



# 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,  
14 DECEMBER 2021

PRESENT: Cr Gray (Chairperson); Cr Curran (Deputy Mayor); Cr De La Torre;  
Cr Geard; Cr Jeffries; Cr Murtagh and Cr Owen.

IN ATTENDANCE: Cr Garlick; Mrs J Banks (Governance Manager); Mrs J Blackwell  
(Acting Manager Development Services) and Mr L Wighton (Senior  
Technical Officer)

## 1. Acknowledgement of Country

## 2. Apologies

*Cr De La Torre moved, Cr Curran seconded that Cr Whelan be granted leave of absence.*

CARRIED

### VOTING RECORD

| In favour      | Against |
|----------------|---------|
| Cr Curran      |         |
| Cr De La Torre |         |
| Cr Geard       |         |
| Cr Gray        |         |
| Cr Jeffries    |         |
| Cr Murtagh     |         |
| Cr Owen        |         |

## 3. Public Question Time and Deputations

*There was no requirement for public 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 Regulations 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Council to act as 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 Development Application DA 2021 / 00199 for Multiple Dwellings (14) at 15 Morrison Street, Brighton:

Author: Brian White (Planning Officer)

|                   |  |
|-------------------|--|
| Applicant:        | David Wai Ho Au (MinD Architects)  |
| Subject Site:     | 15 Morrison Street, Brighton   |
| Proposal:         | Multiple Dwellings (14)  |
| Planning Scheme:  | Tasmanian Planning Scheme - Brighton   |
| Zoning:           | General Residential  |
| Codes:            | C2.0 Parking and Sustainable Transport Code<br>C3.0 Road and Railway Assets Code |
| Local Provisions: | Brighton Local Provisions Schedule   |
| Use Class:        | Residential (Multiple Dwellings)   |

|                         |   |
|-------------------------|---|
| <b>Discretions:</b>     | C2.5.3 Motorcycle parking numbers<br>C2.6.2 Design and layout of parking areas.<br>C2.6.5 Pedestrian access.  |
| <b>Representations:</b> | 1 representation was received. The representor raised the following issues <ul style="list-style-type: none"> <li>• Density of development.</li> <li>• Safety of additional vehicle movements onto road network.</li> <li>• Issues with the safety and appearance of Elderslie Road.</li> </ul> |
| <b>Recommendation:</b>  | Approval with conditions  |

## 1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2021 / 00199.

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.

Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies, and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

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. SITE ASSESSMENT

The site is zoned General Residential under the *Tasmanian Planning Scheme – Brighton* ('the Scheme'). It is located on the corner of Burrows Avenue and Morrison Street, Brighton with an area of 4973m<sup>2</sup>. The site is rectangular shaped, and currently contains a single dwelling and outbuildings. It is relatively flat and is connected to reticulated sewer and stormwater services.

The site is within an existing residential area and is located approximately 400m to the west of the Brighton activity centre. There is a Metro bus stop located approximately 100m to the north.

The surrounding properties are used and developed with a combination of single and multiple dwellings. There is a 10-unit development located nearby to the site at 13 Burrows Avenue.

The site location is shown in Figure 1 below.



