



**Brighton
Council**

**Planning
Authority
Agenda**

2 July 2024

Name:

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Planning Authority: 2 July 2024

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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
T Murtagh & 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, 2nd July 2024**, 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 27th day of *June 2024*.

A handwritten signature in black ink, appearing to read 'James Dryburgh', written in a cursive style.

James Dryburgh
GENERAL MANAGER

AGENDA

Audio Recording of Meetings

An audio recording of this Planning Authority Meeting will be made in accordance with our Audio Recording of Council and Planning Authority Meetings Policy 7.11. The audio recording will be 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. Attendance

3. Apologies

Mayor L Gray

4. Public Question Time and Deputations

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.

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.

6.1 Development Application DA 2024/0061 - Multiple Dwellings x 53 (51 new, 2 existing) at 24B & 38 Jetty Road, Old Beach

Author: Jo Blackwell (Senior Planner)

Authorised: David Allingham (Director Development Services)

Applicant:	SJM Property Developments
Subject Site:	24b and 38 Jetty Road, Old Beach
Proposal:	Multiple Dwellings x 53 (51 new, 2 existing)
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	General Residential
Codes:	Parking and Sustainable Transport Code Road and Railways Assets Code
Local Provisions:	N/A
Use Class:	Residential
Discretions:	<ul style="list-style-type: none"> • 8.4.2 A3/P3 Building Envelope • C2.6.5 A1/P1 Pedestrian access • C3.5.1 A1.1 – A1.5/P1 Traffic Generation at a Vehicle crossing, level crossing or new junction
Representations:	<p>14 representations were received. The representors raised the following issues:</p> <ul style="list-style-type: none"> • Density • Privacy • Overshadowing • Local character • Landscaping • Visual impact • Traffic • Vehicle Access • Waste Collection • Boundary fencing

	<ul style="list-style-type: none"> • Property Values • Type of Tenancy • Public Infrastructure/Facilities • Process and applicable legislation • Construction concerns
Attachments	<p>(1) (a) Applicant’s Response (Planning) to Representations (b) Hubble Response (Traffic) to Representations</p> <p>(2) (a) – (g) – Application documents</p> <p>(3) TasWater SPAN</p> <p>(4) Titles</p> <p>(5) TasNetworks Fact Sheet</p>
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2024/61.

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 proposal encompasses two titles located at 24b Jetty Road (C/T 159864/1) and 38 Jetty Road, Old Beach (C/T 159864/3). The site area has a combined land area of 1.8382ha, or approximately 1.73ha excluding access strips.

Each of the lots are developed by existing dwellings, which are proposed to be retained.

The site is bounded by Jetty Road to the west, the East Derwent Highway (EDH) to the east, and residential development in Coghlan Court and Henty Close to the south. To the north a large residential lot adjoins the site boundary (refer Figure 1).



Figure 1: Site Map (source: Listmap)

The gradient of the land falls towards Jetty Road. The site is steepest nearest the EDH before levelling out in the centre of the site with an average gradient of approximately 10 - 14%.

The site is zoned General Residential as shown in Figure 2 with the EDH to the east zoned utilities. The site can be serviced through an upgrade to existing water and sewer infrastructure.



Figure 2: Zoning Map (source: Listmap)

The site is subject to a number of easements, including a right of way between the access through 38 Jetty Road ending at the 24 Jetty Road. It is council’s understanding that despite efforts to reach agreement to extinguish this easement, this has not been achieved. The Right of Way and existing access strip from 24B Jetty Road has the effect of setting aside a 5.00m (min) wide strip of land at the rear of the properties backing on to 26 – 36 Jetty Road.

A Drainage Easement is also located through the site, as shown on Figure 3:

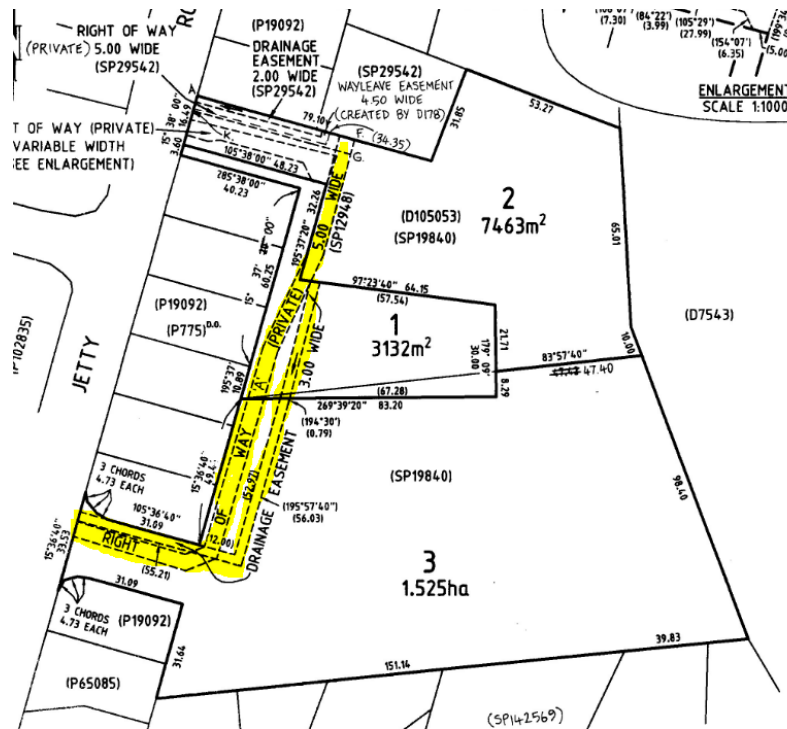


Figure 3: Existing Easements (source SP 159864)

3. PROPOSAL

The proposal is for the construction of 51 additional units, and the retention of the two existing dwellings on the site.

