



Brighton Council

MINUTES OF THE **PLANNING AUTHORITY MEETING**
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 5.30 P.M. ON TUESDAY,
11TH FEBRUARY, 2020

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

IN ATTENDANCE: Mrs J Banks (Governance Manager); Mr H Macpherson (Municipal Engineer) and Mr D Allingham (Manager Development Services).

1. ACKNOWLEDGEMENT OF COUNTRY:

2. APOLOGIES:

Cr Foster had requested leave of absence in December 2019.

3. QUESTION TIME & DEPUTATIONS:

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

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. 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 5. on this agenda, inclusive of any supplementary items.

5.1 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 DA 2019/00221 – 129 OLD BEACH ROAD, OLD BEACH MULTIPLE DWELLINGS (4):

Type of Report:	Planning Report: Planning Authority - For Decision
Application No:	DA 2019/00221
Address:	129 Old Beach Road, Old Beach
Proposal:	Multiple Dwellings (4)
Zone:	General Residential Zone
Representations:	One (1)
Discretions:	1. Dwelling separation to side boundary 2. Increase in vehicle movements to an existing road access
Author:	Planning Officer (Richard Cuskelly)

1. Executive Summary

- 1.1. Planning approval is sought for four (4) multiple dwellings at 129 Old Beach Road, Old Beach (the 'site'). The site is situated within the General Residential Zone of the *Brighton Interim Planning Scheme 2015* (the 'Interim Scheme').
- 1.2. The application invokes discretion to Acceptable Solutions of the Interim Scheme related to dwelling separation to a side boundary and increase in vehicle movements to an existing road access.
- 1.3. One (1) representation was received within the statutory public advertising period.
- 1.4. The application is recommended for approval subject to conditions.
- 1.5. Due to the receipt of a representation during the public advertising period, the final decision is delegated to the Planning Authority or by full Council acting as a Planning Authority.

2. Legislative & Policy Content

- 2.1. The purpose of this report is to enable the Planning Authority to determine application DA 2019/00221.
- 2.2. This determination must be made no later than 18 February 2020. The statutory assessment period has been extended with the consent of the applicant.
- 2.3. The relevant legislation is the *Land Use Planning and Approvals Act 1993* (the 'Act'). The provisions of the Act 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, unless the decision is appealed.
- 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

- 4.1. The site was created from Stage 7 of the *Tivoli Green* subdivision in 2017.

- 4.2. Part 5 Agreements were placed on the property title at this time requiring that no further subdivision of the site be undertaken, and that any subsequent development undertaken complies with the Water Sensitive Urban Design requirements of Council.

5. Site Detail

- 5.1. The site is a vacant 1542m² lot with existing access to Old Beach Road (see Figure 1).
- 5.2. The site is within the General Residential Zone of the Interim Scheme, while land on the opposite (East) side of Old Beach Rd is zoned Rural Resource (see Figure 2).
- 5.3. The site is relatively level, rising slightly to the south. There is no significant vegetation present, nor are there any environmental overlays.
- 5.4. The section of Old Beach Road fronting the site has a posted speed limit of 70km/h.
- 5.5. Part of the rear of the site is subject to drainage and services easements.



Figure 1. Aerial photograph of the site. The yellow circle denotes a 100m radius.



Figure 2. Zoning of the site and surrounds (Red = General Residential Zone; Light brown = Rural Resource Zone).

6. Proposal

- 6.1. Four (4) multiple dwellings are proposed, each single storey with internal garage, area of private open space, three bedrooms and a floor area of 148m².
- 6.2. Nine (9) parking spaces are proposed, one (1) of which designated for visitor parking only.
- 6.3. Landscaping is proposed to help soften new concrete parking and access areas.
- 6.4. The applicant proposes to connect to the existing stormwater pipe in Old Beach Road.
- 6.5. Each unit is to be provided with a min. 2kl water tank with overflow to the public main to reduce peak flows.

- 6.6. The applicant has requested consideration be given to contributing financially towards stormwater treatment in order to meet their obligations in implementing Water Sensitive Urban Design principles. Council, in conjunction with Tivoli Green Pty Ltd, has engaged a consultant to prepare a stormwater treatment management plan for the Tivoli Green area including the Gage Brook waterway, where the stormwater from the development ultimately discharges. A contribution in this instance is considered appropriate by Council's Senior Technical Officer.

