



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,
10 MAY 2022**

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

IN ATTENDANCE: Cr W Garlick; Mr J Dryburgh (General Manager); Mrs J Banks
(Governance Manager); Mr D Allingham (Manager Development
Services); Mr C Pearce-Rasmussen (Manager Asset Services) and
Mrs J Blackwell (Senior Planning Offer)

1. Acknowledgement of Country

2. Apologies

Cr Murtagh moved, Cr Curran seconded that Cr Geard be granted leave of absence.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

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 / 00274 - Equipment and Machinery Hire (Storage Containers) at 77 Possum Road, Bridgewater

Author: Jo Blackwell (Senior Planner)

Applicant:	MCA Architects Pty Ltd
Subject Site:	77 Possum Road, Bridgewater
Proposal:	Equipment and Machinery Hire (Storage Containers)
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	General Industrial Zone
Codes:	Signage Code Parking and Sustainable Transport Code Road and Railway Assets Code
Local Provisions:	Brighton Industrial Hub Specific Area Plan Bridgewater Quarry Specific Area Plan
Use Class:	Equipment and Machinery Sales and Hire
Discretions:	Building Height Frontage Setback Landscaping

	Number of Car Parking Spaces Construction of Parking Areas Pedestrian Access Traffic Generation Design and Siting of Signs Bridgewater Quarry Specific Area Plan
Representations:	One (1) representation was received. The representors raised the following issues: <ul style="list-style-type: none"> • Application is poor quality and unclear • Advertised material does not contain adequate information • Building height • Frontage setback • Landscaping • Signs Code • Parking and Sustainable Transport Code
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2021/274.

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 7916sqm site is a triangular portion of land located at the northern end of Possum Road, which is bordered on the west by the state rail network, the east by Possum Road and the south by industrial zoned land.

The site is generally level and with no distinguishing features. There is no connection to water, sewerage or stormwater infrastructure. Vehicle access from Possum Road is available approximately 30m south of the cul-de-sac head. Figure 1 is an aerial image of the site, which shows some of the retrospective development being applied for.



Figure 1: Aerial image of the site (Google Earth Pro, Jan 2022)

The site is located within the General Industrial Zone, with the state rail network and Possum Road being zoned Utilities. Land to the south is General Industrial, and to the west, the land on the west of the railway is zoned Environmental Management (refer to Figure 2).

The site is subject to the Brighton Industrial Hub Specific Area Plan (which prohibits residential use in the General Industrial Zone); the Bridgewater Quarry Specific Area Plan which encompasses land within a certain radius of the Bridgewater Quarry; the Attenuation Overlay (due to proximity to the Bridgewater Quarry) and the Bushfire Prone Areas Code;

The standards relating to the Brighton Industrial Hub Specific Area Plan, the Bushfire Prone Areas Code and the Attenuation Code are not applicable to this proposal.

