



Brighton Council

**MINUTES OF THE PLANNING AUTHORITY MEETING
OF THE BRIGHTON COUNCIL, HELD IN THE COUNCIL CHAMBERS,
COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH
AT 5.35P.M. ON TUESDAY, 4 FEBRUARY 2025**

PRESENT: Cr Gray (Chairperson); Cr Curran; Cr De La Torre; Cr Geard; Cr Irons, Cr Owen & Cr Whelan.

IN ATTENDANCE: Cr McMaster; Cr Murtagh; Mr J Dryburgh (Chief Executive Officer); Mr C Pearce-Rasmussen (Director Asset Services); Ms J Banks (Director, Governance & Regulatory Services); Mr A Woodward (Director, Development Services); Ms J Blackwell (Senior Planner) and Mr L Wighton (Senior Officer – Development Engineering).

1. Acknowledgement of Country

2. Apologies

Cr Owen moved, Cr De La Torre seconded that Cr Geard be granted leave of absence.

CARRIED

VOTING RECORD

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

3. Public Question Time and Deputations

There was no requirement for Public Question Time.

4. Declaration of Interest

In accordance with 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.

There were no declarations of interest.

5. Council Acting as Planning Authority

In accordance with the provisions of Part 2 Regulations 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Council to act as planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 6 on this agenda, inclusive of any supplementary items.

5.1 Development Application - 1 Radius Drive and 28 Stanfield Drive, Old Beach - Multiple Dwellings (27) as part of St Ann's Retirement Village - DA 2024/52

Author: Senior Planner (J Blackwell)

Authorised: Director Development Services (A Woodward)

Applicant:	Ireneinc Planning and Urban Design
Subject Site:	1 Radius Drive, Old Beach 28 Stanfield Drive, Old Beach
Proposal:	Multiple Dwellings (27) as part of St Ann's Retirement Village
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	Particular Purpose – BRI-P1.0 St Ann's Precinct
Codes:	Parking and Sustainable Transport Code – C2.0 Road and Railways Asset Code – C3.0 Bushfire Prone Areas Code - C13.0
Local Provisions:	Particular Purpose – BRI-P1.0 St Ann's Precinct
Use Class:	Residential

<p>Discretions:</p>	<ul style="list-style-type: none"> • BRI-P1.6.3 Design and Site Coverage (Exterior Building Finishes) • Parking and Sustainable Transport Code • C2.5.1 Car Parking Numbers • C2.5.3 Motorcycle Parking Numbers • C2.6.2 Design and layout of Parking Areas • C2.6.2 Number of accesses for vehicles • C2.6.5 Pedestrian access • C3.6.1 Habitable buildings for sensitive use within a road or railway attenuation area. • C13.5.1 Bushfire Prone Areas Code – Vulnerable use
<p>Representations:</p>	<p>118 representations were received. The representors raised the following issues:</p> <ul style="list-style-type: none"> • Loss of public open space • Traffic issues • Location of earth berm • Loss of motor home parking area
<p>Recommendation:</p>	<p>Approval with conditions</p>

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2024/52.

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

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

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

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

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

2. SITE ASSESSMENT

The site comprises approximately 11.69ha and is currently used as the St Ann's Living Retirement Village. The site is located at the eastern end of Stanfield Drive in Old Beach and is bounded by the East Derwent Highway to the east, Clarries Creek to the south west and low density residential uses to the north and north west. The site contains individual houses (on strata lots), multiple dwellings and community facilities (Clubhouse, hairdresser and offices).

The primary frontage is Stanfield Drive, which is also the primary access to the retirement village.

The property is contained in the following titles:

Title Reference	Area	Address	Description
CT 174199/2	9.58ha	28 Stanfield Drive	21 Units - retirement village and 98 retirement living (land lease)
174199/3	7621m ²	28 Stanfield Drive	Community facilities including clubhouse, hairdresser and administrative offices.



Figure 1: Site plan showing existing development. The proposed development will be sited along the eastern boundary, as shown in Figure 2.



Figure 2: Proposed location for development.

The site is subject to BRI-P1.0 Particular Purpose Zone – St Ann’s Precinct. Nearby land is zoned Low Density Residential and General Residential (see Figure 3).

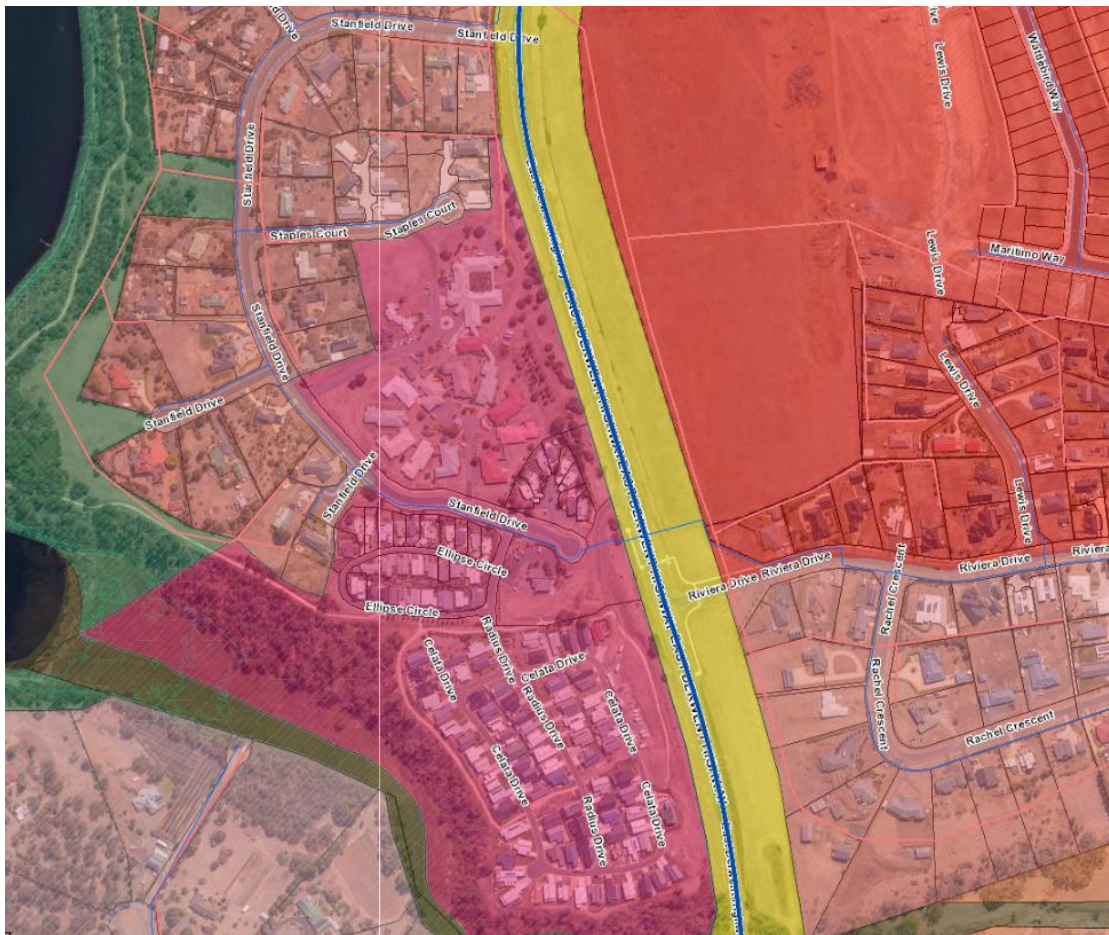


Figure 2: Zoning. PPZ (pink), low density residential (light pink) and general residential (red). The East Derwent Highway is zoned Utilities (yellow). (Source: Listmap (NRE), www.thelist.tas.gov.au)

The whole of the site is subject to the Bushfire Prone Areas Code, whilst the Natural Assets Code (waterway and coastal protection area, priority vegetation and future refugia) overlays land outside the proposed development area.

The Parking and Sustainable Transport Code and the Road and Railways Asset Code also applies.

PROPOSAL

The proposal seeks approval for the construction of 26 dwellings on the site predominantly adjacent to the eastern boundary and the East Derwent Highway (reduced from 27 in the initial submission to 26 dwellings). The dwellings will provide between 1 and 3 bedrooms, outdoor space and a carport for one vehicle. The Applicant notes that the dwellings will be offered as land lease, and accordingly, there is no proposal for future strata or subdivision.

Additional access to the site is provided from Stanfield Drive which loops around to connect with Radius Dr to provide access to dwellings 1 – 11 inclusive. Units 12 – 26 will be accessible from Celata Drive. Pedestrian access from the site to the nearby bus stop will be provided. The new access off Stanfield Drive will need to be constructed to Council standards within the road reservation and will require a separate permit for works within the road reservation.

Initially twenty-six (26) car parking spaces were proposed (i.e. one for each dwelling). No visitor car parking spaces were proposed. Following public exhibition and consultation with the applicant, an amended parking layout has been provided, together with an addendum to the TIA which demonstrates that additional parking can be accommodated on the site, without altering the proposal.

The proposal includes connection to sewer, water and stormwater.

The proposal includes the continuation of an acoustic berm along the eastern boundary, to provide noise attenuation from the East Derwent Highway.

The application is supported by the attached plans, Traffic Impact Assessment (TIA), Emergency Management Strategy relating to bushfire management, noise assessment and civil drawings.

3. 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 Tasmanian Planning Scheme – Brighton (the Scheme). In the Particular Purpose Zone – St Ann’s Precinct Residential Use is permitted.

