



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL, HELD IN THE COUNCIL CHAMBERS,
COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH
AT 5.30 P.M. ON WEDNESDAY,
20 APRIL 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 C Pearce-Rasmussen (Manager Asset Services); Mr B White (Planning Officer) and Mrs J Blackwell (Senior Planner) (via Teams).

1. Acknowledgement of Country

2. Confirmation of Minutes

2.1 Confirmation of minutes of the Ordinary Council Meeting of 15 March 2022.

Cr Curran moved, Cr Garlick seconded that the Minutes of the Ordinary Council Meeting of 15 March 2022 be confirmed.

CARRIED

VOTING RECORD

In favour

Against

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

- 2.2 Confirmation of minutes of the Environment, Culture & Arts Committee meeting of 12 April 2022.

Cr Curran moved, Cr De La Torre seconded that the Minutes of the Environment, Culture & Arts Committee meeting of 12 April 2022 be confirmed.

CARRIED

VOTING RECORD

In favour

Against

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

- 2.3 Confirmation of minutes of the Finance Committee meeting of 12 April 2022.

Cr Owen moved, Cr De La Torre seconded that the Minutes of the Finance Committee meeting of 12 April 2022 be confirmed.

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, Apologies and Applications for Leave of Absence

Cr Murtagh had requested leave of absence for personal reasons.

Cr Jeffries moved, Cr Garlick 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 there were no members in the gallery 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:

17 March	Meeting with Patsy at Bridgewater Library – discussion of a collaborative arrangement (GM in attendance).
22 March	Meeting with Fresh Freight Manager, Grant Riley (GM in attendance). Conducted a Citizenship Ceremony at the Council Chambers.
29 March	Meeting with State Government – Minister Ferguson (GM in attendance).
30 March	Meeting with Charni Voss, Deputy GM and Manager Development Services regrading a development application.
31 March	Meeting with Deputy GM, Gillian Brown and Callum Pearce-Rasmussen regarding 22/23 budget process.
4 April	Conducted a Citizenship Ceremony at Council Chambers.
5 April	Meeting with Manager of Porta Timber (Deputy GM in attendance).
6 April	Meeting with Janet Saunders at Hobart Women's Shelter to discuss plans (Deputy GM in attendance).
7 April	Media engagement with Brian Mitchell – Ted Jeffries Memorial Park (Seymour St) announcement (Deputy Mayor /GM and senior staff in attendance).
12 April	Meeting with Vice Chancellor at UTAS (GM in attendance). Meet and greet with Gwen Pinnington. Environment and Heritage Committee Meeting. Finance Committee Meeting. Planning Authority Meeting – postponed due to lack of a quorum. Received a presentation from a planning consultant on a possible development. Workshop on Local Government Reform Process – Local Government Board Review into The Future of Local Government in Tasmania.
13 April	Meeting with Jane Howlett – MLC for Prosser.
20 April	April Ordinary Council Meeting.

DECISION:

Cr Jeffries moved, Cr Geard 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**DECISION:**

There were no reports from Councillors.

8.3 Correspondence from Southern Tasmanian Councils Association (STCA), LGAT, TasWater and Joint Authorities**8.4 Miscellaneous Correspondence**

- Letter from The Hon. Nic Street MP, Minister for Sport and Recreation regarding *Improving the Playing Field* grant – 9 March 2022.
- Thank you letter from Mayor Gray to former Premier, Peter Gutwein – 7 April 2022.
- Letter of congratulations from Mayor Gray to Premier Jeremy Rockcliff – 12 April 2022.
- Letter of congratulations from Mayor Gray to Minister Nic Street – 12 April 2022.
- Letter from Mayor Gray to the Joint Ministerial Committee, Hobart City Deal regarding Brighton Council's wish to be involved in the Derwent Ferry Service initiative – 13 April 2022.

9. Notification of Council Workshops

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015 it is reported that a workshop was held at 6.30pm on 12 April 2022, to discuss the Local Government Board Review into the Future of Local Government in Tasmania.