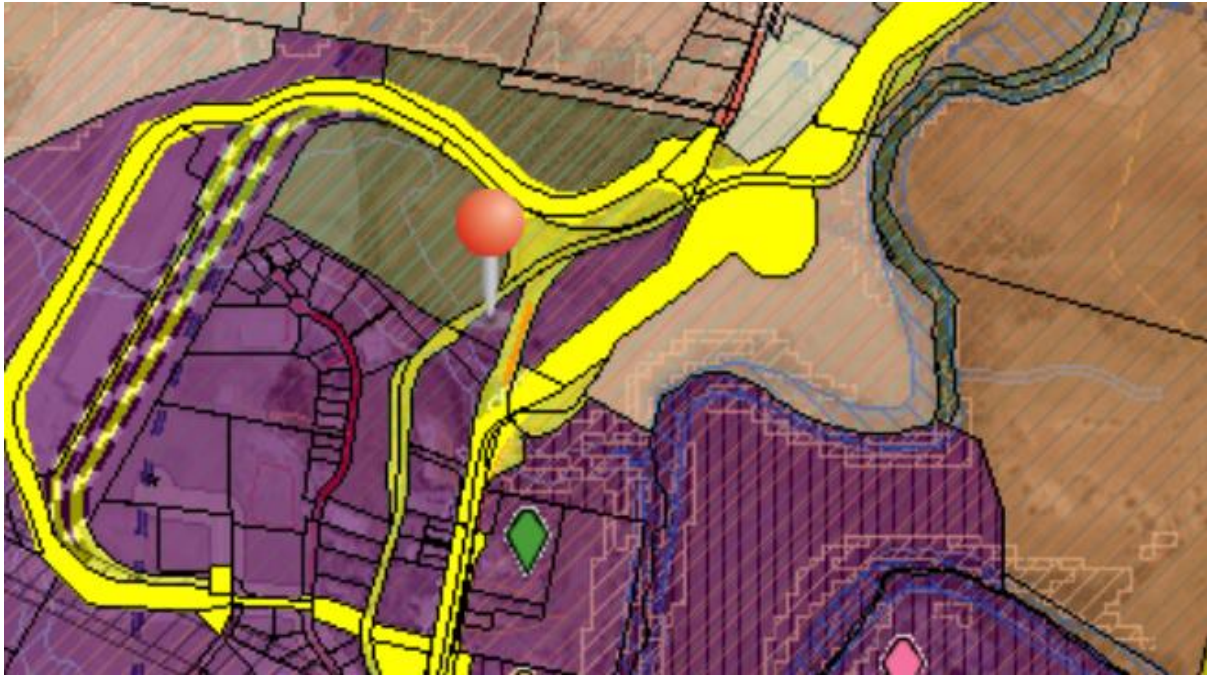


Figure 2: Zoning map

Key: Purple = General Industrial; Yellow = Utilities; Green = Environmental Management; light pink = Rural; Brown = Agriculture

Background

A temporary permit (DA 2019/0084) was issued in 2019 to allow for “manufacturing and processing (temporary spray painting facility)” for the period 11/4/2019 to 30/6/2019.

No other permits have been approved for use of the site.

3. PROPOSAL

This proposal is for retrospective approval for an undercover workshop, offices and self-contained amenities buildings, shipping container storage and associated parking and signage. The proposal includes 20 car parking spaces via vehicle stackers (spaces 1 - 5 inclusive) and landscaping treatment along the entry.

The workshop is constructed through 2 x 40ft containers stacked on each other (x4) and covered with a steel frame arch roof with fabric lining.

The proposal shows stormwater discharging to a roadside drain at the south-eastern corner of the site, which drains to the south and into Crooked Billet Creek.

The application is supported by the attached plans, planning submission and traffic impact assessment.

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 Equipment and Machinery Sales and Hire under the Scheme.

In the General Industrial Zone the use is Permitted. Clause 6.2.2 of the Scheme notes that *"A use or development that is directly associated with, and a subservient part of another use on the same site must be categorised unto the same Use Class at that other use."* Accordingly, the painting and/or fitting out of the containers ready for sale is considered to be subservient to the Equipment and Machinery Sales and Hire use class.

Compliance with Performance Criteria

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

Clause 19.4.1 A1/P1 Building Height

Objective:	
To provide for a building height that:	
(a) is necessary for the operation of the use; and	
(b) minimises adverse impacts on adjoining properties.	
Acceptable Solution	Performance Criteria
A1 Building height must be not more than 20m.	P1 Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to: (a) the bulk and form of the building; (b) separation from existing use on adjoining properties; and (c) any buffers created by natural or other features.

The proposal seeks approval to stack containers up to 7 containers high. Container heights can differ but are generally either 2.6m or 2.9m in height (JMG, 18th March, 2022). Seven containers x 2.9m high exceeds the 20m height limit (20.3m) and accordingly does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

At a site inspection on Friday 29th April 2022, the business operator verbally confirmed that he would be content to restrict the number of containers to six (6) which would satisfy the acceptable solution (Milham, pers comm to Blackwell, 29/4/2022). Accordingly, a condition to this effect is recommended for inclusion in any approval granted. Accordingly, the PC is satisfied with conditions.

Clause 19.4.3 A1/P1 Setback

Objective:	
That the building setback is appropriate for the site.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Buildings must have setback from a frontage of:</p> <p>(a) not less than 10m;</p> <p>(b) not less than existing buildings on the site; or</p> <p>(c) not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.</p>	<p>P1</p> <p>Buildings must have a setback from a frontage that provides adequate space for vehicle access, parking and landscaping, having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) the setback of buildings on adjacent properties; and</p> <p>(c) the safety of road users.</p>

The proposal provides for a setback of less than 10m from the frontage for the staff kitchenette/offices, the car stackers, and container storage. This does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

As shown in Figure 3 below, the site is triangular in shape, is level, and has no distinguishing features. The western boundary adjoins the State Rail Network whilst the eastern boundary is shared with the road reserve. The adjacent site to the south has a setback of approximately 1.5m to the frontage boundary. The site at 80 Possum Road has a setback to the frontage in excess of 20m, with vehicle access onto the turning head of the cul-de-sac.



Figure 3: Setbacks and Vehicle Access (source: Listmap)

The application has been referred to council's senior technical officer, who considers that the proposed setback will not cause undue risk to road users, given the separation distance between the frontage boundary and the carriageway of Possum Road, approximately 25m.

It is recommended that a variable setback of 5 metres around the entry tapering to 2 metres to provide for a landscaping strip is required, to allow for landscaping to be implemented along the frontage to enhance visual amenity.

Accordingly, the PC is satisfied with conditions.

