



Brighton Council

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE BRIGHTON COUNCIL HELD REMOTELY

AT 5.30 P.M. ON TUESDAY,

18 JANUARY 2022

PRESENT: Cr Gray (Mayor); Cr Curran (Deputy Mayor); Cr De La Torre; Cr Garlick; Cr Geard; Cr Jeffries; 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) and Mr C Pearce-Rasmussen (Acting Manager Asset Services)

1. Acknowledgement of Country

2. Confirmation of Minutes

2.1 Confirmation of minutes of the Ordinary Council Meeting of 21 December 2021.

Cr De La Torre requested a couple of minor amendments with the wording of his declaration at Item 10.1 and the voting record was omitted after Item 14.3.

Cr De La Torre moved, Cr Owen seconded that the minutes of the Ordinary Council meeting of 21 December 2021 be confirmed with those minor amendments.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Jeffries

Cr Owen
Cr Whelan

3. Attendance and Apologies

Cr Jeffries moved Cr Geard seconded that Cr Murtagh be granted leave of absence.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Owen	
Cr Whelan	

4. Declaration of Interest

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

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

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

There were no declarations of interest.

5. Public Question Time and Deputations

As the meeting was held remotely there was no requirement for public question time.

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

Author: Mayor (Cr L Gray)

The Mayor's communications were as follows:

22 December 2021	Meeting with State Growth and General Manager regarding the Bridgewater Bridge announcement.
14 January 2022	Meeting with General Manager
18 January 2022	Ordinary Council Meeting

DECISION:

Cr Owen moved, Cr Jeffries 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 Owen	
Cr Whelan	

8.2 Reports from Council Representatives

There were no reports from Councillors

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

- Letter from Dion Lester, CEO of LGAT regarding LGAT Motion – Headworks – 7 January 2022.

8.4 Miscellaneous Correspondence

- Response letter from Minister for Climate Change, The Hon. Roger Jaensch regarding Tasmanian Climate Change Action letter from Mayor Gray – 24 December 2021.

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

There were no notices of motion.

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 Item 14.6 – Appointment of representatives for the Southern Tasmanian Regional Waste Authority and Item 14.7 – Request for Council support for community services during Covid-19 – kutalayna Collective are supplementary agenda items. These items are considered urgent and were unavailable at the time of compiling the Agenda.

Cr Owen moved, Cr Garlick seconded that the supplementary agenda items as submitted be dealt with at this meeting.

CARRIED

VOTING RECORD

In favour Against

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

12. Reports from Committees

There were no Council Committee meetings held in January 2022.

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 / 00325 for an Outbuilding at 3 Henry Place, Brighton

Author: Andres Perez-Roca – Planning Officer

Applicant:	Matthew Wayne Heawood
Subject Site:	3 Henry Place, Brighton
Proposal:	Outbuilding
Planning Scheme:	<i>Tasmanian Planning Scheme – Brighton</i> (the Planning Scheme)
Zoning:	General Residential
Codes:	Nil

Local Provisions:	Nil
Use Class:	Residential
Discretions:	8.4.2 Setbacks and building envelope for all dwellings
Attachments:	Plans and TasWater Planning Authority Notice
Representations:	1 representation was received. The representor raised the following issues: <ul style="list-style-type: none"> • Unreasonable loss of amenity to an adjoining property • Potential stormwater impact
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine Development Application DA 2021 / 00325. The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require the 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 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 a 584m² flat lot with frontage and access to Henry Place, Brighton.

The site has been developed by one dwelling and two associated outbuildings (see Figure 1 below).



Figure 1. An aerial image of the site and surrounds

The site and adjoining land are zoned General Residential and not affected by overlays or local provisions (see Figure 2 below).



Figure 2. Zoning (Red = General Residential Zone; Light yellow = Community Purpose Zone)

The site is burdened by a 3.00 metres wide Drainage Easement running along the rear boundary. A TasWater sewer main has been developed within this easement.

3. PROPOSAL

The proposal is for a 39.9m² (7x5.7m) outbuilding with a maximum height of 2.7m above the existing ground level and a minimum setback of 0.3m from the north side boundary.

The proposed outbuilding is intended as a residential carport, and does not require an extension to the existing driveway.

The proposed outbuilding sits outside the Drainage Easement and is sufficiently distanced from the TasWater sewer main.

The application is supported by the attached site plan and elevations.

4. PLANNING SCHEME ASSESSMENT

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 code 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.

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.

Use Class

The Use Class is categorised as Residential (for a single dwelling) under the Planning Scheme. In the General Residential Zone, this Use Class has a 'No Permit Required' status.

Compliance with the Performance Criteria

The proposal meets all the relevant Planning Scheme's Acceptable Solutions except for the one in the following clause:

Clause 8.4.2 A3/P3 – Setbacks and building envelope for all dwellings

Objective:	
The siting and scale of dwellings:	
(a)	provides reasonably consistent separation between dwellings and their frontage within a street;
(b)	provides consistency in the apparent scale, bulk, massing and proportion of dwellings;
(c)	provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and
(d)	provides reasonable access to sunlight for existing solar energy installations.
Acceptable Solution:	Performance Criteria:
<p>A3 – A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an</p>	<p>P3 – The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p>

<p>internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; or</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>
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The proposed outbuilding is within the building envelope required by the Acceptable Solution in sub-clause 8.4.2 A3 (a) of the Planning Scheme (see Figure 3 below).

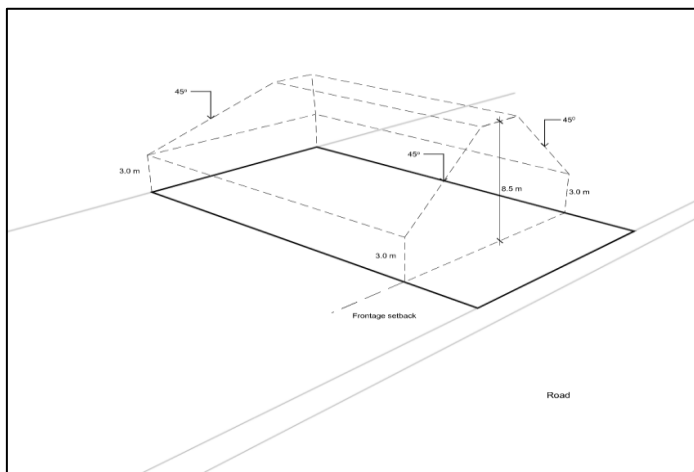


Figure 3. Building envelope as required by clause 8.4.2 A3(a)

However, the proposed outbuilding has a setback of less than 1.5m from the north side boundary (i.e., 0.3m) and, when considered with the existing outbuildings, the total length of outbuildings adjacent to the northern boundary exceed one-third the length (i.e., 17m out of 36m). Therefore, the Acceptable Solution in sub-clause 8.4.2 A3 (b) of the Planning Scheme is not met, and assessment against the relevant Performance Criteria is required.