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 or Performance Criteria. Where a proposal complies with a standard by relying on one or more Performance Criteria, the Council may approve or refuse the proposal on that basis. The ability to refuse the proposal relates only to the Performance Criteria relied upon.

8. Assessment against planning scheme provisions

- 8.1. The following provisions are relevant to the assessment of the proposed use and development:
- Part D - Clause 10.0 - General Residential Zone
 - Part E - Clause 5.0 - Road and Railway Assets Code
 - Part E - Clause 6.0 - Parking and Access Code
 - Part E - Clause 7.0 - Stormwater Management Code
- 8.2. The proposed use is for multiple dwellings within the General Residential Zone. 'Residential (Multiple Dwellings)' is a Permitted Use in the General Residential Zone, pursuant to the Use Table set out in Clause 10.2.
- 8.3. The proposal is considered to satisfy the relevant Acceptable Solutions listed below:

Part D

- 10.4.1 - Residential density
- 10.4.2 - Setbacks and building envelope (bar 10.4.2 A3 below)
- 10.4.3 - Site coverage and private open space

- 10.4.4 - Sunlight and overshadowing
- 10.4.5 - Width of openings
- 10.4.6 - Privacy
- 10.4.7 - Frontage fences
- 10.4.8 - Waste storage for multiple dwellings

Part E

- E5.0 - Road and Railway Assets Code (bar E5.5.1 A2 below)
- E6.0 - Parking and Access Code (all)
- E7.0 - Stormwater Management Code (all)

8.4. The following discretions are invoked by the proposal:

- 10.4.2 A3 - Dwelling setback to side boundary
- E5.5.1 A2 - Increase in vehicle movements to an existing road access

8.5. **Discretion 1 - Dwelling setback to side boundary**

8.5.1 All dwellings are within the 10.4.2 A3 building envelope (shown in Figure 3 below):

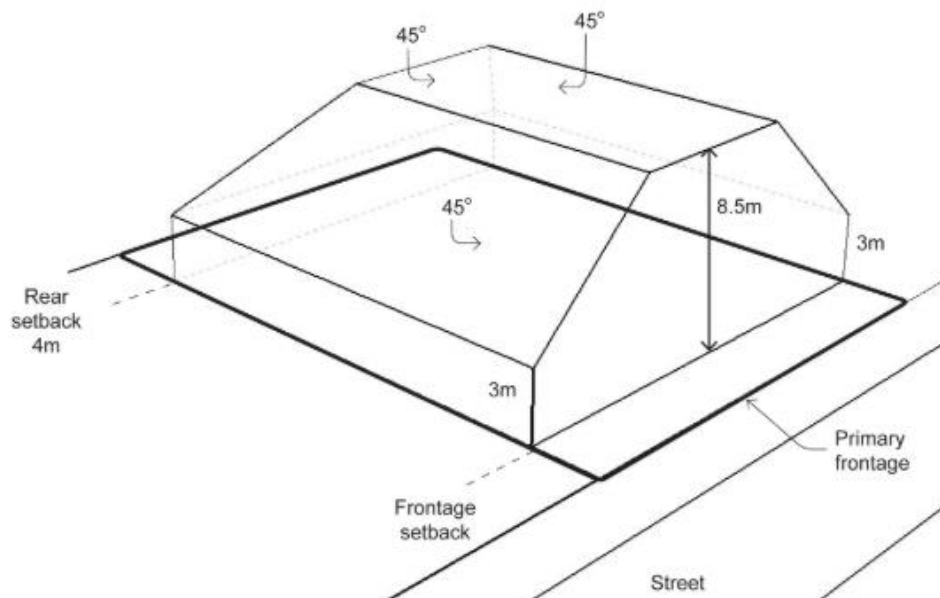


Figure 3. Building envelope designated by 10.4.2 A3 (a)

8.5.2 However, as 'Unit 4' has a minimum setback from the south side

boundary (adjoining 127 Old Beach Rd) of 1.006m. As such, the application does not comply with the Acceptable Solution contained in Section 10.4.2 A3, specifically subsection (b)(ii), which requires that a dwelling only have a setback within 1.5m of a side boundary if the dwelling (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).

8.5.3 Therefore, the application must be assessed against corresponding Performance Criteria 10.4.2 P3, which states:

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.*

8.5.4 No lots adjoining the site are vacant.

8.5.5 The rear boundary of the site adjoins 32 and 34 Riviera Drive to the west and north-west. Both these adjoining lots have established single dwellings sited to front Riviera Drive (setback 25-30m from the rear boundary of 129 Old Beach Road). As a result, there is no loss of amenity envisioned for these lots resultant from the proposed development due to the above.