Clause 19.4.3 A1/P1 Landscaping

Objective:	
That landscaping enhances the amenity and appearance of the streetscape where buildings are setback from the frontage.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>If a building is set back from a road, landscaping treatment must be</p>	<p>P1</p> <p>If a building is setback from a road, landscaping treatment must be</p>

<p>provided along the frontage of the site:</p> <p>(a) to a depth of not less than 6m; or</p> <p>(b) not less than the frontage of an existing building if it is a lesser distance.</p>	<p>provided along the frontage of the site, having regard to:</p> <p>(a) the width of the setback;</p> <p>(b) the width of the frontage;</p> <p>(c) the topography of the site;</p> <p>(d) existing vegetation on the site;</p> <p>(e) the location, type and growth of the proposed vegetation; and</p> <p>(f) any relevant local area objectives contained within the relevant Local Provisions Schedule.</p>
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The proposal provides for entry landscaping as shown on sheet A02 of the proposal documents. The proposed landscaping does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The setback has a variable width, being approximately 3m along the southern portion of the frontage boundary, adjacent to the stacked containers, and will be further reduced in the northern point of the lot, as shown on Site Plan A02.

The site has at some stage in the past, been excavated to create a level site, with a pre-existing rock retaining wall being created, thereby lowering buildings below natural ground level on the eastern boundary. Google Earth pro shows that the site has historically been devoid of vegetation since at least 2005.

The site plan at A02 shows proposed landscaping to be in the form of five (5) Ornamental Pear trees (*Pyrus Calleryana*) and low lying shrubs, being Wild Iris (*Diets Grandiflora*)x44.

There are not any local area objectives for the General Industrial Zone, however Council in October 2021, updated Policy AP16 Amenity Policy for Industrial Zones, to take into account recommendations contained in the Brighton Industrial Estate Brand and Place Strategy 2020, and the move to the Tasmanian Planning Scheme - Brighton. The purpose of the policy is to:

PURPOSE OF POLICY:

The purpose of this policy is to:

- a. To further the vision, and more specifically Action 4, of the Brighton Industrial Estate Brand & Place Strategy 2020.
- b. Ensure that an adequate level of amenity is provided and maintained for all developments in industrial zones.
- c. Provide guidance to developers about Council's expectations regarding the level of amenity required for developments early in the planning process.
- d. Establish clear and consistent guidelines for Council staff when assessing development applications regarding amenity.
- e. Ensure a level playing field for all developers regarding amenity.

It is considered that for the proposal to satisfy the performance criteria, conditions can be included in any permit approved, requiring an amended landscaping plan prepared by a suitably qualified person to be provided, and for the landscaping to be implemented within a specific period of time. The amended landscaping plan should show:

- a) Landscaping extended to the northern edge of the access, through the increased setback/relocation of the car stackers labelled 1 and 2;
- b) The Landscaping shown on plan "A02. Proposed Site Plan" tapered from five metres (5m) either side of the access to a depth of two metres (2m) long the entire Possum Road frontage, except where it tapers to accommodate the office block/kitchenette. The landscaping should consist of a mix of mature trees, hedges and ground covers/shrubs to enhance the visual amenity of the site, preferably hardy native species suitable for an industrial area. Mature trees must be a minimum height of 1.5m at the time of planting.
- c) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.

Accordingly, the PC is satisfied with conditions.

Clause C1.6.1- Design and Siting of Signs

Objective:
That: (a) signage is well designed and sited; and

(b) signs do not contribute to visual clutter or cause an unreasonable loss of visual amenity to the surrounding area.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>A sign must:</p> <p>(a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and</p> <p>(b) meet the sign standards for the relevant sign type set out in Table C1.6,</p> <p>excluding for the following sign types, for which there is no Acceptable Solution:</p> <p>(i) roof sign;</p> <p>(ii) sky sign; and</p> <p>(iii) billboard.</p>	<p>P1.1</p> <p>A sign must:</p> <p>(a) be located within an applicable zone for the relevant sign type as set out in Table C1.6; and</p> <p>(b) be compatible with the streetscape or landscape, having regard to:</p> <p>(i) the size and dimensions of the sign;</p> <p>(ii) the size and scale of the building upon which the sign is proposed;</p> <p>(iii) the amenity of surrounding properties;</p> <p>(iv) the repetition of messages or information;</p> <p>(v) the number and density of signs on the site and on adjacent properties; and</p> <p>(vi) the impact on the safe and efficient movement of vehicles and pedestrians.</p>

The proposal provides for the following wall signage (as shown on Sheet A03 (replicated on A04 and A05):

- On two stacked 40 foot shipping containers located in the southern corner of the site (existing) (refer "existing signage 1:200" on top left corner of sheet A03)
- On a 40 foot shipping container forming part of the south eastern corner of the covered workshop, one shipping container above ground (refer elevation 04 on sheet O3)

- "New Printed shade cloth signage to be attached to existing cyclone fencing the length of the boundary facing Possum Street" (refer bottom of sheet A05)

The signage can be assessed as "wall" signage which is a permitted sign type for the General Industrial zoned as per Table C1.6 of the Scheme.

