



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,
19th NOVEMBER 2019**

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

IN ATTENDANCE: Mr Ron Sanderson (General Manager), Mr G Davoren (Deputy General Manager); Mr J Dryburgh (Chief Operations Officer); Mr D Allingham (Planning Manager) and Mr H Macpherson (Municipal Engineer).

1. CONFIRMATION OF MINUTES:

1.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 15th OCTOBER 2019:

Cr Gray moved, Cr Geard seconded that the Minutes of the Ordinary Council Meeting of 15th October 2019 be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

1.2 CONFIRMATION OF MINUTES OF THE ENVIRONMENT & HERITAGE MEETING OF 12TH NOVEMBER 2019:

Cr Jeffries moved, Cr Curran seconded that the Minutes of the Environment & Heritage Meeting of 12th November 2019 be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

1.3 CONFIRMATION OF MINUTES OF THE FINANCE MEETING OF 12TH NOVEMBER 2019:

Cr Garlick moved, Cr Curran seconded that the Minutes of the Finance Meeting of 12th November 2019 be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

2. APPLICATIONS FOR LEAVE OF ABSENCE:

All members were present

3. PUBLIC QUESTION TIME AND DEPUTATIONS:

There was no requirement for public question time.

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: -

- Oct 21 Microwise Board Meeting
- Oct 21 GM, COO and Mayor met with David Hazell to look at Onetrack business.
- Oct 23 GM, COO and Mayor met with Minister Mark Shelton
- Oct 28 GM and Mayor met with Inspector Phillipa Burke.
- Oct 31 Homelessness Alliance meeting
- Nov 01 Mayor and Noeline attended BBQ at the Men's Shed to celebrate Veteran's Health Week.
- Nov 04 Mayor and Noeline accepted an invitation to see the Heather Kirkpatrick Documentary "Against our oath"
- Nov 07 Meeting with GM to discuss his role with Microwise Pty Ltd.
- Nov 08 Microwise Board meeting.
- Nov 10 Mayor and Noeline attended the Brighton Show.

- Nov 10 Mayor and Noeline attended the “Remembrance Day” ceremony by The Brighton Primary School.
- Nov 12 Presentation by GM, Ben Dornier and Scott Christian to the Microwise Board.
- Nov 12 GM, COO and Mayor met with “Bright PR” consultants.
- Nov 12 Environment and Heritage committee meeting
- Nov 12 Finance committee meeting
- Nov 13 GM and Mayor attended the Taswater AGM in Launceston.
- Nov 14 Mayor had a meeting with Independent MHA Madelaine Ogilvie.

State of the Council 2019:

Some years ago, I introduced ‘State of the Council’ reports for presentation to Council in November each year. Although not a requirement under legislation, I believed it important over and above my comments in the annual report to Council, to give my view on where we were and indeed where we were going. This initiative is part of my commitment to transparency and I fully appreciate that future Mayors may or may not wish to do the same.

Those who know me well and understand my commitment to good financial management and governance, will appreciate my initial comments and some statistics that are relevant to the position that Brighton Council is respected for today.

The University of Tasmania recently produced a regional report on population trends for Council areas in Tasmania which showed that populations would decline in 15 Council areas and grow in the other 14 Council areas. In percentage terms Brighton was expected to grow at 1.18 % which means that city status is not that far off.

Growth has been good for Brighton and provides support for our strong, stable financial position. We have long been recognised as an efficient Council in which we continue to provide the lowest rates per head of population and continue to provide a positive 10-year average underlying surplus. As well, based on the Auditor-General’s assessment, we fully fund depreciation on Council assets.

Council’s net equity in 2007 reached \$100 million which was considered quite substantial at the time. Yet just 12 years on, last financial year we’d doubled that achieving a net equity of \$200 million. This alone highlights Council’s sound financial management and all credit and a huge thank you must go to our elected members and finance staff.

Last year I commented on factional infighting in some councils which was to the detriment to the communities they were elected to serve. This resulted in some bad financial decisions by those Councils at a significant cost to their ratepayers.

Fortunately, Brighton has not suffered these ills. With the addition of two new councillors at the most recent local government elections, Council continues to work well.

Our Council recognises the division of responsibilities that apply between we as Councillors who are responsible for the policies and governance of the Council, and the staff who are responsible for the day-to-day operations and the provision of services to ratepayers and the community.

As one of the fastest growing municipalities in the State it is important for Brighton that we are vigilant and robust in our financial management as we face the ever-increasing threat of risk and cost shifting on the part of other tiers of government.

For example, we know of Investment risks, falling interest rates, State Government cost shifting, poor budgeting, inappropriate capital grants, falling Taswater dividends and of course higher community expectations, and this can lead to poor decision-making. But we also have to be mindful of the constant challenge we face and the balanced judgements we must make between expectations and financial efficiency.

We have to be very careful not to take just a short-term focus. Brighton has carefully followed its long-term asset and financial plan. Care is needed to prioritise spending capital expenditure on asset renewal as opposed to building new assets. This may not appear as exciting in the short-term, but it provides greater benefits for Council and the community in the longer term.

Make no mistake, Brighton is in good shape and with our exceptional staff we are in good hands. We have high hopes for the future of Brighton. Importantly, we must maintain our strong financial position and as I said earlier, a march towards city status beckons in the immediate future.

While we must not take our eye off the ball as far as financial management is concerned, there are other issues we must face.

Climate change and waste management loom as big challenges for Council and indeed our community, to address. Personally, I do not think we are moving fast enough on waste management and Council will be considering a range of initiatives in the immediate future to address this. The costs and environmental impact of disposing of our waste and recycling are ever-increasing and Brighton is no different from every other municipality.

Where possible, we need to reduce our waste, as well as understand the costs associated with treatment and disposal and develop initiatives and processes that can serve us well into the future. This will mean working with other councils and the State Government to achieve the very best outcome for Brighton and our community.

Undoubtedly, we should all be concerned at the impacts of climate change and act accordingly. However, in my opinion this important issue should be led by State and Federal Governments but at the moment it seems to be more a political debate rather than an environment and social issue that demands attention.

For its part, Brighton Council has recently adopted a climate change and resilience strategy aimed at demonstrating local leadership in mitigating and planning for climate change, reducing risks, costs and our environmental footprint. The strategy also seeks to work with and empower its community to address climate change issues, minimise harm, reduce environmental impacts and create resilient and sustainable communities.

So, rather than take the dubious political approach of declaring a “climate emergency” Brighton has recognised the scientific community’s broad consensus on climate change and actually adopted a strategy that acknowledges the issue and its impact, We propose a comprehensive range of initiatives that will place us at the forefront in establishing a sustainable future for our community.

Challenges aside, I believe Brighton can look forward to a period of unprecedented growth.

Brighton Council has long been aware of our current and projected population growth and we’ve factored this into our planning and development processes and strategies. That’s why we have pushed hard for projects like the new Brighton High School, the Bridgewater Bridge replacement and the upgrading of the Pontville’s ports ground precinct, as well as our own initiatives such as housing and economic development along with the upgrading of community services and facilities.

The reality is that over the next two decades the growth will position Brighton as significantly larger than Burnie and similar in size to Devonport. The challenge is to ensure we are able to provide the services and facilities to meet the needs of our future community. As well as local services, schools and education facilities, we'll need significantly enhanced public transport, community safety, health and ancillary services and much more, if we are to cater for the predicted increase in Brighton's population.

From Brighton's perspective, the job has already commenced.

Our region is on the cusp of significant economic development, with the growth of the past decade, along with planned major infrastructure projects and the opening up of new economic opportunities, providing for an exciting future.

Brighton's economy has recorded considerable expansion in recent years largely driven by growth in the transport, postal and warehousing, and health care and social assistance industries. Transport, postal and warehousing is anticipated to continue to grow strongly into the future being Brighton's fastest growing industry.

Significant opportunities exist for Brighton in intensive agriculture and primary production, as well as value adding and supply chain initiatives. There are also opportunities for development in areas including the production of green, renewable energy, as well as in education and new technologies.

In catering for the population growth, housing construction is providing a major economic stimulus, as well as local employment opportunities. Brighton is currently adding more than one home a day to our housing stock and this is helping locals into new houses as well as attracting newcomers to the municipality.

In the past financial year, Council's Planning Authority approved some 292 dwellings – that's around 1.2 dwellings per working day. This equates to approximately \$55 million invested in residential development in our community, or \$150,000 every single day of the year. Added to this, every second day, Council approved a new building lot, in total, 149 subdivision lots and seven strata lots over the year.

This trend is continuing and particularly with the involvement of Centacare Evolve Housing and other developers showing no signs of slowing, as well as exciting commercial and industrial developments underway or planned, the future is bright.

Underpinning this, Brighton Council has a clear strategy to meet the projected growth and to manage and cater for the expectations of our community.

In closing I would like to thank our elected representatives for their efforts on behalf of our community and also pay tribute to our management and staff. Brighton is privileged by the fact that we have been able to attract some of Tasmania's best talent and retain them to work for our community. I thank them for their service and commitment.

The forthcoming year will see our long-serving General Manager Ron Sanderson transition from his current role into Council's technology business CouncilWise and the appointment of a new General Manager to take us into the future.

Ron has been an inspirational, talented and dedicated servant of Council and while he is standing down as General Manager, his skills will continue to benefit Brighton through CouncilWise.

Brighton is extremely fortunate we have a body of talented, experienced and long-serving staff across senior management, ready and indeed, enthusiastic, to play their part and progress their roles as we transition to this new era.

We have every reason to have great confidence in the future.

Thank you.

Tony Foster AM OAM JP
Mayor

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Owen 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 Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

5.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

Cr Geard attended the AIDR – Aust Institute of Disaster Resilience forum.

Cr Gray officially opened Brighton Show on 10th November.

Cr Murtagh attended the Women's leadership Summit, JRLF Melbourne Cup Morning Tea and Brighton Show.

Cr Curran attended the Remembrance Day Service at the Brighton Primary School.

DECISION:

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 Jeffries
Cr Murtagh
Cr Owen
Cr Whelan

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 Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015.

Cr Owen moved, Cr Curran seconded that the agenda be amended to include today's Workshop about the LGAT 21st Century Council's Roundtable. The workshop was held at 4.30pm, all Councillors were in attendance.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

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 that there were no Supplementary items.

9. REPORTS FROM COMMITTEES:

9.1 ENVIRONMENT & HERITAGE COMMITTEE MEETING – 12/11/19

The recommendations of the Environment & Heritage Committee Meeting of 12th November 2019, are submitted to Council for adoption.

DECISION:

Cr Curran moved, Cr Whelan seconded that the recommendations of the Environment and Heritage committee meeting of 12th November 2019 be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

9.2 FINANCE COMMITTEE MEETING – 12/11/19:

The recommendations of the Finance Committee Meeting of 12th November 2019, are submitted to Council for adoption.

DECISION:

Cr Owen moved, Cr Curran seconded that the all recommendations except Item 4.3 of the Finance Committee meeting of 12th November 2019 be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

4.3 – Brighton Bowls and Community Club

Cr Whelan moved, Cr Jeffries seconded that that the rate for 2019/20 be waived and then subsequent years be \$1000 deduction to the rates to be show as a donation in the annual report.

MOTION LOST

VOTING RECORD

In favour	Against
Cr Jeffries	Cr Curran
Cr Murtagh	Cr Foster

Cr Whelan

Cr Garlick

Cr Geard

Cr Gray

Cr Owen

Cr Gray moved, Cr Owen seconded that a \$2000 deduction to the rates for the 2019/20 Financial year to be show as a donation in the annual report and request the Brighton Bowls and Community Club apply as part of the budget process any future requests.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran

Cr Foster

Cr Garlick

Cr Geard

Cr Gray

Cr Jeffries

Cr Murtagh

Cr Owen

Cr Whelan

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.