8.5.6 The north side boundary of the site adjoins 131 Old Beach Rd, where there is a church hall and associated parking area. There will be no overshadowing of this site, nor will the three 148m² single storey dwellings sited along this boundary result in an unreasonable visual impact.

- 8.5.7 The south side site boundary adjoins 127 Old Beach Rd which comprises a single dwelling and 144m² outbuilding for private residential use. Due to the siting of the outbuilding on this adjoining lot, the minimal height of proposed 'Unit 4' and the slight rise in topography to the south, there will be no overshadowing of a habitable room or private open space of the existing dwelling. Due to the 10m+ setback of the existing dwelling to this boundary and the minimal apparent scale, bulk or proportions of the proposed dwellings, the visual impact of the development when viewed from this lot are not considered unreasonable.
- 8.5.8 When assessing the development against subsection (b) of the Performance Criteria, it should be noted that the definition of 'dwelling' in the Interim Scheme includes residential outbuildings.
- 8.5.9 As stated above, 'Units 1, 2 & 3' comply with the Acceptable Solution. 'Unit 4' has a minimum setback from the south side boundary (adjoining 127 Old Beach Rd) of 1.006m.
- 8.5.10 Figure 1 above shows the site and surrounding area, characterised by single and multiple dwellings tending towards dwellings with minimal side setbacks and residential outbuildings with minimal side and rear setbacks.
- 8.5.11 As an example, Figure 3 below shows the proposed setback in context to the existing outbuilding on the adjoining 127 Old Beach Rd site (setback 1.5m).

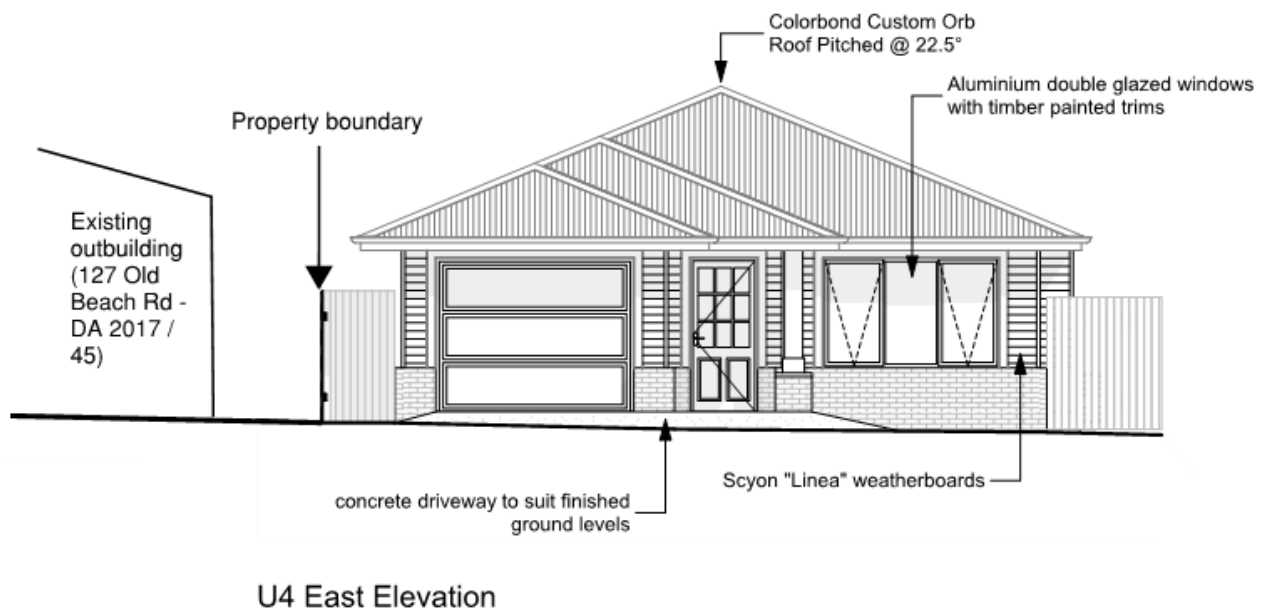


Figure 4. To-scale representation of existing outbuilding at 127 Old Beach Rd (modified by author)

8.5.12 The proposed side setbacks of the development are considered compatible with that prevailing in the surrounding area.

