



**Brighton  
Council**

**MINUTES OF THE PLANNING AUTHORITY MEETING**

**OF THE BRIGHTON COUNCIL HELD**

**IN THE COUNCIL CHAMBER, COUNCIL OFFICES**

**OLD BEACH AT 5.45 P.M. ON TUESDAY, 7 NOVEMBER 2023**

**1. Acknowledgement of Country**

**2. Attendance**

Cr L Gray (Chairperson); Cr P Owen (Deputy Chairperson); Cr B Curran; Cr A De La Torre; Cr P Geard; Cr G Irons and Cr M Whelan.

IN ATTENDANCE: Cr J McMaster; Cr T Murtagh; Mr D Allingham (Director Development Services); Ms J Banks (Director Governance & Regulatory Services); Mr L Wighton (Senior Officer – Development Engineering)

**3. Apologies**

*All members were present.*

**4. Public Question Time and Deputations**

*There was no requirement for public question time.*

**5. Declaration of Interest**

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairperson of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest or conflict of interest in any item on the Agenda.

In accordance with Section 48(4) of the *Local Government Act 1993*, it is the responsibility of councillors to then notify the general manager, in writing, the details of any interest(s) that the councillor has declared within 7 days of the declaration.

*Cr Owen declared an interest in Item 6.1  
Cr Geard declared an interest in Item 6.2  
Cr Whelan declared an interest in Item 6.2*

## 6. 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 6 on this agenda, inclusive of any supplementary items.

*Cr Owen had declared an interest and left the meeting at 5.49pm.*

### 6.1 Planning Scheme Amendment - Old Beach Future Urban Zone

Type of Report:	Section 40F(1) of <i>Land Use Planning and Approvals Act 1993</i>
Application No:	RZ 2023 -05
Title Details:	See attachment B
Owner/s:	Various
Requested by:	Brighton Council
Proposal:	<ul style="list-style-type: none"> <li>Rezone various properties as shown in Attachment B from Rural Living Zone A to the Future Urban Zone</li> <li>Remove the Urban Rural Interface Specific Area Plan from various properties shown in Attachment B.</li> </ul>
Author:	Brian White (Strategic Planner)
Authorised:	Director Development Services (David Allingham)

#### 1. Purpose

The purpose of this report is for Council to consider whether to, of its own motion, initiate a draft planning scheme amendment made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('LUPAA') to amend the Brighton Local Provision Schedule (LPS) regarding land on the eastern side of the East Derwent Highway, Old Beach, as follows:

- a) Rezone 95.86ha (103 properties) of land from 'Rural Living A' to Future Urban; and
- b) Remove the 'Urban Rural Interface Specific Area Plan from 103 properties of land (95.86ha).

This planning scheme amendment is to implement the recommendations of the Old Beach Zoning Review Report, prepared by ERA Consultants ('the ERA Report') as endorsed by the Brighton Council ('Council').

## 2. Executive Summary

The ERA Report was an independent land use planning review of whether two (2) 'precincts' of land in Old Beach currently zoned 'Rural Living A' had the capacity to be rezoned to accommodate future residential development at a higher density and to seek community feedback on the future of the area.

The Precincts are shown in Figure 1 below.



Figure 1 The Study Precincts (Source: ERA)

The ERA Report found that the two precincts had limited constraints to future development under the General Residential Zone ('GRZ') subject to upgrades to the East Derwent Highway and a masterplan being developed to guide future subdivision and infrastructure provision, and to consider community feedback.

The ERA Report recommended that Council rezones the precincts to 'Future Urban' as a first step to prevent rezonings from occurring in the area whilst a master planning project and infrastructure upgrades are considered.

At its meeting of the 20th June 2023, and in response to submissions received during public consultation, Council partially endorsed the recommendations of the Old Beach Zoning Review report ('the Report') to rezone the land in Precinct A to Future Urban and then General Residential, but not rezone the land in Precinct B at this stage.

This is therefore the first planning scheme amendment in the process of Precinct A being rezoned to provide additional housing to meet anticipated demand in a sought-after location in the municipality.

It is submitted that the amendment is necessary to encourage infill development within the Greater Hobart Urban Growth Boundary (UGB') in a location close to activity centres and community infrastructure. This represents a more sustainable growth pattern than seeking to rezone marginal land on the urban fringe and is consistent with local, regional and state planning policies and strategic plans.

### 3. Legislative & Policy Content

The amendment request is made under section 40D(b) of the *Land Use Planning and Approvals Act 1993* (the Act). The provisions of the Act establish the test of whether a planning scheme amendment is reasonable or not.

Section 40F(1) of the Act requires the Planning Authority to consider the criteria of the LPS when approving or refusing an amendment. The LPS criteria is contained in section 34 of the Act.

This report details the reasons for the officer recommendation. The Planning Authority is not bound to adopt the recommendations in this report. The Planning Authority can either: (1) adopt the recommendation; or (2), vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.

To proceed, the Planning Authority must first agree to the amendment to the LPS. If the amendment is agreed to, the Planning Authority must notify the Tasmanian Planning Commission (the Commission) of the decision and commence public exhibition.

The Planning Authority will then decide whether any representations received warrant amending or refusing the draft amendment or the planning permit. If approved by the Planning Authority, the final decision will be made by the Tasmanian Commission who will likely invite any representors to attend a public hearing.

### 4. Risk & Implications

The amendment proposes no significant risks or implications for Council. Should the amendment be initiated by Council and then approved by the Tasmanian Planning Commission, the master planning project will need to be budgeted for and further community engaged undertaken.

## 5. Site and Surrounds

The subject site is the land within Precinct A as per ERA 's Report and shown below in Figure 2.<sup>1</sup>

The subject site contains an area of approximately 95ha and is made up of 103 parcels which range in size from 1,287m<sup>2</sup> to 11.43hs.<sup>2</sup> All properties comprise a single dwelling except for 11 vacant properties.

The subject site (Precinct A) is shown highlighted in blue in Figure 2 below.