**Figure 1 Subject site (Source: TheList)**

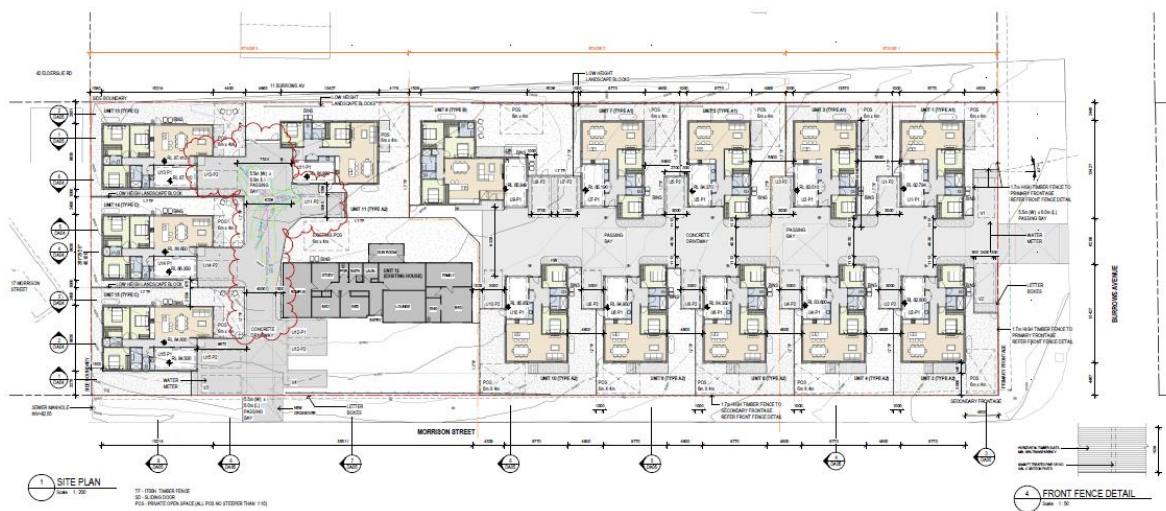
## 3. PROPOSAL

Planning approval is sought for the development of fourteen (14) multiple dwellings, the demolition of existing outbuildings, and the construction of a crossover on Burrows Road. The existing dwelling is to remain meaning the proposal will result in a total of fifteen (15) multiple dwellings on site.

There are three (3) different designs for the dwellings: ten (10) 'Type A' dwellings, which have two (2) bedrooms, a maximum height of approximately 4.3m, and a floor area of 109.59m<sup>2</sup>; one (1) 'Type B' dwelling, with three (3) bedrooms, a maximum height of 5m and a floor area of 133.58m<sup>2</sup>; and three (3) 'Type C' dwellings, with three (3) bedrooms, a maximum height of approximately 4.7m and a floor area of 127.27m<sup>2</sup>.

The proposed dwellings are located at least 1.58m from all boundaries. Dwellings 11 – 15 are accessed via Morrison Street and the remainder are accessed via Burrows Avenue. Each of the dwellings has access to two (2) parking spaces, with all dwellings, except for the existing dwelling, having a single garage and an uncovered parking space. There are four (4) visitor spaces proposed on site.

The proposed site plan is shown in Figure 2.



**Figure 2 Site Plan (Source: MinD)**

The proposal was supported by a traffic impact assessment (TIA) which opines that the parking layout, new access, increase in traffic onto the road network, and pedestrian movements within the site are safe and efficient and will not cause a detrimental impact on the efficiency of the surrounding road network.

Road owner's consent has been granted for the new access off Burrows Avenue.

#### 4. PLANNING SCHEME ASSESSMENT

- **Compliance with Applicable Standards:**

5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.

5.6.2 A standard is an applicable standard if:

- (a) the proposed use or development will be on a site within:
  - (i) a zone;
  - (ii) an area to which a specific area plan relates; or
  - (iii) an area to which a site-specific qualification applies; or
- (b) the proposed use or development is a use or development to which a relevant applies; and

(c) *the standard deals with a matter that could affect, or could be affected by, the proposed use or development.*

5.6.3 *Compliance for the purposes of subclause 5.6.1 of this planning scheme consists of complying with the Acceptable Solution or satisfying the Performance Criterion for that standard.*

5.6.4 *The planning authority may consider the relevant objective in an applicable standard to determine whether a use or development satisfies the Performance Criterion for that standard.*

- **Determining applications (clause 6.10.1):**

6.10.1 *In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:*

- (a) *all applicable standards and requirements in this planning scheme; and*
- (b) *any representations received pursuant to and in conformity with section 57(5) of the Act,*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.*

- **Use Class**

The Use Class is categorised as Residential (Multiple Dwellings) under the Scheme which a 'Permitted' use status in the General Residential zone.

