



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 JUNE 2022**

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

IN ATTENDANCE: Mrs J Banks (Governance Manager); Mr C Pearce-Rasmussen (Manager Asset Services) and Mrs J Blackwell (Senior Planner)

1. Acknowledgement of Country

2. Apologies

Cr Geard moved, Cr Whelan seconded that Cr De La Torre and Cr Jeffries be granted leave of absence.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
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 2022 / 00053 for Storage (Woodyard/Contractors Depot) at 73 Greenbanks Road, Bridgewater

Author: Andres Perez-Roca (Planning Officer)

Applicant:	PDA Surveyors, Engineers & Planners
Subject Site:	73 Greenbanks Road, Bridgewater
Proposal:	Storage (Woodyard/Contractors Depot)
Planning Scheme:	<i>Tasmanian Planning Scheme – Brighton</i> (the planning scheme)
Zoning:	19.0 General Industrial Zone
Codes:	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code C4.0 Electricity Transmission Infrastructure Protection Code
Local Provisions:	Nil
Use Class:	Storage (Woodyard/Contractors Depot)

Discretions:	C2.5.1 Car parking numbers C2.6.1 Construction of parking areas C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction C4.5.3 Dust or other airborne particulates within a substation facility buffer area
Representations:	<p>Two representations were received. The representors raised the following issues:</p> <p>Unreasonable loss of amenity to nearby residential and recreational uses via:</p> <ul style="list-style-type: none"> • Air, light and noise pollution generated by trucks; • Degradation of local roads and traffic safety issues generated by trucks; • Fire risks; • Land-use conflict with nearby residential and recreational uses; • Noise pollution generated by other machinery and equipment; and • Works in the public road reserve without a permit.
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the planning authority to determine development application DA 2022 / 00053.

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 LUPPA.

This report details the reasons for the officer's recommendation. The planning authority must consider this report but is not bound to adopt the recommendation. Broadly, the planning authority can either:

- (1) adopt the recommendation, or

(2) vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa).

Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

2. BACKGROUND

This development application results from compliance measures taken against the landowner of 21 Weily Park Road for using the land at 21 and 23 Weily Park Road, Bridgewater, for Storage (Woodyard/Contractors Depot). The land at 21 Weily Park Road, Bridgewater, is zoned Rural Living. The planning scheme prohibits the above use on Rural Living zoned land.

The applicant is now applying on behalf of the landowner of 21 Weily Park Road for the above use to occur on a portion of the land at 73 Greenbanks Road, Bridgewater. The land at 73 Greenbanks Road, Bridgewater, is owned by a proprietary limited company, so the development application has been accompanied by written consent from a representative of this company.

3. SITE ASSESSMENT

The site is a 2.035ha irregular shaped lot with primary frontage and access to Greenbanks Road, Bridgewater (see Figure 1 below). Greenbanks Road is part of the Brighton Industrial Hub street network, and it is specifically designed and constructed for heavy traffic.



Figure 1. An aerial image of the site (highlighted in ochre) and its surrounds

The site is also accessible via an existing 10.67m wide right of way over the land at 23 Weily Park Road, Bridgewater, owned by TasNetworks and with title reference 52510/2. This right of way contains an unsealed road that connects to an unsealed portion of Weily Park Road, a Brighton-Council-owned road.

The site is currently vacant, but works are being undertaken to develop an internal driveway and cul-de-sac connected to the primary frontage (see Figure 2 below).



Figure 2. Works for an internal driveway and cul-de-sac at 73 Greenbanks Road, Bridgewater

The site is zoned General Industrial and surrounded by land zoned General Industrial, Recreation, Rural Living, and Utilities (see Figure 3 below).



Figure 3. Zoning (General Industrial Zone in purple; Recreation Zone in green; Rural Living Zone in light brown, and Utilities Zone in yellow)

The site adjoins a TasNetworks substation facility and is partly affected by a Substation Facility Buffer Area Overlay and an Attenuation Area Overlay (see Figure 4 below). A Bushfire-Prone Areas Overlay applies to the whole site.



Figure 4. Substation Facility Buffer Area Overlay (highlighted in ochre on the left image) and Attenuation Area Overlay (highlighted in ochre on the right image)

The site is also partly affected by two Local Provisions Schedules: The Bridgewater Quarry Specific Area Plan and the Brighton Industrial Hub Specific Area Plan (see Figure 5 below).

