



**Brighton
Council**

Planning Authority Agenda

6 May 2025

Name:

Brighton
going places

I N D E X

Planning Authority Meeting: 6 May 2025

NOTICE OF MEETING	3
AGENDA	4
Audio Recording of Meetings	4
1. Acknowledgement of Country	4
2. Apologies	4
3. Public Question Time and Deputations	4
4. Declaration of Interest	4
5. Council Acting as Planning Authority	5
5.1 Development Application DA 2025/00037 - Seasonal Employee Accommodation, 647 Baskerville Road, Old Beach	5



**Brighton
Council**

Council Representatives: Cr L Gray (Chairperson); Cr P Owen (Deputy Chairperson);
Cr B Curran; Cr A De La Torre; Cr P Geard; Cr G Irons & Cr
M Whelan

NOTICE OF MEETING

Dear Councillor,

Notice is hereby given that the next **Planning Authority Meeting** of the Brighton Council will be held at **5.30 p.m. on Tuesday, 6th May 2025**, to discuss business as printed below.

Qualified Person Certification

I HEREBY CERTIFY that in accordance with Section 65 of the *Local Government Act 1993*, any advice, information and recommendation contained in the reports related to the Agenda have been prepared by persons who have the qualifications or experience necessary to give such advice, information and recommendations.

Dated at Old Beach this *1st* day of *May 2025*.



James Dryburgh

CHIEF EXECUTIVE OFFICER

Being the General Manager as appointed by Brighton Council
pursuant to Section 61 of the *Local Government Act 1993*

AGENDA

Audio Recording of Meetings

An audio recording of this meeting will be made in accordance with our Audio Recording of Council and Committee Meetings Policy 7.11. The audio recording will be made available on Council's website within seven (7) business days after the meeting.

1. Acknowledgement of Country

Brighton Council acknowledges the palawa/pakana (Tasmanian Aboriginal) community as the traditional and original owners of the skies, land and water of lutruwita (Tasmania) and forward our respect to their elders both past and present.

Brighton Council acknowledges the continued connection the Tasmanian Aboriginal people still have to the skies, land and water of lutruwita that provides them with the food, medicine and craft celebrated through ceremony today.

2. Apologies

3. Public Question Time and Deputations

4. 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 Chief Executive Officer, in writing, the details of any interest(s) that the councillor has declared within 7 days of the declaration.

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 2025/00037 - Seasonal Employee Accommodation, 647 Baskerville Road, Old Beach

Author: Planning Officer (K Tran)

Authorised: Director Development Services (A Woodward)

Applicant:	Tas Building Design Pty Ltd
Subject Site:	647 Baskerville Road, Old Beach
Proposal:	Seasonal Employee Accommodation
Planning Scheme:	Tasmanian Planning Scheme – Brighton (the 'Planning Scheme')
Zoning:	Rural Zone
Codes:	Baskerville Raceway Attenuation Area, Flood-prone Areas, Landslip Hazard Code (low band), Natural Assets Code (Priority Vegetation and Waterway & Coastal protection area) and Bushfire-prone Areas.
Local Provisions:	Baskerville Raceway Specific Area Plan
Use Class:	Visitor Accommodation
Discretions:	<ul style="list-style-type: none"> 20.3.1 A1-A4 Discretionary Use in Rural Zone (Visitor Accommodation) 2.6.3 A1/P1 - Number of accesses for vehicles 3.5.1 A1.2/P1 - Traffic generation at a vehicle crossing, level crossing or new junction. C7.6.1 A1/P1.2 and P1.2 - Buildings and Works within a waterway and coastal protection area. C12.5.2 A1/P1 and A4/P4 - Vulnerable Use C12.6.1 A1/P1.1 and P1.2 - Building and Works within a flood-prone hazard area
Representations:	<p>1 representation was received. The representor raised the following issues:</p> <ul style="list-style-type: none"> Flood hazard

Attachments	1 - Proposal Plans 2 - TasWater Submission to Planning Authority Notice
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2025/00037.

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 application is for the development of Seasonal Employee Accommodation on land at 647 Baskerville Road, Old Beach (CT 178273/1). The property is a large orchard, currently being used for Resource Development of growing and harvesting cherries.

The site subject has approximately 89.04ha (see Figure 1). The adjoining lots to the north and the east of site are all within the Rural Living Zone with majority are for residential development. The western and southwestern areas to the site are Rural Zone lots. The adjoining lot to the south of the lot is the Baskerville raceway, which is zoned Recreation.

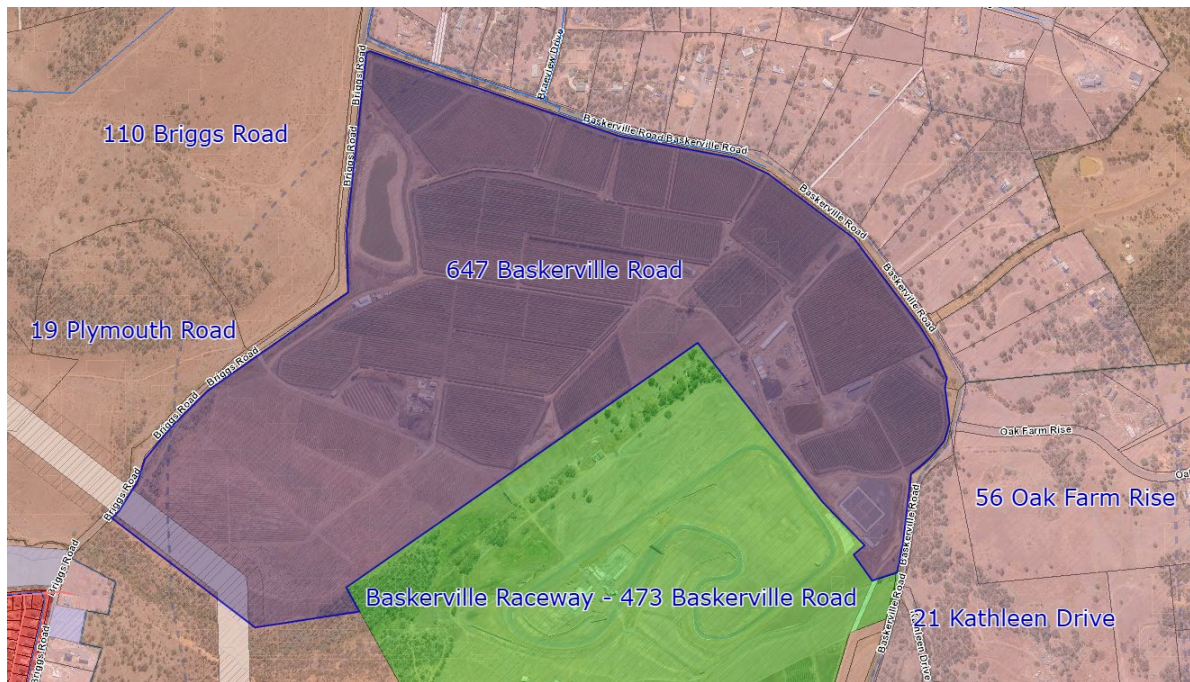


Figure 1. Site Map (source: Listmap)

The site is fully within the Rural Zone with most of the site is within the Baskerville Raceway Specific Area Plan (refer to Figure 2).

