



# Brighton Council

MINUTES OF THE **PLANNING COMMITTEE MEETING**  
OF THE BRIGHTON COUNCIL HELD  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES  
OLD BEACH AT 5.35P.M. ON TUESDAY,  
8<sup>TH</sup> OCTOBER, 2013

**PRESENT:** Cr Gray (Chairperson); Cr Garlick; Cr Geard and Cr Taylor.

**IN ATTENDANCE:** Cr B Curran; Mr J Dryburgh (Manager Strategic Planning) and Mrs J Banks (Manager Governance & Human Services).

## 1. APOLOGIES:

*Cr Taylor moved, Cr Geard seconded that Cr Foster and Cr Owen be granted leave of absence.*

**CARRIED**

### VOTING RECORD

| In favour  | Against |
|------------|---------|
| Cr Garlick |         |
| Cr Geard   |         |
| Cr Gray    |         |
| Cr Taylor  |         |

## 2. QUESTION TIME & DEPUTATIONS:

*As there were no members in the gallery there was no requirement for question time.*

## 3. DECLARATION OF INTEREST:

In accordance with Part 5, Section 48 of the *Local Government Act 1993*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have an interest in any item on the agenda; and

Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2005, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of any interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2005.

*There were no declarations of interest.*

#### **4. COUNCIL ACTING AS PLANNING AUTHORITY:**

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2005, the intention of the Council to act as a 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 4. on this agenda, inclusive of any supplementary items.

##### **4.1 POLICY & GUIDELINES – SOLAR INSTALLATIONS:**

**AUTHOR:** Planning Officer  
(Ms C Southern)

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##### **Background and Assessment:**

Domestic renewable energy systems have become significantly more affordable within the last 5 years, with an increase in the number of private residences partly or completely powered by renewable systems. Solar installations are by far the most popular choice of renewable energy system for private residences, including photovoltaic (PV) and solar hot water system.

Council staff receive regular queries regarding the planning requirements for solar installations for domestic purposes – generally, whether a planning permit is required, and how much the permit will cost.

A consistent approach is needed, to ensure that all applicants receive the same information and advice, and that the community is not discouraged from installing solar systems as a result of the extra costs of planning fees or uncertainty around the process.

Attachment 1 of this report provided a set of planning guidelines for solar installations, intended to be used both internally by Council staff, but also made available to the community. The draft guidelines apply to the existing planning scheme, and will be superseded when the Draft Interim Planning Scheme becomes active, by the proposed Section 6.0 - Limited Exemptions (6.1 Minor Structures and Outbuildings and 6.8 Renewable Energy), and other provisions within the Interim Scheme.

This report seeks to obtain endorsement from Council to adopt and distribute the planning guidelines to provide clarity regarding the planning process for solar installations, as well as to adopt a policy to waive planning application fees for 'Permitted' applications. There is very limited cost to Council in the assessment of Permitted applications for solar installations. These actions will contribute to Brighton's image as a contemporary, forward-thinking municipality.

Additionally, Attachment 2 provides an example of basic permit conditions that can be applied to solar installations. Other potential conditions might deal with preventing encroachment on easements, setback requirements, and heritage impacts.

The potential for solar installations to adversely impact on heritage values is one of the main triggers for an application to be considered discretionary. The majority of the heritage listed places under Schedule 9 of the current planning scheme are also listed on the Tasmanian Heritage Register. Applications affecting these places would be referred to Heritage Tasmania for assessment. For the small number of heritage places that are not listed on the Register, case-by-case conditions (or refusal if warranted) could be drafted, based on the general guidelines '*Installing modern services on heritage buildings*' prepared by Heritage Tasmania'. Heritage Tasmania would also encourage liaison with them regarding places of heritage significance not on the Register.

**Consultation:**

Consultation occurred with Council's Manager Strategic Planning, Planning Officers, Municipal Engineer and Project Engineer.

Phone conversations with planning staff at other Councils in the Greater Hobart Area is summarised in the table below. The summary indicates that a similar approach is being taken at these other Councils, albeit often in the absence of a clear set of guidelines for applicants. Differences are generally the result of differing provisions under individual planning schemes.

| Council             | Summary of Findings  |
|---------------------|--|
| Hobart City Council | <ul style="list-style-type: none"> <li>• Exempt if compliant with the building envelope provisions under PD4 (e.g. minor protrusions not extending more than 1.5m from the single dwelling)</li> <li>• Planning Applications are taken if within a heritage</li> </ul> |

|                        |  |
|------------------------|--|
|                        | <p>precinct/listed building</p> <ul style="list-style-type: none"> <li>• Rarely take applications other than for heritage reasons</li> <li>• Treated as any other planning application, including the standard requirement for fees</li> <li>• Did have a solar rebate of \$500, but has recently lapsed</li> </ul>  |
| Kingborough Council    | <ul style="list-style-type: none"> <li>• No permit required if under 18m<sup>2</sup> (building permit trigger under the Building Act)</li> <li>• Exempt if compliant with the building envelope provisions under PD4 (e.g. minor protrusions not extending more than 1.5m from the single dwelling)</li> <li>• Would require an application if within a heritage precinct/listed building, with standard fees</li> </ul>   |
| Clarence City Council  | <ul style="list-style-type: none"> <li>• Exemption for domestic solar panels under Clarence Planning Scheme</li> <li>• Require application if triggers a discretion, including maximum height, or within a heritage precinct/listed building, with standard fees</li> </ul>  |
| Glenorchy City Council | <ul style="list-style-type: none"> <li>• Exempt if compliant with the building envelope provisions under PD4 (e.g. minor protrusions not extending more than 1.5m from the single dwelling)</li> <li>• Planning Applications are taken if within a heritage precinct/listed building</li> <li>• Have assessed a number of commercial applications that included solar installations, but haven't assessed a stand-alone application for commercial scale solar installation yet</li> </ul> |