- **Compliance with Performance Criteria**

The proposal meets the Scheme's relevant Acceptable Solutions except for the following:

#### C2.5.3 Motorcycle parking numbers A1/P1

|  |   |
|--|---|
| <b>Objective:</b>  |   |
| That the appropriate level of motorcycle parking is provided to meet the needs of the use. |   |
| <b>Acceptable Solution</b>   | <b>Performance Criteria</b>   |
| A1<br><br>The number of on-site motorcycle parking spaces for all uses must:               | P1<br><br>Motorcycle parking spaces for all uses must be provided to meet the |

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| (a) be no less than the number specified in Table C2.4; and  | reasonable needs of the use, having regard to:   |
| (b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained. | (a) the nature of the proposed use and development;<br>(b) the topography of the site;<br>(c) the location of existing buildings on the site;<br>(d) any constraints imposed by existing development; and<br>(e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area. |

Table C2.4 requires one (1) motorcycle space to be provided on site for a use that requires 21 – 40 parking spaces. Therefore, one (1) space is required but is not provided on site. The performance criteria must be relied upon to satisfy the standard.

The proposal was referred to Council's Senior Technical Officer, who considered that given the residential use proposed for the site, that motorcycle parking can be accommodated in car parking spaces when required.

Accordingly, the PC is satisfied.

#### Clause C2.6.2 - Design and layout of parking areas A1.1, A1.2/ P1

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|--|---|
| <b>Objective:</b>  |   |
| <b>That parking areas are designed and laid out to provide convenient, safe and efficient parking.</b>   |   |
| <b>Acceptable Solution</b>   | <b>Performance Criteria</b>   |
| A1.1<br><br>Parking, access ways, manoeuvring and circulation spaces must either:<br>(a) comply with the following:<br>(i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6; | P1<br><br>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to: |

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| <p>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</p> <p>(iii) have an access width not less than the requirements in Table C2.2;</p> <p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</p> <p>A1.2</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-</p> | <p>(a) the characteristics of the site;</p> <p>(b) the proposed slope, dimensions and layout;</p> <p>(c) useability in all weather conditions;</p> <p>(d) vehicle and pedestrian traffic safety;</p> <p>(e) the nature and use of the development;</p> <p>(f) the expected number and type of vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p> <p>(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</p> |
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| street parking for people with disabilities. [S35] |  |
|--|--|

An assessment of the parking layout against Acceptable Solution A1.1 (a) is provided below:

- i. The gradients comply with the relevant requirements of AS2890 (i.e. less than 15-20%).
- ii. The swept path demonstrates that cars can enter and leave the site in a forward direction.
- iii. Table C2.2 requires an internal access width not less than 5.5m. The access widths are 5.5m at the two main access aisles that connect to Morrison Street and Burrows Avenue.
- iv. Table C2.3 requires parking dimensions of 5.4m length x 2.6m width with combined access and manoeuvring width of 6.4m for 90-degree parking. Some of the parking spaces do not comply with the aisle width requirements. **Therefore, the performance criteria must be relied upon to satisfy the standard.**
- v. Some of the combined access and manoeuvring widths do not comply. **Therefore, the performance criteria must be relied upon to satisfy the standard.**
- vi. The vertical clearance exceeds 2.1m above the parking surface level.
- vii. Line marking is to be provided on all on-site car parking spaces. Garage and carport car parking spaces do not require line marking. Conditions apply.

Regarding the Australian Standard, AS2890.1, the TIA states that:

*Australian Standards, AS2890.1, requires minimum dimensions of 2.4m x 5.4m with an aisle width of 5.8m for residential parking spaces. All parking spaces exceed the width requirements, meet the length requirements, and some spaces have less than 5.8m aisle width (minimum 5.6m). Technically the parking spaces do not comply with the requirements of AS2890.1 in terms of dimensions. **Therefore, the performance criteria must be relied upon to satisfy the standard.***

The proposal does not meet A1.1 (a) or (b) so must be assessed against P1.

Parking for use by persons with a disability is not relevant to a residential use so A1.2 is not relevant to the proposal.

Performance Criteria P1 is addressed below:

**a) the characteristics of the site;**

The site is a residential zoned lot which is to be used for a residential (multiple dwelling) use. The characteristics of the site make it ideal for a unit development such as what is proposed.

**(b) the proposed slope, dimensions and layout;**

The site is relatively flat. Its dimensions and layout allow vehicles to enter and leave the site in a forward direction.

**(c) useability in all weather conditions;**

The site is to be sealed.