Councillors in attendance were: Mayor Leigh Gray, Deputy Mayor Curran, Cr De La Torre, Cr Garlick, Cr Owen.

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:

Cr Owen moved, Cr Geard seconded that Item 14.3 – Delegations – Building Act 2106 as tabled be approved for discussion 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

For the purpose of these Minutes items will remain in numerical order.

12. Reports from Committees

12.1 Environment, Culture & Arts Committee – 12 April 2022:

The recommendations of the Environment, Culture & Arts Committee of 12 April 2022 were submitted to Council for adoption.

Cr Curran moved, Cr De La Torre seconded that the recommendations of the Environment, Culture & Arts Committee meeting of 12 April 2022 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

12.2 Finance Committee – 12 April 2022:

The recommendations of the Finance Committee of 12 April 2022 were submitted to Council for adoption.

Cr Curran moved, Cr Owen seconded that the recommendations of the Finance Committee meeting of 12 April 2022 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

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 Southern Tasmania Regional Land Use Strategy – Clarence City Council Proposal To Amend The Urban Growth Boundary

Type of Report:	Planning Authority
Address:	Droughty Point
Requested by:	Clarence City Council
Proposal:	Amend the Regional Land Use Strategy to expand the Urban Growth Boundary
Author:	Manager Development Services (D Allingham)

Background

The purpose of this report is to enable the Planning Authority to determine whether to support an amendment to the Southern Tasmanian Regional Land Use Strategy (STRLUS) to amend the Urban Growth Boundary (UGB) as requested by Clarence City Council.

The request relates to the 'Skylands Master Plan' which extends from Tranmere and Rokeby to Droughty Point and comprises 315ha of land. As part of this masterplan, the proponent requests an amendment to the STRLUS by expanding the UGB around the peninsula, to allow for an additional urban area of around 58ha, above the current UGB.

Legislative & Policy Context

Currently, STRLUS enables the consideration of a rezoning proposal for up to 2ha of land that is outside, but adjoining, the Greater Hobart UGB, provided it meets the necessary criteria and other relevant regional policies in the STRLUS.

Other modifications to STRLUS and the UGB may be approved by the Minister for Planning. The consideration of the Minister involves various matters, including the endorsement of each southern Council. The process for Ministerial consideration is set out in *Information Sheet RLUS1 – Reviewing and Amending the Regional Land Use Strategies* published by the Department of Premier and Cabinet, State Planning Office (formerly the Department of Justice, Planning Policy Unit).

Risk & Implications

A broad review of STRLUS would provide for a more prudent regional planning outcome rather than ad-hoc decisions by the Minister.

Under Section 5A of the *Land Use Planning and Approvals Act 1993* (LUPAA), the Minister must undertake regular and periodic reviews of regional strategies. To date, no broad review has taken place since STRLUS inception in 2011.

Council staff will continue advocating for an urgent broad review of STRLUS.

Assessment

The planning merits need to be established by the proponent and the relevant Council and, in turn, accepted by the Minister. It is not necessary, practical nor appropriate, for all Councils to undertake a lengthy evaluation of individual developments.

Conclusion

Having an out-of-date STRLUS appears to be leading to a greater number of ad-hoc requests to the Minister to amend STRLUS. However, in the absence of such a review, Council supports the request to be determined by the Minister.

RECOMMENDATION:

That Council resolve to:

- A. Receive the Report; and
- B. Provide the following response to Clarence City Council:

I refer to your correspondence regarding an expansion of the Urban Growth Boundary set out in the Southern Tasmanian Regional Land Use Strategy (STRLUS) 2010-2035 to accommodate the Skylands master plan.

Brighton Council note that an urgent review of STRLUS is needed and amendments to STRLUS to create additional residential land outside of the UGB, prior to a broad review of the Greater Hobart Settlement Strategy and the STRLUS, is not considered to be a prudent regional planning outcome.