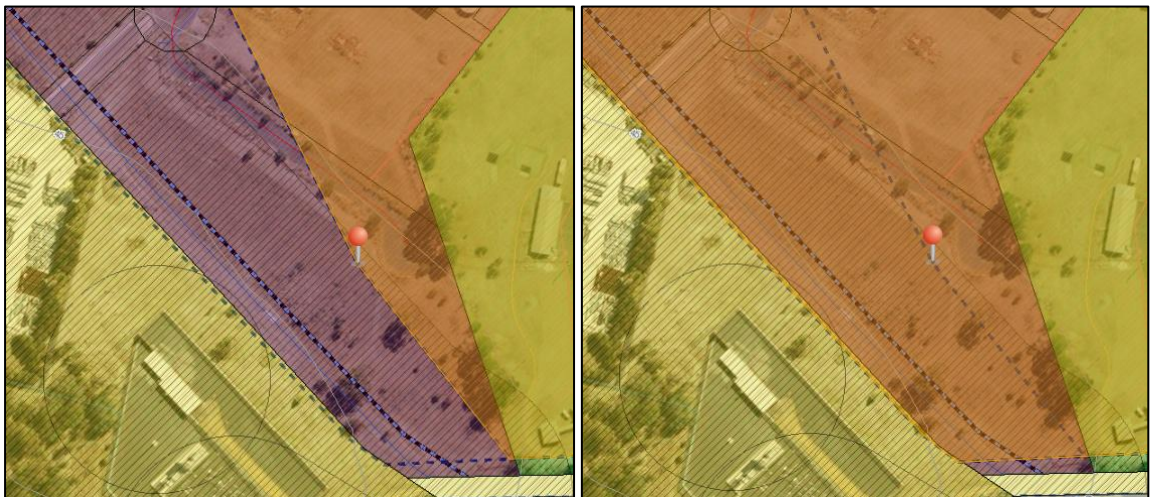


Figure 5. Bridgewater Quarry Specific Area Plan (highlighted in ochre on the left image) and Brighton Industrial Hub Specific Area Plan (highlighted in ochre on the right image)

Two pipeline easements run parallel to the south-western property boundary. One pipeline easement is 10.06m wide, and it contains a TasWater bulk transfer main. The other pipeline easement is 4m wide, and it contains a TasWater reticulation main. The site is also burdened by a 1m wide electrical infrastructure easement adjoining the north-western boundary.

4. PROPOSAL

The proposal seeks retrospective planning approval to use 1,440m² of the site for log storage with no processing on-site (see Figure 6).



Figure 6. Site plan

Hours of operation of the proposed use are 7:00 a.m. to 6:00 p.m., seven (7) days per week.

No buildings or structures, landscaping or on-site car parking spaces are proposed.

The proposal involves using heavy vehicles, particularly 25m-long trucks, to transport the logs to and from the site. It is proposed that these trucks access the site via the unsealed road that connects to Weilly Park Road. This road and associated manoeuvring and circulation spaces are surfaced by gravel, so it is proposed that they be sprayed with water to minimise dust generation.

The proposal has been accompanied by a turning path plan showing that turning is possible to and from the site.

It is proposed that a maximum of two (2) trucks be on-site at any given time.

The proposal also involves using an excavator to unload and reload the logs into the trucks.

5. 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 code 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 Storage (Woodyard/Contractors Depot) under the planning scheme. This Use Class is 'Permitted' in the General Industrial Zone.

Compliance with Performance Criteria

The proposal meets all relevant planning scheme's Acceptable Solutions except for the following:

C2.5.1 Car parking numbers

Objective:
That an appropriate level of car parking spaces are 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>(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>P1.1</p> <p>The number of on-site car parking spaces for uses, excluding dwellings, must meet the 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>N = Number of on-site car parking spaces required</p> <p>A = Number of existing on site car parking spaces</p> <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>	
---	--

Table C2.1 contains the following car parking space requirements for storage uses:

"1 space per 200m² of the site area or 1 space per 2 employees, whichever is greater".

The proposal involves using 1,440m² of the site for log storage with a maximum of two truck drivers and an excavator operator on-site at any given time and is not within one of the scenarios described in clause C2.5.1 A1 (a)-(d). Thus, seven (7) on-site car parking spaces are required to meet the Acceptable Solution in clause C2.5.1 A1. However, since no on-site car parking spaces are proposed, the proposal relies on the Performance Criteria in clause C2.5.1 P1.1.

It is proposed that the site is only accessed by the trucks transporting the logs. These trucks will only be parked on-site while reloading and unloading the logs within the loading area shown on the site plan. Given that the site will act as a distribution node for timber rather than as a timber shop, the use is highly unlikely to attract customers to the site. Furthermore, there is ample room for staff to park on-site if needed, and staff will be familiar with the site conditions. Consequently, no on-site car parking spaces are considered necessary to meet the reasonable needs of the proposed use.

Accordingly, the Performance Criteria are satisfied.

C2.6.1 Construction of parking areas

Objective:	
That parking areas are constructed to an appropriate standard.	
Acceptable Solution	Performance Criteria
A1 All parking, access ways, manoeuvring and circulation spaces must: <ul style="list-style-type: none"> (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (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. 	P1 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: <ul style="list-style-type: none"> (a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing.

