PRESENT: Cr Foster (Mayor); Cr Curran (Deputy Mayor); Cr Garlick; Cr Geard; Cr Gray; Cr Higgins; Cr Owen and Cr Williams.

IN ATTENDANCE: Mr R Sanderson (General Manager); Mr G Davoren (Deputy General Manager); Mrs J Banks (Governance Manager); Mr H Macpherson (Municipal Engineer) and Mr D Allingham (Senior Planner) and Mr J Dryburgh (Manager Development Services).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 15TH NOVEMBER 2016.

Cr Geard moved, Cr Garlick seconded that the Minutes of the Ordinary Council Meeting of 15th November 2016 be confirmed.

CARRIED

VOTING RECORD

In favour Against
Cr Curran
Cr Foster
Cr Garlick
Cr Geard
Cr Gray
Cr Higgins
Cr Owen
Cr Williams

1.2 CONFIRMATION OF MINUTES OF THE EMERGENCY MANAGEMENT ADVISORY COMMITTEE OF 13TH DECEMBER 2016.
Cr Geard moved, Cr Owen seconded that the Minutes of the Emergency Management Advisory Committee Meeting of 13th December 2016 be confirmed.

CARRIED

VOTING RECORD

<table>
<thead>
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<th>In favour</th>
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<tr>
<td>Cr Curran</td>
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<td>Cr Williams</td>
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1.3 CONFIRMATION OF MINUTES OF THE ANNUAL GENERAL MEETING OF 13TH DECEMBER 2016.

Cr Gray moved, Cr Curran seconded that the Minutes of the Annual General Meeting of 13th December 2016 be confirmed.

CARRIED

VOTING RECORD

<table>
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<th>In favour</th>
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<tr>
<td>Cr Curran</td>
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<td>Cr Owen</td>
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<td>Cr Williams</td>
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1.4 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 13TH DECEMBER 2016.

Cr Owen moved, Cr Curran seconded that the Minutes of the Finance Committee Meeting of 13th December 2016 be confirmed.

CARRIED

VOTING RECORD

<table>
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<td>Cr Curran</td>
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<td>Cr Garlick</td>
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Cr Geard
Cr Gray
Cr Higgins
Cr Owen
Cr Williams

1.5 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY MEETING OF 13th DECEMBER 2016.

Cr Gray moved, Cr Garlick seconded that the Minutes of the Planning Authority Meeting of 13th December 2016 be confirmed.

CARRIED

VOTING RECORD
In favour Against
Cr Curran
Cr Foster
Cr Garlick
Cr Geard
Cr Gray
Cr Higgins
Cr Owen
Cr Williams

2. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Williams moved, Cr Curran seconded that Cr Jeffries be granted leave of absence as she was unwell.

CARRIED

VOTING RECORD
In favour Against
Cr Curran
Cr Foster
Cr Garlick
Cr Geard
Cr Gray
Cr Higgins
Cr Owen
Cr Williams

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Mr M Bartlett addressed Council in relation to various waste and rubbish matters within the municipality
• Cr Owen showed a presentation from the Brighton Christmas Pageant and Hobart Gymnastics Display Day both held on 10\textsuperscript{th} December 2016.

4. DECLARATION OF INTEREST:

In accordance with Part 5, Section 48 of the \textit{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 2015, 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 2015.

\textit{There were no declarations of interest.}

5. REPORTS FROM COUNCILLORS:

5.1 MAYOR’S COMMUNICATIONS:

\textbf{FILE REFERENCE:} 0205-6

\textbf{AUTHOR:} Mayor  
(Cr T Foster)

The Mayor’s communications were as follows:-.

\textbf{Nov 17} Meeting with Nic Hansen and tour of his Cherry and Raspberry plantations.

\textbf{Nov 23} Meeting and interview with Brigita Ozolins at former Army Camp as part of 10 Days on the Island 2017.

\textbf{Nov 29} Meeting with General Manager and Mr David Edwards re hooning complaint in Gagebrook.

\textbf{Dec 05} Meeting of Sub region group at the JRLF Trade Training Centre. Included a tour and briefing with Principal Sandy Menadue.

\textbf{Dec 06} GM, Manager Development Services and I met with Chris Kean to discuss proposal to buy council land.

\textbf{Dec 06} Meeting with GM and Senior Staff re issues of concern to Council

\textbf{Dec 12} STCA Meeting at Town Hall, Hobart.

\textbf{Dec 13} Civic Pride Consultancy Group meeting
Emergency Management meeting
Brighton Council AGM
Finance Committee meeting
Ordinary Council Meeting

Brighton Planning Authority meeting.
Dec 16 GM, senior staff and I met with Ingrid and Tony Harrison – Public Relations and BCN updates.
Dec 18 Brighton Councillors Christmas lunch at 12 Stones, Pontville.
Dec 19 JRLF Senior School Assembly
Dec 20 Lunch at Parliament House Hobart.
Dec 20 Ordinary Council meeting.

RECOMMENDATION:
That the Mayor’s communications be received.

DECISION:
Cr Garlick moved, Cr Owen seconded that the report be received.

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<tr>
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<td>Cr Gray</td>
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<td>Cr Owen</td>
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<td>Cr Williams</td>
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</table>

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

FILE REFERENCE: 0205-6

DECISION:

Cr Curran advised she had attended a Penguin Club dinner at the Brighton Office recently.

Cr Geard attended a Hobart Fire Management committee in the Council Offices, Old Beach on 1st December 2016.

Cr Curran moved, Cr Williams seconded that the reports be received.

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<tr>
<td>In favour</td>
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<tr>
<td>Cr Curran</td>
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<td>Cr Foster</td>
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</tbody>
</table>
5.3 CORRESPONDENCE FROM SOUTHERN TASMANIAN COUNCILS ASSOCIATION (STCA), LGAT, TASWATER AND JOINT AUTHORITIES:

Correspondence and reports from the STCA, LGAT, TasWater and Joint Authorities. If any Councillor wishes to view documents received contact should either be made with the Governance Manager or General Manager.

6. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2015, it was reported that no workshops were held since the last Ordinary Council Meeting.

7. NOTICE OF MOTION:

There were no notices of motion.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA:

In accordance with the requirements of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, the Council, by absolute majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

(a) the reason it was not possible to include the matter on the agenda, and
(b) that the matter is urgent, and
(c) that advice has been provided under Section 65 of the Local Government Act 1993.

RECOMMENDATION:

That the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2015.
DECISION:

The General Manager advised there were no supplementary agenda items.

9. REPORTS FROM COMMITTEES:

9.1 FINANCE COMMITTEE – 13/12/16:

The recommendations of the Finance Committee Meeting of 13th December 2016, were submitted to Council for adoption.

DECISION:

Cr Gray moved, Cr Garlick seconded that the recommendations of the Finance Committee meeting of 13th December 2016, be adopted.

CARRIED

VOTING RECORD

<table>
<thead>
<tr>
<th>In favour</th>
<th>Against</th>
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<tbody>
<tr>
<td>Cr Curran</td>
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<td>Cr Owen</td>
<td>Cr Williams</td>
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Cr Curran moved, Cr Garlick seconded that the Council meeting be adjourned to allow the Planning Authority to discuss the following planning matters.

CARRIED

VOTING RECORD

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<tr>
<td>Cr Curran</td>
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<td>Cr Higgins</td>
<td>Cr Owen</td>
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<tr>
<td>Cr Owen</td>
<td>Cr Williams</td>
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</table>
10. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, 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 11 on this agenda, inclusive of any supplementary items.

10.1 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 - RZ2016/07 - PARTIAL REZONE LAND FROM RURAL RESOURCE ZONE TO RURAL LIVING ZONE (AREA A) AND AMENDMENT TO TABLE 13.1 OF BRIGHTON INTERIM PLANNING SCHEME 2015:

<table>
<thead>
<tr>
<th>Type of Report</th>
<th>Planning Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application No:</td>
<td>RZ 2016 / 07</td>
</tr>
<tr>
<td>Address:</td>
<td>250 Cove Hill Road, Honeywood</td>
</tr>
<tr>
<td>Requested by:</td>
<td>Emma Riley and Associates Pty. Ltd.</td>
</tr>
<tr>
<td>Proposal:</td>
<td>Partial rezone land from Rural Resource Zone to Rural Living Zone (Area A) and amendment to Table 13.1 of Brighton Interim Planning Scheme 2015</td>
</tr>
<tr>
<td>Zone:</td>
<td>Rural Resource Zone</td>
</tr>
<tr>
<td>Representations:</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Discretion:</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

1. Executive Summary

1.1. The report considers a partial rezoning of the land known as 250 Cove Hill Road, Honeywood from the Rural Resource Zone to the Rural Living Zone (Area A) under the Brighton Interim Planning Scheme 2015 (the Interim Scheme).

1.2. The report also considers amending Table 13.1, which is contained within the Rural Living Zone provisions of the Interim Scheme. The proposed amendment states:
### Rural Living Zone Area

<table>
<thead>
<tr>
<th>Rural Living Zone Area</th>
<th>Minimum Lot Size</th>
<th>Area defined by map overlay?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>5000m² For land at 250 Cove Hill Rd, Honeywood (Certificate of Title Volume 44572 Folio 2, Certificate of Title Volume 146794 Folio 1 and Certificate of Title Volume 247795 Folio 2) the minimum lot size subject to the provision of full reticulated potable water supply, otherwise the minimum lot size is 1 ha.</td>
<td>Yes</td>
</tr>
<tr>
<td>B</td>
<td>1 ha</td>
<td>Yes</td>
</tr>
<tr>
<td>C</td>
<td>2 ha</td>
<td>Yes</td>
</tr>
</tbody>
</table>

1.3. To proceed, the request must be initiated by the Planning Authority. If initiated, public exhibition would follow and a final decision made by the Tasmanian Planning Commission.

1.4. The land generally runs along the western side of the Briggs Road, and is bound by land zoned Rural Living (Area B) to both the north and the south. Furthermore, the land on the eastern side of Briggs Road is also zoned Rural Living (Area B). To the west of the subject site, there is a sewerage treatment plan operated by TasWater, and Boral quarry. The rezoning provides a logical continuation of Rural Living zoned lots in Honeywood.

1.5. The land has not previously been considered for rezoning.

1.6. The proposal is recommended for initiation.

### Legislative & Policy Content

2.1. The purpose of this report is to enable the Planning Authority to determine whether or not to initiate the planning scheme amendment.

2.2. The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA establish the test of whether a planning scheme amendment is reasonable or not.

2.3. 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 2005.