The proposed carport is located to the south of the dwelling at 2 Henry Place. As such, the proposed carport will not cause a reduction in sunlight or overshadow a habitable room, private open space, or solar panels on any adjoining property. Moreover, the proposed outbuilding is of a size and design where appearance is not considered to result in an unreasonable loss of visual amenity, with the proposal plans showing that the carport is to consist of posts and a roof, with walls of the carport to remain open. Specifically, the proposed outbuilding is close to the typical size of a double carport.

The separation between dwellings and outbuildings on adjoining properties is consistent with that existing in the area. The adjoining lot to the north side boundary (i.e., 2 Henry Pl) has an approved dwelling with a roof span of approximately 19m and minimal side boundary setbacks from the property at 3 Henry Pl. Furthermore, 14 Henry Pl has an approved 11.93m long outbuilding with a setback of up to 0.5m from its respective northern side boundary.

Accordingly, the proposal is considered to meet the Performance Criteria in clause 8.4.2 P3.

5. Representations

One representation was received during the statutory public exhibition period between 1 December and 15 December 2021.

The concerns of the representor are summarised and responded to below:

Representor's concerns:	Planning Response:
Unreasonable loss of amenity to an adjoining property via inadequate separation from the dwelling at 2 Henry Pl that is inconsistent with good planning principles or other outbuildings in the Brighton community.	The proposed outbuilding is considered to meet the Performance Criteria in clause 8.4.2 P3 for the reasons outlined above.
Potential stormwater impact.	Stormwater management is considered under the Building Act 2016, and is not a planning scheme consideration. However, planning

	<p>permits typically include a condition for adequate stormwater management from any proposed development. The relevant recommended permit condition is copied below:</p> <p><i>"Stormwater drainage from the proposed development must drain to a legal point of discharge 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."</i></p>
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6. Conclusion

The proposal for an outbuilding at 3 Henry Place, Brighton, satisfies all relevant provisions of the *Tasmanian Planning Scheme - Brighton*. As such, it is recommended for approval with conditions.

7. Recommendations

That: Pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approves application DA 2021 / 00325 for an outbuilding at 3 Henry Place, Brighton, 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*.

Use

- (3) The outbuilding is to be used as a residential carport.

Amenity

- (4) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Manager Development Services.

Services

- (5) 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

- (6) At least two (2) car parking spaces must be maintained 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.

Stormwater

- (7) Stormwater drainage from the proposed development must drain to a legal point of discharge 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*.

Soil and Water Management

- (8) Before any work commences install temporary run-off, erosion and sediment controls and maintain these 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

- (9) 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.

- (10) 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, wastewater, 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.
- (11) 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.
- (12) 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.
- (13) 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. 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.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard

Against

Cr Gray
Cr Jeffries
Cr Owen
Cr Whelan

13.2 Development Application DA 2021 / 00099 for LOT 974 Scott Road, Bridgewater & LOT 975 Scott Road, Bridgewater Combined Application - Subdivision (12 lots) and Dwellings (x12)

Author: Jo Blackwell – Senior Planner

Applicant:	Centacare Evolve Housing
Subject Site:	Lot 974 and Lot 975 Scott Road, Bridgewater (C/T Volume 6707, Folio 974 and 975)
Proposal:	Subdivision (x 12 lots) and Dwellings (x 12)
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	General Residential Zone
Codes:	Parking and Sustainable Access Code Road and Railways Assets Code
Local Provisions:	Nil
Use Class:	Residential
Discretions:	<ul style="list-style-type: none"> • Building Envelope • Lot Design • Frontage
Attachments:	Plans and TasWater Planning Authority Notice
Representations:	<p>1 representation was received during the first public exhibition period, which raised the following issues:</p> <ul style="list-style-type: none"> • Location of Bus Stop • Location of Culvert/Stormwater Management • Noise from dwellings • Street lighting • Placement of wheelie bins

	<ul style="list-style-type: none">• Side boundary fencing
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2021/099.

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 consists of two adjacent parcels of land located on Scott Road, Bridgewater, comprised in Certificates of Title Volume 6707 Folios 974 and 975. Both parcels of land are vacant and are currently used for open space, with partially constructed pedestrian paths providing connectivity from Willis Street to the Reserve adjacent to the Derwent River, at the south (via Scott Road and Barton Crescent).

Bus stops are located on Scott Road, at the western end of the lot/s (see Figure 3).

A stormwater culvert is located on the lower side of Scott Road, which will need to be remediated.

There are some small shrubs and trees on the lots, but there is no vegetation of significance. Lot 975 is dissected by a TasWater sewer line. Page 7 of Holmes Dyer's supporting planning report provide a comprehensive site assessment. Figure 1 is an aerial image of the sites, whilst figure 2 demonstrates locality.



Figure 1: Subject Site/s (Source: Listmap)



Figure 2: Locality (Source: Listmap)

The site is zoned General Residential and is not affected by any mapped overlays (refer to figure 3). Land on the southern side of Barton Crescent is zoned Open Space, being Crown Reserve.

