



**Brighton  
Council**

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**Planning  
Authority  
Agenda**

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**13 June 2023**

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Name: .....

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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  
M Whelan

## NOTICE OF MEETING

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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, 13<sup>th</sup> June 2023**, 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 **8<sup>th</sup>** day of **June 2023**.

A handwritten signature in black ink, appearing to read 'D. Allingham'.

David Allingham  
ACTING GENERAL MANAGER

# AGENDA

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## **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**

## **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 Subdivision Application SA 2023 / 00006 for Subdivision - 2 Lots plus Balances - 9 Ford Road, Pontville

Author: Kien Tran (Planning Officer)

Authorised: Jo Blackwell (A/Director Development Services)

<b>Applicant:</b>	Michael Whelan
<b>Subject Site:</b>	9 Ford Road, Pontville
<b>Proposal:</b>	Subdivision 2 Lots Plus Balance
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme - Brighton</i> (the planning scheme)
<b>Zoning:</b>	10.0 Low Density Residential Zone
<b>Codes:</b>	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code C7.0 Natural Assets Code
<b>Local Provisions:</b>	Nil
<b>Use Class:</b>	N/A
<b>Discretions:</b>	10.6.1 A2 - Lot Design (Frontage) - Lot 2 with frontage to Ford Road less than 20m C3.0 - Road and Railway Assets Code (Road authority consent) C7.7.2 A1 - Natural Assets Code (Priority Vegetation)
<b>Representations:</b>	Three (3) representations were received. The representors raised the following concerns: <ul style="list-style-type: none"> <li>Increased residential density will adversely affect the “semi-rural feel” of the area as well as detracting from the current “semi-rural settings”;</li> <li>Noise generated from the increased traffic and potential developments will adversely affect the amenity of adjoining properties and creating a nuisance;</li> </ul>

	<ul style="list-style-type: none"> <li>• The proposed driveway of Lot 1 is too close to the representor’s boundary, which will cause traffic and noise issues and will decrease property value;</li> <li>• the on-street parking spaces within Andrea Court is limited and potential increased visitor parking from the new lots will create parking hazards;</li> <li>• new development will create extra strain on the current services and if the current services will be upgraded to accommodate the new developments;</li> <li>• that new units will be built in the area.</li> </ul>
<b>Attachments:</b>	<p>Attachment 1 - Proposal documents</p> <p>Attachment 2 - TasWater Submission to Planning Authority Notice</p> <p>Attachment 3 – Certificate of Title</p>
<b>Recommendation:</b>	Approval with conditions

## 1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the planning authority to determine subdivision application SA 2023 / 00006.

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

Council’s assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of LUPPA.

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

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

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

## 2. SITE AND SURROUNDS

The site is rectangular in shape with frontage to Ford Road and Andrea Court, Pontville (Figure 1).



**Figure 1.** An aerial image of the site and its immediate surrounds

The site area is calculated to be 5193m<sup>2</sup>.

The site and adjoining land are zoned Low Density Residential (see Figure 2).



**Figure 2.** Zoning (Low Density Residential Zone highlighted in pink)

The site is subject to the Natural Asset Code overlay of Priority Vegetation Area which partly cover the lot (see Figure 3).





The subdivision plan proposes two additional lots at the rear of the balance lot. The existing dwelling will remain on the balance lot (Lot 3).

Access to Lot 1 is via a 6m wide access strip to be created from Ford Road, adjacent to the north western boundary of Lot 3. Access to Lot 2 is to be created from Andrea Court. Lot 3 will maintain its existing access from Andrea Court.

Each new lot is proposed to be connected to reticulated services.

#### 4. PLANNING SCHEME ASSESSMENT

##### Compliance with Applicable Standards:

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

*5.6.2 A standard is an applicable standard if:*

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

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

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

##### Determining applications (clause 6.10.1):

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

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

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

**Use Class**

The Use Class is not applicable due to the application being a subdivision application.

**Compliance with Performance Criteria**

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

**10.6.1 A2/P2 Lot Design – Frontage**

<b>Objective:</b>	
That each lot:	
(a) has an area and dimensions appropriate for use and development in the zone;	
(b) is provided with appropriate access to a road; and	
(c) contains areas which are suitable for residential development	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A3</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 20m.	<b>P3</b> Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:  (a) the width of frontage proposed, if any;  (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;  (c) the topography of the site;  (d) the functionality and useability of the frontage;  (e) the ability to manoeuvre vehicles on the site; and

	(f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.
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The frontage to Lot 1 is created via a 6m wide vehicular access. Therefore the proposal cannot meet the Acceptable Solutions in clause 10.6.1 A2 and must demonstrate compliance with the Performance Criteria in clause 10.6.1 P2.