Cr Whelan moved, Cr Curran seconded that the Council meeting be adjourned for the Planning Authority.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran

Cr Foster

Cr Garlick

Cr Geard

Cr Gray

Cr Jeffries

Cr Murtagh

Cr Owen

Cr Whelan

10.1 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015DA 2019/00091- SIGNAGE:

Type of Report	Planning Authority – For Decision
Application No:	DA 2019/00091
Address:	68 Bluemetal Drive, Bridgewater
Proposal:	Signage
Zone:	General Industrial
Representations:	One (1)
Discretions:	<ol style="list-style-type: none">1. Development within the Bridgewater Quarry Attenuation Area (Section E9.7.3 A1)2. Use of Signs (Section E17.6.1 A1)3. Use of Signs (Section E17.6.1 A2)4. Standards for Signs (Section E17.7.1 A1)
Author:	Planning Officer (Patrick Carroll) Manager Development Services (David Allingham)

1. Executive Summary

- 1.1. Planning approval is sought for a sign at 68 Bluemetal Drive, Bridgewater (the 'site'). The site is within the General Industrial Zone of the Brighton Interim Planning Scheme 2015 (the 'Interim Scheme').
- 1.2. The application is discretionary due to reliance on performance criteria.
- 1.3. One (1) representation was received within the statutory public advertising period. That representation was from the Department of State Growth, who objected to the application, citing safety impacts to users of the Midlands Highway.
- 1.4. The application is recommended for refusal for the following reasons:
 - The proposed signage, which advertises the sale of goods or services, does not relate directly to the use of the building or the site to which it is affixed. Subsequently, the development does not satisfy the Acceptable Solution contained in Section E17.6.1 A2 of the Brighton Interim Planning Scheme 2015, nor does it satisfy the corresponding Performance Criteria contained in Section E17.6.1 P2 of the Brighton Interim Planning Scheme 2015.

- The proposed signage, in the opinion of the road authority, being the Department of State Growth, has the potential to create a safety hazard to users of the Midlands Highway. Subsequently, the proposed signage does not satisfy the Performance Criteria contained in Section E17.7.1 P1 of the Brighton Interim Planning Scheme 2015.

- 1.5. As the Officer's recommendation is that the development application be refused, the final decision is delegated to the Planning Authority or by full Council acting as a Planning Authority.

2. Legislative & Policy Content

- 2.1. The purpose of this report is to enable the Planning Authority to determine application DA 2019/00091.
- 2.2. This determination must be made no later than 26 November 2019, in accordance with the statutory timeframe referred to within Section 57 of the Land Use Planning and Approvals Act 1993 (the 'Act'). This period has been extended by agreement with the applicant.
- 2.3. The provisions of the Act 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 recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2015.
- 2.5. 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, unless the decision is appealed.

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

4. Relevant Background

- 4.1. None relevant.

5. Site Detail

- 5.1. The subject site is located at 68 Bluemetal Drive, Bridgewater, which is a 3576m² lot with existing access to Bluemetal Drive. The site also shares a frontage with the Midlands Highway, although there is no direct access from the site to the highway.
- 5.2. The Midlands Highway, which forms a major part of the State and National Highway Network
- 5.3. The site is within the General Industrial Zone. The site is within the Bridgewater Quarry Overlay and the Industrial Precinct Overlay.
- 5.4. The surrounding land is either zoned General Industrial or Utilities.

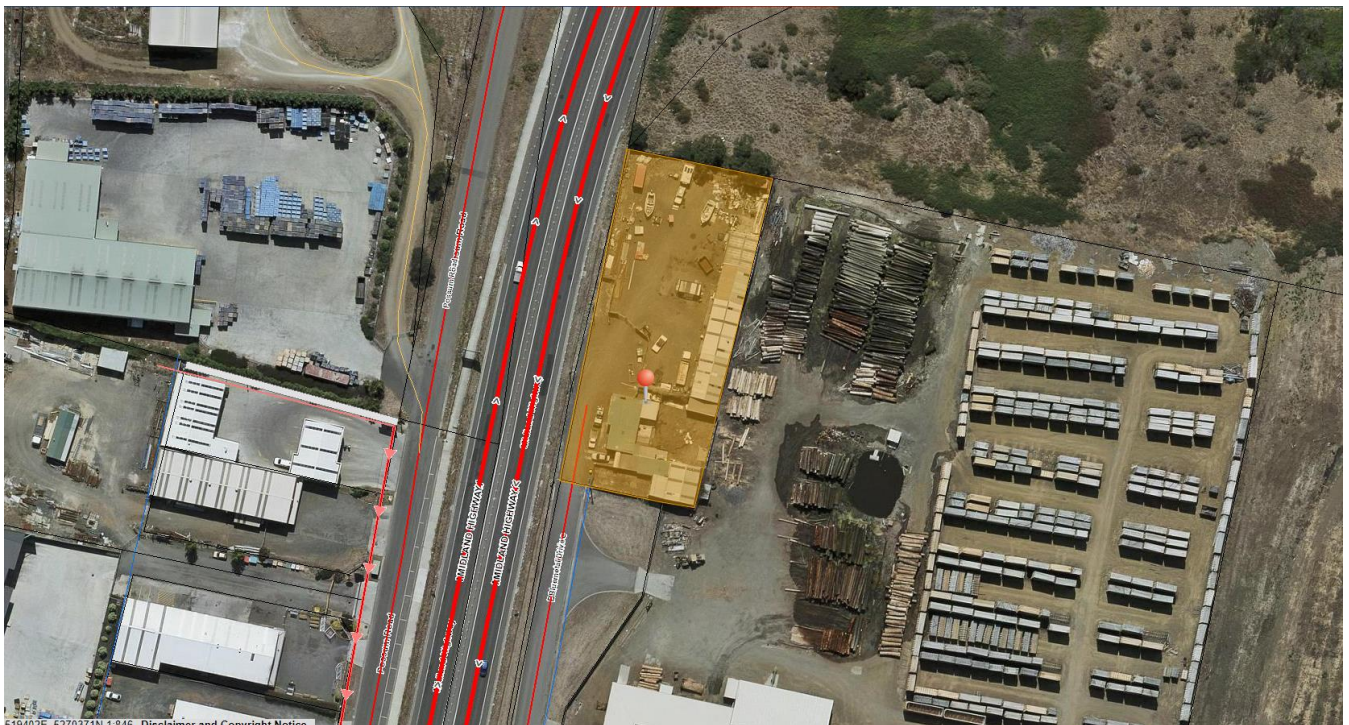


Figure 1. Aerial photography of the subject site, which is highlighted orange.

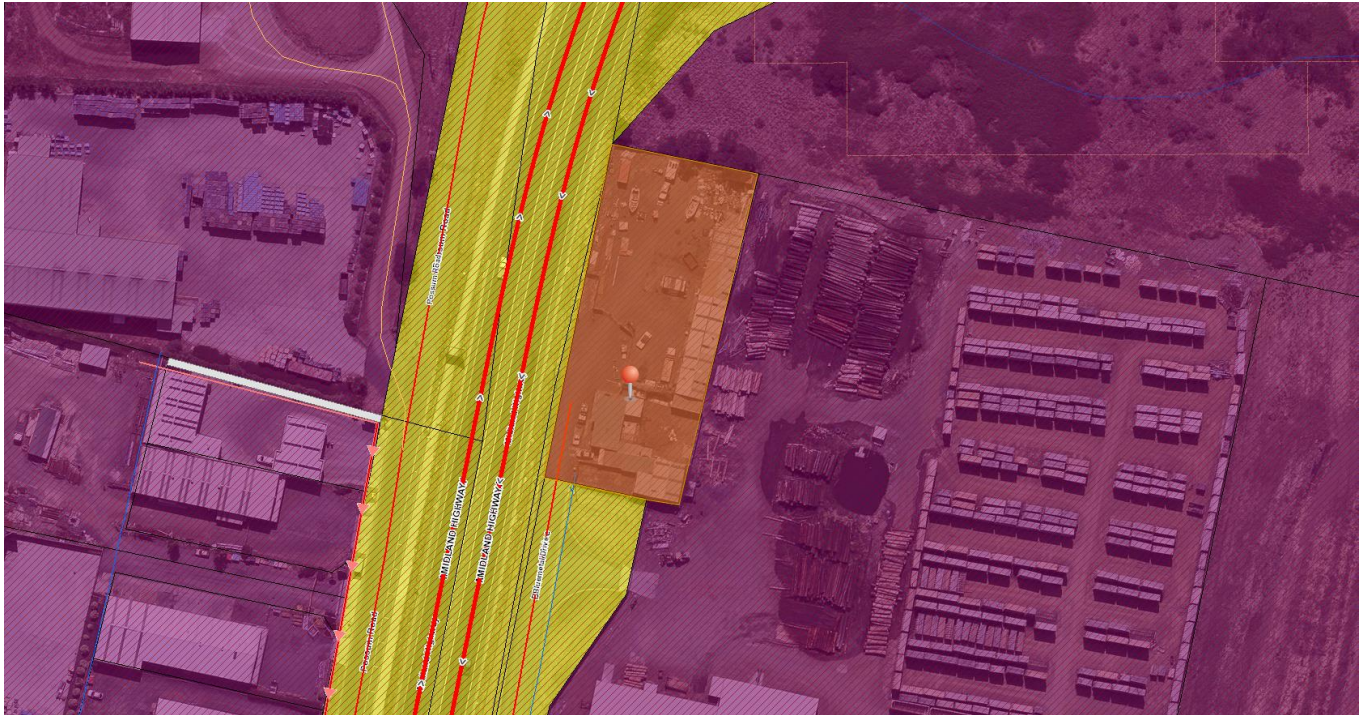


Figure 2. Zoning of the subject site and surrounds. Purple denotes the General Industrial Zone. Yellow denotes the Utilities Zone.



Figure 3. The site, as viewed from the Midlands Highway, driving southbound. 68 Bluemetal Drive can be seen on the left-hand side of the image. Image source: Google Maps 2019. Image capture: June 2015.

6. Proposal

- 6.1. The applicant has proposed the development of Signage.
- 6.2. The face of the proposed sign measures 24.00 metres by 3.30 metres, and will be constructed to a maximum height of 5.80 metres above natural ground level.
- 6.3. The proposed sign will be sited 0.20 metres from the northern boundary and 0.20 metres from the western boundary (i.e. that shared with the Midlands Highway).
- 6.4. The applicant has stated that the purpose of the sign is to be a billboard. The sign meets the definition of a 'Poster Panel (Billboard)', which is defined as:

Means a structure either freestanding or attached to a building designed to accommodate standard Poster Panels, the message of which may be changeable and variable.

7. Assessment

- 7.1. The Brighton Interim Planning Scheme 2015 is a performance-based planning scheme.
- 7.2. To meet an applicable standard, a proposal must demonstrate compliance with either an Acceptable Solution or a Performance Criterion. Where a proposal complies with a standard by relying on one or more Performance Criteria, the Council may approve or refuse the proposal on that basis. The ability to refuse the proposal relates only to the Performance Criteria relied upon.

8. Assessment against planning scheme provisions

- 8.1. The following provisions are relevant to the assessment of the proposed use and development:
 - Part D – Section 25.0 – General Industrial Zone
 - Part E – Section E9.0 – Attenuation Code
 - Part E – Section E17.0 – Signs Code
- 8.2. The application satisfies the following relevant Acceptable Solutions of the applicable provisions:
 - Section E17.6.1 A3 – Use of Signs
 - Section E17.7.1 A2 – Standards for Signs

- Section E17.7.1 A3 – Standards for Signs
- Section E17.7.1 A4 – Standards for Signs

8.3. The following discretions are invoked by the proposal:

- Section E9.7.3 – Development within the Bridgewater Quarry Attenuation Area
- Section E17.6.1 A1 – Use of Signs
- Section E17.6.1 A2 – Use of Signs
- Section E17.7.1 A1 – Standards for Signs

8.4. **Discretion 1 – Section E9.7.3 A1 – Development within the Bridgewater Quarry Attenuation Area.**

8.4.1 The applicant has proposed development within the Bridgewater Quarry Attenuation Area. There is no Acceptable Solution contained in Section E9.7.3 A1. As such, the application must be assessed against the relevant Performance Criteria.