The property has frontage to Jetty Road via a 15m wide by approx. 40m long access strip between 36 and 40 Jetty Rd. 24B Jetty Road also has a separate 3.6m wide access strip to the north adjacent 26 Jetty Road.

The development does not propose to use the narrower 3.6m wide access strip to the north.

There is a mix of one and two storey dwellings proposed, comprising 14 two bedroom units; 32 three bedroom units and seven four bedroom units.

The proposal includes 124 car parking spaces (including 18 visitor parking spaces) which includes 2 car parking spaces for each dwelling, to be contained within either a single enclosed garage, double enclosed garage, or uncovered parking spaces. Parking for 5 motorcycles is provided.

The application is supported by proposal plans including site plans, landscaping plan and elevations, Traffic Impact Assessment, Traffic Noise Assessment, Stormwater Management Report, and Civil design drawings.

4. PLANNING SCHEME ASSESSMENT

Compliance with Applicable Standards:

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

5.6.2 A standard is an applicable standard if:

- (a) the proposed use or development will be on a site within:

 - (i) a zone;*
 - (ii) an area to which a specific area plan relates; or*
 - (iii) an area to which a site-specific qualification applies; or**
- (b) the proposed use or development is a use or development to which a relevant applies; and*
- (c) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.*

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

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

Determining applications (clause 6.10.1):

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

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

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

Use Class

The Use Class is categorised as Residential under the Scheme. In the General Residential Zone the Residential use class is Permitted and is therefore consistent with the zone purpose.

Compliance with Performance Criteria

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

Clause 8.4.2 A3/P3 Building Envelope

Objective:	
<p>The siting and scale of dwellings:</p> <p>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</p> <p>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</p> <p>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</p> <p>(d) provides reasonable access to sunlight for existing solar energy installations.</p>	
Acceptable Solution	Performance Criteria
<p>A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <ul style="list-style-type: none"> (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and 	<p>P3</p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard</p> <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; and (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p>

<p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser). 	<p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <ul style="list-style-type: none"> (i) an adjoining property; or (ii) another dwelling on the same site.
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The proposal exceeds the building envelope for dwellings 21, 23 and 24, located in the centre of the site, whilst the protrusions for eaves along the southern boundary (being units 40 – 46) and northern boundary (unit 21) are excluded under 8.4.2 A3. The acceptable solution is not met, and assessment against the performance criteria is relied upon.

Figures 4 and 5 shows the Building Envelope Diagrams which form part of the proposal plans (sheet PD23405-09 Revision 05). The diagrams show the areas located outside of the building envelope.

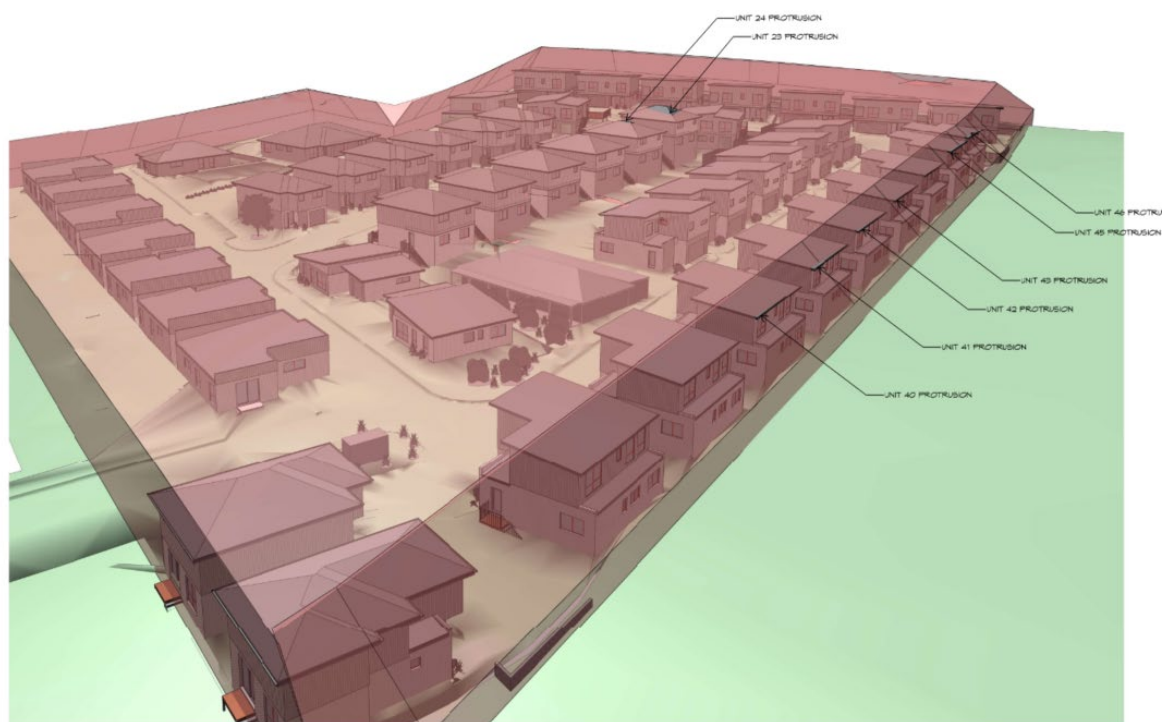


Figure 4: Building Envelope Diagram 1 showing envelope protrusion for units 23 and 24, and eaves excluded by 8.4.3 A3 from southern boundary (source: Application documents)