The unsealed road at 23 Weily Park Road and associated manoeuvring and circulation spaces are surfaced by gravel. Therefore, the proposal does not meet the Acceptable Solution in clause C2.6.1 A1 and relies on the Performance Criteria in clause C2.6.1 P1.

The unsealed road at 23 Weily Park Road is existing and primarily used to access the TasNetworks substation facility. Given that only 1,440m² of the site is used for log storage, the proposed use has a modest increase in Weily Park Road's vehicular traffic.

Moreover, the site and unsealed road at 23 Weily Park Road are relatively flat, so trucks have sufficient traction to move to and from the site, minimising the possibility of trucks getting stuck and obstructing traffic.

There is no public stormwater system available, but the topography and proposed surface treatment allow stormwater to infiltrate rather than run off to adjoining properties.

Given that the road at 23 Weily Park Road connects to an unsealed portion of Weily Park Road, it is unlikely that vehicular traffic generated by the proposal transports debris, dust, or sediment from 23 Weily Park Road to Weily Park Road and vice versa. Nonetheless, the applicant proposes that 23 Weily Park Road be sprayed with water to minimise dust generation. It is recommended that a condition be included on any planning permit approved requiring water spraying to occur.

Subject to the inclusion of the above condition, the Performance Criteria are satisfied.

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

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 Solutions	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>

It is expected that vehicular traffic to and from the site using the existing vehicle crossing at 23 Weily Park Road will increase by more than five (5) vehicle movements per day, so the proposal does not satisfy the Acceptable Solution in clause C3.5.1 A1.4. Hence, it relies on the Performance Criteria in clause C3.5.1 P1.

The proposed use is expected to have a modest increase in Weily Park Road's vehicular traffic. The use will attract heavy vehicles, so it is recommended that a condition be included on any planning permit approved to ensure that heavy vehicle access to the site via the unsealed road at 23 Weily Park Road is temporary (i.e., until the primary access from Greenbank Road is constructed). It is also recommended that a condition be included on any planning permit approved to ensure a retrospective application for a road opening permit is lodged for any works undertaken in the public road reserve.

Subject to the inclusion of these conditions, traffic to and from the existing vehicle crossing at 23 Weily Park Road will not significantly impact the safety and efficiency of the road network and, thus, the Performance Criteria are satisfied.

C4.5.3 Dust or other airborne particulates within a substation facility buffer area

Objective:	
That dust or other airborne particulates do not cause an unreasonable impact on the safe and reliable operation of electricity transmission infrastructure within a substation facility buffer area.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1 A use listed in Table C4.1 and located within a substation facility buffer area must not generate dust or other airborne particulates that will cause an unreasonable impact on the operation of a substation facility, having regard to: <ul style="list-style-type: none"> (a) the nature of the proposed use and the materials that will be stored and handled on the site; (b) the conductivity or corrosiveness of any dust or other airborne particulates and its potential to affect the operation of the substation facility; (c) proximity to the substation facility;

	(d) any mitigation measures proposed; and (e) any advice from the electricity entity.
--	---

Table C4.1 lists a woodyard that is not located within a building as a use with the potential to create dust or other airborne particulates.

Since the proposal is for a use listed in table C4.1 and located within a substation facility buffer area, the Electricity Transmission Infrastructure Protection Code applies under clause C4.2.1 (c) (ii). Thus, assessment under clause C4.5.3 is required. Given that the above clause does not have an Acceptable Solution, the proposal relies on the Performance Criteria in clause C4.5.3 P1.

The proposal is for the storage of logs with no processing on-site, so it is unlikely to generate dust or other airborne particulates that may cause an unreasonable impact on the operation of the substation facility.

The proposal has been referred to TasNetworks, which has responded by saying that "the use is not likely to adversely affect TasNetworks' operations" based on the information provided.

It is recommended that any planning permit approved includes a condition to ensure that the approved use is only for the storage of logs with no processing on-site.

Subject to the inclusion of the above condition, the Performance Criteria are satisfied.

6. REFERRALS

Council's Municipal Engineer

Council's Municipal Engineer was consulted in relation to this proposal. This officer considers that the proposal can satisfy, or be conditioned to satisfy, the applicable standards of the Parking and Sustainable Transport Code and the Road and Railway Assets. This officer also considers that the proposal will not generate stormwater issues.

Council's Environmental Health Officer

Council's Environmental Health Officer and the Planning Officer met with the applicant and the landowner of 21 Weily Park Road on-site on 18 May 2022. As previously stated in the planning assessment report, they confirmed that the logs are not processed on-site. Therefore, the proposal does not involve using woodworking tools, such as chainsaws or the like, that might cause environmental harm or nuisance to adjoin sensitive land uses.