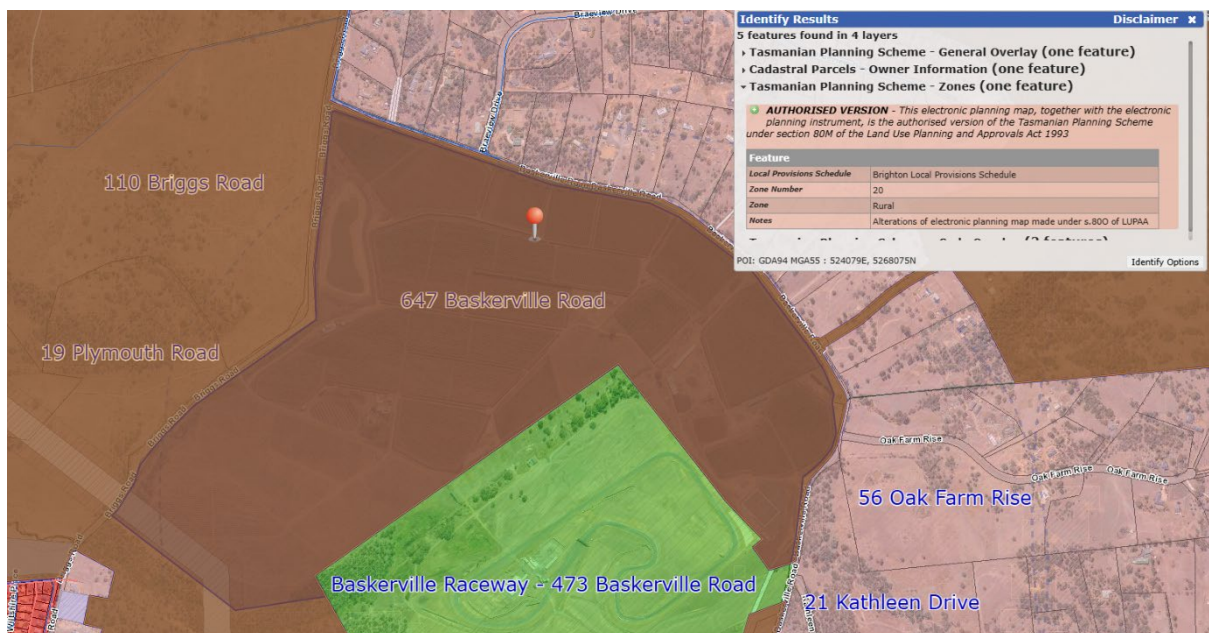


Figure 2. Rural Zone & Baskerville Raceway Specific Area Plan (Source: Listmap)

The site is entirely within the Bushfire-Prone Areas Code overlay and partially within the Natural Assets Code – Priority Vegetation overlay to the southwest (Figure 3) and Waterway and Coastal Protection Area overlay (Figure 4). In addition to that, the site is mostly within the Baskerville Raceway Attenuation Area Code overlay (Similar to Figure 2).

The site is not subject to any easement.

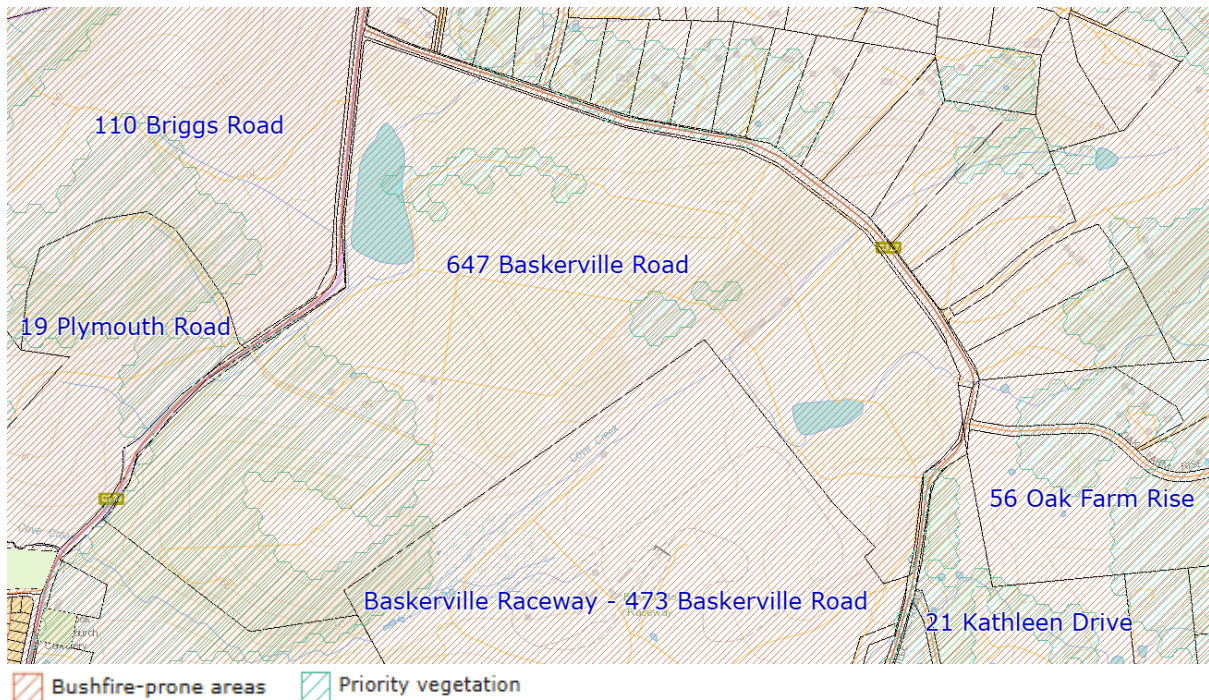


Figure 3. Bushfire Prone Areas Code and Natural Assets Code (Priority Vegetation) overlays (source: Listmap)