8.5.13 For the reasons set out above, the proposal is considered to meet the Performance Criteria contained in Section 10.4.2 P3.

8.6 Discretion 2 - Increase in vehicle movements to an existing road access

8.6.1 Acceptable Solution E5.5.1 A2 states:

The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.

8.6.2 A Traffic Impact Assessment (TIA), was submitted with the application to address the standards of the Road and Railway Assets Code and Parking and Access Code.

8.6.3 The TIA found that the development is likely to generate up to 20 vehicle movements per day, with a peak of 2 vehicle movements per hour at the sites access to Old Beach Road. Therefore, the application must meet corresponding Performance Criteria E5.5.1 P2, reproduced below:

Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:

- a) *the increase in traffic caused by the use;*
- b) *the nature of the traffic generated by the use;*
- c) *the nature and efficiency of the access or the junction;*
- d) *the nature and category of the road;*
- e) *the speed limit and traffic flow of the road;*
- f) *any alternative access to a road;*
- g) *the need for the use;*
- h) *any traffic impact assessment; and*
- i) *any written advice received from the road authority.*

8.6.4 The TIA found that the proposal complied with the above criteria, concluding:

The traffic generation will not have any adverse impacts on traffic efficiency or safety.

8.6.5 The findings of the TIA were accepted by Council’s Senior Technical Officer.

8.6.6 The development is considered to satisfy Performance Criteria E5.5.1 P2.

9 Referrals

9.1 Engineering

The application was referred to the Council’s Senior Technical Officer, whose Engineering Report is attached.

9.2 TasWater

Sewer and Water reticulation is available to the site. The application was referred to TasWater who have imposed development conditions.

10 Concerns raised by the representor

10.1 The application was advertised in accordance with the statutory requirements of the *Land Use Planning and Approvals Act 1993*.

10.2 One (1) representation was received during the statutory public advertising period. The concerns of the representor are summarised below:

<i>Concerns of Representor</i>	<i>Planning Response</i>
<p><i>...the application for multiple dwellings (4) on this site, we believe is not suited to the area or subdivision as it is not a high density dwelling area, with typically larger blocks and single dwellings or on just a few parcels, 2 dwellings, not 4 like is proposed ...</i></p> <p><i>We would submit that a maximum of 2 dwellings would be a much more appropriate solution for this site and be in keeping with the existing subdivision and surrounding semi-rural location.</i></p>	<p>The site is within the General Residential Zone of the Interim Scheme and has no title restrictions relating to dwelling density. The application has been assessed against the relevant Zone and Code standards of the Interim Scheme.</p> <p>The proposed density complies with the relevant Acceptable Solution contained within the General Residential Zone.</p> <p>The provision of a variety of suburban dwelling densities accords with General Residential</p>

	<p>Zone Purpose Statement 10.1.1.1:</p> <p><i>To provide for residential use or development that accommodates a range of dwelling types at suburban densities</i></p>
<p><i>There are concerns that the start times of the adjacent church (Sunday 5.30am) may have the potential to create noise impacts on adjoining properties.</i></p> <p><i>With 4 dwellings on this property as proposed, the possibility of the church causing any disturbance is greatly increased, as is also the possibility of noise from neighbours disturbing the meetings of the congregation with their very close proximity to the side boundary adjacent to the church.</i></p>	<p>The land is in the General Residential Zone. There are no noise emission standards in the Interim Scheme when assessing an application for residential use and development.</p> <p>Unreasonable noise emissions from the church will need to be considered under Environmental Health regulations.</p>
<p><i>Whilst the onsite parking technically complies with the planning scheme, the fact that there are 4 – 3 bedroom units (with only 9 car spaces), there is a likelihood of at least 2 cars per unit leaving only 1 visitor space at most and with very limited car parking space on Old Beach Rd., meaning vehicles could end up being parked on the street in front which means congestion could be a problem.</i></p>	<p>The application meets the Acceptable Solution E6.6.1 A1 – Number of Car Parking Spaces.</p>

11 Conclusion

- 11.1** The proposal is for four (4) Multiple Dwellings at 129 Old Beach Road, Old Beach (the ‘site’). The site is situated within the General Residential Zone of the *Brighton Interim Planning Scheme 2015* (the ‘Interim Scheme’).
- 11.2** The key issues are dwelling separation to a side boundary, increase in vehicle movements to an existing road access and the requirement for Water Sensitive Urban Design.
- 11.3** The proposal is considered to satisfy the requirements 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 DA 2019/00221 for Four (4) Multiple Dwellings in the General Residential Zone at 129 Old Beach Road, Old Beach with the following conditions:

General

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

Landscaping

- (3) Prior to occupancy of the first dwelling, all landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Manager Development Services. Evidence showing compliance with this condition must be submitted to and approved by the Manager Development Services.
- (4) Replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.