8.4.2 Section E9.7.3 P1 states:

Development, including subdivision, must not result in potential to be impacted by quarry operations having regard to all of the following:

a) the nature of the quarry; including:

- i. operational characteristics;
- ii. scale and intensity;
- iii. degree of hazard or pollution that may be emitted from the activity;

b) the degree of encroachment or development or use into the Bridgewater Quarry Attenuation Area;

c) measures in the design, layout and construction of the development or use to eliminated, mitigate or manage effects of the quarry.

8.4.3 The application was referred to the quarry operator, as required by Section E9.5.2 of the Interim Scheme. No response was received to the referral from the quarry operator.

8.4.4 It is considered that the proposed sign will not have any impact on quarry operations.

8.4.5 It is considered that the development satisfies the Performance Criteria contained in Section E9.7.3 P1.

8.5 Discretion 2 – Section E17.6.1 A1 – Use of Signs

8.5.1 The applicant has proposed a sign with a sign face measuring 24.00 metres by 3.30 metres. The applicant has stated that the sign is to be a billboard.

8.5.2 The sign meets the definition of a ‘Poster Panel (Billboard)’, which is defined as:

Means a structure either freestanding or attached to a building designed to accommodate standard Poster Panels, the message of which may be changeable and variable.

8.5.3 A ‘Poster Panel (Billboard)’ is a discretionary sign type within the General Industrial Zone, as listed in Table E17.3.

8.5.4 The Acceptable Solution contained in Section E17.6.1 A1 states:

A sign must be a permitted sign in Table E17.3.

8.5.5 The development does not comply with the Acceptable Solution. As such, the application must be assessed against the relevant Performance Criteria.

8.5.6 Section E17.6.1 P1 states:

A sign must be a discretionary sign in Table E17.3.

8.5.7 As mentioned, the sign is a discretionary sign type in Table E17.3. The development meets the Performance Criteria.

8.6 Discretion 3 – Section E17.6.1 A2 – Use of Signs

8.6.1 Section E17.6.1 A2 states:

A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.

8.6.2 The proposed billboard will advertise products, goods or services external to the site. As such, the development does not meet the Acceptable Solution contained in Section E17.6.1 A2, and must be assessed against the relevant Performance Criteria.

- 8.6.3 There is no Performance Criteria contained in Section E17.6.1 P2. As such, the development cannot satisfy the standard, and is recommended for refusal.

8.7 Discretion 3 – Section E17.7.1 A1 – Standards of Signs

- 8.7.1 Section E17.7.1 A1 states:

A sign must comply with the standards listed in Table E17.2 and be a permitted sign in Table E17.3.

- 8.7.2 The sign does not comply with either the standards listed in Table E17.2, nor is it a permitted sign under Table E17.3. As such, the application is discretionary, and must be assessed against the relevant Performance Criteria.

- 8.7.3 Section E17.7.1 P1 states:

A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:

- a) be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;
- b) be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;
- c) be constructed of materials which are able to be maintained in a satisfactory manner at all times;
- d) not result in loss of amenity to neighbouring properties;
- e) not involve the repetition of messages or information on the same street frontage;
- f) not contribute to or exacerbate visual clutter;
- g) not cause a safety hazard.

- 8.7.4 Although the proposed sign is quite large, measuring 24.00 metres by 3.30 metres, and constructed to 5.80 metres above natural ground level, it is considered that the proposed sign is setback a suitable distance from the sealed pavement of the Midlands Highway (i.e. the location where the sign is faced, and will be most commonly seen from), the proposed sign will not dominate the other buildings on the site or the wider streetscape. The design is a standard design for a billboard and is considered

to be suitably designed. The sign can be maintained in a suitable condition.

- 8.7.5 The proposed sign will not involve the repetition of messages, nor will it contribute to or exacerbate visual clutter.
- 8.7.6 It is, therefore, considered that the proposed sign can satisfy subsections (a) to (f) of the Performance Criteria contained in Section E17.7.1 P1.
- 8.7.7 However, with regard to safety, the Department of State Growth has raised considerable concern with the sign, and the potential risk it will create to users of the State Highway Network. It is the Department of State Growth's position that the proposed sign has the potential to distract motorists, and as such, the Department of State Growth has strongly objected to the proposal on safety grounds. The Department of State Growth's objection is detailed below.
- 8.7.8 Acting on the advice of the Department of State Growth regarding safety hazards created by the proposed sign, it is considered that the proposed sign does not fully satisfy the Performance Criteria contained in Section E17.7.1 P1, specifically the provision contained in Section E17.7.1 P1(g) of the Interim Scheme.
- 8.7.9 As such, it is recommended that the proposal be refused.

9. Concerns raised by representors

- 9.1. The application was advertised in accordance with the statutory requirements of the Land Use Planning and Approvals Act 1993.
- 9.2. A representation was received during the statutory public advertising period from the Department of State Growth, acting in their capacity of road authority of the State Highway Network. The concerns of the Department of State Growth are listed below:

Concerns Raised by Representor	Planning Response
The Department of State Growth has no objections to the erection of a sign on private property, provided the signage is only to advertise the business operating from the property/land it is erected on. Furthermore, we would need to see and approve of a design	<p>The query was referred to the Applicant, who confirmed that the proposed sign would be used as a billboard.</p> <p>This information was detailed on the Development Application form.</p>

<p>of what is proposed to be displayed on the signage, prior to anything being displayed. We would object to the signage being used for display for any other advertising purposes, due to it being a distraction for motorists travelling along our State Road network.</p>	
<p>Addendum 1 to Representation</p>	
<p>Referencing E17.6.1 P1, a sign must be a discretionary sign in Table E.17.3.</p> <p>Referencing E17.6.1 A2, a sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.</p> <p>As per P1 and A2, if the intended use of the sign is not related directly to the sale of goods or services of the property to which it is affixed, Department of State Growth would object to the signage being used for the display for any other advertising purposes, due to it being a distraction for motorists travelling along our State Road network. Furthermore, if the sign was to meet A2 requirements, we would need to see and approve of a design of what is proposed to be displayed on the signage, prior to anything being displayed.</p> <ul style="list-style-type: none"> • <i>Also in addition to this, as per Table E17.2 Sign Standards, for a "Poster Panel (Billboard)" the following Sign Standards apply:</i> <p>(a) Length no more than 6000mm;</p>	<p>The comments and concerns of the Department of State Growth are noted. See Addendum 2 below for more information.</p>

<p>(b) Depth no more than 3000mm;</p> <p>(c) Does not extend vertically or horizontally from the surface to which it is attached.</p>	
<p>The dimensions of the proposed sign is 24000mm x 3300mm. This does not comply with the standards in Table E17.2.</p> <p>Referencing E17.7.1 P1(g), a sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:</p> <p>(g) not cause a safety hazard.</p> <p>P1 above reiterates our stance for objecting to the signage due to it being a distraction (safety hazard) for motorists travelling along our State Road network and that we would need to see and approve of any design of what is proposed to be displayed on the signage, prior to anything being displayed.</p>	<p>The comments and concerns of the Department of State Growth are noted.</p>
<p>Addendum 2 to Representation</p>	
<p>It is acknowledged that the proposed sign will be located on private property, but the sign is designed to attract attention of road users travelling on a State Road and therefore a matter of interest to the Department.</p> <p>As a responsible road manager for State Roads, the Department is concerned about any sign that could distract the attention of road users, and proliferation of signs should be avoided.</p>	<p>The comments and concerns of the Department of State Growth are noted.</p>

The Department acknowledge that signs attached to a roadside business may be appropriate based on the need for identification and safe navigation to the business. Any signage should be compatible scale to the size of the premises on which it is displayed and the scale of surrounding buildings. The sign should be located reasonably close to the site where the goods or services are located. Any sign's colour brightness and location should not have a significant effect on the appearance and efficiency of a public roadway.

From a Department perspective, an advertising sign or billboard is one that advertise a service, goods or business that is not offered at the site where the sign is located.

The reasons the Department do not support advertising signs or billboards are;

- *The Department is committed to the Safe System approach to road safety, which is the cornerstone of the National Road Safety Strategy 2011-2010. The fundamental principles of the Safe System approach are to have vehicles and roads designed to discourage driving errors and to protect road users against errors that do occur. This approach is endorsed by the Tasmanian Road Safety Advisory Council, which has developed action plans to reduce the impact of road trauma through implementing road safety strategies and best practice infrastructure.*

<ul style="list-style-type: none"> • The Department is aware of Austroads report on the impact of roadside advertising on road safety. Austroads is the association of Australian and New Zealand road transport and traffic authorities. This report notes that there is compelling evidence that distraction is a major contribution to crashes. While the research into the effect of roadside advertising on road safety is limited, the studies that have been conducted shows convincingly that roadside advertising is distracting and that it may lead to poorer vehicle control. • The report further notes that it would be difficult for a jurisdiction committed to a Safe System approach to road safety to justify the addition of infrastructure to the road environment that could result in an increase distraction for drivers. <p>The Department strongly believes the burden of proof should be placed on the developer to prove the advertising sign will be safe, rather than rely on road authorities to prove it is unsafe. The current available research indicates that roadside advertising sign/billboard do attract driver attention and driver distraction is a significant causal factor in serious injury and fatal road crashes.</p>	
<p>As per E17.6.1</p> <p>A2 - A sign associated with the sale of goods or services must relate</p>	<p>The comments and concerns of the Department of State Growth are supported and the application is recommended for refusal as it</p>

<p>directly to the use of the building or site to which it is affixed.</p> <p>P2 – No performance criteria.</p> <p>Therefore, regardless of whether it is a safety issue or not, signs associated with the sale of goods or services not related to the property, which includes the promotion of other businesses (e.g. logos), are not permitted.</p> <p>A1- A sign must be a permitted sign in Table E17.3.</p> <p>P1 - A sign must be a discretionary sign in Table E17.3.</p> <p>Therefore, from the zoning in the planning scheme, the permitting of this sign is discretionary.</p> <p>As per E17.7.1</p> <p>A1 - A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.</p> <p>P1 The proposed sign doesn't meet either requirements of A1 (doesn't comply with the standards in Table E17.2 and its status is discretionary as per Table E17.3). Even if one of those requirements were met, given that both are not, it must still satisfy all of the P1 Performance Criteria, including (g) not cause a safety hazard. This is why I requested seeing a design of what was proposed to be displayed on the sign, to ensure we are happy with what is displayed. There is potential for information on signs to cause a distraction to motorists which presents a safety issue (e.g.</p>	<p>does not satisfy E17.6.1 P2 or E17.7.1 P1 (g).</p>
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<p>too much information is provided, writing too small or hard to read).</p> <p>Our position is to object to any development applications for new billboard signage proposed on property adjacent to the State Road network, not related to the property with which it is erected. As you identified in the paragraph above, under the planning scheme we have very limited power in objecting to any signage already existing on adjacent property.</p>	
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10. Conclusion

- 10.1. The proposal is for a proposed sign at 68 Bluemetal Drive, Bridgewater.
- 10.2. The key issues are that the sign, which advertises the sale of goods or services, does not relate directly to the use of the building or the site to which it is affixed. Further, it is the opinion of the relevant road authority – being the Department of State Growth – that the proposed signage has the potential to create a safety hazard to users of the Midlands Highway.
- 10.3. The proposed sign does not satisfy the Performance Criteria contained in Section E17.6.1 P2, nor is the proposed sign considered to satisfy the Performance Criteria contained in Section E17.7.1 P1.
- 10.4. The proposal is therefore not considered to meet all relevant provisions of the Brighton Interim Planning Scheme 2015, and as such, is recommended for refusal.