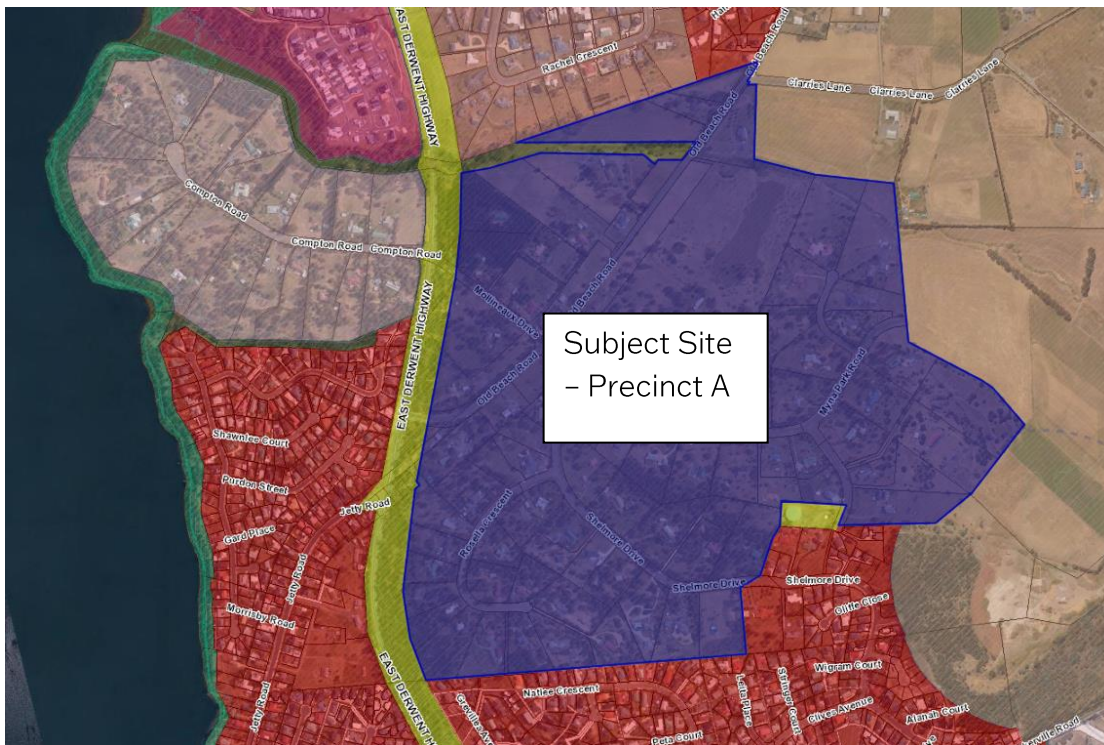


Figure 2 Subject Site – Precinct A (Source: TheList)

The subject site is a typical rural residential area, being low density residential uses with rural road geometries, and some small-scale hobby farm type pursuits. The area was originally developed as the ‘Myna Park Estate’.

The Precinct has two different geographies which are split horizontally by Myna Park Road. Land on the north of said road is flatter and less vegetated. Land to the south shows more vegetation cover and slopes up to the south at an average grade of 5%, where it peaks on the southern side of Rosella Crescent.

The site is somewhat unique as it is located within the UGB and is zoned Rural Living. It also has existing vehicular connections to the General Residential zoned land to the north and south.

<sup>1</sup> There is one title within Precinct A currently zoned Environmental Management and is not included in the amendment. This title contains Clarries Creek and is owned by the Brighton Council.

<sup>2</sup> This includes some road lots.

The surrounding area is characterised by agricultural land the east and existing residential uses on all other sides. The site abuts to the East Derwent Highway.

### 5.1. Zoning

The site adjoins general residential zoned land to south and a combination of general residential, low density residential and Rural to the north. The ‘Tivoli Green’ residential estate is located approximately 300m north along Old Beach Road. Land to the east of the site and on the eastern side of Old Beach Road to the north is zoned Rural. Land along Compton Road to the west is zoned Rural Living.

The zoning of the site and surrounds are shown in Figure 3 below.

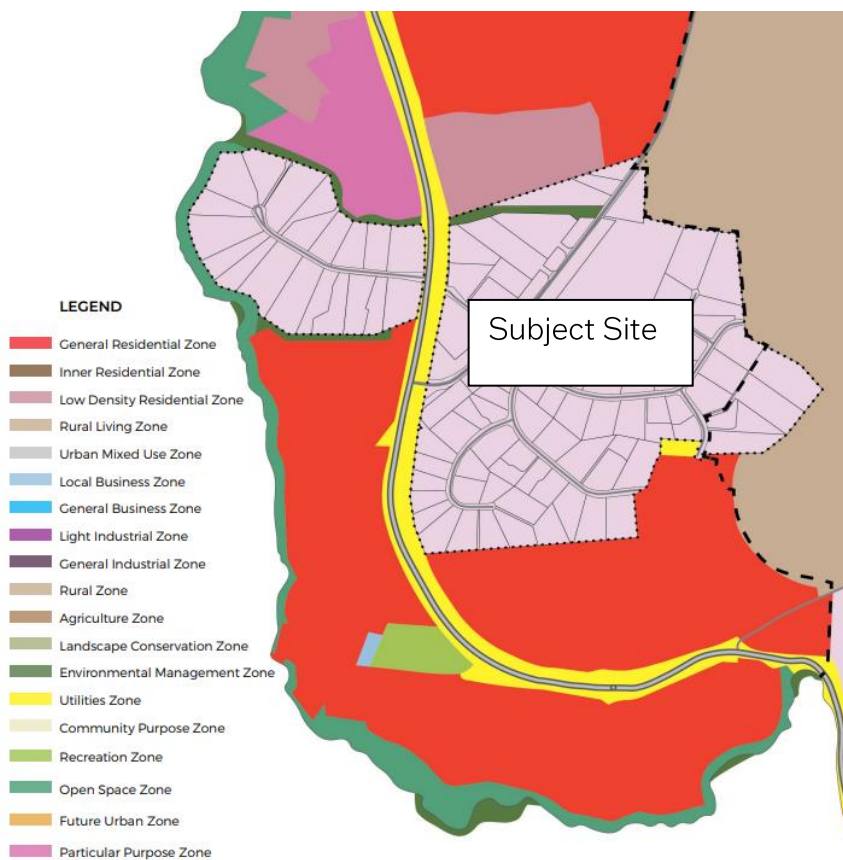


Figure 3 Zoning of site and surrounds (Source: ERA)

### 5.2. Overlays, Codes and Specific Area Plans

The site is mapped as being Bushfire prone under the Bushfire Prone Areas Code of the Brighton LPS. Parts of the site are subject to the Natural Assets Code due to containing a patch of ‘Priority Vegetation’, and two (2) ‘Water Way and Coastal Protection Areas’ that run along Clarries Creek and a minor tributary which passes through lots on Old Beach Road and Shelmore Drive.

### **5.3. Roads and Public Transport**

Old Beach Road is the key collector road running through the precinct and feeds the local roads to the East Derwent Highway (EDH). Shelmore Drive and Myna Park Road are local roads which provide connection through the precinct to the General Residential zoned land to the south. The roads are of a rural standard with no kerb and channel or footpaths throughout.

The EDH is classified as a “Category 3 Road” under the Tasmanian State Road Hierarchy and is a key link in Greater Hobart’s transport network between the Tasman Highway at Montagu Bay, and the Midland Highway at Bridgewater, on Hobart’s eastern shore.

Hubble Traffic (Hubble) provided a Traffic Report which analysed the capacity of the EDH between Old Beach and Bowen Bridge to accommodate future residential growth in the precincts (See Attachment D). The TIA concluded that once the Tivoli Green Estate was fully developed that the EDH would have limited capacity for further growth without significant upgrades occurring.