2.4. This report has been prepared with appropriate regard to the State Policies that apply under the State Policies and Projects Act 1993.

3. Risk & Implications

3.1. Approval or refusal of this application will have no direct financial implications for the Planning Authority.

3.2. Implications for Council include general matters related to rate income, asset maintenance and renewal and responding to future subdivision and building applications.

4. Relevant Background and Past Applications

4.1. In August 2016, an application for a combined rezone and subdivision application was submitted for the land at 250 Cove Hill Road (RZ 2016/05). This application was to rezone a portion of the land to Rural Living Zone Area A, and provided for the subdivision of 108 lots. However, this application was withdrawn by the applicant prior to being considered by the Planning Authority.

5. Site Detail

5.1. Under the Brighton Interim Planning Scheme 2015, the entirety of the subject site is currently zoned Rural Resource (see Figure 1).

Figure 1: Current Zoning – Brighton Interim Planning Scheme 2015. Proposed lots to be rezoned are shown with a red outline.
5.2. The site subject to the rezoning request has a total area of 168.91ha and makes up three titles (See Figure 2). The land is generally to the west of Briggs Road. The land undulates from north to south with a general western fall from Jew Hill towards the Jordan River. The majority of the land is grassed with minimal tree coverage. The site has previously been used as a commercial farm for the harvesting of poppies. A TasWater main also generally follows the alignment of Briggs Road.

![Aerial imagery.](image)

Figure 2. Aerial imagery.

5.3. The land is bound by land zoned Rural Living (Area B) to the both the north and the south. Furthermore, the land on the eastern side of Briggs Road is also zoned Rural Living (Area B). To the west of the subject site, there is a sewerage treatment plan operated by TasWater, and the quarry, which is owned by Boral Constructions Pty Ltd.
5.4. The land is within serviced areas for reticulated water, as well as telecommunications and electrical. The land is not serviced with a sewer connection.
6. Proposal

6.1. The request seeks to partially rezone the properties identified in Table 1 from Rural Resource to Rural Living Zone, as per the diagram in Figure 4. The proposed boundary between the Rural Resource and Rural Living Zones is a proposed Attenuation Area (with a radius of 700m) that surrounds the existing TasWater treatment plant, which adjoins the site.

<table>
<thead>
<tr>
<th>Address</th>
<th>Volume/Folio</th>
<th>Lot Size (ha)</th>
<th>Owners</th>
</tr>
</thead>
<tbody>
<tr>
<td>250 Cove Hill Road</td>
<td>44572/2</td>
<td>73.25 ha</td>
<td>Cooltrans Pty Ltd</td>
</tr>
<tr>
<td>250 Cove Hill Road</td>
<td>146794/1</td>
<td>91.59 ha</td>
<td>Cooltrans Pty Ltd</td>
</tr>
<tr>
<td>250 Cove Hill Road</td>
<td>247795/2</td>
<td>4.07 ha</td>
<td>Cooltrans Pty Ltd</td>
</tr>
</tbody>
</table>

*Table 1. Properties that are subject to the rezone application.*

![Map of zoning proposal](image)

Figure 4. The proposed zoning for the land at 250 Cove Hill Road, as prepared by the applicant. Land proposed to be zoned Rural Resource is coloured peach, and land proposed to be zoned Rural Living is coloured pink.

6.2. Furthermore, the request seeks to amend the wording of Table 13.1 within the Interim Scheme. The amended wording is included in Table 2, below:
Table 2. The proposed amendment to Table 13.1 of the Interim Scheme. The amended wording, which is proposed to be included in the table, is in bold text for clarity.

7. Assessment

7.1. To be granted, the request must satisfy the provisions of LUPAA. To do so it is appropriate to have regard to the following:

- Local and regional land use strategies
- State policies and the objectives of the RMPS
- Environmental and heritage values of the land
- Infrastructure and transport services

7.2. Southern Tasmania Regional Land Use Strategy 2010-2035

7.2.1. Any scheme amendment must be, as far as practicable, consistent with regional land use strategies.

7.2.2. The Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS – available at http://stca.tas.gov.au/rpp/wp-content/uploads/2011/05/land_use_strategy_2013_Amended_8thnov_web.pdf) outlines a range of policies for residential development patterns within Greater Hobart. The subject area falls outside of the urban growth boundary for the suburb of Brighton for higher density urban zones. However the application of the Rural Living Zone is promoted by Policy SRD 1.3 as follows:
Land not currently zoned for such use may only be zoned for such use where one or more of the following applies:

(a) …

(b) …

(c) Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:

(i) the land must predominantly share common boundaries with:
   • existing Rural Living zoned land; or  
   • rural living communities which comply with SRD 1.3(a);
(ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;
(iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;
(iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;
(v) the land rezoned to rural living use is not designated as Significant Agricultural Land;
(vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and
(vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.

(Southern Tasmania Regional Land Use Strategy 2010-2035, pg.94-95)

7.2.3. The purpose of the proposed rezoning is to provide for infill development between the site and the existing Rural Living Zone land, which is adjacent to the site.

7.2.4. The proposal is consistent with SRD1.3(c) as it provides for consolidation and infill of an existing rural living community.

In regards to (c)(i), the land shares a boundary with the Rural Living Zone to the north and the south. Furthermore, the land to the east (i.e. the opposite side of Briggs Road) is also zoned Rural Living. The proposed amendment provides for infill of Rural Living land in the greater Honeywood area.
In regards to (c)(ii), the rezone will provide for the ability to create additional lots, providing consistency in zoning between the site and the surrounding land. Although an indicative subdivision plan was submitted as part of the application, and provided a potential yield of 108 lots, this yield is entirely dependent on servicing of reticulated water. Actual lot yield is expected to be in the vicinity of 50 and 70 new lots. The Structure Plan has identified a need for a significant amount of new Rural Living land in Brighton. This proposal would assist in meeting the target of required new Rural Living lots, as per the Structure Plan’s recommendations.

In relation to (c)(iii), the proposal includes a 700m Attenuation Area, as required by TasWater, which is shown by the zone boundary in Figure 4. This mitigates against any potential conflicts between the site and the adjoining TasWater facility. The existing Attenuation Area is 400m. The site is also considerably setback from the existing Boral quarry, and it is considered that there will be no conflicts between the two developments. The proposed zoning is consistent with the zoning that surrounds the site. As such, it is highly unlikely that any land use conflict will be created as a result of the proposal.

In regard to (c)(iv), the site is an extension of the existing Rural Living zone and all roads exist. Neither Briggs Road nor Cove Hill Road (i.e. the two roads that are adjacent to the site) have pedestrian infrastructure.

In regards to (c)(v), the subject area is not Significant Agricultural Land. An Agricultural Assessment, prepared by Macquarie Franklin, dated August 2016, accompanies the application, supporting this claim.

In regards to (c)(vi), the subject area falls outside of the urban growth boundary for the suburb of Brighton for higher density urban zones.

In regards to (c)(vii) risks and values are generally identified through overlays on the Interim Scheme mapping, such as Landslide Hazard Areas and Attenuation overlays. As shown in Figure 3 above the land is partially covered by the Landslide Hazard overlay and Waterway and Coastal Protection overlay. Risks and values in relation to these overlays will be assessed under the corresponding codes in the Interim Scheme for any new development or subdivision. Bushfire risk will be assessed under Interim Scheme if the site is subdivided, or a hazardous or vulnerable use is proposed. Land use conflicts with new development and agricultural land such as spray drift can be managed through the setback standards to the Rural Resource Zone under Clause 13.4.2 A3(i) in Interim Scheme.
7.3. Local Land Use Strategy & Planning Scheme Implications


The Structure Plan discusses the supply of residential land based on future trends and identifies that 264 additional rural living lots will be required in the municipality by 2032. The proposed rezoning would provide a potential lot yield of 108 new lots, based on the indicative subdivision layout that was supplied by the applicant. This would contribute significantly towards the 264 additional lots required by 2032 through infill development between existing Rural Living zoned land.

Clause 9.2 of the Structure Plan sets out the strategy for residential and rural living land uses. The objectives relevant to the proposed rezoning include:

- Provide sufficient land to meet the projected demand for dwellings
- Promote urban consolidation
- Make efficient use of existing infrastructure

The subject area is not identified on the Brighton Structure Plan Recommendations Map (See Figure 5 over page) as an area to be rezoned to Rural Living. However, the site is situated between existing Rural Living zoned land, providing for an opportunity for infill development. The recommended green buffer has been retained, as recommended in the Structure Plan. The site also potentially facilitates a strategic road link between Cove Hill Road and Briggs Road which will improve connectivity in the area and reduce dependency on the existing Cove Hill Road/Briggs Road deficient junction.

It should also be noted, that unlike other Rural Living areas in the municipality, this site provides future opportunity for a well-designed lot layout, with easy linkages to the urban areas of Brighton and Bridgewater. Such a greenfield development opportunity is rare in outer metropolitan Hobart, and is likely to attract rural residential growth in the property market. The proposal provides for good economic development outcomes for Brighton and its residents. A greenfield Rural Living development of this nature is considered to be a better planning outcome than existing Rural Living development opportunities in Pontville or Brighton, where the land was poorly subdivided in the past.
While an indicative subdivision layout was submitted as part of the application, demonstrating a potential lot yield of 108 lots, it is unlikely that the site will be developed at that density. It is known that there are significant servicing upgrades to TasWater infrastructure, which must occur in order to develop the site at that density. It is more likely that the site will be developed at the lower 1ha lot density, instead of the 5000m² density that is shown on the indicative subdivision plan. This means that actual lot yield will possibly be in the vicinity of 50-70 lots.

As Council will recall, a group of land owners in Dylan Street, Brighton have engaged a consultant to prepare a rezone application for that area. While that application has yet to be considered by the planning authority, if successful, that proposal will see 20 existing Rural Living lots converted to General Residential zoned land. While the Dylan Street proposal has little impact on this application, it does mean that, if Council is following the recommendations of the Brighton Structure Plan 2012, a further 20 lots in addition to the 264 required Rural Living lots will need to be provided by 2032.

Even if a subdivision proposal was prepared immediately, there are major civil infrastructure designs that would need to be resolved prior to lodgement, including road design, stormwater design and servicing of reticulated water. This means that it would be unlikely that the Planning Authority could determine a subdivision proposal in the first half of 2017.

A development of that scale would also be likely to be staged over many years. There are numerous examples of similar subdivisions in Brighton that have taken extended periods to be completed, including the Riviera Drive subdivision and the Brighton Army Camp development, both of which have taken several years for the development to be realised. As such, using other subdivisions as a model, it is quite possible that a multi-stage subdivision at 250 Cove Hill Road could still be in construction in 2025.