RECOMMENDATION:

That pursuant to the Brighton Interim Planning Scheme 2015, Council refuse application DA 2019/00091 for the proposed development of Signage in the General Industrial Zone at 68 Bluemetal Drive, Bridgewater for the following reasons:

1. The proposed signage, which advertises the sale of goods or services, does not relate directly to the use of the building or the site to which it is affixed, and subsequently, the development does not satisfy the Acceptable Solution contained in Section E17.6.1 A2 of the Brighton Interim Planning Scheme 2015, nor does it satisfy the corresponding Performance Criteria contained in Section E17.6.1 P2 of the Brighton Interim Planning Scheme 2015.

2. The proposed signage, in the opinion of the road authority, being the Department of State Growth, has the potential to create a safety hazard to users of the Midlands Highway. Subsequently, the proposed signage does not satisfy the Performance Criteria contained in Section E17.7.1 P1 of the Brighton Interim Planning Scheme 2015.

DECISION:

Cr Owen 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 Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

10.2 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015 - SA 2019/00003 – 15 ASHGROVE CRESCENT, OLD BEACH – SUBDIVISION:

Type of Report	Planning Authority – For Decision
Application No:	SA 2019/00003
Address:	15 Ashgrove Crescent, Old Beach
Proposal:	Subdivision
Zone:	Rural Living Zone
Representations:	Three (3)
Discretions:	1. Subdivision (Section C9.7) 2. Lot Design (Section 13.5.1 A2) 3. Lot Design (Section 13.5.1 A3) 4. Lot Design (Section 13.5.1 A4)

5. Lot Design (Section 13.5.1 A5)
6. Public Open Space (Section 13.5.3 A2)
7. Services (Section 13.5.4 A2)
8. Services (Section 13.5.4 A3)
9. Sight Distances at Accesses (Section E5.6.1 A1)
10. Stormwater Drainage and Disposal (Section E7.7.1 A1)
11. Development for Sensitive Use in Proximity to Use with Potential to Cause Environmental Harm (Section E9.7.2 A1)

Author: Planning Officer (Patrick Carroll)
Manager Development Services (David Allingham)

1. Executive Summary

- 1.1. Planning approval is sought for a Subdivision at 15 Ashgrove Crescent, Old Beach (the 'site'). The site is within the Rural Living Zone of the Brighton Interim Planning Scheme 2015 (the 'Interim Scheme').
- 1.2. The application is discretionary due to reliance on performance criteria.
- 1.3. Three (3) representations were received within the statutory public advertising period.
- 1.4. The application is recommended for approval, subject to conditions.
- 1.5. The final decision is delegated to the Planning Authority or by full Council acting as a planning authority.

2. Legislative & Policy Content

- 2.1. The purpose of this report is to enable the Planning Authority to determine application SA 2019/00003.
- 2.2. This determination must be made no later than 26 November 2019. This period has been extended by agreement with the Applicant.
- 2.3. The relevant legislation is the Land Use Planning and Approvals Act 1993 (the 'Act'). The provisions of the Act 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 recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either: (1) adopt the recommendation, or (2) vary the recommendation by adding, modifying or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2015.
- 2.5. 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, unless the decision is appealed.
- 3.2. Implications for Council include general matters related to rate income, asset maintenance and renewal and responding to future building applications.

4. Relevant Background

- 4.1. None relevant.

5. Site Detail

- 5.1. The subject site is a 1.313-hectare (ha) lot with existing access to Ashgrove Crescent. The site is developed with a single dwelling and associated outbuildings.
- 5.2. The site is within the Rural Living Zone, specifically within Area A of the Rural Living Zone. Area A has a density of 5000m² as a minimum lot size.
- 5.3. The surrounding land is zoned either Rural Living or Rural Resource.



Figure 1. Aerial photograph of the subject site.

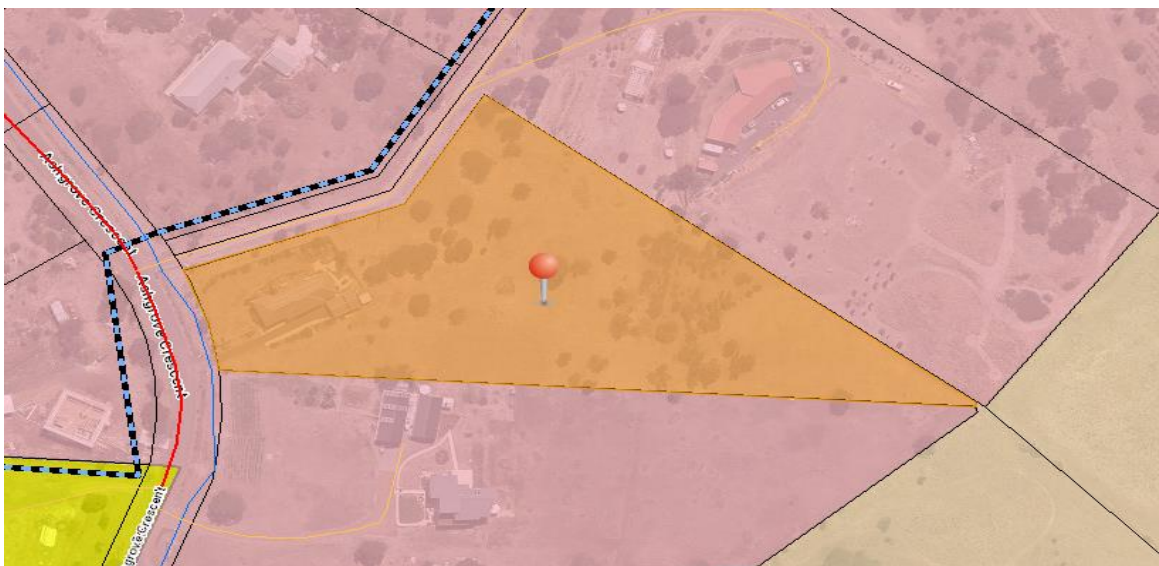


Figure 2. Zoning of the subject site and surrounds. Pink denotes the Rural Living Zone; sandy brown denotes the Rural Resource Zone; and yellow denotes the Utilities Zone.

6. Proposal

- 6.1. The applicant has proposed the development of a Subdivision at 15 Ashgrove Crescent, Old Beach.
- 6.2. The proposed subdivision creates a lot of 5026m² for the existing dwelling and outbuildings (identified as the 'Balance Lot'), thereby creating a new vacant internal lot with an area of 8108m² (identified as 'Lot 1').

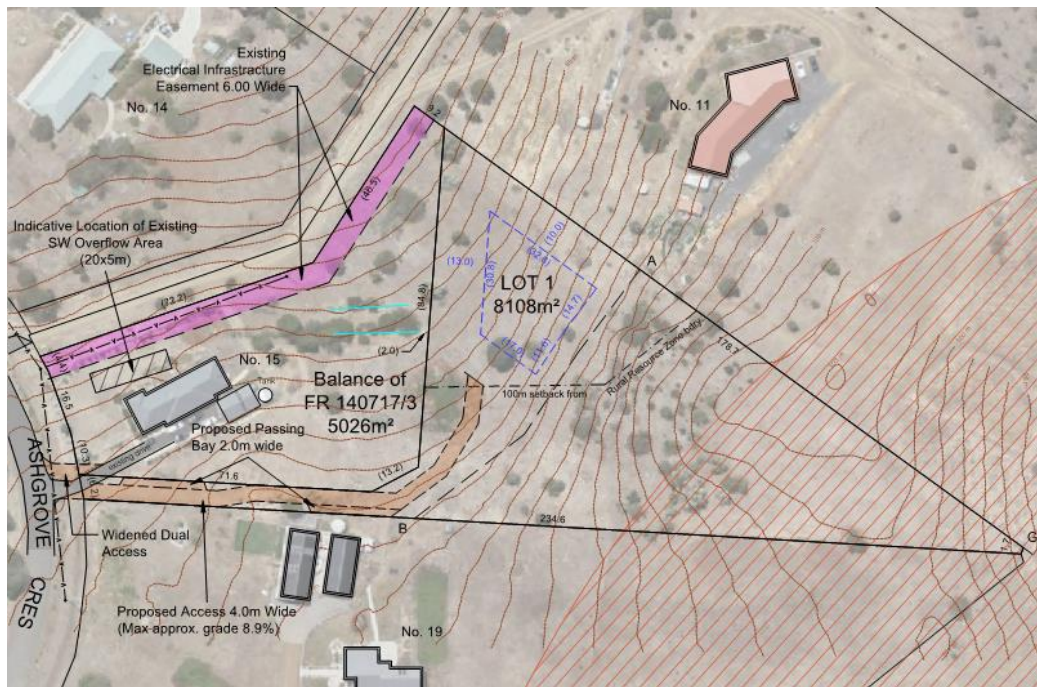


Figure 3. Proposed subdivision layout (Source: Application documents).

- 6.3. The area shown in dashed blue lines on Lot 1 on Figure 3 is the proposed indicative building area of the new lot.

7. Assessment

- 7.1. The Brighton Interim Planning Scheme 2015 is a performance-based planning scheme.
- 7.2. To meet an applicable standard, a proposal must demonstrate compliance with either an Acceptable Solution or a Performance Criterion. Where a proposal complies with a standard by relying on one or more Performance Criteria, the Council may approve or refuse the proposal on that basis. The ability to refuse the proposal relates only to the Performance Criteria relied upon.

8. Assessment against planning scheme provisions

- 8.1. The following provisions are relevant to the assessment of the proposed use and development:

- Part C – Section C9.0 – Special Provisions
- Part D – Section 13.0 – Rural Living Zone
- Part E – Section E1.0 – Bushfire-Prone Areas Code
- Part E – Section E5.0 – Road and Railway Assets Code

- Part E – Section E6.0 – Parking & Access Code
- Part E – Section E7.0 – Stormwater Management Code
- Part E – Section E9.0 – Attenuation Code

8.2. The application satisfies the following relevant Acceptable Solutions of the applicable provisions:

- Section 13.5.1 A1 – Lot Design
- Section 13.5.2 A1 – Roads
- Section 13.5.4 A1 – Services
- Section E1.6.1 A1 – Provision of Hazard Management Areas
- Section E1.6.2 A1 – Public and Fire Fighting Access
- Section E1.6.3 A1 – Provision of Water Supply for Fire Fighting Purposes
- Section E5.5.1 A3 – Existing Road Accesses and Junctions
- Section E5.6.1 A1 – Development Adjacent to Roads and Railways
- Section E5.6.2 A2 – Road Accesses and Junctions
- Section E6.7.1 A1 – Number of Vehicular Accesses
- Section E6.7.2 A1 – Design of Vehicular Accesses
- Section E6.7.3 A1 – Vehicular Passing Areas Along an Access
- Section E6.7.6 A1 – Surface Treatment of Parking Areas
- Section E6.7.14 A1 – Access to a Road

8.3. The following discretions are invoked by the proposal:

- Section C9.7 – Subdivision
- Section 13.5.1 A2 – Lot Design
- Section 13.5.1 A3 – Lot Design
- Section 13.5.1 A4 – Lot Design
- Section 13.5.1 A5 – Lot Design
- Section 13.5.3 A2 – Public Open Space

- Section 13.5.4 A2 – Services
- Section 13.5.4 A3 – Services
- Section E5.6.1 A1 – Sight Distance at Accesses, Junctions and Level Crossings
- Section E7.7.1 A1 – Stormwater Drainage and Disposal
- Section E9.7.2 A1 – Development for Sensitive Use in Proximity to Use with Potential to Cause Environmental Harm

8.4. Discretion 1 – Section C9.7 – Subdivision

9.4.1 The applicant has proposed a Subdivision.

9.4.2 Section C9.7.2 states:

A permit for development involving a plan of subdivision is discretionary unless:

- d) for adjustment of a boundary in accordance with clause 9.3.1;
- e) the subdivision is prohibited in accordance with clause 8.9; or
- f) the plan of subdivision must not be approved under section 84 Local Government (Building and Miscellaneous Provisions) Act 1993.