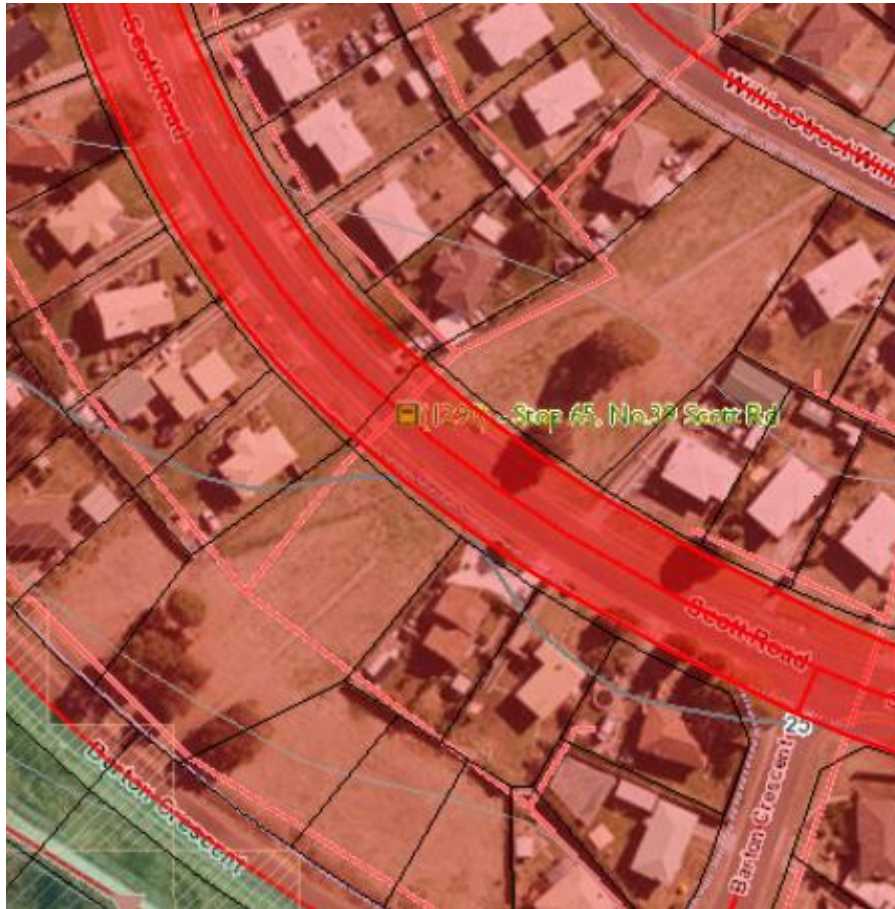


Figure 3: Zoning map

3. PROPOSAL

The proposal is for a twelve lot subdivision across the two lots, with single dwellings to be constructed on each new lot. Balance lots on each site, adjacent to the western boundaries, will be provided to council as public open space, in accordance with Council's policy, which will allow the existing pedestrian thoroughfare to be maintained.

Lot sizes range between 265sqm and 404sqm. Each of the dwellings are single storey and contain a single car garage, with jockey parking in front. Five of the dwellings will consist of three bedrooms, and the other seven will have two. The elevations show a mix of materials and colour schemes for the dwellings.

The proposal relies on performance criteria in relation to the building envelopes (side setbacks), lot size, frontage width and traffic generation.

The application is supported by the attached planning report, plans, and traffic impact assessment.

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 standard 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 under the Scheme. In the General Residential Zone the Residential Use is Permitted.

4.4. Compliance with Performance Criteria

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

Clause 8.4.2 A3/P3 – Building Envelope

Objective:	
<p>The siting and scale of dwellings:</p> <p>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</p> <p>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</p> <p>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</p> <p>(d) provides reasonable access to sunlight for existing solar energy installations.</p>	
Acceptable Solution	Performance Criteria
<p>A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more</p>	<p>P3 The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; or</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling</p>

<p>than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>
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The proposal provides for:

- Conjoined garages along the dividing boundary between lots 1 and 2.
- Conjoined dwellings between lots 3 and 4.
- Two (2) metre setbacks (1.0m setback from each boundary) between lots 4 and 5.
- Setback between units 5 and 6 is 1.2m (0.6m from each boundary).
- Lot 6 dwelling has a setback of 1m with a building length of 13.2m.
- Garage for Lot 7 adjoins the boundary, with 0.6m setback to southern portion of the dwelling.
- Conjoined garages along the dividing boundary between lots 8 and 9, with 1.2m separation (0.6m from each boundary) for the southern portion of the dwellings.
- Setback between units 10 and 11 are 1.2m (0.6m from each boundary).
- Setback between units 11 and 12 are 1.6m (1.0m and 0.6m respectively).

Accordingly, the proposal cannot satisfy 8.4.2 A3. Therefore, assessment against the performance criteria is relied upon.

The shadow diagrams at page 100 of the advertised documents (last page) demonstrate that it is unlikely that there will be an unreasonable loss of amenity arising from overshadowing.

The shadow diagrams demonstrate that each of the adjoining properties will have unrestricted access to sunlight for the first half of the day.

The proposed residences are single storey. Building height varies between (approx.) 4.0m and 4.8m for each dwelling, depending on the gradient of the land. Articulation is provided through a mix of materials and colours, to reduce visual impact.

The applicant's submission that *"the development has been setback in a manner which provides appropriate space to adjoining developments and provides for an appropriate transition between existing development in the area and the proposal"* (Holmes Dyer, p27) is supported. Separation between dwellings has been addressed by maintaining rear boundary alignment for the new lots, and by providing similar frontage setbacks in order to maintain a consistent streetscape. The relocation of the pedestrian access to the western side of each lot provides for separation between existing and proposed dwellings.

There are no solar installations identified on adjoining properties.

Accordingly, the PC is satisfied.

Clause 8.6.1 A1/P1 Lot Design

Objective:	
That each lot:	
<ul style="list-style-type: none"> (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; (c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and (d) is orientated to provide solar access for future dwellings. 	
Acceptable Solution	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none"> (a) have an area of not less than 450m² and: (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: 	P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to: <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots;

<p>a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>(c) the topography of the site;</p> <p>(d) the presence of any natural hazards;</p> <p>(e) adequate provision of private open space; and</p> <p>(f) the pattern of development existing on established properties in the area.</p>
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The applicant has lodged a combined subdivision and development application, which demonstrates the proposed lot layout for each of the dwellings. The proposal provides for lots with a land area of between 265sqm and 404sqm per lot (with an average lot size of 328sqm). The proposed lot sizes do not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

Each lot has an average gradient of 1:9, with no identified natural hazards on any site. The proposal shows compliance with all acceptable standards for development, other than building envelope which is addressed above. Each lot has direct vehicle access to either Willis Street, Scott Road or Barton Crescent. A separate lot is to be provided in order to maintain the pedestrian access, which currently dissects both sites.