In summary, this site provides Council with an opportunity to significantly make headway into the 264 additional Rural Living Zone lots required in the municipality by 2032. The size of the site allows a unique opportunity for an efficient, cohesive subdivision layout which is unlikely to be possible on other sites identified for rezoning to Rural Living on the Structure Plan Recommendations Map.

The development allows Council to consider the site, its surrounds, and whether it believes that it a suitable space for larger scale Rural Living development, measured against the STRLUS, the Structure Plan and the Interim Scheme.
Figure 5: Brighton Structure Plan Recommendations Map
7.3.2. The Interim Scheme establishes a series of objectives for achieving sustainable use and development of land, which are relevant for the consideration of any planning scheme amendment. It is appropriate to outline relevant provisions within the Interim Scheme that relate to the Rural Resource Zone and Rural Living Zones.

Table 3 - Rural Living Zone Objectives, Local Area Objectives and Desired Future Character (D13.0)

<table>
<thead>
<tr>
<th>OBJECTIVE</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>To provide for residential use or development on large lots in a rural setting where services are limited.</td>
<td>Rezoning of the proposed lots will allow for a continuation of the existing residential use that is presently occurring on three sides of the site.</td>
</tr>
<tr>
<td>To provide for compatible use and development that does not adversely impact on residential amenity</td>
<td>Rezoning will allow uses that are more consistent with smaller lots and a residential environment than what is currently allowed under the Rural Resource Zone.</td>
</tr>
<tr>
<td>To provide for agricultural uses that do not adversely impact on residential amenity.</td>
<td>Rezoning will allow for agricultural use to continue on a smaller scale, such as hobby farms. This is appropriate given the existing smaller rural residential lots that bound the site on three sides.</td>
</tr>
<tr>
<td>To facilitate passive recreational uses that enhance pedestrian, cycling and horse trail linkages.</td>
<td>The road network already exists. There is some potential for public open space linkages in the future, depending on the proposed subdivision layout.</td>
</tr>
<tr>
<td>To avoid land use conflict with adjacent Rural Resource or Significant Agriculture zoned land by providing for adequate buffer areas.</td>
<td>A 700 metre attenuation is shown on the indicative subdivision plan, which was submitted in support of the application. The extent of the Attenuation Area also denotes the zone boundary between the Rural Resource Zone and the Rural Living Zone.</td>
</tr>
<tr>
<td>LOCAL AREA OBJECTIVE:</td>
<td>IMPLEMENTATION STRATEGY:</td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------------------</td>
</tr>
</tbody>
</table>
| Rural Living Area A is to provide for higher density rural living closer to settlements and urban fringe areas, with greater service provision and fewer environmental constraints. | By providing a minimum lot size of 5000 m².  
Comment: The applicant has proposed that the land shown to be zoned Rural Living will be amended to be in Rural Living Zone (Area A). The applicant has also proposed an amendment to Table 13.1 of the Interim Scheme, which allows for a lesser density for this site if future lots are not connected to reticulated water.  
The site is close to the urban settlements of both Bridgewater and Brighton |
| Rural Living Area B is to maintain existing density patterns in areas outside settlements with limited servicing capacity and some environmental constraints. | By providing a minimum lot size of 1 ha.  
Comment: Not applicable |
| Rural Living Area C is to provide for lower density rural living opportunities in areas with limited servicing capacity, environmental constraints and landscape values. | By providing a minimum lot size of 2 ha.  
Comment: Not applicable |

**DESIRED FUTURE CHARACTER STATEMENT**

| Rural Living Area A will develop at a higher density than other Rural Living areas, capitalising on their proximity to settlements, whilst still providing for rural values and a high level of amenity and privacy. | By ensuring that siting and scale of development does not cause unreasonable impacts on neighbouring amenity.  
Comment: As mentioned, the site is bounded by Rural Living Zoned land on three sides. To the west, the site adjoined by a TasWater treatment plant. However, an appropriate Attenuation Area has been proposed to mitigate against any amenity issues.  
The site is close to both the urban areas of Bridgewater and Brighton. |
Ordinary Council meeting 20/12/16

Reticulated water, electricity and telephone services are available to the site. At present, there is no reticulated sewer available.

Rural Living Area B will develop at a density of approximately one lot per hectare providing rural living with a high level of amenity and privacy.

By ensuring that siting and scale of development does not cause unreasonable impacts on neighbouring amenity.

Comment: Not applicable.

Rural Living Area C will develop at a density of approximately one lot per 2 hectares providing rural living further from settlements where a high level of amenity and privacy will be enjoyed and ecological and aesthetic values will be maintained.

By ensuring that siting and scale of development does not cause unreasonable impacts on neighbouring amenity or visual and ecological values.

Comment: Not applicable

7.3.3. Comparison of uses and development standards

A comparison of permitted, discretionary and prohibited uses for the Rural Resource Zone and Rural Living Zone is set out in Table 4.

<table>
<thead>
<tr>
<th>Use</th>
<th>Rural Resource Zone</th>
<th>Rural Living Zone</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulky goods sales</td>
<td>Discretionary</td>
<td>Prohibited</td>
<td>Any potential new bulky good suppliers would be considered an inappropriate use for the site, given the surrounding and potential new residential uses, and the potential for land use conflicts.</td>
</tr>
<tr>
<td></td>
<td>(Only if rural suppliers, garden and landscape suppliers or timber yard)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business and professional services</td>
<td>Prohibited</td>
<td>Discretionary: (Only a veterinary surgery.)</td>
<td>A nearby veterinary surgery exists on Briggs Road in the Rural Living Zone, suggesting this is an</td>
</tr>
</tbody>
</table>
### Ordinary Council meeting

#### 20/12/16

<table>
<thead>
<tr>
<th>Activity</th>
<th>Ordinarily Available</th>
<th>Discretionary:</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community meeting and entertainment</td>
<td>Discretionary</td>
<td>Discretionary:</td>
<td>No significant change.</td>
</tr>
<tr>
<td></td>
<td>(Only if by the Council, an agency or a community organisation.)</td>
<td>(Only if church, art and craft centre or public hall)</td>
<td></td>
</tr>
<tr>
<td>Domestic animal breeding, boarding or training</td>
<td>Discretionary</td>
<td>Discretionary</td>
<td>No change</td>
</tr>
<tr>
<td>Educational and occasional care</td>
<td>Permitted:</td>
<td>No Permit Required</td>
<td>Child care services becomes No Permit Required which is appropriate given the residential type densities in the surrounding area.</td>
</tr>
<tr>
<td></td>
<td>(Only if for home-based child care in accordance with a licence under the Child Care Act 2001)</td>
<td>(Only if for home-based child care in accordance with a licence under the Child Care Act 2001)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Discretionary</td>
<td>Discretionary</td>
<td>No change</td>
</tr>
<tr>
<td>Emergency Services</td>
<td>Discretionary</td>
<td>Discretionary</td>
<td>No change</td>
</tr>
<tr>
<td>Extractive industry</td>
<td>Discretionary</td>
<td>Prohibited</td>
<td>Extractive Industry is not an appropriate use for the area given the potential land use conflicts on the small lots.</td>
</tr>
<tr>
<td>Food Services</td>
<td>Discretionary</td>
<td>Prohibited</td>
<td>Changing the Food Services use to Prohibited will help to ensure that commercial uses are concentrated in the</td>
</tr>
<tr>
<td>Activity</td>
<td>Discretionary/Prohibited</td>
<td>Permit Required</td>
<td>Description</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>General retail and hire</td>
<td>Discretionary (Only if for the sale of agricultural produce primarily from the property or for the hire of rural equipment.)</td>
<td>Prohibited</td>
<td>With the exception of roadside stalls, prohibiting General Retail and Hire uses is a more appropriate use in the area given the potential land use conflicts. This will also ensure that commercial ventures will be concentrated in nearby Brighton and Bridgewater areas.</td>
</tr>
<tr>
<td>Manufacturing and Processing</td>
<td>Discretionary (Only if manufacturing of rural equipment or processing rural products.)</td>
<td>Prohibited</td>
<td>Manufacturing and Processing is not an appropriate use for the area given the potential land use conflicts on any future residential lots.</td>
</tr>
<tr>
<td>Motor racing facility</td>
<td>Discretionary</td>
<td>Prohibited</td>
<td>A motor racing facility is an inappropriate use for the area given the potential land use conflicts.</td>
</tr>
<tr>
<td>Natural and cultural values management</td>
<td>No Permit Required</td>
<td>No Permit Required</td>
<td>No change</td>
</tr>
<tr>
<td>Passive recreation</td>
<td>No Permit Required</td>
<td>No Permit Required</td>
<td>No change</td>
</tr>
<tr>
<td>Pleasure Boat Facility</td>
<td>Discretionary</td>
<td>Prohibited</td>
<td>Not relevant</td>
</tr>
<tr>
<td>Recycling and waste depot</td>
<td>Discretionary</td>
<td>Prohibited</td>
<td>A recycling and waste depot is inappropriate for the area given the potential land use conflicts.</td>
</tr>
<tr>
<td>Resource Development</td>
<td>No Permit Required (Only if agriculture, bee keeping, crop production, forest operations in accordance with a Forest Practices Plan, horse stud or tree farming and plantation forestry in accordance with a Forest Practices Plan.)</td>
<td>Permitted (only if agricultural use)</td>
<td>Assessment of Resource Development uses becomes more rigorous under the Rural Living Zone, which is appropriate for the area given the potential land use conflicts that could result. The permitted pathway still allows for smaller agricultural operations such as vineyards and orchards which is more appropriate for the area.</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Discretionary (only if intensive animal husbandry)</td>
<td>Otherwise Permitted</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Otherwise Permitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Discretionary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Resource Processing</td>
<td>Discretionary</td>
<td>Discretionary</td>
<td>No change</td>
</tr>
<tr>
<td>Residential</td>
<td>Permitted (Only if home-based business or an extension or replacement of an existing dwelling)</td>
<td>No Permit Required (Only if single dwelling or home-based business.) for access)</td>
<td>A change to the No Permit Required use status is the most significant change under the proposed rezoning. The change in use is consistent with large sections of Honeywood, including the residential uses that occur on three sides of the site.</td>
</tr>
<tr>
<td></td>
<td>Discretionary</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Only if single dwelling)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research &amp; Development</td>
<td>Discretionary</td>
<td>Prohibited</td>
<td>A Research and Development use is more appropriate for larger rural lots.</td>
</tr>
<tr>
<td>Category</td>
<td>Current Use</td>
<td>Proposed Use</td>
<td>Decision</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>------------------------------------</td>
<td>--------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Service Industry</td>
<td>Discretionary (Only if primarily for vehicles and machinery used for resource development uses.)</td>
<td>Prohibited</td>
<td>A Service Industry use is inappropriate for the area given the potential land use conflicts.</td>
</tr>
<tr>
<td>Sports and Recreation</td>
<td>Discretionary (Only if firing range, golf course or driving range; outdoor recreation facility; race course and sports ground)</td>
<td>Discretionary</td>
<td>No significant change.</td>
</tr>
<tr>
<td>Storage</td>
<td>Discretionary (Only if contractors yard, freezing and cool storage, liquid fuel depot, solid fuel depot or woodyard)</td>
<td>Prohibited</td>
<td>A storage use is inappropriate for the area given potential land use conflicts.</td>
</tr>
<tr>
<td>Tourist Operation</td>
<td>Discretionary</td>
<td>Discretionary</td>
<td>No change</td>
</tr>
<tr>
<td>Transport Depot &amp; Distribution</td>
<td>Discretionary (Only if for transport and distribution of rural equipment and products.)</td>
<td>Prohibited</td>
<td>A Transport Depot and Distribution use is inappropriate for the area given the potential land use conflicts.</td>
</tr>
<tr>
<td>Utilities</td>
<td>No Permit Required (if minor utilities), otherwise Discretionary</td>
<td>No Permit Required (if minor utilities), otherwise Discretionary</td>
<td>No change</td>
</tr>
<tr>
<td>Vehicle fuel sales and service</td>
<td>Discretionary</td>
<td>Discretionary</td>
<td>No change</td>
</tr>
<tr>
<td>Vehicle parking</td>
<td>Discretionary</td>
<td>Discretionary</td>
<td>No change</td>
</tr>
</tbody>
</table>
All other uses, not identified in both the Rural Resource and Rural Living zones, are prohibited.