**(d) Vehicle and pedestrian safety.**

The proposal is for a residential development which will be a low-speed environment mostly used by tenants familiar with the layout. The visitor spaces are also located closest to each of the frontages so will be visible for visitors unfamiliar with the site. Therefore, vehicle and pedestrian safety will be reasonable for residents and any visitors. The submitted TIA has not raised any significant safety issues with the proposed parking layout.

**(e) the nature and use of the development;**

The proposal is for a multiple dwelling residential use and development which provides for a parking layout which allows cars to enter and leave the site in a forward direction and which provides the necessary number of parking spaces to service the use. Apart from the visitor spaces nearby to the frontages, the parking spaces are to be used by residents familiar with the layout so are considered appropriate.

**(f) the expected number and type of vehicles;**

The traffic generated by the proposal is estimated in the TIA as being 90 residential vehicles per day split across two accesses (Morrison Street will have 30 vehicle movements per day and Burrows Avenue will have 60 vehicle movements per day). Given the low-speed environment within the site and the fact that residents will be familiar with the parking layout, this number of vehicle movements is considered reasonable.

**(g) the likely use of the parking areas by persons with a disability;**

Not applicable to a residential use.

**(h) the nature of traffic in the surrounding area;**

The TIA has indicated that traffic volumes in the surrounding road network are low and that there is a large pool of available on-street car parking available for vehicles that do not wish to access the car park.

**(i) the proposed means of parking delineation; and**

The parking spaces will be clearly defined by kerbing, line marking and garages.

**(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2-2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.**

Regarding AS 2890/, the TIA states that, apart from some of the isle widths (manoeuvring areas adjacent to parking spaces) being slightly less than 5.6m, the parking layout generally complies with the Australian Standard. Engineering plans and swept paths have been provided which demonstrate that the manoeuvring areas are sufficient to facilitate a B85 vehicle into and out of the spaces without conflicts. According to the TIA, this ability is due to the additional space width and the low-speed operating environment.

Therefore, having regard to the purpose of the provision which is: "That parking areas are designed and laid out to provide convenient, safe and efficient parking," and the fact that manoeuvring in and out of all parking spaces is possible as shown in the swept path analysis, the proposal is considered to comply with (j) in that the parking layout is designed and laid out to provide convenient, safe and efficient parking.

Accordingly, the PC is satisfied. Conditions apply.

**Clause C2.6.5 Pedestrian Access**

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| <b>Objective:</b>   |   |
| That pedestrian access within parking areas is provided in a safe and convenient manner.  |   |
| <b>Acceptable Solution</b>  | <b>Performance Criteria</b>   |
| <p>A1.1</p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where</p> | <p>P1</p> <p>Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the nature of the use;</p> |

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| <p>crossing access ways or parking aisles, by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p>A1.2</p> <p>In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p> | <p>(c) the number of parking spaces;</p> <p>(d) the frequency of vehicle movements;</p> <p>(e) the needs of persons with a disability;</p> <p>(f) the location and number of footpath crossings;</p> <p>(g) vehicle and pedestrian traffic safety;</p> <p>(h) the location of any access ways or parking aisles; and</p> <p>(i) any protective devices proposed for pedestrian safety.</p> |
|--|--|

The proposal provides does not provide a 1m wide footpath in accordance with A1.1 (a). Therefore, assessment against the performance criteria is relied upon to satisfy the standard. This assessment is provided below.

P1

Safe and convenient pedestrian access must be provided within parking areas, having regard to:

**(a) the characteristics of the site;**

The site is to be used for a multiple dwelling residential development which would only be used by residents whom would be familiar with the site's conditions. The site is large enough to accommodate the density of development that complies with the zone standards and relevant codes.

**(b) the nature of the use;**

The site is to be used for a multiple dwelling residential development which would only be used by residents whom would be familiar with the site's conditions. The visitor parking spaces are located nearby to each of the frontages so visitors will not have to navigate far into the site.

**(c) the number of parking spaces;**

The number of parking spaces have been provided to meet the minimum requirements of the code.