TasNetworks

The application was referred to TasNetworks, who advised that “the use is not likely to adversely affect TasNetworks’ operations” based on the information provided.

TasWater

The application was referred to TasWater, and TasWater has issued a Submission to Planning Authority Notice (SPAN). A copy of this SPAN will be attached to any planning permit issued.

7. REPRESENTATIONS

Two representations were received during the statutory public exhibition period between 23 April 2022 and 9 May 2022.

The representors’ concerns are summarised below and a planning response to these concerns is provided:

Representors’ concerns	Planning Response
Unreasonable loss of amenity to nearby residential and recreational uses via:	The Planning response to the representors’ concerns is as follows:
(i) Air, light and noise pollution generated by trucks;	<p>(i) It is recommended that any planning permit approved includes a condition to ensure that heavy vehicle access via the unsealed road at 23 Weily Park Road is temporary only. It is also recommended that any planning permit approved includes a condition to ensure that the temporary vehicle access be sprayed with water to minimise dust generation. Thus, air pollution generated by trucks is not unreasonable.</p> <p>The approved hours of operation (i.e., 7:00 a.m. to 6:00 p.m., seven days per week) ensure that light and noise pollution generated by trucks is not unreasonable.</p>
(ii) Degradation of local roads and traffic safety issues generated by trucks;	(ii) It is recommended that any planning permit approved includes a condition to ensure that heavy vehicle access via the unsealed road at 23 Weily

	<p>Park Road is temporary only. Given this, the proposal is unlikely to compromise the integrity or safety of Weily Park Road.</p>
(iii) Fire risks;	<p>(iii) The Bushfire-Prone Areas Code does not apply since the proposed use cannot be catalogued as hazardous.</p> <p>It is recommended that any planning permit approved includes a condition to ensure that no hazardous chemicals be stored or used on-site.</p>
(iv) Land-use conflict with nearby residential and recreational uses;	<p>(iv) The Attenuation Code does not apply since the proposed use is not for an activity listed in tables C9.1 or C9.2.</p> <p>It is recommended that any planning permit approved includes a condition to ensure that no processing of logs occurs on-site.</p>
(v) Noise pollution generated by other machinery and equipment; and	<p>(v) In addition to the noise pollution generated by trucks, there might be noise pollution generated by the excavator used to unload and reload the logs into the trucks. The use of this excavator is limited by the approved operation hours, so the noise pollution generated by this excavator is not unreasonable.</p> <p>It is recommended that any planning permit approved includes a condition to ensure that no processing of logs occurs on-site.</p>
(vi) Works in the public road reserve without a permit.	<p>(vi) A retrospective application for a road opening permit for any works undertaken in the public road reserve is required.</p>

8. CONCLUSION

The proposal satisfies all relevant provisions of the Planning Scheme. Thus, it is recommended for approval with conditions.

9. RECOMMENDATIONS

That:

- A. Pursuant to the *Tasmanian Planning Scheme – Brighton*, Council approves application DA 2022 / 00053 for Storage (Woodyard/Contractors Depot) at 73 Greenbanks Road, Bridgewater, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

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

Use

- (4) No hazardous chemicals must be stored or used on-site.
- (5) The use is approved for the storage of logs only. No processing of logs, or the use of chainsaws and the like, must occur on-site.

Advice: Processing logs on-site may cause dust or other airborne particulates that, in turn, may negatively impact the reliable and safe operation of TasNetworks substation facility. It may also cause environmental harm or nuisance.

Hours of operation

- (6) Unless otherwise approved by Council's Manager Development Services, the use must operate between 7:00 a.m. and 6:00 p.m.

Signage

- (7) No signs are approved by this permit.

Permanent Vehicle Access

- (8) Vehicle access must be via Greenbanks Road, Bridgewater, unless in accordance with conditions (9) and (10) of this permit.

Temporary Vehicle Access

- (9) Unless otherwise approved by Council's Municipal Engineer, heavy vehicle access to the site via the unsealed road at 23 Weily Park Road is only approved for ninety (90) days after this planning permit is issued, and it must only be used during the approved hours of operation.
- (10) If the works for the internal driveway and cul-de-sac connected to the permanent vehicle access have not been completed within ninety (90) after this planning permit is issued, a request for an extension of time to continue to use the temporary vehicle access must be submitted in writing for the approval of Council's Municipal Engineer.
- (11) Unless otherwise approved by Council's Municipal Engineer, the temporary vehicle access must be sprayed with water to minimise dust generation.
- (12) The use of the temporary access must cease once the construction of the permanent vehicle access is completed or Council's Municipal Engineer denies permission to continue to use this temporary vehicle access, whichever occurs first.
- (13) Vehicle movement associated with the use must not occur between 73 Greenbanks Road and 21 Weily Park Road.

