on-street parking. Given the proposed parking does not meet the planning scheme and the width of the access road does not permit on street parking it is expected that there will be some parking demand on Gage Road. Gage Road is approximately 1m less than the width required (8.9m total) to permit parking on one side and unrestricted two-way traffic flow. Council may need to implement parking restrictions on Gage Road if parking creates a hazard for traffic. This will result in minimal on-street parking available in the area.
- 7.15..7. The subject site is within 400m of a bus stop which satisfies (c) above.
- 7.15..8. The proposal is supported by a TIA, which submits that the parking requirement of the Scheme is excessive. The proposed 94 parking spaces (including 10 visitor spaces) is considered to satisfy the PC.

#### 7.16. Discretion 11 – Number of vehicular accesses

- 7.16..1. The AS of clause E6.7.1 A1 requires the number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of access points.

- 7.16..2. The proposal is for 11 new accesses, with 2 on Tottenham Road and 9 on Gage Road. The proposal must be assessed against the following PC:

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

- (a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;
  - (b) whether the additional access points can be provided without compromising any of the following:
    - (i) pedestrian safety, amenity and convenience;
    - (ii) traffic safety;
    - (iii) residential amenity on adjoining land;
    - (iv) streetscape;
    - (v) cultural heritage values if the site is subject to the Local Historic Heritage Code;
    - (vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.
- 7.16..3. The proposal is purposefully laid out with to have houses and accesses fronting the two streets so that it doesn't appear like an enclosed unit development. This has the benefit of providing an attractive streetscape and also improves passive surveillance.
- 7.16..4. In regard to (a) above, both Gage Road and Tottenham road frontages are not currently used for on-street parking. Council would likely restrict parking on Gage Road if the development proceeds, so no on-street parking will be lost on Gage Rd. Some on-street parking will still be available on Tottenham Rd.
- 7.16..5. In regard to (b) above, the proposal includes a new footpath where there currently isn't one, so pedestrian safety will be improved. There are no other residential properties opposite the new accesses, so amenity will also not be an issue.

The TIA considers traffic safety and uses the RTA Guide to estimate traffic generation to be 250 movements per day (5 per dwelling). The TIA concludes that the traffic generation will have negligible impact on the surrounding road network, including the intersection with Tivoli Road.

As mentioned above the residential amenity will not be compromised and the streetscape will be enhanced.

7.16..6. The application is considered to satisfy the PC.

#### 7.17. Discretion 12 – Lighting of parking areas

7.17..1. The AS of clause E6.7.7 A1 requires:

Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.

No lighting has been included as part of the proposal.

7.17..2. Rather than assessing the application against the PC is it considered appropriate to provide a condition on a planning permit to install lighting in accordance with the AS.

7.17..3. The application is considered to satisfy the PC with conditions.

#### 7.18. Discretion 13 – Layout of parking areas

7.18..1. The AS of clause E6.7.5 requires the trafficable width of the internal driveway to be 5.5m in accordance with the Australian Standard. The proposed access width is 5.1m

7.18..2. The proposal must be assessed against the following PC:

The layout of car parking spaces, access aisles, circulation roadways and ramps must be safe and must ensure ease of access, egress and manoeuvring on-site.

7.18..3. The Australian Standard can be varied at low volume access driveways. The Australian Standard provides 30 or more movements during peak hour as a guide for when a 5.5m trafficable width would be required.

- 7.18..4. Council raised their concerns about reducing the width of the internal driveway from 5.5m. The applicant provided an addendum to the TIA addressing the issue and submitted that the development is expected to generate 25 vehicle movements during peak hour, and will be less than the 30 referred to in the Australian Standard.
- 7.18..5. The applicant has provided plans demonstrating that two B99 vehicles (1.94m wide) to pass on straights while maintaining 0.3m clearance to the kerb and 0.6m clearance between passing vehicles. The proposed mountable kerb will allow for flexibility for vehicles to pass within the internal roadway if required. Based on the proposed layout of the internal curves and the internal roadway width, it is expected that the maximum operating speed of the curves is 20km/h.
- 7.18..6. Council's engineers have considered the TIA against the PC and have formed the opinion that due to the size of the development and the lack of walkable destinations in the vicinity, the traffic generation estimations are potentially understated and that the 5.5m trafficable width will be a better outcome. A condition to this effect should be included on any planning permit.
- 7.18..7. The application is considered to satisfy the PC subject to conditions.

## **8. Discussion**

### **8.1. Referrals**

#### **8.1..1. TasWater**

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

#### **8.1..2. TasNetworks**

TasNetworks has reviewed the proposal for Gage Road and has confirmed it has no requirements under Code E8 (Electricity Transmission Infrastructure Protection Code) of the Interim Planning Scheme.