The purpose of the Particular Purpose Zone - St Ann’s Precinct is to:

- BRI-P1.1.1 Promote the development of aged care facilities that is compatible with the character of the area, which includes low density living, high levels of privacy and residential amenity, including views.
- BRI-P1.1.2 Encourage a diversity of local services and facilities including health care providers, local shops and food services to meet the needs of the complex.
- BRI-P1.1.3 That development is surrounded by high quality public spaces throughout the complex by way of provision of landscaping, recreation facilities and pedestrian linkages.

BRI- P1.1.4 Encourage development that has a positive relationship to the East Derwent Highway through provision of landscaping buffers and screening.

The proposal is considered to be consistent with the zone purpose by virtue of being a permitted use in the zone.

Compliance with Performance Criteria

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

Clause BRI-P1.6.3 A1/P1 – Design and Site Coverage

Objective:	
That buildings are designed to blend in with the surrounding landscape.	
Acceptable Solution	Performance Criteria
A1 Exterior building finishes must not be reflective and be of natural colours such as black, grey, brown and green and of a hue that is unobtrusive.	P1 Exterior building finishes must: (a) minimise the visual obtrusion within the surrounding landscape; and (b) offset the visual prominence of bright colours and scale of the building

The proposal does not specify exterior building finishes and therefore does not satisfy the acceptable solution. Assessment against the performance criteria is relied upon.

The performance criteria can be satisfied through the inclusion of a condition requiring a schedule of colours and materials to be submitted for approval prior to commencement of works, which provides a palette of colours and materials for residents to choose from, a similar approach to the assessment of DA 2017/119 (multiple dwellings x 83).

Accordingly, the performance criteria is satisfied with conditions.

Clause C2.5.1 A1 /P1 - Car Parking Numbers

Objective:	
That an appropriate level of car parking spaces are provided to meet the needs of the use.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, less the number of car parking spaces that cannot be provided due to the site including container refund scheme space, excluding if:</p> <p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:</p> <p>$N = A + (C - B)$</p> <p>N = Number of on-site car parking spaces required</p>	<p>P1.1</p> <p>The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p> <p>(ii) efficiencies gained by consolidation of car parking spaces;</p> <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.</p>

<p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area.
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Table C2.1 requires 1 space per bedroom or 2 spaces per 3 bedroom and 1 visitor space for every 5 multiple dwellings or for every 10 bedrooms of a non-dwelling residential use.

Therefore a total of 58 car parking spaces are required to be provided, made up as follows:

26 x 2 bedroom and 3 bedroom dwellings = 52 car parking spaces

26 dwellings / 5 = 6 visitor parking spaces.

The initial proposal includes one (1) car parking space per dwelling in an attached carport, being a total of 26.

A number of representations raised issues with the parking shortfall and also loss of large vehicle (i.e. campervan) parking.

Following public consultation, the applicant has provided an updated master plan and supporting addendum to the TIA demonstrating that a total of 54 car parking spaces can be accommodated on site. Most of these were existing in the original application as jockey parking for the proposed dwellings, but not clarified in the masterplan.

There remains a shortfall in parking spaces, and the acceptable solution is not satisfied. Therefore assessment against the performance criteria is relied upon.

The wording of clause P1.1 excludes residential use from assessment, therefore this criterion is met.

However, P1.2 must be considered.

The performance criteria requires that the planning authority consider whether the number of car parking spaces for dwellings meets the reasonable needs of the use, having regard to:

- (a) *the nature and intensity of the use and car parking required;*
- (b) *the size of the dwelling and the number of bedrooms; and*
- (c) *the pattern of parking in the surrounding area.*

The TIA suggests that based on current demand for on-street parking and the length of driveways for many of the dwellings, that one car parking space is sufficient. However, the amended parking plan demonstrates that two car parking spaces (via jockey parking) can be accommodated for most dwellings. The amended plan also includes indented visitor parking bays across the site (6 within the proposed site area, 5 within the existing development).

The representors concerns regarding provision of car parking for large vehicles (as currently exists) have been considered and are noted. However, the planning scheme does not require the provision of large vehicle parking spaces, and this is a matter to be resolved between the owners of St Anns and the residents.

Accordingly the performance criteria can be satisfied with conditions.

Clause C2.5.3 A1/P1 Motorcycle parking numbers

Objective:	
That the appropriate level of motorcycle parking is provided to meet the needs of the use.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.</p>	<p>P1</p> <p>Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature of the proposed use and development;</p> <p>(b) the topography of the site;</p> <p>(c) the location of existing buildings on the site;</p> <p>(d) any constraints imposed by existing development; and</p> <p>(e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.</p>

Based on the required number of car parking spaces (58), two (2) motorcycle parking spaces are required. The proposal does not provide for motorcycle parking, therefore assessment against the performance criteria is relied upon.

The TIA submitted by the applicant notes *“it is more appropriate to assess the motorcycle parking requirements for each unit separately as opposed to applying the motorcycle parking requirement to the total number of car parking spaces. As such, the proposal does not have a requirement to provide any motorcycle parking since no individual dwelling has a statutory requirement to provide more than 20 car parking spaces”*, i.e. that it is more appropriate for motorcycle parking to be calculated as if each unit is an individual single dwelling development and should be assessed separately.

The updated parking plan shows that 54 car parking spaces can be provided across the site. Given the residential nature of the use, that there is no centralised communal parking, and most dwellings will have adequate space to accommodate a motorcycle as well as a car, if required, the performance criteria can be satisfied.

Clause C2.6.2 A1.1 and A1.2 / P1 Design and Layout of Parking Areas

Objective:	
That parking areas are designed and laid out to provide convenient, safe and efficient parking.	
Acceptable Solution	Performance Criteria
<p>A1.1 Parking, access ways, manoeuvring and circulation spaces must either:</p> <ul style="list-style-type: none"> (a) comply with the following: <ul style="list-style-type: none"> (i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and 	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety; (e) the nature and use of the development; (f) the expected number and type of vehicles; (g) the likely use of the parking areas by persons with a disability; (h) the nature of traffic in the surrounding area; (i) the proposed means of parking delineation; and (j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002

<p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.³⁵</p>	<p>Parking facilities, Part 2: Off-street commercial vehicle facilities.</p>
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The proposal meets AS 2890- Parking facilities, Parts 1-6 (A1.1(b)) other than the access for dwellings 13, 13a, and 15 being greater than 30m in length and not being provided with a passing bay. Accordingly, the proposal does not meet the acceptable solution and assessment against the performance criteria is relied upon.

The TIA considers that the anticipated maximum peak hour traffic generation rate of the proposal is 0.31 vehicle trips per dwelling, which equates to, on average, 0.93 vehicle trips along this accessway during the peak hour. The TIA notes that this represents an insignificant amount of traffic and as such, the probability of two vehicles meeting on the access way is very low, and therefore a passing area is not required.

The performance criteria requires that the Australian Standard is satisfied which includes the provision of passing opportunities every 30m on long driveways (cl 3.2.2. of AS2890.1). It is considered that compliance with the acceptable solution is easily achievable in this proposed development.

It is therefore recommended that a condition requiring passing to be provided on the long access for dwellings 13, 13a and 15 be included, which will meet the acceptable solution.

Accordingly, the performance criteria is satisfied with conditions.

Clause C2.6.3 A1/P1 Number of accesses for vehicles

Objective:	
That:	
<p>(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;</p> <p>(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and</p> <p>(c) the number of accesses minimise impacts on the streetscape</p>	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses,</p> <p>whichever is the greater.</p>	<p>P1</p> <p>The number of accesses for each frontage must be minimised, having regard to:</p> <p>(a) any loss of on-street parking; and</p> <p>(b) pedestrian safety and amenity;</p> <p>(c) traffic safety;</p> <p>(d) residential amenity on adjoining land; and</p> <p>(e) the impact on the streetscape</p>

The proposal seeks approval for an additional access from Stanfield Drive, which does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

An additional access to the site is proposed for the eastern end of the Stanfield Drive cul-de-sac. This access may also be utilised by pedestrians within the Village to access the pedestrian connection to the East Derwent Highway, and nearby Metro bus stops. The access will be screened by the continuation of the earth berm to the northern boundary.

The proposed access will prevent Stanfield Drive from being able to ever connect to a future roundabout at Riveria Drive/East Derwent Highway. However, whilst this has been raised in communication with the Department of State Growth and the applicant, and it would be desirable to maintain the option of connectivity, to do so would likely require the compulsory acquisition of land by Council. Given the corridor study being undertaken by DSG has not been completed and no clear guidance from DSG forthcoming there remains considerable uncertainty as to whether access and roundabout will be required.

The proposed access does not conflict with the performance criteria, and is located in a low traffic area which has access to pedestrian paths and low-speed shared driveways.

It is recommended that a condition be included requiring construction of the new access to council standards.

Accordingly, the performance criteria is satisfied with conditions.

Clause C2.6.5 A1.1 & A1.2 / 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> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles. <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>P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the nature of the use; (c) the number of parking spaces; (d) the frequency of vehicle movements; (e) the needs of persons with a disability; (f) the location and number of footpath crossings; (g) vehicle and pedestrian traffic safety; (h) the location of any access ways or parking aisles; and (i) any protective devices proposed for pedestrian safety.