**(d) the frequency of vehicle movements;**

The TIA states that: "The peak traffic generation will be 3 and 6 vehicles per hour at the Morrison Street and Burrows Avenue accesses respectively. The low traffic generation coupled with the low vehicle speeds will result in an acceptable safety environment for shared use between pedestrians and cars". It is agreed that the modest amount of vehicle movements and the low speed environment means that pedestrian safety will not be compromised.

**(e) the needs of persons with a disability;**

Not applicable for a residential use.

**(f) the location and number of footpath crossings;**

Not applicable.

**(g) vehicle and pedestrian traffic safety;**

The TIA states that the driveways will be 'shared zones' where vehicles and pedestrians share the space with pedestrians having priority.

As has been discussed, given the low the low traffic generation coupled with the low vehicle speeds, it is considered there will be an acceptable safety environment for shared use between pedestrians and cars.

**(h) the location of any access ways or parking aisles; and**

The dwellings are to be accessed via two separate crossovers. The design of the dwellings consists of a linear layout with two main 'spines' with parking aisles located on either side. The allows for good site distance for pedestrians looking down the driveway to both accesses, which is also assisted by the site being flat and the low speed environment. Therefore, the safety of pedestrians is considered satisfactory.

**(i) any protective devices proposed for pedestrian safety.**

No protective devices are proposed, nor are they considered necessary for the reasons outlined above.

Accordingly, the PC is satisfied.

## 5. Referrals

### Senior Technical Officer

Council's Senior Technical Officer is satisfied with the proposal on traffic and infrastructure grounds and has provided conditions of approval.

### TasWater

TasWater provided a Submission to Planning Authority Notice (SPAN) (TasWater reference no. TWDA 2021/ 01295 – BTN) on the 15<sup>th</sup> October, 2021.

## 6. Representations

One (1) representation was received during the statutory public exhibition period between 17<sup>th</sup> November and the 1<sup>st</sup> December, 2021.

The concerns of the representors are summarised below:

| Representor's concerns           | Planning Response   |
|----------------------------------|---|
| Density of development too high. | <p>The proposal meets the acceptable solution of the development standard in the zone that deals with residential density for multiple dwellings. Clause 8.4.1 A1 requires that: "Multiple dwellings must have a site area per dwelling of not less than 325m<sup>2</sup>. The site has an area of 4973m<sup>2</sup> and fifteen (15) dwellings are proposed. Therefore, the density is 331.53m<sup>2</sup> per dwelling, so is compliant with A1.</p> <p>Whilst it is acknowledged that the manoeuvring area of some of the parking spaces on site do not meet the relevant acceptable solution of Clause C2.6.2 Design and layout of parking areas, the submitted TIA and accompanying swept path analysis show that the parking spaces are useable and are appropriate for a residential use where residents are familiar with the layout. Visitor spaces are provided nearby to both accesses so will be visible for visitors coming to the site.</p> |

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|  | Council's engineers have raised no issues with the parking layout.  |
| Increased vehicle movements onto road network will exacerbate traffic issues on nearby streets – particularly on Elderslie Road. | <p>In regard to increased traffic movements due to the proposal and the capacity of the road network to accommodate the increase, the TIA states that: “The proposed development generates a relatively small amount of additional traffic on the surrounding road network (in the order of 9 vehicles per hour during peak times)”. The TIA continues by stating that due to the only modest increase in traffic movements that no significant road safety impacts are likely to result without a corresponding deterioration in the network's level of service.</p> <p>Therefore, it is considered that the proposal is unlikely to result in an unreasonable impact on the surrounding road network.</p> |
| Maintenance and appearance of Elderslie Road.  | The current physical condition of Elderslie Road is not a matter to be considered via this current development application.   |

## 7. Conclusion

The proposal for 15 Multiple Dwellings (14 new and 1 existing) at 15 Morrison Street, Brighton, satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

## 8. Recommendations

That: A. Pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approves application DA 2021/ 00199 for Multiple Dwellings (14) 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*.

### Landscaping

3. Prior to commencement of use, all trees and 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 within 30 days of planting.
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:
  - 1.2m, if the fence is solid; or
  - 1.8m, if the fence has openings above a height of 1.2m which provide a uniform transparency of not less than 30%.

### Staged development

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

### TasWater

7. The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA 2021/ 01295-BTN, dated 15/10/2021, as attached to this permit.