**Risk Implications:**

The risks associated with adopting the proposed guidelines and Council policy are considered minimal. If applications for solar installations are reviewed appropriately (e.g. ensuring the proposed installation fits within the acceptable solutions of the Planning Scheme such as maximum height limit and building envelope, and doesn't trigger a discretion in relation to heritage), the potential planning impacts should be minimised. Structural requirements will be dealt with via building regulations if the application is for an installation larger than 18m<sup>2</sup>. Obvious issues with smaller installations (e.g. panels affixed poorly to a roof or frame structure) can be abated under the *Local Government Act 1993* public health and safety provisions.

## **Financial Implications:**

Financial loss associated with waiving planning fees for simple domestic solar installations is considered minimal. A standard set of basic permit conditions (see Attachment 2 for example) can be used to minimise time required by planning staff. Applications with a higher degree of complexity and associated issues are likely to be discretionary applications, and therefore, will be treated as standard planning applications with appropriate fees charged.

## **Other Issues:**

Other issues include:

- How to distribute information to the community (e.g. the planning guidelines or the policy summary could be included in the Brighton Community News, and available on the Council website)
- The guidelines will need to be reviewed when the Interim planning scheme is active – if considered worth-while, given that solar installations are specifically covered under Section 6.0 – Limited Exemptions

## **Options:**

1. As per recommendation.
2. Don't adopt the proposed guidelines and policy, and continue to operate on a case-by-case basis.
3. Adopt the proposed Solar Installation Planning Guidelines and make available to the public, but do not adopt the Policy;
4. Adopt the Solar Installation Planning Policy but do not adopt the proposed Guidelines.

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## **RECOMMENDATION:**

That Council adopt the proposed Solar Installation Planning Guidelines, and make available to the public; and adopt the following Solar Installation Planning policy:

*Brighton Council will waive planning application fees for all Permitted applications for solar installations as determined by planning staff, and as outlined in the Brighton Council Solar Installation Planning Guidelines*

## **DECISION:**

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

**CARRIED**

**VOTING RECORD**

| <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Garlick       |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr Taylor        |                |

**4.2 PONTVILLE TRAIL NETWORK CONCEPT PLAN:**

**FILE REFERENCE:**

**AUTHOR:** Planning Officer  
(Ms C Southern)

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**Background:**

This report seeks Council authorisation to further undertake preliminary investigations regarding the opportunity for a recreational trail network and potentially a public reserve on and around Pony Hill in Pontville.

Investigations will include discussions with key land owners regarding options for the development of trails, and the public use of land via agreements, lease, sale or other mechanisms.

The attached Pontville Trail Network Concept Plan provides further background about the project, and potential options and outcomes. It should be noted that the report presents a concept only - detailed design, trail alignment and other investigations will need to be undertaken in the event that the trail network, or elements of it, are progressed.

It is envisaged that the Pontville Trail Network Concept Plan be utilised as a tool in applications for grant programs of relevance to trail development, including recreation, community health and wellbeing, heritage and environmental management grants. The trail network outlined in the concept plan could be implemented in a staged way, and is therefore, a project that Council, other landowners, and the community could implement over a number of years.

Council staff will report back to Council regarding their investigations and any potential options will be put to Council for consideration.

**Consultation:**

Consultation has occurred with Council's Manager Strategic Planning, Planning staff, along with preliminary discussions with a key landowner of the Pony Hill area.

### **Risk Implications:**

There are no risk implications in further pursuing discussions and investigations.

In the event that an arrangement with the relevant landowners can be reached, and Council wish to proceed with the project, it is recommended that community consultation takes place prior to the finalisation of the trail network concept, and implementation of any on-ground works (other than environmental management works on Pony Hill). This will ensure that the community is well-informed about the project, and have an opportunity to make suggestions and comment.

Consultation will minimise the 'risk' of community opposition to the project, and engender support and a sense of ownership.

### **Financial Implications:**

At this stage, the project has minimal financial implications for Council.

In the event that the project is progressed beyond the conceptual stage, the costs could include:

- an increase in Council staff time on the project to prepare grant applications and any other supporting information required (e.g. Memorandum of Understanding between the landowner and Council)
- Council staff or external consultant costs to prepare detailed design documentation for selected trails (it is intended that this would be at least partially funded by grants)
- Council staff and/or external contractors costs to undertake on-ground works (it is intended that this would be at least partially funded by grants)
- ongoing maintenance and management costs of trails and associated infrastructure will be Council's responsibility, however, there are opportunities to engage community groups/local volunteer organisations to assist with maintenance tasks (e.g. Landcare or 'trail care' groups, and local schools), minimising Councils costs

### **Options:**

1. As per the recommendations.
2. That the recommendation not be adopted.

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### **RECOMMENDATION:**

That Council resolve to authorise Council staff to continue preliminary investigations, in particular liaise with the main landowner of Pony Hill and investigate potential trail development and management arrangements.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

| <b>In favour</b> | <b>Against</b> |
|------------------|----------------|
| Cr Garlick       |                |
| Cr Geard         |                |
| Cr Gray          |                |
| Cr Taylor        |                |

The meeting closed 5.50 p.m.

Confirmed:

\_\_\_\_\_  
(Mayor)

Date:

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15<sup>th</sup> October, 2013