Works in the Public Road Reserve

- (14) The developer must lodge a retrospective application for a road opening permit for works undertaken in the public road reserve adjoining 21 and 23 Weily Park Road, Bridgewater. This application is to be made to the Brighton Council's Asset Services Department.

TasWater

- (15) The use must comply with the requirements of TasWater, as detailed in the Submission to Planning Authority Notice, Reference No. TWDA 2022/00398-BTN, dated 28/03/2022, as attached to this permit.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.
- 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 use for which the approval was given has not substantially commenced. Where a planning approval for a use has lapsed, an application for renewal of a planning approval for that use shall be treated as a new application.

DECISION:

Cr Whelan moved, Cr Curran seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

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

5.2 Development Application DA 2022 / 00001 for Residential Assisted Living Facility at 20 Barton Crescent, Bridgewater

Author: Andres Perez-Roca (Planning Officer)

Applicant:	IDW Architecture + Interiors
Subject Site:	20 Barton Crescent, Bridgewater
Proposal:	Residential assisted living facility
Planning Scheme:	<i>Tasmanian Planning Scheme - Brighton</i> (the planning scheme)
Zoning:	8.0 General Residential Zone
Codes:	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code C15.0 Landslip Hazard Code
Local Provisions:	Nil
Use Class:	Residential (assisted housing)
Discretions:	8.4.7 Frontage fences for all dwellings C2.6.5 Pedestrian access C15.5.1 Use within a landslip hazard area
Representations:	One (1) representation was received. The representor raised the following issue: <ul style="list-style-type: none"> Maintaining trees on adjoining land for orange-bellied parrots

Recommendation:	Approval with conditions
-----------------	--------------------------

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the planning authority to determine development application DA 2022 / 00001.

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 LUPPA.

This report details the reasons for the officer's recommendation. The planning authority must consider this report but is not bound to adopt the recommendation. Broadly, the planning authority can either:

- (1) adopt the recommendation, or
- (2) vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa).

Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

2. SITE ASSESSMENT

The site is a 661m² moderately sloping trapezoid-shaped lot with access to Barton Crescent, Bridgewater (see Figure 1 below).



Figure 1. An aerial image of the site (highlighted in ochre) and its surrounds

The site is currently vacant and does not contain any vegetation.

The site is zoned General Residential and surrounded by land zoned General Residential and Open Space (see Figure 2 below).



Figure 2. Zoning (General Residential Zone highlighted in red and Open Space Zone highlighted in green)

The eastern corner of the site is affected by a low landslip hazard band overlay (see Figure 3 below).



Figure 3. Low landslip hazard band overlay (highlighted with light brown lines)

A TasWater Sewer Main and Water Main are located parallel to the property's frontage.

3. PROPOSAL

The proposal is for a residential assisted living facility. It entails the development of two separate residences connected by a central carer's room. Each residence has its own bedroom, bathroom, kitchen, laundry, living, and private open space. The carer's room has a bathroom, a kitchen, and a space for a bed and a desk.

The proposal also entails the development of a retaining wall, with a steel picket fence on top of that wall, within 4.5m of the property frontage. The retaining wall increases from 1.2m high at the eastern corner of the site to 1.7m high at the southern corner of the site. The steel picket fence is 1m high and has uniform transparency of at least 30%.

Two on-site car parking spaces, one of which is for use by persons with a disability, are proposed for this facility. These parking areas are connected to the main entry points of the facility by a 1.5m-wide footpath with a gradient not steeper than 1 in 14, except for the kerb ramp next to the waste storage, which has a length of 1.52m and a gradient of 1 in 8.

The application is supported by covering documentation, plans, and a response to a request for additional information. It is also supported by a landslide risk assessment prepared by a suitably qualified expert, who found that the proposal is acceptable and has made recommendations in relation to site management.

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 code 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 (assisted housing) under the planning scheme. This Use Class is 'Permitted' in the General Residential Zone. The above use is proposed in an area where full infrastructure services are available or can be provided.

Residential (assisted housing) is defined as a vulnerable use by the Landslip Hazard Code of the planning scheme.

Compliance with Performance Criteria

The proposal meets all relevant planning scheme's Acceptable Solutions except for the following:

8.4.7 Frontage fences for all dwellings

Objective:
<p>The height and transparency of frontage fences:</p> <ul style="list-style-type: none"> (a) provides adequate privacy and security for residents; (b) allows the potential for mutual passive surveillance between the road and the dwelling; and (c) is reasonably consistent with that on adjoining properties.