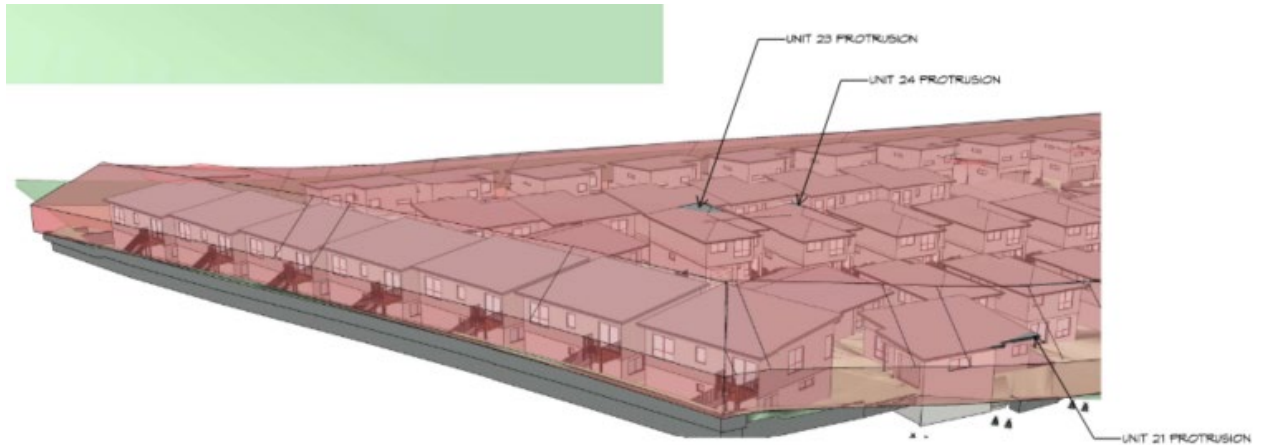


Figure 5: Building Envelope Diagram 2 showing Unit 21, 23 and 24 Protrusions from northern boundary (Source: Application documents)

The applicant has confirmed that it will reduce the height of units 21, 23 and 24, to ensure that all dwellings comply with the Acceptable Solution for building envelope required by 8.4.2. A3, and has requested that a condition be included in any permit requiring amended plans to be submitted to Council for approval, prior to commencement of any works or issue of any approvals required pursuant to the *Building Act 2016*.

Accordingly the acceptable solution can be met through condition.

Clause C2.6.5 A1/P1 Pedestrian access

Objective:	
That pedestrian access within parking areas is provided in a safe and convenient manner.	
Acceptable Solution	Performance Criteria
<p>A1.1 Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p>	<p>P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the nature of the use;</p> <p>(c) the number of parking spaces;</p> <p>(d) the frequency of vehicle movements;</p> <p>(e) the needs of persons with a disability;</p> <p>(f) the location and number of footpath crossings;</p> <p>(g) vehicle and pedestrian traffic safety;</p>

<p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p>A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<p>(h) the location of any access ways or parking aisles; and</p> <p>(i) any protective devices proposed for pedestrian safety</p>
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The proposal provides for a minimum 1m wide concrete footpath within the site, which connects the units to the visitor car parking spaces and the public footpath. It is proposed that pathways will be separated from driveways by kerbing where possible, and where pathways cross the internal road, crossings will be delineated with road markings. However, the footpath does not provide 2.5m separation or protective devices required by the acceptable solution. Therefore assessment against the performance criteria is relied upon.

The applicant has submitted a Traffic Impact Assessment (TIA) which addresses the performance criteria. It is proposed to enhance pedestrian safety by installing a 10km/h shared zone speed limit sign at the beginning of the development and to install barrier kerb within the development site. The shared zone will require drivers to give way to pedestrians within the site and allow them to use move around the site in a safe and convenient manner (refer p21 of the TIA).

The TIA was referred to Council’s Senior Officer – Development Engineering. That officer considers the assessment in the TIA as being reasonable and as satisfactorily addressing the performance criteria.

Accordingly, the PC can be satisfied.

Clause C3.5.1 A1.1 – A1.5/P1 Traffic Generation at a Vehicle crossing, level crossing or new junction

<p>Objective:</p>	
<p>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</p>	
<p>Acceptable Solution</p>	<p>Performance Criteria</p>
<p>A1.1</p> <p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p>	<p>P1</p> <p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing</p>

<p>(a) a new junction;</p> <p>(b) a new vehicle crossing; or</p> <p>(c) a new level crossing.</p> <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> <p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</p> <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <p>(a) any increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature of the road;</p> <p>(d) the speed limit and traffic flow of the road;</p> <p>(e) any alternative access to a road;</p> <p>(f) the need for the use;</p> <p>(g) any traffic impact assessment; and</p> <p>(h) any advice received from the rail or road authority.</p>
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The proposal provides for an increase of 324 vehicle movements per day using the existing vehicle access with 33 vehicle movements per day likely to occur during morning and evening peak periods. The expected vehicle movements exceed 20% or 40 vehicle movements per day, as prescribed by Table C3.1. The proposal complies with A1.1-A1.3 and A1.5.

As the proposal cannot satisfy A1.4 of the acceptable solution, assessment against the performance criteria is relied upon.

The proposal was supported by a Traffic Impact Assessment which considered the performance criteria in relation to this standard.

The TIA found that Jetty Road is lightly trafficked, and has sufficient capacity to absorb the increase in traffic without causing an adverse effect on traffic numbers, traffic flow or residential amenity.

