



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL HELD IN THE
COUNCIL CHAMBERS, COUNCIL OFFICES, OLD BEACH
AT 5.30 P.M. ON TUESDAY,
15th JUNE 2021**

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

IN ATTENDANCE: Mr J Dryburgh (General Manager); Mr G Davoren (Deputy
General Manager); Mrs J Banks (Governance Manager); Mr
D Allingham (Manager Development Services); Mr H
Macpherson (Municipal Engineer) and Ms M Braslin
(Executive Officer – Corporate Services).

1. ACKNOWLEDGEMENT OF COUNTRY:

2. CONFIRMATION OF MINUTES:

**2.1 CONFIRMATION OF MINUTES OF THE ORDINARY COUNCIL MEETING
OF 21th MAY 2021**

*Cr Curran moved, Cr Owen seconded that the Minutes of the Ordinary Council meeting of
21st May 2021, be confirmed.*

CARRIED

VOTING RECORD

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

**2.2 CONFIRMATION OF MINUTES OF THE ENVIRONMENT & HERITAGE
MEETING OF 8th JUNE 2021:**

Cr Curran moved, Cr Geard seconded that the Minutes of the Environment & Heritage meeting of 8th June 2021, be confirmed.

CARRIED

VOTING RECORD

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

2.3 CONFIRMATION OF MINUTES OF THE FINANCE COMMITTEE MEETING OF 8th JUNE 2021:

Cr Garlick moved, Cr Gray seconded that the Minutes of the Finance Committee meeting of 8th June 2021, be confirmed.

CARRIED

VOTING RECORD

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

2.4 CONFIRMATION OF MINUTES OF THE PLANNING AUTHORITY MEETING OF 8th JUNE 2021:

Cr Gray moved, Cr Geard seconded that the Minutes of the Planning Authority meeting of 8th June 2021, be confirmed.

CARRIED

VOTING RECORD

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

3. APPLICATIONS FOR LEAVE OF ABSENCE:

Cr Owen moved, Cr Garlick seconded that Cr Jeffries be granted leave of absence. **CARRIED**

VOTING RECORD

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

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 declared an interest in Item 11.2

6. REPORTS FROM COUNCILLORS:

6.1 MAYOR’S COMMUNICATIONS:

Mayor Tony Foster provided a verbal update at the meeting.

DECISION:

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

VOTING RECORD

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

6.2 REPORTS FROM COUNCIL REPRESENTATIVES WITH OTHER ORGANISATIONS:

DECISION:

Cr Geard recently attended an event by the Southern Poultry Association whereby he was requested to hand out 3 Long Service awards to members of the Association.

Cr Geard also attended a Local Emergency Co-ordinators workshop with the Municipal Engineer.

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr 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.

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 a workshop was held at 4.00pm on 3rd June 2021, to discuss the hire and lease agreement for the Brighton Regional Sports Pavilion. Councillors in attendance were:- Deputy Mayor Curran, Cr Geard, Cr Gray, Cr Owen and Cr Whelan.

8. NOTICES OF MOTION:

8.1 NOTICE OF MOTION – VOTE OF THANKS TO MAYOR FOSTER:

Cr Gray had requested the following Notice of Motion:-

I would like to move a Vote of Thanks to Mayor Foster, his wife Noeline and family to simply say thank you for the service, dedication, and devotion to the Municipality of Brighton over his tenure as Councillor and Mayor of Brighton. This thank you is not only from this Council tonight but from Council staff, Ratepayers, and residents of this Municipality.

Reasoning:

As we are no doubt aware Tony has served our Municipality for almost 33 ½ years, beginning with just over two years in 1985 and then re-joining in 1990 and serving through to his pending retirement in 2021 with the last 28 years as our Mayor.

There is no doubt in my mind that we as an organisation, and as a Municipality, owe Tony a debt of gratitude for this service. As we are all aware, putting yourself up for election is never an easy decision as you are subjecting yourself to public scrutiny and the pressure that comes with never being able to please everyone all of the time. Tony has always presented our Council's policies and views in an extremely professional manner and is held in great esteem by media outlets and journalists.

Tony has been an excellent Mayor and, in his time, has overseen many Council decisions that have positioned our Municipality as a leader in Local Government.

Some of these initiatives include:

Microwise – a wholly owned entity of Brighton Council providing Software to other Local Government and Utilities throughout Australia and Fiji.

Council's purchase and construction of buildings to support and enable the ongoing viability of sporting organisations, Not-for-Profits and healthcare providers in our municipality. Most notably, the purchase of the Hobart Gymnastic Academy building in Bridgewater and buildings in Old beach to house Not-for-Profits, as well as the establishment of a clubroom area for the Old Beach Cricket Club and the construction of the doctors' surgery facility in Brighton.

Brighton Fair rating System – we implemented a system that is loved by our ratepayers at a time when revaluation was going to have a huge impact on our ratepayers. With large movements in rates, we thought outside the square and what started as a conversation became a reality. We implemented our own system, and this certainly was not well accepted by some in Local Government and some in Government. It took a lot of hard work and many meetings with both Government, the then Opposition and the Legislative Council to ensure that our system was able to be utilised. We were successful, and the Act was amended to ensure we had the legal right to continue to operate under this system. It was my great pleasure to participate in this lobbying and witness the legislation passing through the Parliament.

BIHC – We established a second wholly owned company of Brighton Council to market and sell affordable housing in our municipality. With the then Government onside, we put in place many sales and had many new houses built in our Municipality, with Council benefiting from the sales, - We are now able to utilise that companies' profits for the betterment of our Municipality.

Taswater – Tony has represented our Council, not only as our Owners Representative but also as the Chief Owners representative with Taswater. This clearly shows you the level of respect he has with other councils around the state.

Brighton by-pass – the successful opening of the Brighton Bypass a few years ago was also a highlight of Tony's tenure. The lobbying on behalf of Council to bring this to fruition was certainly not something that happened overnight and took a lot of hard work.

Brighton Civic Centre – this building is a credit to Council and a source of great pride in the community.

Brighton Transport Hub – the decisions of Council that implemented the area known as the Brighton Transport Hub has placed us in a good position to attract future industrial operations into our area, thus creating employment for the future. The new branding will assist in the growth of this area in the near future.

Brighton Cricket/Football Club – the new "Brighton Regional Sports Pavilion" is completed and will be officially opened by the Federal Government in the near future.. The concept plan was developed many years ago and made a reality thanks to a \$6 Million grant from the Federal Government, giving our community and sporting clubs an asset to be proud of.

Brighton High School – After many years, the successful lobbying by Council has resulted in the planning and proposed building of the new Brighton High School. Tony has been passionate about this School and education in our Municipality in general. The acquisition of land, zoning changes and planning for the build are all either complete or underway, meaning this will come to fruition over the next few years.