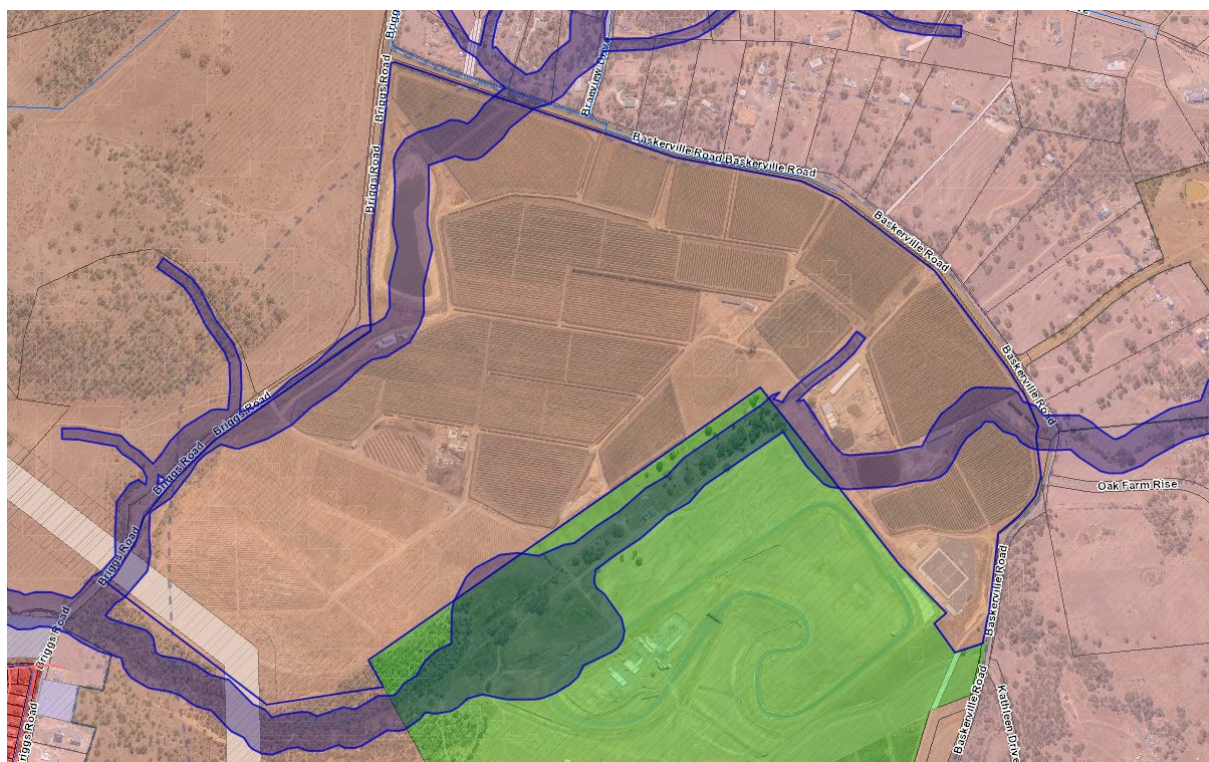


Figure 4. Natural Assets Code (Waterway and Coastal protection area overlay) (source: Listmap)

3. PROPOSAL

The development application proposes the development of Seasonal Employee Accommodation in order to provide workers accommodation to facilitate the operation of the Cherry Orchard during the picking season. The application is a revised version of the previously approved application for the similar proposal of Workers Accommodation (DA2023/00053).

The location of the proposed development is fronting Briggs Road, approximately 200 metres south of the Baskerville Road intersection. The proposal includes 14 accommodation buildings, a camp site area that provides 23 tent sites and associated supporting buildings for amenities, dining facilities and development of parking spaces and accesses.

Supporting assessment documents includes:

- A Traffic Impact Assessment Report by Hubble Traffic (updated March 2025).
- An Onsite-Wastewater Assessment Report by GES (updated January 2025).
- A Stormwater Report by PDA Surveyors, Engineers & Planners (dated 25 January 2024).
- Planning Submission document by Tas Building Design (dated March 2025).

The application was referred to TasWater, which issued a Submission to Planning Authority Notice (SPAN) on 01 April 2025, forming part of the permit conditions.

4. PLANNING SCHEME ASSESSMENT

4.1. Applicable provisions under the Planning Scheme

a) 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.

b) 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.

c) Use Class

The proposed development is for Workers Accommodation, which, pursuant to clause 6.2.6 of the Scheme, and Table 6.2 Use Classes, is categorised as Visitor Accommodation.

Visitor Accommodation	use of land for providing short or medium-term accommodation for persons away from their normal place of residence on a commercial basis or otherwise available to the general public at no cost. Examples include a backpackers hostel, camping and caravan park, holiday cabin, motel, overnight camping area, residential hotel and serviced apartment complex.
-----------------------	--

In the Rural Zone, visitor accommodation is a discretionary use in Table 20.2, and as such must be consistent with the Zone Purpose as follows:

20.1.1 To provide for a range of use or development in a rural location:

- (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*
- (b) that requires a rural location for operational reasons;*
- (c) is compatible with agricultural use if occurring on agricultural land; and*
- (d) minimises adverse impacts on surrounding uses.*

20.1.2 To minimise conversion of agricultural land for non-agricultural use.

20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.

The proposed use is consistent with the zone purpose.

4.2. Planning assessment

- **Compliance with applicable standards**

The proposal demonstrates compliance with the Acceptable Solution of all applicable Development standards but relies on demonstration of compliance with the Performance Criteria for the following:

Clause 20.3.1 Discretionary Use (Visitor Accommodation)

The proposed development is for a new Use (Visitor Accommodation) and does not comply with the Acceptable Solutions under the Tasmanian Planning Scheme – Brighton and therefore required assessment against the Performance Criteria under Clause 20.3.1 P1 – P4.

Assessment against each Performance Criteria provided below:

20.3.1 A1/P1 - Discretionary Uses

Objective: That the location, scale and intensity of a use listed as Discretionary: <ul style="list-style-type: none"> (a) is required for operational reasons; (b) does not unreasonably confine or restrain the operation of uses on adjoining properties; (c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and (d) is appropriate for a rural location and does not compromise the function of surrounding settlements. 	
Acceptable Solution	Performance Criteria
A1 A use listed as Discretionary, excluding Residential, is for an alteration or extension to an existing use, if: <ul style="list-style-type: none"> (a) the gross floor area does not increase by more than 30% from that existing at the effective date; and (b) the development area does not increase by more than 30% from that existing at the effective date. 	P1 A use listed as Discretionary, excluding Residential, must require a rural location for operational reasons, having regard to: <ul style="list-style-type: none"> (a) the nature, scale and intensity of the use; (b) the importance or significance of the proposed use for the local community; (c) whether the use supports an existing agricultural use; (d) whether the use requires close proximity to infrastructure or natural resources; and

	(e) whether the use requires separation from other uses to minimise impacts.
--	--

The proposed development is not for the alteration or extension to an existing use, therefore it does not satisfy the acceptable solution. Accordingly, the performance criteria must be satisfied.

The proposal is for the construction of new seasonal workers accommodation to support the existing Resource Development use (Cherry orchard). The accommodation will allow for seasonal workers to stay on site during peak times, including harvesting and negates the need workers to find accommodation out of the area, thereby reducing travelling time, vehicle movements and relieving housing stress for the region. No separation from the orchard is necessary and sufficient setback (~150m) provided from the nearest residential use.

In addressing the performance criteria:

(a) the nature, scale and intensity of the use;

The proposed workers accommodation will be used to support the operation of the existing cherry orchard, and as such is subservient to the Cherry orchard's operation. With the site area being approximately 89ha, the accommodation units are to be located in the north western corner of the site adjacent to Briggs Road, thereby limiting conversion of agricultural land, whilst considering the topography. Further, the proposed use is only for seasonal periods to facilitate orchard operations.

(b) the importance or significance of the proposed use for the local community;

The harvesting season is during summer, a busy period for visitor accommodation in Southern Tasmania. The lack of available accommodation in the area greatly impacts workers, requiring them to travel greater distances to work. By providing the proposed seasonal workers accommodation, the stress of both finding accommodation for the workers and maintaining the efficient operation for the cherry farm during peak seasons is ensured. In addition to that, it is expected that a financial benefit to the local economy will occur as the workers will also spend money locally during their stay.

(c) whether the use supports an existing agricultural use;

As mentioned above, the propose Use is subservient to the existing Agricultural Use of the Cherry Farm.

(d) whether the use requires close proximity to infrastructure or natural resources; and

Although the Use does not necessarily require accommodation within close proximity to the existing cherry farm, most seasonal workers don't have access to private vehicles. Therefore on-site accommodation provides significant benefits for both the workers and the cherry farm, ensuring efficiency and convenience for the business and the workers. This will alleviate stress on nearby rental and visitor accommodation as well as local road networks.