9.4.3 The application therefore invokes discretion under this provision.

9.5 Discretion 2 – Section 13.5.1 A2 – Lot Design

9.5.1 The Acceptable Solution contained in Section 13.5.1 A2 states:

The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;

- a) clear of the frontage, side and rear boundary setbacks;
- b) not subject to any codes in this planning scheme;
- c) clear of title restrictions such as easements and restrictive covenants;
- d) has an average slope of no more than 1 in 5;

- e) has a separation distance no less than:
 - iv. 100 m from land zoned Rural Resource;
 - v. 200 m from land zoned Significant Agriculture;
- f) has a setback from land zoned Environmental Management no less than 100 m.
- g) is a minimum of 30 m x 30 m in size.

9.5.2 The development does not comply with the Acceptable Solution. As such, the application must be assessed against the relevant Performance Criteria.

9.5.3 Section 13.5.1 P2 states:

The design of each lot must contain a building area able to satisfy all of the following:

- a) is reasonably capable of accommodating residential use and development;
- b) meets any applicable standards in codes in this planning scheme;
- c) enables future development to achieve reasonable solar access, given the slope and aspect of the land;
- d) minimises the requirement for earth works, retaining walls, and cut & fill associated with future development;
- e) is sufficiently separated from the land zoned Rural Resource and Significant Agriculture to prevent potential for land use conflict that would fetter non-sensitive use of that land, and the separation distance is no less than:
 - i. 40 m from land zoned Rural Resource;
 - ii. 80 m from land zoned Significant Agriculture;
- f) is setback from land zoned Environmental Management to satisfy all of the following:
 - i. there is no significant impact from the development on environmental values;

- ii.* the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;
- iii.* there is minimal potential for contaminated or sedimented water runoff impacting the land zoned Environmental Management;
- iv.* there are no reasonable and practical alternatives to developing close to land zoned Environmental Management.

9.5.4 On Lot 1, the applicant has provided a proposed building area of approximately 650m². This proposed building area is sited 10m from the boundary shared with 11 Ashgrove Crescent and 13m from the boundary shared with the Balance Lot.

9.5.5 It should be noted that the purpose of the building area is to demonstrate that a building can be developed on the lot, should the subdivision proceed.

9.5.6 Although the setback of the building area is less than the 20 metre permitted setback provided for under the current planning scheme, it will comply with the relevant Acceptable Solution for side and rear setback in the Rural Living Zone under the future Tasmanian Planning Scheme. The proposed building area on Lot 1 is of a size and dimension that is capable of accommodating future residential development, assuming that is what the lot is developed for in the future.

9.5.7 The proposed building area on Lot 1 can meet the development standards of any applicable code within the Interim Scheme.

9.5.8 Given the aspect and slope of the lot, it is considered that future development on Lot 1 will have adequate solar access.

9.5.9 The building area on Lot 1 is appropriately and adequately setback from land zoned Rural Resource, Significant Agriculture and Environmental Management.

9.5.10 It is considered that the subdivision satisfies the Performance Criteria.

9.6 Discretion 3 - Section 13.5.1 A3 - Lot Design

9.6.1 The Acceptable Solution contained in Section 13.5.1 A2 states:

The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:

40 m.

- 9.6.2 The Balance Lot does not comply with the Acceptable Solution. As such, the application must be assessed against the relevant Performance Criteria.

- 9.6.3 Section 13.5.1 P3 states:

The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than:

6m.

- 9.6.4 The proposed frontage of the Balance Lot exceeds 6m and provides for safe and reasonable vehicular and pedestrian access.

- 9.6.5 As such, the proposed development meets the Performance Criteria.

9.7 Discretion 4 - Section 13.5.1 A4 - Lot Design

- 9.7.1 The Acceptable Solution contained in Section 13.5.1 A4 states:

No lot is an internal lot.^{R1}

- 9.7.2 Footnote R1 states:

Generally, new internal lots are not appropriate and any subdivisions in which new roads are constructed are not to include internal lots.

They should only be contemplated in existing developed areas (in order to make more efficient use of previously poorly subdivided land).

They may also be appropriate if fronting certain forms of public open space instead of a public road. Such arrangements may be designed into an area through the development of a Specific Area Plan.

9.7.3 The development does not comply with the Acceptable Solution. As such, the application invokes discretion for this standard, and must be assessed against the relevant Performance Criteria.

9.7.4 Section 13.5.1 P4 states:

An internal lot must satisfy all of the following:

- a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;
- b) it is not reasonably possible to provide a new road to create a standard frontage lot;
- c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;
- d) the lot will contribute to the more efficient utilisation of rural living land;
- e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;
- f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;
- g) passing bays are provided at appropriate distances along the access strip to service the likely future use of the lot;
- h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;
- i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.
- j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.

9.7.5 Access is from Ashgrove Crescent, which existed prior to the Interim Scheme coming into effect in 2015.

9.7.6 It is not reasonably possible to create a new road to create a standard frontage lot. Due to the width of the current frontage, and other site constraints (including an Attenuation Overlay, and the existence of a Part V Agreement on the title), creating an

internal lot is the only reasonable way to subdivide the rear of the existing lot.

- 9.7.7 By increasing the density of the land to the density permitted under the Interim Scheme, it will contribute to more efficient utilisation of rural living land.
- 9.7.8 Amenity of adjoining land is unlikely to be unreasonably affected by subsequent development and use, which is presumed to be residential. This is due to the adequate separation between the dwellings on adjoining lots and the location of the proposed building area on Lot 1. It should be noted that, if a future development application for a dwelling (assuming the subdivision application is approved) is lodged, and that dwelling application is discretionary, any interested party will have the opportunity to comment on the specific design of the dwelling, including impacts to residential amenity. Further, at the point of a future dwelling application, any privacy issues can likely be mitigated through measures such as dwelling design or orientation, landscaping or privacy screens.
- 9.7.9 The new internal lot has access to Ashgrove Crescent via an access strip and passing bays have been proposed along that access strip. The width of the access strip is 6m. The access strip that is proposed is not adjacent to any other internal access strips.
- 9.7.10 Should the development be approved, the planning permit will be conditioned that the developer is to provide a sealed driveway along the length of the access strip prior to the sealing of the final plan of survey.
- 9.7.11 The lot does not front any public open space or public rights of way.
- 9.7.12 As such, the proposed development meets the Performance Criteria.

9.8 Discretion 5 - 13.5.1 A5 - Lot Design

- 9.8.1 The Acceptable Solution contained in Section 13.5.1 A5 states:

Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.
- 9.8.2 The development does not comply with the Acceptable Solution, as the existing house on the Balance Lot is approximately 10m from the proposed boundary for Lot 1, being the boundary of

the access strip. As such, the application invokes discretion for this standard, and must be assessed against the relevant Performance Criteria.

9.8.3 Section 13.5.1 P5 states:

Setback from a new boundary for an existing building must comply with the relevant Performance Criteria for setback.

9.8.4 The relevant Performance Criteria for setback can be found in Section 13.4.2 P2 of the Interim Scheme. It is considered that the proposed setback between the existing dwelling and the proposed boundary can satisfy the Performance Criteria found in Section 13.4.2 P2.

9.8.5 The development satisfies the Performance Criteria.

9.9 Discretion 6 – Section 13.5.3 A2 – Public Open Space

9.9.1 The applicant has not proposed any public open space as part of the subdivision. There is no Acceptable Solution contained in Section 13.5.3 A2. As such, the application invokes discretion for this standard, and must be assessed against the relevant Performance Criteria.

9.9.2 Section 13.5.3 P2 states

Public Open Space must be provided as land or cash in lieu, in accordance with the relevant Council policy.

9.9.3 Should the development be approved, the planning permit will be conditioned that the developer is to provide a cash contribution in lieu of public open space, in accordance with the relevant legislation and Council policy.

9.9.4 The development satisfies the Performance Criteria.

9.10 Discretion 7 – Section 13.5.4 A2 – Services

9.10.1 There is no Acceptable Solution contained in Section 13.5.4 A2. As such, the application invokes discretion for this standard, and must be assessed against the relevant Performance Criteria.

9.10.2 Section 13.5.4 P2 states

Each lot must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.

9.10.3 The applicant has provided an on-site wastewater assessment, prepared by a suitably qualified person. This assessment has been reviewed by Council's Environmental Health Officer.

9.10.4 It is considered that both Lot 1 and the Balance Lot can accommodate an on-site wastewater system suitable for the future use and development of the land.

9.10.5 The development satisfies the Performance Criteria.

9.11 Discretion 8 - Section 13.5.4 A3 - Services

9.11.1 The Acceptable Solution contained in Section 13.5.4 A3 states:

Each lot must be connected to a stormwater system able to service the building area by gravity.

9.11.2 The development does not comply with the Acceptable Solution. As such, the application invokes discretion for this standard, and must be assessed against the relevant Performance Criteria.

9.11.3 Section 13.5.4 A3 states:

Each lot must be capable of accommodating an on-site stormwater management system adequate for the likely future use and development of the land.

9.11.4 The applicant has provided an on-site stormwater management assessment, prepared by a suitably qualified person. This assessment has been reviewed by Council's Project Engineer and Council's Senior Technical Officer.

9.11.5 It is considered that both Lot 1 and the Balance Lot can accommodate an on-site stormwater management system adequate for the likely future use and development of the land. Should the Planning Authority determine to approve the development, it is recommended that conditions be imposed on a planning permit, requiring the provision of such a system.

9.11.6 As such, the proposed development meets the Performance Criteria.

9.12 Discretion 9 - Section E5.6.4 A1 - Sight Distance at Accesses, Junctions and Level Crossings

9.12.1 The Acceptable Solution contained in Section E5.6.4 A1 states:

Sight distances at:

- a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and
- b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.

9.12.2 The proposed development does not comply with the Acceptable Solution, specifically subsection (a). As such, the application invokes discretion for this standard, and must be assessed against the relevant Performance Criteria.

9.12.3 Section E5.6.4 P1 states:

The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:

- a) the nature and frequency of the traffic generated by the use;
- b) the frequency of use of the road or rail network;
- c) any alternative access;
- d) the need for the access, junction or level crossing;
- e) any traffic impact assessment;
- f) any measures to improve or maintain sight distance; and
- g) any written advice received from the road or rail authority.

9.12.4 The application was referred to Council's Senior Technical Officer, who has assessed the proposal against the above standard. Council's Senior Technical Officer is satisfied that the sight distances are sufficient and will not adversely affect safety.

9.12.5 The development satisfies the Performance Criteria.

9.13 Discretion 10 – Section E7.7.1 A1 – Stormwater Drainage and Disposal

9.13.1 The Acceptable Solution contained in Section E7.7.1 A1 states:

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

9.13.3 The proposed development does not comply with the Acceptable Solution. As such, the application invokes discretion for this standard, and must be assessed against the relevant Performance Criteria.

9.13.4 Section E7.7.1 P1 states:

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.

9.13.5 The proposed development was accompanied by an on-site stormwater management report, prepared by a suitably qualified person. This report was reviewed by Council's Project Engineer and Council's Senior Technical Officer.