However, in the absence of such a review, Brighton Council has no view on the planning merits of the master plan or the change to the Urban Growth Boundary but support the request being determined by the Minister for Planning.

DECISION:

Cr Whelan 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

13.2 Development Application DA 2022 / 00025 for 10 Maritimo Way, Old Beach - Dwelling

Author: Planning Officer (Brian White)

Applicant:	SJM Property Developments
Subject Site:	10 Maritimo Way, Old Beach
Proposal:	Single Dwelling
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	General Residential
Codes:	Parking and Sustainable Transport
Local Provisions:	Tivoli Green Specific Area Plan
Use Class:	Residential (Single Dwelling)
Discretions:	Clause 8.4.2 (P3) Setbacks and building envelope for all dwellings
Representations:	One (1) representation was received. The representors raised the following issues: <ul style="list-style-type: none"> • Overshadowing of adjoining lots.
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine permit application DA 2022/25.

The relevant legislation is the *Land Use Planning and Approvals Act* 1993 (LUPAA).

Council's assessment of this proposal should consider the relevant Standards in the Scheme, any issues raised in any representations received that are relevant to the exercise of a discretion, 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 subject site is a vacant General Residential zoned lot with an area of 609m². It has a frontage of approximately 18m to Maritimo Way, and its topography falls from the frontage to the rear boundary to the north at an average grade of approximately 9%. The site is able to be serviced by reticulated stormwater, water, and sewerage services, and is located in the recently subdivided 'Tivoli Green Estate'. There is an existing sealed vehicular access to the site from Maritimo Way.

The adjoining properties are vacant apart from at 12 Maritimo Way where there is a house currently under construction.

The location of the subject site is shown in Figure 1 below.



Figure 1 Subject Site (Source: The List)

Planning Controls

The site is zoned General Residential under the *Tasmanian Planning Scheme – Brighton*. It is subject to the Bushfire-Prone Areas Overlay which has bearing on the assessment of the proposal.

The site is located within 'Precinct B' of the Tivoli Green Specific Area Plan (SAP); there are no relevant standards in the SAP for dwellings in the Precinct.

3. PROPOSAL

Planning approval is sought for the development of a four (4) bedroom single dwelling which includes the construction of a sealed driveway and stormwater infrastructure.

The dwelling is double story with a maximum height of approximately 8.8m and a hipped roof. The dwelling is to be setback approximately 4.9m from the eastern side boundary, 8m from the rear boundary, 6.6m from the frontage, and between 1.5m - 3m from the western side boundary.

That part of the dwelling within 3m of the western side boundary consists of a garage and small deck. The deck facing the western side boundary is to be fitted with a 1.8m privacy screen.

All habitable room windows are located at least 3m from all side boundaries and 4m from the rear boundary.

The dwelling is to be clad in combination of bricks on the lower floor and cement sheeting on the upper level. The roof is to be Colorbond.

An attached garage is proposed which provides car parking for two (2) vehicles.

3.1. Changes to Proposal in Response to Representation

In response to the concerns raised in the representation received during advertising, the applicant has provided amended plans which reduce the maximum height of the dwelling from 8.8m to 8.1m. These plans will be endorsed via permit condition.

Refer to attachment A for the proposal drawings and submitted planning submission, and attachment B for the amended drawings.

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 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 (Single Dwelling) which has a “no permit required” status in the zone.

Given the proposal relies on a performance criterion to satisfy a development standard, the proposal is Discretionary so is a type of application which Council have a discretion to approve or refuse in accordance with Section 57 of LUPAA.

Compliance with Performance Criteria

The proposal meets the Scheme’s relevant Acceptable Solutions except for the following standard.