However, the signage does not satisfy the sign standards, which for wall signage must comply with the following:

- must not extend beyond the wall or above the top of the wall to which it is attached;
- have a maximum area of 4.5m²; and
- must not occupy more than 25% of the wall area.

The proposed signage does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The applicant has agreed to reduce the signage, such that:

- The application for the shade cloth signage is withdrawn.
- That the lower of the two signs facing south is to be removed.

This has the effect of removing the repetition of messaging, which would have created visual clutter along Possum Road, whilst allowing for signage which is of a scale similar to the use for the site.

It is considered that the performance criteria can be satisfied through including a condition on any permit approved limiting signage to the top (second) container facing south and on the top (second) container forming part of the covered workshop, facing east.

Clause C2.5.1 A1/P1 Number of Car Parking Spaces

Objective:	
That an appropriate level of car parking spaces is provided to meet the needs of the use.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p>	<p>P1.1</p> <p>The number of on-site car parking spaces for uses, excluding dwellings, must meet the</p>

<p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> $N = A + (C - B)$ <p>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p>	<p>reasonable needs of the use, having regard to:</p> <p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p> <p>(ii) efficiencies gained by consolidation of car parking spaces;</p> <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p> <p>P1.2</p>
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<p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p> <p>(c) the pattern of parking in the surrounding area.</p>
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Table C2.1 of the scheme requires that the proposed development include a minimum of 24 car parking spaces based on the floor area of the buildings proposed. The proposal documents show 20 car parking spaces, to be created through the use of vehicle stackers (refer sheet C01) and Traffic Impact Statement (Midson, 2022).

The acceptable solution is not satisfied, therefore assessment against the performance criteria is relied upon.

The TIS, in addressing the performance criteria, notes that the site operates two shifts per day, with approximately 15 staff that operate over the two shifts operating between 6am to 2pm and 2pm to 10pm Monday to Friday. The TIS is silent on the level of staffing over the weekend, however, it is assumed that it would not exceed that proposed for weekdays.

Inspection by Council officers have revealed that more than 20 cars have been parked in the road reservation at times.

The proposal was referred to council's senior technical officer who has considered the application documents, including the TIS. That officer has determined that there is sufficient room on site to accommodate the necessary car parking spaces. Accordingly, it is recommended that a condition requiring the minimum amount of car parking spaces (24) and requiring the preparation of a parking plan be included in any permit granted.

The performance criteria can be satisfied with conditions.

Clause C2.5.4 A1/P1 Loading Bays

Objective:	
That adequate access for goods delivery and collection is provided, and to avoid unreasonable loss of amenity and adverse impacts on traffic flows.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>A loading bay must be provided for uses with a floor area of more than 1000m² in a single occupancy.</p>	<p>P1</p> <p>Adequate space for loading and unloading of vehicles must be provided, having regard to:</p> <ul style="list-style-type: none"> (a) the type of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the location of the site; (e) the nature of traffic in the surrounding area; (f) the area and dimensions of the site; and (g) the topography of the site; (h) the location of existing buildings on the site; and (i) any constraints imposed by existing development.

The proposal does not specifically show a loading bay, and therefore does not satisfy the acceptable solution. Assessment against the performance criteria is relied upon.

The southern portion of the site is utilised for the loading and unloading of shipping containers. Site examination shows that there is manoeuvring area on site. However, this has not been shown on the proposal plans.

The proposal was referred to council's senior technical officer for consideration. That officer considers that the provision of loading and unloading areas can be accommodated on site and recommends a condition requiring the preparation of a parking plan be included in any permit granted. The parking plan will need to demonstrate that the commercial vehicles likely to use the site can enter, park and exit the site in a forward direction based on the various container storage locations.

The performance criteria can be satisfied with conditions.

Clause C2.6.1 A1/P1 Construction of Parking Areas

Objective:	
That parking areas are constructed to an appropriate standard.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<p>P1</p> <p>All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <p>(a) the nature of the use;</p> <p>(b) the topography of the land;</p> <p>(c) the drainage system available;</p> <p>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</p> <p>(e) the likelihood of generating dust; and</p> <p>(f) the nature of the proposed surfacing.</p>

The proposal provides for light vehicle parking areas to be sealed with asphalt, which satisfies the acceptable solution, however the commercial vehicle access ways are not clearly shown. Accordingly, assessment against the performance criteria is relied upon.

Council's senior technical officer recommends a condition that all vehicular access or manoeuvring including container storage is to be sealed, which will satisfy the performance criteria.

The performance criteria is satisfied with conditions.

Clause C2.6.5 A1.1./P1 Pedestrian Access

Objective:	
That pedestrian access within parking areas is provided in a safe and convenient manner.	
Acceptable Solution	Performance Criteria
<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 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>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> <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 does not provide a separate pedestrian path to the driveways, and does not satisfy the acceptable solution. Therefore assessment against the performance criteria is relied upon.

