



Brighton Council

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE BRIGHTON COUNCIL HELD REMOTELY AT 5.30 P.M. ON TUESDAY, 16th JUNE 2020

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 G Davoren (Deputy General Manager); Mr J Dryburgh (Chief Operations Officer); Mr H Macpherson (Municipal Engineer); Mr D Allingham (Manager Development Services) and Mrs J Banks (Governance Manager).

RECORDING OF COUNCIL MEETINGS DURING COVID-19

During the COVID-19 emergency, Council conducted its Ordinary Council Meetings using remote meeting technologies. An audio recording was made available to the public via Council's website, except for the part held in Closed Session.

1. ACKNOWLEDGEMENT OF COUNTRY:

I would like to begin by acknowledging the traditional owners of the land on which we meet today. I would like to pay my respects to Elders past, present and emerging and acknowledge the Aboriginal people present today.

2. CONFIRMATION OF MINUTES:

CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING OF 19 MAY 2020.

Cr Curran moved, Cr Geard seconded that the Minutes of the Ordinary Council meeting of 19th May 2020 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

3. APPLICATIONS FOR LEAVE OF ABSENCE:

All members were present.

4. PUBLIC QUESTION TIME AND DEPUTATIONS:

There was no requirement for public question time.

5. 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*.

Cr Geard and Cr Whelan declared an interest in Item 11.1 on the Agenda.

6. REPORTS FROM COUNCILLORS:

6.1 MAYOR'S COMMUNICATIONS:

Mayor Tony Foster provided a verbal update at the meeting.

DECISION:

Cr Garlick moved, Cr Owen 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

6.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

DECISION:

Cr Geard addressed Council in relation to Item 12.7 Recovery Action Plan on the Agenda.

Cr Owen moved, Cr Whelan 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	

6.3 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.

7. NOTIFICATION OF COUNCIL WORKSHOPS:

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015, it was reported that no workshops were held in the previous month.

8. NOTICES OF MOTION:

There were no Notices of Motion.

9. 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 Deputy General Manager advised that there were no supplementary agenda items.

10. REPORTS FROM COMMITTEES:

There were no committee reports for the June Ordinary Council Meeting.

Cr Curran moved, Cr Murtagh seconded that the Council Meeting be adjourned.

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 took the Chair.

11. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Council to act as a Planning Authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 11 on this agenda, inclusive of any supplementary items.

Cr Whelan and Cr Geard left the meeting as they had declared an interest in the following item.

11.1 APPLICATION UNDER BRIGHTON INTERIM PLANNING SCHEME 2015, DA 2020/048 – 212 ELDERSLIE ROAD, 242 ELDERSLIE ROAD, & 27 FERGUSON ROAD, BRIGHTON - COMBINED SUBDIVISION AND DEVELOPMENT (BOUNDARY ADJUSTMENT, TWO (2) DWELLINGS, AND OUTBUILDINGS):

Type of Report	Planning Authority – For Decision
Application No:	DA 2020/048
Address:	212 Elderslie Road, 242 Elderslie Road, & 27 Fergusson Road, Brighton
Proposal:	Combined Subdivision and Development (Boundary Adjustment, Two (2) Dwellings, and Outbuildings)
Zone:	Significant Agriculture Zone
Representations:	Three (3)
Discretions:	<ol style="list-style-type: none"> 1. Subdivision (C9.7) 2. Use table (27.2) 3. Sensitive use (27.3.1 A1) 4. Discretionary use (27.3.3 A1) 5. Building setback from side and rear boundaries (27.4.2 A2) 6. Building setback for buildings for sensitive use (27.4.2 A3) 7. Re-organisation of boundaries (27.5.2 A1) 8. Number of vehicular accesses (E6.7.1 A1) 9. Surface treatment of parking areas (E6.7.6 A1) 10. Stormwater drainage and disposal (E7.7.1 A1)
Author:	Planning Officer (Patrick Carroll) Manager Development Services (David Allingham)

1. Executive Summary

- 1.1. Planning approval is sought for a Combined Subdivision and Development (Boundary Adjustment, Two (2) Dwellings, and Outbuildings) at 212 Elderslie Road, 242 Elderslie Road, & 27 Fergusson Road, Brighton (the 'site'). The site is within the Significant Agriculture Zone of the *Brighton Interim Planning Scheme 2015* (the 'Interim Scheme').
- 1.2. The application is discretionary, and relies on several 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 DA 2020/048
- 2.2. This determination must be made no later than 23 June 2020. The statutory assessment period has been extended to this date with the consent of both the applicant and the Planning Authority
- 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. The site was created from a 2 lot plus balance subdivision approved in 2015 (permit SA 2015/00005). The justification for the subdivision was that the land could be used for higher value and more diverse agricultural/horticultural operations, thus facilitating more effective utilisation of the existing land.
- 4.2. In July 2019, Council considered a development application (DA 2018/226) at 27 Fergusson Road, Brighton for a Dwelling (Necessary to support an Agricultural Use). The proposal was assessed by Council's Planning Officers, and it was considered that the proposed agricultural use could occur at the site without the need for a dwelling. As such, the application was recommended for refusal. Council acting in its capacity as the Planning Authority determined to overturn the Officer recommendation, and approved the proposed dwelling, subject to conditions.
- 4.3. Construction of the dwelling approved under DA 2018/226 is yet to commence. However, substantial planting of juvenile fruit trees has occurred. The applicant has stated that some trees are already bearing fruit.
- 4.4. Councillors would also be aware that Council engaged Agribusiness consultants to undertake a review of the Brighton West Area, which includes the subject property. Unfortunately, at the time of writing this report, this final report for the review had not been completed. The review was to investigate what the most appropriate zoning was for the area particularly given the small lot sizes throughout the area.
- 4.5. As part of the review, a Community Meeting was held on the 29 October 2019. The consensus of the meeting seemed to be that the land should remain under an agricultural zoning and had the potential to be good agricultural land.

It was noted that the water supply was a limiting factor, but there are projects under investigation that may provide irrigation water to the area in the future (e.g. expansion of Tas Irrigation Schemes, additional re-use water from TasWater's Honeywood WWTP and re-use water from Norske Skog). It was also noted that the geographical location of the area provided significant advantages due to access to markets, low freight costs, etc. The community acknowledged that owners should be able to build dwellings on the land if it didn't significantly impact on the agricultural potential of the land and adjoining land.

5. Site Detail

5.1. The subject site consists of three titles, being:

- 242 Elderslie Road, CT 175792/1, which has a lot size of 6.541 ha. The lot fronts Elderslie Road.
- 212 Elderslie Road, CT 175792/2, which has a lot size of 6.017 ha. The lot fronts Elderslie Road.
- 27 Fergusson Road, CT 175792/1, which has a lot size of 7.131 ha. The lot fronts both Elderslie Road and Fergusson Road. The site contains a small orchard and has a dwelling approved.

5.2. All three parcels are currently in the same ownership.

5.3. The site is within the Significant Agriculture Zone. No overlays affect the site.

5.4. The surrounding land is also zoned Significant Agriculture. Land on the eastern side of Fergusson Road is zoned Rural Resource.



Figure 1. Aerial photography of the subject site.



Figure 2. Zoning of the subject site and surrounds. Dark brown denotes the Significant Agriculture Zone. Sandy brown denotes the Rural Resource Zone.

6. Proposal

- 6.1. The applicant has proposed a combined subdivision and development application at the site.

Subdivision

- 6.2. The proposed subdivision is a re-organisation of boundaries at the site. The re-organisation creates one larger parcel, measuring 12.558 ha, which is described in the application documentation as Lot 1. The application states that Lot 1 will be incorporated into the larger agricultural holding that is owned by the adjoining property owners. The application also creates two smaller parcels: Lot 2, which has an area of 3.063 ha; and Lot 3, which has an area of 4.068 ha.

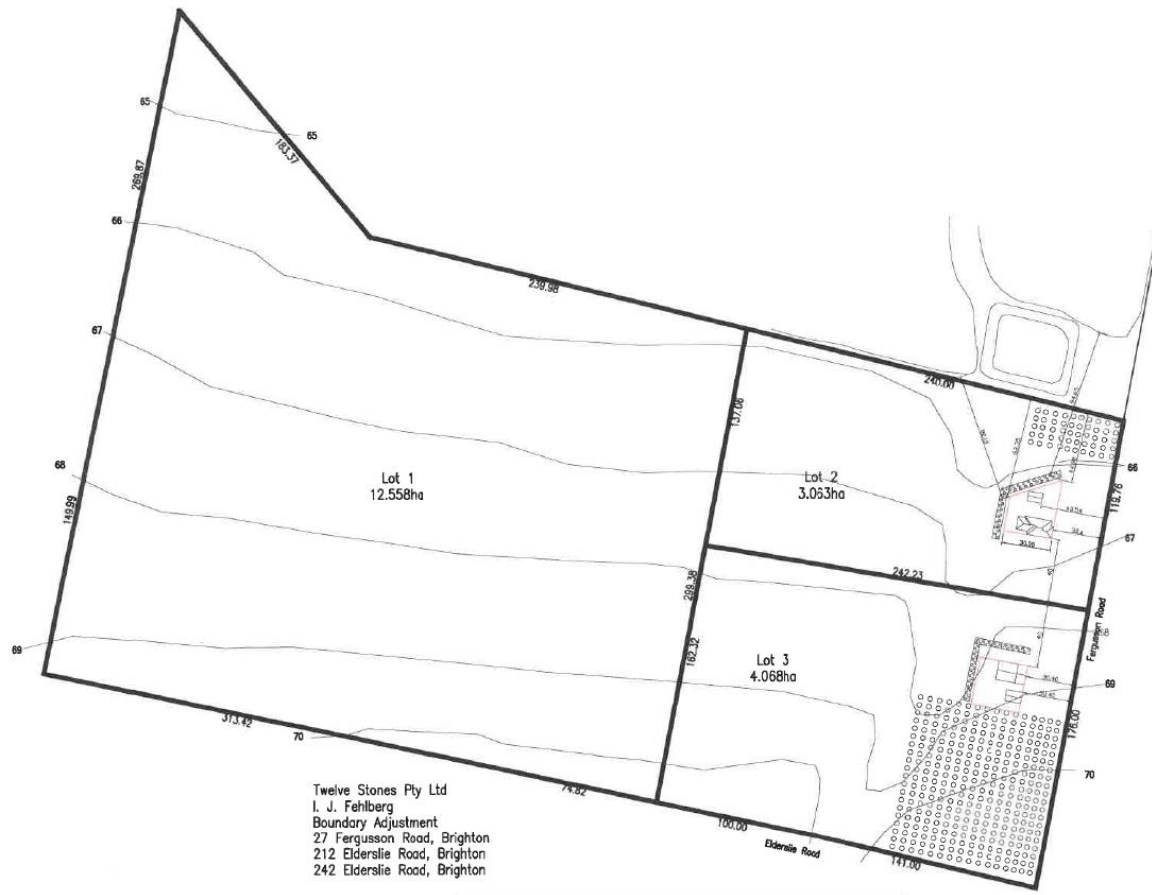


Figure 3. Proposed subdivision layout.