Clause 8.4.2 A1/P1 Setbacks and building envelope for all dwellings

Objective:
<p><i>The siting and scale of dwellings:</i></p> <ul style="list-style-type: none"> (a) <i>provides reasonably consistent separation between dwellings and their frontage within a street;</i> (b) <i>provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</i> (c) <i>provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</i> (d) <i>provides reasonable access to sunlight for existing solar energy installations.</i>
Performance Criteria
<p>P3</p> <p><i>The siting and scale of a dwelling must:</i></p> <ul style="list-style-type: none"> (a) <i>not cause an unreasonable loss of amenity to adjoining properties, having regard to:</i> <ul style="list-style-type: none"> (i) <i>reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</i> (ii) <i>overshadowing the private open space of a dwelling on an adjoining property;</i> (iii) <i>overshadowing of an adjoining vacant property; or</i> (iv) <i>visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</i> (b) <i>provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</i> (c) <i>not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</i> <ul style="list-style-type: none"> (i) <i>an adjoining property; or</i> (ii) <i>another dwelling on the same site.</i>
<p><u>Comment</u></p> <p>It is noted that Clause 8.4.2 P3 (a) contemplates that some loss of amenity of an adjoining lot due to overshadowing and/or visual impacts may be acceptable. The test is whether that loss of amenity is 'unreasonable'.</p>

Overshadowing

The submitted shadow diagrams indicate that the overshadowing of adjoining lots due to the proposal will be minimal.

The properties to the north of the subject site will not be affected by overshadowing.

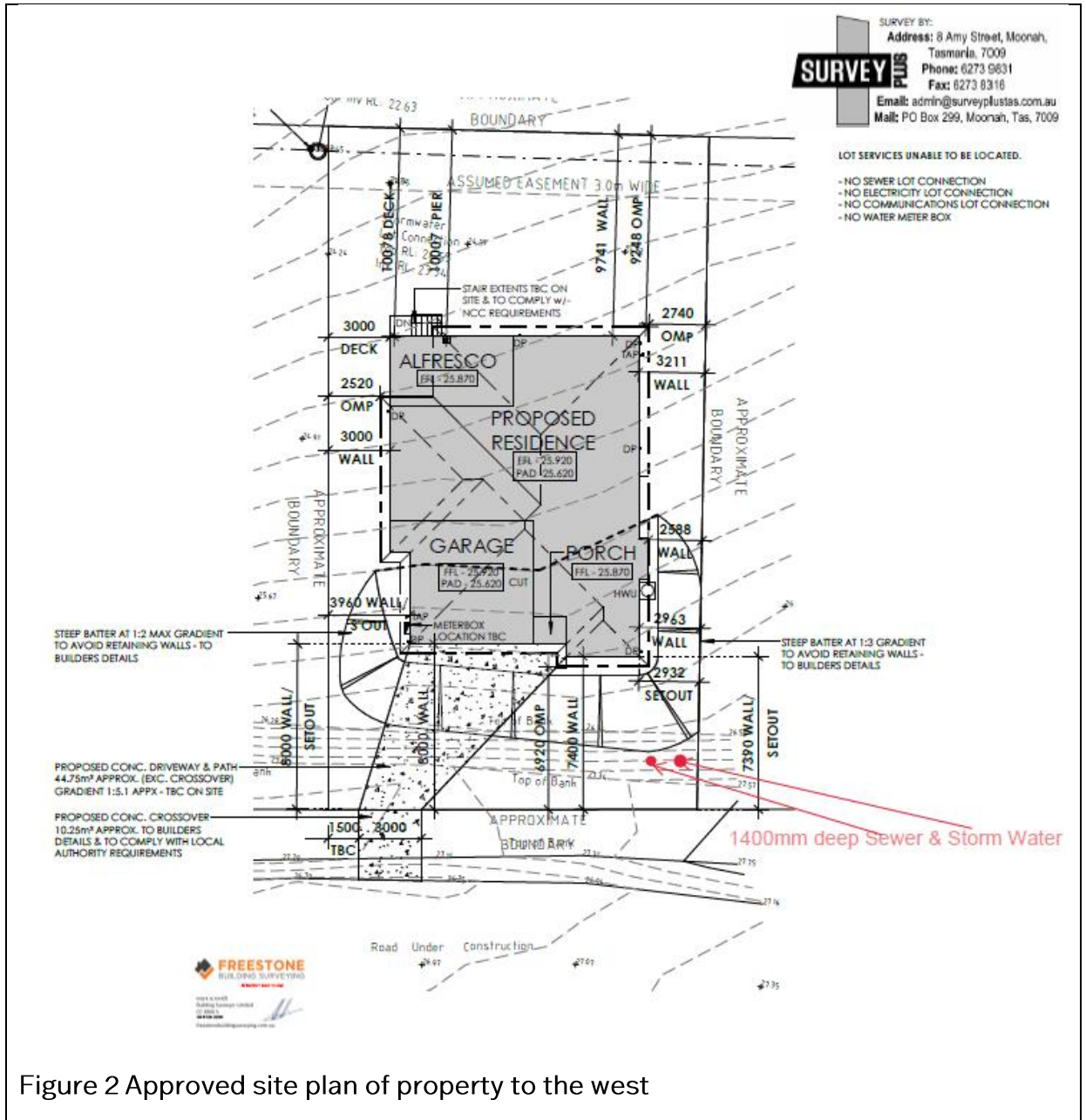
The vacant property to the east is partly impacted by overshadowing between 1pm -3pm on the 21st of June which is considered reasonable and therefore compliant with (a)(iii).