The TIA was referred to Council's Senior Officer – Development Engineering. That officer considers the assessment in the TIA as being reasonable and as satisfactorily addressing the performance criteria.

Accordingly, the PC is satisfied.

5. Referrals

Senior Officer – Development Engineering

The proposal was referred to Council's Senior Officer – Development Engineering for assessment. Those 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 2024-00375-BTN dated 15th May 2024, which is to form part of any permit issued.

Department of State Growth

The proposal was referred to the Department of State Growth as statutory authority and separately as an adjoining land owner. DSG have advised:

“Thank you for the referral of the proposal for 51 new dwellings at 24b and 38 Jetty Road, Old Beach.

The department notes the findings of the Traffic Impact Assessment suggests that most vehicles will use the Fouche Avenue to utilise the nearby roundabout to turn right toward the Bowen Bridge and that no upgrades are required/proposed to the Jetty Road intersections to accommodate the development.

We also note that the Noise assessment considers that minimum acoustic properties of facades are proposed to reduce noise impacts on those properties within the road attenuation area. The department requests that these are mandated as part of any permit issued”.

TasNetworks

The proposal was referred to TasNetworks, who have advised that based on the information provided, the development is not likely to adversely affect TasNetworks' operations. However, it is advised that if the existing power poles and service lines are to remain, that safety clearances are adhered to and further advice can be sought from TasNetworks. A fact sheet has been provided to be included with TasNetworks' advice.

Tasmanian Gas Pipeline

The proposal was referred to TasGas, who have advised that they have no objection to the proposal.

6. Representations

Fourteen (14) representations were received during the statutory public exhibition period between 28th May 2024 and 13th June 2024, as extended to include the King’s Birthday public holiday. The representations are summarised in Table 1.

TABLE 1: SUMMARY OF REPRESENTATIONS	
Issue Raised	Officer’s Response
Disagrees with Traffic Impact Assessment	The Traffic Impact Assessment has been prepared by a suitably qualified person in accordance with the requirements set out in the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Developments
Traffic flow issues arise from growing developments across the municipality and Bridgewater Bridge	Additional traffic is currently using the East Derwent Highway as a result of the works on the Bridgewater Bridge. This traffic is anticipated to return to using the Bridgewater Bridge/ Brooker Highway route post completion of the bridge. General growth along the road network as a result of development in the municipality and surrounds has been considered within the TIA and within the Department of State Growth corridor study. Traffic generation as a result of the proposed development is minimal in the context of overall development and is not expected to cause any adverse impact along the immediate road network.
Issues with access from Jetty Road to East Derwent Highway (EDH)	The proposed development is anticipated to have the largest impact on the road network during the AM and PM peak hour. Based on traffic modelling results presented within the TIA, while there will be additional delays experienced at the access from jetty Road to East Derwent Highway during the peak hours, the delays are minimal and considered to be within acceptable limits with the road network anticipated to continue to operate at an acceptable overall Level Of Service (LOS) post development.
Speeding along Jetty Road	The proposed development is not expected to result in an increase in vehicle speeds along Jetty Road.
Increase in traffic	While there will be additional traffic generated by the proposed development, the additional traffic is

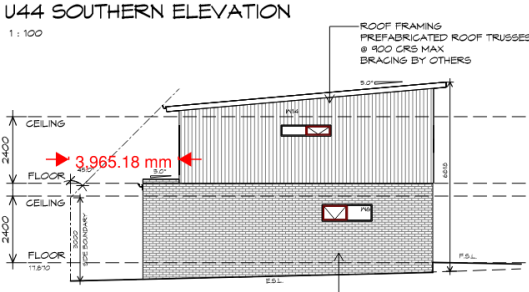
	not expected to impact the safety, amenity or operation of the surrounding road network.
There is often 3 large school buses in Jetty Road travelling in the same direction further slowing traffic and reducing visibility. Vehicles are unable to pass the buses as there are multiple buses at the same stop with little to no visibility causing delays and a safety hazard for school children.	<p>The TIA assesses the design and capacity of Jetty Road, noting that Jetty Road is constructed to urban standards.</p> <p>Jetty Road is assessed as being a low-speed environment (signed posted 50km/h) with light traffic flows.</p> <p>The TIA states that the road is wide enough between kerb faces to accommodate two-way traffic movements and on-street parking.</p>
Parking on Jetty Road due to overflow vehicles from site	<p>The TIA assesses the design and capacity of Jetty Road, noting that Jetty Road is constructed to urban standards.</p> <p>Jetty Road is assessed as being a low-speed environment (signed posted 50km/h) with light traffic flows.</p> <p>The TIA states that the road is wide enough between kerb faces to accommodate two-way traffic movements and on-street parking.</p>
Insufficient visitor parking spaces provided	The proposal complies with the number of dedicated visitor parking spaces required to meet the acceptable solution in the Planning Scheme.
Visitor Parking is not suitably located to convenient service dwellings	Visitor parking is located within approximately 200m of the furthest dwelling. Given the site constraints, visitor parking has been provided at safe locations. Pedestrian paths have been provided connecting visitor parking spaces with the dwellings
Car parking is not designed having regard to the proximity to the respective dwelling	All residential parking spaces are provided adjacent to the dwelling they are servicing. Given the site constraints, visitor parking has been provided at safe locations.
Reasonable pedestrian access from the visitor parking to respective units is not provided	Footpaths have been provided between parking spaces and residential dwellings. A shared zone is also applicable within the proposed development which provides a low speed environment and priority to pedestrians.