The TIS submitted in support of the application addresses the performance criteria in the following statement:

“The on-site car parking consists of 5 car stacker units installed in two rows near the access. The site is industrial in nature and the operational requirements of the car stackers restricts the placement of a defined pedestrian path and protective devices such as bollards. The frequency of vehicle movements is relatively low. The movement of staff vehicles and pedestrians does not coincide with the movement of heavy vehicles.

Access to the site is restricted to authorised vehicles only and vehicle movements within the site are strictly controlled according to OHS requirements. Pedestrian movements are restricted to authorised personnel only.”

Based on the above assessment, the movement of pedestrians within the site is considered to meet the requirements of Performance Criteria P1 of Clause C2.6.5 of the Planning Scheme.

The Performance Criteria is satisfied.

Clause C2.6.6 A1/P1 Loading Bays (dimensions)

Objective:	
That the area and dimensions of loading bays are adequate to provide safe and efficient delivery and collection of goods.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>The area and dimensions of loading bays and access way areas must be designed in accordance with Australian Standard AS 2890.2-2002, Parking facilities, Part 2: Off-street commercial vehicle facilities, for the type of vehicles likely to use the site.</p>	<p>P1</p> <p>Loading bays must have an area and dimensions suitable for the use, having regard to:</p> <ul style="list-style-type: none"> (a) the types of vehicles likely to use the site; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the area and dimensions of the site; (e) the topography of the site; (f) the location of existing buildings on the site; and

	(g) any constraints imposed by existing development.
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The proposal does not show specific loading bays, however the southern end of the site is used for loading shipping containers. This does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

Council's senior technical officer is of the view that there is sufficient manoeuvring room for loading and unloading to occur on the site in accordance with AS 2890.2-2002. A condition requiring the provision of a parking plan demonstrating same is recommended to be included in any permit approved.

Performance Criteria can be satisfied with conditions.

Clause C2.6.6 A2/P2 Loading Bays (Entry and Exit)

Objective:	
That the area and dimensions of loading bays are adequate to provide safe and efficient delivery and collection of goods.	
Acceptable Solution	Performance Criteria
<p>A2</p> <p>The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.</p>	<p>P2</p> <p>Access for commercial vehicles to and from the site must be safe, having regard to:</p> <ul style="list-style-type: none"> (a) the types of vehicles associated with the use; (b) the nature of the use; (c) the frequency of loading and unloading; (d) the area and dimensions of the site; (e) the location of the site and nature of traffic in the area of the site; (f) the effectiveness or efficiency of the surrounding road network; and

	(g) site constraints such as existing buildings, slope, drainage, vegetation, parking and landscaping.
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The proposal does not demonstrate that commercial vehicles likely to use the site can enter, park and exit the site in a forward direction in accordance with Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities. Therefore assessment against the performance criteria is relied upon.

Council's senior technical officer considers that the acceptable solution can be achieved, and accordingly recommends a condition requiring that all vehicles enter, park and exit the site in accordance with the Australian Standard.

The performance criteria can be satisfied.

Clause C3.5.1 A1.4/P1 Traffic Generation

Objective:	
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
Acceptable Solution	Performance Criteria
<p>A1.4</p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</p>	<p>P1</p> <p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <p>(a) any increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature of the road;</p> <p>(d) the speed limit and traffic flow of the road;</p>

	<p>(e) any alternative access to a road;</p> <p>(f) the need for the use;</p> <p>(g) any traffic impact assessment; and</p> <p>(h) any advice received from the rail or road authority.</p>
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It is expected that the average annual daily traffic (AADT) is expected to increase by more than forty vehicle movements per day (40vmpd), which does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

Council's senior technical officer has assessed the proposal against the performance criteria, and considers that due to the low speed of the road (60km/h) and limited traffic movements, given there is only one other business located at the northern end of Possum Road, it is not expected that the increase in traffic will have any detrimental impact to road safety or the performance of Possum Road.

The performance criteria can be satisfied.

BRI-S4.7 Development within Bridgewater Quarry Specific Area plan

Objective:	
That development is compatible with the operations of the Bridgewater Quarry.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>No Acceptable Solution</p>	<p>P1</p> <p>Buildings and works must not result in potential to interfere or conflict with quarry operations having regard to:</p> <p>(a) the nature of the quarry; including:</p> <p>(i) operational characteristics;</p> <p>(ii) scale and intensity;</p>

	<p>(iii) degree of hazard or pollution that may be emitted from the activity;</p> <p>(b) the degree of encroachment of development or use into the Bridgewater Quarry Attenuation Area; and</p> <p>(c) measures in the design, layout and construction of the development to eliminated, mitigate or manage effects of the quarry; and</p> <p>(d) any advice from the Bridgewater Quarry operator.</p>
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The performance criteria is relied on given there is no acceptable solution. Given the proposed use of the site for storage of containers, and the separation distance between the site and the Bridgewater Quarry, it is considered that the proposal does not conflict with the performance criteria.

The application was referred to the Bridgewater Quarry for comment, who advises that it has no issues with this development.