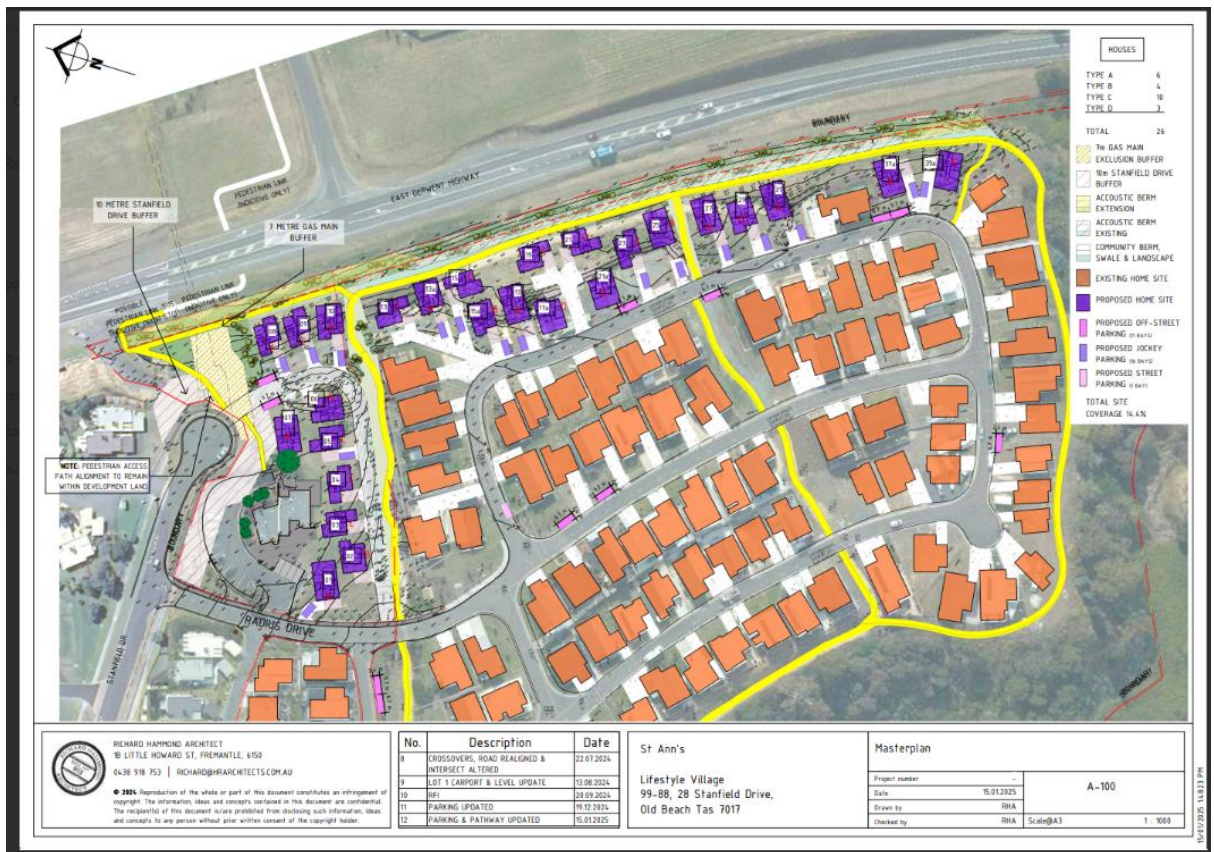
Under the acceptable solution, the proposal requires a total of 58 car parking spaces. The amended master plan shows pedestrian paths throughout the village, but relies on the shared driveway to reach those paths.

Accordingly, the acceptable solution cannot be satisfied, and assessment against the performance criteria is relied upon.

By way of background, pedestrian access was not required under the Brighton Interim Planning Scheme 2015 when the most recent residential development of 83 multiple dwellings was approved for the retirement village. As part of the approved landscaping plan for that permit, the site has been landscaped to provide a walking track around the perimeter of the site, and to date, unfinished, pedestrian connection which dissects the site east to west.

The Applicant’s initial TIA addressed the performance criteria and notes that “walking and cycling generally occur as shared transport modes on carriageways”.

Subsequent to public exhibition, the amended master plan discussed earlier in this report has been amended to show pedestrian paths (yellow) throughout the site, which are to be continued around the outside of the site. A pedestrian path required under DA 2017/119 dissects the site and is to be continued across Celata Drive eastwards towards the EDH boundary. The pathway also provides for access to the EDH and the nearby bus stops and road crossing.



The performance criteria requires the applicant to demonstrate that:

P.1 Safe and convenient pedestrian access must be provided within parking areas, having regard to:

- (a) *the characteristics of the site;*
- (b) *the nature of the use;*
- (c) *the number of parking spaces;*
- (d) *the frequency of vehicle movements;*

- (e) *the needs of persons with a disability;*
- (f) *the location and number of footpath crossings;*
- (g) *vehicle and pedestrian traffic safety;*
- (h) *the location of any access ways or parking aisles; and*
- (i) *any protective devices proposed for pedestrian safety*

The proposal does not provide designated parking areas as such, with parking to be located adjacent to each dwelling, and the provision of visitor parking spaces dotted around the site.

The TIA addresses the performance criteria, noting that the site is characterised by a low posted speed limit of 10 km/h, as well as good sight distances and street lighting. This low vehicle speed environment and maximisation of visibility contributes to safe and efficient pedestrian access throughout the site.

Of relevance is that the proposed use is an expansion of an existing development, which already provide shared zones without delineated/segregated footpaths along the private roads/access ways – the proposal therefore intends to be a continuation of these existing arrangements. As the proposal is not anticipated to generate significant volumes of traffic, the low speed, 'quiet' (in terms of vehicular traffic) environment of the shared zones is considered appropriate for facilitating safe and convenient pedestrian access.

Further, each dwelling will be provided with its own car parking space, meaning the car parking provision will be spread out across the entire site instead of being concentrated within a single smaller area. This arrangement avoids 'high traffic' areas by distributing the traffic demand over a large area, which improves the safety and convenience of pedestrian access,

It is considered that the risks to pedestrians within the site can be mitigated by including conditions that require the formalisation and construction in concrete of the proposed path at the rear of dwellings 13-39a, between dwellings 25 and 27, south of dwellings 1 to 10 and from Stanfield Drive to the existing path and bus stop on the East Derwent Highway.

This condition takes into consideration the existing walking paths approved within the site under the previous permit, which provide an alternative form of pedestrian connectivity, albeit needing either completion and maintenance at this time.

It is also recommended that a condition prohibiting parking along common accessways be included.

The proposal plans show that the path will meander between the rear fences for dwellings, being 1.8m high Colorbond (refer to sheets Type A floor Plan – Type D Floor Plan (inclusive) and the 2m high acoustic earth berm required by the noise assessment report. The Pedestrian Footpath Detail (Annexure E) shows indicative layout and landscaping.

However, it is considered reduced use of the paths between the proposed dwellings and the acoustic berm is likely to occur due to a feeling of insecurity by residents. After discussions with the applicant, in order to increase passive surveillance along the eastern section of the pedestrian path, it has been agreed that a condition be included requiring fencing along the eastern boundary to be of a similar standard to that required by the exemption provided for in clause 4.6.3 of the Scheme for the residential zones.

The performance criteria can be satisfied with conditions.

Clause C3.5.1 A1/P1 Traffic Generation at a vehicle crossing, level crossing or new junction

Objective:	
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
Acceptable Solution	Performance Criteria
<p>A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. <p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p>	<p>P1.1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.

<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</p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	
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The proposal provides for a new junction at the southern end of Stanfield Drive, from the existing cul-de-sac. Whilst General Manager consent has been issued for the making of the application, the junction does not have the written consent of the road authority (A1.2). Therefore the acceptable solution cannot be satisfied, and assessment against the performance criteria is relied upon.

The proposed junction provides access to a new internal road which will connect between Stanfield Drive and Radius Drive, which serves an additional 9 dwellings under the proposal.

The new access will service 9 units, in a low speed, low traffic environment. The road authority has not identified any issues relating to the location of the proposed new access of the Stanfield Drive cul-de-sac other than the development prohibiting Stanfield Drive being able to ever connect to a future roundabout at Riviera Drive/East Derwent Highway. As noted earlier in this assessment, the matter was raised in communication with the Department of State Growth and the applicant

Accordingly, the performance criteria is satisfied with a condition for the new access to be constructed to Council standards.

Clause C3.6.1 A1/P1 – Habitable buildings for sensitive uses within a road or railway attenuation area.

<p>Objective:</p>	
<p>To minimise the effects of noise, vibration, light and air emissions on sensitive uses within a road or railway attenuation area, from existing and future major roads and the rail network.</p>	
<p>Acceptable Solution</p>	<p>Performance Criteria</p>
<p>A1</p> <p>Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be:</p> <p>(a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major</p>	<p>P1</p> <p>Habitable buildings for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise adverse effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to:</p>

<p>road or rail network than the adjoining habitable building;</p> <p>(b) an extension which extends no closer to the existing or future major road or rail network than:</p> <p>(i) the existing habitable building; or</p> <p>(ii) an adjoining habitable building for a sensitive use; or</p> <p>(c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the Noise Measurement Procedures Manual, 2nd edition, July 2008.</p>	<p>(a) the topography of the site;</p> <p>(b) the proposed setback;</p> <p>(c) any buffers created by natural or other features;</p> <p>(d) the location of existing or proposed buildings on the site;</p> <p>(e) the frequency of use of the rail network;</p> <p>(f) the speed limit and traffic volume of the road;</p> <p>(g) any noise, vibration, light and air emissions from the rail network or road;</p> <p>(h) the nature of the road;</p> <p>(i) the nature of the development;</p> <p>(j) the need for the development;</p> <p>(k) any traffic impact assessment;</p> <p>(l) any mitigating measures proposed;</p> <p>(m) any recommendations from a suitably qualified person for mitigation of noise; and</p> <p>(n) any advice received from the rail or road authority.</p>
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The East Derwent Highway is a major road (category 3) with a speed limit above 60kmh (80kmh), as defined by the Code. Therefore, the proposed residential use is within a road attenuation area; the proposed dwelling setback to the property boundary to the EDH is approximately 12m (including the proposed acoustic berm); and there are no habitable buildings sited closer to the highway.