<p>Why is an outdated RTA Guide to Traffic Generating Developments (RTA Guide) updated 2013 used for a proposed development in out Hobart, where public transport services are not near the same level as existing in NSW.</p>	<p>The RTA Guide is a nationally, well accepted document that provides advice on trip generation rates. While the rates were determined in 2013, they were determined based on extensive surveys undertaken across NSW. The volumes have also been reviewed periodically by both RMS and external bodies with the most recent review being undertaken by Austroads in 2021. The reviews have found that traffic generation rates have remained stable, affirming their continued validity.</p> <p>The traffic generation rates used in the TIA reflect those identified in rural NSW, where public transport usage is limited, and reliance on cars is similar to the patterns observed in Hobart.</p>
<p>The report mentions a study conducted by Hubble Traffic in December 2022. This study is outdated as traffic on EDH has increased significantly since the construction of the Bridgewater Bridge (expected completion mid 2025) and beyond as driving habits change.</p>	<p>While traffic volumes on the East Derwent Highway have increased as a result of the works on the Bridgewater Bridge, this increase is expected to be temporary. The additional traffic is anticipated to return to using the Bridgewater Bridge/ Brooker Highway route post completion of the bridge</p>
<p>There has been no reference to the issue of public transport. There is a lack of reasonable and reliable public transport in this area, compounded by Metro's temporary service adjustments.</p>	<p>Given the location of the site the TIA has assumed a low use of public transport. Increased demand for Public Transport in the area may satisfy the warrant for Metro to provide more frequent and regular service.</p>
<p>The assumption on p4 of the Traffic Report. The two sample times overlap, so there is no transparency over the full period of peak hour. Further the peak hour study shown ends at 5.30pm. In the current circumstances many local residents arrive home after 5.30pm, many of which use their cars due to unreliable public transport.</p>	<p>The TIA identifies the AM peak hour to occur between 7:30am and 8:30am and the PM peak hour to occur between 4:00pm and 5:00pm. This aligns with traffic data collected along the surrounding road network both as part of the TIA as well as for other purposes.</p> <p>The TIA has assessed traffic generation during both the AM and PM peak hour</p>

<p>Point 6.1 (page 9) states that “90% of generated trips leave the site during the morning peak, with the opposite occurring the evening peak”. This is manipulating the assumption for this area stating 10% daily of trips occur during peak hour and appears to contradict its own report. Refer table 4.08 (page 4).</p>	<p>The TIA identifies that during the AM peak hour, 90% of the vehicles generated during the peak hour are leaving the site [10% are returning] while during the PM peak hour, 90% of the vehicles generated during the peak hour are returning [10% are leaving]. This aligns with travel patterns identified for residential developments.</p>
<p>Proposal affects property values</p>	<p>Property values are not relevant to the planning assessment.</p>
<p>Purpose of housing (ie social housing, privately owned and/or rentals)</p>	<p>Tenancy is not relevant to the planning assessment.</p>
<p>Moral obligation on developer to confirm who the units will be occupied by</p>	<p>See above.</p>
<p>No increase in facilities to support residential growth.</p>	<p>Brighton Council continually engages in strategic projects to provide necessary facilities, which is a separate matter to the statutory assessment of this proposal.</p>
<p>No provision for public open space in the development</p>	<p>The provision of Public Open Space relates to proposals for subdivision. As the application relates to multiple dwellings development, rather than subdivision, the Planning Authority is not able to require public open spaces.</p>
<p>Number of Dwellings for the area</p>	<p>The site (comprising 24B and 38 Jetty Road) is zoned General Residential under the Planning Scheme which provides for higher residential densities for multiple dwellings (325m² per dwelling).</p> <p>The site area (less internal accesses) is calculated as 1.73ha, which, when divided by 53 equates to 326m² per dwelling.</p> <p>The proposed density satisfies the acceptable solution.</p>

<p>Density is not appropriate for a low density suburb such as Old Beach, 20 to 30 homes appropriate</p>	<p>The site is zoned General Residential, rather than Low Density Residential, which provides for development at higher residential densities.</p>
<p>Site is overcrowded</p>	<p>The proposed density satisfies the acceptable solution.</p>
<p>No need for 51 additional buildings when Old Beach rezoning for Precinct A and B is being undertaken</p>	<p>As indicated by the existing General Residential zoning of the land, the site has previously been approved by the Tasmanian Planning Commission (TPC) for residential use.</p> <p>Any future rezoning of Old Beach Precinct A will consider the supply of existing residential land and future demand.</p>
<p>Concerns over one entrance/exit for the property (in case of fire and other disasters)</p>	<p>Whilst multiple points of access and egress can provide redundancy, the proposal is no different to many road networks servicing a greater number of dwellings that have a single point of entry/exit.</p>
<p>There will be 106 bins on the street for collection, which usually occurs in peak hour. Unlikely that trucks can enter the site for reasons of safety, road width and turning, so further traffic and pedestrian hazard will be created with the bins being left and at time turned over on the footpath and surrounding road in Jetty Road</p>	<p>The development has been designed for waste collection to occur within the site. No bins from the development will need to be placed on Jetty Road. A medium rigid vehicle is able to manoeuvre safely and efficiently within the site to enable collection.</p>
<p>General queries as to where waste location is to occur</p>	<p>Each unit has its own bin storage area with the application demonstrating sufficient space on the internal road network for bins to be placed on collection day. Units 20 and 21 and 52 and 53 do have shared bin storage areas.</p>
<p>Noise and light pollution</p>	<p>Residential noise and light pollution do not form part of the planning assessment.</p> <p>The Environmental Management and Pollution Control Act 1994 regulates residential noise, and sets out what action may constitute a nuisance, such as noisy equipment, machinery and vehicles.</p>