(e) whether the use requires separation from other uses to minimise impacts.

There is sufficient separation between the proposed worker's accommodation and the nearest residential use (approx. 150m). The proposal is also for seasonal use only and is unlikely to create any significant detriments regarding emission due to the nature of the use.

The proposal demonstrates compliance with P1.

20.3.1 A2/P2 - Discretionary Use

<p>Objective:</p> <p>That the location, scale and intensity of a use listed as Discretionary:</p> <p>(a) is required for operational reasons;</p> <p>(b) does not unreasonably confine or restrain the operation of uses on adjoining properties;</p> <p>(c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and</p> <p>(d) is appropriate for a rural location and does not compromise the function of surrounding settlements.</p>	
<p>A2</p> <p>No Acceptable Solution</p>	<p>P2</p> <p>A use listed as Discretionary must not confine or restrain existing use on adjoining properties, having regard to:</p> <p>(a) the location of the proposed use;</p> <p>(b) the nature, scale and intensity of the use;</p> <p>(c) the likelihood and nature of any adverse impacts on adjoining uses;</p> <p>(d) whether the proposed use is required to support a use for security or operational reasons; and</p> <p>(e) any off site impacts from adjoining uses.</p>

As there is no acceptable solution, the application must satisfy the performance criteria.

Reference is made to P1 above. The proposed workers accommodation is to be located in the north-western corner of the site, and it is unlikely to create any adverse impacts on adjoining properties as separation is provided by Briggs Road and Baskerville Road, the natural shape of the site and the orchard. The operation of the visitor accommodation itself is minimal (only seasonal, site based, and minimal traffic movements involved).

The proposal demonstrates compliance with P2.

20.3.1 A3/P3 - Discretionary Use

<p>Objective:</p> <p>That the location, scale and intensity of a use listed as Discretionary:</p> <p>(a) is required for operational reasons;</p> <p>(b) does not unreasonably confine or restrain the operation of uses on adjoining properties;</p> <p>(c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and</p> <p>(d) is appropriate for a rural location and does not compromise the function of surrounding settlements.</p>	
<p>A3</p> <p>No Acceptable Solution</p>	<p>P3</p> <p>A use listed as Discretionary, located on agricultural land, must minimise conversion of agricultural land to non-agricultural use and be compatible with agricultural use, having regard to:</p> <p>(a) the nature, scale and intensity of the use;</p> <p>(b) the local or regional significance of the agricultural land; and</p> <p>(c) whether agricultural use on adjoining properties will be confined or restrained.</p>

As there is no acceptable solution, the application must satisfy the performance criteria.

The site is a significant share of Brighton's agricultural landholding, having been utilised for a cherry orchard since approximately 2003. Cherries Tasmania exports approximately 65% of its product predominantly to Asian markets.¹ Therefore, the existing use of the property is considered a significant and on-going agricultural use within the local area.

The proposal supports and facilitates the operation of the existing cherry farm, is compatible the agricultural use and does not create any detriments, confine or restrain the agricultural use of other properties in the area. Considering the development footprint, and the size of the property, the area to be used for Workers Accommodation is considered minimal.

The proposal demonstrates compliance with P3.

20.3.1 A4/P4

<p>Objective:</p> <p>That the location, scale and intensity of a use listed as Discretionary:</p> <p>(a) is required for operational reasons;</p> <p>(b) does not unreasonably confine or restrain the operation of uses on adjoining properties;</p> <p>(c) is compatible with agricultural use and sited to minimise conversion of agricultural land; and</p> <p>(d) is appropriate for a rural location and does not compromise the function of surrounding settlements.</p>	
<p>A4</p> <p>No Acceptable Solution</p>	<p>P4</p> <p>A use listed as Discretionary, excluding Residential, must be appropriate for a rural location, having regard to:</p> <p>(a) the nature, scale and intensity of the proposed use;</p> <p>(b) whether the use will compromise or distort the activity centre hierarchy;</p> <p>(c) whether the use could reasonably be located on land zoned for that purpose;</p>

¹ <https://www.cherriestasmania.com.au/about-us>

	<p>(d) the capacity of the local road network to accommodate the traffic generated by the use; and</p> <p>(e) whether the use requires a rural location to minimise impacts from the use, such as noise, dust and lighting.</p>
--	---

As there is no acceptable solution, the application must satisfy the performance criteria.

The proposed use is for visitor accommodation for seasonal workers that are required to ensure the operation of the existing cherry orchard. It is in an area not developed for the orchard. The farm is located well away from commercial centres as defined by the Southern Tasmanian Regional Land Use Strategy and is not considered to affect the activity centre hierarchy. The proposed use is for on-site workers accommodation which supports the operation of the existing orchard, within close proximity to the workplace. Locating the proposed accommodation away from the site would increase traffic movements and impacts on the local road network, especially as there is no appropriate public transport which can deliver workers to the site. The application is supported by an updated Traffic Impact Assessment, which opines that the development will not have any significant impact on the local road network.

The proposal demonstrates compliance with P4.

Clause 2.6.3 P1 – Number of accesses for vehicles

Objective:	
<p>That:</p> <ul style="list-style-type: none"> a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses; b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and c) the number of accesses minimise impacts on the streetscape. 	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>The number of accesses provided for each frontage must:</p> <ul style="list-style-type: none"> (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater. 	<p>P1</p> <p>The number of accesses for each frontage must be minimised, having regard to:</p> <ul style="list-style-type: none"> a) any loss of on-street parking; and b) pedestrian safety and amenity;

	c) traffic safety; d) residential amenity on adjoining land; and e) the impact on the streetscape.
--	--

Officer's comment:

The proposal does not meet the Acceptable Solutions A1 because the application proposes two (2) new accesses for entry and exit onto Briggs Road. Therefore, the application relies on demonstration of Performance Criteria P1. The application is supported by a Traffic Impact Assessment which considers this standard, and which has been considered by Council's Senior Development Engineer. The criteria are assessed as follows:

- a) Briggs Road is a rural standard road with sealed bitumen surface, grass verge and no suitable on-street parking spaces provided due to the width of the road and the speed limit. Therefore, the new access will not result in any loss of on-street parking.
- b) As mentioned above, the introduction of the second access is to ensure safety and convenience for pedestrians.
- c) An on-site inspection found that there was at least 180 metres of sight distance in each direction, based on the driver being 1.05 metres above the access surface and the approaching vehicle being 1.2 metres high. This assessment found there is suitable sight distance in both directions at the access with Briggs Road, allowing motorists to leave the development site in a safe and efficient manner, without impacting other road users
- d) There is no residential amenity on adjoining land being affected by the accesses.
- e) The access does not visually impact the streetscape and compatible with the character of the area.

The proposal demonstrates compliance with P1.

Clause 3.5.1 A1.2 - 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 Solution	Performance Criteria
<p>A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. <p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road. <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>P1 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> <ul style="list-style-type: none"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.

Written consent for the two new junctions to Briggs Road has not been issued by the road authority. Accordingly, the application must address the performance criteria.