Accordingly the acceptable solution is not satisfied and assessment against the performance criteria is relied upon.

The applicant has provided a noise assessment prepared by Noise Vibration Consulting (NVC) which addresses the performance criteria. That report identifies that with specific mitigation measures relating to the design of the acoustic barrier (eg min. 2m in height) and building specifications such as minimum sound isolation of Rw30, and solid core doors fitted with acoustic seals, the proposal is able to meet the performance criteria.

The report was referred to the Department of State Growth as the relevant road authority, who did not make any submission regarding noise attenuation.

Accordingly, the performance criteria is satisfied with a condition that all the construction requirements contained in section 4 of the NVC report are implemented, and that certification is provided to that effect, prior to commencement of use.

Clause C13.5.1 Vulnerable Uses

Objective:	
That vulnerable uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the vulnerable use and the bushfire hazard.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1 A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to: (a) the location, characteristics, nature and scale of the use; (b) whether there is an overriding benefit to the community; (c) whether there is no suitable alternative lower-risk site; (d) the emergency management strategy (vulnerable use) and bushfire hazard management plan; and (e) other advice, if any, from the TFS.

There is no criterion for an acceptable solution therefore assessment against the performance criteria is relied upon.

The proposal seeks approval for an additional 26 dwellings as part of an existing retirement village, on the last remaining area of the site available for development, at a similar scale to what has previously been approved. The additional dwellings are located to the north and east of the site and are buffered by existing dwellings to south and west, the East Derwent Highway to the east, and Stanfield Drive to the north.

Population statistics continue to identify an ageing population, with the Retirement Living Council noting that the percentage of over 75’s will increase from 9.5% of the population to 14.3% of the population by 2040. Accordingly, there is a continuing need to provide retirement living options for our older cohorts, and utilisation of an existing site is considered appropriate.

The application documents submitted include an Emergency Management Strategy prepared by an accredited person pursuant to the requirements of the Bushfire Prone Areas Code, and subsequently endorsed by the Tasmanian Fire Service.

Accordingly, the performance criteria is satisfied.

Referrals

Senior Officer – Development Engineering

The proposal has been considered by Council's Senior Officer – Development Engineering. Where appropriate, that officer's comments have been included within this report. The officer has also made comment regarding any representations made relating to engineering matters.

TasWater

TasWater have provided a Submission to Planning Authority Notice (SPAN) dated 19th June 2024, reference number TWDA 2024/00659-BTN. The SPAN imposes conditions in relation to the proposed development and will form part of any permit issued.

Department of State Growth

The application included a Noise Attenuation Report to address the provisions of the Road and Railway Assets Code. The report was forwarded to the Department of State Growth, as road authority for the East Derwent Highway. A condition requiring all works to be undertaken in accordance with the recommendations of the report will form part of any permit issued.

In relation to the East Derwent Highway Traffic Study presently being undertaken the parties were involved in discussions regarding whether direct access to the EDH from the southern end of Stansfield Drive would be required. The applicant, as part of its application, has demonstrated that there is sufficient land area in the road reserve to accommodate a future roundabout at the Riveria Drive intersection, should it be required by the forthcoming report.

TasNetworks

The application was referred to TasNetworks who advised that the proposed development is not likely to adversely affect TasNetworks' operations, but that, as with any multiple dwelling development of this magnitude, the proponent should give consideration to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development.

Advice to this effect will form part of any permit issued.

Tasmanian Gas Pipeline

The application was referred to TasGas for assessment, who requested further information which was supplied on 15th August 2024. TasGas have advised that they are content with the amended information and do not require any conditions to be included in the permit.

4. Other

The application was originally submitted for 27 additional dwellings. During the course of the assessment process, one dwelling was removed from the northern end of the proposed development site, therefore reducing the proposal to 26 dwellings. The application was incorrectly advertised for 27 additional dwellings, however, it is not considered that the application should be re-advertised, as the reduction in dwellings numbers does not increase any detriment to any person, nor significantly alter the proposal. Further, as a result of councils concerns in relation to the Parking and Sustainable Transport Code, council officers have had ongoing communication with the Applicant in an effort to mitigate the issues raised, where it relates to planning scheme assessment. This mediation has resulted in the amended parking plan and addendum to the TIA which form annexures E and F of this report.

6.1 Public Open Space Requirements

There are no requirements in the *Local Government (Buildings and Miscellaneous) Act 1993* in relation to public open space for multiple dwelling developments.

There is no requirement under the Particular Purpose – St Ann’s Precinct which requires a minimum area of open space to be provided for the use of residents and their families.

5. Representations

A total of 118 representors made a varying number of submissions during the statutory public exhibition period which ran between 13th November 2024 and 27th November 2024, which included

- Three (3) x different group representations / submissions. Some residents signed all 3 group submissions.
- 33 individual or joint representations, two (2) of which submitted 2 alternate submissions. Some of the individual representors also signed one or more of the group submissions.
- 49 people signed only 1 of the documents, either individual or group submission.

Given the shared concerns of the representors, those are summarised below. As is usual practice with a development of this magnitude, the applicant was given the opportunity to respond to the representations. Attachment C is the response from the applicant, and Attachment D is a response from the traffic engineer in relation to the concerns raised in relation to traffic matters.

Submission received	Planning Response
Loss of parking on site for large vehicles (such as campervans, trailers, etc) Decision to move into the village was made solely on the promise of a parking spot for motorhome. This area is currently an overgrown disgusting area	<i>There is no requirement under the planning scheme for large vehicle parking to be provided. Discretions related to the Parking and Sustainable Transport Code are discussed earlier in this assessment.</i>

Submission received	Planning Response
<p>where management have not taken to improve the state of the parking for over 4 years</p>	<p><i>The provision of such parking is a civil matter between the resident and the Retirement Village owner.</i></p> <p><i>Residents should refer to Retirement Villages Act 2004 (Tas) for clarification on contractual matters, rights of residents, village rules, etc.</i></p>
<p>Loss of existing landscaping, completion of works such as pedestrian paths.</p>	<p><i>This is a separate matter relating to compliance with the previous planning permit. Council officers are investigating and will action as required.</i></p>
<p>There will be no green spaces within the development. Currently several residents have planted and maintained (at their own expense) vegetable boxes which benefit health and well-being. No plans for these to be relocated.</p> <p>Lack of common open spaces, with dwellings to be built in front of the village's club house, which will also impact mountain views</p> <p>There is a major lack of greenspaces left in the new proposed plan.</p>	<p><i>The application is assessed against the Tasmanian Planning Scheme - Brighton and more particularly the St Ann's Precinct Particular Purpose Zone. There is no requirement for provision of open space, however, there is a requirement for landscaping relating to individual dwellings.</i></p> <p><i>The application includes indicative landscaping for each unit type. A condition will be included in any permit requiring an amended landscaping plan to be submitted prior to commencement of works or issue of building approvals.</i></p>
<p>Property management concerns including site upkeep, condition of walkways and grassed areas; capacity of existing infrastructure (water, electrical and sewer).</p>	<p><i>This is a separate matter between the site owner and residents.</i></p> <p><i>In relation to infrastructure services, the proposal for the additional dwellings has been referred to the external agencies for comment, and where required, conditions for inclusion in any permit.</i></p>
<p>Potential future roundabout from Stanfield Drive to the East Derwent Highway.</p>	<p><i>The Department of State Growth is currently undertaking a corridor study on the East Derwent Highway. To date DSG have not been able to provide any guidance or direction on whether a roundabout will be required at Riviera Drive or elsewhere along the East Derwent Highway. The TIA submitted with the application demonstrates that the existing Stanfield Drive will still function and during peak period following further growth there are</i></p>

Submission received	Planning Response
	<p><i>options for vehicles wishing to turn right out of Stanfield Drive to turn left and do a U-turn at the Gage Road roundabout. Due to low traffic generation the proposed development should have no material impact on operation of the existing Stanfield Drive intersection compared with existing conditions. The deterioration of the existing Stanfield Drive intersection is a result of traffic growth on the East Derwent Highway.</i></p>
<p>Shared zone speed limit / walking on roads, Pedestrian linkages. There are no designated pedestrian footpaths, which creates concern for people entering and egressing driveways, especially when someone is parked on the road, creating a danger for pedestrians walking to and from the public areas.</p>	<p><i>Refer to assessment</i></p>
<p>Legal implications of a person falling on a neighbour's property.</p>	<p><i>This is not an issue considered by the Planning Scheme. If it were to occur, it would be a civil matter between landowner and the injured person.</i></p>
<p>Impact on Residential amenity – loss of character, greenspace, etc.</p>	<p><i>The proposal satisfies the Acceptable Solutions of the Particular Purpose Zone – St Ann's Precinct. Accordingly, there is no discretion to be considered. Refer to Attachment C for a more detailed response from the applicant, of which council officers have reached the same determination.</i></p>
<p>Applicant requests a condition requiring a landscaping plan to be submitted for assessment prior to seeking any approvals under the Building Act. It would be prudent to provide a landscaping plan to demonstrate how the 27 additional units and the site are to be landscaped.</p>	<p><i>The application includes indicative landscaping for each unit type.</i></p> <p><i>A condition will be included in any permit requiring a formal landscaping plan for the site to be submitted for the approval prior to commencement of works or issue of building approvals.</i></p>