As shown in Table 4, the rezoning of the subject sites will result in a decrease in the number of uses able to be considered for the area. The use status (whether permitted or discretionary) for the Rural Living zone is less likely to have an adverse effect on the existing residential amenity of lots in the surrounding area.

Use Standards regarding sensitive and discretionary uses (e.g. residential) that have regard to agricultural uses will no longer apply under the proposed Rural Living Zone. This is appropriate given that surrounding existing uses are residential and the productivity of the agricultural land on the site is poor. There will also be stronger restrictions around operating hours, noise, external lighting and commercial vehicle movements which is more appropriate for the surrounding rural living community.

7.4. State Policies

7.4.1. The State Coastal Policy 1996 applies to land within 1 km of the high water mark. The subject land is more than 1km from the high water mark and this policy does not apply.

7.4.2. The State Policy on the Protection of Agricultural Land 2009 protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion of agricultural land to non-agricultural uses is subject to the principles of the Policy. The subject land is not zoned Significant Agriculture and is predominantly Class 4 land, with portions of Class 5 and Class 6 land. The land is therefore considered to be non-prime agricultural land.

Of particular relevance within the policy is statement 7 which reads:
“the protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use.”

The land is not considered to be of local or regional agricultural significance. Given that the majority of land adjoining the site has an established residential use or other non-agricultural use, and the non-prime agricultural land on the site sits on the urban fringe of both Brighton and Bridgewater, it can be reasonably argued that the request to convert the agricultural land is consistent with the policy.

7.4.3. The State Policy on Water Quality Management 1997 applies, but is more relevant to individual developments.

7.5. RMPS Objectives

7.5.1. The objectives of the Resource Management and Planning System must be furthered by the rezoning request.

(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and

The subject site is generally cleared. It does not contain any recognisable or valuable natural resources.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

The rezoning is a fair and orderly expansion of the existing Rural Living Zone on land where a rural living community is already established adjacent to the site. The site is considered appropriate for rezoning, given the land’s location, road access, infrastructure and existing land uses identified in this report.

As such, the proposed amendment will provide for the fair, orderly and sustainable use and development of air, land and water.

(c) to encourage public involvement in resource management and planning; and

The public will be involved in the draft planning scheme amendment through opportunity to make representation and attend public hearings. The public have also had the opportunity to provide input in to the Structure Plan.

(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and

The draft amendment will facilitate economic development through the future development of the land for residential purposes and strengthen the economic viability of the nearby commercial uses by increasing the local population; consistent with the objectives set out in paragraphs (a), (b) and (c).
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.

The proposed amendment will require the consideration of the Tasmanian Planning Commission following community consultation.

7.5.2. The proposed Planning Scheme Amendment as it relates to the Objectives of Part 2 of Schedule 1 of LUPAA is discussed below:

(a) to require sound strategic planning and co-ordinated action by State and local government;

The proposed amendment is consistent with the Southern Tasmania Regional Land Use Strategy 2010-2035 and the Brighton Structure Plan 2012. The Planning Scheme amendment process allows for coordinated action by State and local government.

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.

The proposal has been submitted in accordance with Section 34 of the Act and is consistent with all relevant legislation. The proposed amendment will form part of the Planning Scheme, which controls the use, development and protection of land.

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and

The land contains no natural values of major significance. Risks from future development can be appropriately managed under the Brighton Interim Planning Scheme 2015 and any subsequent planning schemes. Bushfire risk will be managed under the interim planning scheme at subdivision stage or under the Building Regulations for individual developments.

(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and

The proposed amendment supports this objective and is consistent with State, regional and local planning policies and strategies.

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and

This Objective is not directly relevant to the current matter.
(f) to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and

The proposed amendment will provide for further infill residential development within an existing Rural Living community which has good access to surrounding areas.

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and

The site and adjoining land is not known to contain any items or places of scientific, aesthetic, architectural or historic interest.

If any Aboriginal heritage sites are discovered during potential future works then the Aboriginal Relics Act 1975 will apply for reporting and management purposes.

(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and

All necessary public infrastructure for the site in its current state is already provided. With regard to servicing for any future subdivision, this will be a matter for the Council at that date.

(i) to provide a planning framework which fully considers land capability.

The subject area is Class 4, 5 and 6 land which is not considered to be prime agricultural land. The adjacent land is already established as a rural living community.

7.6. Environmental and heritage values of the land

7.6.1. Environmental values are limited given the subject area has been previously farmed. As can be expected, weed species do exist and can be managed through future development of the land.

7.6.2. There is no recognised historic cultural heritage on the land.

7.6.3. Aboriginal heritage values of the site are not known but are protected via separate legislation.

7.7. Infrastructure and transport services

7.7.1. Reticulated water and telecommunications is already provided to the subject area. The lots are large enough for on-site disposal of wastewater and stormwater. The road network in the area is already established.
8. Referrals

8.1. TasWater

8.1.1. The application was referred to TasWater. Please refer to TasWater’s Submission to Planning Authority Notice, TasWater Ref No. TWDA 2016/01703-BTN, dated 17 November 2016.

8.2. Development Engineering

8.2.1. The application was referred to Council’s Senior Technical Officer, who did not object to the proposed rezoning.

8.2.2. If the rezoning is approved, Council’s Senior Technical Officer wishes for advice to be provided to the applicant that, at the time of future subdivision, it should be demonstrated that a road connection from Briggs Road to Cove Hill Road can be provided. It will be requested that this land be reserved as a road corridor for future development.

8.2.3. Any other engineering requirements will be the subject of future Development Applications.

9. Conclusion

9.1. The proposal to rezone the land is consistent with regional and local land use strategy and the requirements of the *Land Use Planning and Approvals Act 1993*.

9.2. On this basis it is recommended that Council initiate and certify draft amendment RZ 2016 / 07, as detailed in the attachments to this report.

**RECOMMENDATION:**

A. That in accordance with Section 34(1)(b) of the *Land Use Planning & Approvals Act 1993*, subject to the provisions of section 3 of schedule 6, Council initiates the draft amendment, to be known as draft amendment RZ 2016/07 to partially rezone the land described in the table below from Rural Resource Zone to Rural Living Zone (Area A):

<table>
<thead>
<tr>
<th>Address</th>
<th>Volume/Folio</th>
</tr>
</thead>
<tbody>
<tr>
<td>250 Cove Hill Road, Honeywood</td>
<td>44572/2</td>
</tr>
<tr>
<td>250 Cove Hill Road, Honeywood</td>
<td>146794/1</td>
</tr>
<tr>
<td>250 Cove Hill Road, Honeywood</td>
<td>247795/2</td>
</tr>
</tbody>
</table>

B. That in accordance with Section 34(1)(b) of the *Land Use Planning & Approvals Act 1993*, subject to the provisions of section 3 of schedule 6, Council initiates the draft amendment, to be known as draft amendment RZ 2016/07 to amend the wording of Table 13.1 of the *Brighton Interim Planning Scheme 2015*, to read:
Ordinary Council meeting 20/12/16

<table>
<thead>
<tr>
<th>Rural Living Zone Area</th>
<th>Minimum Lot Size</th>
<th>Area defined by map overlay?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>5000m²</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>For land at 250 Cove Hill (Certificate of Title Volume 44572 Folio 2, Certificate of Title Volume 146794 Folio 1 and Certificate of Title Volume 247795 Folio 2) the minimum lot size subject to the provision of full reticulated potable water supply, otherwise the minimum lot size is 1 ha.</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>1 ha</td>
<td>Yes</td>
</tr>
<tr>
<td>C</td>
<td>2 ha</td>
<td>Yes</td>
</tr>
</tbody>
</table>

C. That in accordance with Section 35(1) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2016/07 satisfies the provisions of Section 32 of the *Land Use Planning and Approvals Act 1993*.

D. That in accordance with Section 35(2) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2016/07 be certified by instrument in writing affixed with the common seal of the Council; and

E. That in accordance with Section 35(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2016/07 be given to the Tasmanian Planning Commission within 7 days;

F. That in accordance with Section 38 of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2016/07 be placed on public exhibition for no less than 28 days.

**DECISION:**

Cr Garlick moved, Cr Curran seconded that the recommendation be adopted.