### **5.4. Natural Values**

The southwestern corner at the site at the rear of several lots along Rosella Crescent is mapped as containing a path of *Eucalyptus amygdalina* forest and woodland on sandstone (DAS). There is natural vegetation scattered throughout the precinct interspersed with modified vegetation relating to residential uses. Two (2) waterways are present in the site.

### **5.5. Infrastructure**

The majority of lots within the site are not currently serviced by reticulated sewer. There are two (2) lots on Rosella Crescent that are connected to a 150mm sewer pipe. Water is provided to the site via the Clives Hill (Old Beach) Reservoir. Stormwater in the site drains to roadside swales or is captured on site via tanks and dispersion pits typical of a rural residential area.

TasWater and TasNetworks have both indicated the site can be serviced by reticulated sewer subject upgrades.

## **6. Background and Rationale**

### **6.1. Strategic Rationale**

The proposal is to implement the recommendations of the Brighton Structure Plan and the Old Beach Zoning Review Report. The proposal also furthers the intent of the UGB and settlement strategies within the Southern Tasmanian Regional Land Use Strategy which aims to contain residential growth within an UGB.

#### **6.1.1. Brighton Structure Plan**

The Brighton local government area (LGA) is experiencing strong population growth, resulting in increased pressure on residential land supply. The Department of Treasury and Finance (Treasury projections) in 2019 predicted that this growth will continue, with the Brighton LGA expected to be the fastest growing in Tasmania with an expected

population growth of 33.4%, or 5,754 people between 2017 and 2042 under the medium growth scenario.

The BSP found that predicted population growth in Brighton equates to demand for 2,213 dwellings by 2042 under the medium growth scenario Treasury projections, and 2,708 dwellings by 2033 under the BSP. The BSP identifies that half of this dwelling demand for the LGA is to be in Old Beach, which is predicted to grow by an additional 3,000 people between 2018 and 2033. The other area where demand is to be high by 2033 is to be the suburb of Brighton. Those other areas in the municipality are likely to have far less demand for land.

The BSP found that there was highly likely a lack of currently zoned and vacant land (i.e., residential) within the UGB to accommodate the expected demand up to 2042.

For Council to meet demand by 2042 via a 50/50 greenfield to infill scenario as per the Southern Tasmanian Regional Land Use Strategy ('STRLUS'), the BSP estimated that almost all infill development opportunities of zoned and currently 'underutilised' lots (i.e., non-vacant parcels with a dwelling but with subdivision approval) within the UGB will need to occur. This is highly ambitious and unlikely given it would mean that landowners on underutilised sites would need to agree to develop their lots.

The BSP therefore recommended that the Brighton Council investigate possible growth options both within and outside the UGB.

Key to the possible growth options within the UGB was to look at the restructuring of existing Rural Living zoned areas in Brighton and Old Beach. Two (2) of those sites were in Old Beach and were the subject of the ERA Report. Precinct A was described as 'Site 8' in the BSP and the following comments made on its potential as a growth option:

<ul style="list-style-type: none"> <li>• Would be a logical extension of the suburb of Old Beach and would assist to create closer linkages to Gagebrook.</li> <li>• Is adjacent to an existing bus route.</li> <li>• Some sites are heavily vegetated.</li> <li>• The current road layout and subdivision pattern does present some challenges to redevelopment, and a majority of landowners would need to be willing to develop their sites to ensure a coordinated outcome.</li> <li>• TasWater comments on sewage = Backlog rollout issues.</li> <li>• TasWater comments on water = Likely augmentation required, booster zone and rollout of larger pipes.</li> </ul>	<p>Consider as a secondary urban growth option.</p>
---	---

Figure 4 Site 8 Description (Source: BSP)

A key action coming out of Strategy 1 of the BSP (Review the urban growth boundary) relevant to this rezoning is:

For Old Beach, further investigate Sites 8 (Old Beach Road) and 9 (Old Beach Quarry) for eventual rezoning to the Particular Purpose (Urban Growth) to allow for their future development as Greenfield Development Precincts.

Strategy 2 (Plan for housing growth within the urban growth boundary) states: "Prepare Precinct Structure Plans for the Greenfield Development Precincts".



The proposed rezoning of Precinct A is directly consistent with the intent and strategies within the BSP given it is implementing the recommendations of a review of Site 8 which will then allow for a masterplan/ precinct structure plan to be developed for the land to be developed at urban densities.

### 6.1.2. Old Beach Zoning Review Project

ERA were engaged by Council to investigate whether precincts A and B have the capacity and policy support to accommodate future growth. The report is provided as Attachment A.

#### *Consultation*

ERA undertook community consultation of stakeholders within the precincts to gauge the community's appetite for change and what kinds of things they would like to be retained if growth was to occur.

The consultation revealed an almost 50/50 split between respondents who want no change to existing planning controls and those who are open to change.

Regarding what respondents felt were the desirable characteristics to be retained in the precincts, most people felt that privacy, serenity, tranquillity and few traffic issues being key desirable aspects of living in the precincts and surrounding areas.

Concerns with future growth revolved around increases in traffic, loss of privacy and rural amenity, and increases in rates due to infrastructure upgrades.

#### *The Site/ Policy Analysis*

The site analysis involved a review of opportunities and constraints to determine whether the precincts can accommodate future growth, such as:

- Existing lot sizes and existing dwelling location
- Land constraints including natural hazards, topography, and existing vegetation
- Infrastructure and servicing
- Current and possible future transport network
- Public open space network
- Ability to consolidate lots
- Capacity for subdivision or development

ERA consulted with infrastructure providers who provided advice that the precincts can both be fully serviced subject to upgrades.

ERA also consulted with the Department of State Growth ('DSG') who advised that, subject to upgrades to the East Derwent Highway, further growth in the precincts can be accommodated.

The site analysis ultimately found that there were minimal constraints that limit the development potential of land in the precincts. Therefore, the analysis found that subject to infrastructure upgrades, the precincts could accommodate the General Residential zone and likely be developed at urban densities. However, in the short term, due to current infrastructure constraints, the analysis found that the Future Urban Zone was an appropriate interim zoning for the Precincts.

The policy analysis reviewed relevant local, regional, and state planning policies and found that they were also generally supportive of future growth in the precincts.

The analysis resulted in three (3) possible change scenarios for the precincts, described in Table 1 below.