The proposed 6m wide frontage is sufficient to provide a legal connection to Ford Road, given that it provides sole use of the access strip to Lot 1. The proposed access and internal driveway exceeds 3.6m in width, and the lot proper provides a sufficient manoeuvring area on the site for vehicles. There is also a similar pattern of development on established properties in the area, for example 3 Ford Road, 1 Andrea Court, and 4 Andrea Court, Pontville, which have internal access for the residents' sole use.

Therefore, the proposal is deemed to comply with the Performance Criteria in clause 10.6.1 P2.

**C3.5.1 A1.2/P1 Traffic Generation at a vehicle crossing, level crossing or new junction (Road authority consent)**

<p><b>Objective:</b></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><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>
<p><b>A1.2</b></p> <p>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>P1</p> <p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any increase in traffic caused by the use;</li> <li>(b) the nature of the traffic generated by the use;</li> <li>(c) the nature of the road;</li> <li>(d) the speed limit and traffic flow of the road;</li> <li>(e) any alternative access to a road;</li> </ul>

	<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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No written consent for the access has been provided. Accordingly, the proposal cannot meet the Acceptable Solutions and must rely on demonstrating compliance with the Performance Criteria.

The proposal has been assessed by Council’s Senior Technical Officer who has confirmed that given the location of the proposed accesses, the residential nature of the area and the speed limit for Ford Road and Andrea Court, the new accesses are supported and are therefore able to satisfy the performance criteria.

**C7.7.2 A1/P1 Subdivision (Priority Vegetation Area)**

<p><b>Objective:</b></p> <p>That:</p> <p>(a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and</p> <p>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>A1 Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <p>(a) be for the purposes of creating separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p> <p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area,</p>	<p><b>P1.1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:</p> <p>(a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person;</p> <p>(b) subdivision for the construction of a single dwelling or an associated outbuilding;</p>

<p>services or vehicular access within a priority vegetation area.</p>	<p>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</p> <p>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</p> <p>(e) subdivision involving clearance of native vegetation where it is demonstrated that ongoing pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</p> <p>(f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p> <p><b>P1.2</b></p> <p>Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <p>(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards; Tasmanian Planning Scheme – State Planning Provisions C7.0 Natural Assets Code: 13</p> <p>(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;</p> <p>(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;</p>
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	<p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p> <p>(f) any existing cleared areas on the site.</p>
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The proposed subdivision includes works, building area, vehicular access and services within a priority vegetation area. Therefore the proposal cannot meet the Acceptable Solutions in clause C7.7.2 A1 and must rely on demonstrating compliance with the Performance Criteria in clause C7.7.2 P1.1 and P1.2.

The proposal is for a subdivision within the Low Density Residential Zone, which accords with P1.1(c). The site is a residential lot with a few existing trees. The applicant has submitted a natural values assessment of the site in support of the proposal, which concludes that the “property cannot be described a priority vegetation area ... and can be described as modified land in an Urban Areas (FUR)” (Hancl, 2023)

Therefore, the proposal is deemed to comply with the Performance Criteria in clauses C7.7.2 P1.1 & P1.2.

**5. REFERRALS**

*Council's Development Engineer*

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

*TasWater*

The application was referred to TasWater, and TasWater has issued a Submission to Planning Authority Notice (SPAN) Reference No. TWDA 2023/00569-BTN, dated 11/05/2023. A copy of the SPAN will be attached to any planning permit issued.

**6. REPRESENTATIONS**

Three (3) representations were received during the statutory public exhibition period between 3 and 19 December 2022.

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

Representors' concerns	Planning Response
<p>Increased residential density adversely affecting the “semi-rural feel” of the area as well as detracting from the current “semi-rural settings”</p>	<p>The site was zoned Rural Residential under the Brighton Planning Scheme 2000, and was subsequently amended to Low Density Residential under the Brighton Interim Planning Scheme 2015. That zoning has been carried through to the Tasmanian Planning Scheme - Brighton. The purpose of the Low Density Residential Zone provides for a higher density than the Rural Living Zone, however identifies that there are infrastructure or environmental constraints that limit density, location or form of development.</p> <p>The proposal complies with the Lot Design requirements in Clause 10.6.1, other than frontage (addressed earlier in this report). Due to the proposed lot sizes, each lot is only suitable for single dwelling development.</p>
<p>Noise generated from the increased traffic and potential developments adversely affecting the amenities of adjoining properties and creating a nuisance;</p>	<p>Each lot is capable of housing a single dwelling under the Low Density Residential zoning. This would result in an estimated increase of 8-10 vehicle movements per day, once developed. The proposed lots are accessed via separate driveways, as shown in the proposal documents. It is therefore considered that there will not be a significant impact on residential amenity.</p>
<p>Concern that the proposed driveway of Lot 1 is too close to one representor’s property boundary, which will cause inconvenience due to generated traffic and noise and would decrease the adjoining property’s value;</p>	<p>The driveway is intended solely for the future residential use of one lot. It is considered that the likely impacts associated with a residential use will not significantly impact neighbouring properties.</p> <p>Property values are not a planning consideration.</p>