### Services

8. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.
9. Services located under the proposed driveways are to be provided with trafficable covers to the requirements of the relevant authority and to the satisfaction of Council's Municipal Engineer.



## Roadworks

10. The developer must upgrade the road frontage across both Morrison Street and Burrows Avenue frontages to include:
  - a) new kerb and channel
  - b) road widening (where required to match the alignment of existing kerb)
  - c) subsoil drains behind new kerb and channel
  - d) 1.5m minimum width concrete footpath
  - e) Piped stormwater drainage
  - f) Indented parking bay (Burrows Avenue frontage)

## Parking and Access

11. The existing southern vehicular access to Morrison Street must be upgraded within the road reservation with a concrete driveway apron. The apron must have a minimum width of 5.5 metres.
12. The existing northern vehicular access in Morrison Street must be removed and the nature strip reinstated.
13. A new concrete vehicular access must be provided in Burrows Avenue. The concrete driveway apron must have a minimum width of 5.5 metres.
14. At least thirty-four (34) parking spaces must be provided on the land at all times for the use of the development, including at least two (2) car parking spaces per dwelling and at least four (4) designated for visitor parking.
15. All parking, access ways, manoeuvring and circulation spaces must be provided in accordance the endorsed drawings, Australian Standard AS 2890 - Parking facilities, Parts 1-6, or as otherwise required by this permit, and include all of the following;
  - (a) be constructed with a durable all weather pavement;
  - (b) be drained to the public stormwater system; and
  - (c) be surfaced by concrete or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
  - (d) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
  - (e) provide for vehicles to enter and exit the site in a forward direction;

- (f) have an internal access width not less than 3m, with adequate manoeuvring areas to accommodate turning paths of vehicles entering and exiting parking spaces (including 0.3m clearance to any fixed object greater than 150mm in height including fences and walls);
- (g) have width not less than 5.5m at the road carriageway with provision for two way traffic;
- (h) have a vertical clearance of not less than 2.1m above the parking surface level;

**Advice: Parking aisle widths less than those stipulated in AS2890.1 may be accepted where turning paths demonstrate vehicles can enter and exit parking spaces.**

16. Prior to the development commencing, or application for building or plumbing permits, the developer must submit to Council a parking plan including:
- (a) pavement details,
  - (b) design surface levels and gradients,
  - (c) drainage,
  - (d) turning and travel paths (where required to demonstrate compliance with AS 2890.1),
  - (e) dimensions (including clearances),
  - (f) line marking,

The parking plan is to be certified by an engineer and shall form part of the permit once accepted.

17. 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.
18. 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***

ADVICE: No works on or affecting any Council road reservation is to be commenced until the Brighton Council has issued a WORKS IN ROAD RESERVATION PERMIT. Application for the issue of the necessary works permit is to be made to the Brighton Council's Asset Services Department prior to the proposed date of commencement of any works.

### ***Stormwater***

19. The stormwater system for the development must, unless required otherwise by this permit, be substantially in accordance with the *Stormwater Management Memo*, prepared by AD Design & Consulting, dated 213/09/21
20. Stormwater from the proposed development must drain to the piped public stormwater system to the satisfaction of Council's Municipal Engineer and in accordance with the *Building Act 2016*.
21. The piped public stormwater system in Morrison Street must be extended to the southern boundary of the subject land to provide a stormwater property connection.
22. The developer must provide on-site detention to offset the increase in stormwater runoff caused by the development to the satisfaction of Council's Municipal Engineer.

ADVICE: Council modelling indicates that the existing piped stormwater system downstream of the development has insufficient capacity for a 5% AEP event. Calculations for the sizing of the detention system must be included in the application for a Plumbing Permit.

23. Stormwater from the proposed development must be treated prior to entering the public stormwater system to achieve that the quality targets in accordance with the State Stormwater Strategy 2010. Water Sensitive Urban Design Principles will be in accordance with the *Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania*, Council Policy 6.1 *Stormwater Quality Control Contributions* and to the satisfaction of the Council's Municipal Engineer.

Alternatively:

The developer may make a financial contribution to Brighton Council for the provision of stormwater treatment in accordance with *Council Policy 6.1 Stormwater Quality Control Contributions*.