9.13.6 In relation to the onsite stormwater disposal system for the existing house on the Balance Lot, the report concluded:

"The SW system is currently functioning well, with no sign of system failure. Lot 2 (the Balance Lot) is therefore capable of continuing to accommodate the on-site stormwater management system adequate for the current and any sensibly proposed use and development of the land, as per the council requirement."

9.13.7 In relation to the stormwater disposal system for the new Lot 1, the report concluded:

"It is proposed to install a single 5m³ detention rainwater tank (this requirement is twice the calculated storm event requirement). As successfully installed for the current residence, a 100m² SW overflow area will be provided, should it be required during peak (sic), seasonally wet period. It is considered that this area is more than adequate considering the permeability, aspect and exposure the site, and the high potential for the occupants wanting to use this available water resource an and around the property."

- 9.13.8 A condition requiring the title to be endorsed to the effect that Council cannot or will not provide a means of stormwater disposal from the lots is recommended.
- 9.13.9 Any future development of the lots will require the applicant to demonstrate compliance with the stormwater code however to provide clarity to future owners and certainty to adjacent properties a part 5 agreement to the effect that any future development on Lot 1 must be undertaken such that stormwater runoff will be no greater than pre-existing runoff for a 20 year ARI is recommended.
- 9.13.10 The impervious area of the driveway can drain to the existing roadside drain.
- 9.13.11 The development satisfies the Performance Criteria.

9.14 Discretion 10 – Section E9.7.2 A1 – Development for Sensitive Use in Proximity to Use with Potential to Cause Environmental Harm

- 9.14.1 There is no Acceptable Solution contained in Section E9.7.2 A1. As such, the application invokes discretion under this standard, and must be assessed against the corresponding Performance Criteria.
- 9.14.2 Section E9.7.2 P1 states:

Development for sensitive use, including subdivision of lots within a sensitive zone, must not result in potential to be impacted by environmental harm from use with potential to cause environmental harm, having regard to all of the following:

- a) the nature of the use with potential to cause environmental harm; including:
 - i. operational characteristics;
 - ii. scale and intensity;
 - iii. degree of hazard or pollution that may emitted from the activity;
- b) the degree of encroachment by the sensitive use into the Attenuation Area or the attenuation distance;
- c) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions

- 9.14.3 The proposed subdivision does partially encroach on the Attenuation Area for the nearby Baskerville Quarry. However, the building area and all services are outside of the Attenuation Area.
- 9.14.4 Further, there is a Part V Agreement that exists on the title, which prevents development within the portion of the site covered by Attenuation Area.
- 9.14.5 As a result, it is considered that the proposed subdivision does not result in the potential to be unreasonably impacted by environmental harm from the quarry operations, as any future building would be sited a considerable and adequate distance from the nearby quarry use.
- 9.14.6 The development satisfies the Performance Criteria.

9. Concerns raised by representors

- 9.1. The application was advertised in accordance with the statutory requirements of the Land Use Planning and Approvals Act 1993.
- 9.2. Three (3) representations were received during the statutory public advertising period. The concerns of the representors are listed below:

Concerns Raised by Representor	Planning Response
Representor 1	
<p>We wish to lodge our objection to the subdivision of 15 Ashgrove Crescent, Old Beach.</p> <p>Our grounds for objection are our very serious concerns as to the ability of the drain at the rear of 14 and 16 Myna Park Road to accommodate any additional runoff of stormwater etc.</p> <p>We have had two instances of water inundation onto our property in the past 17 years since we built, with the last instance being by far the worst, which was after dwellings were built behind us, thereby increasing water runoff/flow. Your records should show this.</p>	<p>During the application Council requested additional information from the applicant in the form of a report prepared by a suitably qualified person, demonstrating that each lot is capable of accommodating an on-site wastewater system and an on-site stormwater management system adequate for the future use and development of the land.</p> <p>An Onsite Wastewater & Stormwater Suitability report submitted as part of the application demonstrates that each lot is capable of accommodating an on-site</p>

<p>The shallow bedrock and steep slope of this area is only going to make matters worse.</p> <p>If this application should be approved, the detention tank and absorption trenches must be located near to the highest point on the property and all measures must be taken to ensure any stormwater/wastewater runoff is kept to an absolute minimum!!</p> <p>This problem with runoff should have been addressed and dealt with by Council when Mr Mitchelmore originally proposed this subdivision, not retrospectively.</p>	<p>stormwater management system adequate for the likely future use and development of the land.</p> <p>It is considered that the proposal meets the performance criteria in the development standards of the scheme.</p> <p>Design of any future on site stormwater disposal system will be subject to further approvals.</p>
<p>Representor 2</p>	
<p>We have concern over our stormwater drains on our entrance driveway being overwhelmed, that has problem in the past.</p>	<p>See comments regarding stormwater, above.</p>
<p>Representor 3</p>	
<p>My wife and I purchased 11 Ashgrove Cres (then 25 Ashgrove Cres and subsequently re-numbered) and applied for planning application in 2009. We purchased the property on the basis that the acreage provided the amenity we desired for rural living. Subsequent to our purchase and unknown to us, the Council relaxed the minimum lot size to 5000m2. If we had of known about that proposal, we would have made representation as it potentially challenges the amenity we enjoy from the property. This latest subdivision application certainly puts at risk the amenity we enjoy by virtue of privacy and general</p>	<p>Regarding density, this was approved by the Tasmanian Planning Commission with the introduction of the Interim Scheme in 2015, allowing a minimum lot size of 5000m² in some areas of the Rural Living Zone across the municipality. Other areas have a 1ha minimum lot size, while other areas have 2ha minimum lot size.</p> <p>The Interim Scheme undertook a thorough public consultation period, and was assessed by the Tasmanian Planning Commission, including</p>

<p>distance from neighbouring dwellings.</p> <p>Furthermore, I understand the proposed Southern Tasmanian Regional Land Use Strategy looks to limit Rural Living zones to 1hA. This application will affect the amenity we currently enjoy and does not align with the purpose of rural living zoning. I feel the strategy attempts to correct this anomaly. I will attempt to explain my concerns with this application with the following rationale:</p>	<p>assessment against the Regional Land Use Strategy.</p>
<p>13.1.1 Zone purpose</p> <p>13.1.1.2</p> <p>To provide for compatible use and development that does not adversely impact on residential amenity.</p> <ul style="list-style-type: none"> • I believe this application will affect the residential amenity we currently enjoy. This development will affect rural values and a high level of amenity and privacy. I believe this development will cause unreasonable impacts on neighbouring amenity. 	<p>The concerns of the representor are noted. However, the proposed subdivision is reducing the size of the lot to the permitted density for the area, as approved by the Tasmanian Planning Commission.</p> <p>It is envisaged that the future use of the site will be for residential purposes, which is in keeping with the area.</p> <p>Should a future dwelling application be discretionary under the planning scheme that is in place at the time, the representor will have the opportunity to comment on the specific proposal.</p>
<p>13.4.2 Setback</p> <p>To maintain desirable characteristics of the landscape, protect amenity of adjoining lots, avoid land use conflict and fettering of use on adjoining rural land and protect environmental values on adjoining land zoned Environmental Management.</p>	<p>Section 13.4.2 does not apply to this proposal. This section of the scheme will apply if an when a development application is lodged for a dwelling, should the subdivision be approved.</p>

<ul style="list-style-type: none"> • This application does not meet the minimum side setback from side and rear boundaries must be no less than: 20m <p>be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</p> <ul style="list-style-type: none"> (i) overlooking and loss of privacy; (ii) visual impact, when viewed from adjoining lots, through building bulk and massing <p>This application will lead to a greater use of the adjoining land and there will be a loss of privacy currently enjoyed, in that neighbouring recreational activities are likely to overlook the rear aspect of our home and upon our privacy. I ask that our existing privacy be maintained.</p> <ul style="list-style-type: none"> • Additionally, the application will lead to a dwelling being built that if recent constructions (where two story houses have impacted the skyline) in the street are an example, could adversely affect our visual amenity. • The argument there is 38m to the existing residence on the adjoining property to the northwest (only 2m less than the combined minimum separation distance anticipated by the Acceptable Solution) is confusing and misleading. Presumably it is referring to our adjoining property which is to the North East. Additionally, I had planning approval in 2009 and am having built a shed 12m x 7m with a 26m setback from the side boundary, making the argument 36m. The minimum side 	<p>However, it is acknowledged that the representor raises valid concerns regarding privacy.</p> <p>See Assessment above, as well as comments in relation to Section 13.5.1, below.</p>
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<p>and rear setback guidelines do not infer a relaxation can be considered under Performance Criteria for existing building on an adjoining lot, but rather the existing building on the site. A concern we have is the proximity of the proposed building lot and any complaint of noise from activity within the shed. I believe the existing Building setback from side and rear boundaries should remain at not less than 20m.</p>	
<ul style="list-style-type: none"> • Building setback from side and rear boundaries must maintain the desirable characteristics of the surrounding landscape and protect the amenity of adjoining lots. The construction of a building would not maintain the characteristics of the surrounding landscape of open space, grass land and native fauna. Since purchasing the lot 11 Ashgrove Cres, we have sort to provide habitat for the endemic flora and fauna. We have planted over 100 native trees and bushes suitable for the area and to encourage wildlife. We have observed wallabies, potoroos, bandicoots, spotted quails, echidnas, copperhead snakes and blue tongue lizards, raptors including wedgetail eagles and numerous other bird species and insects. We do not graze livestock as this would deplete the vegetation suitable for native wildlife. We feel this proposal could erode the availability of habitat and adversely affect wildlife populations and it is disappointing to face this prospect. We believe the relaxation of side setback and the permission to construct a dwelling would not maintain the desirable characteristics of the landscape, but rather increase 	<p>As above, this section does not apply to subdivision proposals, but applies when buildings are proposed.</p>

<p>housing density at the expense of the current amenity.</p> <p>I also note that the tree species Bursaria which is endemic to the area has specimens on the lot that exceed 200 years of age. With care and correct management these specimens can thrive.</p>	
<p>A concern we have is the proximity of the proposed building lot and any complaint of noise from activity within the shed.</p>	<p>The concerns of the representor are noted.</p> <p>The building area is indicative only and used to demonstrate that a building could be sited on a lot at some point in the future.</p> <p>Whilst the permitted setbacks are currently 20m for side and rear boundaries under the Interim Scheme, this setback will be reduced to 10m under the Tasmanian Planning Scheme, due to come into effect by mid-2020.</p> <p>Noise is managed external to the planning process, through the Environment Management and Pollution Control Act (EMPCA).</p>
<ul style="list-style-type: none"> We have a septic wastewater system which is situated within 20m to the boundary and distribution trenches within 2m of the boundary. We would of course be concerned should a dwelling close by object to its operation. 	<p>It is not envisaged that any future dwelling will impact upon a neighbouring on-site wastewater system. However, this will be considered in greater detail, should the subdivision application be approved, and a dwelling application is lodged at some point in the future.</p>
<p>13.5.1 Lot Design</p> <p>A2</p>	<p>It is noted that the development does not comply with the Acceptable Solution. The application has been assessed</p>