**Table 1 Change Scenarios**

Option	Growth Scenario	Changes to planning controls / Road Infrastructure	Possible additional lots / residents
1	No Change Scenario	No change to the current planning controls. The current zoning of Rural Living (Zone A) would be maintained across both precincts, with the current Urban Rural Interface SAP covering Precinct A.	114 additional new lots. 266 new residents.
2	Moderate change	<ol style="list-style-type: none"> <li>1. Rezone both Precinct A and B to Future Urban zone, remove the Urban Rural Interface SAP currently applying to Precinct A, and extend the UGB to include the entirety of Precinct A.</li> <li>2. Road upgrades to be completed or agreed to at: <ul style="list-style-type: none"> <li>• Junction of Bowen Bridge with the highway (returning to Old Beach)</li> <li>• Southern junction of Otago Bay with the highway (right turn onto highway).</li> </ul> </li> <li>3. Rezone part of (21.2ha) of Precinct A</li> </ol>	580 additional lots. 1, 357 residents

		to General Residential.	
3	Significant	<ol style="list-style-type: none"> <li>1. Rezone both Precinct A and B to Future Urban zone, remove the Urban Rural Interface SAP currently applying to Precinct A, and extend the UGB to include the entirety of Precinct A.</li> <li>2. Significant upgrades to East Derwent Highway.</li> <li>3. Rezone both Precincts to General Residential.</li> </ol>	<p>1, 544 lots</p> <p>3, 612 residents</p>

Option two (2) was ERA’s recommended growth scenario.

Refer to the report In Attachment C for the complete site and planning analysis.

*The Traffic Assessment*

The Traffic Assessment (‘the assessment’) assesses the capacity of the East Derwent Highway between Old Beach and Bowen Bridge and associated intersections to accommodate the change scenarios, and whether upgrades may be required.

The assessment considers that two (2) intersections on the East Derwent Highway (‘highway’) need to be upgraded at the completion of the Tivoli Green Estate, regardless of future growth in the precincts:

- Junction of Bowen Bridge with the highway (returning to Old Beach)
- Southern junction of Otago Bay with the highway (right turn onto highway).

Once these upgrades occur, the assessment considers that Option 2 - rezoning 21.2ha of land in Precinct A to the General Residential Zone in Precinct A - could be accommodated by the East Derwent Highway. The assessment considers that the Old Beach and East Derwent Highway junctions should also be considered for upgrading to further improve the level of performance of Option 2.

The assessment indicates that neither the highway nor any of the intersections can accommodate option 3 (significant change) without significant upgrades such as dual traffic lanes and improvements to all junctions.

**7. Council's Endorsement of Report**

At its meeting of the 20th of June 2023, Council partially endorsed the recommendations of the Old Beach Zoning Review report (‘the Report’) to rezone the land in Precinct A, but to not rezone the land in Precinct B at this stage.

This decision was a result of the consideration of responses received during the consultation period regarding the ERA Report.

**8. The Amendment**

The proposed amendment to the Brighton Local Provisions Schedule is to:

- (a) Rezone the properties shown in Attachment B from Rural Living A to the Future Urban Zone; and
- (b) Remove the Urban Rural Interface Specific Area Plan from those properties in Attachment B.

The proposed rezoning described in B are shown below in Figure 5 below.

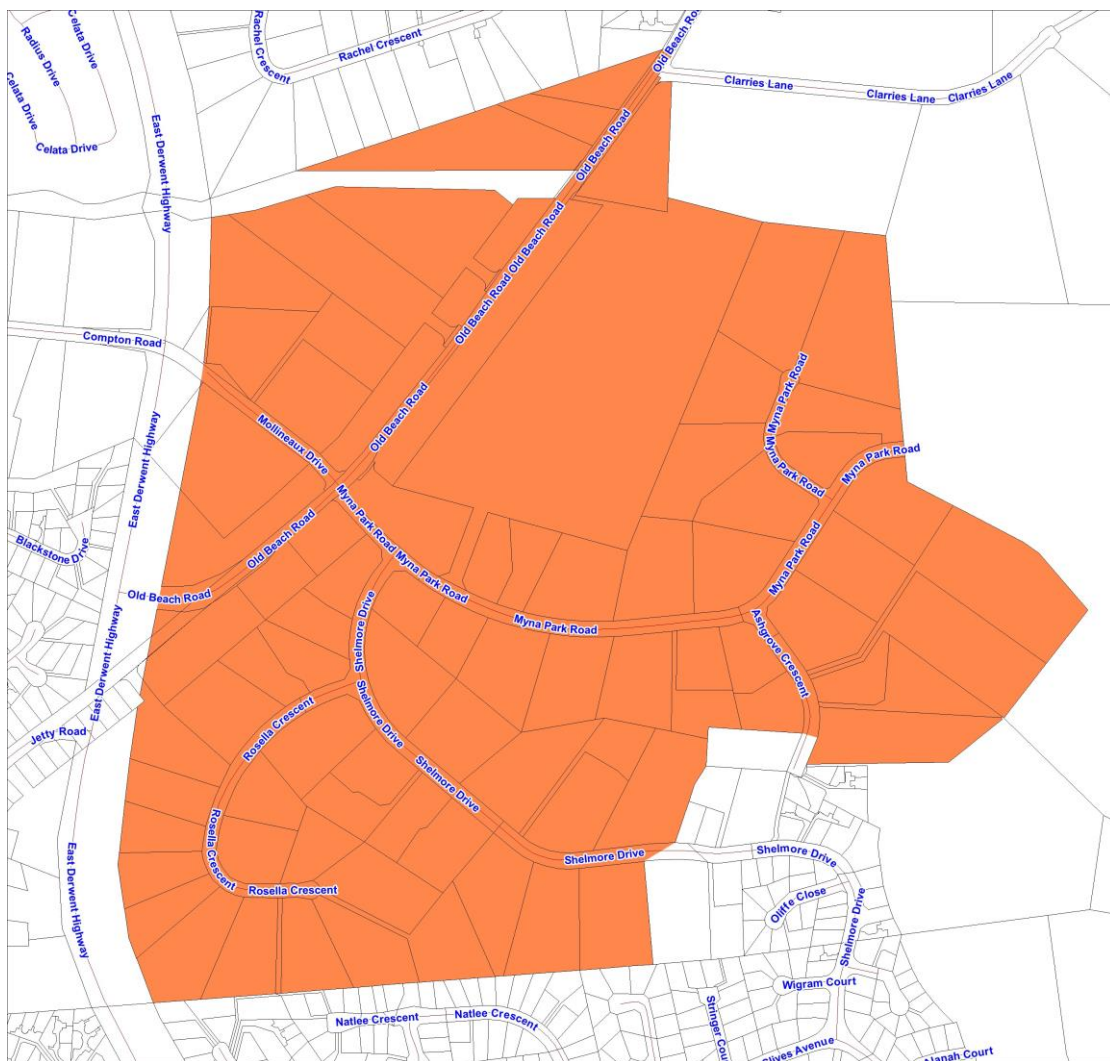


Figure 5 Future Urban Zoning (Source: Brighton Council)

**9. Section 8A of LUPAA - Guideline No. 1 - Local Provisions Schedule (LPS): Zone and Zode Application**

The ERA report has addressed the Section 8A Guidelines in arriving at its recommendation that Precinct A ought to be rezoned to Future Urban and then General Residential with an accompanying masterplan and SAP.

ERA concluded that the RLZ is no longer appropriate as: “the land is earmarked for future residential development and is within the UGB. It is also capable of being connected to services and appears to have limited natural values”.