The applicant notes that the *“proposal is considered to be complementary to the pattern of development existing on established properties, despite featuring smaller dwellings and allotment sizes. Each dwelling has been designed to enable good liveability and greater product diversity, which enables a greater demographic mix. In addition, each dwelling has been designed to be complementary to the existing single storey, detached and low-density nature of the locality”* (Holmes Dyer,p.34).

It is considered that the Applicant's assessment is appropriate, taking into account the level of compliance with the development standards for single dwellings.

Accordingly, the PC is satisfied.

Clause 8.6.1 A2/P2 Frontage

Objective:	
That each lot:	
<ul style="list-style-type: none"> (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; (c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and (d) is orientated to provide solar access for future dwellings. 	
Acceptable Solution	Performance Criteria
A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m	<p>P2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the width of frontage proposed, if any; (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (c) the topography of the site; (d) the functionality and useability of the frontage; (e) the ability to manoeuvre vehicles on the site; and

	(f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.
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The proposed subdivision plan provides for lot frontages between 6m and 9.2m, which does not satisfy the acceptable solution. Therefore, the performance criteria must be addressed.

Each lot has its own access, with setback distances between the frontage and building line ranging between 5.0m and 14.6m. The setbacks proposed replicate those existing in the immediate area and allows a jockey car park to be created on each site to be provide a second a car parking space. Given the average gradient of 1:9, it is not considered that the topography will cause unreasonable fettering of accesses.

Accordingly, the PC is satisfied.

Clause C3.5.1 A1.2/P1.2 – Road and Railway Assets Code

Objective:	
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
Acceptable Solution	Performance Criteria

5. Referrals

Senior Technical Officer

The application was referred to Council's Senior Technical Officer. That officer's report addresses the Road and Railway Assets Code, the Parking and Sustainable Transport Code and stormwater management arising from the proposed development.

The report further identifies an existing pedestrian underpass on the Scott Road frontage which has had the approaches from each side filled. A condition is recommended, requiring a condition report on the structure, prior to any works being undertaken.

TasWater

The application was referred to TasWater, who has issued an Amended Submission to Planning Authority Notice dated 28th September 2021, reference TWDA 2021/00572-BTN. The amended SPAN will form part of any permit approved by the planning authority.

TasNetworks

The application was referred to TasNetworks. No response has been received.

Metro

The application was referred to Metro for comment. Metro has identified a suitable site for relocation of the bus stop, adjacent to 45 Scott Road. Conditions are recommended for inclusion in any permit that may be approved by the planning authority.

6. Representations

One (1) representation was received during the statutory public exhibition period between 9th October 2021 and 25th October 2021. The application was subsequently re-advertised between 6 - 20 December 2021, after discrepancies in the elevations were identified.

The representor was subsequently requested to confirm whether they wished the representation to stand, or be withdrawn, due to the re-advertising of the application. No advice was received from the representor, however it is considered that the issues raised by the representor were valid, and have been addressed in the Table below.

Representor's concerns	Planning Response
The culvert under the allotment often floods. How will this be rectified so no flooding occurs on anybody property?	<p>Council has prepared a draft stormwater catchment management plan for Bridgewater (Bridgewater CMP). The Bridgewater CMP has not any capacity issues with the piped network through the site nor with the major network (overland flow path).</p> <p>Irrespective of the above, conditions are recommended requiring the developer to design the stormwater system such that</p> <ul style="list-style-type: none"> a) accommodate a storm with an ARI of 20 years when the land serviced by the system is fully developed; b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure <p>and that a major stormwater drainage system is provided through the site</p>

	designed to accommodate a storm with an ARI of 100 years.
Is the bus stop staying in its present place or will it be moved? If it's not moving this will cause crowding in the front of this new development. Especially with school children the increase in traffic going into this place will endanger lives.	Following consultation with Metro, it is proposed to relocate the bus-stop to the east outside 45 and 47 Scott Road.
Because of the closeness of the units against the fence, will they be insulated to reduce noise emission	Construction methods are regulated by the Building Act 2016 and will be dealt with when the necessary certificates are applied for. The residential use of each lot is not considered to cause a significant loss of amenity in relation to noise generation
Removal of the streetlight from the middle of allotment. Will this be replaced to increase security for safety of all residents.	The street lighting will be relocated to the public open space to be provided adjacent to the western boundaries of each lot. A condition requiring lighting of the walkways has been recommended
With 3 more units and an increase of 6 wheelie bins, this will cause a hindrance to the footpath near the bus stop. It's a sweeping corner and will cause a blind spot to drivers and no room for commuters to stand at bus stop at these times.	The proposal is for single dwelling allotments. Each dwelling will be required to place their wheelie bins on its respective street frontage on respective collection days. Further, the bus stop is to be relocated. See comments above.
Along the boundary fence there is an opening, will this gap be closed at who's cost? Can the gate be kept open?	Side boundary fencing is a civil matter between adjoining landowners. It is envisaged that the property owner will require that the gate be closed off.

7. Conclusion

The proposal for Subdivision (x 12) and Dwellings (x 12) 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 approve application DA 2021/99 for Subdivision (x 12) and Dwellings (x 12) for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General Conditions

- (1) The subdivision layout and 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*.

Staged development

- (3) The subdivision or 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.

Services

- (4) 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 proposed subdivision or development. Any work required is to be specified or undertaken by the authority concerned.

Advice: The redundant stormwater line servicing the disused pedestrian underpass (from the underpass to the pit to the southwest of Lot 7) is to be removed.

Tas Water

- (5) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice TWDA 2021/00572-BTN, dated 28/09/2021.

Water quality

- (6) 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.
- (7) 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.
- (8) The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's Municipal Engineer.
- (9) All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with topsoil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

Construction Amenity

- (10) The road frontage of the development site including road, kerb and channel, footpath and nature strip, must be:
 - (a) 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.
 - (b) 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.

- (11) 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
- (12) All works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
 - (a) emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
 - (b) transport of materials, goods or commodities to or from the land; and/or

(c) appearance of any building, works or materials.