**CARRIED**

**VOTING RECORD**

<table>
<thead>
<tr>
<th>In favour</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Curran</td>
<td>Cr Foster</td>
</tr>
<tr>
<td>Cr Garlick</td>
<td>Cr Geard</td>
</tr>
<tr>
<td>Cr Gray</td>
<td>Cr Gray</td>
</tr>
<tr>
<td>Cr Higgins</td>
<td>Cr Higgins</td>
</tr>
<tr>
<td>Cr Owen</td>
<td>Cr Owen</td>
</tr>
<tr>
<td>Cr Williams</td>
<td>Cr Williams</td>
</tr>
</tbody>
</table>
10.2 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 - DA2016/171 – 21 SHELMORE DRIVE, OLD BEACH – THREE MULTIPLE DWELLING UNITS:

Type of Report: Full Council acting as Planning Authority – For Decision
Application No: DA 2016 / 00171
Address: 21 Shelmore Drive, Old Beach
Applicant: Longview Design
Proposal: Three Multiple Dwelling Units
Zone: General Residential
Representations: Two (2)
Discretion(s): 1. Site area per multiple dwelling (10.4.1 A1)
               2. Building envelope (10.4.2 A3)
               3. Private open space (10.4.3 A2)

Author: Richard Cuskelly (Planning Officer)

10. Executive Summary

10.1. Planning approval is sought for multiple dwellings (3) in the General Residential Zone at 21 Shelmore Drive, Old Beach.

10.2. The application is discretionary due to reliance on performance criteria.

10.3. Two (2) representations were received.

10.4. The key planning issues relate to density for multiple dwellings, building envelope, parking and access.

10.5. The proposal is recommended for refusal because it is not considered to meet the acceptable solution or performance criteria of standard 10.4.1 Residential density for multiple dwellings.

10.6. The final decision must be made by the Planning Authority or by full Council acting as a planning authority due to the receipt of representations via the public exhibition period for the development application.

11. Legislative & Policy Content

11.1. The purpose of this report is to enable the full Council acting as a planning authority to determine application DA 2016 / 00171.
11.2. This determination must be made no later than 20th December 2016, which has been extended beyond the statutory timeframe with the consent of the applicant.

11.3. 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.

11.4. 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 2005.

11.5. This report has been prepared with appropriate regard to the State Policies that apply under the State Policies and Projects Act 1993.

11.6. This report has been prepared with appropriate regard to Council’s Strategic Plan and other Council policies, and the application is not found to be inconsistent with these. Nevertheless, it must be recognised that the planning scheme is a regulatory document that provides the overriding consideration for this application. Matters of policy and strategy are primarily a matter for preparing or amending the planning scheme.

12. Risk & Implications

12.1. Approval or refusal of this application will have no direct financial implications for the Planning Authority.

12.2. Implications for Council include general matters related to rate income, asset maintenance and renewal and responding to future multiple dwelling applications.

13. Relevant Background and Past Applications

13.1. The subject lot was created from a 64 lot subdivision application in 2007 (SA 2007 / 00045). There are no relevant past development applications.

14. Site Detail

14.1. The subject site is a 1098m$^2$ undeveloped internal lot with access via Shelmore Drive (968m$^2$ lot size excluding access strip). The site is challenging in terms of slope, falling to the south at approximately 1 in 6.
14.2. The subject site is zoned General Residential, as are all adjoining lots. Land gradually transitions to Rural Living (Area A) to the north and west from the subject site, and Rural Resource around the Old Beach Quarry to the east (as shown in Figure 2).

14.3. The site has access to reticulated water, sewer and stormwater infrastructure.

14.4. Residential lots in the immediate area vary between undeveloped, single dwelling, and multiple dwelling sites (as shown in Figure 1).

14.5. The Parking and Access Code and Stormwater Management Code of the planning scheme apply to this proposal.

*Figure 1: An aerial photograph of the subject site.*
15. **Proposal**

15.1. Proposed are three dwellings and associated works (including earthworks and vehicle parking and access works).

15.2. Units 1 and 2 are identical in layout and size, with three bedrooms and a floor area of 101.7m². This floor area does not include a small unroofed deck attached to the rear (the exact dimension of which requires clarification [3.9m x approximately 3.5m]). Due to the slope of the site, a lower level two car garage, plus storeroom and internal staircase, is also proposed.

15.3. Unit 3 also contains three bedrooms and has a floor area of 100.5m² (no deck is proposed). Like Units 1 and 2, there is lower floor space available due to the topography of the site. A single car garage and staircase are proposed for Unit 3.

15.4. Access is via an internal ‘Private Right of Way’ access strip from Shelmore Drive, which is shared with the adjoining internal lot to the west.

15.5. Areas of private open space are shown to the rear of each dwelling.

15.6. No outbuilding(s) are proposed.
16. **Assessment against planning scheme provisions**

16.1. The following provisions are relevant to the proposed use and development:

- General Residential Zone
- Code E6.0 – Parking and Access Code
- Code 7.0 – Stormwater Management Code

16.2. The following discretions are invoked:

<table>
<thead>
<tr>
<th>Discretion</th>
<th>Acceptable Solution (AS)</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site area per multiple dwelling (10.4.1 A1)</td>
<td>Site area of not less than 325m² per dwelling</td>
<td>322.67m² per dwelling</td>
</tr>
<tr>
<td></td>
<td>Note: Under the BIPS 2015 this calculation excludes the access strip, the definition of which is expanded on in section 7.2.1 below.</td>
<td></td>
</tr>
<tr>
<td>Building envelope (10.4.2 A3)</td>
<td>Dwellings are contained within a prescribed building envelope (shown below in Figure 5)</td>
<td>Each dwelling extends approximately 0.5m out of the north rear boundary of the prescribed building envelope (excluding eaves up to 0.6m)</td>
</tr>
<tr>
<td>Private open space (10.4.3 A2)</td>
<td>An area of private open space that is:</td>
<td>Unit 1 complies with the AS apart from a minimum horizontal dimension of 3.8m.</td>
</tr>
<tr>
<td></td>
<td>- in one location,</td>
<td>Unit 2 complies with the AS apart from a minimum horizontal dimension of 3.2m.</td>
</tr>
<tr>
<td></td>
<td>- at least 24m²,</td>
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</tr>
<tr>
<td></td>
<td>- has a minimum horizontal dimension of 4m,</td>
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<tr>
<td></td>
<td>- directly accessible from a habitable room,</td>
<td></td>
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<td></td>
<td>- predominantly north-facing,</td>
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<tr>
<td></td>
<td>- relatively flat, and</td>
<td></td>
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<tr>
<td></td>
<td>- clear of any parking area.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Unit 3 fully complies with the AS.</td>
<td></td>
</tr>
</tbody>
</table>

16.2.1. Discretion 1 - Site area per multiple dwelling

- The Acceptable Solution for clause 10.4.1 A1 aims to ensure multiple dwellings have a site area per dwelling of at least 325m². The ‘site area per dwelling’ figure is calculated by the area of the
site (excluding any access strip) divided by the number of dwellings.

- The applicable Performance Criteria allows for multiple dwellings to have a site area per dwelling that is less than 325m$^2$ if the development will not exceed the capacity of infrastructure services and:

  (a) is compatible with the density of the surrounding area; or

  (b) provides for a significant social or community housing benefit and is in accordance with at least one of the following:

  (i) the site is wholly or partially within 400 m walking distance of a public transport stop;

  (ii) the site is wholly or partially within 400 m walking distance of a business, commercial, urban mixed use, village or inner residential zone.

- As mentioned, calculation of the area of the lot excludes the access strip. An ‘access strip’ is defined in the BIPS 2015 as land, the purpose of which is to provide access to a road.

Council Development Services sought legal advice on how to accurately define the lot access strip. Advice received was that it is ambiguous other than being for the purpose of providing access to a road. Development Services have concluded that the access strip is the area as shown below in Figure 3.

Figure 3: The access strip area as defined by Council Development Services
The area highlighted in Figure 3 is 130m² and shown on submitted plans as entirely a driveway for the purpose of accessing the road. The point at which the access strip is shown as ending (i.e. the point at which the lot proper is reached) also corresponds to where the Right of Way finishes on the title Plan of Survey (the hatched line pointed out in Figure 4 below). A Right of Way is for the purpose of providing carriageway to a road.

![Figure 4: The Right of Way area as shown on the access strip on the 21 Shelmore Drive Plan of Survey (ceasing at the highlighted hatched line)](image)

Defining the access strip is critical in the assessment of this application as the lot is very close to meeting the relevant Acceptable Solution of 325m² per multiple dwelling. The lot has a total area of 1098m²; minus the access strip area of 130m² equals 968m²; divided by three equalling a site area per dwelling of 322.67m². As such, the Acceptable Solution is not met and relies on the Performance Criteria. It should also be noted that each of the dwelling contains three bedrooms, rather than one or two, which increases the effects of density in real terms.

The proposal is not considered to meet (a) or (b) of the Performance Criteria. The proposal is (a) not compatible with the density of the surrounding area. There are other three unit developments in the vicinity: namely in Ashgrove Crescent and Grevillea Avenue, which are on similarly steep slopes. However, these developments comfortably satisfy the applicable Acceptable Solution and provide a site area of approximately 400m² per unit.
The proposal (b) does not provide for a significant social or community housing benefit. The development is (i) approximately 700m walking distance from a bus stop, and 1km from services. Topographical constraints also restrict walkability in the area meaning future occupants would be highly car dependant.

- The development is not considered to satisfy the Performance Criteria and it is recommended that the application be refused on this basis.

16.2.2. Discretion 2 – Building envelope

- The Acceptable Solution for clause 10.4.2 A3 aims to ensure dwellings are contained within a building envelope 4.5m from the front boundary, 4m from the rear boundary and 1.5m from the side boundary, projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above natural ground level at the side boundaries and a distance of 4m from the rear boundary, as shown in Figure 3 below.

![Building envelope diagram](image)

**Figure 5:** Building envelope Acceptable Solution for internal lots in the General Residential Zone

- The applicable Performance Criteria requires that the siting and scale of the proposed dwellings do not cause unreasonable loss of amenity, either by overshadowing of an adjoining vacant lot, or visual impact caused the apparent scale, bulk or proportions when viewed from an adjoining lot. It also requires separation between dwellings on adjoining lots that is compatible with that prevailing in the surrounding area.
As shown in Elevation Plans submitted, each of the proposed dwellings have a section of roofing that extends out of the prescribed building envelope to the rear boundary to the north. The proposed dwellings are within the front and sides of the building envelope (noting that protrusions (such as eaves) that extend not more than 0.6 m horizontally beyond the building envelope are excluded from triggering discretion in this standard).

Shadow diagrams submitted show that the proposed dwellings would not restrict future residential development on the two vacant lots to the south (23 & 25 Shelmore Drive) achieving the Acceptable Solutions for sunlight access to habitable rooms and private open space outlined in the planning scheme, which equate to at least 3 hours of sunlight available to a habitable room and at least 50% of the POS area between 9.00 am and 3.00 pm on 21st June.