<p>The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following:</p> <p>The Indicative Building Area is not rectangular and is less than the Acceptable Solution. The irregular polygon 26m x 33m x 17m equates to approximately 660m², significantly less than the required 30m x 30m rectangle of 900m²</p> <p>P2</p> <p>The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(b) meets any applicable standards in codes in this planning scheme;</p> <p>The design does not meet the required minimum side setback of 20m and the capability of accommodating residential use is questionable. If the minimum setback criteria were adhered to and the Indicative building area was maintained at 30m x 30m, clearly the balance lot would not meet the minimum 5000m².</p>	<p>against the corresponding Performance Criteria and is considered to perform well.</p> <p>It is considered that the building area will meet any applicable codes within the Interim Scheme.</p> <p>It is acknowledged that the indicative building area does not meet the permitted side setback under the Interim Scheme. However, under the Tasmanian Planning Scheme, this setback will be reduced to 10m, which is the setback of the building area, as provided by the applicant.</p> <p>It should be noted that the building area does not mandate where future development is to occur. The purpose is simply to demonstrate that there is an adequate area to site a building (presumably a dwelling) at some point in the future, should the subdivision be approved.</p>
<p>P4 (e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>As stated previously I believe the proposed development will unreasonably impact on our amenity. Currently we enjoy a boundary without a fence and the previous and current lot owners have expressed an interest in not constructing a fence. If this development were to proceed, the likelihood of a fence is inevitable</p>	<p>It is acknowledged that the representor has concerns regarding impact to residential amenity as a result of the subdivision, namely privacy.</p> <p>It is considered that the separation between the neighbouring dwelling and the indicative building area is adequate to mitigate against any potential privacy impacts.</p> <p>Boundary fencing is a civil matter and is separate from</p>

<p>and that would impose an unwelcome cost.</p> <p>Access to our lot and another adjoining lot (13 Ashgrove Cres) is via an unsealed gravel driveway. Should this development proceed I would be concerned should complaints arise of dust from vehicular traffic.</p>	<p>both the planning process and is generally not a matter that Council has any involvement with.</p> <p>Dust is managed separately from the planning process, through the Environmental Management and Pollution Control Act. However, as the use of the adjoining access is not being intensified, and there is a considerable setback between the adjoining access and the indicative building area, it is not envisaged that dust issues will be a major issue.</p>
<p>13.5.4 Services</p> <p>To ensure that the subdivision of land provides adequate services to meet the projected needs of future development.</p> <p>P3</p> <p>I note the report from Rock Solid states the lot is capable of accommodating an onsite stormwater management system. I have concerns regarding this proposed system for two reasons:</p> <ol style="list-style-type: none"> 1. The area Immediately below the onsite stormwater system of 15 Ashgrove Cres is the driveway to 11 & 13 Ashgrove Cres. This section of driveway does get stormwater pooling on the driveway during heavy rain or long durations of rain. I have concerns the pooling may receive contributions from the above stormwater system. 2. This leads me to have concerns the onsite stormwater system proposed, if it should seep into the 	<p>For stormwater, please refer to comments to Representor 1, above.</p>

<p>drain for 11 & 13 Ashgrove Cres, could cause problems, as the existing stormwater system is at its maximum capacity (refer to complaints from residents of Myna Park Rd to the council 2018).</p> <p>Should this development place further duress on the stormwater system along the driveway of 11 & 13 Ashgrove Cres, it would affect multiple properties and cause financial loss to them.</p>	
<p>Covenants and Easements</p> <p>I note the application states the existing Electrical Infrastructure Easement along the NW boundary will be unaffected by the proposal. However, I do not see any design for an electrical customer connection, overhead or underground. What does the developer propose? I am aware that TasNetworks has restrictions on use of “private poles” by multiple customers, which is the case for the existing electrical easement servicing 9 & 11 Ashgrove.</p>	<p>For power supply, no design for the power supply to the proposed new lot has been provided as part of the application. A permit condition requiring a connection in accordance with TasNetworks requirements or advice from TasNetworks that the lot can be provided with a connection at a basic connection fee is recommended.</p>
<p>This year has been particularly dry and the native fauna have grazed extensively on our lot and the surrounding lots. With the prospect of pressure on the environment from climate change, the habitat of the local fauna will be at risk. Increasing the density of dwellings will add to this risk.</p>	<p>The concerns of the representor are noted. However, the density of the area has been assessed and approved by the Tasmanian Planning Commission to allow lots with a minimum lot size of 5000m2.</p>

10. Referrals

10.1. The application has been referred internally to:

- Senior Technical Officer

- Project Engineer
- Senior Environmental Health Officer

10.2. The application has been referred externally to:

- TasWater

11. Conclusion

- 11.1. The proposal is for a subdivision at 15 Ashgrove Crescent, Old Beach. The subdivision creates one additional lot.
- 11.2. Key issues with the proposal relate to lot design and servicing, particularly stormwater.
- 11.3. The application has been assessed against all relevant standards within the Brighton Interim Planning Scheme 2015, and is considered to perform well. As such, the application is recommended for approval.

RECOMMENDATIONS:

That pursuant to the Brighton Interim Planning Scheme 2015, Council approves application SA 2019/00003 for the proposed development of a Subdivision in the Rural Living Zone (Area A) at 15 Ashgrove Crescent, Old Beach, and a planning permit, subject to the following conditions, be issued:

General

1. The subdivision layout 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 permit or the last notification to a representor, whichever is later.

Staged Development

3. The subdivision development must not be carried out in stages except in accordance with a staged development plan submitted to and approved by Council's Senior Planner.
4. In accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey. The cash contribution amount is to be equal to 5% of the value of the land being subdivided at the date of lodgement of the Final Plan of Survey.

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

5. The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey.

Easements

6. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

Endorsements

7. The final plan of survey must be noted that Council cannot or will not provide a means of stormwater drainage to all lots shown on the plan of survey.

Agreements

8. An agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be entered into prior to the sealing of the final plan of survey to the effect that:

Any development on Lot 1 must be undertaken such that stormwater runoff from the lot will be no greater than pre-existing runoff.

9. Agreement(s) made pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must bind the current owner and his/her successors in title and must be prepared on a blank instrument form and registered with the Recorder of Titles in accordance with Section 78 of the Land Use Planning and Approvals Act 1993 by the applicant at no cost to Council.

Final plan

10. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
11. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Brighton Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's Municipal Engineer in accordance with Council Policy 6.3 following approval of any engineering design drawings and shall not be less than \$5,000.

12. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied.
13. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Engineering

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

Water quality

18. A soil and water management plan (here referred to as a '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 Municipal Engineer before development of the land commences.
19. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's Municipal Engineer until the land is effectively rehabilitated and stabilised after completion of the development.
20. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's Municipal Engineer.

21. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

Property Services

22. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.
23. Any existing services shared between lots are to be separated to the satisfaction of Council's Municipal Engineer.
24. Property services must be contained wholly within each lot served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.
25. Property services for Lot 1 must be extended the length of the access strip to the lot proper, or conduits for future services provided, to the satisfaction of Council's Municipal Engineer.

Telecommunications and electrical reticulation

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

Vehicular Access

28. A sealed vehicle access must be provided from the road carriageway to service each lot.
29. Vehicular accesses must be located and constructed in accordance with the standards shown on standard drawings must be located and constructed in accordance with the standards shown on standard drawings TSD-R03-v1 Rural Roads Typical Property Access, TSD-R04-v1 Rural Roads Typical Driveway Profile and TSD-RF01-v1 Guide To Intersection And Domestic Access Sight Distance Requirements prepared by the IPWE Aust. (Tasmania Division), or as

otherwise required by this permit, and the satisfaction of Council's Municipal Engineer.

30. The shared vehicular access to Lot 1 and the Balance Lot must be constructed/upgraded to include a minimum sealed width of 5.5m for a distance of no less than 6m from the edge of the public road.
31. The vehicular access to Lot 1 must be constructed for the entire length of the access strip (approx. 72m) and, unless approved otherwise by Council's Municipal Engineer, be:
 - a) Constructed with a durable all weather pavement
 - b) Drained to an approved stormwater system
 - c) Surfaced with a material to resist abrasion from traffic and to minimise the entry of water. The surfacing material may be a spray seal, asphalt, concrete, pavers or other equivalent approved material.
 - d) A min trafficable width of 4.0m with a minimum sealed width of 3.0m
 - e) As required by Bushfire Hazard Report - 40347HC, Proposed subdivision 15 Ashgrove Crescent Old Beach prepared by PDA Surveyors, dated 30 August 2019.

TasWater

32. Each lot must be connected to a reticulated potable water supply prior to the sealing of the final plan of survey.
33. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice, TWDA 2019/00128-BTN, dated 29/10/19.

Construction Amenity

34. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
 - Monday to Friday 7:00 AM to 6:00 PM
 - Saturday 8:00 AM to 6:00 PM
 - Sunday and State-wide public holidays 10:00 AM to 6:00 PM
35. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
 - a) emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
 - b) transport of materials, goods or commodities to or from the land; and/or

- c) appearance of any building, works or materials.
36. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on-site will be permitted unless approved in writing by the Council's General Manager.
37. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the subdivision during the construction period.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works, or a minimum of \$300.00, must be paid to Council in accordance with Council's fee schedule.
- D. 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 Jeffries moved, Cr Murtagh seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr Gray moved, Cr Whelan seconded that the Ordinary Council meeting be resumed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

11. REPORTS FROM OFFICERS:

11.1 ENVIRONMENTAL HEALTH BY-LAW NO. 1 OF 2019 & REGULATORY IMPACT STATEMENT:

AUTHOR: Mrs J Banks
(Governance Manager)

Background:

Councillors will recall this was discussed at the July and August Ordinary Council Meetings.

Cr Owen's request was "*Request the issue be investigated with report to Council on pros, cons, possibilities and suggested conditions re relaxing restrictions on temporary caravan occupation in residential zones particularly during the current and future housing crisis periods.*"

The restrictions regarding the occupation of a caravan in a 'Residential' Zoned area from the *Environmental Health By-Law* ("By-Law") came into effect because of the nuisances this activity had caused in the past.

Specifically, nuisances such as:

- Occupants of caravans urinating/defecating in backyards and along fence lines
- Effluent from storage tanks not being appropriately disposed of onsite creating nuisances
- Grey water being discharged directly onto the ground and running offsite creating nuisances
- Noise
- Electrical/fire safety

- Unsightliness

Council requested that the By-law now include the allowance of caravans in a residential zone; previously they were prohibited.

Caravans in a residential zone are required to have a Licence and conditions will be imposed.

The purpose of the By-law has been to regulate, control and protect activities such as caravans, sanitation, incinerators and animal control which have impacted on environmental health within the municipality.

Consultation:

Governance Manager, Senior Environmental Health Officer

Risk Implications:

Risk to public health by not having appropriate wastewater disposal.

Extra waste (rubbish)/recycling disposal.

Financial/Budget Implications:

Extra resources may be required to monitor temporary accommodation requests and on-going assessments, compliance and issuing of Licences.

If necessary, enforcement of the By-law could potentially be costly, if conditions are not complied with, which is likely to influence the financial strain that those requiring temporary accommodation may already be experiencing.

Strategic Plan:

S1.1: Understand/Improve Health and Wellbeing

S1.2: Create Housing/Employment/Play/Education (Liveability)

S1.4: Support Connected Communities

S1.5: Build a resilient community and environmentally sustainable future

Social Implications:

N/A

Environmental or Climate Change Implications:

Risk to public health and environment by not having appropriate wastewater disposal.

Economic Implications:

N/A

Other Issues:

As no caravan parks operate in the municipality there will be no impact on commercial operations.

The By-Law includes the provision of a permit being refused, if in the opinion of the General Manager: -

- (a) The use of the caravan will adversely affect or is likely to adversely affect the amenities of the neighbourhood in which the caravan is to be set up; or*
- (b) The caravan does not have sufficient facilities for the supply of water or disposal of sewerage available to the occupants; or*
- (c) The occupation of the caravan is likely to cause a health hazard; or*
- (d) The use of the caravan is likely to create a public nuisance.*

Assessment:

Schedule 1: Caravan licence application form, has been amended in line with the new amended requirements for a caravan in a residential zone.

The proposed by-law and Regulatory Impact Statement will be required to be Certified by the Director of Local Government in accordance with Section 156A of the *Local Government Act 1993*.

Once the Director issues the Certificate of approval to Council the By-law is required to be advertised for public consultation. The By-Law and RIS are to be made available for public inspection as required under Section 158 of the Act.