<p>Clarification that Low Residential zoning means only one single dwelling can be built on each parcel.</p> <p>Are there any planning permit applications for proposed building</p>	<p>The land area for each of the proposed lots restricts residential development to a single dwelling on each of the lots pursuant to the Low Density Residential zoning.</p> <p>Additional planning applications will be subsequent to any subdivision approval granted.</p>
<p>Concern that the on-street parking spaces within Andrea Court is limited and potential increased visitor parking from the new lots would create parking hazards;</p>	<p>The proposal plans show separate vehicle accesses for each lot, with only Lot 2 creating an additional access from Andrea Court. Each lot is expected to generate an estimated 8-10 additional vehicle movements per day. This is not expected to adversely affect the safety or capacity of the road network.</p> <p>Any future development proposal will need to address the Parking and Sustainable Transport Code.</p> <p>The proposal is not considered to create unreasonable impacts on the safety and efficiency of the road network.</p>
<p>Concern that the new development would create extra strain on the current services and if the current services will be upgraded to accommodate the new developments;</p>	<p>The developer will be required to provide services to each of the new lots to the requirements of the relevant authority. Stormwater connections will be provided to the two new lots to the roadside table drains. This is subject to detail design and may require some alterations/upgrades to the existing drains.</p> <p>TasWater has imposed conditions as contained in the Submission to Planning Authority Notice (attached)</p>
<p>Concern that new units will be built in the area.</p>	<p>The lots are not able to be developed for multiple dwellings as each lot has a land area less than the minimum area per lot required for multiple dwellings as detailed in the Low Density Residential zone standards</p>



## 7. CONCLUSION

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

## 8. RECOMMENDATIONS

That:

- A. Pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approves application SA 2023 / 00006 for Subdivision – 2 Lots plus Balance – 9 Ford Road, Pontville, 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, endorsed drawings and conditions of this permit and must not be altered or extended without the further written approval of Council.
2. Where a conflict between the application for planning approval, endorsed drawings and conditions of this permit, the latter prevails.
3. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.

### *Public Open Space*

4. In accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey. The cash contribution amount is to be equal to 5% of the value of the land being subdivided [described as lots 1 and 2 on the plan of subdivision] at the date of lodgment of the Final Plan of Survey.

The value is to be determined by a Land Valuer within the meaning of the Land Valuers Act 2001 at the developers' expense.

5. The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.

### *Easements*

6. 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.

### ***Covenants***

7. Covenants or other restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles or lots created by this permit either by transfer inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of Director Development Services.

### ***Final plan***

8. 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.
9. 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) Act 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 be less than \$5,000.
10. 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.
11. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

### ***Engineering***

12. The subdivision must be carried out and constructed in accordance with the:
  - (a) Tasmanian Subdivision Guidelines
  - (b) Tasmanian Municipal Standard – Specifications
  - (c) Tasmanian Municipal Standard – Drawingsas published by the Local Government Association of Tasmania and to the satisfaction of Council's Municipal Engineer.
13. Engineering design drawings, to the satisfaction of the Council's Municipal Engineer, must be submitted to and approved by Council before any works associated with development of the land commence.

14. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, in accordance with the Tasmanian Subdivision Guidelines October 2013, and must show –
  - (a) all existing and proposed services required by this permit;
  - (b) all existing and proposed roadwork required by this permit;
  - (c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - (d) measures to be taken to limit or control erosion and sedimentation;
  - (e) any other work required by this permit.
15. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
16. 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 subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

### ***Services***

17. 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.
18. Any existing services shared between lots are to be separated to the satisfaction of Council's Municipal Engineer.
19. Property services must be contained wholly within each lot served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.

### ***Vehicular Access***

20. A sealed vehicular access must be provided from the road carriageway to the property boundary of each lot.

### ***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. (No application fee will be charged where an Engineering Plan Assessment and Inspection Fee has been paid for the approval of engineering design drawings.)

### ***Stormwater***

21. Each lot must be provided with a stormwater property connection to the roadside table drain to the satisfaction of Council's Municipal Engineer.

### ***Sewer & Water***

22. Each lot must be connected to a full water supply service.
23. Each lot must be connected to a reticulated sewerage system.

### ***Tas Water***

24. The development must meet all required Conditions of approval specified by Tas Water Amended Submission to Planning Authority Notice TWDA 2023/00569-BTN, dated 11/05/2023.