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

SUBDIVISION CONDITIONS

Transfer of reserves

- (15) All roads or footways must be shown as "Road" or "Footway" on the Final Plan of Survey and transferred to the Council by Memorandum of Transfer submitted with the Final Plan of Survey.

Public Open Space

- (16) The "walkway" as indicated on the endorsed plan must be transferred to the Brighton Council prior to the use or development commencing.

Easements

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

Final plan

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

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

Landscaping

- (22) Prior to the sealing of the Final Plan, the road reserves and walkway must be landscaped by trees or plants, lighting and seating in accordance with a detailed landscape plan prepared by a landscape architect or other person approved by Council. The landscape plan must be submitted to Council for approval with the engineering drawings. The landscape plan must show the areas to be landscaped, the form of landscaping, and the species of plants and estimates of the cost of the works.
- (23) Unless approved otherwise by Council's Manager Development Services:
 - a) street trees must be a minimum of 2 metres in height at the time of planting.
 - b) paths must be concrete.

Engineering

- (24) The subdivision must be carried out and constructed in accordance with the:
 - a) Tasmanian Subdivision Guidelines
 - b) Tasmanian Municipal Standard – Specifications
 - c) Tasmanian Municipal Standard – Drawings
 - d) as published by the Local Government Association of Tasmania and to the satisfaction of Council's Municipal Engineer.
- (25) Engineering design drawings, to the satisfaction of the Council's Municipal Engineer, must be submitted to and approved by Council before any works associated with development of the land commence.

Advice:

The engineering drawings submitted with the application are considered to be concept plans and may require alterations prior to consideration for approval.

- (26) 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.
- (27) Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
- (28) 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 subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

Services

- (29) Any existing services shared between lots are to be separated to the satisfaction of Council's Municipal Engineer.
- (30) Property services must be contained wholly within each lot served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.

Access & Roadworks

- (31) A concrete vehicle access must be provided from the road carriageway to the property boundary of each lot.
- (32) Unless approved otherwise by Council's Municipal Engineer the developer must upgrade the entire road frontage of each lot to include:
- a) new kerb and channel
 - b) subsoil drains behind new kerb and channel
 - c) new 1.5m minimum width concrete footpath
 - d) new stormwater side entry pit lids and surrounds
- (33) A minimum 1.5m wide concrete footpath is to be provided in the proposed walkway along the western boundary of the lots connecting Willis Street through to Barton Crescent. The footpath is to be extended to the road carriageway with kerb ramps on either side of Scott Road.
- (34) Prior to the commencement of works the developer is to arrange for testing of the fill placed in the approaches of the abandoned pedestrian underpass in Scott Road. Where considered unsuitable for building on, the fill is to be removed and replaced.

- (35) Prior to the commencement of any works, the existing bus stop on the southern side of Scott Road in front of the development is to be relocated outside 45 and 47 Scott Road. A new section of concrete path no less than 4m long and 2.4m wide is to be provided adjacent the kerb. The relocated signage and new concrete slab are to be installed to the satisfaction of Council's municipal Engineer and Metro Tasmania.

Stormwater

- (36) The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity.
- (37) The developer is to provide a stormwater drainage system designed to comply with all of the following:
- a) be able to accommodate a storm with an ARI of 20 years when the land serviced by the system is fully developed;
 - b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure

Advice:

Council modelling indicates that the stormwater system immediately downstream of the subdivision in Barton Crescent is currently at capacity.

- (38) The developer is to provide a major stormwater drainage system through the site designed to accommodate a storm with an AARI of 100 years.
- (39) Stormwater from the proposed subdivision and development must be treated 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/>

Sewer & Water

- (40) Each lot must be connected to a reticulated potable water supply.

- (41) Each lot must be connected to a reticulated sewerage system.

Telecommunications and electrical reticulation

- (42) Electrical and telecommunications services must be provided underground to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's Municipal Engineer.
- (43) Prior to the work being carried out a drawing of the electrical reticulation and street lighting (including lighting of the walkway), and telecommunications reticulation in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's Municipal Engineer.
- (44) Prior to sealing the final plan of survey the developer must submit to Council:
- a) A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
 - b) A Letter of Release, or equivalent, from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections (basic connection) at the time each lot is further developed.

Maintenance and Defects Liability Period

- (45) The subdivision 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.
- (46) Prior to placing the subdivision 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.

DEVELOPMENT CONDITIONS

Amenity

- (47) Any front fence must have a height above natural ground level of not more than:
- a) 1.2m, if the fence is solid; or
 - b) 1.8m, if the fence has openings above a height of 1.2m which provide a uniform transparency of not less than 30%.
- (48) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Manager Development Services

Services

- (49) 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

- (50) At least two (2) parking spaces must be provided for the use of the development on each lot.
- (51) 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 asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
- (52) 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

- (53) Stormwater from the proposed development on each lot must drain to the piped public stormwater system to the satisfaction of Council's Municipal Engineer and in accordance with the Building Act 2016.
- (54) The driveways must be drained to minimise surface runoff over adjoining land or road reservation to the satisfaction of Council's Municipal Engineer and in accordance with the Building Act 2016.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

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

- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works (minimum of \$300.00), or as otherwise specified in Council's Schedule of Fees, must be paid to Council prior to the approval of engineering plans.
- D. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

DECISION:

Cr Whelan moved, Cr Geard 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 Owen
Cr Whelan

14. Reports from Officers**14.1 Outstanding Rates & Sundry Debt: 6 Bond Place Gagebrook, Property ID 5049794, Title Reference 14569/734**

Author: Deputy General Manager (G Davoren)

Background

Under the *Local Government Act 1993 (LGA)* for rates on land outstanding greater than 3 years; Section 137(1) of the LGA allows Council to sell that land as if it were the owner either (i) by public auction; or (ii) if the proceeds of the sale are unlikely to meet the costs of the public auction, by direct sale; or apply to the Minister for an order that the land be transferred to the council if it is not possible after reasonable inquiry to identify the owner of the land or the whereabouts of the owner.

Consultation

Deputy General Manager and Senior Rates Officer

Risk Implications

Property may not sell, or monies received from the sale may not be enough cover the outstanding costs on this property.