Acceptable Solution	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <ul style="list-style-type: none"> (a) provide for security and privacy while allowing for passive surveillance of the road; and (b) be compatible with the height and transparency of fences in the street, having regard to: <ul style="list-style-type: none"> (i) the topography of the site; and (ii) traffic volumes on the adjoining road.

The frontage fence –formed by a retaining wall with a steel picket fence on top of that wall– is not exempted under clauses 4.6.3 and 4.6.8 of the planning scheme. Therefore, assessment under clause 8.4.7 of the planning scheme is required. Since the above clause does not have an Acceptable Solution, the proposal relies on the Performance Criteria in clause 8.4.7 P1.

The proposal seeks to provide housing for individuals living with a disability that require support.

The frontage fence improves privacy and security by allowing the inhabitants not to be disturbed by other people whilst being able to maintain passive surveillance and act as a safety barrier if a situation that may cause them danger, risk, or injury occurs.

The steel picket fence on top of the retaining wall has uniform transparency of at least 30%, providing opportunities for passive surveillance to and from the road.

The site's sloping topography dictates the frontage fence and, more specifically, the retaining wall's variable height. This wall supports the development of the on-site car parking spaces at a slightly higher ground level towards the southern corner of the site, which, in turn, contributes to achieving an adequate gradient for the internal footpath. Yet, this wall does not interfere with the convenient, efficient, and safe flow of road users in Barton Crescent.

Accordingly, the Performance Criteria are satisfied.

C2.6.5 Pedestrian access

Objective:	
That pedestrian access within parking areas is provided in a safe and convenient manner.	
Acceptable Solution	Performance Criteria
A1.2 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.	P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to: <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the nature of the use; (c) the number of parking spaces; (d) the frequency of vehicle movements; (e) the needs of persons with a disability; (f) the location and number of footpath crossings; (g) vehicle and pedestrian traffic safety; (h) the location of any access ways or parking aisles; and (i) any protective devices proposed for pedestrian safety.

The internal footpath connecting the parking areas to the main entry points of the facility complies with the minimum width and, for the most part, the maximum gradient required by clause C2.6.5 A1.2. However, the kerb ramp next to the waste storage area has a gradient steeper than 1 in 14 (i.e., 1 in 8), so the proposal does not meet the Acceptable Solution in clause C2.6.5 A1.2. Therefore, the proposal relies on the Performance Criteria in clause C2.6.5 P1.

Upon reviewing the initial proposal, TasWater requested additional information demonstrating that the proposal could comply with the required setbacks from the Sewer Main (i.e., 1m) and Water Main (i.e., 2m). This situation compelled the applicant to move the retaining wall and car parking areas closer to the facility, resulting in the applicant relying on the above Performance Criteria.

The proposal was referred to Council's Municipal Engineer, who considers the kerb ramp is in accordance with *Australian Standard AS 1428.1:2009 Design for Access and Mobility, Part 1: General Requirements for Access—New Building Work*, thus providing convenient and safe access for individuals living with a disability.

Accordingly, the Performance Criteria are satisfied.

C15.5.1 Use within a landslip hazard area

Objective:	
That uses, including critical, hazardous or vulnerable use, can achieve and maintain a tolerable risk from exposure to a landslip for the nature and intended duration of the use.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1.1 A use, including a critical use, hazardous use, or vulnerable use, within a landslip hazard area achieve and maintain a tolerable risk from exposure to landslip, having regard to: <ul style="list-style-type: none"> (a) the type, form and duration of the use; and (b) a landslip hazard report that demonstrates that: <ul style="list-style-type: none"> (i) any increase in the level of risk from landslip does not require any specific hazard reduction or protection measure; or (ii) the use can achieve and maintain a tolerable risk for the intended life of the use.
A4 No Acceptable Solution.	P4 In addition to the requirements in clause C15.5.1 P1.1, a vulnerable use within a landslip hazard area must be protected from landslip, having regard to: <ul style="list-style-type: none"> (a) any protection measures, existing or proposed;

	<ul style="list-style-type: none"> (b) the ability and capability of people in a landslip event who may live, work or visit the site, to: <ul style="list-style-type: none"> (i) protect themselves; (ii) evacuate in an emergency; and (iii) understand and respond to instructions in the event of an emergency; (c) any emergency evacuation plan; (d) the advice contained in a landslip hazard report; and (e) any advice from a State authority, regulated entity or a council.
--	---

The land is subject to a landslip hazard overlay for a small portion of the driveway, as indicated in Figure 3 above. As the proposal is for a vulnerable use within land affected by a low landslip hazard area overlay, assessment under clause C15.5.1 of the planning scheme is required. Since the above clause does not have Acceptable Solutions, the proposal relies on the Performance Criteria in clause C15.5.1 P1.1 and P4.

The applicant has submitted a landslide risk assessment prepared by a suitably qualified expert, which concludes that the proposal can satisfy clause C15.5.1 P1.1 and P4, and that any risk is low.