#### **8.1..3. Council's Technical Officer**

Council's Technical Officer's comments are contained within the body of this report.



## 9. Concerns raised by representors

9.1. One representation was received during the public notification period. Their concerns are outlined and addressed in the table below.

Concerns	Response
Concerns regarding privacy and security, particularly in regard to the absence of screening along the boundary of the communal area/detention basin in the N-E corner of the site.	A summary of the concerns were sent to the applicant who has provided an amended landscape plan showing screening along this boundary. The amended landscape plan is recommended to form part of the permit and a condition be included that all screening trees along the residential interface be planted with a minimum height of 2m so that there is an instant screening effect.
Has concerns about servicing and upkeep of open detention basin (e.g. algae build up, odour, etc.)	A Part 5 Agreement covering maintenance of the pond is recommended as a permit condition.

## CONCLUSION:

The proposed use and development for 50 multiple dwellings in the General Residential Zone at Lot 11 Gage Road satisfies the relevant provisions of the Brighton Interim Planning Scheme 2015, and as such is recommend for conditional approval.

## RECOMMENDATION:

That pursuant to the Brighton Interim Planning Scheme 2015, Council approve application DA-2017/00297 for use and development of 50 multiple dwellings in General Residential Zone at Lot 11 Gage Road, Gagebrook, 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 documents 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*.

### *Amenity*

- (3) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Manager Development Services.

### *Private Open Space*

- (4) Prior to or in conjunction with a Building Application, amended plans must be submitted to Council, to the satisfaction of Council's Manager Development Services, showing an area of decking with a minimum area of 12 square metres and minimum dimension of 2m at the front of units 42-50 (inclusive) to provide for additional useable open space.
- (5) Within one (1) months of the first use of the development or prior to the sealing of a stratum plan, all area(s) of private open space must be:
- i.* formed with a gradient of no more than 1 in 10;
  - ii.* enclosed by a 1.7m high fence;
  - iii.* grassed and / or landscaped, and
  - iv.* provided with steps or other means of access to the adjoining habitable room if required,
- to the satisfaction of Council's Manager Development Services.

### *Sunlight*

- (6) Prior to or in conjunction with a Building Application, amended plans must be submitted to Council, to the satisfaction of Council's Manager Development Services, showing north facing windows in the following locations:
- Dwellings 1 & 8 - A highlight window on the northern elevation in the kitchen and/or in the stairwell.
  - Dwellings 2 & 7 - A highlight window in the northern elevation opposite the kitchen.

### *Privacy*

- (7) Prior to or in conjunction with a Building Application, amended plans must be submitted to Council, to the satisfaction of Council's Manager Development Services, showing the windows W05 on dwellings 1, 2, 7-14, 16-21, 30-39 labelled "Opaque to 1500H" changed to "Opaque to 1700H" on the first floor plans and also reflected in the elevation plans.

### **Communal Area**

- (8) A "Right of Way", or similar mechanism, must be created over the "Communal Area" identified on the Location Plan (Sheet 01/65) prior to the buildings being occupied. The "right of way", or other mechanism, must provide for public access over the "communal area" to the satisfaction of Council's Manager Development Services.
- (9) The "Communal Area" must be maintained by the owner, or if applicable, the Body Corporate created under the *Strata Titles Act 1998*.

### **Landscaping**

- (10) Prior to or in conjunction with a Building Application, a comprehensive landscape plan to the satisfaction of Council's Manager Development Services must be submitted and approved. The plans must be drawn to scale with written dimensions. The landscaping plan must be generally in accordance with the landscape concept plan except the plan must show:
  - a. Details of surface finishes of paths and driveways.
  - b. A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at time of planting and maturity and quantities of each plant.
  - c. A notation that street trees along Tottenham Rd and Gage Rd to be at least the same size as the existing street trees on Gage Road.
  - d. A notation that screening trees along the northern boundary interface with the existing residential allotments to be at least 2m to provide screening.

If considered satisfactory, the landscape plan will be endorsed and will form part of the permit.

- (11) The landscaping works must be completed in accordance with the endorsed landscape plan to the satisfaction of Council's Manager Development Services prior to the buildings being occupied. All landscaping must continue to be maintained to the satisfaction of Council.
- (12) Safe Intersection Sight Distance in accordance with Austroads: Guide to Road Design Part 4A is to be maintained at the intersection of Gage Road and Tottenham Road to the satisfaction of Councils Municipal Engineer.

### *Part 5 Agreements*

- (13) An agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be entered into, prior to occupancy of any of the dwelling, to the effect that:
- a. the detention/biofiltration basin must be maintained in accordance with a maintenance plan approved by Council to ensure treatment quality is maintained and water is conveyed so as not to create any nuisance to adjacent properties. The maintenance plan must form part of the Agreement.
  - b. The number of parking spaces required by this permit will be maintained and kept available on site.