The performance criteria can be satisfied.

5. Referrals

Senior Technical Officer

The proposal has been referred to Council's Senior Technical Officer. That officer's comments have been included throughout this report.

TasWater

The site is not serviced by TasWater. That entity has advised verbally that no referral was required.

Department of State Growth

Consultation was undertaken with Department of State Growth regarding the status of the Possum Road. That agency determined that they did not have an interest in the proposal, given that Brighton Council owns and maintains the road, although the road is constructed on Crown Land.

Boral

The application was referred to Boral for comment. That entity has advised that has no issues with this development.

TasRail

TasRail has advised that it has no objection to the proposal but have raised concerns about what safety controls are in place to prevent dislodgement of container stacks, including in high winds and weather events.

Research indicates that WorkSafe Australia has produced a document *Working Safely with Containers* (2009) which sets out guidelines for site safety. Further, stacking of standard freight containers are required to comply with AS/NZS 1170.2:2021 Structural Design actions, part 2: Wind actions; and AS 3711.10.2000 Freight containers, handling and securing, section 8 Stacking on ground.

A condition requiring the developer comply with the above standards and provide a Site Management Plan demonstrating how safety controls are to be implemented is recommended for any permit granted.

TasRail standard notes will also be incorporated into any permit approved.

6. Representations

One (1) representation was received during the statutory public exhibition period ending 26th April 2022.

The concerns of the representors are summarised below:

Representor's concerns	Planning Response
The application is poor quality and unclear and does not include a full description of the proposed use and development, including how many containers are to be stored, how the proposed use will operate, proposed vehicle stacking buildings and vehicle accessible areas of the site.	<i>It is not conceded that a full description of the proposed use and development has been provided. The storage location of the containers is a fluid one, and given the retrospective nature of the application, site inspection shows the approximate siting of the containers.</i>
Building height - there are no plans or elevations showing the location or arrangement of the proposed container storage areas. The proposal does not demonstrate why the building height is necessary	<i>See above. The developer has consented to a condition to limit the number of containers to be stacked to 6, which will satisfy the acceptable solution for building height.</i>

The proposal does not demonstrate how the containers will be secured or setback to avoid collapse or other detrimental impact on the adjoining road and rail corridors	<i>Refer to Section 5 relating to TasRail. A condition requiring the developer to demonstrate how the containers are to be secured is included in the proposed permit conditions.</i>
The proposal does not satisfy the performance criteria in relation to provision of adequate landscaping	<i>Refer to Clause 19.4.3 A1/P1 Landscaping A condition for a landscaping plan is recommended.</i>
The proposal does not meet the performance criteria in relation to Clause 1.6.1 of the Code	<i>Refer to Clause C1.6.1- Design and Siting of Signs The number of signs approved by the permit has been reduced from what was proposed.</i>
The proposal does not include adequate information regarding the proposed access, parking, loading, pedestrian paths and heavy vehicle access and movements to allow assessment against clause C2.6.2, C2.6.5 and C2.6.6 of the Code	<i>Refer to relevant assessment against clauses 2.6.5 and C2.6.6 of the Code. It is considered that clause 2.6.2 meets the acceptable solution (refer to Sheets A02 and C02). The finer points of the parking areas will be identified in the parking plan required by condition 21.</i>

7. Conclusion

The proposal for Equipment and Machinery Hire (Shipping Containers) at 77 Possum Road, Bridgewater satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

Recommendation:

That: A. Pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approves application DA 2021/274 Equipment and Machinery Hire (Shipping Containers) at 77 Possum Road, Bridgewater for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

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

Staged development

3. 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.

Amended Plans

4. Within one (1) month of the date of this permit, an amended Site plan must be submitted showing:
 - a. stackers 1 and 2 relocated to allow for the landscaping to be extended to the northern edge of the access; and
 - b. containers setback a minimum of three (3) metres from the Possum Road frontage to accommodate the landscaping required by condition 13.

Car Stacker

5. Structures enclosing the car stackers are not approved by this permit. A separate development application is required should separate structure/s be required.

Amenity

6. Within three (3) months of the date of this permit, all containers which form part of the undercover workshop, the amenities building and the kitchen/office building must be painted in a uniform colour, such colour scheme to be approved by the Manager Development Services.
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.
8. Containers must be stacked no more than six (6) containers high.
9. Other than where approved by condition 10, all existing advertising material located on any container must be removed prior to being located on the site.
10. Fences, including free standing walls within 4.5m of a frontage, must not exceed:

- a. 1.8m above existing ground level along the Possum Road frontage.
- b. 2.1m above existing ground level for all other boundaries.

Signage

- 11. Signage is approved as follows:
 - a. Existing signage on undercover workshop
 - b. On the upper 40 foot container facing south towards Bridgewater only.
- 12. The signage on the lower container facing south towards Bridgewater is to be removed within one (1) month of the date of this permit.