Accordingly, the Performance Criteria are satisfied.

5. REFERRALS

Council's Municipal Engineer

Council's Municipal Engineer was consulted in relation to this proposal. This officer considers that the proposed parking areas will be constructed to an appropriate standard and designed and laid out to provide convenient, efficient, and safe parking for all users. This officer also believes that stormwater from the proposed development can drain into the public stormwater system.

TasWater

The application was referred to TasWater, and TasWater has issued a Submission to Planning Authority Notice (SPAN) with conditions. A copy of this SPAN will be attached to any planning permit issued.

6. REPRESENTATIONS

One (1) representation was received during the statutory public exhibition period between 11 May 2022 and 25 May 2022.

The representor's concerns are summarised below and a planning response to these concerns is provided:

Representor's concerns	Planning Response
Request that the small clump of gum trees be maintained on the adjacent perimeter of the property for the orange-bellied parrots who return to the trees for the breeding season.	The trees in question are located on the adjacent title (C/T 6707/975). The proposal does not include a request to clear trees on the adjoining site.

7. CONCLUSION

The proposal satisfies all relevant provisions of the Planning Scheme. Thus, it is recommended for approval with conditions.

8. RECOMMENDATIONS

That: A. Pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approves application DA 2022 / 00001 for Residential Assisted Living Facility at 20 Barton Crescent, Bridgewater, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

- (16) The use and/or development must be carried out substantially in accordance with the application for planning approval, endorsed drawings and conditions of this permit and must not be altered or extended without the further written approval of Council.
- (17) Where a conflict between the application for planning approval, endorsed drawings and conditions of this permit, the latter prevails.
- (18) 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*.

Amenity

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

Services

- (20) 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.

TasWater

- (21) 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 2022/00055-BTN, dated 03/05/2022, as attached to this permit.

Parking and Access

- (22) Prior to the issue of a Certificate of Occupancy pursuant to the Building Act 2016, at least Two (2) car parking spaces must be provided on the land at all times for the use of the development.

One (1) car parking space, provided for use by persons with a disability, must be designed and constructed in accordance with *Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking Facilities, Off-Street Parking for People with Disabilities*.

One (1) car parking space must be designed and constructed in accordance with *Standards Australia (2004): Australian Standard AS 2890.1 - 2004 - Parking Facilities, Part 1: Off-Street Car Parking; Standards Australia, Sydney*.

- (23) The internal driveway and areas set-aside for parking and associated access and turning must be provided to the satisfaction of Council's Municipal Engineer, and must include all the following:
- (a) Constructed with a durable all-weather pavement;
 - (b) Surfaced with a material to resist abrasion from traffic and to minimise the entry of water. The surfacing material must be spray seal, asphalt, concrete, or other approved material;
 - (c) Drained to an approved stormwater system; and
 - (d) Parking spaces must be delineated by line marking or other clear physical means.
- (24) The bollard shown in the area marked 'shared space' on the site plan must be provided to the satisfaction of Council's Municipal Engineer. No vehicle parking must occur in this area.

Access to Road

- (25) A new reinforced concrete vehicle access must be provided from the road carriageway to the property boundary for the relocated crossover. The access must be located and constructed in accordance with the standards shown on standard drawings TSD-R09-v3 Urban Roads Driveways and TSD-RF01-v3

Guide to Intersection and Domestic Access Sight Distance Requirements prepared by the IPWE Aust. (Tasmania Division), to the satisfaction of Council's General Manager.

- (26) 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

- (27) Stormwater drainage from the proposed development must drain to a legal point of discharge to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2016*.

Soil and Water Management

- (28) Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences. The SWMP shall form part of this permit when approved.
- (29) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.

Construction amenity

- (30) The development must only be carried out between the following hours unless otherwise approved by Council's Manager Development Services:

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.

- (31) 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, wastewater, 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.
- (32) 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 Council's Manager Development Services.
- (33) 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.
- (34) 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 Council's Municipal Engineer.

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

CARRIED.

VOTING RECORD

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

5.3 Combined Permit and Amendment Application: Insert Two Site-Specific Qualifications into the Brighton Local Provision Schedules to Allow Pole/Pylon Signs in the Utilities Zone and Permit Application for Two (2) Pole/Pylon Signs - Section 40k & 42 Report

Author: Brian White (Planning Officer)

File Reference:	RZ 2022-01 & DA 2022/32
Author:	Brian White
Applicant:	Brighton Council
Owner:	The Crown
Location:	Midlands Highway
Zoning:	Utilities
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Date Received:	29 March 2022
Date Advertised:	30 th April 2022 to 30 May 2022
Representations:	One (1)

1. Executive Summary

The report considers the exhibition period regarding a combined permit and amendment application to insert two (2) site- specific qualifications ('SSQ') into the Brighton Local Provision Schedules (LPS) to allow pole/pylon signs in the utilities zone and a permit application for two (2) pole/pylon signs on the following two properties within the Midland Highway road reserve: CT 52012/1 & CT 156374/1. The application was made by Council pursuant to Section 40T of the *Land Use Planning and Approvals Act 1993* ('the Act').