Financial Implications

\$3,283	Current rates debt
\$30,444	Current sundry debt
\$400	Yearly compulsory clearance fire hazard (approx.)
\$3,500	Advertising fees estimate to satisfy process of 137 sale
\$4,000	Real estate fees estimate if \$50,000 sale
\$665	Estimate land tax liability 1/7/2016 to current
\$1,000	Estimate legal fees
<hr/>	
\$43,292	TOTAL ESTIMATED CURRENT LIABILITY
<hr/>	

Government Land value as at 27/8/2020 is \$40,000.

Strategic Plan

Nil.

Social Implications

Nil.

Environmental or Climate Change Implications

Nil.

Economic Implications

Nil.

Other Issues

Nil.

Assessment

On the 29/04/2020 the building was destroyed by fire and an emergency order was issued for demolition, based on a Building Surveyor's assessment and under the *Building Act 2016*. Council and Tasmania Police were unable to locate the owner at the time and the building was demolished.

Council paid the accounts in relation to the Building Surveyor's inspection and report costs, security of the site and the demolition contractor.

A fire abatement hazard was compulsorily cleared in January 2021 and an invoice was subsequently issued. Another fire abatement notice was issued in December 2021 and expected to be compulsorily cleared and invoiced accordingly.

The last rates payment was 24/09/2018. The rates debt was lodged with Tasmanian Collection Service in May 2019; they were also unable to get any response from the owner. No response to email 30/8/2021 or SMS 5/1/2022. The owner was notified by SMS on 5/1/2022 of the impending report to Council and requesting payment of outstanding rates by 12th January 2021.

There is a caveat showing on the title as at 5/1/2022 lodged by State Revenue on 6/1/2020, which indicates this liability will need to be cleared at the time of the sale.

Options

1. As per the recommendation.
2. Council does not proceed with the sale of this property.

RECOMMENDATION:

That Council proceeds with the direct sale of this property in accordance with Section 137 of Part 9 of the *Local Government Act 1993* under which provision the sundry debt and other costs involved in the sale can be recouped by Council.

DECISION:

Cr De La Torre 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 Owen	
Cr Whelan	

14.2 Sale of Land - Lot 131 Cove Hill Road, Bridgewater

Author: Deputy General Manager (G Davoren)

Background

The existing Waste Transfer Station (WTS) at 131 Cove Hill Road, Bridgewater is approaching the end of its purposeful life. At the September 2021 Ordinary Council Meeting, Councillors supported the motion to purchase lots 20 & 21 Lukaalia Drive, Bridgewater. The purpose being, to provide a strategic future control opportunity, to secure land suitable for a local or regional waste transfer facility.

Consultation

Senior Management Team.

Risk Implications

Land cannot be sold prior to finalisation of a suitable alternative Waste Transfer Station.

Financial Implications

All capital returns for land sold will be set aside for reserve expenditure of a capital nature.

Strategic Plan

Relates to our Goal 1 to Strengthen our Communities.

Social Implications

Not applicable.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Other Issues

Nil.

Assessment

If it is Councillors' intent to eventually sell 131 Cove Hill Road, Bridgewater then it would be opportunistic to begin the process of sale now by gaining a valuation and undertaking any required consultation in accordance with section 177 of the *Local Government Act 1993*. Staff will have the ability to explore options to bring back to Council opportunities of rezoning 131 Cove Hill Road and options to sell the property in parts or full.

The large adjoining site has recently been sold by the Department of Communities into private hands and as such it would make sense from a planning point of view for the WTS land to be included in any master planning of the area, in case council does make some or all of the land available for sale in the coming years.

Options

1. As per the recommendation.
2. That Council do not support the sale of 131 Cove Hill Road, Bridgewater.

RECOMMENDATION:

That Council support the sale of 131 Cove Hill Road, Bridgewater with the opportunity for Council to consider the final contract prior to finalisation.

DECISION:

Cr Geard moved, Cr De La Torre 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 Owen
Cr Whelan

14.3 Department of Justice - Community Corrections - Waste Transfer Station Voucher Request

Authors: Council Services Officer (C Harper)

Background

Community Corrections have contacted Council seeking support for free access to the Waste Transfer Station for the works they undertake in the area. They do various works as part of their community work orders to assist pensioners in the area with home/garden maintenance and need to be able to dispose of garden waste as part of this work.

Consultation

Tilion Gribble (Community Corrections), Municipal Engineer, Council Services Officer.

Risk Implications

Nil.

Financial Implications

The cost of allowing them access in 2019/20 financial year was \$246. They are requesting 20 vouchers and if all are used would be approximately \$400.

Strategic Plan

S1.5 Building a resilient community.

Social Implications

This service is a great benefit to pensioners in the municipality who are often unable to afford commercial operators to undertake these works.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Other Issues

Nil.

Assessment

This is a long standing service that was interrupted by Covid restrictions, which is now recommencing operations and is a vital service to some in the area.

Options

1. As per the recommendation.
2. Not approve the recommendation.

RECOMMENDATION:

Council approve allocation of 20 vouchers for both the 21/22 and 22/23 financial years, and this be recorded accordingly in Council's Annual Reports under Section 77 of the *Local Government Act 1993*.

DECISION:

Cr Owen 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 Owen
Cr Whelan

14.4 Old Beach Cricket Club 7kW Solar System Proposal

Author: Climate Resilience Officer (A Johnson)

Senior Planner (J Blackwell)

Authorised: Asset Services Manager (H Macpherson)

Background

The Old Beach Cricket Club proposes Brighton Council match funding for a 7kW solar system.

The Old Beach Cricket Club is seeking \$4,500 excluding GST as a 50% contribution from Brighton Council to the total project cost of a \$9,000 excluding GST.

The Proposal has strategic ties with Brighton Council's climate change resilience program.

Consultation

The Deputy General Manager, Asset Services Manager and Corporate Services Manager have been consulted.

Risk Implications

Risks are low from the installation of a solar system on a Council owned building as the system is installed according to Australian electrical and building standards.

The Old Beach Cricket Club intends to apply to the State Government for a low interest loan, as part of the Solar Power for Sports Clubs – No Interest Loans Program.

Financial Implications

The total financial request to Brighton Council of installing a 7kW solar system is \$4,500 excluding GST. There are funds available for this purpose from budget line “community development”. The proposal benefits Brighton Council as it will increase the property value of the Old Beach Cricket clubrooms.

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

Not applicable.