After the public consultation period closes any submissions are to be considered by Council and amendments made to the By-law if required

The By-law is then certified by a legal practitioner before being publishes in the *Tasmanian Government gazette* and is then submitted to the Subordinate Legislation commission to be tabled in Parliament.

Options:

1. As per the recommendation.
 2. That council does not amend Council's Environmental Health By-Law No. 1 of 2017.
-

RECOMMENDATION:

1. That in accordance with the provisions of Section 156 of the *Local Government Act 1993*, Council gives notice that it intends to make a By-law for the purpose of regulating, controlling and protecting activities as caravans, sanitation, incinerators and animal control which may impact on environmental health within the municipality.

2. That the By-law (By-Law No. 1 of 2019 – Environmental Health) and Regulatory Impact Statement be forwarded to the Director of Local Government for certification.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

11.2 SOUTHERN QUARTER HORSE ASSOCIATION - REQUEST FOR INCREASE IN DISCOUNT IN LEASE FEES:

AUTHOR: Council Services Officer
(Ms C Harper)

Background:

The Southern Tasmanian Quarter Horse Association leases the area of land in the Pontville Complex which holds their quarter horse arena and associated structures. Their current lease arrangement requires them to pay fees for actual days used with the 50% discount applied for contributing to the health and wellbeing of the community. The group does not pay any fees for the remainder of the year.

As the lease is due for renewal they have asked if the discount can be increased to 65%.

Consultation:

Cr Peter Geard (Chair Parks and Recreation Committee), Janine Banks (Governance Manager), Cathy Harper (Council Services Officer), Carol Aherne (Southern Tasmanian Quarter Horse Association).

Risk Implications:

Other groups may pursue similar additional discounts.

Financial Implications:

Council would be increasing the donation to this group by 15%, which for full day hire would be an additional \$37.50 on top of the existing \$125 in the 2019/20 financial year.

Assessment:

The STQHA have been long term tenants of the area and have installed and undertaken the maintenance of their facilities for that time. This group have enjoyed great support from Council during this time and for many years enjoyed a significantly reduced fees on their lease prior to the current arrangement of paying 50% fees on actual days used.

Their lease enables them to have sole use of their area throughout the year; except for Brighton Agricultural Show week, as well as being location of their arena and outbuilding structures for no fees. They also have opportunity sublet their grounds to other groups; which they have done in the past. This group is the only group left that have a lease on any area at the complex, as Council have moved other groups on to hire agreements, rather than leases.

Options:

1. As per the recommendation.
 2. Council increase the discount percentage for the STQHA to 65%.
 3. Council decide a different discount amount.
-

RECOMMENDATION:

Council continue to offer the 50% discount for actual days use in the lease agreement terms.

DECISION:

Cr Geard 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 Jeffries

Against

Cr Murtagh
Cr Owen
Cr Whelan

11.3 FREE USE OF GUNN OVAL FOR INAUGURAL FLYBALL EVENT:

AUTHOR: Council Services Officer
(Ms C Harper)

Background:

Tassie Flying Paws group are holding the inaugural Tasmanian Flyball Event on Gunn Oval, Pontville on 23 November. This event will become an annual event on the Australian Flyball Associations calendar.

The group has written to request Council consider waiving the fee for this first year as they have significant costs in setting the event up and initial competition costs.

They would ensure Council is recognised as a sponsor of the event in recognition of this assistance.

Consultation:

Janine Banks (Governance Manager), Cathy Harper (Council Services Officer), David Strong (Tassie Flying Paws Group).

Risk Implications:

Nil.

Financial Implications:

There would be additional Council donation to the full cost of the hire rather than the fifty percent on the daily rate; being \$125.00.

Assessment:

Tassie Flying Paws group are a very committed organisation looking to create more responsible dog ownership and provide activities for residents to exercise their dogs in the area and holding events like these helps promote responsible dog ownership. Holding this inaugural event in the municipality also promotes the area on a nationwide platform.

Options:

1. As per the recommendation.
 2. Council not approve free use of Gunn oval.
-

RECOMMENDATION:

Council approve the free use of Gunn Oval for this inaugural event Tasmanian Flyball Championship; and the hire fee be recorded as a Donation in the 2019/20 Annual Report.

DECISION:

Cr Geard 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 Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

11.4 COMPLETE SET OF FINANCIAL STATEMENTS 2018/19:

AUTHOR: Deputy General Manager
(Mr G R Davoren)

The Complete set of Financial Statements for the year ending 2018/19 is formally submitted for consideration.

The Tasmanian Audit Office has given its opinion that the Financial Report of Brighton Council and its subsidiaries presents fairly, in all material respects, the Group's financial position as at 30 June 2019, and of its financial performance, cash flows for the year then ended. The report is in accordance with the *Local Government Act 1993* and Australian Accounting Standards.

The Financial Statements have again been passed without any qualifications by the Tasmanian Audit Office.

The final Management Letter identified that the audit was completed with no significant issues outstanding.

The Tasmanian Audit Office is responsible for the report to be completed in accordance with section 84(3) of the Local Government Act 1993.

The report format also complies with the Australian Equivalent to International Reporting Standards (AIFRS). A summary has been provided below.

Highlights of the General-Purpose Financial Report include:

Consolidated Statement of Comprehensive Income (P/L)

- Unqualified Audit Opinion by the Tasmanian Audit Office for Brighton Council including Microwise Australia Pty Ltd and Brighton Industrial Housing Corporation.
- Recurrent Income of \$15,146,476 up from \$14,601,005 last financial year. The increased income was generally across most areas reflecting both community growth and CPI. The investment revenue from TasWater was however down significantly from \$924,000 to \$616,000 as was expected following the board's decision to reduce dividends.
- Total Income \$16,318,648. This includes capital income added to the recurrent income such as \$862,853 of capital grant revenue for new or up graded assets
- \$8,993,032 Other Comprehensive Income that contributed to our overall comprehensive result included a net asset revaluation increment of \$2,119,127. This was predominately due to a revaluation up of our roads and land against falling building values. A significant valuation increases of our investment in TasWater of \$6,873,905.
- Total expenses from continuing operations was \$15,032,918 down from \$15,117,179 last year. Expenditure includes: \$3,298,836 in depreciation. The decrease in expenditure was dominated by the removal of the donation of \$830,158 to the Brighton Bowls club (offset by grant received). The offset expenditure increase predominately reflects a general CPI increase and the growth of our community.
- A positive operating result from continuing operations of \$1,265,730. This profit would be reduced with the removal of non-monetary income being the adoption of taken over infrastructure assets of \$313,564. Brighton Council would still have made a significant profit of \$952,166.
- Microwise Australia paid \$237,185 last financial year to Brighton Council by way of consultancy and fees compared to \$191,351 in the previous year. This amount was used to reduce Brighton Council wages, admin and IT expenditure. Brighton Council paid Microwise \$31,253 by way of software licence fees compared to \$30,397 in the previous year. Microwise Australia increased its external revenue from \$494,005 to \$710,222. External expenditure increased slightly from \$313,107 to \$321,170. This represents an external profit this financial year of \$389,052 for the financial year ending June 2019. Brighton Council's total equity in Microwise Australia has risen to \$2,497,043 but please note the increase investment by owner \$897,781 being proceeds from the wind up of BIHC.
- Brighton Industrial and Housing Corporation was finalised with its remaining equity of \$897,781 transferred to Microwise Australia.

- Our professional Service which supports other Councils provided a revenue stream of \$594,442.

Consolidated Statement of Financial Position (Balance Sheet)

All our key economic indicators are in sound shape. The following balance sheet statistics provide an excellent overall picture of our financial position at year end.

- Our current assets are 386% of our current liabilities. The benchmark recognised by the Auditor General is >100%.
- Our total assets have increased from \$192,746,722 to \$203,528,553 mainly from an increase in our infrastructure assets of \$2,955,877 and an increase in our ownership of TasWater of \$6,873,905.
- Our total liabilities have increased from \$1,887,334 to \$2,390,404. Refundable subdivision bonds more than doubled to \$448,199 reflecting the increase development activity within our municipality.
- Our total equity has increased from \$190,859,387 to \$201,138,149 during the financial year. This equity increase reflects the comments provided that relate to the movement in total assets and total liabilities.
- Our total cash held at the end of the year increased from \$6,380,784 to \$7,672,957. The positive effect on Cash Flow included the timing of the Capital Grants received in the year in advance that have yet to be expended.

In summary, the report outlines a strong position for the key financial management ratios of Brighton Council.

I thank Councillors for their support and long-term financial vision to place Brighton Council in such a strong financial position.

Consultation:

Tasmanian Audit Office, Corporate Executive.

Risk Implications:

Nil

Financial/Budget Implications:

As stated

Strategic Plan:

Not Applicable

Social Implications:

Not Applicable

Environmental or Climate Change Implications:

Not Applicable

Economic Implications:

Not Applicable

Other Issues:

Not applicable

Assessment:

Not applicable

Options:

1. As per the recommendation.
 2. That Council not receive the report.
-

RECOMMENDATION:

That the report be received.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

11.5 SOUTHERN WASTE MEMORANDUM OF UNDERSTANDING:

AUTHOR: General Manager
(Mr R Sanderson)

Background:

General managers of the southern councils have worked with LGAT to form a regional group to address waste management issues in the south of the state.

Now that Clarence, Glenorchy and Kingborough have left the STCA there is no southern organisation to deal with waste management on a regional basis.

The state government has stated that when a waste levy is introduced, funds would be distributed to the regional bodies in the north and northwest of the state.

It is imperative that the south has a body for the state to deal with. The proposed memorandum of understanding is the first step to form a new regional authority in the south. Please note the details in the attached draft MOU.

The LGAT has agreed to provide management service for the group at a cost of \$75,000 per annum. This cost would be shared on a pro rata basis among the twelve southern councils. On a ratepayer basis Brighton's annual cost would be approximately \$4,300.

Consultation:

Southern general managers, LGAT and the Municipal Engineer

Risk Implications:

The southern councils could miss out on negotiations with the state government about waste management projects and potentially get no funds from the new waste levy if there is no regional authority similar to the north and northwest.

Financial/Budget Implications:

This would cost Council an estimated \$4,300 per year.

Strategic Plan:

Goal 1 – Strengthen our Communities

Social Implications:

Council needs to be part of overall waste management planning and management in the south.

Environmental or Climate Change Implications:

Council must be part of overall waste management both for cost savings and responsible actions as expected by our ratepayers.

Economic Implications:

Potential benefits far outweigh the minimal cost of participating in the MOU.

Other Issues:

It is important that all twelve councils are involved to ensure that the south has a united voice with statewide waste management issues.

Assessment:

It is imperative that Council be part of a regional waste management authority rather than trying to deal with waste matters on its own.

The LGAT providing management services for the group provides independence and influence when dealing with the state and the other regional bodies.

Options:

1. As per the recommendation.
2. Don't sign the Memorandum of Understanding

RECOMMENDATION:

That Council sign the Southern Waste Memorandum of Understanding.

DECISION:

Cr Gray 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 Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr Owen moved, Cr Garlick seconded that Council resolve into Closed Council.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

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 was to be considered in a closed meeting of council by authority of the Local Government (Meeting Procedures) Regulations 2015, Section 15(2)(a)

12.1 CONFIRMATION OF MINUTES OF THE CLOSED PORTION OF THE ORDINARY COUNCIL MEETING OF 15th OCTOBER 2019:

Cr Curran moved, Cr Jeffries seconded that the minutes of the closed portion of the Ordinary Council meeting of 15th October 2019, be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr Jeffries moved, Cr Whelan seconded that Council resolve out of Closed Council, and the decisions made whilst in Closed Council be adopted.

CARRIED

13. QUESTION ON NOTICE:

There were no questions on notice.

The meeting closed 6:30 pm

Confirmed:

(Mayor)

Date:

17th December 2019