### ***Telecommunications and electrical reticulation***

25. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's Municipal Engineer.
26. Prior to sealing the final plan of survey the developer must submit to Council:
  - (a) A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
  - (b) Written advice from TasNetworks confirming that all conditions of any Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections (basic connection) at the time each lot is further developed.

### ***Soil & Water Management***

27. Before any work commences install temporary run-off, erosion and sediment controls and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Program and NRM South and to the satisfaction of Council's Municipal Engineer.
28. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

### ***Construction Amenity***

29. 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.
30. In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion will be deemed a result of construction activity requiring replacement prior to approval.
31. Works associated with the subdivision 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
32. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
- (a) emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
  - (b) transport of materials, goods or commodities to or from the land; and/or
  - (c) appearance of any building, works or materials.
33. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on-site will be permitted unless approved in writing by the Council's General Manager.
34. 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 subdivision during the construction period.

### ***Maintenance and Defects Liability Period***

35. The subdivision 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.
36. Prior to placing the subdivision 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.

### *As Constructed Drawings*

37. Prior to the works being placed on the maintenance and defects liability period “as constructed” drawings and data for all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council’s Municipal Engineer. These drawings and data sheets must be prepared by a qualified and experienced civil engineer or other person approved by the Municipal Engineer in accordance with Council’s Guidelines for As Constructed Data.

#### **THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -**

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The applicant is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved 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:**

## 6.2 Draft Tasmanian Planning Policies

<b>Author:</b>	Brian White (Senior Strategic Planner)
<b>Authorised:</b>	Jo Blackwell (A/Director Development Services)
<b>Attachment:</b>	A - Submission to Tasmanian Planning Commission on the Tasmanian Planning Policies  B - Draft Tasmanian Planning Policies

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### Background

The Tasmanian Planning Policies (TPPs) will establish strategic policies that will provide high-level direction to guide Tasmania's land use planning system. The TPPs are to set out common land use planning aims, or principles, to be achieved or applied by the Tasmanian Planning Scheme and the regional land use strategies.

Part 2A of the Land Use Planning and Approvals Act 1993 (the Act) provides for the preparation, making, amending, implementation and review of the Tasmanian Planning Policies (TPPs).

The Act sets out what matters the TPPs may relate to, as follows:

- the sustainable use, development, protection or conservation of land;
- environmental protection;
- liveability, health and wellbeing of the community; and
- any other matter that may be included in a planning scheme or a regional land use strategy.

The Act also requires that TPPs must meet the 'TPP criteria', which is to:

- seek to further the Part 1 and Part 2 objectives set out in Schedule 1 of the Act, which includes promoting sustainable development;
- providing for fair, orderly and sustainable use and development;
- encouraging public involvement in resource management and planning; facilitating economic development; and
- promoting the sharing of responsibility for resource management and planning; and;
- be consistent with any relevant State Policy, which includes the State Coastal Policy 1996, State Policy on the Protection of Agricultural Land 2009, State Policy on Water Quality Management 1997 and the National Environment Protection Measures.

The Minister for Local Government and Planning (the Minister) has now prepared a draft of the TPPs and, pursuant to the Act, they are now before the Tasmanian Planning Commission to be determined (see Attachment B). The Act requires that the Minister exhibits the TPPs and invites planning authorities to make representations to the TPC.

Council Offices have already made submissions to the Minister during the preparation of the draft TPPs. The State Planning Office (SPO) has now responded to submissions received during consultation of the draft TPPs.<sup>1</sup> The SPO have taken some of our submissions into account and in some cases recommended changes to the TPPs. However, some of our comments were not agreed to or have not resulted in changes.

Attachment A to this report is a submission to the TPC which outlines matters from our original submission to the SPO that we consider still need to be considered by the TPC.

### **Risk Implications**

Nil

### **Financial Implications**

Nil

### **Social Implications**

Nil

### **Environmental or Climate Change Implications**

Nil

### **Economic Implications**

Nil

### **Other Issues**

Nil

### **Assessment**

Council Officers are supportive of the Tasmanian Planning Policies and consider that, overall, they will fill a policy void in Tasmania's land use planning system and encourage good strategic planning at a time of unprecedented growth across the State. However, the TPPs could still provide more policy guidance in some areas as set out in Attachment A.

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<sup>1</sup> [https://planningreform.tas.gov.au/\\_data/assets/pdf\\_file/0003/702057/Draft-TPP-Report-on-Consultation.pdf](https://planningreform.tas.gov.au/_data/assets/pdf_file/0003/702057/Draft-TPP-Report-on-Consultation.pdf)



**RECOMMENDATION:**

That Council

- A. endorse the submission to the Tasmanian Planning Commission on the Tasmanian Planning Policies as set out in Attachment A; and
- B. Direct Council Officers to forward the submission to the Tasmanian Planning Commission.

**DECISION:**