Submission received	Planning Response
	<p><i>The amended landscaping plan must be designed, taking into account the location of and impact on, any above or below ground infrastructure services.</i></p> <p><i>It is not unusual for an amended landscaping plan to be submitted with engineering plans, following issue of a permit, to ensure that infrastructure is not affected by the proposed landscaping.</i></p>
<p>Proposal as submitted goes way beyond what is acceptable to the present lease owners.</p>	<p><i>The planning authority must consider the proposal submitted to it for determination against the requirements of the Tasmanian Planning Scheme – Brighton and its local provisions schedule.</i></p>
<p>The current residents purchased their homes under a plan and now that plan will be invalid. Did we choose to live cramped in.</p>	<p><i>This is not a planning consideration.</i></p> <p><i>Residents should refer to Retirement Villages Act 2004 (Tas) for clarification on contractual matters, rights of residents, village rules, etc.</i></p>
<p>The proposed houses on the green space being higher than the current houses, they will now lose sunlight, especially in the winter months.</p>	<p><i>The proposed dwellings meet the acceptable solutions in relation to building height and setbacks.</i></p>
<p>Due to new dwellings being constructed, motorhomes will be parked on streets, creating issues with sight lines, and safety while walking or driving, especially as there are no footpaths.</p>	<p><i>Refer to assessment.</i></p>
<p>The plan shows a lot of proposed houses opposite us both within the said parking area and beyond. For access to and from those houses puts at least 2 of the large vehicles at extreme risk of damages due to miscalculations whilst driving despite any or all care taken.</p>	<p><i>Refer to assessment.</i></p>
<p>Page 17 of the advertised documents show where Council expressed concern regarding the current parking area for large vehicles, page 20 is the engineer's</p>	<p><i>The Planning scheme does not require provision of car parking spaces for large vehicles.</i></p>

Submission received	Planning Response
<p>response which clearly confirms there is no consideration for current residents requiring parking for motor homes, caravans etc.</p>	
<p>The point of a retirement village ... is for older people to live safely in a community environment. As we get older our abilities to safely walk or drive within the village becomes more of a safety, security and stressless importance</p>	<p><i>Refer to assessment.</i></p>
<p>To allow any development within this village whilst in the current state of disrepair in relation to the common areas and basic garden care causes extreme stress and fears for safety.</p>	<p><i>Site maintenance is not a planning consideration.</i></p>
<p>There is no privacy between the homes.</p>	<p><i>There are no provisions within the Particular Purpose Zone – St Ann’s Precinct that requires minimum setbacks between dwellings. The proposal plans show that each unit is to be enclosed with a 1.8m high Colourbond fence on 3 sides.</i></p>
<p>27 dwellings is too many, understood it would be 6-7 dwellings.</p>	<p><i>Site coverage is less than the 50% permitted under the acceptable solution</i></p>
<p>Current infrastructure cannot handle the additional 27 dwellings.</p>	<p><i>The proposal has been referred to external agencies responsible for underground infrastructure, such as TasNetworks and TasWater. Those agencies have provided conditions and/or advice in relation to the development.</i></p>
<p>Not enough parking at the Office/Beauty Salon/Club House, especially when residents drive vehicles to the clubhouse.</p> <p>The capacity of the existing community room can only hold 30-40 people which means residents are isolated from mixing at social gatherings.</p>	<p><i>There is no proposal to alter the existing arrangements at the Club house.</i></p>

Submission received	Planning Response
<p>There was a promise of a gym, café, bbq area, men's shed (operating from a donated container on site). We are still waiting for these promises but have not been included on the new plan.</p>	<p><i>This is not a planning consideration.</i></p>
<p>Does the inclusion of proposed houses 3 and 4 on the plan prevent the extension to the community building to be completed, which would most likely facilitate the expected growth to 200 residents. In any event we believe provision should be made for any further expansion of the community centre.</p>	<p><i>Any future extension to facilities is a matter for the property owner.</i></p>
<p>Street parking is limited and restricted due to driveway access to existing properties. Congestion occurs on regularly, due to visitors, delivery trucks, emergency vehicle responses, health care providers, and service vehicles. On garbage collection day, residents are forced to park in the limited car park or on Stanfield Drive.</p>	<p><i>Refer to report for assessment of traffic matters.</i></p>
<p>The TIA does not consider the near misses, the real number of touches, the safety of the residents walking their dogs and the grandchildren.</p>	<p><i>Refer to report for assessment of traffic matters.</i></p>
<p>Current walkways are rarely used as they offer significant trip hazards and are unsuitable for walking aids.</p>	<p><i>This is not a planning consideration. Site maintenance is the responsibility of the property owner.</i></p>
<p>I am concerned about the indicative walkway to the bus stop.</p>	<p><i>The amended master plan includes an alteration to the pedestrian path which will create a safer route to the bus stop. Any permit will include conditions requiring the pathway between Stanfield Drive and the Bus stop on the East Derwent Highway to be constructed to an appropriate standard.</i></p>
<p>Large number of drive-throughs especially late at night.</p>	<p><i>This is not a planning consideration.</i></p>

Submission received	Planning Response
<p>The sewage system with the current number of houses constantly needs pumper trucks and active intervention. We have constant written warnings from Wayne Rogers threatening that he will have to upgrade and therefore will be charged more in service fees.</p> <p>Electricity distribution is at max and that is why free solar was introduced to some houses to offset the shortage. We also suffer power outage due to load issues. Therefore I question an ability to easily add 27 houses.</p> <p>There has been a drop in water pressure since the last houses were built.</p> <p>Existing infrastructure power, sewer and water is unable to provide existing residents levels of service comparable to other residents in Tasmania. Increasing the load on this infrastructure to service new dwellings will worsen service levels.</p>	<p><i>This is not a planning consideration for the current proposal. Site maintenance is a matter for the property owner.</i></p> <p><i>As noted above, the proposal has been referred to external agencies responsible for underground infrastructure, such as TasNetworks and TasWater. Those agencies have provided conditions and/or advice in relation to the development.</i></p>
<p>The proposed addition of a roundabout has been a talking point for 8 years and still the proposal does not include access to Stanfield Drive. I understand that it was about who pays, not the benefit for the residents As an ambulance officer and resident, the current entry into Stanfield Drive is both difficult and dangerous especially between 7am and 9am weekdays.</p>	<p><i>The Department of State Growth is currently undertaking a corridor study on the East Derwent Highway. To date DSG have not been able to provide any guidance or direction on whether a roundabout will be required at Riviera Drive or elsewhere along the East Derwent Highway. The TIA submitted with the application demonstrates that the existing Stanfield Drive will still function and during peak period following further growth there are options for vehicles wishing to turn right out of Stanfield Drive to turn left and do a U-turn at the Gage Road roundabout. Due to low traffic generation the proposed development should have no material impact on operation of the existing Stanfield Drive intersection compared with existing conditions. The deterioration of the existing Stanfield Drive intersection is a</i></p>

Submission received	Planning Response
	<i>result of traffic growth on the east Derwent Highway.</i>
<p>In the current village there is a significant earth barrier that offers security for the residents, but also provides a noise barrier from the busy road. Why is there no proposal of a wall or noise barrier in the proposal?</p> <p>The proposed planning reduces the existing noise reduction barrier between the homes and the highway. My concern is that the developers will push this to the limits at the expense of the residents.</p>	<p><i>Sheet A101 Masterplan – Full Site shows the proposed extension to the existing acoustic berm for the extent of the development.</i></p> <p><i>The Applicant has provided a noise attenuation report which demonstrates that the acoustic berm is sufficient to mitigate road noise to residents. A condition is included in the permit requiring the recommendations of the noise attenuation to be implemented.</i></p>
<p>Acoustic berm extends beyond the property boundary. So there are issues relating to maintenance and whether Council can approve works on third party land.</p>	<p><i>The extension to the acoustic berm is contained within the property boundaries.</i></p>
<p>Plans show a vegetated swale at the base of the acoustic berm (proponents land). Historically St Ann’s living has not maintained similar swales so an alternative method to manage run-off is required.</p>	<p><i>Council’s Development Engineer has assessed the stormwater requirements of the proposal and recommended conditions for approval. The internal stormwater drainage is private and the responsibility of the owner to maintain.</i></p>
<p>Plans show a path between the acoustic berm and a fence at the rear of the properties. There is no lighting or passive observance of this area. This can be expected to lead to anti-social and criminal behaviour which will impact resident safety.</p>	<p><i>Annexure E provides an amended master plan and an indicative layout which includes lighting. The applicant has agreed to a condition to increase the transparency of the fencing which will positively impact passive surveillance.</i></p> <p><i>Refer to clause C2.6.5 for discussion.</i></p>
<p>A concrete footpath from Stanfield Drive to the Metro bus stop is required. Concrete is preferred at St Ann’s Living has not demonstrated an ability to undertake adequate maintenance and it provides a stable surface for aged residents. Construction of this path</p>	<p><i>This has been included. Refer Annexure E.</i></p> <p><i>Site maintenance is a matter for the property owner. However the proposed path between Stanfield Drive and the bus stop will be required to meet relevant standards.</i></p>