Proposed Development – Lot 2

- 6.3. The development application component of the proposal is for a dwelling and outbuilding on each of Lot 2 & Lot 3 of the proposed subdivision.
- 6.4. The proposed dwelling on Lot 2 measures 22.50 metres by 10.20 metres and will be constructed to a maximum height of 5.40 metres above natural ground level. The proposed dwelling will be sited 40.00 metres from the proposed southern (side) boundary and 30.40 metres from the eastern boundary (road frontage).
- 6.5. The proposed dwelling on Lot 2 features four bedrooms, two bathrooms, a kitchen/dining/living area, and a media room.
- 6.6. The application also proposes an outbuilding on Lot 2. The proposed outbuilding measures 9.00 metres by 6.00 metres, and will be constructed to a height of 3.34 metres above natural ground level. The proposed outbuilding will be sited 40.54 metres from the eastern (road frontage) boundary, and 56.00 metres from the northern (side) boundary.

- 6.7. The application states that the dwelling on Lot 2 is necessary to support an agricultural use on that lot. It is proposed that the agricultural use is a combination of apple trees, horse breeding and keeping of livestock, specifically sheep. The apple orchard will consist of 50 apple trees which are planted over a 2000m² area. The horse breeding component consists of 3 broodmares, which are artificially inseminated each year. The livestock component consists of 22 ewes/lambs.
- 6.8. The applicant claims that it is necessary for a dwelling to be situated on Lot 2 to sustain the proposed agricultural use.

Proposed Development – Lot 3

- 6.9. The proposed dwelling on Lot 3 measures 12.00 metres by 12.00 metres and will be constructed to a maximum height of 5.90 metres above natural ground level. Attached to the dwelling is a 12.00 metre by 6.00 metre car port. The proposed dwelling will be sited 40.00 metres from the proposed northern (side) boundary and 30.40 metres from the eastern boundary (road frontage).
- 6.10. The proposed dwelling on Lot 3 features three bedrooms, a bathroom, and a kitchen/dining/living area.
- 6.11. The application also proposes an additional outbuilding on Lot 3. The proposed outbuilding measures 10.00 metres by 7.00 metres, and will be constructed to a height of 4.33 metres above natural ground level. The proposed outbuilding will be sited 30.40 metres from the eastern (road frontage) boundary, and 57.00 metres from the northern (side) boundary.
- 6.12. The application states that the dwelling on Lot 3 is necessary to support an agricultural use on that lot. The proposed agricultural use is a 9000m² apple orchard, which is already planted as per a previous development approval (DA 02018/226). The balance of proposed lot will be used for keeping of livestock, specifically sheep. The livestock component consists of 28 ewes/lambs.
- 6.13. The applicant claims that it is necessary for a dwelling to be situated on Lot 3 to sustain the proposed agricultural use.
- 6.14. Although Council has previously considered and approved a dwelling and agricultural use on the portion of the site that Lot 3 is located at under a previous application (DA 2018/226), which is largely consistent with what is proposed under this application those components must be considered as part of this application in isolation of any previous application that has been assessed.

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 9.7 - Subdivision
 - Part D – Section 27.0 – Significant Agricultural Zone
 - Part E – Section E1.0 – Bushfire-Prone Areas Code
 - Part E – Section E6.0 – Parking & Access Code
 - Part E – Section E7.0 – Stormwater Management Code
- 8.2. The application satisfies the following relevant Acceptable Solutions of the applicable provisions:
 - Section 27.4.1 A1 – Building Height
 - Section 27.4.2 A1 – Building Setback from Frontage
 - Section 27.4.3 A1 – Design
 - Section 27.4.3 A2 – Colouration and light reflectance value
 - Section 27.4.3 A3 – Cut and fill
 - 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 E6.6.1 A1 – Number of parking spaces
 - Section E6.7.2 A1 – Design of vehicular accesses

- Section E6.7.14 A1 - Access to a road

8.3. The following discretions are invoked by the proposal:

- Section C9.7 - Subdivision
- Section 27.2 - Use Table
- Section 27.3.1 A1 - Sensitive use
- Section 27.3.3 A1 - Discretionary use
- Section 27.4.2 A2 - Building setback from side and rear boundaries
- Section 27.4.2 A3 - Building setback for buildings for sensitive use
- Section 27.5.2 A1 - Re-organisation of boundaries
- Section E6.7.1 A1 - Number of vehicular accesses
- Section E6.7.6 A1 - Surface treatment of parking areas
- Section E7.7.1 A1 - Stormwater drainage and disposal

8.4. **Discretion 1 -C9.7 - Subdivision**

8.4.1 Section C9.7.2 of the Interim Scheme states:

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

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

8.4.2 A re-organisation of boundaries is proposed, which is a form of subdivision. As such, the application invokes discretion under this standard.

8.5. **Discretion 2 - Table 27.2 - Use table**

8.5.1 The applicant has proposed a 'Residential' use on two of the proposed lots at the site.

- 8.5.2 'Residential' use is defined in Table 8.2 of the Interim Scheme as:

Use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.

- 8.5.3 Under Table 27.2 of the Interim Scheme, 'Residential' is a Discretionary use within the Significant Agricultural Zone, with the qualification 'only if a single dwelling necessary to support agricultural use on the property'.

- 8.5.4 All other uses not specified within Table 27.2 are prohibited. This would include all other residential uses, such as those single dwellings not necessary to support agricultural use, multiple dwellings (such as units), or a retirement village.

- 8.5.5 'Single dwelling' is defined within the Interim Scheme as:

A dwelling on a lot on which no other dwelling is situated, or a dwelling and an ancillary dwelling on a lot on which no other dwelling is situated.

- 8.5.6 'Agricultural use' is defined within the Interim Scheme as:

The use of the land for propagating, cultivating or harvesting plants or for keeping and breeding of animals, excluding pets. It includes the handling, packing or storing of plant and animal produce for dispatch to processors. It includes controlled environment agriculture, intensive tree farming and plantation forestry.

- 8.5.7 Under Section 8.10.2, the planning authority must consider the zone purpose when determining a discretionary use. Section 27.1.1 of the Interim Scheme provides for the Zone Purpose Statements for the Significant Agricultural Zone. It states:

27.1.1.1 To provide for the use or development of land for higher productivity value agriculture dependent on soil as a growth medium.

27.1.1.2 To protect the most productive agricultural land and ensure that non-agricultural use or development does not adversely affect the use or development of that land for agriculture.

27.1.1.3 To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

27.1.1.4 *To provide for limited non-agricultural uses that support the continued use of the land for agricultural use.*

27.1.1.5 *To protect regionally significant areas of significant agricultural land identified in the Regional Land Use Strategy, including areas subject to existing or proposed irrigation schemes, from conversion to non-agricultural use.*

27.1.1.6 *To protect areas used for reuse water irrigation.*

27.1.1.7 *To ensure that new residential use is only established where necessary to facilitate the management of the land for agricultural purposes and does not fetter existing or potential agricultural use on other land.*

- 8.5.8 There are no Local Area Objectives or Desired Future Character Statements for land zoned Significant Agricultural within the Interim Scheme.

Lot 2

- 8.5.9 It is satisfied that the proposal at Lot 2 is for a single dwelling and agricultural use, being the development of an apple orchard, a horse breeding enterprise, and a livestock enterprise.
- 8.5.10 However, it is required to assess and determine whether the proposed single dwelling is *necessary* to support the proposed agricultural use on the site, or whether the agricultural use can exist without the presence of the dwelling - i.e. can the agricultural use reasonably operate without the constant presence and care of the dwelling's occupants.
- 8.5.11 The application was supported by an assessment undertaken by a qualified agricultural consultant. The consultant states that the lot is predominantly Class 5 agricultural land.
- 8.5.12 The agricultural report states that "on-site management of agricultural activities is highly desirable to better provide for the required enterprise outcomes, enabling appropriate timely inputs for animal care and husbandry, pregnancy monitoring, birthing, security, and sprinkler frost control management".
- 8.5.13 The agricultural assessment concludes that the Lot 2 has limited potential for intensive agricultural activities and cites that a diversification of agricultural uses enables greater investment, whilst spreading risks.

- 8.5.14 Based on the figures provided in the application, the commercial return is modest. However, the scale of the agricultural operation is consistent with other agricultural operations approved both in the area and across the municipality in recent times, including at the property (27 Fergusson Road, DA 2018/226).

Lot 3

- 8.5.15 It is satisfied that the proposal at Lot 3 is for a single dwelling and agricultural use, being the development of an apple orchard and a livestock enterprise.
- 8.5.16 The orchard is largely established, and was approved under DA 2018/226. The orchard proposed under this application is slightly larger than the one previously approved
- 8.5.17 The dwelling approved under this previous permit has not yet commenced construction, but is similar in size and location to the dwelling proposed under this application.
- 8.5.18 The supporting agricultural report states that the proposed agricultural use is a productive and sustainable use of Class 5 land.

Conclusion

- 8.5.19 The Interim Scheme is clear that the Significant Agricultural Zone should only be used for residential development when it is necessary to support an agricultural use. The Significant Agriculture Zone is an inappropriate zone for those simply seeking a rural residential lifestyle, with no intention to undertake a supporting agricultural operation. This is because such uses dilute the agricultural potential of the site and surrounding land, and may prevent the site being adhered to other adjoining agricultural parcels (regardless of ownership), so that a more productive agricultural use can be established.
- 8.5.20 However, if the proposed re-organisation of boundaries is successful, it will provide for a ~12ha parcel on Lot 1 that serves as a primary agricultural lot, and can be integrated into a much larger agricultural holding, providing for superior agricultural outcomes for the area.

The balance of the land is still proposed to have an agricultural use occur in conjunction with the dwellings. The application has demonstrated that commercial returns for Lots 2 & 3 will be modest, but the proposed use will still make a contribution to the local agricultural economy.

- 8.5.21 If the Planning Authority takes the view that the dwelling is not necessary to support the proposed agricultural use, then the residential use does not meet the use qualification in Table 27.2. The residential use would then revert to a Prohibited use, and the Planning Authority must refuse the development.
- 8.5.22 It is the Officer's opinion that the application demonstrates that the dwellings on Lots 2 and 3 are necessary to support the agricultural uses proposed on those lots. It is considered that the proposed residential use is appropriate for the zone.

8.6 Discretion 3 - 27.3.1 A1 - Sensitive Use

- 8.6.1 The applicant has proposed a sensitive use, being residential development on Lots 2 and 3. The Acceptable Solution contained in Section 27.3.1 A1 states:

A sensitive use is for a home based business or an extension or replacement of an existing dwelling or existing ancillary dwelling.

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

- 8.6.3 Section 27.3.1 P1 states:

A sensitive use must not conflict with or fetter non-sensitive use on adjoining land having regard to all of the following:

- a) the characteristics of the proposed sensitive use;*
- b) the characteristics of the existing or likely non-sensitive use in the surrounding area;*
- c) setback to site boundaries and separation distance between the proposed sensitive use and existing or likely non-sensitive use on adjoining land;*
- d) any characteristics of the site and adjoining land that would buffer the proposed sensitive use from the adverse impacts on residential amenity from existing or likely non-sensitive use.*

- 8.6.4 The site adjoins three parcels of land, being 258 Elderslie Road, 38 Stonefield Road and 59 Fergusson Road.