Amenity

- (5) Any front fence must have a height above natural ground level of not more than:
 - A. 1.2m, if the fence is solid; or
 - B. 1.8m, if the fence has openings above a height of 1.2m which provide a uniform transparency of not less than 30%.
- (6) 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.
- (7) Areas of private open space, as shown on approved plans, must be fully formed to the satisfaction of the Manager Development Services prior to occupancy of the first dwelling.

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) A new 5.5m minimum width concrete vehicle accesses must be provided from Old Beach Road to the property boundary in accordance with;

C. Councils Standard Drawings;

D. Standards Australia (2004): Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney;

and to the satisfaction of Council's Municipal Engineer.

- (10) At least nine (9) parking spaces must be provided on the land at all times for the use of the occupiers including at least two (2) car parking space per dwelling and at least one (1) 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.

- (11) 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 the endorsed drawings, 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;

- (a) A minimum trafficable width of 3m
- (b) Passing bays 5.5m wide by 6.0m long located at the road and every 30m
- (c) Constructed with a durable all weather pavement.
- (d) Drained to an approved stormwater system.
- (e) Surfaced with concrete, asphalt or pavers.
- (f) Provision for two way traffic.

- (12) 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.
- (13) Prior to the issue of building consent under the Building Act 2016 or the commencement of works (whichever occurs first), a parking plan prepared and certified by a qualified civil engineer or other person approved by Council's Municipal Engineer must be submitted to and approved by Council's Municipal Engineer. The parking plan is to include:
- pavement details,
 - design surface levels and gradients,
 - drainage,
 - turning paths,
 - dimensions,
 - line marking,
 - signage,
 - pedestrian access,
 - lighting,

Once approved, the parking plan shall form part of this permit and must be adhered to.

- (14) 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.
- (15) All areas set-aside for parking and associated turning, and access must be completed before the use commences and must continue to be maintained to the satisfaction of the Council's Municipal Engineer.

Access to Public Road

- (16) Works on or affecting any Council road reservation are to be carried out in accordance with the endorsed plans and Council's Guidelines for *Works Within The Road Reservation* and to the satisfaction of Council's Municipal Engineer. The applicant must provide a minimum of 48 hours' notice to Council's Asset Services department prior to commencing any works with the road reservation.

Stormwater

- (17) Drainage from the proposed development must drain to the public 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*.
- (18) Roof runoff must be collected in rainwater tanks with the tank overflow directed to the public stormwater system.
- (19) The Developer is to:
 - (a) 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; or alternatively
 - (b) make a financial contribution to Brighton Council for the provision of stormwater treatment in accordance with Council Policy 6.1 Interim Water Sensitive Urban Design Contributions.

Advice: A copy of Policy 6.1 Interim Water Sensitive Urban Design Contributions can be downloaded from Council's website.

<https://www.brighton.tas.gov.au/wp-content/uploads/2019/05/Policy-6.1-Interim-Water-Sensitive-Urban-Design-Contributions.pdf>

- (20) 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; and
 - (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
- (21) 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*.

TasWater

- (22) The development must meet all required Conditions of approval specified by TasWater Submission to Planning Authority Notice TWDA 2019/01569-BTN, dated 29/10/2019.

Soil and Water Management

- (23) Before any work commences install temporary run-off, erosion and sediment controls and maintain these 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

- (24) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Development Services:
- Monday to Friday 7:00 a.m. to 6:00 p.m.
 - Saturday 8:00 a.m. to 6:00 p.m.
 - Sunday and State-wide public holidays 10:00 a.m. to 6:00 p.m.
- (25) 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.
- (26) 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.
- (27) 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.
- (28) 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. Before commencing any works contact your private building surveyor to ascertain what approvals (if any) are required under the Building Act 2016.
- B. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- C. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.
- D. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

DECISION:

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

CARRIED

VOTING RECORD

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

The meeting closed at 5.50 pm.

Confirmed: _____
 (Acting Mayor)

Date: _____
 18th February 2020