The proposal is considered to meet the Performance Criteria.

*Figure 6: View to the south (internal frontage) from the proposed Unit 1.*
Figure 7: View to the north (rear) from the proposed Unit 1.

16.2.3. Discretion 3 – Private open space

- The Acceptable Solution for clause 10.4.3 A2 aims to ensure that each dwelling has an area of private open space that:
  
  (a) is in one location and is at least:
  
  (i) 24 m²; or
  
  (ii) 12 m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
  
  (b) has a minimum horizontal dimension of:
  
  (i) 4 m; or
  
  (ii) 2 m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8 m above the finished ground level (excluding a garage, carport or entry foyer); and
  
  (c) is directly accessible from, and adjacent to, a habitable room (other than a bedroom); and
  
  (d) is not located to the south, south-east or south-west of the dwelling, unless the area receives at least 3 hours of sunlight to 50% of the area between 9.00am and 3.00pm on the 21st June; and
(e) is located between the dwelling and the frontage, only if the frontage is orientated between 30 degrees west of north and 30 degrees east of north, excluding any dwelling located behind another on the same site; and

(f) has a gradient not steeper than 1 in 10; and

(g) is not used for vehicle access or parking.

• The applicable Performance Criteria requires that a dwelling has private open space that is capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children’s play and that is:

  (i) conveniently located in relation to a living area of the dwelling, and

  (ii) orientated to take advantage of sunlight.

• Units 1 and 2 have areas of private open space that do not meet the 4m minimum horizontal dimension acceptable solution (3.8m and 3.2m, respectively) due to the proposed retaining wall at the rear boundary.

• Unit 1 has approximately 57m$^2$ of north-facing private open space accessible from the living room.

• Due to the topography of the site, a retaining wall is required to support the cut proposed to ensure private open space is relatively level. The cut is most pronounced at the rear of Unit 1, where a finished ground level of 1.235m below natural ground level is proposed.

• Unit 2 has approximately 48m$^2$ of north-facing private open space accessible from the living room.

• Both units include a 3.5 (approximately) x 3.9m unroofed deck to the rear for outdoor dining.

• The proposal is considered to meet the Performance Criteria.

17. Discussion

17.1. Referrals

17.1.1. TasWater

TasWater have imposed the attached conditions that must be included in any permit granted.

17.1.2. Council’s Senior Technical Officer

Council’s Senior Technical Officer completed an Engineering Report with comments on the following technical issues below:
Access

Access to the lot proper is via a shared driveway. The driveway apron is constructed to a width of approximately 5.5m to the property boundary. The remainder of the driveway is currently unconstructed however an approval has been issued for 19 Shelmore Drive which requires the shared access to be constructed for nearly the entire shared area.

The approved garage for unit 1 at 19 Shelmore Drive encroaches on the ROW for 21 Shelmore but still allows access in accordance with the standards.

The proposed driveway within the access strip is steep but then levels out as it extends across the front of the proposed units. Turning paths were provided with the application which demonstrate that, although very tight, the areas should be able to comply with the code.

The driveway design will have to be finalized with consideration to the development approved on 19 Shelmore Drive.

Parking

Turning paths were provided with the application which demonstrate that although very tight the parking and access areas should be able to comply with the code without requiring any substantial change to the proposal.

The developers engineer has advised that the parking area will be kept at a level of less than 700mm above the existing ground level and as such no barrier will be required along the edge of the parking areas.

Storm Water

The lot is provided with a stormwater connection.

The development will increase the impervious surfaces on the site by a total of approximately 600m² and provides parking for more than 6 cars. As such WSUD principles should be included.

The site coverage is also greater than 50% impervious area and according to Council stormwater guidelines should incorporate on site detention. The applicant has stated that detention is not practical due to the amount of rock excavation required however the detention could be in above ground tanks if required. A condition requiring a design to address the detention is recommended.

Sewer & Water

Sewer and water connections are available to the property. The application was referred to TasWater who have imposed conditions.

Please see attached for a full copy of the Engineering Report.
18. Concerns raised by representors

18.1. The following table outlines the issues raised by the representors. Please see attached for a copy of each representation.

<table>
<thead>
<tr>
<th>Issue</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inconsistencies with advertised plans</td>
<td>Amended plans were submitted at several stages prior to advertising resulting in several minor inconsistencies, as noted by one representor</td>
</tr>
<tr>
<td>Three small dwellings are out of character with the other development in the subdivision and do not meet the Acceptable Solution for multiple dwelling density. One representor also noted the Rural Living zoned land located nearby, along Shelmore Drive toward Myna Park Road.</td>
<td>Please see assessment under section 7.2.1. The application is recommended for refusal based on density.</td>
</tr>
<tr>
<td>Privacy loss for future dwelling(s), including private open space, developed to the south</td>
<td>Due to the steep topography, 23 Shelmore Drive naturally overlooks 21 Shelmore Drive to the south. Each unit is at least ‘a distance of 4.5 m from the rear boundary of a lot with an adjoining frontage’ [10.4.2 A3 (a) (i)] meeting the relevant Acceptable Solution. As the relevant Acceptable Solution is met, there is no specific requirement under the BIPS 2015 to screen this boundary. However, a condition for vegetation screening would be recommended for inclusion with any permit in order to better mitigate direct overlooking.</td>
</tr>
<tr>
<td>Increase in traffic noise will spoil right to quiet enjoyment of the area</td>
<td>While one purpose of the Parking and Access Code of the planning scheme is to ensure that vehicle access and parking areas do not adversely impact on amenity (E6.1.1 [f]), there are no specific/assessable standards of the Code that refer to noise.</td>
</tr>
<tr>
<td><strong>Provisions made for stormwater drainage will not handle periods of heavy rainfall</strong></td>
<td>The lot is provided with a stormwater connection. The development will increase the impervious surfaces on the site by a total of approximately 600m² and provides parking for more than 6 cars. As such Water Sensitive Urban Design principles should be included. The site coverage is also greater than 50% impervious area and according to Council stormwater guidelines should incorporate on-site detention. The applicant has stated that detention is not practical due to the amount of rock excavation required, however the detention could be in above ground tanks if required. A condition requiring a design to address the detention is recommended.</td>
</tr>
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<td>---</td>
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<tr>
<td><strong>Areas for vehicle manoeuvring are very tight, and in some instances over the proposed kerbing / landscaping buffer. The fall shown in front of the sealed access strip/ manoeuvring area is dangerous considering how close the driver is required to be to exit in a forward direction. A driver could easily fall over the edge, lose control and potentially damage the fencing to the adjoining property.</strong></td>
<td>Turning paths were provided with the application which demonstrate that although very tight, the parking and access areas should be able to comply with the Parking and Access Code of the BIPS 2015 without requiring any substantial change to the proposal. The developer’s engineer has advised that the parking area will be kept at a level of less than 700mm above the existing ground level and as such no barrier will be required along the edge of the parking areas.</td>
</tr>
<tr>
<td><strong>There is no plan provided to prevent the movement of materials from the site during the construction phase</strong></td>
<td>Conditions for construction amenity form part of any planning permit for development and result in enforcement measures being initiated if not complied with.</td>
</tr>
<tr>
<td><strong>Headlights from entering vehicles could shine directly into the master bedroom and living room of Unit 1</strong></td>
<td>A valid concern but not a planning one under the BIPS 2015</td>
</tr>
<tr>
<td>The property is being advertised for sale with no strata fees. Who would be responsible for the upkeep and repair of shared landscaping, fencing and access strips?</td>
<td>A valid concern but not a planning one under the BIPS 2015</td>
</tr>
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<td>---</td>
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</tr>
<tr>
<td>No landscaping plan has been included</td>
<td>Vegetation has been shown on the site plans submitted without details of proposed species. A condition requiring submission of landscaping plan would be recommended for inclusion with any permit.</td>
</tr>
<tr>
<td>The Development Application public notice was not prominently displayed on site</td>
<td>On inspection at the end of the advertising period, the public notice was slightly obscured by grasses and at an angle not directly facing the street. It was visible from the frontage but not prominent. Extra care will be taken in the future to ensure public notices are placed in the most visible location possible.</td>
</tr>
<tr>
<td>None of the proposed dwellings comply with the Acceptable Solution for building envelope</td>
<td>Please see assessment under section 7.2.2</td>
</tr>
<tr>
<td>The amount of wheelie bins resulting from three dwellings is unfeasible due to site and road constraints</td>
<td>A valid concern but not a planning one under the BIPS 2015</td>
</tr>
<tr>
<td>Not all units comply with the Acceptable Solution for private outdoor space</td>
<td>Please see assessment under section 7.2.3</td>
</tr>
<tr>
<td>The retaining wall and fence proposed along the rear boundary may prevent sunlight reaching private open space and habitable room(s)</td>
<td>Due to the topography of the site, a retaining wall is required to support the cut proposed to ensure private open space is relatively level. The cut is most pronounced at the rear of Unit 1, where a finished ground level of 1.235m below natural ground level is proposed. A rear fence is shown on the plans but no reference made to its height. There are no</td>
</tr>
</tbody>
</table>
Ordinary Council meeting

minimum height requirements for rear boundary fences (2.1m maximum).

<table>
<thead>
<tr>
<th>19. Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>19.1. The proposed use and development of Multiple Dwellings in the General Residential Zone at 21 Shelmore Drive, Old Beach does not satisfy all relevant provisions of the Brighton Interim Planning Scheme 2015, and as such is recommended for refusal.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>20. Recommendations</th>
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<tbody>
<tr>
<td>That: A. Pursuant to the Brighton Planning Scheme 2015, Council refuse application DA 2016 / 00171 for the use and development of Multiple Dwellings in the General Residential Zone at 21 Shelmore Drive, Old Beach, for the following reasons:</td>
</tr>
<tr>
<td>1. The proposed development fails to satisfy the Performance Criteria (10.4.1 P1) relating to residential density for multiple dwellings.</td>
</tr>
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</table>

DECISION:  
Cr Owen moved, Cr Geard seconded that the recommendation be adopted.  
CARRIED

<table>
<thead>
<tr>
<th>VOTING RECORD</th>
<th>CARRIED</th>
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<tbody>
<tr>
<td>In favour</td>
<td>Against</td>
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<tr>
<td>Cr Curran</td>
<td></td>
</tr>
<tr>
<td>Cr Foster</td>
<td></td>
</tr>
<tr>
<td>Cr Garlick</td>
<td></td>
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<tr>
<td>Cr Geard</td>
<td></td>
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<tr>
<td>Cr Gray</td>
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<tr>
<td>Cr Higgins</td>
<td></td>
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<tr>
<td>Cr Owen</td>
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<td>Cr Williams</td>
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</table>
Cr Gray moved, Cr Curran seconded that Council go back into Council with Cr Foster resuming the Chair.