The applicant's updated TIA addresses the performance criteria (Hubble Traffic, p27), by considering predicted daily vehicle movements, the nature of the traffic (predominantly light vehicles), the nature of Briggs Road (rural standard collector road) with a speed limit of 80km/h.

Council's officers have reviewed the TIA, and are satisfied that the performance criteria can be satisfied. A condition requiring a road opening permit is recommended.

Clause 7.6.1 P1.1 - Buildings and works within a waterway and coastal protection area:

Objective:	
That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Buildings and works within a waterway and coastal protection area must:</p> <p>(a) be within a building area on a sealed plan approved under this planning scheme.</p> <p>(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or</p> <p>(c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.</p>	<p>P1.1</p> <p>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <p>(a) impacts caused by erosion, siltation, sedimentation and runoff;</p> <p>(b) impacts on riparian or littoral vegetation;</p> <p>(c) maintaining natural streambank and streambed condition, where it exists;</p> <p>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</p> <p>(e) the need to avoid significantly impeding natural flow and drainage;</p> <p>(f) the need to maintain fish passage, where known to exist;</p> <p>(g) the need to avoid land filling of wetlands;</p>

	<ul style="list-style-type: none"> (h) the need to group new facilities with existing facilities, where reasonably practical; (i) minimising cut and fill; (j) building design that responds to the particular size, shape, contours or slope of the land; (k) minimising impacts on coastal processes, including sand movement and wave action; (l) minimising the need for future works for the protection of natural assets, infrastructure and property; (m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and (n) the guidelines in the Tasmanian Coastal Works Manual.
--	--

Officer's comment:

The proposal includes some works within the Waterway and Coastal Protection Code (Figure 5).

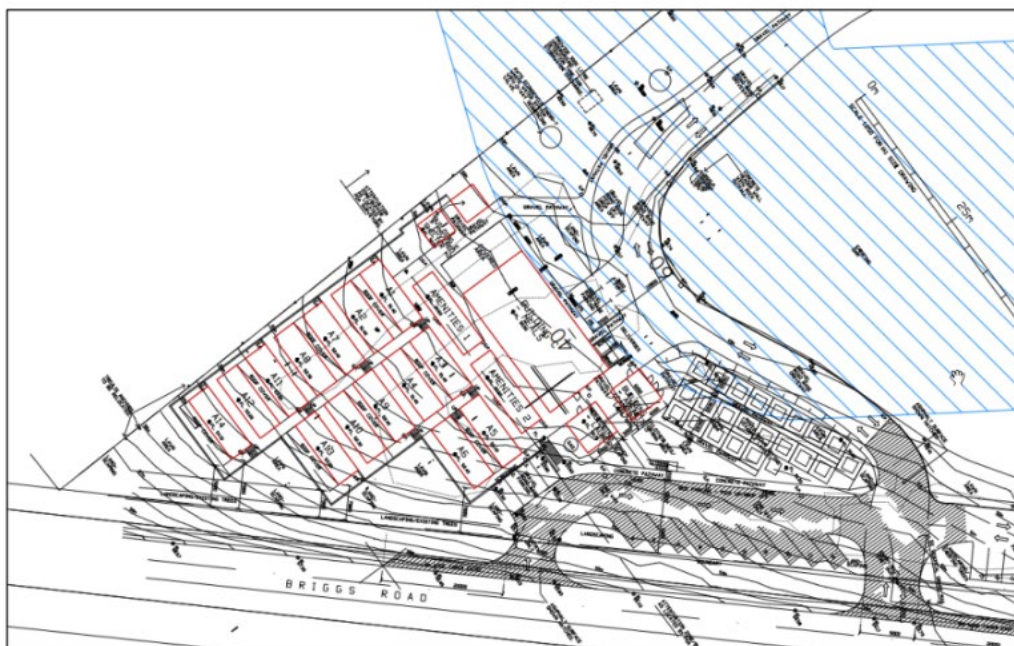


Figure 5: Waterway and Coastal Protection Overlay (Source: PDA report, 25/1/24, p4)

The works within the overlay include internal road works, some parking and a small corner of the proposed campsite located within the overlay area.

The applicant's proposal documents demonstrate that parking areas and the campsite will be outside the 1% AEP, as are the proposed buildings.

Accordingly, it is unlikely that the development will have any adverse impact on the natural values. It is considered that any site works can be managed through a soil and water management plan to be approved by Council's Municipal Engineer prior to commencement of works.

The proposal demonstrates compliance with P1.1.

Clause 12.5.2 P1 Vulnerable Use

Objective:	
That critical, hazardous and vulnerable uses, located within a flood-prone hazard area can achieve and maintain a tolerable risk from flood.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>A critical, hazardous, or vulnerable use within a flood prone hazard area must achieve a tolerable level of risk from flood, having regard to:</p> <p>(a) the type form and duration of the use; and</p> <p>(b) a flood hazard report that demonstrates that:</p> <p>(i) any increase in the level of risk from flood does not warrant any specific hazard reduction or protection measures; or</p> <p>(ii) the use can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.</p>

Officer's comment:

The proposed Use is for Visitor Accommodation (seasonal workers accommodation), which is considered a Vulnerable Use under the Flood Prone Areas Code of the Tasmanian Planning Scheme - Brighton. There is no acceptable solution for this standard, so the performance criteria must be addressed.

Although the code is applied to the proposal, it is noted that the extent of the use subject to the potential risk of flooding within an identified flood prone area is the northern corner of the camping area. The applicant has submitted a stormwater report which demonstrates the tolerable risk from flood can be achieved.

The application proposes that the workers accommodation will only be utilised for the seasonal harvesting period from December to March. The duration of the Use is limited to summer months and the area (camp site) exposed to any risk of flood is just a small part of the development, which also easy to evacuate from in any case of extreme event.

The report demonstrates that all the buildings, including the campsite have the finish level above 50.50 AHD and above the 1% AEP flood level. Climate change is likely to increase the level of flood risk due to the increase in severity rainfall, however, all the buildings and development areas have sufficient floor levels to accommodate an RCP 8.5 climate change scenario.

The proposal demonstrates compliance with P1.

Clause 12.5.2 A4/P4 Vulnerable Use

<p>A4</p> <p>No Acceptable Solution.</p>	<p>P4</p> <p>In addition to the requirements in clause C12.5.2 P1, a vulnerable use within a flood-prone hazard area, must be protected from flood, having regard to:</p> <p>(a) any protection measures, existing or proposed;</p> <p>(b) the ability and capability of people in a flood event who may live, work or visit the site, to:</p> <p>(i) protect themselves;</p> <p>(ii) evacuate in an emergency; and</p> <p>(iii) understand and respond to instructions in the event of an emergency;</p> <p>(c) any emergency evacuation plan;</p>
---	--

	<p>(d) the level of risk for emergency personnel involved in evacuation and rescue tasks;</p> <p>(e) the advice contained in a flood hazard report; and</p> <p>(f) any advice from a State authority, regulated entity or a council.</p>
--	--

Officer's comment:

There is no acceptable solution for this standard, so the performance criteria must be addressed.

The vulnerable use relates to the site being used for visitor accommodation. As can be seen from Figure 5, a small amount of camping spaces are within the waterway and coastal protection area. However, as outlined in the PDA report, the residential areas which form the visitor accommodation component of the site are located outside the 1% AEP, with all buildings, camping site, main access and parking area limited to a H1 flood risk zone. The gravel driveway and pathway are exposed to H2 and H3 flood risk zones, but can be safely avoided in flood events by utilizing the main access from Briggs Road. Accordingly, it is considered that the risk for the visitor accommodation use is low and can be protected from flood.