Submission received	Planning Response
<p>should be required before construction of any dwellings.</p>	
<p>Increasing the number of dwellings will increase demand for public transport. The proponent has not assessed how pedestrians can safely and conveniently access public transport on both sides of the East Derwent Highway.</p>	<p><i>Pedestrians will be able to access the existing bus stops via the proposed pedestrian connection including pedestrian refuge on the East Derwent Highway.</i></p>
<p>The proponent has completed previous development which require landscaping to be completed. These works have not been completed and recently St Ann's Living informed residents that all landscaping is complete. Consequently, there are concerns that the proponent will complete any landscaping required as part of this development.</p>	<p><i>This is not a planning consideration for this proposal. Compliance with previous approvals will be dealt with as a separate matter.</i></p>
<p>Proponent says there will be no impact to underground infrastructure resulting from landscaping but does not address any impact on above ground infrastructure such as stormwater swales i.e. weeds, leaf litter.</p>	<p><i>A permit condition requiring an amended landscaping plan is included. The amended plan will need to consider both underground and above ground infrastructure.</i></p>
<p>The proponent has provided council with stormwater plans etc, but these are not available, online, for residents in the village to comment on.</p>	<p><i>It is considered that the information advertised was sufficient to enable an understanding of the proposed development.</i></p>
<p>The proponent has not shown the impact of parking large vehicles (motorhomes, caravans, camper vans and boats) on the road. The TIA did not consider that these vehicles would be parked on the road.</p>	<p><i>Refer to assessment.</i></p>
<p>In the proponent's application there is some talk of implementing parking restrictions. St Ann's living does not have the head of power to impose parking restrictions and Council does not have that power, as the roads are private. Similarly, no-one can enforce the proposed no stopping sign</p>	<p><i>Residents should refer to Retirement Villages Act 2004 (Tas) for clarification on contractual matters, rights of residents, village rules, etc.</i></p>

Submission received	Planning Response
discussed in the proponents application.	
The development of 27 new dwellings is a 22% increase in the number of homes in the area. This will impact on amenity for existing residents. This will show up in increased on road parking, greater traffic volumes and noise.	<i>The proposal has been assessed as complying with the provisions of the Particular Purpose Zone and relevant code standards that deal matters such as amenity, traffic and noise.</i>
The density of the proposed dwellings along the eastern side of Celata Drive is of a higher density than any other dwelling in the village, which does not enhance the streetscape.	<i>The proposal has been assessed as complying with the provisions of the Particular Purpose Zone that deal with issues regarding streetscape.</i>
It could be argued that the proposal cannot satisfy the acceptable solution in relation to [BRI-P1.6.4 A2] as the higher density of smaller dwellings makes the landscaping and driveways similar to that of multiple residences, rather than singular, well defined housing.	<p><i>The proposal plans include an indicative landscaping plan, and is in accordance with the acceptable solution.</i></p> <p><i>A condition will be included for a more comprehensive landscaping plan which demonstrates that landscaping does not interfere with underground services.</i></p>
The proposal cannot satisfy the objective [BRI-P1.6.4] "That private open space must provide for: (a) the reasonable recreation and service needs of residents; and (b) adequate and efficient provision of parking." (emphasis added). Where these houses are proposed, St Ann's currently provides caravan parking for the residents.	<i>As noted in the Applicant's response, although residential amenity is specifically referred to in the zone purpose statements, section 6.10 of the scheme stipulates that the purpose statements should not inform the Planning Authority's determination unless discretion is invoked with respect to use.</i>
St Ann's website states that "The estate will be developed into the most beautifully designed, environmentally friendly, affordable senior lifestyle estate in Tasmania". This planning application negates this as the proposed design does not meet the current planning scheme. The appearance and character of the low-	<i>As noted in the Applicant's response, although residential amenity is specifically referred to in the zone purpose statements, section 6.10 of the scheme stipulates that the purpose statements should not inform the Planning Authority's determination unless discretion is invoked with respect to use.</i>

Submission received	Planning Response
<p>density, community focused retirement village will be compromised.</p>	<p><i>The proposal satisfies the development standards for the Particular Purpose Zone - St Ann's Precinct relating to amenity.</i></p>
<p>The proposed link road and buildings 1-10 will not meet the zone purpose BRI-P1.1.1 or BRI-P1.1.3. as the proposed land use of housing is not appropriate as its current land use is already providing amenity to the site. Currently in that location is the "village green", an area of purposeful landscaping around the community building. The proposed housing is only 2.5 metres from the recreational space – Refer to attached rep for comment</p> <p>Building setbacks do not meet the required setbacks nor the objective of [BRI-P1.6.2]</p>	<p><i>As noted in the Applicant's response (p2 of Attachment C), section 6.10 of the scheme stipulates that the purpose zone purpose should not inform the Planning Authority's determination unless discretion is invoked with respect to use.</i></p> <p><i>Further, there are no applicable development standards within the Particular Purpose Zone - St Ann's Precinct requiring the provision of public open space.</i></p>
<p>Increased flow of traffic through the village is of concern.</p>	<p><i>Refer to assessment.</i></p>
<p>Villagers are disappointed that they were not giving the opportunity to discuss the proposed development. They do not believe that the owners have a "social licence" as such to proceed with this development in its current form.</p>	<p><i>This is a matter for discussion between residents and the property owner.</i></p> <p><i>Residents should refer to Retirement Villages Act 2004 (Tas) for clarification on contractual matters, rights of residents, village rules, etc</i></p>
<p>As a resident of Stanfield Drive, I am concerned about the increase in traffic to the cul-de-sac. There are no footpaths on either side of the road until after number 22, making foot traffic challenging. I acknowledge the excellent walking track provided to encourage a healthy lifestyle, but without footpaths, this track doesn't link up and it is currently a matter of dodging traffic, particularly during shift changes at the Nursing home. I have been looking forward to the possibility</p>	<p><i>Refer to assessment.</i></p>

Submission received	Planning Response
of the current entrance to Stanfield Drive being closed in the future.	
My concern is getting in and out of the village onto the highway with so many more cars here.	<i>Due to low traffic generation the proposed development should have no material impact on operation of the Stanfield Drive intersection compared with existing conditions. Councils Development Engineer is satisfied that the proposal satisfies the relevant sections of the Road and Railway Assets Code and the Parking and Sustainable Transport Code which deal with traffic safety related matters.</i>
As with many other residents, we bought here because we were told that only 120 homes would be built, there would be parking for vans and cars, the estate would include an outside gym area, outdoor exercises classes in warmer months, community garden, safe walking areas, links to lifestyle activities, a library and free access to the recently completed club house which includes a hair and beauty salon. Of these we have a club room which struggles to hold 40 people comfortably, a hairdresser and some books in the club room.	<i>This is not a planning consideration.</i>
The walking track has not been kept in good condition and is now covered in long grass.	<i>Site maintenance is a matter for the property owner.</i>
27 homes and only 26 car parks when it should be 58.	<i>The proposal has been reduced to 26 dwellings. The applicant has submitted a revised masterplan demonstrating 54 car parking spaces can be accommodated. Refer to assessment.</i>
With all the underground work that will be required, I'm wondering who will pay for all of this if it does eventuate?	<i>The developer is required to pay for the installation of services.</i>
The reduction in the number of required car parking spaces for new dwellings is inadequate as the current layout and	<i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan</i>

Submission received	Planning Response
<p>infrastructure already presents significant challenges to traffic flow and manoeuvrability.</p>	<p><i>and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays. A condition requiring “on street” parking spaces to be delineated is recommended.</i></p>
<p>The swept path diagrams do not accurately reflect the reality of reversing trailers and cars into carports with visitor vehicles parked parallel to the driveway. Additionally the lack of clear street markings to designate visitor street parking areas often leads to obstructions at driveway entrances, further complicating access due to inadequate signage and absence of dedicated car parking bays.</p>	<p><i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays. A condition requiring “on street” parking spaces to be delineated is recommended.</i></p>
<p>I contest section 2.76 Parking Availability in the TIA, and believe that for this assessment to be accurate, it should be measured on either a weekend when there is an influx of visitors or on a Monday when the bins are out for collection and obstructing the said “available street parking’ along the shared roads.</p>	<p><i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i></p>
<p>Visitors are frequently required to park on the grass of neighbouring properties due to a fear of not wanting to block the narrow access ways, leading to damage and deterioration of residents’ gardens. There is a clear need for dedicated visitor parking spaces that are not obstructed by bins or other obstructions.</p>	<p><i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i></p>
<p>The current village is a good size to support community activities and social interaction. The whole idea of village life is to keep it small and enable the elderly residents to have room to socialise and</p>	<p><i>The proposal must be assessed against the provisions of the Tasmanian Planning Scheme – Brighton and its Local Provisions Schedule, including the Particular Purpose Zone – St Ann’s Precinct.</i></p>

Submission received	Planning Response
<p>walk easily around the grounds. Please consider the application carefully with regard to the well being of the residents of St Anns Village and the circumstances outlined when residents agreed to live at St Anns.</p>	
<p>The proposed addition of a roundabout has been a talking point for 8 years and still the proposal does not include access to Stanfield Drive. I understand that it was about who pays, not the benefit for the residents As an ambulance officer and resident, the current entry into Stanfield Drive is both difficult and dangerous especially between 7am and 9am weekdays.</p>	<p><i>The Department of State Growth is currently undertaking a corridor study on the East Derwent Highway. To date DSG have not been able to provide any guidance or direction on whether a roundabout will be required at Riviera Drive or elsewhere along the East Derwent Highway. The TIA submitted with the application demonstrates that the existing Stanfield Drive will still function and during peak period following further growth there are options for vehicles wishing to turn right out of Stanfield Drive to turn left and do a U-turn at the Gage Road roundabout. Due to low traffic generation the proposed development should have no material impact on operation of the existing Stanfield Drive intersection compared with existing conditions. The deterioration of the existing Stanfield Drive intersection is a result of traffic growth on the east Derwent Highway.</i></p>
<p>In the proponents application there is some talk of implementing parking restrictions. St Ann's living does not have the head of power to impose parking restrictions and Council does not have that power, as the roads are private. Similarly, no-one can enforce the proposed no stopping sign discussed in the proponents application.</p>	<p><i>Council has no powers to enforce parking restrictions on private property. Any parking restrictions would need to be applied and enforced by St Anne's Living as the owner.</i></p>
<p>The proponent has provided several diagrams showing the swept path of a B85 vehicle. Since the proponent has proposed that large vehicles could be stored at residences then they should show the swept path for large vehicles.</p>	<p><i>There is no requirement in the Planning Scheme to provide parking for larger vehicles, however the representation is considered to have relevance to the shortfall in parking originally proposed. The amended master plan has provided increased designated off street</i></p>