	Residents are able to contact Council’s Senior Environmental Health officer if a nuisance arises.
Boundary Fencing	The Boundary Fences Act 1908 covers the erection and repair of boundary fences. The cost of boundary fencing is generally shared by adjoining owners. Boundary fences up to 2.1m in height are generally exempt from Planning.
No-one at Brighton Council will answer questions completely	Council officers have spent a significant amount of time answering all queries directed to them in relation to this development.
Notification was only received 11/6/24, with closing date of 13/6/2024	All correspondence to adjoining land owners was mailed via Australia Post on 28/5/2024. A further letter was sent out on 30/5/2024 which extended the date for representations to 13/6/24 to allow for the additional day where the Council offices were closed for the Kings Birthday public holiday (section 57(5AA)) of the <i>Land Use Planning and Approvals Act 1993</i> .)
Under what Act are the grounds for objection. If council refuses objections from ratepayers, are we able to apply to the Land and Environment Court?	The <i>Land Use Planning and Approvals Act 1993</i> authorises the application of the Planning Scheme. Pursuant to section 61 of the Land Use Planning and Approvals Act 1993 representors have a period of 14 days after the date on which notice was served on the relevant person to appeal to the Tasmanian Civil and Administrative Tribunal - Resource and Planning Stream.
Support for future DA on my site	All development applications are assessed against the provisions of the planning scheme in force at the time.
Development is efficient by maximizing every square metre of land	The proposal addresses the provisions of the General Residential zone and relevant Codes.
Is the site going to be security gated	Whether to install gates is a decision for the owner of the site or any future body corporate. Any frontage fencing (including gates) must accord with the exemptions or standards provided by the planning scheme.

<p>Privacy – 2 storey dwellings located along southern boundary of site</p> <p>Having living areas on 2nd storey allow occupants to look into gardens and living areas</p>	<p>The General Residential development standards require a 3m setback from the side boundary of the site, and a 4m setback from the rear boundary. The proposed development meets the required setbacks for side boundaries (applicable to the subject site), as shown in the image below:</p> 
<p>Type F2 units overshadow. If dwellings were similar to B1/B2 adjacent to Jetty Road side, this would be a great compromise.</p>	<p>The Applicant has submitted a request to Council for a condition to be included on any permit that the units currently outside the building envelope be amended to show compliance with the acceptable solution.</p>
<p>Loss of sunlight/overshadowing to private open space</p>	<p>The Applicant has submitted a request to Council for a condition to be included on any permit that the units currently outside the building envelope be amended to show compliance with the acceptable solution.</p>
<p>Can the site be serviced for sewerage and water infrastructure</p>	<p>Yes. The application was referred to TasWater who have issued a Submission to Planning Authority Notice (SPAN). A condition on the SPAN is that the developer pay a special infrastructure contribution charge for upgrading of the downstream sewerage pump station to accommodate increased flows from the development.</p>
<p>Construction issues including proposed timeframe for works, parking during construction, will there be temporary amenities, who to contact during works; Is there a plan for dust control.</p>	<p>These issues are usually addressed during building stage. However, it is intended to include a condition for a Construction Management Plan to be submitted to Council's Director Development Services which outlines how the site is to be managed during construction</p>
<p>Are there any power/water outages planned</p>	<p>If there are planned power and water outages, residents will be notified through the relevant authorities.</p>
<p>Hours for construction, including weekends</p>	<p>Council's standard conditions include a condition relating to construction hours, which are in</p>

	<p>accordance with the requirements of the <i>Environmental Management and Pollution Control Act 1993</i>.</p>
<p>Vehicle access from adjoining residential lot crosses title for development site</p>	<p>The existing driveway for the adjacent property at 36 Jetty Road currently crosses a portion of 38 Jetty Road without any existing Right of Way. The boundary appears to have been arranged to allow a future road intersection and the wider splay is not necessary for the proposed development. Whilst essentially a civil matter between property owners the proposed development does not appear to alter or need to alter the existing access arrangements at no. 36.</p> <p>The planning authority does not have any head of power to include conditions requiring the matter to be addressed as part of this application. However, it is intended that advice be included on any permit granted, requesting the applicant to address the matter.</p>
<p>Proposal is out of character with the surrounding properties, which mainly comprise single dwelling lots.</p>	<p>There are no Local Area Objectives applicable to the General Residential Zone.</p> <p>The standards for residential development are set out in the Tasmanian Planning Scheme – Brighton which comprises the State Planning Provisions for each zone.</p> <p>The standards for general residential development are statewide standards and are set at a strategic level determined by regional policies and strategies.</p>
<p>Impact on the streetscape has not been considered.</p>	<p>There are no relevant planning scheme standards relating to impact on streetscape.</p>
<p>The aesthetics of the neighbourhood has been compromised over the years through Council approval regulations allowing such high intensity developments. This seems to be driven by economic and political considerations from Council</p>	<p>The proposal meets the zone purpose and satisfies the density standards for multiple dwellings.</p>

No provision of landscaping to soften the expanse of concrete	A landscaping plan has been provided in support of the application.
Removal of trees within the development/road attenuation area	<p>Landscaping and vegetation management within a private garden, public garden or park, or within state-reserved land or a council reserve is exempted from planning approval pursuant to clause 4.4.2 of the Planning Scheme, unless protected by legislation, a permit condition, an agreement made under 71 of the Act or a covenant, or the vegetation is not specifically listed and described as part of a Local Heritage Place or a significant tree in the Brighton Local Provisions Schedule.</p> <p>The vegetation on the site is not subject to any of the above.</p>
Visual Impact	The Applicant has submitted a request to Council for a condition to be included on any permit that the units currently outside the building envelope be amended to show compliance with the acceptable solution.