A condition is recommended that an Emergency Management Plan be provided to Council, prior to commencement of use which specifies the procedures to be undertaken by the land owner in case of emergencies and extreme events.

The proposal demonstrates compliance with P1, with conditions.

Clause 12.6.1 A1/P1.1 and P1.2 Buildings and works within a flood-prone hazard area

Objective:	
<p>That:</p> <p>(a) building and works within a flood-prone hazard area can achieve and maintain a tolerable risk from flood; and</p> <p>(b) buildings and works do not increase the risk from flood to adjacent land and public infrastructure.</p>	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1.1</p> <p>Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:</p>

	<p>(a) the type, form, scale and intended duration of the development;</p> <p>(b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures;</p> <p>(c) any advice from a State authority, regulated entity or a council; and</p> <p>(d) the advice contained in a flood hazard report.</p> <p>P1.2</p> <p>A flood hazard report also demonstrates that the building and works:</p> <p>(a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and</p> <p>(b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.</p>
--	---

Officer's comment:

There is no acceptable solution for this standard, so the performance criteria must be address.

The flood-prone hazards area code has been applied to the proposed development, as the Applicant has addressed the overland flow in its supporting stormwater report by PDA Surveyors, Engineers & Planners (PDA). Clause C12.2.3 of the Tasmanian Planning Scheme – Brighton notes:

C12.2.3 This code applies to use in a habitable building, or development of land, identified in a report prepared by a suitably qualified person, that is lodged with an application for a permit, or required in response to a request under section 54 of the Act, as subject to risk from flood or that has the potential to cause increased risk from flood. [EMPHASIS ADDED]

Accordingly, the Performance Criteria for the code is addressed below.

P1.1

The applicant has submitted a report which demonstrates that the proposal can comply with P1.1. by achieving and maintaining a tolerable risk from flooding, and takes into account a RCP 8.5 climate change scenario. All buildings are situated above the 1% AEP flood levels, as are the camping and parking areas.



Figure 6. Cross-section through development showing buildings and 1% AEP flood level (PDA Stormwater Report – Revision 3, dated 25 Jan 2024).

Compliance with P1.2

The applicant's stormwater report indicates that the proposal can comply with P1.2 (a) & (b). There is an irrigation dam on the site which has capacity to accommodate stormwater runoff in a 1%AEP event. Calculations provided in the report demonstrates that the dam can also compensate for the increase in impervious surface created by the development. Therefore, the development will not contribute to flood risk on the site or adjoining properties.

The submitted flood hazard report demonstrates that the development on the site will be above the 1% AEP flood level and extent and is unlikely to require further flood protection measures.

The proposal demonstrates compliance with P1.1 and P1.2

5. OTHER MATTERS

5.1 Referrals

Development Officer/Engineer

The proposal was referred to Council's Development Officer/Engineer for assessment. The officers' comments are included in this report where applicable.

TasWater

TasWater have reviewed the proposal and have issued a Submission to Planning Authority Notice reference number TWDA 2025/00037-BTN dated 1st April 2025, which will also form part of any permit issued.

TasNetworks

TasNetworks has reviewed the proposal and advised that development is not likely to adversely affect TasNetworks' operations

5.2 Representations

One (1) representation was received during the statutory public exhibition period between 5th April 2025 and 28th April 2025, which was extended to incorporate public holidays over Easter and ANZAC day. The representation items are summarised in Table 1.

TABLE 1: SUMMARY OF A REPRESENTATION	
Issue Raised	Officer's Response
<p>Upon reviewing the submitted stormwater report, I wish to raise concerns that the document does not meet the requirements of a flood hazard report as specified under the Tasmanian Planning Scheme, C12.0 Flood-Prone Areas Code.</p> <p>Specifically: The report does not include a flood hazard, depth or velocity maps, nor does it quantify or spatially define flood impacts across the site.</p>	<p>The report quantifies the likely extent of flooding during a 1% AEP event using historical data, engineering logic and practical reasoning.</p> <p>Hazard, depth and velocity maps are not a requirement of the planning scheme to demonstrate compliance with Clause 12.0 Flood-Prone Areas Hazard Code .</p>
<p>It does not satisfy the minimum requirements outlined in the C12.2 definition of a "Flood Hazard Report", which must assess: Flood extents, depths, and velocities,</p> <p>Site-specific risks from a relevant design flood event, Compliance of proposed development with applicable hazard tolerances.</p>	<p>The planning scheme defines the requirements of a flood hazard report thus;</p> <p>A report prepared by a suitably qualified person for a site, that must include:</p> <ul style="list-style-type: none"> (a) details of, and be signed by, the person who b) confirmation that the person has the appropriate (c) confirmation that the report has been prepared as specified by a State authority; and (d) conclusions based on consideration of the project <p>(i) as to whether the use or development is likely to cause or contribute to the occurrence of flood on the site or on adjacent land;</p>

	<p>(ii) as to whether the use or development can achieve and maintain a tolerable risk for the intended life of the use or development, having regard to:</p> <ul style="list-style-type: none"> a. the nature, intensity and duration of the use; b. the type, form and duration of any development; c. the likely change in the level of risk across the intended life of the use or development; d. the ability to adapt to a change in the level of risk; e. the ability to maintain access to utilities and services; f. the need for flood reduction or protection measures beyond the boundary of the site; g. any flood management plan in place for the site and/or adjacent land; and h. any advice relating to the ongoing management of the use or development; and <p>(iii) any matter specifically required by Performance Criteria in this code.</p> <p>To this end, the report details the flood extents and demonstrates that the development, excluding areas of gravel driveway and path, are</p>
--	--

	<p>above the 1% AEP flood level. Flood hazard ratings do not apply to these areas.</p> <p>Additionally, the FFL of all buildings exceed 300mm above the 1% AEP flood level. 300mm freeboard is the minimum required under the NCC and a figure adopted by Council at the Building Approvals stage.</p> <p>Alternative access to and from the site building and carpark is available upstream of the gravel driveway and path. The procedure for avoiding these areas during flood events will be documented in an emergency management plan for the site (noting this may require additional measures such as on-site signage). The emergency management plan will be a requirement of the planning permit.</p>
<p>In my view, there is sufficient evidence of flood inundation risk on this site, and a formal Flood Hazard Report must be provided before the application can be properly assessed. The application currently lacks critical hydraulic justification to demonstrate that the proposed development will not be subject to, or exacerbate, flood risk.</p> <p>We recommend that the applicant be requested to submit a compliant Flood Hazard Report that addresses the requirements of the C12 code and includes an appropriate flood mapping overlay to support a thorough planning assessment.</p> <p>The report demonstrates the development meets the requirements of Clause 12.0 Flood-Prone Areas Hazard Code.</p>	<p>The report demonstrates the development meets the requirements of Clause 12.0 Flood-Prone Areas Hazard Code.</p>
<p>Upon reviewing the submitted stormwater report, I wish to raise concerns that the document does not meet the requirements of a flood hazard report as specified under the Tasmanian Planning Scheme, C12.0 Flood-Prone Areas Code.</p>	<p>The report quantifies the likely extent of flooding during a 1% AEP event using historical data, engineering logic and practical reasoning.</p> <p>Hazard, depth and velocity maps are not a requirement of the planning scheme to demonstrate compliance with Clause 12.0 Flood-Prone Areas Hazard Code.</p>