<p>This is not an unreasonable request given the, relatively, high housing density and narrow streets. The proponent should also show the swept path of vehicles assuming other large vehicles (caravans, motorhomes etc) are parked in the street.</p>	<p><i>parking which will reduce ad hoc on street parking. It is accepted that not all units will have provision for larger vehicles to park off street and some of those that do may require multiple turning movements for larger vehicles. This is no different to general residential streets.</i></p>
<p>The proponent has demonstrated that the Stanfield St/ E Derwent Highway junction level of service will deteriorate to an unacceptable level F within 10 years. The proponent claims this is due to increases in traffic on E Derwent Highway rather than their development. They claim that the new development will only have a minor impact of the number of users entering/ leaving Stanfield Drive. This ignores an important point, a junction operating at level F is more likely to see an increase in the accident rate as drivers (entering/ leaving Stanfield Drive) become impatient and consequently undertake unsafe traffic movements. The proponent has not demonstrated that there will be sufficient queuing distance on E Derwent Highway for vehicles turning right into Stanfield Drive when the intersection operates at level of service F. It is worth noting that the proponent has only looked 10 years ahead. They should be required to show traffic modelling for longer periods of time, particularly since the State Government is unlikely to fund a new roundabout within 10 years.</p>	<p><i>Due to low traffic generation the proposed development should have no material impact on operation of the existing Stanfield Drive intersection compared with existing conditions.</i></p>
<p>The TIA mentions that there is a posted speed limit of 10km/hr. This sign is only a suggestion and cannot be enforced.</p>	<p><i>Council has no powers to enforce parking restrictions or speed limits on private property. Any restrictions or limits would need to be applied and enforced by St Anne's Living as the owner.</i></p>
<p>The proponent used DSG traffic data that did not include vehicles turning</p>	<p><i>The DSG traffic data reviewed was relating to through traffic and not turning traffic. Through</i></p>

<p>right out of Riviera Drive or vehicles turning left into Riviera Drive. Consequently, their raw data underestimates actual traffic flows.</p>	<p><i>traffic is the key item of this review as it shows a trend on whether traffic volumes are increase or decreasing over time, and at what rate.</i></p>
<p>The TIA identified that the queue length of right turning vehicles from E Derwent Highway was 2-3 vehicles. With increased traffic volumes predicted in the TIA there is no explanation as how much this queue will grow and what impact it has on other road users.</p>	<p><i>Due to low traffic generation the proposed development should have no material impact on operation of the existing Stanfield Drive intersection compared with existing conditions.</i></p>
<p>Traffic counts used for the E Derwent/ Stanfield junction do not consider growth due to new homes being constructed in the area i.e. Staples Court.</p>	<p><i>Due to low traffic generation the proposed development should have no material impact on operation of the existing Stanfield Drive intersection compared with existing conditions.</i></p>
<p>Traffic surveys were carried out during July when residents often stay home due to the cold and many residents travel to the mainland or overseas. Whilst this would happen in many communities in Tasmania. The narrow demographic in St Ann's means that the error in measuring traffic in July is much higher than other communities.</p>	<p><i>As noted by Applicant, traffic counts were undertaken outside of any public holidays and/or school term breaks which is common practice when trying to establish typical existing road volumes.</i></p>
<p>The reported traffic volumes are expressed as average values but the 90th percentile would make more sense as we want to understand the worst impacts of the development</p>	<p><i>As noted by Applicant, AM and PM peak hour traffic volumes were collected, and the intersection analysis considers the impacts during the critical peak periods, being the AM and PM commuter peak hours.</i></p>
<p>The TIA excluded some crash data prior to June 2019 but the proponent did not explain why they took did this. If the data was favourable to the development then I would have thought it would be include.</p>	<p><i>As noted by Applicant, Crash data was analysed for the most recent 5-year period which is common and acceptable traffic engineering practice.</i></p>
<p>When reviewing parking availability, the TIA showed data for a short period aligning with peak periods on the E Derwent Highway. The TIA does not explain the logic of doing this. It is the same as going to a shopping centre at 8am to count spaces and later stating</p>	<p><i>Following the representation being received the applicant has provided an amended master plan significantly increasing the number of designated parking spaces.</i></p>

<p>this proves there is a surplus of parking spaces. Within St Ann's peak parking will occur at different times. Parking will be higher, later in the day, due to service vehicles, residents parking second vehicles (including caravans etc) on the road, visitors and organisations providing care to residents.</p>	
<p>The TIA states there is abundant parking spaces, but this is more a function of flawed data than actual supply/ demand.</p>	<p><i>Following the representation being received the applicant has provided an amended master plan significantly increasing the number of designated parking spaces.</i></p>
<p>As discussed above, the parking survey is based on flawed data and therefore should be ignored. The parking survey only looked at on street parking and did not assess the number of on-site parking spaces. It's not logical to compare on street parking in an area where housing can have multiple on-site car parks (i.e. I park 4 vehicles at my home) to an area with a single on-site car park.</p>	<p><i>Following the representation being received the applicant has provided an amended master plan significantly increasing the number of designated parking spaces.</i></p>
<p>At one point the TIA refers to an access way serving 3 properties and claims that the probability of 2 vehicles meeting on the access way is very low. Whilst it is true that the probability of 2 vehicles meeting in one hour is low, the proponent has failed to recognise that there are many hours in a year. We can model this situation using the proponents estimate of 0.93 trips per hour, a Poisson probability mass function, assuming the driveway could be used for 12 hours a day and assuming if 2 vehicles use the driveway at any single time within a one-minute timeframe there is a clash. Then there will be 31 clashes a year, hardly an insignificant number.</p>	<p><i>The driveway in question could easily be provided with a passing bay. A condition requiring a passing bay be provided is recommended.</i></p>

<p>The TIA proposes not to provide footpaths. In justifying this the proponent says that there is a posted speed limit of 10km/hr. At best this sign is a suggestion and can not be enforced. They refer to the existing development relying on shared paths. This is true but that doesn't make it safe. For example, some residents who use walkers have trouble with vehicle traffic that can travel legally at 50km/hr. This is especially the case when people with walkers move out from behind parked motorhomes (reduced sight distance). This will become more of an issue when large vehicles that are currently parked off road will be moved to on road parking. The TIA refers to there being good sight distances, but they ignore that a parked motorhome or caravan reduces this distance.</p>	<p><i>The representation is considered to have merit. Council has no powers to enforce parking restrictions or speed limits on private property. Any restrictions or limits would need to be applied and enforced by St Anne's Living as the owner. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i></p>
<p>The TIA says that retirement homes generate less traffic, but they have not provided any information or reasoning to support this.</p>	<p><i>As noted by the TIA, the traffic generation levels were estimated based on the existing volumes associated with the existing development on the site. The traffic count provides a representation of existing traffic generation. The proposed development is an extension of the existing and as such it is reasonable to expect similar traffic generation.</i></p>
<p>The TIA provides swept path diagrams to show that the new development can be serviced by Council waste vehicles. However, the swept path diagrams do not show the impact of on street parking, particularly if some of those vehicles are caravans, motorhomes etc.</p>	<p><i>The representation has merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i></p>
<p>The draft concept plan doesn't take into consideration traffic entering the East Derwent Highway from Stanfield Drive. Residents of Stanfield drive has been previously advised of a potential plan to close the existing entrance to Stanfield Drive and open up the</p>	<p><i>Whilst the proposal under consideration has a small traffic generation it will, prohibit any future connection of Stanfield Drive through to a potential roundabout at Riviera Drive/East Derwent Highway. The Department of State Growth has been unable to provide any</i></p>

<p>southern end aligning this to a proposed roundabout coming off Riviera Drive. From Traffic Impact Assessment Report 23.1 it is apparent that the Dept of State Growth are still considering this option in the corridor study currently being undertaken. I notice that if units 8, 9 & 10 proceed within the proposed development it would render this proposal unviable. I disagree with the finding of 9th October by Ireneinc Design regarding delays caused by a potential roundabout, a precedent has been set at Clives/Fouche Avenues which in my opinion provides great traffic flow. If developments are to continue in our municipality it is important that fair and safe access is given to the East Derwent Highway, I also find it absolutely ludicrous the suggestion that motorists exiting Stanfield Drive would proceed north to the Gage Road roundabout, in another suburb, in order to drive south on the East Derwent Highway. Can council provide assurance from the Dept of State Growth that no “no turn restrictions” will be enforced in the future?</p>	<p><i>guidance as to whether a roundabout will be required at Riviera Dr or elsewhere along the East Derwent Highway.</i></p> <p><i>Council cannot provide any assurance that the Department of State Growth won't impose turn restrictions on the existing Stanfield Drive in the future.</i></p>
<p>I am unable to find any reference to Respect Aged Care Nursing Home staff/visitor movements in the Traffic Impact Assessment report. I have checked with Respect and the main shift changes occur at 7am and 3pm. This doesn't line up with Figures 13 & 14 of the Traffic Impact Assessment Report, which states the peak movements are between 7.15 – 8.15am and 3.30 – 4.30pm. As you would be aware the demographic in this area is mainly retired people so traffic movement is not determined by school hours, but, mainly I believe by the Nursing Home. From looking at the location of the Tube Counter, Traffic Impact Assessment 25.2, Figure 15, it was placed south of the exit for staff</p>	<p><i>The peak times in the Traffic Impact Assessment represent peak time on the East Derwent Highway, not necessarily peak times for traffic generation from the proposed development or the Nursing Home. It is the traffic volumes on the East Derwent Highway which have a greater impact on the operation of the Stanfield Drive / East Derwent Highway intersection. As such these times are considered appropriate to use.</i></p>