- 8.6.5 258 Elderslie Road is smaller in area than any of the lots proposed and is developed by a single dwelling. No substantial agricultural or other non-sensitive use occurs on this site.

- 8.6.6 The other two adjoining lots are large agricultural lots and used and developed for agricultural activities.
- 8.6.7 The separation between the proposed residential use and the adjoining agricultural uses is considered sufficient to prevent fettering of the non-sensitive uses.
- 8.6.8 It is considered that the proposed vegetation belt will further assist in adequately managing any potential conflict between uses.
- 8.6.9 As such, the proposed development meets the Performance Criteria subject to a requirement for the shelter belt on Lots 2 and 3 to be established.

8.7 Discretion 4 - 27.3.3 A1 - Discretionary Use

- 8.7.1 The applicant has proposed a discretionary use, being a single dwelling (necessary to support an agricultural use).
- 8.7.2 There is no Acceptable Solution contained in Section 27.3.3 A1. As such, the application must be assessed against the relevant Performance Criteria. Section 27.3.1 P1 states:

A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:

- a) the characteristics of the proposed non-agricultural use;*
 - b) the characteristics of the existing or likely agricultural use;*
 - c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;*
 - d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.*
- 8.7.3 It is considered that the proposed discretionary use (i.e. the residential use) will not conflict with or fetter with the proposed agricultural use or any existing agricultural use occurring on the site or on adjoining land, subject to the planting of the proposed shelter belt on Lots 2 and 3.
 - 8.7.4 As such, the proposed development meets the Performance Criteria.

8.8 Discretion 5 – 27.4.2 A2 - Building Setback from Side or Rear Boundaries

8.8.1 The Acceptable Solution contained in Section 27.4.2 A2 states:

Building setback from side and rear boundaries must be no less than 100m.

8.8.2 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.

8.8.3 Section 27.4.2 P2 states:

Building setback from side and rear boundaries must satisfy all of the following:

a) be sufficient to prevent potential for land use conflict that would fetter non-sensitive use of adjoining land;

b) be no less than:

40 m, if the lot is greater than 1 ha or if there is an existing building set back less than this distance, the setback must not be less than the existing building;

20 m, if the lot is less than or equal to 1 ha or if there is an existing building set back less than this distance, the setback must not be less than the existing building.

8.8.4 Subject to planting of the proposed shelter belt, the proposed dwellings on Lots 2 and 3 are adequately setback from side and rear boundaries so as to prevent potential for land use conflict that would fetter non-sensitive use of adjoining land.

8.8.5 The proposed lots are greater than 1ha in area. The proposed setback to side boundaries is at least 40 metres for all buildings.

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

8.9 Discretion 6 – 27.4.2 A3 – Building Setback for Sensitive Uses

8.9.1 The Acceptable Solution contained in Section 27.4.2 A3 states:

Building setback for buildings for sensitive use must comply with all of the following:

a) be sufficient to provide a separation distance from horticultural use or crop production on adjoining land of 200m;

b) *be sufficient to provide a separation distance from land zoned Rural Resource of 100 m.*

8.9.2 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.

8.9.3 Section 27.4.2 P2 states:

Building setback for buildings for sensitive use must satisfy all of the following:

a) *be sufficient to prevent potential for land use conflict that would fetter non-sensitive use of adjoining land;*

b) *be sufficient to provide a separation distance no less than:*

80 m from horticultural use or crop production on adjoining land or if there is an existing building with a separation distance less than this distance, the separation distance must not be less than the existing building;

40 m from land zoned Rural Resource or if there is an existing building with a separation distance less than this distance, the separation distance must not be less than the existing building.

8.9.4 Subject to the proposed shelter belt, it is considered that the proposed setback of each of the dwellings is sufficient enough to prevent or mitigate against potential land use conflicts that would fetter non-sensitive uses on adjoining land.

8.9.5 The setbacks comply with the absolute minimum separation distances.

8.9.6 The development satisfies the Performance Criteria.

8.10 Discretion 7 – 27.5.2 – Re-organisation of Boundaries

8.10.1 The Acceptable Solution contain in Section 27.5.2 A1 states:

A lot is for public open space, a riparian or littoral reserve or utilities.

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

8.10.3 Section 27.5.2 P1 states:

The reorganisation of boundaries must satisfy all of the following:

- (a) all existing lots are adjoining or separated only by a road;*
- (b) no existing lot was formally a crown reserved road or other reserved land;*
- (c) provide for the sustainable commercial operation of the land by either:*
 - (i) encompassing all or most of the agricultural land and key agricultural infrastructure (including the primary dwelling) in one lot, the 'primary agricultural lot, as demonstrated by a whole farm management plan,*
 - (ii) encompassing an existing or proposed non-agricultural rural resource use in one lot;*
- (d) if a lot contains an existing dwelling, setbacks to new boundaries satisfy clause 27.4.2;*
- (e) if containing a dwelling, other than the primary dwelling, the dwelling is surplus to rural resource requirements of the primary agricultural lot;*
- (f) a new vacant lot must:*
 - (i) contain land surplus to rural resource requirements of the primary agricultural lot;*
 - (ii) not result in increased demand for public infrastructure or services;*
- (g) all new lots must comply the following:*
 - (i) be no less than 1 ha in size;*
 - (ii) have a frontage of no less than 25 m;*
 - (iii) be serviced by safe vehicular access arrangements;*
- (h) be consistent with any Local Area Objectives or Desired Future Character Statements provided for the area.*

8.10.4 All existing lots are adjoining, and none of the lots were previously reserved land.

- 8.10.5 The proposed re-organisation of boundaries will provide for the sustainable commercial operation of land by incorporating the large lot (Lot 1) into a wider agricultural holding in the area. It is proposed that Lot 1 will form part of Fehlberg's Produce. Lot 1 is therefore considered to be the 'primary agricultural lot' that is created out of the proposed re-organisation of boundaries.
- 8.10.6 The proposed dwelling locations have been assessed and comply with Section 27.4.2 of the Interim Scheme.
- 8.10.7 Other than the primary agricultural lot, no new vacant lot will be created, as it is proposed that Lots 2 & 3 will be developed with dwellings necessary to support agricultural activities on those lots.
- 8.10.8 Lots 1, 2 and 3 all are at least 1 ha in size, and have frontages of at least 25m. All lots are serviced by safe vehicular accesses.
- 8.10.9 There are no Local Area Objectives or Desired Future Character Statements for the area.
- 8.10.10 The development is considered to satisfy the Performance Criteria contained in Section 27.5.2 P1.

8.11 Discretion 8 – E6.7.1 – Number of Vehicular Accesses

- 8.11.1 The Acceptable Solution contained in Section E6.7.6 A1 states:

The number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is the greater.

- 8.11.2 Should the re-organisation of boundaries be approved, Lot 1 will have two accesses to Elderslie Road. Both of these accesses are existing. Regardless, the development does not comply with the Acceptable Solution.
- 8.11.3 As such, the application invokes discretion for this standard, and must be assessed against the relevant Performance Criteria.
- 8.11.4 Section E6.7.1 P1 states:

The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:

- (a) *access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;*

- (b) *whether the additional access points can be provided without compromising any of the following:*
 - (i) *pedestrian safety, amenity and convenience;*
 - (ii) *traffic safety;*
 - (iii) *residential amenity on adjoining land;*
 - (iv) *streetscape;*
 - (v) *cultural heritage values if the site is subject to the Local Historic Heritage Code;*
 - (vi) *the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.*

8.11.5 As stated, the accesses are existing and are considered to be safe, and not adversely impact safety, amenity, convenience or streetscape.

8.11.6 The development satisfies the Performance Criteria.

8.12 Discretion 9 – E6.7.6 A1 - Surface Treatment of Parking Areas

8.12.1 The Acceptable Solution contained in Section E6.7.6 A1 states:

Parking spaces and vehicle circulation roadways must be in accordance with all of the following;

a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;

b) drained to an approved stormwater system,

unless the road from which access is provided to the property is unsealed.

8.12.2 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.

8.12.3 Section E6.7.6 P1 states:

Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:

a) the suitability of the surface treatment;

- b) *the characteristics of the use or development;*
- c) *measures to mitigate mud or dust generation or sediment transport.*

8.12.4 Should the Planning Authority determine to approve the development application, it is considered that the proposed development can satisfy the Performance Criteria with standard conditions being imposed on a permit.

8.12.5 The development satisfies the Performance Criteria.

8.13 Discretion 10 – E7.7.1 A1 - Stormwater Drainage and Disposal

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

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

8.13.2 Public stormwater infrastructure is not available at the site. As such, the application invokes discretion for this standard, and must be assessed against the relevant Performance Criteria.

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.*

8.13.3 Stormwater will be collected for re-use on site as drinking water or for watering crops.

8.13.4 As such, the proposed development meets 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:

<i>Concerns of Representor</i>	<i>Planning Response</i>
<i>Is the boundary adjustment meeting the intensive agriculture requirements for lot sizes?</i>	The proposed development is considered to satisfy the relevant subdivision standards for the Significant Agriculture Zone.
<i>The dwelling on lot 2 should be setback from northern boundary due to the existing bore pump house (noise), plus the potential for spray drift</i>	These issues have been addressed through the conditioning of a landscape buffer.
<i>The application should retain the previous condition for a Part 5 Agreement, plus other requirements under the Significant Agriculture Zone, as defined by the Scheme.</i>	A condition to require a Part 5 agreement on lots 2 & 3 for ongoing agricultural use is included.
<i>Contracts of sales should have no bearing when the planning authority determines a development application.</i>	Noted.
<i>The letter dated 27 January only outlines the benefit of a boundary adjustment from a large block into the operation of Fehlberg's Own. The letter cannot be used to support boundary adjustment for 27 Fergusson Road, nor should be used to support any buildings. It cannot be presumed that the letter supports subdivision or any buildings.</i>	Regardless, the application creates a large agricultural holding and two smaller holdings that both have proposed agricultural uses on them.
<i>The statement made that consolidation of property will improve droving of sheep has no bearing on Council determining the planning application. Consolidation will still result in sheep crossing both roads. Instead, animal crossing signs should be requested and speed limits changed – something that has no bearing on this application.</i>	If the application is successful, this is a matter that can be raised with the relevant parties outside of the planning process.
<i>Statements relating to pivot irrigation are false. Pivot irrigators can be installed with no requirement for this consolidation or application to proceed.</i>	The concerns of the representor are noted.
<i>Statements relating to area suitable for higher rotation are false.</i>	The concerns of the representor are noted.