A summary of the representations was provided to the Applicant for comment. The applicant has provided responses to the summary of representations prepared by its consultants. These are included in Attachments 1(a) and 1(b).

It is not considered necessary to amend the proposal based on the representations received.

7. Conclusion

The proposal for **Multiple Dwellings x53 (51 new, 2 existing) at 24b and 38 Jetty 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 2024/0061 for **Multiple Dwellings x53 (51 new, 2 existing) at 24b and 38 Jetty 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) 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*.

Amended Plans

- (3) Prior to the issue of any approval under the *Building Act 2016*, amended plans must be submitted to and approved by the Director Development Services. The revised plans must show:

- (a) the height of dwellings 21, 23 and 24 lowered to comply with the building envelope prescribed by 8.4.2 A3 of the Tasmanian Planning Scheme – Brighton.

Advice: The applicant has advised that plans for units 21, 23, and 24 are able to be altered to accord with the acceptable solution.

- (b) All ground floor windows within 2.5m of the shared driveway must be:

- a) set back at least 1m from the edge of the driveway
b) have fixed obscure glazing.

All work required by this condition must be undertaken in accordance with the approved revised plans.

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

Consolidation of Titles

- (4) Prior to commencement of works or any issue of approval under the *Building Act 2016*, Certificates of Title Volume 159864 Folios 1 and 3 must be consolidated unless otherwise agreed to by Council's Director Development Services.

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

Easements

- (5) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

Final plan

- (6) A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.

- (7) Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Brighton Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's Municipal Engineer in accordance with Council Policy 6.3 following approval of any engineering design drawings and shall not to be less than \$5,000.
- (8) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied.
- (9) The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Services

- (10) The Subdivider 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 works. Any work required is to be specified or undertaken by the authority concerned.
- (11) Property service connections are to be consolidated to the satisfaction of the relevant authority and to the satisfaction of Council's Municipal Engineer.

Noise Attenuation

- (12) The recommendations of the Traffic Noise Assessment for 38 Jetty Road prepared by Noise Vibration Consulting, dated 8 April 2024 must be implemented including:
 - a) A façade construction that will achieve an airborne sound isolation rating of R_w 27 for dwellings located along the eastern boundary of site, being dwellings 47 to 53 inclusive.

Private Open Space

- (13) Prior to a Certificate of Occupancy being issued for any dwelling, the developer must demonstrate that for any dwelling, the private open space has been designed and constructed in accordance with the approved plans.

Advice: This condition requires further information to be submitted and approved by Council's Director Development Services pursuant to s 60(2) of the Land Use Planning and Approvals Act 1993.

Landscaping

- (14) Prior to the issue of any approval under the *Building Act* 2016, an amended landscaping plan must be submitted and approved by Council's Director Development Services. The revised plans must show:
 - a) A survey of all existing vegetation to be retained and/or removed.
 - b) The areas to be landscaped,

- c) Details of surface finishes of paths and driveways.
- d) Details of fencing.
- e) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- f) Landscaping and planting within all open areas of the site, including the equivalent of one tree per dwelling, which can grow to a minimum height of 3m and a minimum spread of 2m at maturity.

All work required by this condition must be undertaken in accordance with the approved revised plans.

***Advice:** This condition requires further information to be submitted and approved by Council's Director Development Services pursuant to s 60(2) of the Land Use Planning and Approvals Act 1993.*

- (15) Planting must bear a suitable relationship to the proposed height of the buildings and must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics or unsuitable for fire prone areas. If considered satisfactory, the landscape plan will be endorsed and will form part of this permit.
- (16) All trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan. Prior to the use commencing, evidence showing compliance with this condition must be submitted and approved by Council's Director Development Services.

***Advice:** This condition requires further information to be submitted and approved by Council's Director Development Services pursuant to s 60(2) of the Land Use Planning and Approvals Act 1993*

- (17) Replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.

Fencing

- (18) Any front fence must have a height above natural ground level of not more than:
 - (a) 1.2m, if the fence is solid; or
 - (b) 1.8m, if the fence has openings above a height of 1.2m which provide a uniform transparency of not less than 30%.

Amenity

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

TasWater

- (20) The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA 2024/00375-BTN dated 14th May 2024, as attached to this permit.

Services

- (21) 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.
- (22) Services located under the proposed driveway are to be relocated or provided with trafficable covers to the requirements of the relevant authority and to the satisfaction of Council's Municipal Engineer.

***Advice:** The existing stormwater main under the proposed parking bays/driveway is to be exposed and backfilled with FCR. Should the pipe not have minimum cover it will need to be relocated, lowered or protected to the satisfaction of Council's Municipal Engineer. The existing stormwater manhole is to be adjusted and provided with a Class D trafficable lid and surround to match the new driveway levels.*

- (23) All private services and structures are to be located at least 1.0 metre clear of public stormwater infrastructure and designed to ensure no loads are imposed on Council's pipes.
- (24) Private services must not be installed within Council's drainage easements without prior approval from Council's Municipal Engineer.
- (25) Prior to the commencement of the works a CCTV inspection survey is to be conducted, at the developer's expense, of the public stormwater within the site to ascertain the condition of the pipe. Any damage or defects are to be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
- (26) At the completion of the works a CCTV inspection survey is to be conducted, at the developer's expense, of the affected stormwater pipes to ascertain the condition of the pipe to determine if any damage may have occurred during construction. Any damage to the stormwater pipe or manholes not identified in the pre-construction dilapidation report is to be repaired to the satisfaction of Council at the developers cost.