Specifically: The report does not include a flood hazard, depth or velocity maps, nor does it quantify or spatially define flood impacts across the site.	
It does not satisfy the minimum requirements outlined in the C12.2 definition of a "Flood Hazard Report", which must assess: Flood extents, depths, and velocities, Site-specific risks from a relevant design flood event, Compliance of proposed development with applicable hazard tolerances.	<p>The planning scheme defines the requirements of a flood hazard report thus:</p> <p><i>"A report prepared by a suitably qualified person for a site, that must include:</i></p> <ul style="list-style-type: none"> <i>(a) details of, and be signed by, the person who</i> <i>b) confirmation that the person has the appropriate</i> <i>(c) confirmation that the report has been prepared as specified by a State authority; and</i> <i>(d) conclusions based on consideration of the person</i> <ul style="list-style-type: none"> <i>(i) as to whether the use or development is likely to cause or contribute to the occurrence of flood on the site or on adjacent land;</i> <i>(ii) as to whether the use or development can achieve and maintain a tolerable risk for the intended life of the use or development, having regard to:</i> <ul style="list-style-type: none"> <i>a. the nature, intensity and duration of the use;</i> <i>b. the type, form and duration of any development;</i> <i>c. the likely change in the level of risk across the intended life of the use or development;</i> <i>d. the ability to adapt to a change in the level of risk;</i>

	<p><i>e. the ability to maintain access to utilities and services;</i></p> <p><i>f. the need for flood reduction or protection measures beyond the boundary of the site;</i></p> <p><i>g. any flood management plan in place for the site and/or adjacent land; and</i></p> <p><i>h. any advice relating to the ongoing management of the use or development; and</i></p> <p><i>(iii) any matter specifically required by Performance Criteria in this code."</i></p> <p>To this end, the report details the flood extents and demonstrates that the development, excluding areas of gravel driveway and path, are above the 1% AEP flood level. Flood hazard ratings do not apply to these areas.</p> <p>Additionally, the FFL of all buildings exceed 300mm above the 1% AEP flood level. 300mm freeboard is the minimum required under the NCC and a figure adopted by Council at the Building Approvals stage.</p> <p>Alternative access to and from the site building and carpark is available upstream of the gravel driveway and path. The procedure for avoiding these areas during flood events will be documented in an emergency management plan for the site (noting this may require additional measures such as on-site signage). The emergency management plan will be a requirement of the planning permit.</p>
<p>In my view, there is sufficient evidence of flood inundation risk on this site, and a formal Flood Hazard Report must be provided before the application can be properly</p>	<p>The report demonstrates the development meets the requirements of Clause 12.0 Flood-Prone Areas Hazard Code.</p>

<p>assessed. The application currently lacks critical hydraulic justification to demonstrate that the proposed development will not be subject to, or exacerbate, flood risk.</p> <p>We recommend that the applicant be requested to submit a compliant Flood Hazard Report that addresses the requirements of the C12 code and includes an appropriate flood mapping overlay to support a thorough planning assessment.</p> <p>The report demonstrates the development meets the requirements of Clause 12.0 Flood-Prone Areas Hazard Code.</p>	
--	--

6. CONCLUSION

The proposal for **Seasonal Workers Accommodation** at **647 Baskerville Road, Old Beach** in Tasmania, 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 DA 2025/00037 for **Seasonal Workers Accommodation** at **647 Baskerville Road, Old Beach** in Tasmania, 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, the 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.
- (4) Any works in, or adjacent, the waterway must be carried out in accordance with the environmental best practice guidelines in the Waterways and Wetlands Works Manual (DPIWE 2003).

Services

- (5) 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.
- (6) All service covers located in vehicle access ways are to be constructed as trafficable, to the appropriate standard and to the satisfaction of Councils Municipal Engineer.

Access Road

- (7) New vehicle accesses provided are to meet the requirements of the applicable Tasmanian Standard Drawings version 3 and to the satisfaction of Councils Municipal Engineer.
- (8) All parking, access ways, manoeuvring and circulation spaces must be provided in accordance the endorsed drawings, Australian Standard AS 2890 - Parking facilities, Parts 1-6, or as otherwise required by this permit, and include all of the following,
 - (a) be constructed with a durable all-weather pavement,
 - (b) be surfaced with a material to resist abrasion, prevent erosion and the transfer of sediment,
 - (c) be drained to convey stormwater through the stormwater network designed and approved by Council,
 - (d) have gradients in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6,
 - (e) provide for all vehicles to enter and exit the site in a forward direction,
 - (f) have an access width of not less than 5.5m,
 - (g) be delineated by linemarking, signage and or other physical means,
 - (h) have a pedestrian pathway throughout to service the development.
- (9) The extent of road seal is to extend from the lower turning bay to the last grated pit at the eastern end of the shown roadway and include all parking areas, delivery loading bays, circulation and manoeuvring ways.

TasWater

- (10) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice TWDA 2025/00037-BTN dated 1st April 2025.

Parking and Access.

- (11) The vehicle accesses to Briggs Road must be provided in accordance with the following;
 - (a) Sealed rural style access in accordance with Council's Standard Drawings and Specification;
 - (b) Australian Standard AS 2890 - Parking facilities, Parts 1-6;

- (c) allow regular use vehicles 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;
 - (d) The northern car park access must be restricted to entry only; and
 - (e) to the satisfaction of Council's Municipal Engineer
- (12) At least thirty (36) car parking spaces must be provided on the land at all times for the use of the development.
- (13) At least one (1) motorcycle parking spaces must be provided on the site all times for the use of the development
- (14) Pedestrian paths must be provided to parking areas in accordance with the following:
- (a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles,
 - (b) be signed and line marked at points where pedestrians cross access ways or parking aisles.
- (15) A loading bay must be provided on the site to service the development. The area and dimensions of the loading bay must be designed in accordance with Australian Standard AS 2890.2-2002, Parking facilities, Part 2: Off-street commercial vehicle facilities, for the type of vehicles likely to use the site.
- (16) All parking, access ways, manoeuvring and circulation spaces must be provided in accordance with the endorsed drawings, Australian Standard AS 2890 - Parking facilities, Parts 1-6, or as otherwise required by this permit, and include all of the following:
- (a) Constructed with a durable all weather pavement;
 - (b) Drained to the public stormwater system or contain stormwater on site.
 - (c) Have 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) The accesses to Briggs Road, circulation area to be used by buses (as shown on plan SK01 rev.G) must be surfaced by asphalt or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement
 - (e) Have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - (f) Provide for all vehicles to enter and exit the site in a forward direction
 - (g) be delineated by line marking or other clear physical means.
 - (h) have a vertical clearance of not less than 2.1m above the parking surface level.
- (17) Prior to the development commencing, or application for building or plumbing permits, the developer must submit to Council a parking plan including:
- (a) pavement details,

- (b) design surface levels and gradients,
- (c) drainage,
- (d) turning and travel paths (where required to demonstrate compliance with AS2890),
- (e) dimensions (including clearances),
- (f) line marking,
- (g) lighting (where provided),
- (h) pedestrian paths (where provided including any signage, line marking, protective devices such as bollards, guard rails or planters),
- (i) signage
- (j) vehicular access from the road carriageway to the property boundary

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

Advice: This condition requires further information to be submitted and approved by Council's Municipal Engineer pursuant to s60(2) of the Land Use Planning and Approvals Act 1993.