<p><i>Statements relating to potential incomes are a best case scenario, have no costings, and are dependent on current markets, climate and costs. The income is the equivalent of a hobby farm or lifestyle block.</i></p>	<p>It is acknowledged that the commercial returns from the agricultural activities on Lots 2 and 3 are modest. However, the proposed agricultural uses provide commercial diversity and make a contribution to the local agricultural economy.</p>
<p><i>Stocking rates supplied are based on overstocking that requires 50% supplementary feed. Also based on the landowners using the entire land size, which is inaccurate due to orchards and buildings. This will dramatically eat into profits made.</i></p>	<p>The concerns of the representor are noted.</p>
<p><i>It is stated that Council approved that it is necessary for an onsite dwelling to support these agricultural activities. In broad terms, this is correct. However, Council planners did not support this, and were overruled by Councillors (Application DA 2018/226, Minutes 9/7/19). Following this, there is a Part V. It is also noted that the original application was for stone fruit, and not a pip orchard that was planted.</i></p>	<p>Councillors may recall the background to DA 2018/226.</p>
<p><i>It is stated that no aerial spraying is to be undertaken on Lot 1, and noise from farming activities is minimal due to frequency. This statement is only true for current practices, and Council need to make sure that if these practices occur in the future, Lot 1 will not be disadvantaged.</i></p>	<p>The concerns of the representor are noted. It is recommended that a condition be included that provides for a vegetation buffer, which will protect the dwellings from spray drift.</p>
<p><i>It is stated that 2020/048 is consistent with the proposal for 37 Stonefield Road. Planning approval is a case by case basis, assessed against set criteria, not bound by precedent. DA 2019/177 was not a combined subdivision and development application, but an application for a dwelling on an existing title and on a larger land size. Therefore, there is no relevance.</i></p>	<p>It is agreed that there are substantial differences between DA 2019/177, which was at a different site, and this application currently before the Planning Authority.</p>

<p><i>In relation to Zone Objectives, Council should consider the development in the context of what will or may occur to the land once subdivided. That is, the approval of the subdivision should not be granted if there is a likelihood that the land could be lost from agricultural production or that industrial use be fettered.</i></p>	<p>Noted.</p>
<p><i>Whilst unlikely to cause the actual or immediate loss of land to agricultural production, the smaller lot sizes makes it susceptible to becoming alienated from agricultural production by the instatement of rural residential use.</i></p>	<p>It is recommended that a condition be included that ensures that the residential use must cease if and when the approved agricultural use ceases, thus protecting the site from transforming into a rural residential property.</p>
<p><i>The proposed subdivision does not conform to the Zone Purpose Statements. The small lots sizes are consistent of a small hobby farm or residential lifestyle blocks. The application has not provided adequate information or reasoning on how the proposed subdivision is being used for higher productivity value agriculture than what is already occurring on the 27 Fergusson Road title.</i></p>	<p>The application has been assessed against the relevant standards in the Planning Scheme.</p>
<p><i>It can be argued that should the Planning Authority determine to approve the development, it would essentially convert the property into a rural-residential site that is contrary to the Zone Purpose Statements, in that the most productive land will not be protected and that the residential use will adversely affect the use or development of that land for agriculture. The application does not adequately demonstrate that the proposed single dwelling is necessary to support agricultural use of the property.</i></p>	<p>Dwellings may be approved if it can be demonstrated that the dwelling is necessary to support an agricultural use.</p>

<p><i>The proposed subdivision of the 27 Fergusson Road title (lots 2 and 3) has now limited the area to what can be grown, due to the reduction of lot sizes, increase in residential footprint over the land size, and issues with close boundaries. If the applicants are acting in the best interest of the Zone Purpose Statements, the proposed subdivision should occur between 212 & 242 Elderslie Road, ensuring that 27 Fergusson Road has an ample area to try to maintain the Zone Purpose. This division would be the best outcome for farming practices, but would most likely reduce the profit made by the developer.</i></p>	<p>The Planning Authority can only assess the proposal put before it.</p> <p>The application has been assessed against all relevant standards.</p>
<p><i>DA 2020/48 is for a reorganisation of boundaries, and not a subdivision. Boundary adjustment is only between 212 & 242 Elderslie Road to form one larger block of 12.558 ha. This adjustment conforms with 27.5.2 of the Interim Scheme. The balance at 27 Fergusson Road is 7.13ha. The proposal then seeks to subdivide 27 Fergusson Road into two lots of 3.063ha and 4.068ha. There is no boundary adjusted here. The adjustment has occurred with the consolidation of two lots into one. The application is seeking to have the overall lot number remain the same. This is a misrepresentation of the planning scheme, and does not conform to 27.5.1 New Lots.</i></p>	<p>The application has been assessed against all relevant standards.</p> <p>No new lots are proposed, and as such, Section 27.5.1 is not considered relevant to the application.</p>
<p><i>The proposal does not comply with the Tasmanian Planning Scheme under 7.3 Adjustment of a Boundary or with the Brighton Interim Scheme under 9.3.1 Adjustment of a Boundary.</i></p>	<p>The Brighton Local Provision Schedule of the Tasmanian Planning Scheme is not yet in effect. As such, the Tasmanian Planning Scheme currently has no bearing on applications within Brighton.</p> <p>The proposal is for a re-organisation of boundaries, which differs to adjustments of boundaries. Section 9.3.1 is used to assess minor adjustments to boundaries, e.g. realignment of boundaries to correspond with fence lines. No such adjustment is proposed,</p>

<i>Subdivision should occur between 212 & 242 Elderslie Road, ensuring that 27 Fergusson Road has an ample size area to maintain the zone purpose.</i>	The Planning Authority can only assess the proposal put before it.
<i>The Agriculture Zone, the Primary Industry Activities Protection Act 1995 also applies to protect the rights of farmers to conduct their activities in an appropriate manner. The PIAPA applies to land characterised as a farm on land "within a zone, designated to the land under the Land Use Planning and Approvals Act 1993, that enables the land to be used for the purposes of primary industry."</i>	Noted.
<i>The proposed development is not categorised as Permitted. Subdivision is discretionary.</i>	The application is discretionary against several standards, which have been discussed in detail.
<i>I urge the Council to note previous conditions that were put on by an external planning advice on the previous application. These conditions were put on when the title area was significantly larger than what is proposed on either lot 2 or 3 on this application.</i>	The concerns of the representor are noted.
<i>The previous application had a more detailed farm management plan.</i>	The Planning Authority is assessing this application, and the material provided.
<i>I urge Council to apply the Part V condition to both titles – i.e. whatever block is left vacant has the exact same or more stringent conditions applied to it.</i>	The concerns of the representor are noted.
<i>The application does not significantly address the discretions under the Interim Scheme.</i>	The application is discretionary against several standards, which have been discussed in detail.
<i>Dwelling setback is insufficient to prevent land use conflict, fettering non-sensitive use of adjoining land. The setback to adjoining land could impact the operation's ability to irrigate, spray weeds, control pests by shooting, farm during the night, minimise potential wind drift of soil.</i>	Dwelling setback has been discussed in detail.

<i>An on-site dwelling is not considered necessary to support the proposed agricultural use, and the discretionary non-agricultural use would likely conflict with or fetter agricultural use.</i>	The issue of the necessity for a dwelling has been discussed in detail.
<i>There is no compelling evidence or a persuasive argument as to why the proposed residential use is necessary to support the proposed agricultural use onsite. The application includes no supporting information, evidence or approvals regarding why an onsite residence is required for the proposed animal husbandry use.</i>	See discussion above. The Agricultural Assessment argues that a dwelling is necessary to support the entirety of the proposed agricultural use on Lots 2 and 3, being an orchard, a livestock enterprise, and on Lot 2, an animal husbandry enterprise.
<i>The application fails to include or address that both dwellings are located very close to a natural water course, and there had been no setbacks included if required.</i>	That is not a matter than is required to be considered as part of the planning assessment.
<i>If the Planning Authority approves the application, it would essentially convert the property into a rural-residential site in a way that is contrary to the Zone Purpose Statements. It is considered that the application does not adequately demonstrate that the proposed single dwelling is necessary to support agricultural use of the property.</i>	The Planning Authority can approve residential use within the zone. The application has been assessed, and satisfies the relevant standards of the Planning Scheme
<i>Residential use is a sensitive use. There is no existing dwelling on site. Therefore the application does not comply with the Acceptable Solution. The development invokes discretion and must be assessed against the Performance Criteria. The characterising of the residential use will shift the fundamental nature of the site, further limiting the agricultural potential of the land. Proceeding on the basis that the use is not necessary or required for the intensified nature of the farming practices, the Residential use of the site will only limit into the future the type of agricultural uses that can be undertaken. That is because the intensive agriculture activities proposed could be undertaken on the site without the residential use</i>	Sensitive use has been discussed in detail above.

<i>The proposed development does not comply with the Acceptable Solution contained in 27.4.2 A3.</i>	Agreed. This has been discussed in detail in the assessment, above.
<i>The proposed surface treatment of parking areas does not comply with the Acceptable Solution.</i>	Agreed. This has been discussed in detail in the assessment, above.
<i>Both dwellings will be using recycled water for irrigation. This irrigation is located close to a natural watercourse and needs to comply with the correct legislative requirements for recycled water. Recycled water usage is also regulated when it is used near or to directly produce food for human consumption, including orchards, vineyards or meat production.</i>	This is not a relevant Planning matter.

10. Referrals

10.1. Development Engineering

The application was referred to Council's Senior Technical Officer, who has provided comments, conditions and advice.

10.2. TasWater

The application was referred to TasWater, who stated a submission was not required from the water authority.

11. Discussion

11.1. The application was supported by a report, prepared by Adam Smee, who is an accredited bushfire assessor.

11.2. Mr Smee's initial report certified that the proposed development was exempt from assessment under Section E1.0 Bushfire-Prone Areas Code as, after having regard to the objective of all applicable standards in this code, there was an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measures.

11.3. However, the Tasmania Fire Service held an opposing view, and recommended that a bushfire hazard management plan be prepared for the proposed development.

- 11.4. Mr Smee subsequently produced a bushfire hazard management plan, which the Tasmania Fire Service has since certified. The bushfire hazard management plan satisfies all relevant Acceptable Solutions of the Bushfire-Prone Areas Code.

12. Conclusion

- 12.1. The proposal is for a Combined Subdivision and Development (Boundary Adjustment, Two (2) Dwellings, and Outbuildings) in the Significant Agricultural Zone at 212 Elderslie Road, 242 Elderslie Road, and 27 Fergusson Road, Brighton
- 12.2. The key issues are:
- The necessity for a dwelling on-site for the proposed agricultural use. It is the Officer's opinion that the dwelling is necessary to support a small-scale agricultural activity on Lots 2 and 3; and
 - The proposed re-organisation of boundaries. It is the Officer's opinion that the proposed subdivision delivers a primary agricultural lot (being Lot 1), producing superior agricultural outcomes for both the land and the wider agricultural area.
- 12.3. The proposal is considered to meet all relevant provisions of the *Brighton Interim Planning Scheme 2015*, and as such, is recommended for approval.

RECOMMENDATION:-

That pursuant to the *Brighton Interim Planning Scheme 2015*, Council approve application DA 2020/048 for the proposed Combined Subdivision and Development (Boundary Adjustment, Two (2) Dwellings, and Outbuildings) in the Significant Agricultural Zone at 212 Elderslie Road, 242 Elderslie Road, and 27 Fergusson Road, Brighton, and a permit be issued subject to the following conditions and advice:

General

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *land Use Planning And Approvals Act 1993*.
- (3) The approved dwellings cannot be constructed until new titles as per the approved boundary adjustment have been registered.

Easements

- (4) 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

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

Final plan

- (6) 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.
- (7) 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 to be less than \$5,000.
- (8) 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.
- (9) The subdivider must pay any Titles Office lodgement fees direct to the Recorder of Titles.

Engineering

- (10) The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 (attached).
- (11) 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.

- (12) 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.
- (13) Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
- (14) Subdivision works must be carried out under the direct supervision of an approved practising professional civil engineer engaged by the subdivider and approved by the Council's Municipal Engineer.

Water quality

- (15) 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.
- (16) 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.
- (17) 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.
- (18) 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.

Services

- (19) The subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred because of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.
- (20) 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.
- (21) Property services 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

- (22) 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.
- (23) 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 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

- (24) A sealed vehicle access must be provided from the road carriageway to the lot boundary of each lot.
- (25) Vehicular accesses must located and constructed in accordance with the standards shown on standard drawings must located and constructed in accordance with the standards shown on standard drawings TSD-R03-v1 Rural Roads Typical Property Access and TSD-R04-v1 Rural Roads Typical Driveway Profile prepared by the IPWE Aust. (Tasmania Division), or as otherwise required by this permit, and the satisfaction of Council's Municipal Engineer.

The internal driveway must be designed, constructed, and maintained to avoid dust or mud generation, erosion and sediment transfer off site or destabilisation of the soil on site or on adjacent properties to the standard required by Council's Municipal Engineer.

Amenity

- (26) The proposed colours and materials for the walls and roof of the dwelling on Lot 2, as shown on the endorsed plans, are approved. Any variation in the colours and materials must be submitted to and approved by the Council's Manager Development Services.
- (27) The proposed colours and materials for the walls and roof of the dwelling on Lot 3, as shown on the endorsed plans, are approved. Any variation in the colours and materials must be submitted to and approved by the Council's Manager Development Services.
- (28) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Manager Development Services.

Agricultural Uses

- (29) The use of the dwelling on Lot 2 is incidental to the primary use of land for agricultural purposes, being an apple orchard, a livestock enterprise, and a horse breeding enterprise, as detailed in the endorsed documentation. Residential use of the property is dependent upon the establishment of these agricultural activities and their ongoing operation, and the residential use must cease if and when the agricultural use ceases.
- (30) The use of the dwelling on Lot 3 is incidental to the primary use of land for agricultural purposes, being an apple orchard and a livestock enterprise, as detailed in the endorsed documentation. Residential use of the property is dependent upon the establishment of these agricultural activities and their ongoing operation, and the residential use must cease if and when the agricultural use ceases.
- (31) Prior to the issue of a Certificate of Occupancy for the dwelling on Lot 2 under the Building Act 2016, planting of the approved 50 tree fruit orchard must be completed and the broodmare equine enterprise established.
- (32) Prior to the issue of a Certificate of Occupancy for the dwelling on Lot 3 under the Building Act 2016, the approved fruit orchard and sheep/ewe livestock enterprise must be established.

Landscaping

- (33) For both lots 2 and 3, prior to the issue of building consent under the Building Act 2016 or the commencement of dwelling works (whichever occurs first), a comprehensive landscape plan to the satisfaction of Council's Manager Development Services must be submitted and approved. The plans must be drawn to scale with written dimensions. The landscaping plan must show:

- a) A mixed native vegetation shelter belt as shown on the endorsed plans.
- b) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.

If considered satisfactory, the landscape plan will be endorsed and will form part of the permit.

- (34) Planting must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics.
- (35) The approved landscaping works must be completed prior to the occupancy of either of the dwellings, and be completed to the satisfaction of Council's Manager Development Services. All landscaping must continue to be maintained to the satisfaction of Council.

Agreements

- (36) For lots 2 & 3, prior to commencement of works, the owner and Council must enter into an agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 in respect of the land. The Agreement is to provide that the owner covenants and agrees with the Brighton Council that:
- a) the residential use of the property is dependent upon the establishment and ongoing operation of agricultural use(s) that aim to maximise the potential of the land with consideration of limitations and constraints such as land capability, access to water, and the residential use must cease if and when the agricultural use ceases; and
 - b) The land is within an established rural area and may be subject to occasional noise, odour, chemical and dust emissions associated with surrounding agricultural activities.
- (37) 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.

Services

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

Parking and Access

- (39) At least two (2) car parking spaces must be provided on Lot 2 at all times for the use of the development, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- (40) At least two (2) car parking spaces must be provided on Lot 3 at all times for the use of the development, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- (41) The internal driveway and areas set-aside for parking and associated access and turning for each lot must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and to the satisfaction of Council's Municipal Engineer, and must include all of the following;
- (a) Constructed with a durable all weather pavement.
 - (b) Minimum carriageway width of 4 metres
 - (c) Drained to an approved stormwater system.
 - (d) Vehicular passing areas 6 metres wide (total) x 20 metres long every 200 metres,
- or as otherwise required by an approved Bushfire Plan.
- (42) The internal driveway and areas set-aside for parking and associated access and turning must be designed, constructed and maintained to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties to the standard required by Council's Municipal Engineer

Stormwater

- (43) Stormwater drainage from the approved buildings on lots 2 and 3 must be retained on site to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2016*.

Wastewater

- (44) Wastewater from the approved buildings on lots 2 and lots 3 must discharge to an on-site waste disposal system in accordance with a Certificate of Likely Compliance or Plumbing Permit issued by the Permit Authority in accordance with the *Building Act 2016*.

Construction amenity

- (45) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Development Services:

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.

- (46) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:

- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
- (b) The transportation of materials, goods and commodities to and from the land.
- (c) Obstruction of any public footway or highway.
- (d) Appearance of any building, works or materials.

- (47) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager Development Services.

- (48) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

- (49) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.

- B. 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 Owen moved, Cr Jeffries seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

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

Cr Geard and Cr Whelan rejoined the meeting.

Cr Owen moved, Cr Curran 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	

12. REPORTS FROM OFFICERS:

12.1 BUDGET 2020-2021:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The Budget (Estimates) had been prepared in accordance with the *Local Government Act 1993* and had already been adopted in principle by Council during May 2020.

Consultation:

Councillors, senior management, Senior Rates Officer, ratepayers and other stakeholders.

Risk Implications:

Nil.

Financial/Budget Implications:

As per the budget.

Strategic Plan:

The budget has been prepared in accordance with the strategic plan.

Social Implications:

The budget has considered the social needs of our community.

Environmental or Climate Change Implications:

The budget has considered the environmental expectations of our community

Economic Implications:

The budget has allowed for appropriate economic stimulus for our community with consideration for long term generational equity.

Other Issues:

Nil.

Assessment:

The final rate increase is 0% for Brighton Council. The annual CPI figure for Hobart to March 2020 was 3.4%. Councillors supported not increasing rates in line with CPI, to offer support to those in the community affected by the coronavirus pandemic.

The rating resolution is in accordance with the Local Government Act and in particular, adopts the principles of Averaged Area Rates for residential properties.

Options:

1. As per the recommendation.
 2. Review the budget and make further changes prior to adoption
-

RECOMMENDATIONS:

1. Approve the budget that was adopted in principle during May 2020.
 2. Approve the 2020 – 2021 Rate Resolution as follows:
-

1. GENERAL RATE & MINIMUM

- 1.1 Pursuant to Section 90 of the *Local Government Act* 1993 (here referred to as the “**Act**”), Council hereby makes the following General Rate for all rateable land within the municipal area for the financial year commencing 1 July 2020 and ending 30 June 2021:
 - (a) Pursuant to Section 90(3)(c) of the Act, a General Rate of 23.0 cents in the dollar of the assessed annual value (here referred to as “**AAV**”) of the rateable land.
- 1.2 Pursuant to Section 107(1) of the Act, Council hereby varies the General Rate of 23.0 cents in the dollar (as previously made) as follows:
 - (a) For land within the municipality, which is used or predominantly used for commercial purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 6.108785 cents in the dollar of AAV;
 - (b) For land within the municipality, which is used or predominantly used for public purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 8.320357 cents in the dollar of AAV;
 - (c) For land within the municipality, which is used or predominantly used for industrial purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 4.827944 cents in the dollar of AAV;

- (d) For land within the municipality which is used or predominantly used for primary production purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 4.396111 cents in the dollar of AAV;
- (e) For land within the municipality which is used or predominantly used for sporting or recreation purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 18.138073 cents in the dollar of AAV;
- (f) For land within the municipality which is not used and is zoned as Community Purpose within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 17.358000 cents in the dollar of AAV;
- (g) For land within the municipality which is not used and is zoned as Environmental Management within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 17.351248 cents in the dollar of AAV;
- (h) For land within the municipality which is not used and is zoned as General Business within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 11.965344 cents in the dollar of AAV;
- (i) For land within the municipality which is not used and is zoned as General Industrial within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 4.987520 cents in the dollar of AAV;
- (j) For land within the municipality which is not used and is zoned as Light Industrial within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 8.517520 cents in the dollar of AAV;
- (k) For land within the municipality which is not used and is zoned as Open Space within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 17.886598 cents in the dollar of AAV;
- (l) For land within the municipality which is not used and is zoned as Rural Living within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 8.183962 cents in the dollar of AAV;
- (m) For land within the municipality which is not used and is zoned as Rural Resource within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 4.489632 cents in the dollar of AAV;
- (n) For land within the municipality which is not used and is zoned as Urban Mixed within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 10.839080 cents in the dollar of AAV and

- (o) For land within the municipality which is not used and is zoned as Utilities within the Brighton Interim Planning Scheme 2015, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 22.243590 cents in the dollar of AAV.

1.3 Pursuant to Sections 107(2A) and 107(2B) of the Act, Council hereby sets minimum amounts payable, in respect of the general rate as varied, as follows:

- (a) For land within the municipality, which is used or predominantly used for commercial purposes, the minimum amount payable in respect of the General Rate is an amount of \$910.00;
- (b) For land within the municipality, which is used or predominantly used for public purposes, the minimum amount payable in respect of the General Rate is an amount of \$670.00;
- (c) For land within the municipality, which is used or predominantly used for industrial purposes, the minimum amount payable in respect of the General Rate is an amount of \$910.00;
- (d) For land within the municipality which is used or predominantly used for primary production purposes, the minimum amount payable in respect of the General Rate is an amount of \$910.00;
- (e) For land within the municipality which is used or predominantly used for sporting or recreation purposes, the minimum amount payable in respect of the General Rate is an amount of \$310.00;
- (f) For land within the municipality which is not used and is zoned as Community Purpose within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$347.00;
- (g) For land within the municipality which is not used and is zoned as Environmental Management within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$347.00;
- (h) For land within the municipality which is not used and is zoned as General Business within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$347.00;
- (i) For land within the municipality which is not used and is zoned as General Industrial within the Brighton Interim Planning Scheme 2015, the minimum amount payable in respect of the General Rate is an amount of \$347.00;

2. AVERAGED AREA RATE

2.1 Pursuant to Section 109A of the Act and Certificates issued to Council in accordance with Section 109H of the Act, Council hereby make the following averaged area rate (here referred to as “AAR”) for all rateable land within the municipal area for the following categories and localities for the financial year commencing 1 July 2020 and ending 30 June 2021:

- (a) In the locality of Bridgewater, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 7.133032 cents in the dollar of AAV and then an AAR is made in the amount of \$795.00;
- (b) In the locality of Brighton, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 5.983268 cents in the dollar of AAV and then an AAR is made in the amount of \$910.00;
- (c) In the locality of Dromedary, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 5.595889 cents in the dollar of AAV and then an AAR is made in the amount of \$910.00;
- (d) In the locality of Gagebrook, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 7.752042 cents in the dollar of AAV and then an AAR is made in the amount of \$795.00;
- (e) In the locality of Herdsmans Cove, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 7.335952 cents in the dollar of AAV and then an AAR is made in the amount of \$795.00;
- (f) In the locality of Honeywood for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 5.104665 cents in the dollar of AAV and then an AAR is made in the amount of \$910.00;
- (g) In the locality of Old Beach for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 5.054708 cents in the dollar of AAV and then an AAR is made in the amount of \$910.00;
- (h) In the locality of Pontville for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 4.889852 cents in the dollar of AAV and then an AAR is made in the amount of \$910.00;
- (i) In the locality of Tea Tree for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 4.833465 cents in the dollar of AAV and then an AAR is made in the amount of \$910.00;

- (j) In the locality of Bridgewater, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 5.631974 cents in the dollar of AAV and then an AAR is made in the amount of \$347.00;
- (k) In the locality of Brighton, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 5.263357 cents in the dollar of AAV and then an AAR is made in the amount of \$347.00;
- (l) In the locality of Dromedary, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 7.224707 cents in the dollar of AAV and then an AAR is made in the amount of \$347.00;
- (m) In the locality of Gagebrook, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 14.037217 cents in the dollar of AAV and then an AAR is made in the amount of \$347.00;
- (n) In the locality of Herdsmans Cove, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 15.877248 cents in the dollar of AAV and then an AAR is made in the amount of \$347.00;
- (o) In the locality of Honeywood, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 4.555694 cents in the dollar of AAV and then an AAR is made in the amount of \$347.00;
- (p) In the locality of Old Beach, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 3.816866 cents in the dollar of AAV and then an AAR is made in the amount of \$347.00;
- (q) In the locality of Pontville, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 6.902321 cents in the dollar of AAV and then an AAR is made in the amount of \$347.00; and

- (r) In the locality of Tea Tree, for rateable land that may be classified as being both used, or predominantly used, for residential purposes **and** non-use land [i.e. vacant residential], the General Rate is varied by decreasing the amount of 23.0 cents in the dollar of AAV to 4.630525 cents in the dollar of AAV and then an AAR is made in the amount of \$347.00.

3. WASTE MANAGEMENT SERVICE CHARGE

Pursuant to Section 94(1) of the Act, Council hereby make the following service charges for waste management for the financial year commencing 1 July 2020 and ending 30 June 2021

- (a) \$212.00 for each premises, tenement, flat, unit, apartment, single stratum section or portion of land set aside for separate occupation to which a regular garbage and recycling removal service is supplied by the Council.
- (b) In addition to (a) \$56.00 per bin for each premises, tenement, flat, unit, apartment, single stratum section or portion of land set aside for separate occupation to which a regular garbage and recycling driver assist service is supplied by the Council.

4. FIRE SERVICE RATE

Pursuant to Sections 93 & 93A of the Act, and notice received by Council in accordance with Section 81B of the *Fire Service Act 1979*, the following fire service rates apply for the financial year commencing 1 July 2020 and ending 30 June 2021:

- (a) A Separate Urban Fire Rate of 1.270288 cents in the dollar of AAV in respect of all lands in the proclaimed district with a minimum amount of \$41.00; and
- (b) A Separate Brighton Rural Fire Rate of 0.343420 cents in the dollar of AAV in respect of all lands in the proclaimed district with a minimum amount of \$41.00; and
- (c) A Separate Rural Fire Rate of 0.0323259 cents in the dollar of AAV in respect of all lands in the proclaimed district with a minimum amount of \$41.00.

5. PAYMENT OF RATES & CHARGES BY INSTALMENTS

Rates and Charges must be paid by four (4) instalments – the first to be paid on or before 17 August 2020, and then by 30 October 2020, 29 January 2021 and 30 April 2021 respectively.

6. INTEREST

Pursuant to Section 128(1) (b) of the Act interest will apply to any amount of rates and charges which remain unpaid after the date on which it is to be paid. The rate for 2020/2021 is 6.81% per annum calculated on a daily basis.

DECISION:

Cr Owen 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	

12.2 MONTHLY FINANCE REPORT AS AT 31 MAY 2020:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

The finance reports were submitted for consideration.

They comprised the summarised financial position, revenue and expenses of the Council for the first eleven months of the 2019/20 financial year.

Consultation:

Nil.

Risk Implications:

Nil.

Financial/Budget Implications:

Not applicable.

Strategic Plan:

Not applicable.

Social Implications:

Not applicable.

Environmental or Climate Change Implications:

Not applicable.

Economic Implications:

Not Applicable

Other Issues:

Nil

Assessment:

Nil

Options:

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

RECOMMENDATION:

That the reports be received.

DECISION:

Cr Curran 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	

12.3 DONATION TEA TREE COMMUNITY ASSOCIATION:

AUTHOR: Deputy General Manager
(Mr G Davoren)

Background:

At the April Ordinary Council Meeting, Councillors adopted a community based economic support package to assist community members, organisations and businesses adversely affected by COVID-19.

Whilst this request was received during the pandemic the letter seeking support does not reference COVID-19 or the pandemic.

Consultation:

Permit Authority, Manager Governance.

Risk Implications:

Nil.

Financial/Budget Implications:

The Grants and Donations budget is currently over-expended.

Strategic Plan:

Relates to our Goal 1 to Strengthen our Communities.

Social Implications:

Council has a social responsibility to support our community.

Environmental or Climate Change Implications:

Not applicable.

Economic Implications:

Nil.

Issues:

Nil.

Assessment:

The Tea Tree Community association have requested a total of \$1,771 refund of their planning and building application fees for their current development at the Tea Tree Community Hall. Previously Council has supported similar requests from the Tea Tree Community association.

Part of these fees are paid to 3rd parties including a \$360 building fee payable to the State Government and \$390 for advertising.

If Council elects to support a donation to the Tea Tree Hall Association, it may be appropriate to only refund the fees held by Brighton Council being for planning \$868.

Options:

1. As per the recommendation.
 2. Not refund any fees paid to Council.
 3. Amend the amount of support offered.
-

RECOMMENDATION:

That Council contributes a donation of \$868 being the amount paid in planning fees retained by Brighton Council in association with their current development at Tea Tree Hall.

DECISION:

Cr Curran 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	

12.4 BRIGHTON FIGHTING AND FITNESS:

AUTHOR: Corporate Executive
(Ms G Brown)

Background:

Brighton Fighting and Fitness are a not for profit club that have been operating out of the Bob Scott Pavilion for the past 6.5 years. They provide a fighting and fitness lesson three times a week and attract predominately under privileged and disadvantaged youth. Lessons are charged at \$5.00 per night however because of the background of the participants this fee is quite often waived as they do not have the capacity to pay. The club is currently charged at \$90 per week for the hire of the Pavilion which reflects the 50% discounted rate.

The coaches and trainers volunteer their time as they are passionate about getting the message out to the community about the importance of being fit and having a healthy mindset, which then leads to the participants seeing some purpose in their life and becoming more engaged in society. In recent times the club have also involved the parents in the lessons and have taken on the view that if they are there watching they should get something out of it as well. With the Brighton Municipality in the news recently in relation to its poor state of lifestyle choices, the club is really trying to do its little bit to improve the fitness of the whole family. The club have also raised money and awareness for various causes within the municipality and recently also took 5 students on their first interstate trip to the boxing national titles.

The club has paid, out of its own limited funds, for supplies and labour for the concrete floor to be sealed in the Bob Scott Pavilion. This has enabled the faeces and urine to be cleaned easily from the ground after the Brighton Show each year, which previously would seep into the cement.

The previous committee of the club has had some issues which has meant that the hire fees have not been paid and now have fallen behind. Adrian Lovell who is the Coach/Manager of the club has tried to pay what he can to catch up but has now approached Council to ask if there is a possibility that the outstanding debt be written off. He has recently approached several local businesses to try and obtain sponsorship but has had no success with many citing that they are already committed with sponsorship to other more well known sporting codes.

The Brighton Fighting and Fitness club is seeking a one off write-off of \$1800.94. The club is also seeking a reduction in the current rate that it is charge to \$50 per week.

Consultation:

Community Services Officer

Risk Implications:

Nil.

Financial Implications:

The grants and donations budget will be over.

Assessment:

Not applicable.

Other Issues:

Not applicable.

Options:

1. As per the recommendation
 2. To not provide any financial relief and to charge the going rate of hire as per the approved fees and charges.
-

RECOMMENDATION:

To write off the requested amount of \$1800.94 as a one-off donation and to charge a weekly rate of \$50.00 for the 2020/21 year only. The approved fees and charges rate would then apply from 1st July 2021.

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

12.5 MOBILE FOOD VENDOR POLICY:

AUTHOR: Manager Development Services
(Mr D Allingham)

Background:

Council staff are getting an increasing number of enquiries about operating mobile food vans within the municipality, which has been accelerated throughout the COVID 19 pandemic.

There is a need to ensure a consistent approach to the Mobile Food Van licensing across the municipality for Mobile Food Vendors who wish to operate from Council owned land.

Accordingly, the attached draft Mobile Food Vendor policy has been prepared for Council's consideration. The policy was prepared having reviewed what other Councils are doing in this space. The key elements of the policy include:

- Ten (10) Council owned locations identified as suitable for Mobile Food Vendors to operate.
- Vendors will need to obtain a permit from Council to operate in these locations.
- Vendor must be licensed under the *Food Act 2003*.
- Vendors must not trade in one location for more than 4 hours and must only trade in the same location three days a week.
- Vendors are not permitted to operate within 100m of other food and drinks businesses, or special events.

The draft policy sets out what is believed to satisfy community expectations alongside strict guidelines for operators to ensure that residential amenity is maintained, whilst providing an economic benefit to the municipality. The need for community consultation prior to the commencement of a Mobile Food Van Policy is considered necessary to understand community ideals in relation to an evolving business model, and accordingly it is recommended that prior to adoption of the policy, a two week period of community consultation be undertaken.

It is important to note that this policy will only relate to Council owned land and that Mobile Food Vendors wishing to operate on private land will still need to apply for a planning permit.

Consultation:

Senior Environmental Health Officer, Senior Management Team.

Risk Implications:

Council is aware that Mobile Food Vendors have recently been operating in the municipality. Technically these vendors need a planning permit under the Brighton

Interim Planning Scheme 2015, however the State Government requested that Councils allow flexibility during the COVID-19 restrictions. As restrictions ease it is important that the necessary planning permits are in place and that there is not an ad-hoc approach to mobile food vendors operating in locations which have the potential to impact residential amenity and existing food and beverage businesses. The policy also ensures a level playing field for all Mobile Food Vendors and sets out the roles and responsibilities to operate in the municipality.

Not having a Mobile Food Vendor policy poses a much greater risk than having one.

Financial/Budget Implications:

1. Proposed Fee Structure:

The proposed fees have been calculated, considering administration costs, similar charges for rates, and the applicable fee schedule at similar sized councils in Southern Tasmania.

A survey of southern municipalities' Fees and Charges Schedules show that Mobile Food Van Permit fees vary significantly, as indicated by Table 1 (all charges are including GST, where applicable), as do Mobile Food Business licensing fees, which are charged separately.

Table 1: Mobile Food Vendor charges			
Council	Application Cost	Cost inclusive of GST (where applicable)	Comments
Hobart City Council	Road Registered Vehicles – For Trade on Public Roads		
	Full year permit	\$2606.00	
	3-month permit \$781	781.00	
	Non-Motorised, Non-road Registered Vehicles – For Trade on Footpaths, parks and Reserves		
	Full year permit \$1302.00	\$1302.00	
	3-month permit \$390.00	390.00	
Kingborough Council	Annual	\$1000	
	3-month permit	400	

Clarence City Council	Annual Fee – Mobile Food	\$185	No Mobile food vans permitted on Council land/roads
Glenorchy City Council	Annual Fee (first application) from 1 st July 2020/21	\$300	Reverting to risk based assessment for subsequent years
Derwent Valley Council	Daily	\$21	
Sorell Council	Daily	\$48	
Tasman Council	Annual	\$1075	
	Monthly	\$107.50	
Southern Midlands Council	Annual – Local operator	\$200	No Mobile food vans permitted on Council land/roads
	Annual – other operator	\$250	
	3-month permit – Local operator	\$80	
	3-month permit – other operator	\$100	
SUGGESTED FEE STRUCTURE			
Brighton Council	Annual	\$600	
	3-Month	\$200	

2. Expenditure:

Planning staff will prepare a single Development Application for the sites identified in the policy. The application will be required to be advertised in the Mercury which will cost approximately \$1,000.

Staffing required to administer application process and Mobile Food Van Permits.

Strategic Plan:

The draft policy is consistent with the following Brighton Council strategies:

- S1.1: Understand/Improve Health and Wellbeing
- S1.2: Create Housing/ Employment/Play/ Education (Liveability)
- S1.3: Provide Public Facilities/Amenities
- S1.4: Support Connected Communities
- S1.5: Build a resilient community and environmentally sustainable future
- S2.1: A focus on Agriculture /Horticulture/ Aquaculture – (Food)
- S3.1: Support 30% Growth Target
- S4.2: Be well-governed

Social Implications:

Mobile Food Vans often add to the vibrancy of a community by offering a range of food options and getting people to experience their neighbourhoods (and neighbours!) in a different way.

There is some potential for negative community feedback, however the policy attempts to manage the impact by setting out the roles and responsibilities of the vendor within the policy.

Economic Implications:

Mobile Food Vendors have the potential to impact on existing bricks and mortar businesses. The policy mitigates this impact by only allowing food trucks to operate in designated locations and for certain periods of time. Proposed hours of operation have been restricted to ensure that local businesses are protected throughout their business hours.

Other Issues:

Nil.

Options:

1. As per the recommendation.
 2. Amend the policy prior to community consultation.
 3. Other.
-

RECOMMENDATION:

That the draft Mobile Food Van Policy 4.1 be approved for two weeks of community consultation, with a further report to Council advising of the outcomes before the Policy is formally adopted.

DECISION:

Cr Owen moved, Cr Gray seconded that the recommendation be adopted with an inclusion that all shops selling take-away and eat-in meals receive a copy of the draft mobile food policy.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr Garlick
Cr Geard
Cr Gray
Cr Jeffries
Cr Murtagh
Cr Owen
Cr Whelan

Due to a technical issue the Chairperson had dropped out of the on-line remote meeting. Deputy Mayor, Cr Curran took the chair.

12.6 WASTE TRANSFER STATION - FREE ACCESS:

AUTHOR: Council Services Officer
(Ms C Harper)

Background:

Each year a number of users have been given free access to the Waste Transfer Station (WTS) for disposal of rubbish. These users are as follows:

- Bridgewater/Gagebrook Uniting Church
- Community Corrections
- Jordan River Service (includes Neighbourhood Houses and Pete's Shed)
- St Vincent de Paul (Shop)

Council has contacted all these providers to advise that a request for this service is required for the 2020/2021 year.

To date these are the organisations who have responded and the amount of free access they have requested.

The requests received to date for 2020/21 usage are:

Jordan River Service – Bridgewater Centre (12), Gagebrook Centre (12), Pete's Shed (12) & Helping Hands (26)	62
St. Vincent De Paul (Shop)	104

Community Corrections	20
Friends of the Farm	No response received.
Bridgewater /Gagebrook Volunteer Group	24

Consultation:

Council Services Officer, Manager Governance & Human Resources, Heath Macpherson (Municipal Engineer), Friends of the Farm, Community Corrections, Jordan River Services, St Vincent de Paul, Bridgewater/Gagebrook Volunteer Group.

Risk Implications:

The free access is considered a donation as per the Community Grants Program.

Financial Implications:

Usage/Cost- 2019/20 as at 30 April 2020

Organisation	\$ Cost to date
Uniting Church	\$35.00
Jordan River Service	\$480.00
St. Vincent De Paul	\$664.00
Community Corrections	\$87.00
Veterans Memorial Centre	\$0.00
Friends of the Farm	\$288.00
Bridgewater /Gagebrook Volunteer Group	\$260.00
Bridgewater Anglers Group	\$15.00
Total	\$1,751.00

Other Issues:

Waste disposal minimisation education is required to reduce the overall amount of waste going to landfill.

Assessment:

For these organisations to continue many of the works assisting community members with essential services and support, gardening and providing social opportunities, they rely on Council support to dispose of the waste that is collected as part of their activities.

Options:

1. As per the recommendation.
2. That Council charge all users.
3. Other amounts as decided by Council

RECOMMENDATION:

That all existing and new applicant users be provided free access for the 2020/21 financial year; this to be funded from the 2020-21 Grants and Donations budget and recorded in the Annual Report.

Organisation	Recommended number of vouchers
Jordan River Service	42
St. Vincent De Paul (Shop)	52
Community Corrections	20
Bridgewater /Gagebrook Volunteer Group	24

DECISION:

Cr Gray moved, Cr Geard seconded that the recommendation be adopted and that the Friends of the Farm also receive vouchers as per the previous year.

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 Foster rejoined the meeting.

12.7 BRIGHTON COUNCIL COVID-19 RECOVERY ACTION PLAN:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

As part of the response to the COVID-19 emergency a Brighton Recovery Working Group was formed and the need for a local action plan was identified. The COVID-19 Recovery Action Plan was developed by Council Services Officer, Ms Cathy Harper in consultation with the working group and relevant Council officers.

The purpose of the plan is to co-ordinate and manage the social and economic recovery actions to be undertaken within Brighton community during and after the COVID-19 situation.

The Brighton Council's COVID-19 Recovery Action Plan is attached for Council's reference and information.

Consultation:

SMT, Senior Environmental Health Officer, Cr Peter Geard, Council Services Officer.

Other Issues:

Council will support staff, residents and businesses as much as possible during the recovery phase.

Assessment:

Brighton Council's COVID-19 Recovery Action Plan has been sent to Mr Mark Nelson, Regional Emergency Manager at the Tasmanian State Emergency Service for his review and approval.

Options:

1. As per the recommendation.
 2. Other.
-

RECOMMENDATION:

That Brighton Council's COVID-19 Recovery Action Plan be received and noted.

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	

12.8 BRIGHTON LIONS CLUB CHRISTMAS CAROLS FUNDING:

AUTHOR: Council Services Officer
(Ms C Harper)

Background:

Each year the Brighton Lions Club applies for financial assistance through Council's Community Grants program to hold the Christmas Carols at Pontville for the community.

Due to unfortunate circumstances within the Lions Club committee this year, they did not lodge their application in time for consideration as part of Council's Community Grants budget process. They have now written to Council requesting consideration for a late submission for funding.

Consultation:

Council Services Officer, Manager Governance, Corporate Executive, Chief Operations Officer.

Risk Implications:

This assistance is in line with Council's Community Grants program.

Financial/Budget Implications:

This assistance is usually considered as part of the Community grants process, funds have not been fully allocated in the proposed budget for 2020/21.

Council have previously granted \$2,000 to the Lions Club Christmas Carols.

Strategic Plan:

S1.5 Building a resilient community.

Social Implications:

This event has become one of the municipalities well known and much anticipated event; where many members of the community attend and come together at the festive time of year. It is seen as a very positive and family friendly event.

Environmental or Climate Change Implications:

N/A

Economic Implications:

Nil.

Other Issues:

None.

Assessment:

The Christmas Carol has become a very anticipated event in the municipality and the Lions Club volunteers put in many hours of work to make this event happen.

Members of the public look forward to this event as it is one of the few events that occur in the area that are truly family friendly and is accessible by all of the community.

Options:

1. As per the recommendation.
2. Council approves an amount other than the recommendation.
3. Council not approve funding for this event.

RECOMMENDATION:

As part of Council's Grants and Donations budget for 2020/21 an allocation of \$2,000 be included for the Brighton Lions Club to hold the Christmas Carols event.

DECISION:

Cr Geard 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 Garlick moved, Cr Murtagh 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	

13. 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 item was to be considered in closed session in accordance with Meeting Procedures Regulation 15(2)(c).

13.1 MICROWISE REPORT TO COUNCIL – JUNE 2020:

AUTHOR: General Manager
(Mr R Sanderson)

RECOMMENDATION:

1. That Council receives and notes the Microwise report to Council.
2. That the closed session of Council having met and dealt with its business resolves to report in the open minutes of the Ordinary Council Meeting that it has determined the following in closed session.....

Item 13.1 – Microwise Report to Council, June 2020

- Decision:

Cr Geard moved, Cr Garlick seconded that the recommendation to be reported in the open minutes.

CARRIED

VOTING RECORD

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

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Geard moved, Cr Jeffries seconded that Council resolve out of Closed council and the decision made while in closed council be ratified.

CARRIED

VOTING RECORD

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

Due to on-going technical issues the Mayor was unable to address this acknowledgement of service remotely.

14. ACKNOWLEDGEMENT OF SERVICE – GENERAL MANAGER, MR RON SANDERSON:

AUTHOR: Mayor
(Cr T Foster)

As Councillors would be aware this is Ron Sanderson's last Ordinary Council meeting at Brighton Council as General Manager (GM) before he takes on the role as Chief Executive Officer of Microwise.

Ron commenced employment with Brighton Council in 1993 as our Manager Engineering Services.

Ron is one of the genuine leaders and characters in local government. He has been an active participant in Tasmanian local government for more than 32 years. There would be few people involved in the sector who wouldn't recognise Ron, his bellowing laugh, his moustache, perhaps even his late night stories after a conference.

Ron, an engineer by profession, began his career in Tasmanian local government as Manager of Technical Services for the Circular Head Council in 1987 and remained in that position until 1993 when he moved to Brighton Council as Manager Engineering Services. He later became Deputy General Manager and was appointed General Manager in 2005.

At the request of the State Government, he also served as Administrator of the Kentish Council for one and one half years and has worked for the Glamorgan/Spring Bay and Tasman Councils (staff at Tasman still refer to him as 'Uncle Ron'), as well as Circular Head and Brighton.

During his time in local government Ron has been an IPWEA Tas President and committee member, member of LG Professionals and a board member of the TCCI and Tas Community Fund.

During Ron's leadership as General Manager, the Brighton Municipality has experienced exponential growth, services to ratepayers and the community expanded significantly, key innovations introduced, and the Council managed in a highly efficient and cost-effective manner.

At the same time Ron has made an outstanding contribution to local government affairs and has been a strong advocate for the Brighton Municipality to important stakeholders at local, state and national level.

Ron and I have built a partnership which has been built on trust and mutual respect.

Under Ron's stewardship, Brighton Council has become known as an innovative and forward-thinking Council, determined to provide the highest possible level of services to ratepayers, the community and visitors to the municipality. As GM, Ron has led an efficient, stable, positive and proactive council.

Ron has never been afraid to try something different or to take a calculated risk and he has successfully created this culture throughout Brighton Council.

Overtime, Ron has managed to attract a very experienced professional group of senior managers. He has set a culture of entrepreneurship and reward for effort where staff are encouraged to extend themselves and care for each other. There is no micro-managing and staff at Brighton will attest to the positive, supportive and flexible work environment. This has rewarded Ron with loyalty and exceptional staff retention.

Ron is also about fun. He may often be found at the centre of frivolities late at a conference when most delegates should well and truly be tucked in for the night – still working. Working the crowd that is. Whether performing his faux Inuit accent to add depth to his adventurous yarns from his Arctic oil exploration days or his "Yes Minister" evaluation of the current international political landscape, you will be left seriously questioning if he is part of the paid entertainment. Everyone is inevitably caught up in his infectious positivity and optimism.

In Ron's time at Council he has accomplished a number of key achievements including:

Sewage effluent reuse scheme

One of the objectives in Brighton Council's first strategic plan under Ron's management, was to remove all sewage effluent discharge from the Derwent River by the year 2000.

This was an extremely ambitious plan that seemed impossible to achieve at the time. However, with careful planning and the assistance of a Federal Government grant, discharge into the Derwent River ceased in December 1999.

While some interstate councils had discharged effluent on land, Brighton's scheme was the first to discharge on farm land for beneficial reuse. This elevated some Tea Tree farms from dryland farming to high-value cropping. The Tasmanian Government undertook a study that showed that the project had significant economic benefit to the area as well as the obvious environmental benefit.

Water policy

Under Ron's leadership, Brighton Council was the first council in southern Tasmania to install water meters to all properties. Council initiated two-part pricing with a fixed charge and a variable charge per kilolitre; a user-pays system that enabled ratepayers to determine how much they paid for water. Total water consumption fell by 25% which extended the capacity of the pipeline infrastructure.

Headwork charges

Brighton was the first local government authority in the State to impose infrastructure headworks charges on developments to fund water and sewerage headworks infrastructure such as water reservoirs and sewerage treatment plant improvements.

Software development and marketing

In 1994 Brighton Council employee Scott Smith wrote new software to replace a legacy system that was out of date and had poor functionality. This new software, PropertyWise, went live in 1995 and has been improved over the years. PropertyWise is now used by 20 councils throughout Australia and by Suva City Council in Fiji. Not only has this saved Council money by not having to purchase third party software it has also been a significant source of revenue for Brighton Council.

With oversight by Ron, in 1999 Brighton Council established Microwise Australia Pty Ltd to develop and sell software. This was the first corporation owned by any council in Tasmania. In 2017 Council established another company, CouncilWise Pty Ltd, to directly market PropertyWise as part of a suite of local government software products. The software products, developed by Brighton Council and its strategic partners are being used by local government authorities throughout Australia and Fiji.

Brighton then became the first council to be entirely serverless which has improved performance, saved money previously spent on servers and high-powered computers, and improved security of information.

Transport Hub

In 1997, former Premier Tony Rundle opened stage one of the Southern Tasmania Transport Hub at land adjacent to the Bridgewater saleyards. Council spent some \$300,000 in roads, sewerage and water infrastructure to make this happen. Since that time, Council spent money on upgrading the major water pipeline to enable TOLL Transport to relocate from Hobart City to the estate.

Brighton Council, under the management of Ron Sanderson, worked closely to ensure the State Government invested \$70 million to develop stage two of the Transport Hub. In 2014, TasRail and TOLL Transport relocated from Hobart to the transport hub and the site is now a critical piece of infrastructure for Tasmania, and an 'anchor tenant' for the surrounding industrial area.

Brighton medical centre

In 2013, the resident doctor's surgery in Brighton closed due to the availability of qualified doctors. Brighton Council, under Ron's leadership, worked closely with the Federal Government to secure grant funding for a new 'super clinic' to cater for the more than 3000 patients left without medical services. These funds were matched by Council to build a new surgery in Brighton, housing doctors and dental services.

Rating policy

Brighton Council is unique in its rating policy in Tasmania; fixed general rate for dwellings, differential rates for other uses and rate increases held to CPI or lower.

Council fought a concerted battle with the State Government and bureaucracy to establish a fixed rate for dwellings as a charge for services rather than based on the value of properties. This was supported by the Legislative Council and has proved to be very popular with residents.

Rate increases have been kept to CPI or below for 23 years, which is unmatched nationally.

Shared services

In 2007, driven by Ron, Brighton Council initiated a shared services model with other councils to use excess capacity and create a source of external revenue. Services provided over the years included engineering, planning, finance and acting positions such as general manager and corporate services manager. At one stage Brighton was providing planning services to 6 other councils, as far afield as Flinders Island. Brighton's initiative resulted in the establishment of a shared services joint venture that now comprises 14 councils, six of which are in the Northern Territory.

This model, initiated and managed by Ron is being considered by councils in South Australia, Queensland, Western Australia and Victoria.

Brighton Industrial and Housing Corporation (BIHC) and Centacare Evolve Housing (CEH)

In 2012, Brighton Council at Ron's recommendation, established a corporation to develop parcels of vacant land into residential subdivisions and offer affordable house and land packages for sale. Brighton Industrial and Housing Corporate (BIHC) signed an agreement with the Director of Housing to sell undeveloped housing land in the municipality.

The BIHC sold 33 dwellings in Bridgewater and Herdsmans Cove. Other land was rezoned and subdivision plans developed that are being developed by Centacare Evolve Housing (CEH) for affordable housing. This was a prelude to the major push for construction of affordable housing which has now been taken up by CEH which manages the State Government's public housing portfolio.

Bridgewater renewal

By the early 2000s the Bridgewater business centre was considered very tired and run down. The Civic Centre, built by State Housing in the 1970s, was too small, outdated, and the library very small. The former Purity shopping centre was 50 percent vacant and in great need of refurbishing. Council worked with a developer to sell the Civic Centre and purchase land across Green Point Road. This enabled construction of a new state-of-the-art Civic Centre, a new library, a new Woolworths shopping centre and major refurbishment of the former shopping centre.

The Civic Centre in particular, is an important part of the Brighton Municipality. It is used by community groups and individuals throughout the year and is a central meeting point for the whole Municipality.

Brighton streetscape

Once the Midland Highway bypass was completed, the road through Brighton reverted to the Brighton Council. This enabled Council, under Ron's stewardship, to make major improvements to the road through the town. Working to a master plan and a staged program, the town has been transformed from a bland thoroughfare to a vibrant village centre. Having a detailed master plan resulted in receiving significant Federal funding to complete these works in a few short years.

East Derwent Highway verge maintenance

While councils complained about the poor maintenance of state highway verges and roundabouts within their precincts, Ron, successfully worked through an agreement with the Tasmanian Government to maintain the verges and roundabouts on the East Derwent Highway from Old Beach to Bridgewater. The Tasmanian Government provides Council with 50:50 funding and Council undertakes the maintenance. Brighton is the only council with such an arrangement and has receives regular positive feedback from residents about the tidiness of the verges and the number of new trees and shrubs that have been planted to help beautify the municipality.

Brighton Bypass

Under Ron's leadership, Brighton Council lobbied the Federal and Tasmanian Governments to complete the Midland Highway bypass which was opened in 2012 following more than 20 years of planning.

It was completed at a cost of \$164 million.

Prior to this, the busy highway flowing through the Brighton township posed serious safety issues for the community and impacted adversely on the character of the area.

With the highway bypassing the township, Council has upgraded the main road and has created a new and welcoming environment for small business operators, locals and visitors to Brighton with a vibrant and welcoming new streetscape. The result is a revitalised and rejuvenated Brighton township, which is attracting more and more new residents.

Brighton High School & School Farm

Ron worked extensively with Councillors to encourage the Tasmanian Liberal Government throughout last year's pre-election period to commit to building a new high school at Brighton and commit funds for a major upgrade to the Jordan River Learning Federation's School Farm at Brighton.

This promise was confirmed in the 2018 State Budget, with \$30 million in funding for the high school, catering for years seven to 12 and to be constructed over four years.

As a result of this achievement, students at the Brighton Primary School, now one of the largest primary schools in the State, will have a pathway through to grade 12 without having to leave the area.

The school farm will become a regional agricultural and horticultural education facility and has \$4.3 million committed from the state.

Brighton Bowls and Community Club

Brighton Council, under Ron's leadership, encouraged the Brighton Bowls Club to expand to become a true community club catering for everyone, not just the local bowlers.

Council was successful in securing a \$400,000 Federal grant (matched by Council funding) to refurbish and expand the former clubrooms to meet the growing community need. The club is now called the Brighton Bowls and Community Club.

The new clubrooms were opened in 2018, giving Brighton a modern community facility that can be enjoyed by all residents and visitors to the municipality.

Unprecedented community investment

In the past 3 years council have undertaken an unprecedented investment in parkland, key infrastructure and sporting facilities throughout the municipalities. Over \$6 million has already been spent on improvements and a further \$8-10 million will be spent in the next 3 years, including on a regional sporting hub at Pontville and the completion of the Bridgewater Parkland Master Plan.

Conclusion

I know Ron believes local government is a community and he has always been willing to drop things to help out another council or other individuals within the sector. He is a big believer in loyalty and has a team of staff who are extremely loyal to him – he has earned this. Ron's staff know he has their back and they are extremely fond of him. His leadership qualities have filtered down throughout the organization. Indeed, Ron has mentored several current and likely some future Council GMs, including James.

The easiest way to demonstrate his influence at Brighton, would be to consider the reputation and the condition of the council when he started compared to today, and to see the municipality (with less than half as many residents) then compared with today. Both are in a vastly better state.

His influence in the broader local government community is evident from the fondness and regard with which he is considered by those who know him, and there are not many that don't. LGAT conferences would not be the same without the moustache, the roaring laughter and late night tales.

With much to thank Ron for, Brighton is in a good place and has a bright future. Brighton, and indeed Ron himself, have been good for the overall reputation of local government in Tasmania.

As well as his leadership of the Brighton Council, Ron was one of the longest serving Council general managers in Tasmania, he is recognised as a leader in local government and community service in Tasmania.

James Dryburgh has big boots to fill!

RECOMMENDATION:

That Council extends its sincere gratitude to Mr Ron Sanderson for his years of service at Brighton Council and acknowledges his significant achievements as General Manager.

DECISION:

Cr Gray 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

15. QUESTIONS ON NOTICE:

There were no Questions on Notice.

The meeting Closed 6.40pm

Confirmed:

(Mayor)

Date:

21st July 2020