Environmental or Climate Change Implications

The installation of solar panels on a Council owned building reduce Brighton Council’s overall greenhouse gas emissions footprint, in line with the corporate emission reduction target to reduce emissions by 30% on 2021 levels by 2030 and reach zero emissions by 2040. The action also relates to the Brighton Council *Climate Change Resilience Strategy 2019*.

Economic Implications

Nil.

Other Issues

Nil.

Assessment

The Brighton Council is expected to own the full 7kW solar system and pay for half the system. The following savings are estimated and following evaluation against recorded meter data following commissioning.

Capital investment	Estimated electricity bill savings each year	Payback period	Total savings over the life of the project (20 years)
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\$9,000 exc GST	\$2,300	4 years	\$46,000 exc GST and 26,904kg carbon dioxide avoided
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NB: 7.02kW x 3.5hrs x 365 days = 8968kWh per year, 0.15kgCO₂/kWh latest estimate National Greenhouse Accounts Factors, 0.26c/kWh, note that cricket club light usage and exported solar profiles have not been considered as this detailed data is unavailable.

Options

1. As per the recommendation.
2. Do not support the Cricket Club's pursuit to install solar panels at the Old Beach Cricket Club.
3. Support the Cricket Club's pursuit to install solar panels at the Old Beach Cricket Club with an alternative contribution from Council.

RECOMMENDATION:

1. Endorse the Old Beach Cricket Club's proposal for a 7kW solar system on Brighton Council's building.
2. Support the Old Beach Cricket Club proposal for Brighton Council to pay 50% of the total cost of the system.
3. Support the Old Beach Cricket Club low interest loan application to the State Government.

DECISION:

Cr Owen moved, Cr Geard 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 Owen
Cr Whelan

14.5 NAIDOC Week 2022 – School Initiative Competitions

Author: Executive Officer, Governance (A Turvey)

Background

Koori Kids is a community organisation that engages young people across Tasmania in a range of school initiatives to promote education and awareness of Aboriginal and Torres Strait Islander culture. Each year Koori Kids conducts the NAIDOC Week School Initiative Competitions for school aged children. This is broken up into primary and secondary school categories being; colouring-in, short story writing and creative essay writing. Koori Kids thanks and acknowledges Brighton Council's support last year and is once again seeking support from Council. They request consideration of Council to be an associate partner with a \$450 donation towards the program.

NAIDOC Week 2022 will take place from 3 to 10 July.

The Koori Kids 2022 School Initiatives program is coordinated in partnership with the Department of Education, Department of Health and Department of Premier and Cabinet.

As Council is currently in the process of developing a *Reflect* Reconciliation Action Plan (RAP), this program fits well with key deliverables required in the RAP, including raising awareness and sharing information about the meaning of NAIDOC Week and supporting/promoting external NAIDOC week events in our local area.

Consultation

General Manager, Governance Manager, Council Services Officer, Executive Officer.

Risk Implications

Not applicable.

Financial Implications

Koori Kids has provided a proposal for the 2022 initiatives. The contribution sought is \$450 to be utilised towards the costs for printing and distribution of information packs, posters and entry forms to schools across Brighton Council's Local Government Area.

The Grants and Donations budget for 2021/22 is currently over-expended.

Strategic Plan

An initiative such as this supports Council's 2019-29 Strategic Plan as follows:

Goal 1 – Strengthen our Communities.

S1.4 - Support Connected Communities.

S1.5 - Build a Resilient Community.

Social Implications

Improved relationships between Council and the Aboriginal community, and the organisations which operate in our municipality.

These initiatives are designed to educate all students on cultural diversity and involve a whole of community approach in the spirit of reconciliation and bringing us 'all together as one community'.

This year students will design posters that reflect their community, NAIDOC Week and thanking our frontline workers (who keep us safe).

This year's patrons include Jessica Mauboy (Indigenous Singer) and Josh Ado Carr (Indigenous NRL player).

Environmental or Climate Change Implications

The initiatives will enable participants to explore concepts linking environmental; and social/cultural issues and foster harmony in the community.

Economic Implications

Not applicable.

Other Issues

Not applicable.

Assessment

This cross cultural initiative has been operating very successfully since 2001 and is aligned with NAIDOC Week, celebrated in July each year. Hundreds of entries are received each year from schools within Council's LGA, and the success of the program is due in part to the support of councils and partner organisations.

Council is acknowledged through logo inclusion as an associate partner on information packs sent to schools throughout Council's LGA. If there is a winner school from within Council's LGA, an invitation for the Mayor and or a representative is invited to attend the school, along with Executive Director, NAIDOC Week Initiatives and other dignitaries to make special presentation of the NAIDOC Medal of Excellence and the student's prize.

A media release for the winning school is prepared in consultation with Council's media officer. Council is also forwarded a final report on the program.

The NAIDOC Week School Initiatives is a great fit with the development of Council's Reconciliation Action Plan (RAP), which includes raising awareness of NAIDOC week and promoting external events for NAIDOC week in our local area.

The NAIDOC Week School Initiatives is the only activity throughout NAIDOC Week that provides students with an educational component to NAIDOC Week and Indigenous culture and heritage. Our research and statistics confirm that schools are participating in the initiatives in increased volumes.

Options

1. As per the recommendation.
2. That Council not contribute to NAIDOC Week 2022 – School Initiative Competitions in our area.

RECOMMENDATION:

That Council contribute \$450 to the Koori Kids NAIDOC Week 2022 School Initiatives program to be utilised towards the costs for printing and distribution of information packs, posters and entry forms to schools across Brighton Council's Local Government Area.

This contribution be reported accordingly in Council's Annual Report in accordance with Section 77 of the *Local Government Act 1993*.

DECISION:

Cr Owen moved, Cr Geard seconded that this item be deferred pending further information to be received from the local schools and State Government.

CARRIED

VOTING RECORD

In favour

Against

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

14.6 Appointment of Representatives for Southern Tasmanian Regional Waste

Authority:

Author: Project Engineer (Mrs K Tongue)

Authoriser: Manager Asset Service (Heath Macpherson)

Background

Council, at its ordinary Council meeting held on 17 August 2021, approved the establishment of a Joint Authority to manage regional waste and recycling in Southern Tasmania. This Authority is to be known as the Southern Tasmanian Regional Waste Authority (STRWA). For the STRWA to commence operation, each Member Council must appoint a Representative to attend Forum meetings and Annual General Meetings as outlined in the STRWA draft rules, which were approved for adoption by the Council at its ordinary Council meeting held on 21 December 2021.