**VOTING RECORD**

<table>
<thead>
<tr>
<th>In favour</th>
<th>Against</th>
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</thead>
<tbody>
<tr>
<td>Cr Curran</td>
<td></td>
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<tr>
<td>Cr Foster</td>
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<td>Cr Garlick</td>
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<td>Cr Geard</td>
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<td>Cr Gray</td>
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<td>Cr Higgins</td>
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<tr>
<td>Cr Owen</td>
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<td>Cr Williams</td>
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**CARRIED**

## 11. REPORTS FROM OFFICERS:

### 11.1 COMMON SERVICES JOINT VENTURE MONTHLY REPORTS:

**AUTHOR:** Manager Professional Services  
(Mr G Boyd)

**Background:**  
When the Common Services Joint Venture was formalised there was an undertaking that monthly reports would be provided to member councils. There are seven councils that have joined to date.

One report is for the overall performance of the joint venture which is provided to all member councils. The other report is council specific for each member council that is provided only to that council. The second attachment is for Brighton Council’s performance for the month.

**Consultation:**

General Manager

**Risk Implications:**

Nil

**Financial Implications:**

The attached reports were financial information about the Common Services Joint Venture and Brighton Council.

**Other Issues:**

These reports provide detailed information to assist in dealing with the amalgamation program and the financial sustainability of the joint venture and individual councils.
Assessment:
The reports provide updates of proposed actions and collaborations which will build the overall capability and outputs of the group.

Options:
1. Adopt the recommendation.
2. Do nothing.

RECOMMENDATION:
That the reports be received.

DECISION:
Cr Gray moved, Cr Owen seconded that the report be received.

VOTING RECORD

<table>
<thead>
<tr>
<th>In favour</th>
<th>Against</th>
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<tbody>
<tr>
<td>Cr Curran</td>
<td>Cr Foster</td>
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<td>Cr Higgins</td>
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<tr>
<td>Cr Owen</td>
<td>Cr Williams</td>
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11.2 FEES & CHARGES – BUILDING ACT 2016:

AUTHOR: Building Services Officer
(Mrs B Stapenell)

Background:

For licenced builders, there will now be a far greater range of low or medium-risk work that can be undertaken without having to apply for a building permit. The level of risk will determine what sort of approval is needed.
The categories are:- low or medium-risk work (won’t require a Council permit but will require a Building Surveyor to sign off on proposed plans and then these are given to Councils to start work); Notifiable Work (mainly low rise residential work); High risk work which will be called Permit Work which will require a building permit from Council’s permit authority. This category covers most commercial, public or industrial projects.

**Consultation:**
Justice Department (Consumer Building and Occupational Licencing), Bill Butler (Plumbing Inspector), Brent Basstian (Senior Environmental Health Officer), Southern Permit Authority Group (Southern Midlands, Central Highlands, Derwent Valley, Tasman, Sorell and Glamorgan Spring Bay Councils)

**Risk Implications:**
Loss of significant revenue due to changes in the Building Act 2016.

**Financial Implications:**
An analysis of building fees only applicable to permits issued 1/1/2016 to 30/06/2016 revealed a loss of revenue of 47% under the new changes. The introduction of the new fees will counteract that loss by approx. 25-30%.

**Other Issues:**
The proposed new fees are -

<table>
<thead>
<tr>
<th>Building</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notifiable Building Work</td>
<td>$100.00</td>
</tr>
<tr>
<td>Notifiable Demolition Work</td>
<td>$100.00</td>
</tr>
<tr>
<td>Demolition Permit - Class 1 and 10</td>
<td>$195.00</td>
</tr>
<tr>
<td>Demolition Permit - Building / Plumbing - Class 2-9 -</td>
<td></td>
</tr>
<tr>
<td>Under $100,000</td>
<td>$279.00</td>
</tr>
<tr>
<td>Under $200,000</td>
<td>$310.00</td>
</tr>
<tr>
<td>Under $500,000</td>
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</tr>
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<td>Under $1,000,000</td>
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<td>Under $10,000,000</td>
<td>$683.00</td>
</tr>
<tr>
<td>Over $10,000,000</td>
<td>$799.00</td>
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<table>
<thead>
<tr>
<th>Plumbing</th>
<th>Fee</th>
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</thead>
<tbody>
<tr>
<td>Notifiable Plumbing Work</td>
<td>$100.00</td>
</tr>
<tr>
<td>Plumbing Certificate of Likely Compliance</td>
<td>$150.00</td>
</tr>
<tr>
<td>Notifiable Plumbing Work</td>
<td>$100.00</td>
</tr>
<tr>
<td>Demolition Plumbing Permit - Class 1 and 10</td>
<td>$195.00</td>
</tr>
<tr>
<td>Plumbing Authority Assessment with On-site waste water</td>
<td>$290.00</td>
</tr>
<tr>
<td>Plumbing Assessment with Pool / Arrestors / Backflow</td>
<td>$270.00</td>
</tr>
</tbody>
</table>
DELETE
Temporary Occupancy Permit

Assessment:
Under the new Building Act Council won’t have any involvement with Low Risk 1 & 2 work, this is work that can be done by an Owner Builder/Competent person or a licenced Builder therefore no Council fees applicable.

Permit work for building and plumbing remain the same with the addition of a Certificate of Likely Compliance Plumbing required.

The third category will be Notifiable Building or Notifiable Plumbing work for which Council can charge a fee for service.

Demolition work has been separated from the building/plumbing permit process to a standalone category.

Council can charge a fee for Notifiable Demolition work and for demolition work requiring a permit for building and plumbing.

Under the new act Council has no control over Temporary Occupancy Permits so this fee can be deleted, on average Council would issue less than 5 permits each year.

Options:
1. As per the recommendation.
2. That council not adopt the new fee structure

RECOMMENDATION:
That the 2016/17 Fees and Charges register be amended to reflect the new/amended charges to Building and Plumbing.

DECISION:
Cr Gray moved, Cr Curran seconded that the recommendation be adopted.

CARRIED

VOTING RECORD
In favour
Cr Curran
Cr Foster
Cr Garlick
Cr Geard
Cr Gray
Cr Higgins
Cr Owen
Cr Williams
Against
11.3 DELEGATIONS – BUILDING ACT 2016:

FILE REFERENCE:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

The Building Act 2016 and Building Regulations 2016 will come into effect on 1st January 2017, and will supersede the existing Building Act 2000, Building Regulations 2014 and Plumbing Regulations 2014.

Legislation enables Council to delegate some of its functions to assist in the smooth and efficient running of Council affairs.

In order for Council to make a valid delegation, legislation requires:

- a) Council must have authority from legislation to delegate the Function
- b) The legislation must allow Council to delegate the Function to the Delegate
- c) Council must resolve to make the delegation
- d) Council must resolve to seal and Instrument of Delegation

In addition, Council may resolve to allow the delegate to sub-delegate the Function.

Consultation:

Mrs B Stapenell (Building Compliance Officer)

Risk Implications:

Council may incur legal costs if demonstrated that Council’s delegation/s are invalid.

Financial Implications:

None, unless delegations are deemed invalid and action is taken against Council.

Permit Authority employees/contractors will be required to compete an approved training programme. The cost for training is minimal and will be partly funded by the Department of Justice.

Assessment:

Section 8(3) of the Building Act 2016, states that a General Manager may delegate to any person any of their powers and functions under the Act, other than his power of delegation. The legislation also has provisions for the General Manager to appoint an employee of another Council or a Permit Authority for the municipal area for another Council as a Permit Authority.

The role of the Permit Authority is to grant or refuse Building Permits and Plumbing permits in accordance with the Act, and to issue Certificates of Completion for building and plumbing works.
The Permit Authority must also ensure that the public is aware of building and plumbing requirements to ensure compliance with the Legislation and to keep registers in accordance with the Act.

With the inception of the new Legislation some of the statutory functions have been transferred from the General Manager to the Permit Authority e.g. Building Order previously only issued by the General Manager will now be issued by the Permit Authority.

Persons appointed as a Permit Authority will now require an occupational licence under the *Occupational Licensing Act 2005* and must complete an approved training programme. Betty Stapenell is currently undertaking this training course. Other Officers/Contractors will also need to undertake this training.

All existing Permit Authorities will automatically be deemed to have a license for a period of two years to allow officers to obtain the accreditation.

**Options:**

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

---

**RECOMMENDATION:**

That Council resolve to delegate the following functions and powers to the General Manager in accordance with Section 22 of the *Local Government Act 1993*; and that the General Manager sub-delegate functions and powers in accordance with Section 64 of the *Local Government Act 1993*, and Section 8(4) of the *Building Act 2016*; and if at any time the General Manager is unable to act, Council delegates the Function to the person acting as the General Manager at the time.

That Council authorise the following persons as the Brighton Council Permit Authority pursuant to Section 24(2) of the *Building Act 2016* for building and plumbing matters:

- Environment & Development Services Officer – Betty Stapenell
- Senior Environmental Health Officer – Brent Basstian
- Building Surveyor – Sally Hill
- Plumbing Surveyor – Bill Butler
- Plumbing Surveyor – Simon Butler
1. S.24(2) – Who is a Permit Authority
   The General Manager may only appoint a person as a Permit Authority under Section 24(2) if the person holds a licence under the Occupational Licensing Act 2005 that authorises the person to perform the function and exercise the powers of a permit authority. Sub-delegate to Brighton Council Permit Authority

2. S.28(1) – Who is a Building Surveyor
   Sub-delegate to Building Surveyor

3. S.41 - Councils
   Sub-delegate to Brighton Council Permit Authority

4. S.70 - works on contaminated or undrainable land
   Sub-delegate to Brighton Council Permit Authority

5. S.73 - Works involving or in proximity of existing drains
   Sub-delegate to Brighton Council Permit Authority

6. S.74 - works involving, or in proximity of service easements
   Sub-delegate to Brighton Council Permit Authority

7. S.241 – Dilapidated building report
   Sub-delegate to Brighton Council Permit Authority

8. S.245 – Emergency Order
   Sub-delegate to Brighton Council Permit Authority

9. S.251 – Court Orders
   Sub-delegate to Brighton Council Permit Authority

10. S.266 – Possession of Building
    Sub-delegate to Brighton Council Permit Authority

11. S.267 – Demolition Order

12. S.269 – Recovery of Performance Costs

13. S.271 – Purchasing building and materials

14. S.272 – Police Assistance
    Sub-delegate to Brighton Council Permit Authority

15. S.275 – Compliance with Act in certain circumstances
    Sub-delegate to Brighton Council Permit Authority

16. S.286 – Onus of proof in certain cases
    Sub-delegate to Brighton Council Permit Authority

17. S.308 – Habitation of Certain Buildings
    Sub-delegate to Brighton Council Permit Authority

18. S.309 – Restriction of use of land
    Sub-delegate to Brighton Council Permit Authority

19. S.321 – Reliance on Certification
    Sub-delegate to Brighton Council Permit Authority

20. S.324 – Infringement Notices
    Sub-delegate to Brighton Council Permit Authority
The Delegations are made on the following conditions:

1. The Delegation is subject to the conditions or restrictions (if any) outlined in the table above.

2. The Delegation is subject to such policies, policy guidelines and directions as the authority may from time to time approve.

3. The Delegation is subject to the Council’s by-laws or the provisions of any Act.

4. That the general Instruments of Delegation in relation to the Act listed above be signed and sealed by the authority.

DECISION:

Cr Geard moved, Cr Higgins seconded that the recommendation be adopted.

CARRIED

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11.4 SUBDIVISION AND SALE OF COUNCIL LAND OFF GLEN LEA ROAD:

FILE REFERENCE:

AUTHOR: Manager Development Services (Mr J Dryburgh)

Background:

Council has been approached by a rural land owner regarding his desire to purchase a parcel of council land that adjoins his farm and is currently zoned open space as an extension of the foreshore reserve (see Figure 1: Draft subdivision area). Historically the land was added to the foreshore reserve because it is effectively undevelopable due to being entirely with a flood prone area. The land area is approximately 3.5 hectares.
The potential purchaser has no desire to develop the land or have it rezoned. His intention is to use it for grazing. This would eliminate the need for council to maintain the site and if managed appropriately, as his adjoining property appears to be, it should result in an improvement in the general environmental management of the site.

The potential purchaser is happy for the site to remain zoned as Open Space given he only wants to use it for grazing. However, it may be preferable for the site to be rezoned to Rural Resource Zone due to the change to private ownership and to better represent its use.

Council’s Works Manager and Municipal Engineer have confirmed that the subject land is of no value to Council and is not required for access to and maintenance of the Jordan River walking trail. Indeed, it is a site that simply requires maintenance with no return to the community.

The purpose of this report is to seek Council approval to prepare a subdivision application and sale process for the subject land. Both the subdivision application and details of a sale agreement will come back to Council for approval.

**Consultation:**

Consultation has occurred between Council’s Manager Development Services, Works Manager, Municipal Engineer, General Manager, Mayor and the potential purchaser.

**Risk Implications:**

There are no significant risks in pursuing this subdivision and sale.

![Draft subdivision area](image)

**Financial Implications:**

The land has not been valued yet, but the valuation will inform Council’s suggested sale price.
Ordinary Council meeting

Options:
1. As per the recommendation.
2. Other, as determined by Council.

RECOMMENDATION:
That Council support the preparation of a subdivision application and pursue the sale of the resultant lot as described in this report.

DECISION:
Cr Garlick moved, Cr Williams seconded that this item be postponed to the January Council meeting, pending further options i.e. lease, valuation.

CARRIED

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11.5 SOUTH CENTRAL SUB-REGION UPDATE:

FILE REFERENCE:

AUTHOR: Manager Development Services
(Mr J Dryburgh)

Background:
This report is intended to provide a regular update on the activities of the South Central Sub-region (Brighton, Central Highlands, Derwent Valley and Southern Midlands).

As councillors are aware, in early 2016 these four councils began more formal efforts to work collaboratively as a sub-region on matters of common interest. Brighton’s Manager Development Services chairs meetings of the group roughly every two months and is responsible for driving and coordinating the activities of the group. The meetings consist of the chair and the mayors and general managers of each of the four councils, with other staff or external people in attendance when required.
Ordinary Council meeting 20/12/16

Discussion:
(See minutes).

Consultation:
N/A.

Risk Implications:
N/A.

Financial Implications:
N/A.

Options:
1. As per the recommendation.
2. Council does not adopt the recommendation.

RECOMMENDATION:
That Council receive the report.

DECISION:
Cr Williams moved, Cr Curran seconded that the report be received.

CARRIED

VOTING RECORD
In favour
Cr Curran
Cr Foster
Cr Garlick
Cr Geard
Cr Gray
Cr Higgins
Cr Owen
Cr Williams

Against
11.6 MONTHLY PLANNING UPDATE:

FILE REFERENCE:

AUTHOR: Manager Development Services
(Mr J Dryburgh)

Background:
This report is intended to provide a monthly summary of planning matters for Council.

Discussion:

Brighton Industrial and Housing Corporation (BIHC):

- There are ongoing discussions underway with Wilson Homes, Centacare and Holmes Dyer consultants regarding potential opportunities for some of the key sites identified via the BIHC process.

Sites are currently being sold in Herdsmans Cove under the BIHC Agreement.

Purchase and Receipt of land:
None.

Projects:

- **5+5+5 project:** Meetings are being held with Tas Community Fund to try to adjust the terms of this project to bring it back to life.

  Discussions are also underway about whether or not Community Blitz may be able to undertake work at the Hospital site.

- **Brighton Tomorrow:** Brighton Tomorrow co-ordinator is taking part in discussions between Council’s Manager DS, the Principal of the BTTC and Monash-UTas regarding a partnership. He is also assisting the master planning process with MONA and Centacare at the Bridgewater Parkland and is assisting in the finalization of a draft State of the Environment Report for Council’s consideration.

- **Bridgewater South Master Plan:** A meeting has been requested by Council’s MDS with Boral’s National Property Manager in January.

- **Urban Tree Strategy:** The trees that were stolen in Herdsmans Cove were quickly replaced by Council and remain. Council staff have been advised that the incident has caused local community members to rally behind the cause of protecting the trees and that as such, there has been a positive outcome and a reduced chance of future vandalism.

- **Bridgewater Parkland Master Plan:** has been reviewed by relevant staff and taken to the July Parks and Recreation Committee meeting. The Committee endorsed the Plan.
Stage 1 of the Plan is nearing ‘grant-ready status’ and council staff have identified a couple potential grant opportunities, which are due in March 2017.

- A workshop has been held at the Civic Centre with DS staff, MONA and their planning consultants, PlayStreet and Centacare with their planning consultants to discuss the master planning of a residential precinct and a MONA facility with the Bridgewater Parkland area. MONA and Centacare are going to come back to council with a clearer vision of what they would like to do on the site.

- **Promoting and improving the industrial estate:** DS staff along with engineering and works are preparing a plan to improve the appearance of the industrial estate, improve legibility for businesses and a promotion plan.

A 30 second promotional video is complete and now sits on the Council homepage. MDS is investigating utilizing the video for Facebook advertising.

- **Promoting residential growth:** A 30 second promotional video is complete and now sits on the Council homepage. MDS is investigating utilizing the video for Facebook advertising.

- **Dollery Park:** Manager DS and Community Services Officer met with the manager of the Brighton Play Group to discuss their operation and plans.

**Development Applications and leases on Council-owned land:**

The Uniting Care lease at 84 Jetty Road has been renewed for another 12 months.

Brian Mitchell is likely to vacate the Brighton Road office.

**Council Land Subdivisions and Sales:**

- Council staff have received interest from a resident regarding purchasing a section of land between Glen Lea Road and the Jordan River (see separate report).

- Corporate Services are preparing an informal expression of interest for 84 Jetty Road, Old Beach to attempt to gauge if there is market interest in a commercial development on the site. Uniting Care have been advised of this process.

**Other Strategic Matters:**

- **Brighton Draft Interim Planning Scheme:**

Five scheme amendments are now active: Tivoli Green Specific Area Plan; Nelson’s Building Road Rural Living area; Cove Hill new Rural Living zoning; 29 Brighton Road; and the General Business Zone alteration in Hurst Street.

A hearing has now been held by the TPC for the Rowe-Lachlan lot size amendment. A decision is likely before Christmas.

- **State Planning Scheme:** Council’s planning officers are currently attending a large number of hearings regarding the new scheme.

- **HT/Centacare Land Master plan:** A suite of Development Applications are expected soon. 2 Green Point Road has been submitted and is currently on hold for further information.
- **NDIS projects**: Council’s Manager DS has been meeting with a group who aim to build disability housing under the NDIS scheme. The group is nearing a first project. They aim to build projects of 8 bedroom facilities all across Tasmania. Brighton is likely to be one of the early sites. There is an opportunity for Council to invest in such a project with a guaranteed 5.1% return. Representatives of the group would like to present to Council early in 2017.

- **Highway Services Precinct**: Council’s Manager DS has been meeting with a group of consultants who are nearing a final submission to State Growth for the development of a highway services precinct at 40 Brighton Road. While the initial focus is a service station and ancillary food services they are ‘doing the numbers’ on bulky goods and DFO establishment for the balance of the site.

**Planning Professional Services:**
Professional services for planning now generally consists of Derwent Valley (full statutory and strategic service) only. Council’s Senior Planner has been doing a day a week for Southern Midlands for several weeks until their new planner (former Brighton planner Jacqui Tyson) starts in early December. Council’s Manager DS has been charging some of his time to the South Central Sub-region councils for specific project work.

**Statutory update (November 2016):**
For the past month (See Attachment).

**Enforcements:**
Some investigations and negotiations are in process:

- 29 Brighton Road, self storage

**Consultation:**
All council departments.

**Risk Implications:**
N/A.

**Financial Implications:**
N/A.

**Options:**
1. As per the recommendation.
2. Council does not adopt the recommendation.

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**RECOMMENDATION:**
That Council receive the report.
DECISION:

Cr Owen moved, Cr Williams seconded that the report be received.

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11.7 MICROWISE - UPDATE REPORT:

FILE REFERENCE: 0838-3

AUTHOR: General Manager
         (Mr R Sanderson)

The General Manager and Deputy General Manager will provide an update on the progress of Microwise at the Council meeting.

Options:

1. As per the recommendation.
2. Not receive the report.

RECOMMENDATION:

That the report be received.

DECISION:

Cr Gray moved, Cr Geard seconded that the report be received.

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CARRIED
12. **QUESTIONS ON NOTICE:**

There were no questions on notice.

Meeting closed at 7.00pm

Confirmed: ____________________________________________

(Mayor)

Date: 17th January 2017