- (18) The completed parking and associated turning areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the proposed use commences.
- (19) Areas set aside for parking, turning and access must be completed before the use commences and continue to be maintained to the satisfaction of Council's Municipal Engineer.

Traffic Impact Assessment

- (20) All works required by the "Traffic Impact Assessment, Seasonal Employee Accommodation, Old Beach", updated March 2025, by Hubble Traffic must be completed to the satisfaction of Council's Municipal Engineer before the use commences.

Access to Public Road

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

Advice: This condition requires further information to be submitted and approved by Council's Municipal Engineer pursuant to s60(2) of the Land Use Planning and Approvals Act 1993.

Engineering

- (21) Public works must be carried out and constructed in accordance with the:
- Tasmanian Subdivision Guidelines
 - Tasmanian Municipal Standard – Specifications
 - Tasmanian Municipal Standard – Drawings
- as published by the Local Government Association of Tasmania and to the satisfaction of Council's Municipal Engineer.
- (22) Prior to commencement of any works, or issue of permits pursuant to the Building Act 2016, engineering design drawings for all public works must be submitted to and approved by Council's Municipal Engineer.

Advice: Public works include all works within, or affecting, the road reservation including, but not limited to road pavement widening and stormwater drainage.

Advice: This condition requires further information to be submitted and approved by Council's Municipal Engineer pursuant to s60(2) of the Land Use Planning and Approvals Act 1993.

- (23) Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, and must show –
- all existing and proposed services required by this permit;
 - all existing and proposed roadwork required by this permit;
 - measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - measures to be taken to limit or control erosion and sedimentation;
 - any other work required by this permit.
- (24) Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
- (25) The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of public works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the public works.

Maintenance and Defects Liability Period

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

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

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

Advice: This condition requires further information to be submitted and approved by Council's Municipal Engineer pursuant to s60(2) of the Land Use Planning and Approvals Act 1993

Stormwater

- (28) Stormwater from the proposed development must be retained on site or drain to a legal point of discharge to the satisfaction of Council's Municipal Engineer and in accordance with the Building Act 2016.
- (29) No new stormwater point discharge is allowed to a watercourse as part of this development.
- (30) The stormwater drainage system for the proposed development must be designed to comply with all of the following:
 - a. be able to accommodate a storm with a 2% AEP, when the land serviced by the system is fully developed;
 - b. stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
 - c. Stormwater from the proposed development must be treated prior to entering the public stormwater system to:
 - i. achieve that the quality targets in accordance with the State Stormwater Strategy 2010.
 - ii. Ensure runoff entering the public stormwater system is visually free of any hydrocarbons.
- (31) The development must incorporate overland flow paths through the site to accommodate a 1% AEP (plus climate change) rainfall event.
- (32) The stormwater system within the development must continue to be maintained to ensure the quality targets, in accordance with the State Stormwater Strategy 2010, and flow rates discharging to the public stormwater system are maintained as per the approved design and water is conveyed so as not to create any nuisance to adjacent properties.
- (33) The driveway must be drained to minimise surface runoff over adjoining land (including road reservation) in accordance with the requirements of the Municipal Engineer and the Building Act 2016.

- (34) Prior to the lodgement of building or plumbing applications the developer must submit a Stormwater Management Report to Council's Municipal Engineer. The Stormwater Management Report must be prepared and certified by a suitably qualified person, in accordance with section 2.6.2 of DEP & LGAT (2021). Tasmanian Stormwater Policy Guidance and Standards for Development. Derwent Estuary Program and Local Government Association of Tasmania (Hobart, Australia) and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The report must clearly demonstrate that the requirements of this permit are met and that adjacent and downstream properties will not be adversely impacted by the stormwater system. Once approved the Stormwater Management Report will form part of this permit.

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

***Advice:** This condition requires further information to be submitted and approved by Council's Municipal Engineer pursuant to s60(2) of the Land Use Planning and Approvals Act 1993.*

- (35) Driveways must be drained to minimise surface runoff over adjoining land in accordance with the requirements of the Municipal Engineer and in accordance with the Building Act 2016.
- (36) The Developer is to incorporate Water Sensitive Urban Design Principles into the development for the treatment and disposal of stormwater. These Principles will be in accordance with the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania and to the satisfaction of the Council's Municipal Engineer.
- (37) The developer must provide a minor stormwater drainage system designed to comply with all of the following:
- (a) be able to accommodate a storm with an ARI of 100 years when the land serviced by the system is fully developed.
 - (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
 - (c) The developer is to provide a major stormwater drainage system designed to accommodate a storm with an ARI of 100 years.
 - (d) Stormwater from driveways must captured in adequately sized grates and pits before it has an opportunity to flood public footpaths.
 - (e) Stormwater mains within the development are to be located away from structures and chambers located away from paths. A revised certified design to the satisfaction of Councils Municipal Engineer is to be submitted for approval prior to the issuing of a building and plumbing permit.

Emergency Management Plan

- (38) *Prior to the commencement of the Use, an Emergency Management Plan must be submitted to and approved by Council's Director Development Services to ensure the proposed use is protected from flood risk.*

Erosion and Sediment Control

- (39) An Erosion and Sediment Control Plan (here referred to as a 'ESCP') prepared in accordance with the guidelines *Erosion and Sediment Control, The fundamentals for development in Tasmania*, by the Derwent Estuary Programme and Tamar Estuary and Esk Rivers Program, must be approved by Council's Director Development Services before development of the land commences. The ESCP shall form part of this permit when approved.

Advice: This condition requires further information to be submitted and approved by Council's Municipal Engineer pursuant to s60(2) of the Land Use Planning and Approvals Act 1993.

- (40) Temporary run-off, erosion and sediment controls must be installed in accordance with the approved ESCP and must be maintained at full operational capacity to the satisfaction of Council's Director Development Services until the land is effectively rehabilitated and stabilised after completion of the development.

Construction Amenity

- (41) 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.
- (42) The road frontage of the development site including road, kerb and channel, footpath, and nature strip, should be:
- (a) Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
 - (b) Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.

In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion, existing or otherwise, may be deemed a result of construction activity and require replacement or repair to the satisfaction of Council's Municipal Engineer.

- (43) Works associated with the development must only be carried out between the following hours unless otherwise approved by the Council's Chief Executive Officer
- 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
- (44) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function, and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - (b) The transportation of materials, goods and commodities to and from the land.
 - (c) Obstruction of any public footway or highway.
 - (d) Appearance of any building, works or materials.

- (45) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Chief Executive Officer.
- (46) 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.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. If any condition in this permit requires that further documents are to be submitted and approved, you will need to submit the relevant documentation to development@brighton.tas.gov.au for assessment pursuant to s60 of *the Land Use Planning and Approvals Act 1993*.
- B. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- C. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- D. The applicant is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved public engineering works (minimum of \$300.00), or as otherwise specified in Council's Schedule of Fees, must be paid to Council prior to the approval of engineering plans.

DECISION: