



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 5.30 P.M. ON TUESDAY,
20th FEBRUARY 2018**

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

IN ATTENDANCE: Mr G Davoren (Acting General Manager); Mr H Macpherson (Municipal Engineer); Mr J Dryburgh (Manager Development Services) and Mrs J Banks (Governance Manager).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE EMERGENCY MANAGEMENT ADVISORY COMMITTEE OF 16TH JANUARY 2018.

Cr Geard moved, Cr Owen seconded that the Minutes of the Emergency Management Advisory Committee meeting of 16th January 2018 be confirmed.

CARRIED

VOTING RECORD

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

1.2 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 16TH JANUARY 2018.

Cr Curran moved, Cr Jeffries seconded that the Minutes of the Ordinary Council meeting of 16th January 2018 be confirmed.

CARRIED

VOTING RECORD

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

1.3 CONFIRMATION OF MINUTES OF THE PARKS & RECREATION COMMITTEE MEETING OF 13th FEBRUARY 2018.

Cr Geard moved, Cr Garlick seconded that the Minutes of the Parks & Recreation Committee meeting of 13th February 2018 be confirmed.

CARRIED

VOTING RECORD

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

1.4 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 13th FEBRUARY 2018.

Cr Curran moved, Cr Owen seconded that the Minutes of the Finance Committee meeting of 13th February 2018 be confirmed.

CARRIED

VOTING RECORD

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

1.5 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY MEETING OF 13TH FEBRUARY 2018.

Cr Gray moved, Cr Garlick seconded that the Minutes of the Planning Committee meeting of 13th February 2018 be confirmed.

CARRIED

VOTING RECORD

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

2. APPLICATIONS FOR LEAVE OF ABSENCE:

All members were present.

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

- Scott Wade and Sachie Yasuda - addressed Council about their proposed Sport & Wellbeing Community Club and business plan.

4. DECLARATION OF INTEREST:

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

Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 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.

There were no declarations of interest.

5. REPORTS FROM COUNCILLORS:

5.1 MAYOR'S COMMUNICATIONS:

AUTHOR: Mayor
(Cr T Foster)

The Mayor's communications were as follows:

Jan	25	Australia Day reception for volunteers
	30	Meeting with GM, DGM , James Dryburgh, Tony and Ingrid Harrison.
Feb	05	Meeting with GM
	05	Meeting with a Staff member
	06	At the request of Glenorchy Ald Simon Fraser we had a meeting with him, GM and DGM
	08	Meeting with Scott Arnold, Peter Spotswood, Heath Macpherson, Cathy Harper, and Peter Geard re future of cricket.
	09	Scott Godfrey
	13	Council committee meetings
	19	Taswater BSC meeting at Campbell Town
	20	Planning workshop
		Ordinary Council meeting

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

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

CARRIED

VOTING RECORD

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

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

DECISION:

Cr Curran & Cr Geard attended the Official opening of Bonorong Park’s Vet hospital.
 Cr Curran attended the Australia Day civic reception.
 Cr Curran attended a BBQ at Brian Mitchell’s office.
 Cr Curran and the General Manager attended a STCA Meeting.
 Cr Curran, Owen and Williams attended the Candidates Forum 14th February at the Brighton Civic Centre.
 Cr Geard & the Municipal Engineer attended the Southern Regional emergency management meeting.
 Cr Gray, the Acting General Manager and officers from Centacare Evolve – tour the new development at 2 Greenpoint Road, Bridgewater

Cr Owen moved, Cr Jeffries seconded that the reports be received. **CARRIED**

VOTING RECORD

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

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 Acting General Manager advised there were no supplementary agenda items.

9. REPORTS FROM COMMITTEES:

9.1 EMERGENCY MANAGEMENT ADVISORY COMMITTEE – 16/1/18:

The recommendations of the Emergency Management Advisory Committee Meeting of 16th January 2018, are submitted to Council for adoption.

DECISION:

Cr Geard moved, Cr Gray seconded that the recommendations be adopted. **CARRIED**

VOTING RECORD

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

9.2 PARKS & RECREATION COMMITTEE – 13/2/18:

The recommendations of the Parks & Recreation Committee Meeting of 13th January 2018, are submitted to Council for adoption.

DECISION:

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

VOTING RECORD

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

9.3 FINANCE COMMITTEE – 13/2/18:

The recommendations of the Finance Committee Meeting of 13th February 2018, are submitted to Council for adoption.

DECISION:

Cr Curran moved, Cr Owen seconded that the recommendations be adopted. **CARRIED**

VOTING RECORD

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

The Chairperson adjourned the Council meeting to allow the Planning Authority to discuss the following item.

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 10 on this agenda, inclusive of any supplementary items.

10.1 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 – DA 2017/223 – 2 CASSIDY’S ROAD, OLD BEACH - DWELLING ADDITION:

Type of Report	Planning Authority – For Decision
Author	Jo Blackwell
Application No:	DA 2017/223
Address:	2 Cassidy’s Road, Old Beach
Applicant:	Pinnacle Drafting and Design
Proposal:	Dwelling Addition
Zone:	Environmental Living

Representations: One (1)

Discretions:

1. Setback (D14.4.2 A1, A2, and A4)
2. Exterior Colour (D13.4.3 A2)
3. Cut and Fill (D14.4.3 A4)

1. Executive Summary

- 1.1. Planning approval is sought for alterations and additions to a single dwelling, which incorporates demolition of an existing pergola, proposed extension to the western side of the dwelling, and garage/carport on eastern side of existing dwelling.
- 1.2. The application is discretionary arising from reliance on performance criteria in relation to setbacks, exterior colour scheme; and cut and fill.
- 1.3. One (1) representation was received raising concerns in relation to land stability. It is considered that the issues raised in the representation requires a non-standard condition requiring that the development be carried out in accordance with the recommendations of a geo-technical report.
- 1.4. The proposal is recommended for approval subject to various non-standard conditions relating to the above key planning issues and on servicing of the site.
- 1.5. 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.

2. Legislative & Policy Content

- 2.1. The purpose of this report is to enable the Planning Authority to determine application DA 2017/223.
- 2.2. This determination must be made no later than 27th February 2017, which has been extended beyond the statutory timeframe with the consent of the applicant.
- 2.3. 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.
- 2.4. This report details the reasons for the officer's recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding,

modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2005.

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

2.6. 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.

3. Risk & Implications

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

4. Relevant Background and Past Applications

4.1. Nil

5. Site Detail

5.1. The subject site is generally rectangular in shape (see figure 1). It has a gradient of approximately 25%, sloping east to west, towards the Derwent River. A limited amount of vegetation, both native and introduced, exists on the site. No native vegetation is being proposed to be removed as part of the application. The application has been supported by a natural values assessment, which identifies no risk to any species.



Figure 1: Site image (source: Listmap).

- 5.2. Figure 2 shows the zoning and locality of the subject site and surrounding area.

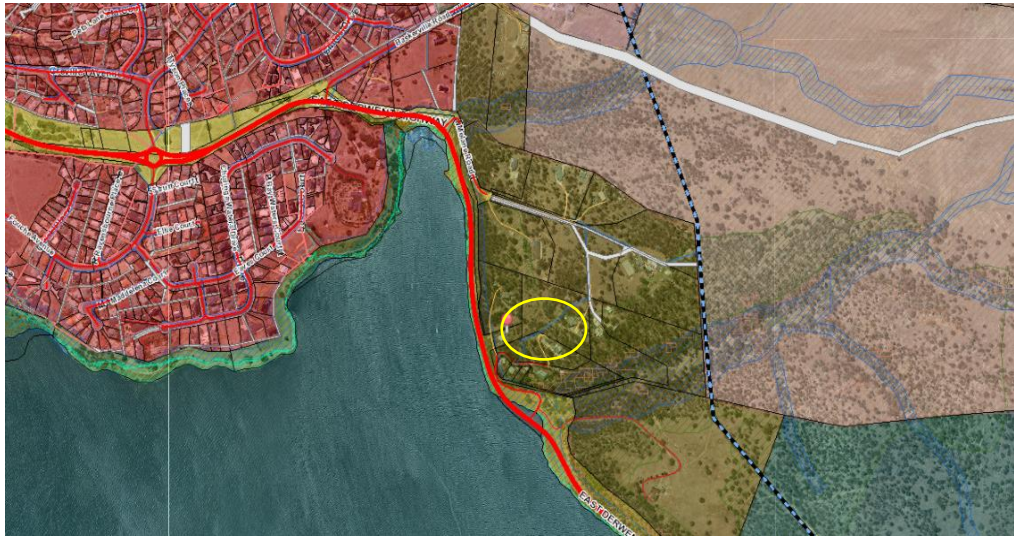


Figure 2: Zoning Map [Khaki Green = Environmental Living; Red = General Residential; Pink = Rural Living; Yellow = Utilities Green = Open Space] (Source: Listmap)

5. Proposal

- 5.3. The proposal is for demolition of an existing pergola and a two-storey extension to the existing dwelling along the northern aspect, and the construction of a garage and carport adjacent to the southern boundary.
- 5.4. The application is supported by the attached site plan, floor plans and elevations (including photographic representation of existing dwelling).

6. Assessment against planning scheme provisions

- 6.1. The following provisions of the Planning Scheme are relevant to the proposed use and development;

- Environmental Management Zone
- Code E 6.0 - Parking and Access Code
- Code E7.0 - Stormwater Management Code
- Code E16.0 - Coastal Erosion Hazard Code

- 6.2. The following discretions are invoked:

		BIPS 2015 requirement	Proposed
1	Front Setback D14.4.2 A1	30m	Carport 13.6m Dwelling extension 16.5m

2	Side Setback D14.4.2 A2	30m	Northern side boundary 4.233m Southern side boundary 0.961m
3.	Setback to Environmental Management Zone D14.4.2 A4	100m	Western boundary - 52m
4.	Exterior Colour Scheme D14.4.3 A2	Light reflectance value no greater than 40%	Colour scheme to match existing dwelling.
5.	Cut and Fill D14.4.3 A3	Less than 1m from natural ground level, except where required for building foundations	2m
6.	Stormwater	Connect to public gravity fed infrastructure	Collect for re-use on-site

6.3. **Frontage Setback (D 14.4.2 A1)**

6.3.1 The acceptable solution states:

D14.4.2 A1

A1 Building setback from frontage must be must be no less than:

30 m.

6.3.2 The application shows frontage setbacks of 13.644m to the front of the carport, and 16.491m between the frontage and the proposed extension to the dwelling. Accordingly, the application is required to address the performance criteria:

P1 Building setback from frontages must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:

- (a) the topography of the site;
- (b) the prevailing setbacks of existing buildings on nearby lots;

- (c) the size and shape of the site;
 - (d) the location of existing buildings on the site;
 - (e) the proposed colours and external materials of the building;
 - (f) the visual impact of the building when viewed from an adjoining road;
 - (g) retention of vegetation
- 6.3.3 The subject site is generally rectangular in shape and has a westerly aspect overlooking the Derwent River. The site slopes down towards the west, with a gradient of approximately 1:5 across the proposed building area.
- 6.3.4 Satellite imagery shows that the majority of the lots along Cassidy's Road (excepting 1 Cassidy's Road) have reduced setbacks, which are likely to have been determined by smaller lot sizes, topography and the acceptable solution for frontage setbacks of 15m required by the Brighton Planning Scheme 2000.
- 6.3.5 The proposal identifies the proposed colour scheme to be the same as that for the existing dwelling, photos of which are included on the Site Plan. The proposed colour scheme is light blue/grey weatherboards with white trim and galvanised roofing.
- 6.3.6 The existing dwelling is located in the western half of the subject site, with a setback of approximately 13m from the frontage; 10m from the northern boundary and 8m from the southern boundary. The proposed carport is to be set behind the building line of the existing deck by approximately 600mm, and extending to the rear building line of the dwelling to the east. The extension to the dwelling is set behind the building line of the existing deck and dwelling by approximately 5m.
- 6.3.7 The subject site is located approximately 10m above the East Derwent Highway, and is screened by vegetation and the cliff face. Accordingly, the only road by which the proposed development may be seen is Cassidy's Road. Figure 4 is the current view of the existing dwelling as drivers approach the first right hand turn in the road.



Figure 4: Google Maps view on approach to site

The proposed extension is set behind the existing dwelling, with the second storey protruding above the current roof line by approximately 2.5m at the apex. The building height for the proposed extension is approximately 6.5m, which satisfies the acceptable solution provided by the Planning Scheme of 7.5m (cl. D14.4.1 A1).

The carport will be approximately 3.8m high at the apex at the western end, with the building height above natural ground level reducing as the proposed building cuts into the bank to the east, taking into account the existing gradient of the land. The carport is not proposed to be enclosed, which will assist to reduce any visual impact caused by its construction.

6.3.8 A small amount of domestic garden will need to be removed to allow for the construction of the garage. The application has been supported by a natural values assessment which has identified only one native species on the site. That report notes, too, that “No trees will have to be removed to construct the proposed dwelling” (Cullen, 2017:11).

6.3.9 The proposal is considered to satisfy the performance criteria.

6.4. Side Setback (D14.4.2 A2)

6.4.1 The acceptable solution states:

Building setback from side and rear boundaries must be no less than:

30 m.

6.4.2 The proposal shown a northern side setback of 4.233m to the proposed dwelling extension and a southern side setback of 0.961m. Accordingly the performance criteria must be considered which requires:

Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots, having regard to all of the following:

- (a) the topography of the site;
- (b) the size and shape of the site;
- (c) the location of existing buildings on the site;
- (d) the proposed colours and external materials of the building;
- (e) visual impact on skylines and prominent ridgelines;
- (f) impact on native vegetation;
- (g) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:
 - (i) overlooking and loss of privacy;
 - (ii) visual impact, when viewed from adjoining lots, through building bulk and massing.

6.4.3 Reference is made to the site assessment contained in sections 6.3.3 to 6.3.6 in relation to (a) to (d) and (f) above.

6.4.4 In relation to (e) above, the proposed development is not located on a skyline. It may be argued that the site is located along a ridgeline, given its proximity to the cliff face adjacent to the Derwent River. However, as discussed above, any visual impact is minimal given the topography of the site, and the existing native vegetation in the surrounding area.

6.4.5 Any impact caused by overlooking and loss of privacy would be likely to occur from the proposed extension to the existing dwelling along the northern aspect. The nearest dwelling on the northern side of the site is located approximately 60m north east of the northern boundary adjacent to the proposed construction site. It is improbable, given the separation distance, gradient of the land, and vegetation, that any overlooking and loss of privacy will occur.

The proposed garage will not have any windows facing south towards the adjoining land, and accordingly is not considered to raise any issues with regard to an unreasonable loss of amenity relating to privacy and overlooking through its construction.

- 6.4.6 The proposal is for a two storey extension to the dwelling on the northern side of the existing dwelling. The elevations show that building mass has been broken up through the use of windows on both storeys, which limits the amount of blank wall space in any one section. The building materials proposed are the same as those currently used.

Accordingly, given the building design, separation distance, and topography it is not considered that the proposed extension will cause a reduction in amenity through building bulk and massing.

6.5 Setback to Environmental Management Zone (D14.4.2 A4)

- 6.5.1 The acceptable solutions states:

A4 Buildings and works must be setback from land zoned Environmental Management no less than 100 m.

- 6.5.2 The proposed development is set back approximately 40m from the Environmental Management Zone. The performance criteria require:

P4 Buildings and works must be setback from land zoned Environmental Management to minimise unreasonable impact from development on environmental values, having regard to all of the following:

- (a) the size of the site;
- (b) the location of existing buildings on the site;
- (c) the potential for the spread of weeds or soil pathogens;
- (d) the potential for contamination or sedimentation from water runoff;
- (e) any alternatives for development.

- 6.5.3 The site is a relatively small site for its Environmental Living Zoning, with a total land area of 1918m². As outlined previously, the existing dwelling is located approximately 11m from the frontage and northern side boundary and 8m from the southern side boundary.

There is a setback of approximately 37m to the rear boundary. Further, the site is separated from the Environmental Management Zone by a Utilities Zone which encompasses the East Derwent Highway.

6.5.4 The attached natural values assessment (Cullen, 2017) submitted in support of the application notes that no priority weeds or those listed under the Tasmania Management Act are recorded within 5000m of the study area, and concludes that the “proposed development will not create conditions that will encourage the spread of listed and or priority weeds”. In addition, the East Derwent Highway acts as a buffer between the site and the Environmental Management Zone

6.5.5 It is not considered that an alternative location is necessary, given the topography of the land and the separation between the dwelling and the River by the East Derwent Highway. However, it is recommended that a condition be included in any permit requiring a Soil and Water Management Plan to be submitted for the approval of Council’s Manager Development Services prior to any works commencing, to ensure correct site management procedures are undertaken during construction.

6.5.6 The proposal is considered to satisfy the performance criteria.

6.6 Exterior Colour Scheme (D14.4.3 A2)

6.6.1 The acceptable solution requires:

A2 Exterior building surfaces must be coloured using colours with a light reflectance value not greater than 40 percent.

6.6.2 The application seeks approval to continue the use of the existing colour scheme, being blue/grey in colour over weatherboards, with galvanised roofing. The performance criterion states:

P2 Exterior building surfaces must avoid adverse impacts on the visual amenity of neighbouring land and detracting from the contribution the site makes to the landscape, views and vistas.

6.6.3 Extending the existing colour scheme to the proposed alterations and additions is not thought to cause any adverse loss of visual amenity, when taking into account the topography of the land, proposed excavation works and screening by existing vegetation.

6.6.4 The proposal is considered to satisfy the performance criteria.

6.7 Fill and Excavation

6.7.1 The acceptable solution requires:

A4 Fill and excavation must comply with all of the following:

- (a) *height of fill and depth of excavation is no more than 1 m from natural ground level, except where required for building foundations;*
- (b) extent is limited to the area required for the construction of buildings and vehicular access.

6.7.2 The proposal includes excavation works to a depth of 2m on the northern side of the proposed garage. The performance criteria states:

P4 Fill and excavation must satisfy all of the following:

- (a) there is no unreasonable impact on natural values;
- (b) does not detract from the landscape character of the area;
- (c) does not unreasonably impact upon the privacy of adjoining properties;
- (d) does not affect land stability on the lot or adjoining land.

6.7.3 Cullen's (2017) natural values report concludes that there will be no unreasonable impact on natural values, with the on-site assessment classifying the site as Urban Areas (FUR) pursuant to TasVeg classifications, with adjoining properties identified as having Eucalyptus globulus dry forest and woodland (DGL). As the works are to be contained within site boundaries, it is considered that native vegetation on adjoining properties will not be impacted by the development.

6.7.4 The proposed carport will have a minimal impact on the landscape character of the area, as it is to be cut back into the bank at the eastern end, reducing the amount of building that is visible.

6.7.5 Privacy is not affected by the proposed outbuilding with all windows facing internally towards the existing dwelling.

6.7.6 As a result of identification of the site as having dispersive soils (GES, Onsite Wastewater Assessment, October 2017), a more detailed Dispersive Soil Assessment was requested from the Applicant. That report was received in February 2018, together with a Dispersion Management Plan. Both documents are attached to this report.

The report identifies the site as highly dispersive, however, field survey did not identify any tunnel or gully erosion at the site. The report concludes that a moderate risk associated with dispersive soils and potential erosion on the site and has provided a Dispersion Management Plan which sets out site management recommendations and recommendations for ongoing maintenance.

The author of the report has confirmed by email dated 14th February 2018, that he does consider there are no issues likely to be caused by the development on adjoining land. It is therefore considered that undertaking works which follow the requirements of the Dispersion Management Plan will allow for the performance criteria in relation to land stability to be satisfied.

A condition is required, however, to ensure that all works on the site are undertaken in accordance with the Dispersion Soils Assessment, Dispersion Management Plan and the Dispersive Soils and Their Management – Technical Reference Guide (DPIW, 2009).

6.8 Stormwater Management Code (E7.0)

6.8.1 The acceptable solution states:

A1 Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.

6.8.2 There is no gravity fed, public stormwater infrastructure to the site. Accordingly, the applicant proposes retaining any stormwater arising from the increase in roofed surfaces on site, which accords with P1(b) of the performance criteria set out below.

P1 Stormwater from new impervious surfaces must be managed by any of the following:

(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles

- (b) collected for re-use on the site;
- (c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.

6.8.3 A condition requiring stormwater to be retained on site is recommended for inclusion in any permit.

7. Discussion

7.1 The Zone Purpose Statements for the Environmental Living Zone are:

- 14.1.1.1 To provide for residential use or development in areas where existing natural and landscape values are to be retained. This may include areas not suitable or needed for resource development or agriculture and characterised by native vegetation cover, and where services are limited and residential amenity may be impacted on by nearby or adjacent rural activities.
- 14.1.1.2 To ensure development is reflective and responsive to the natural or landscape values of the land.
- 14.1.1.3 To provide for the management and protection of natural and landscape values, including skylines and ridgelines.
- 14.1.1.4 To protect the privacy and seclusion that residents of this zone enjoy.
- 14.1.1.5 To provide for limited community, tourism and recreational uses that do not impact on natural values or residential amenity.
- 14.1.1.6 To encourage passive recreational opportunities through the inclusion of pedestrian, cycling and horse trail linkages.
- 14.1.1.7 To avoid land use conflict with adjacent Rural Resource or Significant Agriculture zoned land by providing for adequate buffer areas.

The proposal is considered to meet the zone purpose statements.

8. Concerns raised by representors

8.1 The following table outlines the issues raised by representors.

Representation	Brief Response
<p>The representor is concerned “that if any digging or excavating in the area takes place it could cause us further damage” subsequent to damage caused by works undertaken previously on the East Derwent Highway; and seeks information in regards to digging or excavation works to be carried out.</p> <p>The representors also request that the area be assessed by the relevant qualified person to ensure if any digging or excavation works take place, they can be assured no damage will occur to their property.</p>	<p>The site is not identified by the Planning Scheme maps as having any land instability, either under the Landslide Code or the Dispersive Soils Code. However, the representation received caused the abovementioned request for reports as noted in cl. 6.7.6.</p> <p>The representor’s issues are required to be addressed under clause 14.4.3 P4 (d):</p> <p>Fill and excavation must satisfy all of the following...</p> <p>(d) does not affect land stability on the lot or adjoining land.</p> <p>The reports obtained from GES in support of the application, acknowledge the dispersive nature of the soils on the site, and includes recommendations in both the report and Dispersion Management Plan for site management during construction and for ongoing maintenance of the site.</p> <p>See report for further discussion.</p>

Conclusion:

The proposed use and development of *Dwelling Addition* in the Environmental Living Zone at 2 Cassidy’s Road, Old Beach satisfies the relevant provisions of the Brighton Interim Planning Scheme 2015, and as such is recommended for approval.

RECOMMENDATION:

That pursuant to the Brighton Interim Planning Scheme 2015, Council approve application DA-2017/223 for use and development of *Dwelling Addition* at 2 Cassidy’s Road, Old Beach for the reasons outlined in the officer’s report and a permit containing the following conditions be issued:

General

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

- (2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the Land Use Planning and Approvals Act 1993.

Amenity

- (4) The proposed colours and materials for the walls and roof as shown on Site Plan – Drawing no. 1 are approved. Any variation in the colours and materials must be submitted to and approved by the Council’s Manager Development Services.
- (5) No vegetation other than that necessary for the construction of the building, associated access and services is to be cleared without the approval of Council.
- (6) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Manager Development Services.

Services

- (7) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Parking and Access

- (8) At least two (2) car parking spaces must be provided on the land at all times for the use of the development, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- (9) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and to the satisfaction of Council’s Municipal Engineer, and must include all of the following:
 - (a) Constructed with a durable all weather pavement.
 - (b) Surfaced with a material to resist abrasion from traffic and to minimise the entry of water. The surfacing material must be spray seal, asphalt, concrete or other approved material.
 - (c) Drained to an approved stormwater system.

Stormwater

- (10) Stormwater drainage from the proposed development must be retained on site to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

Wastewater

- (11) Wastewater from the development must discharge to an on-site waste disposal system in accordance with a Certificate of Likely Compliance or Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.

Soil and Water Management

- (12) Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences. The SWMP shall form part of this permit when approved.
- (13) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.

Environment - Tunnel Erosion

- (14) The development must be carried out in accordance with the Dispersive Soils Assessment and Dispersion Management Plan prepared by Dr John Paul Cumming, Geo-Environmental Solutions dated February 2018 (attached hereto) and the Dispersive Soils and their Management - Technical Reference Manual (DPIW, 2009).

Construction amenity

- (15) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Development Services:
- Monday to Friday 7:00 a.m. to 6:00 p.m.
 - Saturday 8:00 a.m. to 6:00 p.m.

- Sunday and State-wide public holidays 10:00 a.m. to 6:00 p.m.
- (16) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - (b) The transportation of materials, goods and commodities to and from the land.
 - (c) Obstruction of any public footway or highway.
 - (d) Appearance of any building, works or materials.
- (17) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager Development Services.
- (18) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- (19) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. The issue of this permit does not ensure compliance with the provisions of the Threatened Species Protection Act 1995 or the Commonwealth Environmental Protection and Biodiversity Protection Act 1999. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of State Growth or the Commonwealth Minister for a permit.

- C. Water storage tanks are required to have an adequate overflow discharge provisions, e.g. to a legal point of discharge or to an absorption drain with an area of 5% – 10% of the roof area drained. Storage tanks intended to provide a potable water source and supplied by rainwater from a roof should be fitted with an approved first-flush device.
- D. For further information on development on dispersive or sodic soils refer to DTAE (2007): Fact Sheet 2, Dispersive Soils – High Risk of Tunnel Erosion, Department of Tourism, Arts and the Environment, Hobart; and Dispersive Soils and their Management – Technical Reference manual, Department of Primary Industry and Water, Hobart:

https://www.derwentestuary.org.au/assets/Soil_and_water_management_on_building_and_construction_sites_4.pdf

http://dpiwwe.tas.gov.au/Documents/DPIW_DSM_Manual_April2009.pdf
- E. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

DECISION:

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

VOTING RECORD

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

The Ordinary Council meeting resumed.

11. REPORTS FROM OFFICERS:

11.1 SPORTS GROUNDS – FEES FOR TURF WICKETS:

AUTHOR: Manager Asset Services
(Mr H Macpherson)

Background:

Council spends a significant amount of money each year to maintain its ovals. This figure is even higher for the two turf wickets on Ferguson and Gunn Ovals, Pontville. For many years Council has been trying to get a local team into the Cricket Tas Premier League and have continued to maintain the turf wickets with the hope that this would happen at some point in the near future.

Recently with the announcement of a Launceston team, the question arises whether it is worth Council subsidising the turf wickets into the future.

Below is a table showing the financial year costs for oval maintenance including water, lighting and power for the last 3 years; the end column shows the approximate cost of the oval maintenance:

	2014/15 (\$)	2015/16 (\$)	2016/17 (\$)	Maint 2016/17 (\$)
Thompson Oval	\$44,817	\$50,328	\$39,695	\$25,422
Gunn Oval	\$67,083	\$58,996	\$69,772	\$53,793
Fergusson Oval	\$81,151	\$62,795	\$76,854	\$59,254
Old Beach Oval	\$18,573	\$22,906	\$22,545	\$17,225
Weily Park Oval	\$40,584	\$56,454	\$50,550	\$25,743
Seymour Street	\$44,817	\$48,118	\$37,599	\$20,962

From the above it can be seen that it costs approximately \$26k to maintain an oval with synthetic wickets but between \$54-\$59k to maintain an oval with turf wickets.

Hence the cost to maintain a turf wicket is in the order of \$28-\$33k per oval. This equates to approximately \$60k to maintain the two turf wickets.

On top of this is \$16-17k for water, lighting and other minor costs for the whole year. This cost is for the entire year, but a majority of the watering occurs during the summer periods.

Comparing this to the income from Cricket Tas:

<u>Cricket Tas Usage/Income</u>	<u>Ferguson Oval</u>				<u>Gunn Oval</u>			
	<u>2015/16</u>		<u>2016/17</u>		<u>2015/16</u>		<u>2016/17</u>	
	<u>Hrs</u>	<u>Income</u>	<u>Hrs</u>	<u>Income</u>	<u>Hrs</u>	<u>Income</u>	<u>Hrs</u>	<u>Income</u>
Juniors	90	\$ 1,980	66	\$ 1,980	73.5	\$ 1,617	57.5	\$ 1,725
1st Grade			14	\$ 840				
2nd Grade	49	\$ 2,156	0		7	\$ 308	7	\$ 420
3rd Grade	44	\$ 1,936	44	\$ 2,640	66	\$ 2,904	55	\$ 3,300
Championships - Junior - \$200/day			2	\$ 800			2	\$ 800
Championships / day - Senior/other	14	\$ 616	22.5	\$ 1,350	7	\$ 308		
Tigers Training/Roar	21	\$ 924			2.5	\$ 110		
		\$7,612		\$7,610		\$5,247		\$6,245

Consultation:

Cr Tony Foster (Mayor), Cr Peter Geard (Chairperson Parks and Rec Committee), Heath Macpherson (Municipal Engineer, Manager Asset Services), Scott Percey (Works Manager), Cathy Harper (Council Services Officer).

Risk Implications:

Increasing the costs may result in a reduction of ground usage.

Financial Implications:

There would be an increase in revenue for ground hire.

Other Issues:

If Council stopped maintaining the turf wickets they could let them revert to grass and be mowed like the rest of the oval. This would have no negative effects on the turf wickets, as if Council wanted to use them again they would have to renovate them like they do at the start of any cricket season.

If Cricket Tas were charged a set fee for the year to cover the cost of maintaining the wickets, they would have to be told how many games they can have per year so that the pitches can handle the usage. This would have to be done in conjunction with the maintenance contractor.

If Cricket Tas agree to paying the turf maintenance costs Council would also have to make sure that the ovals are ready for the cricket season, so they would have to be give priority over the other users of the ovals (i.e. football and soccer) to ensure the wickets were ready.

Assessment:

As can be seen from the above table the difference in cost between just maintaining the ovals and the turf wickets is in the order of \$28k- \$33k. On top of this is \$16-17k for water, lighting and other minor costs for the whole year, and \$26k for mowing and line marking of the ovals throughout the year.

In recent years the cost of grounds/oval maintenance has significantly increased, along with improved facilities and even a new oval being developed. In July 2016 Council increased its hire fees but this nowhere near covers the full cost of maintaining the ovals and wickets.

As all the turf wickets are being used by teams outside the municipality, unless locals are playing for these teams most of the usage is by people outside the municipality.

As Cricket Tasmania are the only users of the turf wickets and they pay the hire rates of the ovals, the question arises should they pay the full cost of maintaining the turf wicket when they only have minimal benefit to the Brighton community and ratepayers.

Options:

1. As per the recommendation.
2. Council continue to charge at the existing rate.
3. Council increases the rate to partly subsidise the maintenance costs.
4. An alternative recommendation.

RECOMMENDATION:

Council propose to Cricket Tas that they pay the full cost of maintaining the turf wickets, mowing and watering for a set number of games. If they are unwilling to pay the cost then Council will let the wickets revert back to grass, until a Brighton team is created or they agree to pay the costs.

DECISION:

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

CARRIED

VOTING RECORD

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

11.2 MONTHLY PLANNING UPDATE:

AUTHORS: Chief Operations Officer
(Mr J Dryburgh)

The Chief Operations Officer reported directly to the meeting.

Options:

1. As per the recommendation.
 2. That the report not be received.
-

RECOMMENDATION:

That Council receive the report.

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Owen moved, Cr Williams seconded that Council resolve in to Closed Council

CARRIED

VOTING RECORD

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

12. CLOSED MEETING:

Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters are listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

This matter is to be considered in a Closed Meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(g)

12.1 CONFIRMATION OF MINUTES OF THE CLOSED PORTION OF THE ORDINARY COUNCIL MEETING OF 16th JANUARY 2018.

Cr Garlick moved, Cr Jeffries seconded that the closed portion of the Ordinary Council Meeting minutes of the 16th January 2018 be adopted.

CARRIED

VOTING RECORD

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

This matter is to be considered in a closed meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(b).

12.2 PRELIMINARY PROPOSAL FOR OLD HOSPITAL SITE AND REQUEST FOR IN-PRINCIPLE SUPPORT:

AUTHOR: Chief Operations Officer
(Mr J Dryburgh)

DECISION:

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

CARRIED

VOTING RECORD

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

This matter is to be considered in a closed meeting of Council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(a).

12.3 STAFF:

AUTHOR: Chief Operations Officer
(Mr J Dryburgh)

RECOMMENDATION:

That the report be received.

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Jeffries moved, Cr Curran seconded resolve out of Closed Council.

CARRIED

VOTING RECORD

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

13. QUESTIONS ON NOTICE:

There were no questions on notice.

Meeting closed at 7.10 pm

Confirmed: _____
(Mayor)

Date: _____
20th March 2018