Advice: Council may formally restrict parking on Gage Road and Tottenham Road at a future date should on street parking pose an unacceptable risk and disruption of service to road users.

- (14) Agreement(s) made pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must bind the current owner and his/her successors in title and must be prepared on a blank instrument form and registered with the Recorder of Titles in accordance with Section 78 of the Land Use Planning and Approvals Act 1993 by the applicant at no cost to Council.

### *Services*

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

### *Parking and Access*

- (16) Parking and access must be generally in accordance with:
- (a) the approved plans;
  - (b) Traffic Impact Assessment, Lot 11 Gage Road, Gagebrook, 2 February 2018 prepared by GTA; and;
  - (c) Response to RFI including accompanying plans prepared by GTA 22 February 2018;
  - (d) Wilson Homes Plans 00/65, 01/65, 01a/65, 01b/65, 01c/65, 01d/65, 01e/65, 01f/65, 01g/65;

and to the satisfaction of Council's Municipal Engineer.

- (17) At least ninety-four (94) parking spaces must be provided on the land at all times for the use of the occupiers at least eight (10) designated for visitor parking, in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- (18) Unless approved otherwise by Council's Municipal Engineer the internal private driveway and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and include all of the following;
  - i. A minimum trafficable width of 5.5m.
  - ii. Constructed with a durable all weather pavement.
  - iii. Drained to an approved stormwater system.
  - iv. Surfaced with concrete, asphalt or pavers.
  - v. Provision for two way traffic.
  - vi. Line-marking or some other means to show delineation of parking spaces within shared carports to the satisfaction of Council.
  - vii. Signs not exceeding 0.3 square metres to direct drivers to the area set aside for visitor parking.
- (19) Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting, or as otherwise approved by Council's General Manager.
- (20) A parking plan prepared and certified by a qualified civil engineer or other person approved by Council's Municipal Engineer must be submitted to Council prior to or in conjunction with lodgement of Building Application. The parking plan is to include:
  - pavement details,
  - design surface levels and gradients,
  - drainage,

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

and shall form part of the permit when approved.

- (21) 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.
- (22) 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***

- (23) Stormwater management must be generally in accordance with the following documents submitted with the application, and to the satisfaction of Council's Municipal Engineer:
  - a. Gandy & Roberts drawings C010, Concept Site and Stormwater Plan Revision C & C012 Concept Detention/Cleanup Basin Plan Revision C.
- (24) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Municipal Engineer and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.
- (25) 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.
- (26) The developer must provide a minor stormwater drainage system designed to comply with all of the following:
  - a) be able to accommodate a storm with an ARI of 20 years when the land serviced by the system is fully developed;

- b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure
- (27) The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.
- (28) The driveways must be drained to minimise surface runoff over the footpath or to the adjoining road in accordance with the requirements of the Municipal Engineer and a Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.
- (29) Prior to the commencement of works or the issue of a plumbing permit, detailed plans and calculations of the stormwater drainage system, including treatment, detention and outfalls must be prepared by a suitably qualified civil engineer and be submitted to Council's Municipal Engineer for approval.

*Tas Water*

- (30) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice TWDA 2017/02028-BTN, dated 12/12/2017.

*Soil and Water Management*

- (31) 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.
- (32) 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*

- (33) 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 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.
- (34) 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.
- (35) 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.
- (36) 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.
- (37) 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.

### *Engineering*

- (38) 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).
- (39) 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.



- (40) 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.
- (41) Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
- (42) 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.

### ***Roadworks***

- (43) 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.
- (44) A reinforced concrete footpath must be provided across the entire road frontages of the development.
- (45) The footpath running north south through the site is to be extended to connect with the existing footpath on the southern side of Gage Road.
- (46) Kerb ramps must be provided on public footpaths to accommodate the needs of people with disabilities in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's Municipal Engineer.
- (47) Vehicle accesses directly onto Gage Road and Tottenham Roads must be located and constructed in accordance with the standards shown on standard drawings TSD-R09-v1 Urban Roads Driveways and TSD-RF01-v1 Guide to Intersection and Domestic Access Sight Distance Requirements prepared by the IPWE Aust. (Tasmania Division) and the satisfaction of Council's Municipal Engineer.

### ***Maintenance and Defects Liability Period***

- (48) 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*

- (49) 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.

**ADVICE:**

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.
- C. 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. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works, or a minimum of \$286.00, must be paid to Council in accordance with Council's fee schedule.
- 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. Separate application is required for the strata division of the land in accordance with the Strata Act 1998.
- H. 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.
- I. 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.
- J. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

The meeting closed at 5.50pm

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

Date: \_\_\_\_\_  
17<sup>th</sup> April 2018