There is a partially developed dwelling on the adjoining property to the west (12 Maritimo Way), so the property isn't considered 'vacant' for the purposes of the assessment.

The author of this report has reviewed the approved building plans on that property and notes there are two (2) bedroom windows facing the subject site that are likely to be overshadowed between approximately 9am – 11am on the 21st June. The assessment of reasonableness under (a)(i) does not consider overshadowing of bedrooms of dwellings on adjoining lots. There are no other habitable rooms of the dwelling on the adjoining lot to the west that are likely to be overly affected by overshadowing.

Regarding the overshadowing of the private open space of the dwelling to the west, it is unlikely to unreasonably impact on the rear of the site which is where the approved private open space of that dwelling is to be located.

The images below show the approved site and floor plan of the adjoining dwelling to the west.



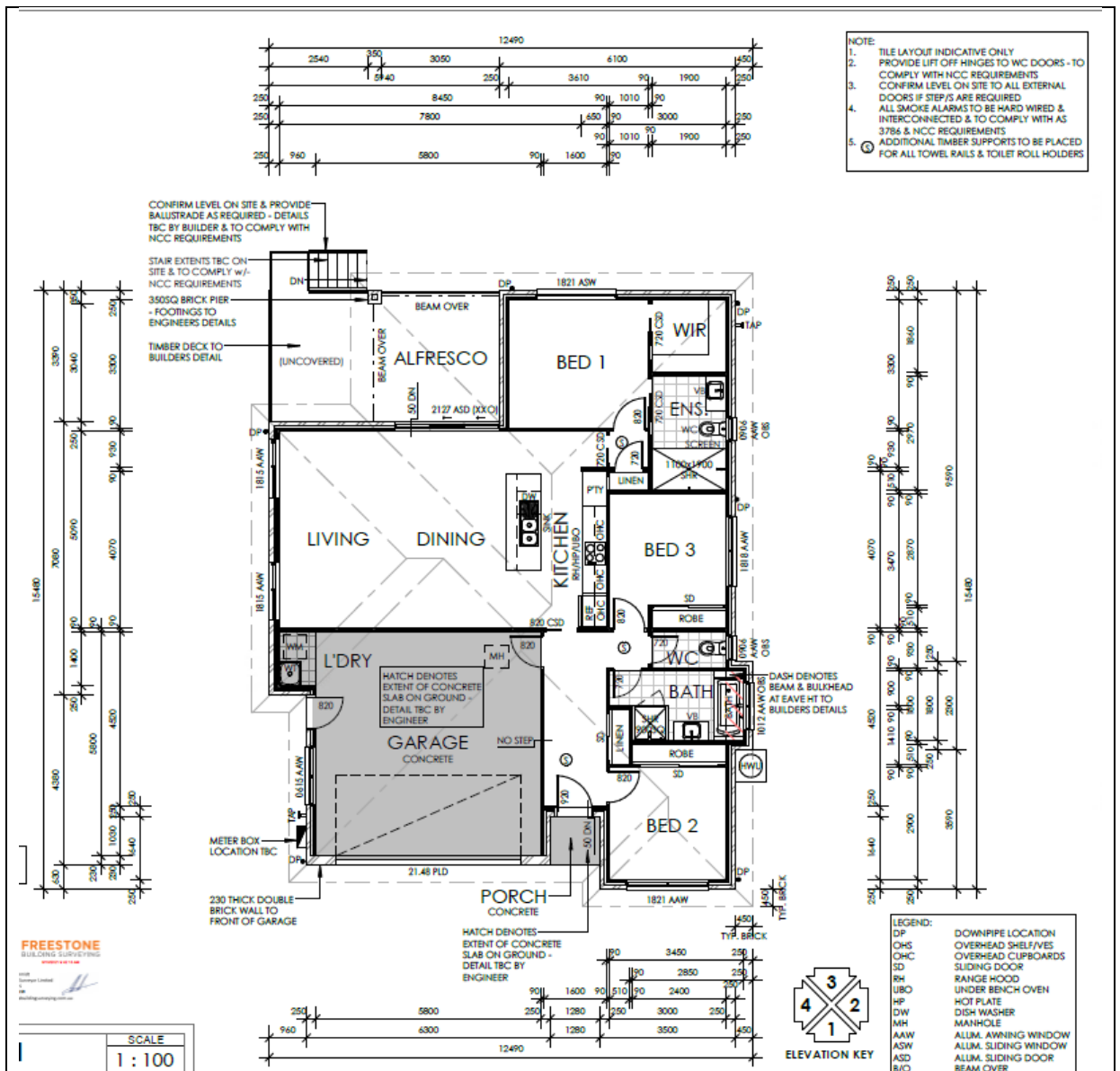


Figure 3 Approved floor plan of property to the west

The proposal is assessed as complying with P1 (a) (i – iii) in terms of overshadowing of adjoining lots.

Visual Impacts

After receiving a representation objecting to the proposal due to overshadowing of adjoining lots, the applicant has provided amended plans showing a reduction in overall building height from approximately 8.8m to 8.1m by lowering the pitch of the roof. This is shown in Figures 2 and 3 below, which is a view from the property to the west.