Regarding the General Residential Zone ERA state that:

The General Residential zone would be the most appropriate zoning for the study area, providing properties within it are connected to a reticulated water supply service and a reticulated sewerage system. There are minimal constraints that impact the land’s development potential. This zoning would also allow for more efficient use of existing infrastructure and servicing in the area.

Regarding the Future Urban Zone:

The Future Urban zone should be applied to the Precincts to ensure that the future development of the area is not compromised. This ensures that further structure or master planning for the precincts can be prepared before they are released for urban development.

ERA also dismissed the suitability of the Low Density Zone:

The Low Density Residential zone is only appropriate for land that is not capable of being connected to reticulated infrastructure services and is affected by significant environmental constraints that limit development. This is not the case for the study area. Accordingly, this zoning is not considered appropriate.

## 10. Planning Assessment – Draft Amendment of LPS Requirements of the Act

Section 40D (b) of the Act allows a planning authority to prepare a draft amendment of an LPS of its own motion;

### **40D. Preparation of draft amendments**

*A planning authority –*

*(a) must prepare a draft amendment of an LPS, and certify it under [section 40F](#), within 42 days after receiving the request under [section 37\(1\)](#) to which the amendment relates, if –*

*(i) it decides under [section 38\(2\)](#) to prepare a draft amendment of an LPS; or*

*(ii) after reconsidering, in accordance with a direction under [section 40B\(4\)\(a\)](#), a request under [section 37\(1\)](#) whether to prepare a draft amendment of an LPS, it decides to prepare such an amendment; or*

*(b) may, of its own motion, prepare a draft amendment of an LPS; or*

- (c) *must, if it receives under [section 40C\(1\)](#) a direction to do so, prepare a draft amendment of an LPS and submit it to the Commission within the period specified in the direction or a longer period allowed by the Commission.*

Section 40F (1) of the Act requires that, where a planning authority has prepared a draft amendment of an LPS (under Section 40D(b)), it must be satisfied the draft amendment of an LPS meets the LPS criteria under Section 34 of the Act.

**40F. Certification of draft amendments**

(1) *A planning authority that has prepared a draft amendment of an LPS must consider whether it is satisfied that the draft amendment of an LPS meets the LPS criteria.*

(2) *If a planning authority determines that –*

*(a) it is satisfied as to the matters referred to in [subsection \(1\)](#), the planning authority must certify the draft as meeting the requirements of this Act; or*

*(b) it is not satisfied as to the matters referred to in [subsection \(1\)](#), the planning authority must modify the draft so that it meets the requirements and then certify the draft as meeting those requirements.*

(3) *The certification of a draft amendment of an LPS under [subsection \(2\)](#) is to be by instrument in writing affixed with the common seal of the planning authority.*

(4) *A planning authority, within 7 days of certifying a draft amendment of an LPS under [subsection \(2\)](#), must provide to the Commission a copy of the draft and the certificate.*

The LPS criteria is provided under Section 34 of the Act. Section 34(2) is addressed below where relevant to the proposed amendment.

**10.1. Assessment of Section 34(2) of the Act.**

A discussion of those relevant parts of Section 34(2) are provided below.

*The LPS criteria to be met by a relevant planning instrument are that the instrument –*

- (a) contains all the provisions that the SPPs specify must be contained in an LPS; and*

**Response:** the SPP's allow for the Future Urban Zone to be applied via an LPS.

- (b) is in accordance with [section 32](#); and*

**Response:** Section 32 of the Act sets out the contents of the LPSs. The amendment is to alter the zoning maps that relate to the site by replacing the Rural Living Zone with the Future Urban Zone. The proposal will also remove the Specific Area Plan that currently applies.

*(c) Furthers RMPS Objectives*

The objectives of the Resource Management and Planning System (RMPS) must be furthered by the rezoning request and are addressed in the following table:

**Table 2 – RMPS Objective Assessment**

<i>Objective</i>	<i>Response</i>
<b>Part 1</b>	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	<p>The proposal is to rezone the site to Future Urban which is more restrictive than the current Rural Living Zone in terms of subdivision potential. Furthermore, only a part of the site is mapped as containing priority vegetation and waterway buffer areas under the Natural Assets Code.</p> <p>A comprehensive natural values assessment will form part of the masterplan and future rezoning to General Residential.</p>
(b) to provide for the fair, orderly and sustainable use and development of air, land and water	<p>The proposal is to apply a holding zone onto an area of land within the UGB which has been identified for future growth in strategies endorsed by Council. Finding ways to provide housing within the UGB and nearby to existing infrastructure and activity centres is far more sustainable than seeking out more marginal land on the urban fringe.</p>
(c) to encourage public involvement in resource management and planning	<p><i>The community have been engaged throughout the project and will be provided an opportunity to make submissions and attend hearings under LUPAA should Council initiate the amendment.</i></p>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	<p>The proposal will begin the process of rezoning the site to provide additional housing which has obvious economic benefits.</p>
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State	<p>The proposed amendment has had input from the community, the Tasmanian Government and Brighton Council officers. If approved, ongoing responsibility will continue through the planning process.</p>

Part 2	
(a) to require sound strategic planning and coordinated action by State and local government	The proposed amendment is to implement the recommendations of regional and local strategic planning documents and is consistent with relevant policies within the Southern Tasmanian Regional Land Use Strategy.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	The proposed amendment has been found to be consistent with the contents of the LPS and has been drafted to achieve specific objectives and policies recommended in strategic planning documents endorsed by the Council.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	<p>The land is mapped as containing only minimal environmental values of any known significance. A natural values assessment will</p> <p>In terms of social and economic effects, the proposal is only for a Future Urban Zone which will not have any significant social/economic impacts.</p>
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	The proposal is recommended in local strategic planning documents endorsed by the Council and is consistent with regional planning documents and State Policies and legislation.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	The approvals process is generally prescribed and the planning scheme amendment process has little impact on co-ordination of approvals.
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	One of the purposes of the planning scheme amendment is to set aside land for future growth within the UGB which is close to existing infrastructure and services.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	There are no buildings or areas of interest within the site.



(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community	A key reason for the proposal is to set aside land for future growth whilst issues with infrastructure (such as the East Derwent Highway) are resolved and considered in a future master plan.
(i) to provide a planning framework which fully considers land capability.	The land is currently zoned Rural Living.

**(d) Consistent with State Policies**

**10.1.1. State Coastal Policy 1996**

The *State Coastal Policy 1996* applies to land within 1 km of the high-water mark. The proposed rezoning is only to apply the Future Urban Zone to land within the UGB which is more restrictive than the current Rural Living Zone.

**10.1.2. State Policy on the Protection of Agricultural Land 2009**

The *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion of agricultural land to non-agricultural uses is subject to the principles of the PAL Policy.

All land is zoned Rural Living and is not considered agricultural land. The future master plan will consider impacts of higher density on adjoining agricultural land.