<p>leaving work or visitors to the Nursing Home, therefore not capturing this traffic or movement of residents of Stanfield Drive, I don't believe this gives an accurate picture of traffic numbers.</p>	
<p>This development isn't just about the retirement village, proposals in this application have the potential to have a detrimental effect on the residents of Stanfield Drive and residents, staff and visitors of the Nursing Home.</p>	<p><i>Traffic generation from the proposed development is relatively low and will result in a minimal increase in traffic on Stanfield Drive and surrounding areas.</i></p>
<p>The swept path diagrams do not accurately reflect the reality of reversing trailers and cars into carports with visitor vehicles parked parallel to the driveway. Additionally the lack of clear street markings to designate visitor street parking areas often leads to obstructions at driveway entrances, further complicating access due to inadequate signage and absence of dedicated car parking bays.</p>	<p><i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i></p>
<p>I contest section 2.76 Parking Availability in the TIA, and believe that for this assessment to be accurate, it should be measured on either a weekend when there is an influx of visitors or on a Monday when the bins are out for collection and obstructing the said "available street parking" along the shared roads.</p>	<p><i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i></p>
<p>Visitors are frequently required to park on the grass of neighbouring properties due to a fear of not wanting to block the narrow access ways, leading to damage and deterioration of residents' gardens. There is a clear need for dedicated visitor parking spaces that are not obstructed by bins or other obstructions.</p>	<p><i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i></p>

6. Conclusion

The proposal for Multiple Dwellings (26) as part of St Ann's Retirement Village, satisfies the relevant provisions of the Tasmanian Planning Scheme – Brighton including the Local Provisions Schedule, and as such is recommended for approval.

RECOMMENDATION:

That pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approve application DA 2024/52 for Multiple Dwellings (26) as part of St Ann's Retirement Village at 28 Stanfield Drive, Old Beach and 1 Radius Drive, Old Beach for the reasons outline 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, including amended masterplan dated 15th January 2025, pedestrian footpath detail dated 11th December 2024 and addendum to TIA from Salt3 dated 16th January 2025 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.
- (3) The development must be constructed in accordance with the recommendations contained in Section 4 of the St Anns Lifestyle – Noise Assessment prepared by Noise Vibration Consulting dated 8 October 2024.
- (4) Prior to occupancy of any of the dwellings approved under this permit, certification from a suitably qualified noise engineer must be submitted to Council demonstrating that all requirements of the Noise Assessment have been implemented.

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.

Landscaping

- (5) Prior to commencement of works or issue of building approvals pursuant to the *Building Act 2016*, submit an amended landscape plan prepared by a suitably qualified person for approval by Council's Director Development Services. The landscape plan must include:
 - (a) A survey of all existing vegetation to be retained and/or removed.
 - (b) All areas to be landscaped, including:

- i. the acoustic berm,
 - ii. each dwelling as if for a single dwelling
- (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.
 - (g) Be clear of all underground and above ground infrastructure.

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.*

- (6) 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.
- (7) Prior to commencement of first use of any dwelling approved by this permit, all trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Director Development Services. Evidence showing compliance with this condition must be submitted to and approved by the Director Development Services within 30 days of planting.
- (8) 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

- (9) Prior to commencement of works or issue of building approvals pursuant to the *Building Act 2016*, submit a fencing plan for approval by Council's Director Development Services. Unless otherwise agreed by Council's Director Development Services, the plan must show fencing to the rear of the units adjacent to the pathway along the eastern boundary to be no greater height than:
 - (i) 1.2m above existing ground level if the fence is solid; or
 - (ii) 1.8m above existing ground level, if the fence has openings above the height of 1.2m which provide a uniform transparency of at least 30% (excluding any posts or uprights);

Amenity

- (10) 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.
- (11) Prior to commencement of works or issue of building approvals pursuant to the *Building Act 2016*, a schedule specifying the finish and colours of all external surfaces and samples must be submitted to and approved by Council's Director Development Services. The schedule must provide for finished colours that are not reflective, and are of natural colours such as black, grey, brown and green and be in a hue that is unobtrusive.

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.

TasWater

- (12) 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 2024-00659-BTN dated 19/6/2024, as attached to this permit.

Services

- (13) 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 development. Any work required is to be specified or undertaken by the authority concerned.
- (14) 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.

Parking and Access

- (15) The proposed vehicle access from the Stanfield Drive cul de sac (within the road reservation) must be constructed 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 with a minimum width of 6.0 metres; and
 - d) to the satisfaction of Council's Municipal Engineer.
- (16) Unless required otherwise by the Department of State Growth, the Stanfield Drive intersection must be upgraded generally in accordance with the recommendations of the approved Traffic Impact Assessment (TIA) and a works permit issued by the Department of State Growth.

- (17) At least fifty-four (54) new car parking spaces, including at least one (1) parking spaces per dwelling and six (6) dedicated visitor car parking spaces, must be provided on site at all times for the use of the development.
- (18) A 1.5m minimum width reinforced concrete pedestrian path must be provided from the Stanfield Drive cul de sac to the existing bus stop and path on the East Derwent Highway to the satisfaction of Council's Municipal Engineer and the requirements of the Department of State Growth.
- (19) Pedestrian paths must be provided in accordance with the endorsed plans (Revised Master Plan A-100 Rev.12) and:
 - (a) Unless approved otherwise by Council's Director – Development Services, be constructed in reinforced concrete.
 - (b) Be a minimum width of 1m
- (20) All parking, access ways, manoeuvring and circulation spaces must be provided in accordance with the endorsed drawings (Revised Master Plan A-100 Rev.12), 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, asphalt 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) the new private access road from the Stanfield Drive cul de sac to Radius Drive must have an internal access width not less than 6.0 metres and accommodate a garbage collection vehicle (minimum Medium Rigid Vehicle);
 - (g) a 10km/h shared zone speed limit sign is to be provided at the entrance to the development at the proposed new entry off the Stanfield Drive cul de sac;
 - (h) A minimum 5.5m wide (total) by 6.0m long passing bay must be provided on the shared access to units 13, 13a and 15;
 - (i) signed parking restrictions on common (shared) accessways;
 - (j) have a vertical clearance of not less than 2.1m above the parking surface level;
 - (k) be delineated by line marking or other clear physical means (including all "on street" spaces).

- (21) Prior to the development commencing, or application for building or plumbing permits, the developer must submit to Council a parking plan including:
- (a) pavement details,
 - (b) design surface levels and gradients,
 - (c) drainage,
 - (d) turning and travel paths (where required to demonstrate compliance with AS2890),
 - (e) dimensions (including clearances),
 - (f) line marking,
 - (g) lighting (where provided),
 - (h) pedestrian paths (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 s60(2) of the Land Use Planning and Approvals Act 1993.

- (22) Prior to commencement of use of any dwelling, 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.

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

- (23) 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.

Advice: Prior to undertaking any works in the State road reservation, a Works permit is required from the department of State Growth in accordance with Section 16 of the Roads and Jetties Act 1935.

Stormwater

- (24) Unless approved otherwise by Council's Municipal Engineer the stormwater system for the proposed development must be substantially in accordance with Engineering Advice 241023 EA 23E99-88, prepared by Aldanmark Engineering.
- (25) 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*.
- (26) 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 stormwater main on the western side of Radius Drive from Stanfield drive to the pit at the open drain south of Ellipse Circle is public infrastructure.***
- c) Stormwater from the proposed development must be treated prior to entering the public stormwater system to:
 - i. achieve that the quality targets in accordance with the State Stormwater Strategy 2010.
- (27) The development must incorporate overland flow paths through the site to accommodate a 1% AEP (plus climate change) rainfall event.
- (28) 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.
- (29) 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*.
- (30) 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 Municipal Engineer pursuant to s60(2) of the Land Use Planning and Approvals Act 1993.

Erosion and Sediment Control

- (31) An Erosion and Sediment Control Plan (here referred to as a ‘ESCP’) prepared in accordance with the guidelines *Erosion and Sediment Control, The fundamentals for development in Tasmania*, by the Derwent Estuary Programme and Tamar Estuary and Esk Rivers Program, must be approved by Council’s Director Development Services before development of the land commences. The ESCP shall form part of this permit when approved.
- (32) 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

- (33) 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.
- (34) 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.

- (35) 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

- (36) 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.
- (37) 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.
- (38) 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. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- D. The Applicant is recommended to submit an application via the TasNetworks portal if they need to upgrade the electricity supply connection to support this strata title development.

DECISION:

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

CARRIED

VOTING RECORD

<u>In favour</u>	<u>Against</u>
Cr Gray	Cr Curran
Cr Irons	Cr De La Torre
Cr Owen	
Cr Whelan	

Meeting closed: 6.25pm

Confirmed: _____
(Mayor)

Date: _____
18 February 2025