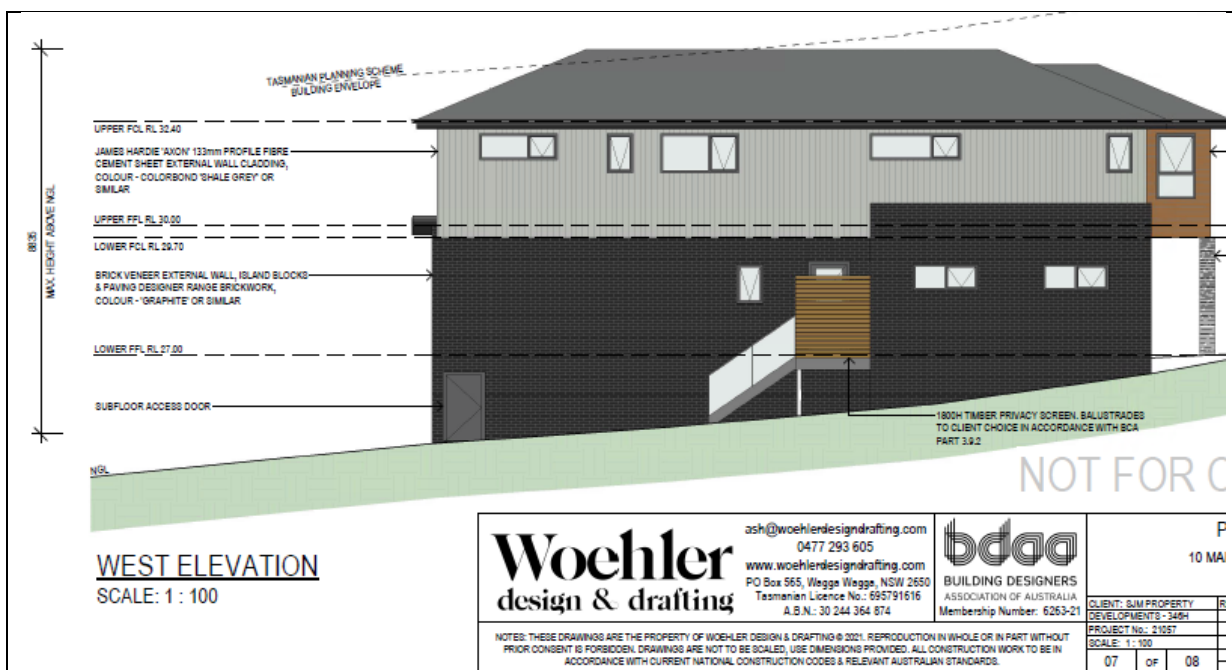


Figure 4 Advertised Plans (Approx. building height of 8.8m)

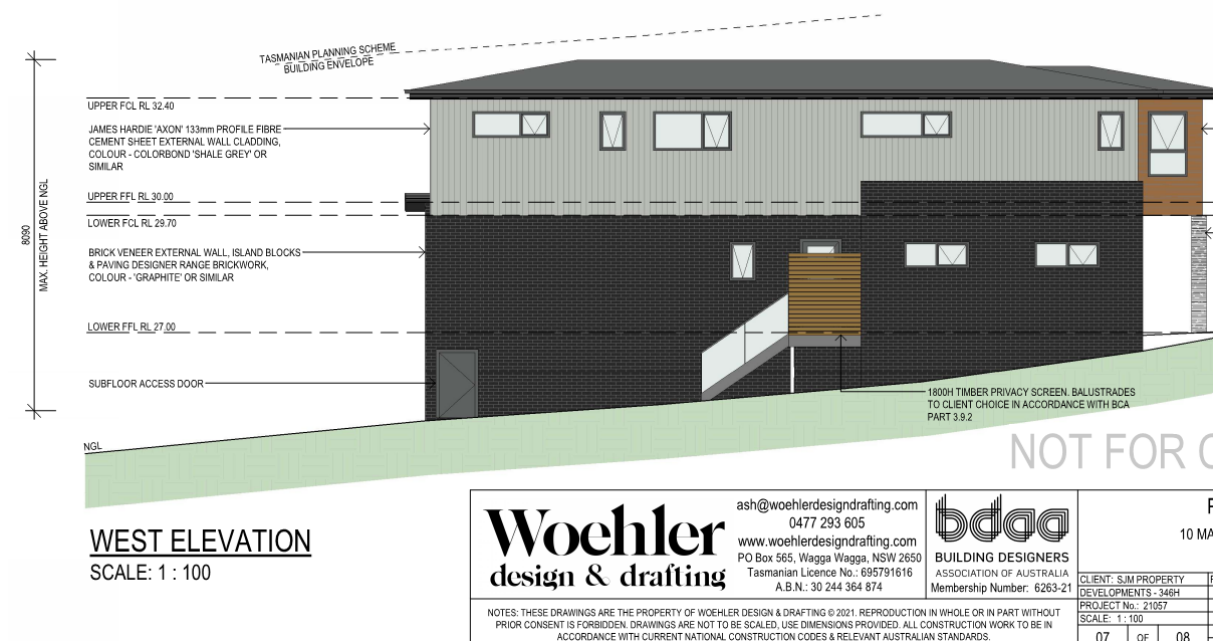


Figure 5 Amended drawings (Approx. building height of 8.1m – adjusted roof pitch)

The visual impacts of the dwelling when viewed from the properties to the rear will be reasonable given the dwellings 8m setback the rear boundary. The applicant has provided the following response to the performance criteria regarding visual impacts:

The proposed dwelling's scale and bulk is largest on the north-western corner of the dwelling. This is due to the slope of the site, but has been minimised due

to differing cladding options, using lighter colours to not stand out, and differing roof lines and setbacks to break up the bulk.