**10.1.3. The State Policy on Water Quality Management 1997**

There will be no direct impact on water quality as a result of the amendment. Any impact on water quality will be considered in future projects.

**10.1.4. National Environmental Protection Measures**

The National Environmental Protection Measures (NEPMs) have been adopted as State Policies. They relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled pollutant inventory.

The proposal does not trigger consideration under the NEPMs.

**(da) consistent with TPPs**

There are currently no Tasmanian Planning Policies in effect.

**(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and**

As required under s.34(2)(e) the proposed amendment must be, as far as practicable, consistent with regional land use strategies. In southern Tasmania, the relevant regional land use strategy is the *Southern Tasmania Regional Land Use Strategy 2010-2035*

(STRLUS). The policies that are relevant to the amendment are addressed in Table 3 below.

**Table 3 – STRLUS Assessment**

Policy	Action
<p>SRD 2</p> <p>Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability</p>	<p>SRD2.1</p> <p>Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.</p> <p>Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and protected by the planning scheme.</p> <p>SRD 2.6</p> <p>Increase densities to an average of at least 25 dwellings per hectare (net density) within a distance of 400-850m of integrated transit corridors and Principal and Primary Activity centres, subject to heritage constraints.</p> <p>SRD 2.9</p> <p>Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.</p> <p>Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme:</p> <ul style="list-style-type: none"> <li>a) specify the spatial area in which biodiversity values are to be recognised and protected; and</li> <li>b) implement an ‘avoid, minimise, mitigate’ hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.</li> </ul>
<p><b><u>Consistent:</u></b></p> <p>The proposed amendment seeks to set aside land within the UGB for future residential growth. This is directly consistent with the intent of the settlement strategies. Furthermore, the BSP signalled that there would not be enough zoned land within the current UGB to meet demand by 2033 so suggested that Council looked to rezone the site to Future Urban and then to General Residential.</p>	

<p>PI 2</p> <p>Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.</p>	<p>P1 2.2</p> <p>Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.</p>
<p><b><u>Consistent:</u></b></p> <p>The proposal will set aside the land whilst infrastructure is worked through via a future masterplan. It is noted that all relevant authorities have confirmed the land can be fully serviced subject to upgrades.</p>	
<p>LUTI 1</p> <p>Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.</p>	<p>LUTI 1.6</p> <p>Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.</p>
<p><b><u>Consistent</u></b></p> <p>The land sits in a favourable position regarding access to transport.</p>	

As such, it is considered that the proposed amendment continues to further the requirements of the STRLUS.

***(f) Brighton Council Strategic Plan 2023 – 2033***

The proposed amendment is consistent with the following relevant strategies from the Brighton Council Strategic Plan 2023- 2033:

- 1.3 – Ensure attractive local areas that provide social, recreational and economic opportunities.
- 2.4 - Ensure strategic planning and management of assets has a long term sustainability and evidence-based approach.
- 3.2 – Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population.

***(g) Be as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.***

The proposed amendment will not impact the LPS of adjacent municipal areas. The amendment has been assessed as being consistent with the STRLUS.

**(h) Gas Pipeline safety**

The subject land is not affected by the Gas Pipeline. Accordingly, there are no issues of gas pipeline safety associated with the draft amendment.

The proposed amendment is therefore considered to be consistent with the requirements under Section 34 (2) of the Act.

**11. Conclusion**

The proposal to amend the *Brighton Local Provisions Schedule* is consistent with regional and local land use strategy and the requirements of the *Land Use Planning and Approvals Act 1993*.

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2023-04 as detailed in this report and attachments.

**RECOMMENDATION:**

1. That in accordance with s40D(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority prepare a draft amendment of an LPS to be known as RZ 2023-05 as follows,
  - (a) Rezone the properties provided in Attachment B from Rural Living A to Future Urban: and
  - (b) Remove the Urban Rural Interface Specific Area Plan from those properties in Attachment B.
2. That, in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2023-05 satisfies the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*.
3. That, in accordance with Section 40F(3) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2023-05 be certified by instrument in writing affixed with the common seal of the Council.
4. That, in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, a certified copy of draft amendment RZ 2023-05 be given to the Tasmanian Planning Commission within seven (7) days.
5. That, in accordance with Section 40FA(1) of the *Land Use Planning and Approvals Act 1993*, a copy of the draft amendment RZ2023-05 be provided to relevant agencies and those state service, or State authorities, that the planning authority considers may have an interest in the draft amendment.
6. That, in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ2023-05 be placed on public exhibition as soon as practicable.

**DECISION**

*Cr Irons moved, Cr Geard seconded that the recommendation be adopted.*

**CARRIED**

**VOTING RECORD**

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Gray	
Cr Geard	
Cr Irons	
Cr Whelan	

*Cr Owen rejoined the meeting at 5.52pm*

*Cr Geard and Cr Whelan had declared an interest and left the meeting at 5.52pm*

**6.2 Development Application DA 2023 / 00081 - Firewood Depot at 252 Elderslie Road, Brighton**

**Author:** Kien Tran (Planning Officer)

**Authorised:** David Allingham (Director Development Services)

<b>Applicant:</b>	WWTas Pty Ltd
<b>Subject Site:</b>	252 Elderslie Road, Brighton
<b>Proposal:</b>	Firewood Depot
<b>Planning Scheme:</b>	Tasmanian Planning Scheme - Brighton
<b>Zoning:</b>	Agriculture Zone
<b>Codes:</b>	Parking & Access Bushfire-prone area N/A Landslip Hazard Code – Low landslip hazard band N/A Attenuation Code – N/A
<b>Local Provisions:</b>	N/A
<b>Use Class:</b>	Resource Processing
<b>Discretions:</b>	Discretionary Use – Resource Processing
<b>Representations:</b>	4 representations were received. The representors raised the following issues: <ul style="list-style-type: none"> <li>• Validity of the EMP</li> </ul>

	<ul style="list-style-type: none"> <li>• Noise Issues</li> <li>• Stormwater Management</li> <li>• Construction of access and internal driveway</li> <li>• Fire Risk</li> <li>• Biosecurity</li> <li>• Quarry Rehabilitation</li> <li>• Waste Management</li> </ul>
<b>Recommendation:</b>	Approval with conditions

## 1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA2023/00081.

The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

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

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

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

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

## 2. SITE ASSESSMENT

The site is an old quarry located at 252 Elderslie Road, Brighton. It is accessible by Quarry Road, and is approximately 530m from Elderslie Road. The property is small in size, only at 2.043 ha and situated on a steep elevation. However, the proposed area for the development is the unused section of the flat quarry floor, cleared of vegetation and has a solid rock foundation. The site is completely separated from the quarry operations. There is shared access, turning, and parking spaces available at the quarry site.



The existing quarry is only operating at limited scale and utilising a small part of the site. The proposed firewood depot will utilise an area of approximately 350m<sup>2</sup> only.