Bridgewater Bridge – the planning, once again, is well underway with commitment from State and Federal Government for this build to progress. Survey and engineering works are underway and we hope to see construction starting in the very near future. Once again, Tony has been at the forefront of the argument for this project for more years than I can remember. His continued lobbying of Government on behalf of Council, arguing our position, has been unrelenting and the implementation and progress is a credit to his resilience.

Tony has always taken his role very professionally. He has always argued Council's position, even when he may not have agreed with the position Council had taken. He took the role of Mayor and performed it to the best of his ability and in my opinion represented Brighton Council with honesty, integrity and professionalism. To those that seek to, or aspire to, this position in the future – we have big boots to fill.

We are looking at the hardest 2 to 3 years of our lives as Community Representatives, particularly with the Government moving towards Local Government reform. Noting that they have appointed a Minister to oversee the PESRAC report on that reform, which states it should deliver a new structure for Local Government, with many fewer Local Government Areas (LGA'S), and a wholesale reconsideration of LGA boundaries. The new Mayor will need to be well prepared and in tune with our community's expectations for our future.

The skill sets required will be like that of Tony – well versed and experienced with lobbying Government, the ability to accurately and concisely communicate Council's position and message to the media, and the ability to talk to Members of Parliament – be they Government, Opposition, both Labor and Green, independent and the Legislative Council – to ensure we as a Council fulfil our main role to represent our community.

So, to Tony, Noeline, and their family, I offer on behalf of our Council, Council staff, our residents and rate payers a heartfelt vote of thanks to you for the work you have done and the years of dedication. It has been my pleasure to witness, and I wish you all the best for the future – please go and enjoy life.

DECISION:

Cr Gray moved, Cr Curran seconded a vote of thanks to Mayor Foster, his wife Noeline and family to simply say thank you for the service, dedication, and devotion to the Municipality of Brighton over his tenure as Councillor and Mayor of Brighton. This thank you is not only from this Council tonight but from Council staff, ratepayers, and residents of this Municipality.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	

Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

The General Manager also thanked and paid tribute to Mayor Foster (Mayor) on behalf of the Brighton Council employees.

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 General Manager advised that there were no supplementary agenda items.

10. REPORTS FROM COMMITTEES:

10.1 ENVIRONMENT & HERITAGE COMMITTEE MEETING – 8TH JUNE 2021:

The recommendations of the Environment & Heritage Committee Meeting of 8th June 2021 were submitted to Council for adoption

DECISION:

Cr Curran moved, Cr Geard seconded that the recommendation of the Environment & Heritage Committee meeting of 8th June 2021, be adopted.

CARRIED

VOTING RECORD

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

10.2 FINANCE COMMITTEE MEETING – 8TH JUNE 2021:

The recommendations of the Finance Committee Meeting of 8th June 2021 were submitted to Council for adoption.

DECISION:

Cr Gray moved, Cr Owen seconded that the recommendations of the Finance Committee meeting of 8th June 2021, be adopted.

CARRIED

VOTING RECORD

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

Mayor Foster adjourned the Ordinary Council meeting to allow the Planning Authority to discuss the following items.

Cr Gray took the Chair as Planning Authority.

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.

11.1 APPLICATION UNDER THE TASMANIAN PLANNING SCHEME – BRIGHTON - DA 2021 / 134 – 182 BOYER RD, BRIGHTON - OUTBUILDING (AGRICULTURAL USE)

Type of Report	Planning Authority – For Decision
Application No:	DA 2021 / 134
Address:	182 Boyer Rd, Brighton
Applicant:	Matthew Booth
Proposal:	Outbuilding (Agricultural Use)
Zone:	Future Urban
Representations:	Two (2)
Discretion:	1. Buildings and works 2. Construction of parking areas
Author:	Richard Cuskelly (Planning Officer)

1. Executive Summary

- 1.1. Planning approval is sought for an outbuilding (agricultural use) in the Future Urban Zone at 182 Boyer Rd, Brighton.
- 1.2. The application is discretionary due to reliance on performance criteria.
- 1.3. Two (2) representations were received.
- 1.4. The proposal is recommended for refusal due to potential to prejudice the efficient future utilisation of the land for urban development.
- 1.5. The final decision must be made by the Planning Authority or by full Council acting as a planning authority due to the receipt of a representation via the public exhibition period for the development application (DA).

2. Legislative & Policy Content

- 2.1. The purpose of this report is to enable the Planning Authority to determine application DA 2021 / 134.
- 2.2. This determination must be made no later than 17/06/2021.
- 2.3. The relevant legislation is the Land Use Planning and Approvals Act 1993 (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

- 2.4. This report details the reasons for the officer 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.
- 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. In 2020, the owner/applicant lodged DA 2020 / 256 to construct a similar outbuilding, for agricultural and roofing business equipment storage.
- 4.2. DA 2020 / 256 was withdrawn by the applicant prior to determination due to perceived non-compliance with the Urban Growth Zone of the Brighton Interim Planning Scheme 2015.

5. Site Detail

- 5.1. The site refers to a single lot: 182 Boyer Rd. The site has a lot size of 7.575 ha and frontage to Boyer Road.
- 5.2. The site is bushfire-prone and dissected by a small watercourse. It is benefitted by a pipeline easement and not burdened by any easements or covenants.



Figure 1. Aerial image

- 5.3. The site is undeveloped apart from unapproved earthworks and outbuildings undertaken and installed in recent months (one 40ft shipping container and two 20ft shipping containers joined by a roof, located within the same development area proposed – see **Photograph 1** below). Note the aerial image above was taken prior to these works.



Photograph 1. Taken north of site showing recent earthworks and outbuildings

- 5.4. The site is now zoned 'Future Urban' under the Tasmanian Planning Scheme - Brighton. Formerly it was in the 'Particular Purpose Zone - Urban Growth Zone' under the Brighton Interim Planning Scheme 2015.
- 5.5. The land immediately to the south-east is also in the Future Urban Zone. The land immediately to the north-east is split zoned Future Urban and Landscape Conservation. The land adjoining to the north-west is zoned Agriculture (see Figure 2 below).



Figure 2. Zoning of site and adjoining lots: Future Urban (Orange); Agriculture (Brown); Landscape Conservation (Green); Utilities (Yellow)

6. Proposal

- 6.1. The proposal includes:
 - A 435.8m² outbuilding constructed on a concrete slab.
 - Colorbond 'Woodland grey' exterior walls and roof.
 - Earthworks to create a gravel all-weather hardstand/manoeuvring area on the north-western side of the outbuilding.
 - A gravel all-weather driveway linking the outbuilding to the front boundary at Boyer Rd.
 - Associated stormwater collection tanks and wastewater treatment system (absorption beds).