This report is for Councillors to nominate a Representative and substitute Representative for the Forum.

Consultation

Manager Asset Services, General Manager, LGAT

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 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.

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.

Other Issues

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 appointment of Council Representatives to the STRWA to enable the process to proceed.

Assessment

As per the rules of the Authority:

- Member Councils are to appoint one Representative to attend meetings of the STRWA Local Government Forum and the Annual General Meetings.
- The Member Council Representative is the only person authorised to vote on behalf of a Member Council.

- Member Councils are to appoint one substitute Representative who may vote if the Representative is unable.
- Member Councils may appoint an observer to attend Forum meetings and the Annual General Meeting.
- A Member Representative must be an elected representative of the Council or an employee of the Council.

STRWA Local Government Forum has a number of roles including:

- Elect a Chief Member Representative and Deputy Chief Member Representative from within Forum members.
- Elect Directors of the STRWA.
- Receive information from, and provide feedback to, the Board and STRWA CEO on performance of the STRWA against its objectives, functions and Strategic Plan.

Members of the Forum

- Members of the Forum will vote on the Chief Member Representatives and Deputy Chief Member Representatives on a three yearly basis. The Chief Member Representative and the Deputy Chief Member will also be Directors of the Board.
- Member votes will carry the number of votes opposite their name in Schedule 1.
- The Chief Member Representative will be the Chair of the Forum.
- The Forum will meet at least three times a year.
- In addition to the three Forum meetings per year, the Board may provide notice to Members of a Special Forum if required.
- Each Member Council must appoint their Representative before the election and appointment of Directors of the Board can commence.

The respective number of votes carried by each Member Representative is as follows:

Schedule 1 of STRWA draft rules

Council	Population (2019-20 estimate)	% Population	Contribution % of relevant part of budget	Votes
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
TOTAL Southern Region	279,002	100%	\$yearly member contribution budget	23

Options

1. As per the recommendation.
2. Do not appoint any representatives.

RECOMMENDATION:

1. The Council vote to appoint a Representative and substitute Representative for the STRWA Local Government Forum.
2. The Council appoint the Manager Asset Service as an observer.

DECISION:

Cr Geard moved, Cr Jeffries seconded that the recommendation be adopted with Cr Owen being appointed as Council's Chief representative and Cr Geard as the deputy representative

CARRIED

VOTING RECORD

In favour

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

Against

Cr Curran

14.7 Request for Council Support for Community Services During COVID - kutalayna Collective

Author: General Manager (J Dryburgh)

Background

Organisations delivering services to families in the Bridgewater and Gagebrook communities have been heavily impacted by the latest phase of the COVID pandemic.

Many services are not only experiencing difficulties with staffing and cautiousness of community members accessing services during this time but access to regular meeting rooms in schools and other institutions due to government restrictions is proving difficult.

Services met recently and agreed to approach Brighton Council to seek a waiver of room hire fees and bond at the Civic Centre for not for profit organisations who are providing services to the community and are unable to access meeting rooms at their normal sites during COVID.

A key issue for these organisations is that they have budgeted for free access to rooms for their programs and often don't have the financial capacity to pay for additional costs such as this.

The request is for this to be offered to these organisations until government restrictions are lifted or a review after 3 months, whichever comes first.

Consultation

Senior Management Team.

Risk Implications

Risks are no greater than any use of these facilities at this time, with relevant risk management plans in place and constantly being reviewed.

Need to clearly define the types of services and not for profit organisations to be included in this fee waiver request by the kutalayna Collective.

Financial Implications

Minimal cost to Brighton Council if agreed to for a limited period of 3 months and to be reviewed after this period. The kutalayna Collective have offered to contribute to cleaning costs based on this being a direct cost to Council.

Strategic Plan

Goal 1: Strengthen our Communities.

S1.3: Provide public facilities/amenities.

S1.4: Support connected communities.

Social Implications

Assist greatly with the delivery of social services to the Bridgewater and Gagebrook communities during a time that is proving extremely difficult for not for profit organisations to operate and deliver services, and when families and individuals are potentially even more vulnerable than normal.

Environmental or Climate Change Implications

Nil.

Economic Implications

Facilitate ability for services to assist families not just socially but economically/financially, where relevant.

Other Issues

Nil.

Assessment

The waiver of room hire fees and bond at the Brighton Civic Centre for these organisations will be minimal (three month period initially, to be reviewed after this time based on COVID circumstances and government restrictions).

Service providers require as much assistance as possible in this current pandemic environment to effectively continue to deliver much needed services and Council is in a position to provide important assistance to ensure this can happen in our communities.

Options

1. As per the recommendations.
2. Does not approve the recommendations.

RECOMMENDATION:

1. That Council agrees to waive room hire fees and bond for hire of meeting rooms at the Brighton Civic Centre until end of April 2022, with the condition that eligible service providers and not for profit organisations are specifically identified by the kotalayna Collective upon request from Council.
2. Hire form and agreements process to be followed for each booking. The General Manager to confirm or otherwise the eligible hirer.
3. Approved hirer to be required to tidy-up and clean after each use.
4. Any hirers to be recorded appropriately under Section 77 of the *Local Government Act 1993* in the Annual report.

DECISION:

Cr De La Torre 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 Owen
Cr Whelan

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

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Jeffries
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.

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

15.1 Crown Inn Pontville

15.2 Authorisation to Move Out of Closed Session and Release of Information to the Public:

RECOMMENDATION:

That the Council:

- (i) Having met and dealt with its business formally moves out of Closed Session; and
- (ii) Resolves to report that it has determined the following:

DECISION:

Item Number	Matter	Outcome
15.1	Crown Inn Pontville	Resolved decision not to be made public.

Cr Curran moved, Cr Geard 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 De La Torre

Cr Garlick
Cr Geard
Cr Gray
Cr Jeffries
Cr Owen
Cr Whelan

16. Questions on Notice

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

The meeting closed 6.15 pm

Confirmed:

(Mayor)

Date:

15 February 2022