The property is within the Agriculture Zone with overlays of Bushfire-prone areas, medium landslip hazard band and Low landslip hazard band.

### 3. PROPOSAL

The proposal is for the Use of Resource Processing, development by a Firewood Depot. The proposed Use is a discretionary use and therefore, the proposal will be assessed as a Discretionary application.

The application proposes to process and distribute firewood. Timber will be delivered to the site by log truck in a maximum of 6 metres lengths and then processed using a timber processor, which will cut the log and then split the cut logs into smaller firewood pieces.

Timbers will be supplied by 1-2 log truck loads (30 tonnes) of logs per week with the estimated average to be less than 7 loads per week. Processed timber will be delivered from the site in bulk 2 tonnes loads by small truck (HINO 300 series, 5.2 metres long). Full capacity of the operation will see a total of 60 tonnes per week, which would equate to a maximum 5 loads per day.

The application is supported by the attached Site Plans and Environmental Management Plan.

### 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 Resource Processing under the Scheme. In the Agriculture Zone the Resource Processing is a Discretionary use.

As the Use Class is discretionary, it must be consistent with the Zone Purpose as follows:

21.1.1 *To provide for the use or development of land for agricultural use.*

21.1.2 *To protect land for the use or development of agricultural use by minimising:*

- a) *a) conflict with or interference from non-agricultural uses;*
- b) *b) non-agricultural use or development that precludes the return of the land to agricultural use; and*
- c) *c) use of land for non-agricultural use in irrigation districts.*



21.1.3 To provide for use or development that supports the use of the land for agricultural use.

The proposal is considered to be consistent with the above because the proposal is to provide for the resource processing use of a woodfire depot, which is considered to support the timber resource development, which also is an agricultural use. Moreover, the subject site has already been used for the operation of a Level 1 quarry, which is not an agricultural use. The proposal will not create conflicts or interference with any existing agricultural use on the site or adjoining lands.

**Compliance with Performance Criteria**

The proposal meets the Scheme's relevant Acceptable Solutions with the exception of the following:

**Clause 21.3 - Use Standards**

<b>Objective:</b>	
That uses listed as Discretionary:	
a) support agriculture use; and	
b) protect land for agricultural use by minimising the conversion of land to non-agricultural use.	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
A1  No Acceptable Solution	P1  A use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site, for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regards to:  a) access to a specific naturally occurring resource on the site or on land in the vicinity of the site;  b) access to infrastructure only available on the site or on land in the vicinity of the site;  c) access to a product or material related to an agricultural use;

	<p>d) service or support for an agricultural use on the site or on land in the vicinity of the site;</p> <p>e) the diversification or value adding of an agricultural use on the site or In the vicinity of the site; and</p> <p>f) provision of essential Emergency Services or Utilities.</p>
--	---

The proposal provides for the Discretionary use of Resource Processing. The standard does not provide an acceptable solution, therefore assessment against the performance criteria is relied upon.

The proposal is located on the site for operational reasons, with the intention to minimise impacts arising from the operation such as noise and saw dust. The site has sufficient setback from adjoining residential use and the assessment of noise from the operation is deemed acceptable (EMP by Rivulet Environmental, submitted 4 Oct 2023). The proposal is for the Resource Processing use of timber, which is considered a product of agriculture activity.

Accordingly, the Performance Criteria Is satisfied.

<p>A2</p> <p>No Acceptable Solution</p>	<p>P2</p> <p>A use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to:</p> <p>a) the area of land being converted to non-agricultural use;</p> <p>b) whether the use precludes the land from being returned to an agricultural use;</p> <p>c) whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites.</p>
---	---

The proposal provides for the Discretionary use of Resource Processing. The standard does not provide an acceptable solution, therefore assessment against the performance criteria is relied upon.

The proposed development is situated within the existing quarry. There is no conversion of agricultural land to non-agricultural use proposed. Due to the nature of the development and its use (both existing and proposed), the proposal will be unlikely to preclude the land from being returned to an agricultural use in the future, if such an opportunity occur. The proposal is also unlikely to confine or restrict existing or potential agricultural use on the site or adjoining sites due to the proposed development’s size and location.

Accordingly, the Performance Criteria Is satisfied.

<p>A3</p> <p>No Acceptable Solution.</p>	<p>P3</p> <p>A use listed as Discretionary, excluding Residential, located on prime agricultural land must:</p> <p>a) be for Extractive Industry, Resource Development or Utilities, provided that:</p> <p>i) the area of land converted to the use is minimised</p> <p>ii) adverse impacts on the surrounding agricultural use are minimised; and</p> <p>iii) the site is reasonably required for operational efficiency; or</p> <p>b) be for a use that demonstrates a significant benefit to the region, having regard to the social, environmental and economic costs and benefits of the proposed use.</p>
--	---

The proposal provides for the Discretionary use of Resource Processing, which does not have the acceptable solution, therefore assessment against the performance criteria is relied upon.

The proposal is for development on the property at 252 Elderslie Road, Brighton. The land is a Category 5 land, in term of land capability, which is not considered as prime agricultural land. This standard is not applicable.

## 5. REFERRALS

### *Council's Development Engineer*

Council's Development Engineer was consulted regarding this proposal. That officer considers that the proposal can satisfy the applicable standards of the Parking and Sustainable Transport Code and the Road and Railway Assets Code, and that the proposal will not generate traffic or stormwater issues provided that the conditions on any planning permit issued be observed. Comments have been incorporated into the officer's report, where necessary.

### *Council's Senior Environmental Health Officer*

Council's Senior Environmental Health Officer (SEHO) was consulted regarding this proposal. The SEHO considers that based on the information provided in the EMP, the proposed use will not create unreasonable nuisances or detriments to adjoining lands. The EMP also addresses other potential issues related to the proposed development. Comments have been incorporated into the officer's report, where necessary.

## 6. REPRESENTATIONS

Four (4) representations were received during the statutory public exhibition period between 7<sup>th</sup> October and 23<sup>rd</sup> October 2023.