- 6.2. The proposed use of the outbuilding is to store farm implements and materials, hay bales, a tractor and a digger for use in the on-going mixed agricultural use of the property. The outbuilding also contains an undercover work area, workshop, and bathroom facilities.
- 6.3. The application is supported by a planning report, and site and design plans, as advertised.

7. **Assessment against planning scheme provisions**

7.1. The following provisions are relevant to the proposal:

- Future Urban Zone
- Parking and Sustainable Transport Code
- Road and Railway Assets Code

7.2. The application satisfies the following Acceptable Solutions:

- 21.4.1 A1 - Building height
- 21.4.2 A1 - Building setbacks
- 21.4.3 A1 - Road access
- C2.5.1 - Car parking numbers
- C2.6.2 - Design and layout of parking areas
- C2.6.3 - Number of accesses for vehicles
- C3.5.1 - Traffic generation at a vehicle crossing

7.3. The following discretions are invoked:

- 30.4.1 A1 - Buildings and works
- C2.6.1 A1 - Construction of parking areas

7.4. **Discretion 1 - 30.4.1 A1 - Buildings and works**

7.5. The objective of standard 30.4.1 is:

That buildings and works do not prejudice the efficient future utilisation of land for urban development.

7.6. Acceptable Solution 30.4.1 A1 states:

Buildings and works must:

- (a) be for an addition to an existing dwelling, a secondary residence or a home-based business;
 - (b) be for a single dwelling and on a lot not more than 1000m² in size; or
 - (c) be of a temporary nature able to be readily removed prior to the development of the land for urban purposes.
- 7.7. The application is for a permanent 435.8m² outbuilding for agricultural use, with associated access and earthworks. Therefore, the application must meet corresponding Performance Criteria 30.4.1 P1, reproduced below:
- Buildings and works must not preclude or hinder the effective and efficient future subdivision and development of the land to urban densities, having regard to:
- (a) the topography of the site;
 - (b) any existing access arrangements;
 - (c) location of any services; and
 - (d) the purpose, location and extent of any building and works.
- 7.8. Regards has been had to topography (gradual rise to the north with watercourse through centre), existing access arrangements (crossover to Boyer Rd at south corner) and service locations (none relevant), and they are not considered to impact this criteria.
- 7.9. Criterion (d) is considered most relevant.
- 7.10. The planning report submitted states that it “is likely that demolishing the outbuilding and creating a vacant residential lot would yield a greater economic return than keeping the building”; however, it is considered that the demolition or re-location of a new engineered building on a concrete slab of this scale could in reality be unlikely. Temporary outbuilding(s) (such as the modified shipping container outbuildings recently installed on the proposed development site) are considered capable and more appropriate for the intended purpose of agricultural equipment storage.
- 7.11. A permanent outbuilding of this scale (435.8m² in roofed area) is likely to hinder the effectiveness of a future urban subdivision and residential development in terms of adjoining lot design and lead to potential for future amenity/land-use conflicts. It is not considered to accord with the purpose of this standard: that buildings and works do not prejudice the efficient future utilisation of land for urban development.

7.12. The proposal is not considered to meet Performance Criteria 30.4.1 P1 as required and is therefore recommended for refusal.

7.13. **Discretion 2 - Construction of parking areas**

7.14. The objective of standard C2.6.1 is:

That parking areas are constructed to an appropriate standard.

7.15. Acceptable Solution C2.6.1 A1 states:

All parking, access ways, manoeuvring and circulation spaces must:

- (a) be constructed with a durable all weather pavement;
- (b) be drained to the public stormwater system, or contain stormwater on the site; and
- (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.

7.16. The application proposes an unsealed driveway in the Future Urban Zone. Therefore, the application must meet corresponding Performance Criteria C2.6.1 P1, reproduced below:

All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:

- (a) the nature of the use;
- (b) the topography of the land;
- (c) the drainage system available;
- (d) the likelihood of transporting sediment or debris from the site onto a road or public place;
- (e) the likelihood of generating dust; and
- (f) the nature of the proposed surfacing.

7.17. Council's Senior Technical Officer has responded to the criteria below:

- (a) the nature of the use;

The use will be agricultural, and a gravel surface will be serviceable for the intended use.

(b) the topography of the land;

The land falls to Boyer Road.

(c) the drainage system available;

Stormwater can be disposed of on-site.

(d) the likelihood of transporting sediment or debris from the site onto a road or public place;

The initial section of the driveway is sealed. Should gravel start being tracked onto the road the road authority could require additional works.

(e) the likelihood of generating dust; and

There is potential for dust to be generated however there are no dwellings nearby. A standard condition requiring the driveway be maintained to avoid dust is recommended.

(f) the nature of the proposed surfacing.

A gravel surface is proposed which is considered suitable for an agricultural use.

7.18. The proposal is considered to meet Performance Criteria C2.6.1 P1.

8. Discussion


8.1. Referrals

- Council's Senior Technical Officer

To assess the application against the Parking and Sustainable Transport Code and the Road and Railway Assets Code.

9. Concerns raised by representors

9.1. The following table outlines the issues raised by representors.

Representation 1	Response
<p>Confusion as to whether the earthworks and outbuildings (one 40ft shipping container and two 20ft shipping containers joined by a roof) undertaken and installed in recent months within the proposed development area are permanent and/or form part of this proposal.</p>	<p>These works and development are not exempt from requiring Planning approval. Compliance can either be approached via permit condition (if approved) or separate to the DA process (if refused).</p>  <p>Figure 3. Earthworks and temporary outbuildings</p>
<p>Querying proposed external building colour(s).</p>	<p>The proposed exterior building surface is uniformly Colorbond 'Woodland Grey'.</p>
Representation 2	Response
<p>Concerns of fire risk, especially due to proximity to boundaries (a 6m buffer is not adequate to meet bushfire risk management standards).</p>	<p>The Bushfire Prone Areas Code does not apply to this DA. Bushfire risk for new buildings is assessed under the Building Act 2016 after planning approval is obtained.</p>
<p>Concerns that the development will compromise or prejudice the potential for efficient future urban subdivision. Specifically:</p> <ul style="list-style-type: none"> • A large industrial-scale outbuilding could future fetter adjoining residential use/development. 	<p>See Discretion 1 response above.</p> <p>Council's Senior Technical Officer has advised that the building location would not prohibit a future road access at the common boundary of numbers 182 and 170 Boyer Road. A future road would however have to deviate from the common boundary near the proposed outbuilding.</p>

<ul style="list-style-type: none"> The proposed siting would prevent the construction of a future access road in the preferred location. 	
---	--

10. Conclusion

10.1. The proposed use and development of an Outbuilding (Agricultural Use) in the Future Urban Zone at 182 Boyer Road, Bridgewater, does not satisfy all relevant provisions of the Tasmanian Planning Scheme including the Brighton Local Provisions Schedule, and as such is recommended for refusal.

RECOMMENDATION:

That pursuant to the Tasmanian Planning Scheme including the Brighton Local Provisions Schedule, Council refuse application DA 2021 / 134 for use and development of an Outbuilding (Agricultural Use) in the Future Urban Zone at 182 Boyer Road, Bridgewater, for the reasons outlined in the officer’s report.

DECISION:

Cr Whelan moved, Cr Geard that an extension of time be sought from the applicant, and that Council Officers negotiate with the applicant a suitable proposal.

CARRIED

VOTING RECORD

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

Cr Geard had declared an interest in the following item and left the meeting 6.06pm

11.2 APPLICATION UNDER THE TASMANIAN PLANNING SCHEME - BRIGHTON - DA 2021 / 58 – 37 STONEFIELD RD, BRIGHTON - SHEEP BREEDING, DWELLING AND OUTBUILDING:

Type of Report	Planning Authority – For Decision
Application No:	DA 2021 / 58
Address:	37 Stonefield Rd, Brighton
Applicant:	Ronald Young & Co
Proposal:	Sheep Breeding, Dwelling and Outbuilding
Zone:	Agriculture
Representations:	One (1)
Discretion:	1. Discretionary residential use 2. Sensitive use building setbacks
Author:	David Allingham (Manager Development Services)

11. Executive Summary

- 11.1. Planning approval is sought for a Sheep Breeding Enterprise, Dwelling and Outbuilding in the Agriculture Zone at 37 Stonefield Rd, Brighton.
- 11.2. The application is discretionary due to reliance on performance criteria.
- 11.3. One (1) representation was received.
- 11.4. The key planning issues relate to the fettering of existing and potential agricultural land, and whether a dwelling is required as part of the proposed agricultural use (sheep breeding enterprise).
- 11.5. Advice from an independent agricultural consultant was sought in the context of the Tasmanian Planning Scheme -Brighton.
- 11.6. The proposal is recommended for approval.
- 11.7. The final decision must be made by the Planning Authority or by full Council acting as a planning authority due to the receipt of a representation via the public exhibition period for the development application.

12. Legislative & Policy Content

- 12.1. The purpose of this report is to enable the Planning Authority to determine application DA 2021 / 58.
- 12.2. This determination must be made no later than 22/06/2021.
- 12.3. The relevant legislation is the Land Use Planning and Approvals Act 1993 (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

- 12.4. 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.
- 12.5. This report has been prepared with appropriate regard to the State Policies that apply under the State Policies and Projects Act 1993.
- 12.6. 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.

13. Risk & Implications

- 13.1. Approval or refusal of this application will have no direct financial implications for the Planning Authority.
- 13.2. Implications for Council include general matters related to rate income, asset maintenance and renewal and responding to future building applications.

14. Relevant Background

- 14.1. An application for a single dwelling to support an equine artificial insemination enterprise at 37 Stonefield Rd was approved under DA 2019 / 177 on 21 January 2020 under the previous Brighton Interim Planning Scheme 2015.
- 14.2. Brighton Council transitioned to the Tasmanian Planning Scheme - Brighton on 14 April 2021.
- 14.3. Section 51(3) of LUPAA states:
 - (3) The decision of a planning authority on an application referred to in subsection (1A) or (1B) is to be made by reference:
 - (a) to the provisions of the planning scheme as in force at the date of that decision
- 14.4. Accordingly, whilst the proposal was submitted under the provisions of the Brighton Interim Planning Scheme 2015, the assessment must be assessed pursuant to the provisions of the Tasmanian Planning Scheme - Brighton (TPS-Brighton).

- 14.5. Furthermore, on the 20th May the Tasmanian Planning Commission (TPC) rejected Council's proposed West Brighton Specific Area Plan (SAP), which effectively lowered the threshold for the scale of agricultural activity required to approve a dwelling. The basis for the TPC's decision includes the following:
- The area does not have any particular environmental, economic, social and spatial qualities that require provisions that are unique to the area and the Agriculture Zone standards are appropriate for the area.
 - The SAP was not consistent with the Southern Tasmanian Regional Land Use Strategy (STRLUS).
 - The SAP was not consistent with the State Policy on the Protection of Agricultural Land 2009 (PAL Policy) as it unreasonably converts agricultural land by lowering the test for conversion to agricultural use.

15. Site Detail

- 15.1. The site refers to a single lot: 37 Stonefield Rd.
- 15.2. The site is 5.14 hectares in area and triangular, with frontage to both Elderslie and Stonefield roads.
- 15.3. The site is burdened by a 0.91m wide pipeline easement in the western corner and is in a Bushfire-Prone Area. No threatened flora or fauna have been identified on-site.
- 15.4. The site was classified in 2005 by the then Department of Primary Industries, Water and Environment as Class 4 agricultural land (meaning land well suited to grazing but which is limited to occasional cropping or a very restricted range of crops).
- 15.5. A more detailed inspection of the site was undertaken by the author of the supporting Agricultural Assessment [Jason Lynch B App. Sci. (hort)] in November 2019, who classified the site as Class 5 land.
- 15.6. Class 5 land is described as follows:

This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be grown. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.



Figure 1. Aerial image

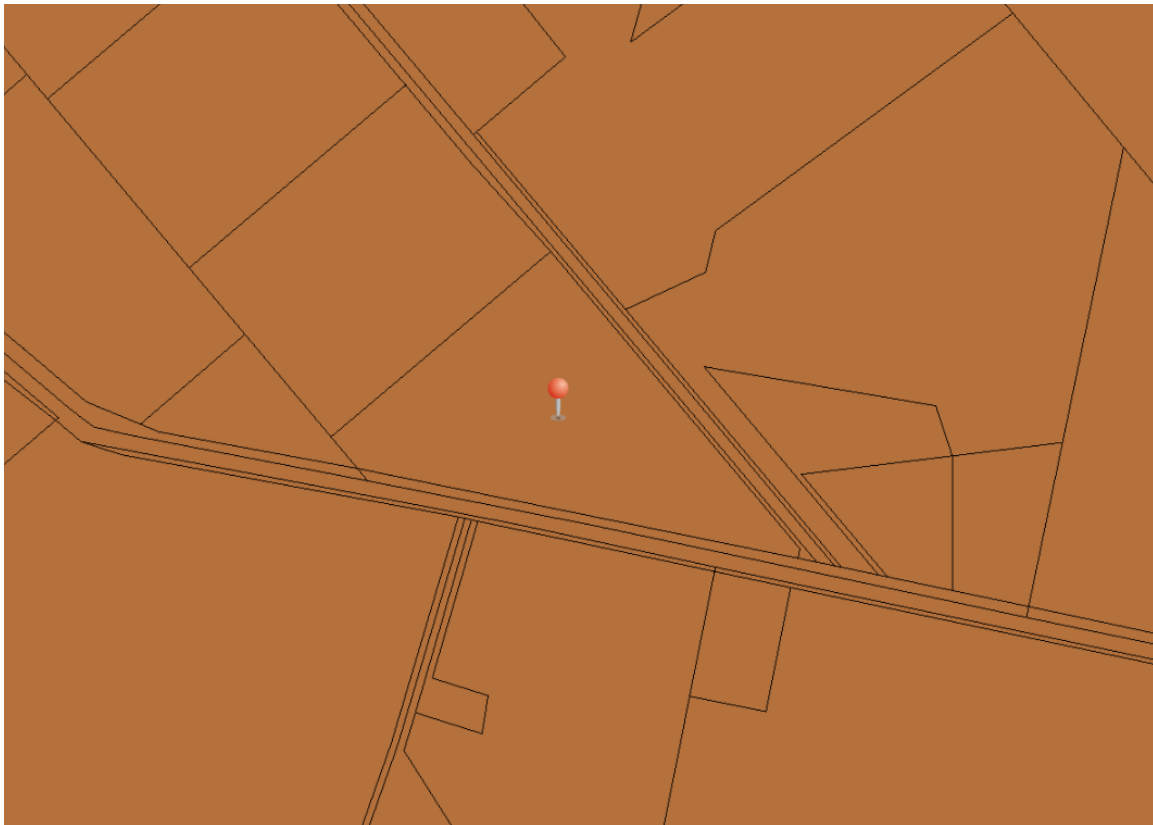


Figure 2. Agriculture Zone (Brown)

16. Proposal

- 16.1. Proposed is an ewe/lamb sheep breeding operation with an annual carrying capacity of approximately 45 'dry sheep equivalent' (DSE¹).
- 16.2. Proposed to support this operation is a:
 - Dwelling (301m²),
 - Outbuilding (144m²),
 - Screening landscaping,
 - Vehicle access to Stonefield Rd, and
 - All-weather surfaced area for manoeuvring and parking.
- 16.3. It is proposed that the on-site dwelling is necessary to support the sheep breeding use in order to optimise pasture management, provide fodder in a timely manner, monitor livestock health especially during lambing, provide animal health supplements, monitor ewes body condition, for provisions of professional services, and increase security.
- 16.4. The application is supported by an agricultural assessment and planning report by a suitably qualified agricultural consultant, as well as site and design plans.

17. Assessment against planning scheme provisions

- 17.1. The following provisions are relevant to the proposal:
 - Agriculture Zone
 - Parking and Sustainable Transport Code
 - Road and Railway Assets Code
- 17.2. The application satisfies the following Acceptable Solutions:
 - 21.4.1 A1 - Building height
 - 21.4.2 A1 - Building setbacks
 - 21.4.3 A1 - Road access
 - C2.5.1 - Car parking numbers
 - C2.6.1 - Construction of parking areas

¹ A DSE is used as a method of standardising an animal unit and is the amount of feed required by a two-year-old, 50kg Merino wether to maintain its weight (<https://www.mla.com.au/extension-training-and-tools/feedbase-hub/persistent-pastures/grazing-management/stocking-rate#>, 2020).

- C2.6.2 – Design and layout of parking areas
- C2.6.3 – Number of accesses for vehicles
- C3.5.1 – Traffic generation at a vehicle crossing

17.3. The following discretions are invoked:

- 21.3.1 A4 – Discretionary residential use
- 21.4.2 A2 – Sensitive use building setbacks

17.4. **Discretion 1 - Discretionary residential use**

17.5. The objective of standard 21.3.1 is:

That uses listed as Discretionary:

(a) support agricultural use; and

(b) protect land for agricultural use by minimising the conversion of land to non-agricultural use.

17.6. For a new dwelling there is no Acceptable Solution. Therefore, the application must meet Performance Criteria 21.3.1 P4, reproduced below:

A Residential use listed as Discretionary must:

(a) be required as part of an agricultural use, having regard to:

(i) the scale of the agricultural use;

(ii) the complexity of the agricultural use;

(iii) the operational requirements of the agricultural use;

(iv) the requirement for the occupier of the dwelling to attend to the agricultural use; and

(v) proximity of the dwelling to the agricultural use; **or**

(b) be located on a site that:

(i) is not capable of supporting an agricultural use;

(ii) is not capable of being included with other agricultural land (regardless of ownership) for agricultural use; and

(iii) does not confine or restrain agricultural use on adjoining properties.

- 17.7. The Agricultural Assessment and Planning Compliance Report by Pinion Advisory (the "Pinion report") submitted is comprehensive and argues that the poor land capability, lack of water and lot size "effectively renders this property unsuitable for sustainable commercial scale agriculture. However, the property does have potential for use as low intensity small "cottage" scale agricultural production as per for a sheep breeding pastoral use enterprise."
- 17.8. The Pinion Report argues that because the land is valued as a residential block, and the site economically would not represent appropriate value if it were used purely for agricultural use as the cost/benefit agricultural outcomes would be negative. Effectively, a dwelling is required for any agricultural use to be economically sustainable on the land.
- 17.9. The Pinion Report submits that the dwelling is required to support a small-scale sheep breeding enterprise, as below:

In order to successfully support, undertake and complete the current operational and management activities associated with the agricultural land use on the block, as per the sheep breeding enterprise, the operators must be present on site and be available for the following purposes;

1. Optimise pasture management, including frequently shifting livestock to new fresh pasture, and moving livestock off waterlogged and/or grazed out paddocks in order to minimise pasture damage, soil erosion and soil pugging.
2. Feeding out fodder in a timely manner to supplement the cattle's diet and ensure animal performance outcomes are achieved.
3. Regular monitoring and observation of livestock, particularly during the lambing period when animal health and welfare concerns take priority.
4. Provide animal health supplements to ensure optimal animal health outcomes are achieved.
5. Close supervision of the ewes to ensure optimal body condition and as required liveweight gain performance.
6. Monitoring and maintenance of equipment – operators must be on hand to detect and fix breakdowns in essential equipment such as water troughs, fencing etc...
7. Provision of professional services, including visits by agronomists, mechanics, sales representatives and veterinarians – most farmers receive regular external advice from visiting specialists, requiring ready access to machinery, pastures and livestock etc....
8. Security – farms can be prime targets for theft of livestock, fuel, fertiliser, fencing equipment, spares and specialised machinery. Living on farm would be an ideal deterrent.

- 17.10. Given the application is the first Residential use in the Agriculture Zone to be assessed under the TPS-Brighton and that a representation was received disputing that a dwelling was necessary to support the agricultural use, AK Consultants were engaged to provide independent agricultural advice to test the “new” standards under the TPS-Brighton.
- 17.11. The review and assessment provided by AK Consultants are from an agricultural perspective considering the information provided in the Pinion report and the representation (see below).
- 17.12. No agenda (i.e., bias toward recommendation of approval or refusal), either formal nor informal, was existing or provided by Council’s Development Services to the suitably qualified person upon commissioning the advice, nor prior to its completion.
- 17.13. AK Consultants review found that there is insufficient information regarding the potential for sourcing irrigation water and the potential to develop a small scale intensive horticultural activity. There are examples of intensive horticultural activities occurring on similar sized lots in proximity, such as Tibballs Nursery at nearby 99 Stonefield Rd.
- 17.14. AK Consultants’ advice regarding criteria 21.3.1 P4 (a) is reproduced in Table 1 below:

<p><i>21.3.1.P4 – A Residential use listed as Discretionary must:</i></p> <p>a) <i>Be required as part of an agricultural use, having regard to:</i></p> <ul style="list-style-type: none"> <i>i. The scale of the agricultural use;</i> <i>ii. The complexity of the agricultural use;</i> <i>iii. The operational requirements of the agricultural use;</i> <i>iv. The requirement for the occupier of the dwelling to attend to the agricultural use; and</i> <i>v. Proximity of the dwelling to the agricultural use; or</i>
<p>Comment:</p> <ul style="list-style-type: none"> i. The scale of the proposed use is defined as small or ‘lifestyle’ (Ketelaar & Armstrong 2012) scale. Typically, a small scale grazing enterprise does not require someone to live on site. ii. While there are some complexities involved with sheep breeding which are listed in the information, there are examples across Tasmania of a range of sheep enterprises at various scales without any-one living on site. iii. Brighton is less than a 10 minute drive away from the lot. This is close enough for someone to live in Brighton and still visit the lot on a daily basis to check on livestock and undertake any activities required, especially during the breeding season. The income provided by the sheep breeding is not of a scale that would support a full time person, so it is likely there will not be anyone on site during general working hours. iv. A small scale sheep breeding enterprise does not require someone to live onsite. All activities associated with the proposed enterprise can be conducted by someone who lives in Brighton or nearby. During lambing, there may be a need to visit the site more than once a day, but still not to a point that requires a dwelling on site. v. There are examples across Tasmania of a range of sheep enterprises at various scales without any-one living on site. There is no reason that a new dwelling needs to be established for this title to be utilised for small scale grazing.

Table 1. AK Consultants’ advice regarding criteria 21.3.1 P4 (a)

- 17.15. AK Consulting's position is clearly that a residential use is not required as part of the property. However, the recent Agricultural Zoning Review and failed West Brighton SAP amendment demonstrated a policy intent from Council for allowing residential use to support small scale farming enterprises.
- 17.16. Both the Pinion Report and the AK Consulting report provide strong arguments about whether the residential use is required as part of the agricultural use. Given the application was submitted during the Agricultural Zoning review and that Council had shifted its position to be more lenient for residential dwellings given the reviews findings, the Pinion Reports arguments are preferred in this instance. What is clear, is that since the TPC's refusal of the West Brighton SAP, Council need to develop a "Residential Use in the Agriculture Zone" policy to ensure that there is consistency in its decision making.
- 17.17. In regards, to the agricultural use the Pinion report states the following:
- Pasture renovation would be required to lift the property's carrying capacity and realise its full pastoral productivity potential of a total carrying capacity of 60 DSE (12 DSE).
- However despite various land improvements (eg soil fertility, pasture renovation etc...) the variable seasonal climate in this area of southern Tasmania should demand a conservative approach to determining a sustainable carrying capacity on this property and a maximum 75% and therefore a 45 DSE would be appropriate.
- A condition requiring a Farm Management Plan to be prepared clearly outlining how the maximum sustainable carrying capacity can be achieved is recommended.
- 17.18. **Discretion 2 - Sensitive use building setbacks**
- 17.19. The objective of standard 21.4.2 is:
- That the siting of buildings minimises potential conflict with use on adjoining properties.
- 17.20. Acceptable Solution 21.4.2 A2 states:
- Buildings for a sensitive use must have a setback from all boundaries of:
- (a) not less than 200m; or
 - (b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building
- 17.21. The proposed dwelling is sited 121m from the Elderslie Rd frontage, 23m from the Stonefield Rd frontage and 103m to side boundary shared with 39 Stonefield Rd to the north-west, which means the application must be assessed against corresponding Performance Criteria C3.5.1 P1, reproduced below:

Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use, having regard to:

- (a) the size, shape and topography of the site;
- (b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties;
- (c) the location of existing buildings on the site;
- (d) the existing and potential use of adjoining properties;
- (e) any proposed attenuation measures; and
- (f) any buffers created by natural or other features.

17.22. The size and triangular shape of the site mean that it is impossible for a new sensitive use to be 200m from all boundaries.

17.23. The existing dwelling at the adjoining 320 Elderslie Rd site to the west has a similar front setback of approximately 30m. No intensive agricultural uses are evident on adjoining lots, which tend to be a combination of residential use and low-intensity agricultural uses. Elderslie and Stonefield roads provide attenuation buffers, as does the proposed shelter belt landscaping.

17.24. The dwelling setback distances proposed are considered appropriate and sufficient to mitigate and minimise the potential to negatively impact adjacent and agricultural land use and amenity.

17.25. The proposal is considered to meet the above Performance Criteria.

18. Concerns raised by representor

18.1. The following table outlines the issues raised by representor.

Representation 1	Response
<p>The applicant has not undertaken a specialist input assessment to address their individual agricultural requirement and enterprise suitability.</p> <p>There is also no application for appropriate infrastructure (such as yards and shearing shed).</p>	<p>A Farm Management Plan detailing how the sheep enterprise can reach its maximum sustainable carrying capacity is required as a permit condition.</p> <p>It is assumed the intended use of the 144m² outbuilding is to support the sheep breeding enterprise.</p>
<p>It is evident that the applicant does not wish to explore all options for water availability, therefore limiting the potential of this parcel of land.</p>	<p>Whilst, the title is within the proposed Southern Midlands Irrigation Scheme area, this water is not yet available. The applicant has considered all water resources currently available to them. There is also an opportunity for the applicant to intensify their agricultural</p>

	use once Irrigation Scheme water becomes available.
An on-site dwelling is not necessary to support the proposed agricultural use.	See Discretion 1 above.
The dwelling does not meet boundary setback standards and would likely conflict with or fetter agricultural use on the site.	Noted. Both the Pinion report and AK Consulting review agree that the siting of the house is appropriate.
The site has a large distribution of Paterson's Curse (<i>Echiumplantagineum</i>), declared weeds under the Tasmanian Weed Management Act 1999. Works and development will need to follow guidelines set out by the Paterson's Curse Statutory Weed Management Plan.	Noted. This issue could be managed via permit condition.

19. Conclusion

- 19.1. The proposal is for a Sheep Breeding Enterprise, Dwelling and Outbuilding in the Agriculture Zone at 37 Stonefield Rd, Brighton. The key issue is whether a dwelling is required as part of the agricultural use.
- 19.2. One representation was received, which argued that the dwelling was not required as part of the agricultural use. Given that there are new provisions under the TPS-Brighton for assessing residential use in the Agricultural Zone, Council engaged an independent agricultural consultant to review the application and the representation. The independent consultant supported the arguments of the representor.
- 19.3. Assessing applications such as these has been an ongoing issue in this area. It was attempted to resolve this issue with the West Brighton SAP, which effectively provided an easier pathway for people to develop dwellings accompanied by small scale agricultural uses. The West Brighton SAP was refused by the TPC on 20 May 2021 and Council once again needs to review its approach to assessing residential use in the Agriculture Zone.
- 19.4. In this instance, through the Agricultural zoning review and the now failed West Brighton SAP, there was policy intent that Council was supportive of small scale farming enterprises that were supported by analysis by a suitably qualified person. As such, the application is recommended for approval.

RECOMMENDATION:

That pursuant to the Tasmanian Planning Scheme-Brighton, Council approve application DA 2021 / 58 for use and development of a Sheep Breeding Enterprise, Dwelling and Outbuilding in the Agriculture Zone at 37 Stonefield Rd, Brighton, with the following conditions:

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 "Future 36m 13m shed by others" shown on the Site Plan (Drawing No. 01a, dated 15/04/21) is not approved.

Amenity

- (4) The proposed colours and materials for the walls and roof are approved. Any variation in the colours and materials must be submitted to and approved by the Council's Manager Development Services.
- (5) 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

- (6) The use of the dwelling is incidental to the primary use of land for agricultural purposes, which initially includes the establishment of an sheep/ewe livestock enterprise. Residential use of the property is dependent upon the establishment of the agricultural activities and their ongoing operation, and the residential use must cease if and when the agricultural use ceases.
- (7) Prior to or in conjunction with a Building Application, a Farm Management Plan prepared by a suitably qualified agricultural consultant must be submitted. The Farm Management Plan must provide details (e.g. land improvements) about how the sheep enterprise can reach its maximum sustainable carrying capacity. The Farm Management Plan will form part of the permit once approved by Council's Manager Development Services.
- (8) Prior to the issue of a Certificate of Occupancy for the dwelling under the Building Act 2016, the sheep/ewe livestock enterprise must be established with livestock present on site.

Landscaping

- (9) Prior to issue of building consent under the Building Act 2016, 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 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.

- (10) The landscaping works must be completed in accordance with the endorsed landscape plan and to the satisfaction of Council's Manager Development Services prior to the building(s) being occupied. All landscaping must continue to be maintained to the satisfaction of Council.

Weed Management

- (11) Prior to the lodgement of building and plumbing applications a basic weed management plan must be provided which includes the mapping of Paterson' curse onsite and the timing and control methods required to control/eradicate each weed species identified, to the satisfaction of Councils' Manager Development Services.

Advice: The project site is in an area known for the weed Paterson Curse. The prevention of spread of any declared weeds from your site is legal requirement under the Weed Management Act 1999. Follow the guidelines of the Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania to ensure you are meeting this requirement.

Agreements

- (12) 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 constrains 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.

Ordinary Council Meeting

15/06/2021

- (13) 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

- (14) 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

- (15) At least two (2) car parking spaces must be provided on the land at all times for the use of the development, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- (16) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 - Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and to the satisfaction of Council's Municipal Engineer, and must include all of the following;
- (a) Constructed with a durable all-weather pavement.
 - (b) 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.

- (17) 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

Access to Road

- (18) Unless approved otherwise by Council's General Manager the existing vehicular access, from the road carriageway to the property boundary, must be upgraded (including a minimum 2 coat seal) to comply with Standard Drawings TSD-R03-v1 Rural Roads Typical Property Access, TSD-R04-v1 Rural Roads Typical Driveway Profile and TSD-RF01-v1 Guide To Intersection And Domestic Access Sight Distance and to the satisfaction of Council's General Manager.

Stormwater

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

Wastewater

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

Soil and Water Management

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

Construction amenity

- (23) 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.
- (24) 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.
- (25) 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.

- (26) 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.
- (27) 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 Whelan moved, Cr Murtagh seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

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

Cr Geard returned to the meeting 6.10pm

Cr Foster resumed the Chair and the Ordinary Council Meeting.

12. REPORTS FROM OFFICERS:

12.1 BRIGHTON COUNCIL REPORT STYLE GUIDE:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

Brighton Council does not currently have a suite of templates with a consistent look and feel for agendas, reports, presentations or media releases. There has not previously been a clear set of guidelines for use of the Council logo or uniform layouts, font styles and sizes to ensure uniformity in Council's official documentation.

With the completion of the 2050 Vision work and the graphic design work that was done for the 2050 Vision project, it was believed to be timely to borrow from this look and feel to update Council's official documentation and make things simpler for all users when preparing Council reports or other documents.

There are three subtle changes to the Brighton Council logo. The slightly evolved logo removes the text from around the circle and adds a yellow roof and colour gradients to the background. These small changes are intended to make the logo warmer, friendlier and easier to read, while maintaining the integrity of the original artwork.

Consultation:

Senior Management Team, Executive Officer, Planning, Regulatory Services personnel.

Risk Implications:

Nil.

Financial Implications:

Minimal graphic design costs based on borrowing design elements from the 2050 Vision work.

Strategic Plan:

Goal 4: Ensure a Stable Organisation

S4.2: Be well-governed.

Social Implications:

The new look and feel conveys a warm, friendly image of Brighton Council that sends a message of approachable and caring that fits strongly with our 2050 Vision goals and themes.

Environmental or Climate Change Implications:

Not applicable.

Economic Implications:

Not applicable.

Other Issues:

Not applicable.

Assessment:

The new look and feel conveys a clear identity for the organisation that is consistent with Council's 2050 Vision work and will create a strong sense of professionalism, reliability and consistency across all our documentation.

Options:

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

RECOMMENDATIONS:

That Council endorses the new organisational look and feel, as outlined in the Brighton Council Style Sheet.

DECISION:

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

CARRIED

VOTING RECORD

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

12.2 BRIGHTON REGIONAL SPORTS PAVILION – PROPOSED LEASE ARRANGEMENTS:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

Works on the new \$6.5M changeroom and building facility at Pontville are progressing well and are currently scheduled to be completed for hand-over 17th June 2021.

As Councillors are aware a Workshop was held on the 3rd June 2021, to seek Council's direction on the operations of the Brighton Regional Sports Pavilion at Pontville. The recommendations are based on the workshop outcomes.

A meeting with the Brighton Football Club and Cricket Club was also held on the 9th June 2021; requested by the respective Clubs. Councillor's Curran, Geard and Gray attended that meeting.

Consultation:

Councillors; Deputy General Manager, Senior Project Engineer; Manager Asset Services; Project Engineer; Executive Assistant; Corporate Executive; Council Services Officer and Governance Manager.

Risk Implications:

There are no risk implications other than public perception.

Financial/Budget Implications:

Depreciation of the building would be in the order of 1.4% of the building value per annum.

Maintenance on the building is an unknown until the Pavilion is up and running for at least twelve months. As a general rule of thumb for a commercial buildings, generally add 1% of the building value per annum of maintenance.

The building and maintenance will need to be heavily subsidised to allow the Club to operate and fulfill their obligations.

Strategic Plan:

Goal 1: Strengthen our Communities

S1.3: Provide Public Facilities/Amenities

Goal 3: Drive Infrastructure Development

S3.2: Implement Strategic Asset Management Plan (Existing and New)

S3.3: Enabling Infrastructure

Social Implications:

Not applicable.

Environmental or Climate Change Implications:

Not applicable.

Economic Implications:

Depreciation of the building would be in the order of 1.4% of the building value per annum.

Other Issues:

N/A

Assessment:

A meeting was held with members of the Brighton Football Club, Brighton Cricket Club, Council officers and Councillors on the 9th June 2021. The Club have requested that the initial term of the lease be three (3) years. The Club will also seek approval from Council in relation to sub-letting (EOI will be called for the operations) and signage etc.

Options:

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

RECOMMENDATION:

That:-

1. Council and the Brighton Football Club enter a 3 month hire Agreement along the lines of the previous lease on the Clubrooms; hire fee to be \$49.37/month;
2. A 3 year lease agreement be entered into after September 2021 with a nominal fee of \$2,500 for the first twelve (12) months which will be reviewed after those 12 months; this could be a 6 X 6 ie 6 months footy, 6 months cricket; ie lease to be in both names
3. The 2nd year to increase to \$5,000-\$10,000; subject to financial review for a further increase.
4. There is not to be any sub-leasing unless prior approval from Council; if council considers there is an appetite to sub-let?
5. If Council agree that the building can be sub-let then the Council may vary the rate with the Club.
6. That Council give permission to the lessee to seek EOI to sub-let part of the premises.
7. The Football club and Cricket clubs to combine as suggested (The Clubs are currently working towards this and have made significant progress) ;
8. All outgoings to be paid for by the Clubs ie, power, gas, rates, rubbish removal, cleaning; ie internal workings.
9. Council will continue to clean the change-rooms and toilets (lower) as this is part of normal ground hire.
10. Council will maintain externals ie structural
11. An over-arching Committee to be set-up as suggested at the first meeting. This Committee to be involved only as required.

DECISION:

Cr Gray moved, Cr Curran seconded that the recommendation be adopted with the addition of point 6.

CARRIED

VOTING RECORD

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

12.3 NAMING ROADS AND STREETS:

AUTHOR: Manager Development Services
(Mr D Allingham)

Purpose:

The purpose of this report is to seek endorsement for the naming of new roads in the “Tivoli Green” subdivision in accordance with the *Place Names Act 2020*.

Background:

In 2020, the *Place Names Act 2020 (the Act)* was introduced to provide for contemporary Governance arrangements for the place naming process and clarity in the responsibility for the naming of roads and streets.

Under the Act, local councils are the naming authority for roads and streets.

The Tasmanian Place Naming Guidelines (the Guidelines) are provided for under the Act and are to be used by all naming authorities to assist in selection of a conforming name, as well as providing the public and community with the principles that apply to the selection of a name.

Section 7.11 of the Guidelines states: “Road and street name proposals should be endorsed by the elected council members”.

Proposal:

The developer of the “Tivoli Green” subdivision at 201 Old Beach Road (Permit SA2018/00040) has nearly completed Stage 8 and provided the following background on naming of roads in the development to date:

Previous stages of Tivoli Green have drawn on the names of the Developers family and past associates who were involved in the early stages of the development. These names celebrate all those who have ties with the Estate.

The desire is to continue with this theme to create a level of continuum and consistency within the networks of roads for not only stage 8 but all stages through to completion of the project in the years ahead.

Tivoli Green is seen as an Estate for families. The use of family 'style' names adds a warmth and 'friendly' nature to the Estate, reinforcing the goal for the Estate to be seen as a community of families proud of their home.

The proposed road names for Stage 8 are listed below and are shown in Attachment A.

- Marlowe Drive - Marlowe is one of the new generation of the Johnstone Family. The names celebrate the generational growth of the family.
- Maritimo Way - As this road runs West towards the Derwent from Riviera Drive it continues the Maritime theme that was the source for calling Riviera Drive its name. Both have obvious Marine inspired names.
- Lottie Mews - A family name attributed to this particular street because a number of trees are to be planted down the length of this street.

Consultation:

No consultation has been undertaken as the proposal is to name new roads that do not currently have any landowners other than the developer.

Risk Implications:

There is a risk that the proposed road names do not conform with the guidelines and that the proposed names will be referred back to Council. Council staff have considered the guidelines and confirm that the proposed roads meet the requirements.

Financial/Budget Implications:

Nil

Social Implications:

Nil

Environmental Implications:

Nil

Economic Implications:

Nil

Assessment:

The proposed road names meet the requirements of the Guidelines and should be endorsed.

Options:

1. As per the recommendation.
2. Endorse the road names with amendments.

3. Other.

RECOMMENDATION:

- A. In accordance with section 11(2) of the *Place Names Act 2020* it is recommended that the Council endorse the proposed road names as shown in Attachment A; and
- B. As soon as practicable, submit details of the road name(s) to the Registrar of Place Names for recording in the register.

DECISION:

Cr Whelan moved; Cr Gray seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

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

Cr Owen moved, Cr Curran seconded that Council resolve into Closed council.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
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 is to be considered in closed session in accordance with Meeting Procedures Regulation 15(2)(a).

13.1 CONFIRMATION OF MINUTES OF A SPECIAL COUNCIL MEETING OF 25TH MAY 2021:

Cr Gray moved, Cr Curran seconded that the Minutes of the Special Council meeting of 25th May 2021, be confirmed.

CARRIED

VOTING RECORD

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

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

13.2 EXPRESSION OF INTEREST FOR 23 MENIN DRIVE, BRIGHTON:

AUTHOR: Deputy General Manager
(Mr G Davoren)

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

13.3 MICROWISE

AUTHOR: General Manager
(Mr J Dryburgh)

Cr Curran moved, Cr Owen seconded that council resolve out of Closed council and the decisions made while in Closed council be ratified.

CARRIED

VOTING RECORD

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

14. QUESTIONS ON NOTICE:

There were no 'Questions on Notice' for the June Ordinary Council Meeting.

The meeting closed 7pm

Confirmed: _____
(Acting Mayor)

Date: _____
20th July 2021