Council's Planning Authority, at its meeting of the 20th of April 2022 agreed to the proposed planning scheme amendment made by Brighton Council (s.38 (2)) and therefore prepared and certified the draft amendment to the LPS (s. 40F) as meeting the LPS criteria (s. 34) under the Act. The application was accompanied by a permit application which was considered concurrently to the draft amendment and was approved subject to conditions (s. 40Y).

The combined permit and amendment application was then exhibited for a period of twenty-eight (28) days (s. 40H). One (1) representation was received from the Department of State Growth (DSG) regarding the draft amendment (s. 40J). The representation did not relate to matters regarding the permit application.

This is a report required by section 40K and 42(a) of the Act to be submitted to the Commission in relation to the representation received during advertising.

It is considered that the representation contains merit and that the draft amendment ought to be modified to consider the representation (s. 40K (c)(i)).

A modified SSQ ordinance and mapping has been produced which is considered sufficient to respond to the DSG's concerns whilst still meeting the LPS criteria under the Act.

2. The Representation and Response

Issue
<p>The Department of State Growth (DSG) have concerns that the SSQ ordinance and map contains too much ambiguity and could allow for the placement of one (1) pole/poly sign type at any location on each lot (CT156374/1, CT152012/1).</p> <p>DSG requested GIS coordinates be added to the SSQ ordinance. The representation is provided as attachment A to this report.</p>
Section 40K (2)(c)(i) Response – Amendment to SSQ
<p>It was considered that the representation contains merit and has therefore prepared an amended SSQ ordinance and mapping which contains a 10m x 10m 'building envelope' on each of the titles which further narrows the future location of the signage on the lots.</p> <p>The 10m x 10m was chosen rather than an exact GPS location 'point' to allow some flexibility on ground for the future construction of the sign noting that the approved permit application contains a site plan which requires the signs to be developed in specific locations on the lots.</p> <p>For the sake of clarity due adding GPS coordinates into the ordinance, the SSQ is also amended to split the two sites into a separate SSQ reference numbers rather than them both being under BRI- 21.1.</p> <p>The amended ordinance and mapping are provided as attachment B to this report.</p>
Section 40K (2)(c)(ii), (d) Response
<p>The proposed modification to the draft amendment is simply to further clarify the location of the signage on the lots should the current planning permit not be acted upon or modified in the future. The modification has a negligible overall impact on the draft amendment and so remains consistent with the LPS criteria.</p>

3. Conclusion

The representation by DSG raised a relevant matter in terms of the drafting of the SSQ. It is considered that the amended SSQ ordinance and mapping attached to this report adequately addresses the representation.

4. Options:

- a) To adopt the recommendation; or

- b) To adopt an alternative recommendation satisfying the provisions of section 40K of the Act, with a full statement of reasons as determined by Council.

5. Recommendation

It is recommended that Council resolves that:

- a) Pursuant to section 40K(1) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmania Planning Commission that one (1) representation was received during the exhibition of draft amendment RZ 2022-01 that related to the draft amendment.
- b) Pursuant to section 42(a) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmania Planning Commission that one representation was received during the exhibition of the draft amendment RZ 2022-01 and permit application DA 2022/32 that related to the permit application.
- c) Pursuant to section 40K (2)(a) of the *Land Use Planning and Approvals Act 1993*, provides to the Tasmanian Planning Commission a copy of the representation that was received during the advertising of draft amendment RZ 2022-01.
- d) Pursuant to section 40K (2)(c) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the representation received during advertising warrants modifications to the draft amendment by:
 - i. Amending the draft amendment mapping by inserting 10m x 10m building envelopes and GIS coordinates on each of the subject titles; and
 - ii. Including the GIS coordinates in an amended ordinance.
 - iii. Insert a new BRL reference 'BRL -21.2' into the SSQ Table.as provided in Attachment B to, and as explained in, this report.
- e) Pursuant to section 40K (2)(d) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the modified draft amendment continues to meet the LPS criteria.
- f) Pursuant to Section 40K and Section 42 of the *Land Use Planning and Approvals Act 1993* that this report and the attachments regarding draft amendment RZ 2022-01 be provided to the Tasmanian Planning Commission.

DECISION:

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

CARRIED

VOTING RECORD

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

The meeting closed at 5.45pm.

Confirmed: _____
(Mayor)

Date: _____ 21 June 2021