Advice: A copy of *Council Policy 6.1 Stormwater Quality Control Contributions* is available from the Brighton Council Website <https://www.brighton.tas.gov.au/council/policies/>

24. Where stormwater detention or treatment is provided, the stormwater system must continue to be maintained to ensure the quality targets in accordance with the State Stormwater Strategy 2010 are maintained and water is conveyed so as not to create any nuisance to adjacent properties.
25. The driveway must be drained to minimise surface runoff over adjoining land in accordance with the requirements of the Municipal Engineer and in accordance with the Building Act 2016.

### Soil and Water Management

26. A soil and water management plan (here referred to as a 'SWMP') prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Municipal Engineer before development of the land commences.
27. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's Municipal Engineer until the land is effectively rehabilitated and stabilised after completion of the development.

### Construction amenity

28. The road frontage of the development site including road, kerb and channel, footpath and nature strip, must be:
  1. Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
  2. Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.

In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion will be deemed a result of construction activity requiring replacement prior to approval.

29. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
  - Monday to Friday 7:00 am to 6:00 pm
  - Saturday 8:00 am to 6:00 pm
  - Sunday and State-wide public holidays 10:00 am to 6:00 pm

30. All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - (b) The transportation of materials, goods and commodities to and from the land.
  - (c) Obstruction of any public footway or highway.
  - (d) Appearance of any building, works or materials.
31. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager Strategic Planning.
32. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
33. The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

### ***Engineering***

34. Public works must be carried out and constructed in accordance with the:
- a. Tasmanian Subdivision Guidelines*
  - b. Tasmanian Municipal Standard – Specifications*
  - c. Tasmanian Municipal Standard – Drawings*
- as published by the Local Government Association of Tasmania and to the satisfaction of Council's Municipal Engineer.
35. Engineering design drawings for all public works within the road reservation must be submitted to and approved by Council before any works associated with development of the land commence.

**Advice:** Public works include all works within the road reservation including, but not limited to, kerb and channel, footpath, stormwater mains, sewer mains. The engineering drawings submitted with the application are considered to be concept plans and may require alterations prior to consideration for approval.

36. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, and must show –
- a) all existing and proposed services required by this permit;
  - b) all existing and proposed roadwork required by this permit;
  - c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - d) measures to be taken to limit or control erosion and sedimentation;
  - e) any other work required by this permit.
37. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
38. 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 public works.

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

39. Public works provided as part of the development must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.

**Advice:** A bond is to be lodged with Council during the maintenance and defects liability period equal to 10% of the value of public works in accordance with Council Policy 6.3

40. Prior to placing works onto the maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

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

- A. Please 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. 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 Curran moved, Cr Owen seconded that the Planning Authority suspend Standing Orders.*

**CARRIED**

**VOTING RECORD**

| In favour      | Against |
|----------------|---------|
| Cr Curran      |         |
| Cr De La Torre |         |
| Cr Geard       |         |
| Cr Gray        |         |
| Cr Jeffries    |         |
| Cr Murtagh     |         |
| Cr Owen        |         |

*Cr Geard moved, Cr Jeffries seconded that Standing Orders be resumed.*

**CARRIED**

**VOTING RECORD**

| In favour      | Against |
|----------------|---------|
| Cr Curran      |         |
| Cr De La Torre |         |
| Cr Geard       |         |
| Cr Gray        |         |
| Cr Jeffries    |         |
| Cr Murtagh     |         |
| Cr Owen        |         |

*Cr Geard moved, Cr Curran seconded that this item be held over until the Ordinary Council meeting on the 21<sup>st</sup> January 2021, pending discussion with the developer in relation to providing on-site pedestrian safety access.*

**CARRIED**

**VOTING RECORD**

| In favour      | Against |
|----------------|---------|
| Cr Curran      |         |
| Cr De La Torre |         |
| Cr Geard       |         |

Cr Gray  
Cr Jeffries  
Cr Murtagh  
Cr Owen

The meeting closed at 6.10pm.

Confirmed:

\_\_\_\_\_  
(Mayor)

Date:

\_\_\_\_\_  
21 December 2021