Parking and Access

- (27) The existing vehicular access vehicle access to to 38 Jetty Road must be upgraded and reconstructed in accordance with the following;
- (a) Reinforced concrete in accordance with Council's Standard Drawings and Specification;
 - (b) Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - (c) Allow for 2 way traffic;
 - (d) Allow regular use vehicles (including medium rigid vehicle) 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; and

- (e) to the satisfaction of Council's Municipal Engineer.
- (28) At least one hundred and twenty-four (124) car parking spaces, including at least two (2) parking spaces per dwelling and eighteen (18) dedicated visitor car parking spaces, must be provided on site at all times for the use of the development.
- (29) At least five (5) motorcycle parking spaces must be provided on the land at all times for the use of the development.
- (30) Pedestrian paths must be provided to parking areas in accordance with the endorsed plans and:
- (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;
 - (c) a 10km/h shared zone speed limit sign is to be provided at the entrance to the development.
- (31) Unless the *Right Of Way 'A' (Private) 5.00 Wide* as shown on Sealed Plan 159864 is expunged the proposed visitor space (VIS-18) obstructing the Right Of Way is to be removed or marked as no parking and a crossover provided to maintain vehicular access to the Right Of Way.
- (32) 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) be constructed with a durable all weather pavement;
 - (b) be drained to the public stormwater system;
 - (c) be surfaced by concrete or approved equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
 - (d) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - (e) provide for vehicles to enter and exit the site in a forward direction;
 - (f) have an internal access width not less than 5.5m;
 - (g) have a vertical clearance of not less than 2.1m above the parking surface level;
 - (h) be delineated by line marking or other clear physical means.
- (33) Prior to the commencement of works or the issue of any approval under the *Building Act 2016*, the developer must submit to Council a parking plan including:
- (a) pavement details,
 - (b) design surface levels and gradients,
 - (c) drainage,

- (d) turning and travel paths (where required to demonstrate compliance with AS2890),
- (e) dimensions (including clearances),
- (f) line marking,
- (g) lighting (where provided),
- (h) pedestrian paths (including any signage, line marking, protective devices such as bollards, guard rails or planters),
- (i) signage
- (j) waste (garbage & recycling) bin collection locations for each dwelling

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 s 60(2) of the Land Use Planning and Approvals Act 1993.*

- (34) 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 hospital is occupied.
- (35) All areas set-aside for parking and associated turning, and access must be completed before the use commences and must continue to be maintained to the satisfaction of the Council's Municipal Engineer.

Access to Public Road

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

Stormwater

- (36) Unless approved otherwise by Council's Municipal Engineer the stormwater system for the proposed development must be substantially in accordance with the *STORMWATER MANAGEMENT REPORT, PROPOSED MULTI-RESIDENTIAL DEVELOPMENT, 24B & 38 JETTY ROAD, OLD BEACH REF: SR-2024-02-05-02 revision D2* dated 03/05/2024, prepared by Acacia Engineering.
- (37) Stormwater from the proposed development must drain to the public stormwater system to the satisfaction of Council's Municipal Engineer and in accordance with the *Building Act 2016*.
- (38) 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 5% 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.

Advice: The existing public stormwater system downstream of the proposed development has limited capacity. The development will need to limit peak flows for up to and including the 5% AEP event to pre existing or upgrade the downstream network.

- (c) Stormwater from the proposed development must be treated prior to entering the public stormwater system to:
 - (d) achieve that the quality targets in accordance with the State Stormwater Strategy 2010.
- (39) The development must incorporate overland flow paths through the site to accommodate a 1% AEP (plus climate change) rainfall event.
 - (40) 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 or downstream properties.
 - (41) 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.
 - (42) Prior to the lodgement of building or plumbing applications the developer must submit a revised (for construction) 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 Director Development Services pursuant to s 60(2) of the Land Use Planning and Approvals Act 1993

Erosion and Sediment Control

- (43) Prior to commencement of works or issue of any approvals under the *Building Act 2016*, 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. 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 s 60(2) of the Land Use Planning and Approvals Act 1993*

- (44) 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

- (45) Prior to the commencement of works or issue of any approvals under the Building Act 2016, a Construction Management Plan must be submitted to and approved by the Director Development Services. The Construction Management Plan must include, but is not limited to:

- (a) air and dust management,
- (b) noise control,
- (c) traffic control,
- (d) waste management, and
- (e) stormwater and sediment control (refer conditions 36 and 37).

***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*

- (46) 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.

- (47) 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.

Advice: *This condition requires further information to be submitted and approved by Council's Municipal Engineer pursuant to s 60(2) of the Land Use Planning and Approvals Act 1993*

- (48) Works associated with 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
- (49) 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.
- (50) 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 General Manager.
- (51) 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*.

Where building approval is also required, it is recommended that documentation is submitted well before submitting documentation for building approval to avoid unexpected delays.

- B. Based on the information provided, the development is not likely to adversely affect TasNetworks' operations, however, it is advised that if the existing power poles and service lines are to remain, that safety clearances are adhered to and further advice can be sought from TasNetworks by calling 1300 137 008, before works are to commence on site. See attached fact sheet for further information.

The standard arrangements will apply for connection to the electricity network. For further information, please refer to TasNetworks' website - New electricity connections - TasNetworks.

- C. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- D. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.
- E. 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: