



# Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING  
OF THE BRIGHTON COUNCIL HELD IN THE  
COUNCIL CHAMBERS, COUNCIL OFFICES, OLD BEACH  
AT 5.35 P.M. ON TUESDAY,  
21 DECEMBER 2021**

**PRESENT:** Cr Gray (Mayor); Cr Curran (Deputy Mayor); Cr De La Torre; Cr Garlick; Cr Geard; Cr Jeffries; 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); Mrs J Blackwell (Acting Manager Development Services) and Mr H Macpherson (Municipal Engineer)

## **1. Acknowledgement of Country**

## **2. Confirmation of Minutes**

2.1 Confirmation of minutes of the Ordinary Council Meeting of 16 November 2021.

*Cr Curran moved, Cr Geard seconded that the Minutes of the Ordinary Council meeting of 16 November 2021, be confirmed.*

**CARRIED**

### **VOTING RECORD**

<b>In favour</b>	<b>Against</b>
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Cr Curran	
Cr De La Torre	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

## 2.2 Confirmation of minutes of the Finance Committee Meeting of 14 December 2021.

*Cr Jeffries moved, Cr De La Torre seconded that the Minutes of the Finance Committee meeting of 14 December 2021, be confirmed.*

CARRIED

## VOTING RECORD

**In favour****Against**

Cr Curran  
Cr De La Torre  
Cr Garlick  
Cr Geard  
Cr Gray  
Cr Jeffries  
Cr Murtagh  
Cr Owen  
Cr Whelan

## 2.3 Confirmation of minutes of the Planning Authority Meeting of 14 December 2021.

*Cr Jeffries moved, Cr Curran seconded that the Minutes of the Planning Authority meeting of 14 December 2021, be confirmed.*

CARRIED

## VOTING RECORD

**In favour****Against**

Cr Curran  
Cr De La Torre  
Cr Garlick  
Cr Geard  
Cr Gray  
Cr Jeffries  
Cr Murtagh  
Cr Owen  
Cr Whelan

**3. Attendance and Apologies**

*All members were present.*

**4. Declaration of Interest**

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

Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2015, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of any interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2015.

Cr De La Torre declared an interest in Item 10.1

Cr Gray and Cr Geard declared an interest in Item 14.1

## **5. Public Question Time and Deputations**

- Mr M Bartlett thanked Councillors and staff for the services provided to the community and Councillor attendance at events.
- Veronica (Snakes Alive) and Natalie (Tasmanian Animal Rescue, Rehabilitation and Education Services) addressed Council in relation to Item 10.1

## **6. Transfer of Agenda Items**

According to regulation 8 (4) of the *Local Government Act 1993*, agenda items must be conducted in the order in which they are set out in the agenda of that meeting, unless the council by absolute majority, or the council committee by simple majority, determines otherwise.

## **7. Petitions**

According to regulation 57 (1) of the *Local Government Act 1993*, a person may lodge a petition with a council by presenting it to a councillor or the general manager. A general manager who has been presented with a petition or receives a petition under subsection (1)(b) is to table the petition at the next ordinary meeting of the council.

## **8. Reports from Council**

### **8.1 Mayor's Communications**

The Mayor's communications were as follows:-

- 19/11 Meeting with Gary Chapman and Martyn Evans – Boral
- 22/11 Mayors round table and STCA Board Meeting
- 24/11 Meeting with Staff and John Reynolds regarding a pending DA
- 30/11 Meeting with GM and Brighton Football Club
- 01/12 Dining With Friends – Brighton Civic Centre – Christmas Dinner
- 02/12 Meeting with GM and DGM
- 03/12 LGAT General Meeting – RACV Hotel Hobart

- 06/12 Meeting with SCS at Jobs Hub ( DV / SM /CH and Brighton)
- 07/12 Meeting with Brian Mitchell and GM
- 13/12 Farwell Function for Helen Manser at JRS.
- 14/12 Audit Panel Meeting
- Council Photos
- Brighton Council AGM
- Finance Meeting
- Planning authority Meeting
- 16/12 Meeting with Senator Chandler, Susie Bower and GM
- 21/12 Ordinary Council Meeting

**DECISION:**

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

CARRIED

**VOTING RECORD****In favour****Against**

Cr Curran  
Cr De La Torre  
Cr Garlick  
Cr Geard  
Cr Gray  
Cr Jeffries  
Cr Murtagh  
Cr Owen  
Cr Whelan

**8.2 Reports from Council Representatives****DECISION:**

Cr Geard – chaired a meeting of the over-arching group in relation to the Brighton Sports Pavilion.

Cr Geard also advised that he had been made a Life Member of SES. This was awarded to him at a Brighton SES event on the 17<sup>th</sup> December at Brighton. Congratulations Peter!

Cr Owen attended the Jordan River Senior School final assembly award presentations on-line.

*Cr De La Torre moved, Cr Jeffries seconded that the reports be noted.*

CARRIED

#### VOTING RECORD

##### In favour

##### Against

Cr Curran  
Cr De La Torre  
Cr Garlick  
Cr Geard  
Cr Gray  
Cr Jeffries  
Cr Murtagh  
Cr Owen  
Cr Whelan

### 8.3 Correspondence from Southern Tasmanian Councils Association (STCA), LGAT, TasWater and Joint Authorities

- Thank you letter from the STCA regarding Brighton Council's support of the Tasmanian Local Government Climate Change Strategy and Council Climate Action Plans.

### 8.4 Miscellaneous Correspondence

- Letter from Brighton Council to Minister for Climate Change, The Hon. Roger Jaensch regarding Tasmanian Climate Change Action.

## 9. 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 Council workshops were held during the previous month.

## 10. Notices of Motion

*Cr De La Torre had declared an interest in the following item and left the meeting 5.58pm*

### 10.1 Snake Relocation and Snake Bite First Aid

Author - Cr Tennille Murtagh:

Often residents do not report snakes and try to remove the snake themselves.

A recent incident Thursday 9th December 2021 was the result of a young adult trying to handle a tiger snake in which the young adult was bitten and had to be transported to hospital via ambulance. Had it not been for the neighbours calling an ambulance the outcome could have been more serious.

Hakea Crescent area at Gagebrook is where the above incident took place and neighbours have informed me one resident found a tiger snake on his back fence, another resident had a tiger snake in the dogs water bowl and another residents dog died after being bitten by a tiger snake all in the last 12 months.

While snakes are found in all areas of our municipality sightings are becoming more common since recent housing developments.

Tiger snakes are highly venomous and potentially fatal to humans, they give birth to 20 to 30 live young and it's average length is 0.9m with a maximum length of 1.2m but has been recorded at 2m (6 ft 3 in) in length.

To prevent residents trying to handle snakes they find at home, covering the cost of snake removal from residents homes and yards is essential for keeping our residents safe especially during snake season.

Reptile Rescue is a not for profit organisation specialising in the relocation of snakes and is reliant on charitable donations and private funding. The fee of \$50 covers volunteer costs for travel, equipment and training.

**Motion - Cr Murtagh moves that:**

1. Brighton Council cover the \$50 fee for snake call outs conducted by Reptile Rescue for removal of snakes from residents homes and yards within the Brighton Municipality.
2. Brighton Council include information of snake bite first aid and contact details of Reptile Rescue on the council website.
3. Signage to be displayed at parks, public used paddock spaces , riverbanks & grassy areas to beware of snakes along with snake bite first aid.

**DECISION:**

Cr Murtagh moved, Cr Geard seconded that Council Officers investigate options and consult with other available businesses in relation to removal of snakes and take in consideration the following:-

1. Brighton Council cover the \$50 fee for snake call outs conducted by a reputable Rescue service for the removal of snakes from residents homes and yards within the Brighton Municipality.
2. Brighton Council include information of snake bite first aid and contact details on the council website.
3. Signage to be displayed at parks, public used paddock spaces , riverbanks & grassy areas to beware of snakes along with snake bite first aid.

**CARRIED**

**VOTING RECORD****In favour****Against**

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

*Cr De La Torre rejoined the meeting 6.01pm*

**11. 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.*

**12. Reports from Committees****12.1 Finance Committee Meeting – 14 December 2021:**

The recommendations of the Finance Meeting of 14 December 2021 were submitted to Council for adoption.

**DECISION:**

*Cr Murtagh moved, Cr Jeffries seconded that the recommendations of the Finance Committee meeting of 14 December 2021 be adopted.*

**CARRIED**

## VOTING RECORD

**In favour****Against**

Cr Curran  
 Cr De La Torre  
 Cr Garlick  
 Cr Geard  
 Cr Gray  
 Cr Jeffries  
 Cr Murtagh  
 Cr Owen  
 Cr Whelan

**13. Council Acting as a 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 13 on this agenda, inclusive of any supplementary items.

**13.1 Development Application DA 2021/00199 for Multiple Dwellings (14) at 15 Morrison Street, Brighton:**

Author: Brian White (Planning Officer)

Applicant:	David Wai Ho Au (MinD Architects)
Subject Site:	15 Morrison Street, Brighton
Proposal:	Multiple Dwellings (14)
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	General Residential
Codes:	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code
Local Provisions:	Brighton Local Provisions Schedule
Use Class:	Residential (Multiple Dwellings)
Discretions:	C2.5.3 Motorcycle parking numbers C2.6.2 Design and layout of parking areas. C2.6.5 Pedestrian access.



<b>Representations:</b>	1 representation was received. The representor raised the following issues <ul style="list-style-type: none"><li>• Density of development.</li><li>• Safety of additional vehicle movements onto road network.</li><li>• Issues with the safety and appearance of Elderslie Road.</li></ul>
<b>Recommendation:</b>	Approval with conditions

## 1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2021 / 00199.

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.

Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies, and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

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. SITE ASSESSMENT

The site is zoned General Residential under the *Tasmanian Planning Scheme – Brighton* ('the Scheme'). It is located on the corner of Burrows Avenue and Morrison Street, Brighton with an area of 4973m<sup>2</sup>. The site is rectangular shaped, and currently contains a single dwelling and outbuildings. It is relatively flat and is connected to reticulated sewer and stormwater services.

The site is within an existing residential area and is located approximately 400m to the west of the Brighton activity centre. There is a Metro bus stop located approximately 100m to the north.

The surrounding properties are used and developed with a combination of single and multiple dwellings. There is a 10-unit development located nearby to the site at 13 Burrows Avenue.

The site location is shown in Figure 1 below.



**Figure 1 Subject site (Source: TheList)**

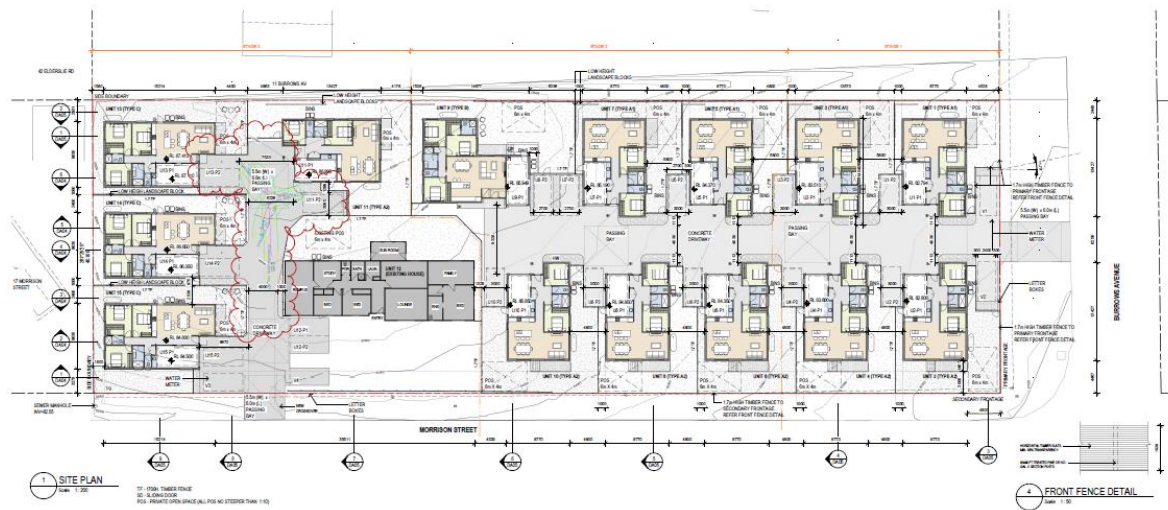
### 3. PROPOSAL

Planning approval is sought for the development of fourteen (14) multiple dwellings, the demolition of existing outbuildings, and the construction of a crossover on Burrows Road. The existing dwelling is to remain meaning the proposal will result in a total of fifteen (15) multiple dwellings on site.

There are three (3) different designs for the dwellings: ten (10) 'Type A' dwellings, which have two (2) bedrooms, a maximum height of approximately 4.3m, and a floor area of 109.59m<sup>2</sup>; one (1) 'Type B' dwelling, with three (3) bedrooms, a maximum height of 5m and a floor area of 133.58m<sup>2</sup>; and three (3) 'Type C' dwellings, with three (3) bedrooms, a maximum height of approximately 4.7m and a floor area of 127.27m<sup>2</sup>.

The proposed dwellings are located at least 1.58m from all boundaries. Dwellings 11 – 15 are accessed via Morrison Street and the remainder are accessed via Burrows Avenue. Each of the dwellings has access to two (2) parking spaces, with all dwellings, except for the existing dwelling, having a single garage and an uncovered parking space. There are four (4) visitor spaces proposed on site.

The proposed site plan is shown in Figure 2.



**Figure 2 Site Plan (Source: MinD)**

The proposal was supported by a traffic impact assessment (TIA) which opines that the parking layout, new access, increase in traffic onto the road network, and pedestrian movements within the site are safe and efficient and will not cause a detrimental impact on the efficiency of the surrounding road network.

Road owner's consent has been granted for the new access off Burrows Avenue.

#### 4. PLANNING SCHEME ASSESSMENT

##### 4.1. Compliance with Applicable Standards:

5.6.1 *A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.*

5.6.2 *A standard is an applicable standard if:*

- (a) *the proposed use or development will be on a site within:*
  - (i) *a zone;*
  - (ii) *an area to which a specific area plan relates; or*
  - (iii) *an area to which a site-specific qualification applies; or*
- (b) *the proposed use or development is a use or development to which a relevant applies; and*
- (c) *the standard deals with a matter that could affect, or could be affected by, the proposed use or development.*

5.6.3 *Compliance for the purposes of subclause 5.6.1 of this planning scheme consists of complying with the Acceptable Solution or satisfying the Performance Criterion for that standard.*

5.6.4 *The planning authority may consider the relevant objective in an applicable standard to determine whether a use or development satisfies the Performance Criterion for that standard.*

#### 4.2. Determining applications (clause 6.10.1):

6.10.1 *In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:*

- (a) *all applicable standards and requirements in this planning scheme; and*
- (b) *any representations received pursuant to and in conformity with section 57(5) of the Act,*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.*

#### 4.3. Use Class

The Use Class is categorised as Residential (Multiple Dwellings) under the Scheme which a 'Permitted' use status in the General Residential zone.

#### 4.4. Compliance with Performance Criteria

The proposal meets the Scheme's relevant Acceptable Solutions except for the following:

##### C2.5.3 Motorcycle parking numbers A1/P1

Objective:	
That the appropriate level of motorcycle parking is provided to meet the needs of the use.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>The number of on-site motorcycle parking spaces for all uses must:</p> <p>(a) be no less than the number specified in Table C2.4; and</p> <p>(b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or</p>	<p>P1</p> <p>Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature of the proposed use and development;</p> <p>(b) the topography of the site;</p>

intensification, provided the existing number of motorcycle parking spaces is maintained.	<p>(c) the location of existing buildings on the site;</p> <p>(d) any constraints imposed by existing development; and</p> <p>(e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.</p>
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Table C2.4 requires one (1) motorcycle space to be provided on site for a use that requires 21 – 40 parking spaces. Therefore, one (1) space is required but is not provided on site. The performance criteria must be relied upon to satisfy the standard.

The proposal was referred to Council's Senior Technical Officer, who considered that given the residential use proposed for the site, that motorcycle parking can be accommodated in car parking spaces when required.

Accordingly, the PC is satisfied.

#### Clause C2.6.2 - Design and layout of parking areas A1.1, A1.2/ P1

<b>Objective:</b>	
<b>That parking areas are designed and laid out to provide convenient, safe and efficient parking.</b>	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<p>A1.1</p> <p>Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p>(i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;</p> <p>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</p> <p>(iii) have an access width not less than the requirements in Table C2.2;</p>	<p>P1</p> <p>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the proposed slope, dimensions and layout;</p> <p>(c) useability in all weather conditions;</p>

<p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</p> <p>A1.2</p> <p>Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities. [S35]</p>	<p>(d) vehicle and pedestrian traffic safety;</p> <p>(e) the nature and use of the development;</p> <p>(f) the expected number and type of vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p> <p>(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</p>
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An assessment of the parking layout against Acceptable Solution A1.1 (a) is provided below:

- i. The gradients comply with the relevant requirements of AS2890 (i.e. less than 15-20%).
- ii. The swept path demonstrates that cars can enter and leave the site in a forward direction.
- iii. Table C2.2 requires an internal access width not less than 5.5m. The access widths are 5.5m at the two main access aisles that connect to Morrison Street and Burrows Avenue.
- iv. Table C2.3 requires parking dimensions of 5.4m length x 2.6m width with combined access and manoeuvring width of 6.4m for 90-degree parking. Some of the parking spaces do not comply with the aisle width requirements. **Therefore, the performance criteria must be relied upon to satisfy the standard.**
- v. Some of the combined access and manoeuvring widths do not comply. **Therefore, the performance criteria must be relied upon to satisfy the standard.**
- vi. The vertical clearance exceeds 2.1m above the parking surface level.
- vii. Line marking is to be provided on all on-site car parking spaces. Garage and carport car parking spaces do not require line marking. Conditions apply.

Regarding the Australian Standard, AS2890.1, the TIA states that:

*Australian Standards, AS2890.1, requires minimum dimensions of 2.4m x 5.4m with an aisle width of 5.8m for residential parking spaces. All parking spaces exceed the width requirements, meet the length requirements, and some spaces have less than 5.8m aisle width (minimum 5.6m). Technically the parking spaces do not comply with the requirements of AS2890.1 in terms of dimensions. **Therefore, the performance criteria must be relied upon to satisfy the standard.***

The proposal does not meet A1.1 (a) or (b) so must be assessed against P1.

Parking for use by persons with a disability is not relevant to a residential use so A1.2 is not relevant to the proposal.

Performance Criteria P1 is addressed below:

**a) the characteristics of the site;**

The site is a residential zoned lot which is to be used for a residential (multiple dwelling) use. The characteristics of the site make it ideal for a unit development such as what is proposed.

**(b) the proposed slope, dimensions and layout;**

The site is relatively flat. Its dimensions and layout allow vehicles to enter and leave the site in a forward direction.

**(c) useability in all weather conditions;**

The site is to be sealed.

**(d) Vehicle and pedestrian safety.**

The proposal is for a residential development which will be a low-speed environment mostly used by tenants familiar with the layout. The visitor spaces are also located closest to each of the frontages so will be visible for visitors unfamiliar with the site. Therefore, vehicle and pedestrian safety will be reasonable for residents and any visitors. The submitted TIA has not raised any significant safety issues with the proposed parking layout.

**(e) the nature and use of the development;**

The proposal is for a multiple dwelling residential use and development which provides for a parking layout which allows cars to enter and leave the site in a forward direction and which provides the necessary number of parking spaces to service the use. Apart from the visitor spaces nearby to the frontages, the parking spaces are to be used by residents familiar with the layout so are considered appropriate.

**(f) the expected number and type of vehicles;**

The traffic generated by the proposal is estimated in the TIA as being 90 residential vehicles per day split across two accesses (Morrison Street will have 30 vehicle movements per day and Burrows Avenue will have 60 vehicle movements per day). Given the low-speed environment within the site and the fact that residents will be familiar with the parking layout, this number of vehicle movements is considered reasonable.

**(g) the likely use of the parking areas by persons with a disability;**

Not applicable to a residential use.

**(h) the nature of traffic in the surrounding area;**

The TIA has indicated that traffic volumes in the surrounding road network are low and that there is a large pool of available on-street car parking available for vehicles that do not wish to access the car park.

**(i) the proposed means of parking delineation; and**

The parking spaces will be clearly defined by kerbing, line marking and garages.



- (j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.

Regarding AS 2890/, the TIA states that, apart from some of the isle widths (manoeuvring areas adjacent to parking spaces) being slightly less than 5.6m, the parking layout generally complies with the Australian Standard. Engineering plans and swept paths have been provided which demonstrate that the manoeuvring areas are sufficient to facilitate a B85 vehicle into and out of the spaces without conflicts. According to the TIA, this ability is due to the additional space width and the low-speed operating environment.

Therefore, having regard to the purpose of the provision which is: "That parking areas are designed and laid out to provide convenient, safe and efficient parking," and the fact that manoeuvring in and out of all parking spaces is possible as shown in the swept path analysis, the proposal is considered to comply with (j) in that the parking layout is designed and laid out to provide convenient, safe and efficient parking.

Accordingly, the PC is satisfied. Conditions apply.

#### Clause C2.6.5 Pedestrian Access

<b>Objective:</b>	
That pedestrian access within parking areas is provided in a safe and convenient manner.	
Acceptable Solution	Performance Criteria
<p>A1.1 Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p>	<p>P1</p> <p>Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the nature of the use;</p> <p>(c) the number of parking spaces;</p> <p>(d) the frequency of vehicle movements;</p> <p>(e) the needs of persons with a disability;</p>

<p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p>A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<p>(f) the location and number of footpath crossings;</p> <p>(g) vehicle and pedestrian traffic safety;</p> <p>(h) the location of any access ways or parking aisles; and</p> <p>(i) any protective devices proposed for pedestrian safety.</p>
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The proposal provides does not provide a 1m wide footpath in accordance with A1.1 (a). Therefore, assessment against the performance criteria is relied upon to satisfy the standard. This assessment is provided below.

P1

Safe and convenient pedestrian access must be provided within parking areas, having regard to:

**(a) the characteristics of the site;**

The site is to be used for a multiple dwelling residential development which would only be used by residents whom would be familiar with the site's conditions. The site is large enough to accommodate the density of development that complies with the zone standards and relevant codes.

**(b) the nature of the use;**

The site is to be used for a multiple dwelling residential development which would only be used by residents whom would be familiar with the site's conditions. The visitor parking spaces are located nearby to each of the frontages so visitors will not have to navigate far into the site.

**(c) the number of parking spaces;**

The number of parking spaces have been provided to meet the minimum requirements of the code.

**(d) the frequency of vehicle movements;**

The TIA states that: "The peak traffic generation will be 3 and 6 vehicles per hour at the Morrison Street and Burrows Avenue accesses respectively. The low traffic generation coupled with the low vehicle speeds will result in an acceptable safety environment for shared use between pedestrians and cars". It is agreed

that the modest amount of vehicle movements and the low speed environment means that pedestrian safety will not be compromised.

**(e) the needs of persons with a disability;**

Not applicable for a residential use.

**(f) the location and number of footpath crossings;**

Not applicable.

**(g) vehicle and pedestrian traffic safety;**

The TIA states that the driveways will be 'shared zones' where vehicles and pedestrians share the space with pedestrians having priority.

As has been discussed, given the low the low traffic generation coupled with the low vehicle speeds, it is considered there will be an acceptable safety environment for shared use between pedestrians and cars.

**(h) the location of any access ways or parking aisles; and**

The dwellings are to be accessed via two separate crossovers. The design of the dwellings consists of a linear layout with two main 'spines' with parking aisles located on either side. The allows for good site distance for pedestrians looking down the driveway to both accesses, which is also assisted by the site being flat and the low speed environment. Therefore, the safety of pedestrians is considered satisfactory.

**(i) any protective devices proposed for pedestrian safety.**

No protective devices are proposed, nor are they considered necessary for the reasons outlined above.

Accordingly, the PC is satisfied.

## 5. Referrals

### Senior Technical Officer

Council's Senior Technical Officer is satisfied with the proposal on traffic and infrastructure grounds and has provided conditions of approval.

### TasWater

TasWater provided a Submission to Planning Authority Notice (SPAN) (TasWater reference no. TWDA 2021/ 01295 – BTN) on the 15<sup>th</sup> October, 2021.

## 6. Representations

One (1) representation was received during the statutory public exhibition period between 17<sup>th</sup> November and the 1<sup>st</sup> December, 2021.

The concerns of the representors are summarised below:

Representor's concerns	Planning Response
Density of development too high.	<p>The proposal meets the acceptable solution of the development standard in the zone that deals with residential density for multiple dwellings. Clause 8.4.1 A1 requires that: "Multiple dwellings must have a site area per dwelling of not less than 325m<sup>2</sup>. The site has an area of 4973m<sup>2</sup>, and fifteen (15) dwellings are proposed. Therefore, the density is 331.53m<sup>2</sup> per dwelling, so is compliant with A1.</p> <p>Whilst it is acknowledged that the manoeuvring area of some of the parking spaces on site do not meet the relevant acceptable solution of Clause C2.6.2 Design and layout of parking areas, the submitted TIA and accompanying swept path analysis show that the parking spaces are useable and are appropriate for a residential use where residents are familiar with the layout. Visitor spaces are provided nearby to both accesses so will be visible for visitors coming to the site.</p> <p>Council's engineers have raised no issues with the parking layout.</p>
Increased vehicle movements onto road network will exacerbate traffic issues on nearby streets – particularly on Elderslie Road.	<p>In regard to increased traffic movements due to the proposal and the capacity of the road network to accommodate the increase, the TIA states that: "The proposed development generates a relatively small amount of additional traffic on the surrounding road network (in the order of 9 vehicles per hour during peak times)". The TIA continues by stating that due to the only modest increase in traffic movements that no significant road safety impacts are likely to result without a</p>

	<p>corresponding deterioration in the network's level of service.</p> <p>Therefore, it is considered that the proposal is unlikely to result in an unreasonable impact on the surrounding road network.</p>
Maintenance and appearance of Elderslie Road.	The current physical condition of Elderslie Road is not a matter to be considered via this current development application.

## 7. Conclusion

The proposal for 15 Multiple Dwellings (14 new and 1 existing) at 15 Morrison Street, Brighton, satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

## 8. Recommendations

That: A. Pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approves application DA 2021/ 00199 for Multiple Dwellings (14) for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### General

1. The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.

### Landscaping

3. Prior to commencement of use, all trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Manager Development Services. Evidence showing compliance with this condition must be submitted to and approved by the Manager Development Services within 30 days of planting.

4. Replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.

### Amenity

5. Any front fence must have a height above natural ground level of not more than:
  - 1.2m, if the fence is solid; or
  - 1.8m, if the fence has openings above a height of 1.2m which provide a uniform transparency of not less than 30%.

### Staged development

6. The development must not be carried out in stages except in accordance with a staged development plan submitted to and approved by Council's Manager Development Services.

### TasWater

7. The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA 2021/ 01295-BTN, dated 15/10/2021, as attached to this permit.

### Services

8. 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.
9. Services located under the proposed driveways are to be provided with trafficable covers to the requirements of the relevant authority and to the satisfaction of Council's Municipal Engineer.

### Roadworks

10. The developer must upgrade the road frontage across both Morrison Street and Burrows Avenue frontages to include:
  - a) new kerb and channel
  - b) road widening (where required to match the alignment of existing kerb)
  - c) subsoil drains behind new kerb and channel
  - d) 1.5m minimum width concrete footpath

- e) Piped stormwater drainage
- f) Indented parking bay (Burrows Avenue frontage)

### Parking and Access

11. The existing southern vehicular access to Morrison Street must be upgraded within the road reservation with a concrete driveway apron. The apron must have a minimum width of 5.5 metres.
12. The existing northern vehicular access in Morrison Street must be removed and the nature strip reinstated.
13. A new concrete vehicular access must be provided in Burrows Avenue. The concrete driveway apron must have a minimum width of 5.5 metres.
14. At least thirty-four (34) parking spaces must be provided on the land at all times for the use of the development, including at least two (2) car parking spaces per dwelling and at least four (4) designated for visitor parking.
15. All parking, access ways, manoeuvring and circulation spaces must be provided in accordance the endorsed drawings, Australian Standard AS 2890 - Parking facilities, Parts 1-6, or as otherwise required by this permit, and include all of the following;
  - (a) be constructed with a durable all weather pavement;
  - (b) be drained to the public stormwater system; and
  - (c) be surfaced by concrete or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
  - (d) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
  - (e) provide for vehicles to enter and exit the site in a forward direction;
  - (f) have an internal access width not less than 3m, with adequate manoeuvring areas to accommodate turning paths of vehicles entering and exiting parking spaces (including 0.3m clearance to any fixed object greater than 150mm in height including fences and walls);
  - (g) have width not less than 5.5m at the road carriageway with provision for two way traffic;
  - (h) have a vertical clearance of not less than 2.1m above the parking surface level;

**Advice: Parking aisle widths less than those stipulated in AS2890.1 may be accepted where turning paths demonstrate vehicles can enter and exit parking spaces.**

16. Prior to the development commencing, or application for building or plumbing permits, the developer must submit to Council a parking plan including:
- (a) pavement details,
  - (b) design surface levels and gradients,
  - (c) drainage,
  - (d) turning and travel paths (where required to demonstrate compliance with AS 2890.1),
  - (e) dimensions (including clearances),
  - (f) line marking,

The parking plan is to be certified by an engineer and shall form part of the permit once accepted.

17. The completed parking and associated turning areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
18. All areas set-aside for parking and associated turning, and access must be completed before the use commences and must continue to be maintained to the satisfaction of the Council's Municipal Engineer.

### ***Access to Public Road***

ADVICE: No works on or affecting any Council road reservation is to be commenced until the Brighton Council has issued a WORKS IN ROAD RESERVATION PERMIT. Application for the issue of the necessary works permit is to be made to the Brighton Council's Asset Services Department prior to the proposed date of commencement of any works.

### ***Stormwater***

19. The stormwater system for the development must, unless required otherwise by this permit, be substantially in accordance with the *Stormwater Management Memo*, prepared by AD Design & Consulting, dated 213/09/21
20. Stormwater from the proposed development must drain to the piped public stormwater system to the satisfaction of Council's Municipal Engineer and in accordance with the *Building Act 2016*.



21. The piped public stormwater system in Morrison Street must be extended to the southern boundary of the subject land to provide a stormwater property connection.
22. The developer must provide on-site detention to offset the increase in stormwater runoff caused by the development to the satisfaction of Council's Municipal Engineer.

**ADVICE:** Council modelling indicates that the existing piped stormwater system downstream of the development has insufficient capacity for a 5% AEP event. Calculations for the sizing of the detention system must be included in the application for a Plumbing Permit.

23. Stormwater from the proposed development must be treated prior to entering the public stormwater system to achieve that the quality targets in accordance with the State Stormwater Strategy 2010. Water Sensitive Urban Design Principles will be in accordance with the *Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania*, Council Policy 6.1 *Stormwater Quality Control Contributions* and to the satisfaction of the Council's Municipal Engineer.

Alternatively:

The developer may make a financial contribution to Brighton Council for the provision of stormwater treatment in accordance with *Council Policy 6.1 Stormwater Quality Control Contributions*.

**Advice:** A copy of *Council Policy 6.1 Stormwater Quality Control Contributions* is available from the Brighton Council Website <https://www.brighton.tas.gov.au/council/policies/>

24. Where stormwater detention or treatment is provided, the stormwater system must continue to be maintained to ensure the quality targets in accordance with the State Stormwater Strategy 2010 are maintained and water is conveyed so as not to create any nuisance to adjacent properties.
25. The driveway must be drained to minimise surface runoff over adjoining land in accordance with the requirements of the Municipal Engineer and in accordance with the Building Act 2016.

### ***Soil and Water Management***

26. 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.

27. 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.

*Construction amenity*

28. The road frontage of the development site including road, kerb and channel, footpath and nature strip, must be:
1. Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
  2. Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.

In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion will be deemed a result of construction activity requiring replacement prior to approval.

29. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
- Monday to Friday 7:00 am to 6:00 pm
  - Saturday 8:00 am to 6:00 pm
  - Sunday and State-wide public holidays 10:00 am to 6:00 pm
30. 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.
31. 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 Strategic Planning.

32. 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.
33. 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.

### ***Engineering***

34. Public works must be carried out and constructed in accordance with the:

- a. Tasmanian Subdivision Guidelines*
- b. Tasmanian Municipal Standard – Specifications*
- c. Tasmanian Municipal Standard – Drawings*

as published by the Local Government Association of Tasmania and to the satisfaction of Council's Municipal Engineer.

35. Engineering design drawings for all public works within the road reservation must be submitted to and approved by Council before any works associated with development of the land commence.

**Advice: Public works include all works within the road reservation including, but not limited to, kerb and channel, footpath, stormwater mains, sewer mains. The engineering drawings submitted with the application are considered to be concept plans and may require alterations prior to consideration for approval.**

36. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, 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.
37. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

38. The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of public works.

***Maintenance and Defects Liability Period***

39. Public works provided as part of the development must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.

**Advice: A bond is to be lodged with Council during the maintenance and defects liability period equal to 10% of the value of public works in accordance with Council Policy 6.3**

40. Prior to placing works onto the maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

**THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:**

- A. Please contact your private building surveyor to ascertain what approvals (if any) are required under the Building Act 2016.
- B. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- C. 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.

*Cr Murtagh left the meeting 6.06pm*

*Cr Murtagh rejoined the meeting 6.08pm*

**DECISION:**

*Cr Owen moved, Cr Whelan seconded that the recommendation be adopted with the inclusion of the following condition:-*

*Condition 1A:*

*Prior to issue of approvals pursuant to the Building Act 2016, an amended site plan must be submitted to and approved by Council's Manager Development Services. The amended site plan must be in accordance with the concept plan titled Cover and Site Plan \_ Level Ground , Drawing No. DA 00, Revision 4 prepared by MinD. Architects revised 15/12/2021 which shows widening of the concrete driveway as outlined in*

blue. Once approved, the amended site plan will form part of the approved permit. The plan must include “treatment” at the entrance as approved by Council’s Municipal Engineer.

CARRIED

#### VOTING RECORD

##### In favour

##### Against

Cr Curran  
Cr De La Torre  
Cr Garlick  
Cr Geard  
Cr Gray  
Cr Jeffries  
Cr Murtagh  
Cr Owen  
Cr Whelan

## 14. Reports from Officers

Cr Gray and Cr Geard had declared an interest in the following item and left the meeting 6.10pm

Cr Curran (Deputy Mayor) took the Chair

### 14.1 Residential Use in the Agriculture Zone Policy

Author: Acting Manager Development Services (J Blackwell)

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#### Background

Council endorsed public consultation relating to a draft policy addressing Residential Use in the Agriculture Zone at its Ordinary Council Meeting held 19<sup>th</sup> October 2021.

#### Consultation

Community consultation was subsequently undertaken for a period of 28 days, in accordance with the endorsed recommendation, concluding on Friday 19<sup>th</sup> November 2021. Consultation included writing to 135 landowners in the Agriculture Zone, creating a ‘Have Your Say’ page on the Brighton Council website, and inviting submissions to the draft policy through Brighton Council’s Facebook page.

During the public consultation period, one face-to-face meeting was held with four local land owners; and four written survey responses regarding the draft policy were received.

### **Risk Implications**

As noted in the previous report to Council, there remains a risk that an approved residential use approved under this Policy could be appealed and overturned by the Resource Management and Planning Appeal Tribunal (RMPAT). However, this is the case for any discretionary planning application and planning staff are confident that compliance with the Policy will ensure that the relevant standards in the planning scheme have been adequately addressed.

### **Financial Implications**

Nil.

### **Strategic Plan**

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

S2.1: A focus on Agriculture /Horticulture/ Aquaculture – (Food).

S4.2: Be well-governed.

### **Social Implications**

As noted in some of the submissions received, it may be that that some property owners believe the requirements of the Policy are too strict. However, planning staff are of the opinion that the information required by the Policy is what is needed to adequately assess an application for residential use, given the level of information required to satisfy the criteria required by the Planning Scheme.

Likewise, there are also likely to be property owners that think the Policy doesn't go far enough to provides protection to agricultural land.

The Policy attempts to provide a reasonable compromise between opposing views and uphold the Planning Scheme.

### **Economic Implications**

The Policy aims to ensure that land in the Agriculture Zone is used for just that; agriculture. This has the potential to increase agricultural production in the municipality.

### **Assessment**

Respondents were asked to provide feedback or comments on the draft policy. Responses received from the online survey are set out in Table 1 below. Issues raised by landowners in the face-to-face meeting incorporated similar views and included concerns regarding the future ability to provide additional housing for family members, and fettering of agricultural uses by nearby residences.

Comment	Response
Need to allow for multiple families to live on the land, and continue to farm as the family expands. Provides for elderly land owners to remain on the land after they pass it to children	There is the ability to apply for multiple dwellings on agricultural land. However, each application for additional residences will be required to demonstrate how the proposal satisfies the planning scheme,
Residents should have a right to live on the farm even if it is not commercially active.	The purpose of the agriculture zone is to provide for agricultural uses. It is in place to protect conflict between non-agricultural and agricultural uses, and to ensure that agricultural land is not converted.
The policy states residential use must cease if and when the agricultural use ceases. What then happens to the land?	The policy provides for land owners to provide evidence of how compliance can be achieved. However, the planning scheme does not allow council to approve a residential use on the site, without being associated with a current agricultural use. The policy sets out how Council will address non-compliance.
Productivity of agricultural land can be increased by allowing a residence, especially in relation to intensive agriculture. Council should make a judgement based on the likely increase in productivity of the land, and not solely on living on site being an essential characteristic of the enterprise.	The policy provides clarity to land owners by establishing clear guidelines in determining whether discretionary residential use is required to support genuine agricultural use. The information required by the policy is considered to be the minimum required to allow council to make a decision which satisfies planning scheme requirements
Right to Farm condition is supported.  The policy provides for protection of agricultural land in the Brighton Municipality	
The policy discriminates against Titles that have been held for a long time, sometimes generations, where those titles could have been sold as unencumbered as opposed to those created recently.	The Policy relates to new residential uses on agriculture zoned land. There is no change to existing Titles, but zoning requires the dominant use of the land to be for agricultural purposes.
How will this policy be enforced given that in the past agricultural land has been subdivided with no follow-up of regulations.	Previous subdivision approvals have been in accordance with planning scheme requirements at the time.

	In relation to approved uses, the policy provides for ongoing compliance checks.
It is very hard to have one blanket policy as there are many different agricultural uses for different land categories.	The policy relates only to an application for a new residential use on agricultural property.
The value of agricultural land, in this climatic area, is dependent on access to reliable irrigation water and at this point there is no permanent irrigation water available in the Brighton Municipality given that TasWater recycled water does not have a long term contract with farmers	
The cost of providing the required information is significant, without any assurance of a permit approval.	Noted. However, land owners need to be able to demonstrate how they will comply with the relevant standards of the planning scheme. The information listed is considered to be the minimum amount of information required for Council to make a decision as to the proposed use of agricultural land
There is a need to protect farmers and allow them to manage/operate on agricultural land, and to manage the impacts of urban sprawl on adjoining agricultural land. There are an increasing number complaints relating to things such as dog attacks, noise complaints, use of chemicals etc.	The policy informs prospective land owners that the land is to be used predominantly for agricultural uses, with residential use being a demonstrated necessity. Further, the Right to Farm provisions places the onus on future land owners in order to mitigate the impacts of lawful agricultural operations.
Council should be open to changes to the downzoning of agricultural land, which will have potential to increase the housing and residential development on some marginal land adjoining residential zoning, and address buffer issues between zone boundaries	The purpose of the policy is to address the planning scheme requirement relating to residential use on agricultural zoned land only. This is a matter for separate strategic planning consideration
Concerns regarding future subdivision and ability to undertake residential development on new lot.	The Policy does not apply to subdivision of agricultural land. It solely relates to the type of information required to be provided in support of applications for new residential use on land zoned Agriculture.
More consideration should also be given to AgriTourism and other uses which value add to agricultural land and dwellings that need to be built for that purpose.	The Policy solely relates to applications for new residential use on land zoned Agriculture. Additional uses can be



	considered in accordance with the planning scheme
A 2 stage planning application process be adopted, with council advising the likelihood of approval being granted prior to lodging a formal application	Council officers already provide pre-lodgement advice as requested. Whilst a definitive approval cannot be given prior to the formal application process, advice can be provided as to what additional information may be required to assist in the making of an application.
That the policy enables Council's discretion to approve a planning application on the basis that a residence on small and/or marginal blocks would increase the relative food production on these blocks.	<p>Council has no ability to vary the performance criteria to be assessed, as it sits within the planning scheme.</p> <p>The purpose of the Policy is to provide clarification to land owners as to what the minimum amount of information is required to be able to assess any application for a new residential use.</p>

The purpose of this policy is to outline what information is required, should a land owner wish to establish a new residential use on agricultural land. The policy is intended to provide guidance to both landowners, prospective purchasers and planning staff to ensure that developers demonstrate that residential use is required to support the agricultural use in accordance with planning scheme standards. The onus is on the developer to demonstrate how they intend to undertake a sustainable agricultural business (which may include complementary uses).

The policy cannot permit alternative uses to those prescribed by the Planning Scheme, but it is noted that the use table for the Agriculture Zone allows for multiple dwellings on lots. However, in each instant, the need for an additional residence will have to be demonstrated, in accordance with policy, and planning scheme criterion. Further, the planning scheme does not restrict the possibility of operating an enterprise that value-adds to the existing agricultural use.

The concerns raised in the submissions outlined above generally relate to the need for changes to the State Planning Provisions or additional uses being allowed in the zone.

Accordingly, it is not considered that any changes to the policy are required.

### Options

1. As per the recommendation
  2. Other
-

**RECOMMENDATION:**

Endorse the Residential Use in the Agriculture Zone Policy (Attachment A).

**DECISION:**

*Cr Whelan moved, Cr Murtagh seconded that this item be deferred for further review and be referred to the February 2022 Council meeting.*

**CARRIED**

**VOTING RECORD****In favour****Against**

Cr Curran  
Cr De La Torre  
Cr Garlick  
Cr Jeffries  
Cr Murtagh  
Cr Owen  
Cr Whelan

*Cr Gray & Cr Geard rejoined the meeting 6.26pm*

*Cr Gray, Mayor resumed the Chair.*

**14.2 Public Art Project - Vibrance 'Street Art'**

Author: Executive Officer (M Braslin)

Approved: General Manager (J Dryburgh)

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**Background**

Council is seeking to install murals in the Gagebrook – Herdsmans Cove area to enhance public amenity and increase the appeal of pedestrian movement in the area.

Vibrance have prepared a proposal for council outlining their proposed sites for the artworks as well as their fees.

Council has consulted with two of the three relevant land owners and they are very supportive.

**Consultation**

Vibrance and Senior Management Team.

**Risk Implications**

There is a risk some people may not like the artworks.

## Financial Implications

The cost for three walls painted with murals is \$14,200 and this can be accommodated from the existing budget within the Public Art Strategy and the Community Development budget items. Council's General Manager is also consulting with TasWater to see if they will contribute to the cost of the proposed artwork on their building.

## Strategic Plan

The proposal contributes to our Goal 1 to *Strengthen our Communities* :

S1.1 to *Understand/Improve Health and Wellbeing* by enhancing our local cultural environment and engendering community pride

## Social Implications

Street art and graffiti murals improve the general look of a space. It can also inspire the community to open their minds as well as develop pride in where they live. It is hoped that if this initial project is successful and popular, that the project can expand in future years. It may include mentoring of local artists working with paid professional street artists in the future.

A great piece of street art can transform the object on which it appears, but it can also transform the community in which it resides. Transforming grey drab walls with colour and light through the addition of art. Instead of feeling dreary or uninterested, people can become inspired and uplifted.

## Environmental or Climate Change Implications

No significant climate or environment-related issues.

## Economic Implications

A community that looks and feels modern and vibrant can encourage economic confidence and investment.

## Other Issues

Nil.

## Assessment

It is important for Brighton Council to constantly look for ways to improve the local environment and to engage the community. Art is often a vehicle for social change. Street art can add beauty and character to ugly or boring spaces.

Street art can impact the character of a street, location, or an asset. It can not only beautify a space but provide a focus for local pride, history and storytelling and reduce negative graffiti.

Vibrance have worked with businesses, council and universities to instal over 50 professional murals in Southern Tasmania.

Local councils that invest in public art are following a broadening trend to include art as part of public improvements.

### Options

1. As per the recommendation.
2. Do not approve the \$14,200 for the wall art.

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### **RECOMMENDATION:**

That Council endorses the project and funding from the Public Art Strategy and the Community Development budget.

### **DECISION:**

*Cr De La Torre moved, Cr Curran seconded that the recommendation be adopted.*

**CARRIED**

### VOTING RECORD

#### **In favour**

#### **Against**

Cr Curran  
Cr De La Torre  
Cr Garlick  
Cr Geard  
Cr Gray  
Cr Jeffries  
Cr Murtagh  
Cr Owen  
Cr Whelan

### 14.3 Electric Vehicle Advocacy

**Authors:** Deputy General Manager (G Davoren)  
Corporate Executive Manager (G Browne)  
Climate Resilience Officer (A Johnson)

**Authorised:** General Manager (J Dryburgh)

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#### Background

Brighton Council brought the issue of Fringe Benefit Tax (FBT) impediments for full electric vehicles to the attention of the Southern Tasmanian Councils Authority (STCA), seeking endorsement to send an advocacy letter to the Federal Government from the STCA (attached). This was subsequently endorsed on 17 November 2021. The letter urges the Federal Government to:

*“add Electric Vehicles to the Australian Taxation Office eligible vehicles where private vehicle use is restricted to travel between home and work.”*

The STCA represents roughly 50% of Tasmania’s population and advocates for climate change action via the Regional Climate Change Initiative (2011 to 2021).

Brighton Council authored the letter to Federal Government Minister Angus Taylor and cites Brighton Council as one example of many local government organisations working to reduce the barriers to electric vehicle adoption.

#### Brighton Council internal electric vehicle review November 2021 summary

Brighton Council has recently reviewed opportunities to switch to full electric vehicles as part of endorsing a corporate emission reduction target of 30% below 2021 levels by 2030, on the pathway to zero emissions by 2040.

Cost is one of the biggest barriers preventing broadscale switches within local government fleets.

Fringe Benefit Tax (FBT) becomes a significant financial cost for roughly half of Brighton Council’s light vehicle fleet (not heavy vehicles/trucks) as most of the take-home-work-vehicles are utes, which do not attract FBT. As soon as these are switched to a more “desirable” vehicle, a Federal Government tax that Brighton Council has responsibility to pay applies.

The FBT exemption for utes can be as high as \$8,000 per vehicle per year. The scale of this saving effectively renders all other vehicles more expensive.

If this exemption applied to electric vehicles, it would instantly be cost effective for council to transition toward low emission electric vehicles, which would also allow charging during the day from council's roof top solar system.

The current Liberal Coalition Federal Government recently reviewed the application of FBT to electric vehicles as part of the national Future Fuels and Vehicles Strategy and has no plans to alter the existing FBT policy. The recently announced Labor Party policy is to exempt FBT for all electric cars below the luxury car threshold for fuel efficient cars from July 2022, should they win the next election.

The landscape for low emissions and EVs is changing rapidly. Council should take every sensible opportunity to reduce emissions, make savings and improve efficiency. Going forward operationally, Brighton Council corporate services will:

- Review every opportunity to switch to electric vehicles;
- Conduct an annual market review noting prices change 3 monthly; and
- Have proposed a minimum benchmark in Brighton Council's Vehicle Fleet Policy to prevent the worst performing emitters from entering the vehicle fleet

### Consultation

The General Manager, Corporate Services, and Manager Development Services have been involved with the EV review of Brighton Council's vehicle fleet.

### Risk Implications

There are low risk implications sending an advocacy letter, lobbying and lobbying the sector via LGAT.

### Financial Implications

There is minimal cost to posting a letter, however, the financial savings to Brighton Council would be significant if the advocacy letter adds to the removal of FBT barriers to fleet changeovers.

### Strategic Plan

The recommendations further the following strategies from Council's strategic plan:

*S1.1: Understand/Improve Health and Wellbeing*

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

*S4.1: Ensure Financial & Risk Sustainability*

*S4.2: Be well-governed*

*S4.4: Long-term thinking & evidence-based*

## Social Implications

The community looks to Brighton Council for leadership on issues such as climate change action and it emerged as a core priority for the community in the 2050 Vision consultation. There is a key role for government to demonstrate emerging technologies i.e. the State Government has just set a 100% EV state government vehicle fleet target by 2030.

## Environmental or Climate Change Implications

Reviewing electric vehicle options is an action under the *Brighton Council Climate Change Resilience Strategy 2019*.

## Economic Implications

There is an expectation from the community that Brighton Council will undertake climate action, and this includes regularly reviewing the costs and benefits of switching vehicles to benefit from lower ongoing operational fuel costs. There are far reaching economic benefits to this federal policy change too, as it would drive a major change in public and private fleet purchases nation-wide and would then create an affordable second-hand market of electric vehicles.

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## **RECOMMENDATION:**

1. Send a letter to the Federal Government, using Brighton Council's review of vehicle fleet options as an example, advocating for FBT removal for electric vehicles (similar to the STCA letter, but from Brighton Council).
2. Lobby Federal Government members to remove FBT for full electric vehicles as per the letter.
3. Take a motion to the March LGAT General Meeting, that LGAT:
  - Write to the Federal Government requesting they "add Electric Vehicles to the Australian Taxation Office eligible vehicles where private vehicle use is restricted to travel between home and work".
  - Lobby for the removal of FBT on electric vehicles on behalf of local government in Tasmania.
  - Seek sector support to reduce local government barriers to electric vehicle fleet switchovers and adoption.

## **DECISION:**

*Cr Murtagh moved, Cr Owen seconded that the recommendation be adopted.*

**CARRIED**

## VOTING RECORD

**In favour****Against**

Cr Curran  
Cr De La Torre  
Cr Garlick  
Cr Geard  
Cr Gray  
Cr Jeffries  
Cr Murtagh  
Cr Owen  
Cr Whelan

**14.4 Processing of Recyclable Materials - Establishment of a Joint Authority**

Authors: Asset Services Manager (H Macpherson)

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**Background**

The Council, at its ordinary Council meeting held on 17 August 2021, resolved the following:

*The update on the Council's arrangements for the acceptance and processing of its co-mingled recyclable materials be received and noted.*

*Authority be provided to the General Manager to proceed with the procurement of a new contract for the processing of co-mingled recyclable materials.*

*In doing so, the General Manager be authorised to work with other councils in Southern Tasmania to develop specifications, call tenders and award the tender in accordance with the assessment of the submissions received by the Tender Review Committee.*

*The General Manager be authorised to work with other councils in Southern Tasmania to secure ACCC approval to proceed with a joint tender.*

*In accordance with Section 30 of the Local Government Act 1993, the Council resolve to establish a Joint Authority with other Southern Tasmanian councils to progress waste related issues.*

*The General Manager be authorised to work with other councils in Southern Tasmania to progress the establishment of a new Joint Authority including the development of rules and governance arrangements for the new Joint Authority.*

*A further report be provided to the Council detailing the outcome of the tender process and seeking formal approval of the membership of the Joint Authority, within the next 6-months.*



## Joint Authority

A key finding of the investigations undertaken by the Southern Tasmanian Waste Management Group (STWMG) is the need for the establishment of a single body to manage the recycling contract on behalf of the twelve (12) southern Tasmanian councils.

Whilst there have been bodies established previously to manage regional waste in southern Tasmania, the current circumstances present a unique opportunity for the creation of a new body.

Those circumstances include:

- The introduction of a new state waste levy that could provide funding to resource the body.
- The State Government has committed to the provision of funding to regional bodies in the North and Northwest of the State, to ensure equity funding should also be available to southern councils.
- The experiences of the recycling service demonstrate the need for the region to 'work as one'.

There are numerous other waste related changes facing the region (and Tasmania) in coming months, the region must be well positioned to take advantage of these changes.

A range of joint (or regional) procurement opportunities could be available for organics, green waste, collection services, education and community awareness programs.

An MoU was signed by the twelve Southern Tasmanian Councils (as an interim measure) and has allowed the Councils to work together while a long-term structure was being considered and developed, being this the proposed Joint Authority.

The new Joint Authority will:

- Provide a direct link to the State Government for discussion, collaboration and funding opportunities in the waste sector.
- Coordinate responses to proposed actions arising from the State's Draft Waste Action Plan (including proposed legislation), providing one source of negotiation on behalf of the 12 Councils.
- Provide a formal structure and administrative body to assist and/or coordinate regional projects and tenders across the region, whereby previously this has been left to a single Council to initiate, coordinate, request involvement of others, and administer. Various examples of this being the recycling contract, FOGO processing, compostable bags, recycling units, education programs and collateral, state-wide communications programs (Rethink etc).

- Improve the ability to secure/access funding, particularly through the levy, but also grant programs.

Objectives and rules for such a body should also include specific reference to the management of the recycling contract on behalf of the southern councils, to ensure compliance and to ensure contract provisions are utilised to deliver on priority outcomes for the councils.

With an annual value in excess of \$2.8M, a 10-year contract will have a value of \$28M and is a significant financial undertaking.

More specific reference to the management of the elements of the recycling contract can be included if considered necessary.

### **Draft Submitted to ACCC**

The proposal to undertake a joint procurement by the southern councils for the acceptance of recyclables has been submitted to the ACCC (Australian Competition and Consumer Commission) for determination – the joint procurement is technically separate to the establishment of a Joint Authority, although the intention is clearly for the Joint Authority, once established, to be the party to any contract on behalf of the southern councils.

Interim authorisation from the ACCC was received on 10 November 2021.

The proposal for the establishment of a Joint Authority has been considered by the other southern councils with each council specifically or broadly in support.

Draft 'Rules' of the Joint Authority (refer **Attachment**) have been developed in consultation with the Southern Tasmanian Waste Management Group and have been referred to the southern councils' general managers for review and endorsement on behalf of their respective councils.

The rules have also been reviewed from a legal perspective by Page Seager lawyers.

### **Governance framework**

#### **Board Composition**

The Board of the Joint Authority will comprise a chair and four (4) directors, comprising five (5) members in total.

Directors are to be appointed based on merit, through a transparent process, and in alignment with the purpose and strategy, and ability to manage the financial and strategic affairs of the STRWA.

Two directors will be elected by the member councils through the STRWA Local Government Forum which is detailed later in this report. One of these directors when first appointed will serve a three-year term with the other director elected for a two-year term.

Expert board members when first appointed will serve the following inaugural terms:

- One for three years.
- One for two years; and
- One for one year.

Directors are appointed for terms of up to three years, and may be reappointed, with a maximum of six consecutive years.

Director recruitment is to balance renewal of Board, knowledge and perspective, and corporate knowledge.

### **Appointment of the Board**

Members of the STRWA Local Government Forum appoint, or reappoint, the chair and directors to the Board through a special resolution.

### **Eligibility as Chair or Director**

Persons are ineligible for appointment if they are:

- An elected representative of a member Council, except the local government representative(s) appointed by the STRWA Local Government Forum;
- An administrator appointed by the Tasmanian Government;
- Are an undischarged bankrupt;
- Have entered into a personal insolvency agreement under the *Bankruptcy Act 1966* and failed to fully comply with the terms of the agreement;
- Have been banned by ASIC or a court from managing corporations under the Corporations Act 2001;
- Have been convicted of dishonesty-related offences, such as fraud; or
- Are suspending payment to creditors, or compounding with, or assigning, their estate for the benefit of creditors.

### **Remuneration**

The chair and directors are to be remunerated in line with Tasmanian Government Board Fee Policy and escalated in line with increases to the Tasmanian State Service Award.

Directors' remuneration may be increased by up to 20 per cent to attract particular skills with the approval of the chair.

The chair's remuneration may be increased through a special resolution at the STRWA Local Government Forum.

### **Chief Executive Officer and employees**

The Board is to appoint a Chief Executive Officer (CEO) to be responsible for the operation and administration of the STRWA.

## STRWA Local Government Forum

The role of the STRWA Local Government Forum is to:

Elect Chief and Deputy Chief Member Representatives from within forum members who will be the local government directors on the STRWA Board

- Receive information from, and provide feedback to, the STRWA Board and CEO on performance of the STRWA against its objectives, functions, and Strategic Plan.
- Schedule 1 of Joint Authority Rules

Council <i>*Subject to confirmation of membership</i>	Population (2019-20 estimate)	% Population	\$ Yearly Contribution % of relevant part of budget	Vote weight
Brighton (M)	18,123	6%	% population x budget	2
Central Highlands (M)	2,166	1%		1
Clarence (C)	58,729	21%		3
Derwent Valley (M)	10,518	4%		1
Glamorgan-Spring Bay (M)	4,750	2%		1
Glenorchy (C)	47,963	17%		3
Hobart (C)	55,250	20%		3
Huon Valley (M)	17,966	6%		2
Kingborough (M)	38,628	14%		3
Sorell (M)	16,030	6%		2
Southern Midlands (M)	6,400	2%		1
Tasman (M)	2,479	1%		1
<b>TOTAL Southern Region</b>	<b>279,002</b>	<b>100%</b>	<b>\$ yearly member contribution budget</b>	

## Proposal and Implementation

It is proposed that the complex process associated with the establishment of the Joint Authority be progressed with urgency.

Once established, arrangements will be made for the appointment of the inaugural Chief Executive Officer.

One of the initial responsibilities of the newly appointed CEO will be to convene the inaugural STRWA Local Government Forum to enable the election and appointment of the new Board.

### **Consultation**

Manager Asset Services, General Manager, LGAT

A considerable amount of stakeholder engagement has been undertaken in the Strategic Analysis undertaken by Urban EP.

### **Risk Implications**

The *Local Government Act 1993* provides the ability for the establishment of a single or a Joint Authority.

Advice has been obtained from Page Seager Lawyers in relation to the process for the establishment of a Joint Authority, the drafting of the rules and also the ACCC approval process to undertake a joint procurement process.

### **Financial Implications**

A draft budget for the new Joint Authority has been established. A commitment has been provided by the State Government to allocate a portion of the new waste levy to the region. This allocation is expected to cover all costs associated with the operation of the new Joint Authority.

In addition, the operation of the new Joint Authority will achieve efficiencies through the close and careful management of the new dynamic recyclables contract.

The new waste levy is not expected to take effect until 1 July 2022, as such, the participating councils will be required to fund their respective portions of the new Joint Authority for the initial six-month period (i.e.: January to July 2022).

The cost for the six-month period is anticipated to be \$8,435. This is an unallocated budget item.

### **Impact on Future Years' Financial Result**

It is anticipated that the State Government allocation of the portion of the new waste levy will meet all future operational costs of the new Joint Authority.

While the quantum and format of funding from the State Government is yet to be determined, it has formally documented that levy funds will flow to the regional waste authorities, ensuring the ongoing sustainability of the STRWA (independent of direct Local Government funding).

### **Strategic Plan**

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

S4.1: Ensure Financial & Risk Sustainability.

## Environmental or Climate Change Implications

The kerbside recycling service is an important step in diverting materials from landfill.

Recycling paper, cardboard, plastic, steel, and aluminium recovered through the kerbside recycling system reduces the use of virgin materials and the environmental impacts associated with obtaining those raw materials from the natural environment.

## Economic Implications

The assessment section covers a number of points on the economic implications.

## Other Issues

Work has been undertaken to prepare draft rules for the new Joint Authority and to draft a budget for the Joint Authority's operation. Copies of each are attached for consideration. There is an extensive legal process to be followed when establishing a new Joint Authority, proposed to be known as the Southern Tasmanian Regional Waste Authority (STRWA) which includes:

- Council resolution to establish the Authority, this was completed on 17 August 2021;
- Publishing a notice of the intent to establish the Authority, providing details and inviting submissions;
- Provide copies of the notice to the Director Local Government and the public;
- Consider submissions received, make any adjustments and seek confirmation of the rules by a legal practitioner which may involve further consideration by Council;
- Provide notice of the establishment of the Authority in the Government Gazette.

This report recommends the adoption of the draft rules to enable the process to proceed.

## Assessment

The purpose of this report is to update the Council on the creation of the new Joint Authority (with other Southern Tasmanian Councils) to manage the new recycling contract (and other waste related issues) on behalf of the region and to seek the Council's approval of the membership and provisional operating budget of the Joint Authority.

## Options

1. As per the recommendation.
  2. Do not approve the recommendation.
-

**RECOMMENDATION:**

1. The draft rules of the South Tasmanian Regional Waste Authority attached to this report be approved.
2. The General Manager be delegated authority to amend the draft rules as required following consultation with the other eleven southern Tasmanian councils.
3. The General Manager be authorised to undertake all necessary actions to enable the establishment of the new Joint Authority to be progressed in accordance with Sections 30, 31, 32 and 33 of the Local Government Act 1993.
4. Should changes to the draft rules be required as a result of the statutory approval process, a further report be presented back to Council accordingly.
5. In accordance with regulation 15 (8) of the Local Government (Meeting Procedures) Regulations 2015, the Council has considered whether any discussion, decision, report or attachment related to this item can be released to the public, taking into account privacy and confidentiality issues, and resolve the matter remain confidential.

*Note: This resolution needs to be passed by an absolute majority.*

**DECISION:**

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

**CARRIED**

**VOTING RECORD****In favour****Against**

Cr Curran  
 Cr De La Torre  
 Cr Garlick  
 Cr Geard  
 Cr Gray  
 Cr Jeffries  
 Cr Murtagh  
 Cr Owen  
 Cr Whelan

**15. Closed Meeting**

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

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.

*There were no matters to be dealt with in a 'Closed Meeting' for December 2021.*

## 16. Questions on Notice

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

The meeting closed 6.45pm

Confirmed:

\_\_\_\_\_  
(Mayor)

Date:

\_\_\_\_\_  
18 January, 2022