The concerns of the representors are summarised below:

Representor's concerns	Planning Response
The EMP was not undertaken by a recognised body or expert	<i>The author of the EMP is a suitably qualified person with extensive experience working as Senior Environmental Officer for the EPA as well as Environmental Adviser for Spectran group.</i>
The EMP was not following the Commonwealth EMP Guidelines	<i>The Commonwealth EMP Guidelines set out guidelines for what issues may need to be addressed in the production of an EMP. However, these guidelines are not a regulatory requirement and the person preparing the EMP could choose to adopt the most suitable and applicable guidelines for their own work. The proposed firewood depot is a small scale, restricted operation and would not require all of the information set out in the Guidelines. Council's Senior Environmental Health Officer is satisfied that the EMP sufficiently addresses the issues relevant to the activity.</i>
Noise reading was not accurately taken, and the level of noise could affect the existing agricultural operation of the adjoining lands.	<i>Site inspections were undertaken by Council Officers during times the activity was operating and during the assessment by the consultant who authored the EMP. Noise level readings were barely detectable above background noise and far less than what is widely considered in the legislation to be intrusive. The</i>

	<p><i>proposed hours of operation also ensure the activity is not operating during sensitive periods when background levels are minimised as further protection that noise levels are not regarded as offensive.</i></p>
<p>Stormwater runoff is not adequately managed or addressed within the proposal.</p>	<p><i>There are a few different concerns raised regarding the management of stormwater on the operation site and for the access driveway from Elderslie Road.</i></p> <p><i>Assessment of the proposal by Council Engineer outlined that the activity would not impact negatively on stormwater dispersal and may even benefit by preventing flow channels forming. Most of the operation area is permeable surface and the risk of stormwater or stormflow concentration is reduced, and any erosion is unlikely to occur.</i></p> <p><i>The access road from Elderslie Road would need to be formalised or properly constructed to manage stormwater in high flow periods. However, Council Engineer is confident that this issue could be addressed adequately by conditioning in the Permit.</i></p>
<p>The access to the site is not adequately constructed and could potentially create traffic hazards when log trucks turn into the site from Elderslie Road.</p>	<p><i>A condition will be included in any permit requiring the upgrade of the access from Elderslie Road to comply with relevant standards.</i></p>
<p>The site is within Bushfire-prone area and the proposal has a high risk of fire, but the proposal has not adequately addressed this risk.</p>	<p><i>The proposed use is not a Vulnerable Use or a Hazardous Use, nor is there an application for subdivision. Accordingly, the Bushfire-prone Areas Code does not apply. .</i></p>
<p>The partially change of use of the site from the Level 1 quarry operation (Extractive Industry) to Resource Processing will trigger the requirement to rehabilitate the site. This has not been mentioned in the proposal.</p>	<p><i>The conditions of approval for the operation of the quarry are controlled under an Environmental Protection Notice ("EPN") issued in December 2018. The additional use of the site for this new activity does not impact on the EPN and its requirements remain unaffected and unchanged.</i></p>
<p>Biosecurity plan has not been addressed by the proposal and there is risk of carrying introduced species into the agricultural lands surrounding the proposal.</p>	<p><i>The logs being transported to the site are all locally sourced and not from interstate. Therefore, concern regarding the biosecurity risks of introduced species is not relevant. Concern for dirt, vegetation or barks is similar and trucks using the main road would pose the same risks.</i></p>
<p>Waste disposal management has not been outlined and concerns over possibilities of creating more traffic on site to manage waste from the operation. In addition, there is concern</p>	<p><i>There should be minimal waste produced due to the nature of the activity, the removal of such would therefore not be required on a regular basis and the additional traffic movements should not exceed those listed by the client in the original application.</i></p>

of inadequate sanitation facilities on the site.	<i>Provision of sanitation facilities is not a planning consideration.</i>
--	--

## 7. CONCLUSION

The proposal for Firewood Depot at 252 Elderslie Road, Brighton, satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

### **RECOMMENDATION:**

That pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approve application DA2023/00081 for the Use of Resource Processing developed by a Firewood Depot at 252 Elderslie Road, Brighton, 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. Where a conflict occurs between the application for planning approval, endorsed drawings and the conditions of 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.

#### *Services*

4. 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 proposed subdivision or development. Any work required is to be specified or undertaken by the authority concerned.

#### *Vehicular Access*

5. The existing vehicle access at Elderslie Road must be upgraded including a sealed surface to comply with Council’s minimum standards as shown on standard drawing TSD-R05 and in accordance with Australian Standard AS 2890- Parking facilities, Parts 1-6.

*Advice: The largest regular use vehicles must be able to enter and exit the site without crossing the centreline of the public road to the extent that there is any interaction with the opposing direction of travel.*

### *Access Road*

6. The vehicular access way must be constructed/upgraded for the entire length of the right of way from Elderslie Road to the lot proper and, unless approved otherwise by Council's Municipal Engineer, include:
  - (a) Constructed with a durable all-weather pavement.
  - (b) Drained to the public stormwater system, or contain stormwater on the site, such that stormwater does not create a nuisance on adjacent properties.
  - (c) Surfaced with a minimum gravel surface that is designed, constructed and maintained to avoid dust or mud generation, erosion or sediment transfer on or off site;
  - (d) A min trafficable width of 3.5m
  - (e) Provided with passing bays.

### *Engineering*

7. Unless approved otherwise by Council's Municipal Engineer, engineering design drawings, to the satisfaction of Councils Municipal Engineer must be submitted to and approved by Council before any the use or any works associated with development of the land commences.
8. Engineering design drawings are to be prepared by a qualified and experience civil engineer or other person approved by Councils Municipal Engineer and must show:
  - (a) all existing and proposed services required by this permit,
  - (b) all existing and proposed access strip roadwork required by this permit,
  - (c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme,
  - (d) measures to be taken to limit or control erosion and sedimentation,
  - (e) location of existing trees and desired clearance from road edge,
  - (f) any other work required by this permit.
9. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
10. Unless approved otherwise by Councils Municipal Engineer, the developer shall appoint a qualified and experienced supervising engineer (or company registered to provide civil engineering consultancy services) who will be required to certify on completion of subdivision construction works. The appointed consulting engineer shall be the primary contact person for all matters concerning the subdivision.
11. On completion of all works the supervising engineer is to provide certification that all works have been completed in accordance with the approved drawings, and these permit conditions.

*Soil and Water Management*

12. Temporary run-off, erosion and sediment controls must be undertaken in accordance with the approved recommendations of the geotechnical site investigations report and must be maintained at full operational capacity to the satisfaction of Council's Municipal Engineer until the land is effectively rehabilitated and stabilised after completion of the development.
13. The driveways, roads and accessways must be drained as to minimise surface runoff over adjoining land.
14. That stormwater drainage runoff be undertaken according to the recommendations of the geotechnical site investigation report and good construction practices to the satisfaction of Councils Municipal Engineer.

*Construction amenity*

15. The developer must make good any damage to the road frontage of the development site including road, kerb and channel, footpath, and nature strip to the satisfaction of Council's Municipal Engineer.
16. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
  - Monday to Friday 7:00 AM to 6:00 PM
  - Saturday 8:00 AM to 6:00 PM
  - Sunday and State-wide public holidays 10:00 AM to 6:00 PM
17. All works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably 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 from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
  - (b) transport of materials, goods, or commodities to or from the land; and/or
  - (c) appearance of any building, works or materials.
18. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Director Development Services.

*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. This permit does not take effect until all other approvals required for the use or development to which the permit relates have 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 De La Torre moved, Cr Owen seconded that the recommendation be adopted.*

**CARRIED**

**VOTING RECORD**

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Gray	
Cr Irons	
Cr Owen	

Meeting closed: 6.00pm

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

Date: \_\_\_\_\_  
19 December 2023