Landscaping

- 13. Within one (1) month from the date of this permit, an amended landscaping plan prepared by a suitably qualified person must be submitted to, and approved by, Council's Manager Development Services. The amended plan must show:
 - a) Landscaping extended to the northern edge of the access as per condition 3.
 - b) The Landscaping shown on plan "A02. Proposed Site Plan" tapered from the landscaping as shown on the northern side of the access to a minimum depth of two (2) metres along the Possum Road frontage, except where it abuts the office/kitchen building.
 - c) Landscaping along the extent of the frontage boundary south of the vehicle access to a depth of six metres (6m).
 - d) The landscaping should consist of a mix of mature trees, hedges and ground covers/shrubs to enhance the visual amenity of the site, preferably hardy native species suitable for an industrial area. Mature trees must be a minimum height of 1.5m at the time of planting.
 - e) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - f) Details of surface finishes of paths and driveways.
 - g) Landscaping and planting within all open areas of the site.
 - h) Details of how the landscaping is to be irrigated.
 - i) Planting must bear a suitable relationship to the proposed height of the buildings/shipping containers and must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics or unsuitable for fire prone areas.

Once approved by Council's Manager Development Services, the landscape plan will be endorsed and will form part of this permit.

14. Within three (3) months from the date of this permit, 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 fourteen (14) days of planting.
15. 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.

Parking & access

16. At least twenty four (24) parking spaces must be provided on the land at all times for the use of the development. Unless separate approval is granted the road reservation must not be used for the parking of vehicles associated with the proposed use.
17. Unless approved otherwise by Council's Manager Development Services, all areas used for the loading, unloading and storage of containers must be surfaced by asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
18. 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 asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement (This includes areas set aside for loading, unloading and storage of containers).
 - (d) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - (e) provide for all vehicles to enter and exit the site in a forward direction;
 - (f) have a vertical clearance of not less than 2.1m above the parking surface level;

19. All vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with *Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities Off-street commercial vehicle facilities*.
20. Access way areas utilised for loading and unloading must be designed in accordance with *Australian Standard AS 2890.2-2002, Parking facilities, Part 2: Off-street commercial vehicle facilities*, for the type of vehicles likely to use the site.
21. Within one (1) month of the date of this permit and prior to the lodgement of building or plumbing applications required pursuant to *the Building Act 2016*, 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 of passenger vehicles (where required to demonstrate compliance with AS 2890),
 - (e) turning and manoeuvring paths of commercial vehicles relative to the proposed container storage location. (Multiple configurations may need to be addressed),
 - (f) dimensions (including clearances),
 - (g) line marking,
 - (h) pedestrian paths

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

22. All areas set-aside for parking, including installation of the car stackers, and associated turning, and access, must be completed within three (3) months of the date of this permit and must continue to be maintained to the satisfaction of the Council's Municipal Engineer.
23. Within three (3) months of the date of this permit, the completed parking and associated turning areas, loading and unloading 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.

Access to Public Road

ADVICE: No works on or affecting any Council Road or 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.

Services

24. Within one (1) month from the date of this permit a hydraulic engineering report prepared by a suitably qualified person must be submitted to and approved by Council's Municipal Engineer demonstrating how the site can be serviced for water and sewer. Once approved, the report will form part of this permit.
25. Within three (3) months from the date of this permit, the works recommended by the report required by condition 15 above must be completed and certified by a suitably qualified person that the works have been constructed in accordance with the endorsed drawings and specifications approved by Council.
26. 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.
27. 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.
28. The approved structure(s) must be sited clear of any easement and located at least 1.00 metre measured horizontally from any Council service mains.

Stormwater

29. Within one (1) month of the date of this permit and prior to the lodgement of building or plumbing applications the developer must submit a Stormwater Management Report to Council's Municipal Engineer. The Stormwater Management Report must be prepared and certified by a suitably qualified person, and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The plan must clearly demonstrate that the requirements of this permit are met and that adjacent properties will not be adversely impacted by the stormwater system. Once approved the Stormwater Management Plan will form part of this permit.
30. Stormwater from the proposed development must be retained on site or drain to the public stormwater system to the satisfaction of Council's Municipal Engineer and in accordance with the *Building Act 2016*.

31. The driveway must be drained to minimise surface runoff over adjoining land or road reservation in accordance with the requirements of the Municipal Engineer and in accordance with the *Building Act* 2016.
32. The stormwater drainage system for the proposed development must be designed to comply with all of the following:
 - a) be able to accommodate a storm with a 2% AEP 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 in Possum Road
 - c) Stormwater from the proposed development must be treated prior to entering the public stormwater system to:
 - (i) achieve that the quality targets in accordance with the State Stormwater Strategy 2010.
 - (ii) Ensure runoff entering the public stormwater system is visually free of any hydrocarbons.

Water Sensitive Urban Design 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.

33. The stormwater system within the development must continue to be maintained to ensure the quality targets, in accordance with the State Stormwater Strategy 2010, and flow rates discharging to the public stormwater system are maintained as per the approved design and water is conveyed so as not to create any nuisance to adjacent properties.

Advice: General Manager's consent is required for connection to the public stormwater system in accordance with the Urban Drainage Act. Providing the planning permit conditions are met General Managers Consent will be granted.

Protection of water quality

34. Within one (1) month from the date of this permit, 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 Manager Development Services. The SWMP shall form part of this permit when approved.
35. Within three (3) months of the date of this permit, wastewater from the development must discharge to an on-site waste disposal system in accordance with a Plumbing and Special Connection Permit issued by the Permit Authority in accordance with the Building Act 2016.

36. All waste oil and other contaminants generated by the approved development must be stored appropriately and disposed of by a licensed contractor. Prior to the approved use commencing, the applicant shall apply for and be issued with a Plumbing and Special Connection Permit for Trade Waste issued by the Permit Authority in accordance with the Building Act 2016.

Construction amenity

37. 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.
38. 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.
39. 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.
40. 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.

TasRail

41. Within one (1) month of the date of this permit, the developer is to provide a Site Management Plan for approval by Council's Manager Development Services. The Site Management Plan will demonstrate how its safety controls for site operation, including vehicle manoeuvring and stacking of containers meets AS/NSZ 1170.2:2021 Structural design actions Wind actions and AS 3711.10:2000 Freight Containers, Handling and Securing, section 8, Stacking on Ground and how those controls are to be implemented. The report will also identify all legislative requirements such as, but not limited to, the Work Health and Safety Act (2012)(Tas) and Safe Work Australia.

42. Where a building or other development is proposed to be located at a setback distance less than 50 metres from the boundary of the rail corridor, the occupants are likely to be exposed to train horn noise and vibration, noting that TasRail Freight Rail Services operate 24/7 and the configuration, frequency and time of these services is subject to change at any time.
43. Landowners, builders/developers and prospective residents should undertake appropriate due diligence to ensure they are aware of potential exposure to train horn noise and vibration, particularly in relation to building design, material specifications and lifestyle. The train horn is a safety device that is required to be sounded twice per level crossing being on approach and on entry. The minimum duration of each train horn blow is one second. The train driver also has the discretion to sound the horn at any time he/she perceives a risk.
44. Using or creating an unauthorised railway crossing or stock crossing is unsafe and strictly prohibited. If the proposed development interfaces with a rail crossing and/or rail corridor land it is recommended you contact property@tasrail.com.au to discuss the proposed interface ahead of the planning process. Consideration should also be given to the orientation and siting of above ground structures on adjoining land as well as landscaping to ensure there is no potential to obscure or obstruct the line of sight with respect to a railway crossing.
45. Stormwater or effluent is not permitted to be discharged onto rail land or into the rail drainage system. Should there be a requirement for a service or asset to be installed on rail land in order to connect into an authorised stormwater or other outlet, a separate TasRail Permit is required and will only be approved subject to terms and conditions (costs apply). A Permit Application Form is available by contacting property@tasrail.com.au.
46. Any excavation within 3 metres of the rail boundary line requires a separate TasRail Permit from property@tasrail.com.au in accordance with s44 of the Rail Infrastructure Act 2009. A minimum of seven (7) business days notice is required, but earlier engagement is recommended.
47. Rail land is not for private use and should not be encroached for any purpose including for gardens, storage, keeping of animals etc. Dumping of rubbish including green waste into the rail corridor is not permitted.
48. No obstruction, installation or works of any kind are permitted inside railway land for any purpose including for structures, unauthorised vehicles, drainage, water pipes, stormwater discharge, electrical or service infrastructure, storage of materials, vegetation clearing, inspections etc.
49. As per the *Rail Infrastructure Act 2007*, the Rail Infrastructure Manager (TasRail) may remove and dispose of unauthorised or unlawful service infrastructure and take such other action as it sees fit. Where this occurs, TasRail may recover its costs of doing so as a debt due to TasRail from that person and retain if applicable any proceeds of disposal. No action lies against TasRail for removing or disposing of the unauthorised or unlawful service infrastructure.

50. No persons should enter rail land without formal authorisation from TasRail in the form of a TasRail Permit issued by property@tasrail.com.au
51. As railway land is Crown Land, the Rail Infrastructure Manager is not required to contribute to the cost of boundary fencing.

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 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*.

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.

- 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 Authority suspend standing orders.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr Owen moved, Cr Curran seconded that standing orders be resumed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr Whelan moved, Cr Owen seconded that the recommendation be approved subject to amending the landscaping condition No. 13 to include "Landscaping to be 6 metres wide south of the road access" and the following additional condition:-

Setbacks

52. All storage containers must be setback from the frontage boundary a minimum of Ten metres (10m).

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	Cr De La Torre
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

The meeting closed at 6.30pm.

Confirmed:

(Mayor)

Date:

17 May 2021