As visible on the Proposed North Elevation, the dwelling's habitable areas on the upper floor are approximately 1200mm outside of the Tasmanian Planning Scheme's building envelope at the north-western corner. This measurement reduces reasonably significantly as the site slopes up back towards the street and is within the building envelope quickly upslope.

The slope of the site means that the dwelling protrudes outside of the required building envelope towards the rear of the site.

However, the articulation provided by the different cladding of the bottom and upper floor along with the fenestration provided by numerous windows on the upper level reduces the visual bulk of the dwelling when viewed from the adjoining lots to the east and west.

It is considered that the dwelling will not 'loom' over adjoining properties given the setback of the dwelling is generally at least 3m from all boundaries except for the lower-level garage and landing area which is setback 1.5m from the western side boundary. The stepping back of the upper level from the western side boundary also reduces visual bulk.

Overall, it is considered that the visual impacts of the dwelling when viewed from adjoining lots will not result in an unreasonable loss of amenity for the reasons outlined above. The proposal is therefore considered to comply with P3 (a)(iv).

Consistency with setbacks nearby

There are numerous examples of dwellings with similar side setbacks nearby to the subject site. The proposal is assessed as complying with P3 (b).

Solar Energy Installation

The proposed dwelling will not result in an unreasonable reduction in sunlight to an existing solar energy installation on an adjoining property.

The proposal is assessed as complying with P3. The amended plans will be endorsed via condition.

5. Referrals

Senior Technical Officer

Standard conditions have been applied by Council's Engineer.

6. Representations

One (1) representation was received during the statutory public exhibition period.

The concerns of the representor are summarised below:

Representor's concerns	Planning Response
Overshadowing of adjoining lots.	The shadow diagrams indicate that the adjoining properties will only be affected by overshadowing for a maximum of approximately 3 hours on the 21 st June. This is considered reasonable in the General Residential Zone and does not warrant refusal of the application.

7. Conclusion

The proposal for a dwelling at 10 Maritimo Way, Old Beach satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

Recommendation:

That: A. Pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approves application DA 2022/25 for a single dwelling at 10 Maritimo Way, Old Beach for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

- (1) The use 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, noting that the drawings prepared by Woehler Design and Drafting, Project Number 21057, Dated 16/12/2021 be substituted by drawings prepared by Woehler Design and Drafting, Project Number 21057, Dated 22/12/2021, 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*.

Amenity

- (3) 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%.

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 development. Any work required is to be specified or undertaken by the authority concerned.

Parking and Access

- (5) At least two (2) car parking spaces must be provided on the land at all times for the use of the development, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- (6) The internal driveway and areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and to the satisfaction of Council's Municipal Engineer, and must include all of the following:
 - (a) Constructed with a durable all-weather pavement.
 - (b) Surfaced with a material to resist abrasion from traffic and to minimise the entry of water. The surfacing material must be spray seal, asphalt, concrete, or other approved material.
 - (c) Drained to an approved stormwater system.

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 a soil and water management plan (SWMP) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences. The SWMP shall form part of this permit when approved.

- (9) Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.

Construction amenity

- (10) 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.

- (11) 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.

- (12) 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.

- (13) 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.

- (14) 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 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

13.3 Development Application DA 2021 / 00149 for LOT 615 Lamprill Circle, Herdsman's Cove - Multiple Dwellings (40)

Author: Planning Officer (Brian White)

Applicant:	Prime Design
Subject Site:	Lot 615 Lamprill Circle, Herdsman's Cove
Proposal:	Multiple Dwellings (40)
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	General Residential
Codes:	Parking and Sustainable Transport Code Road and Railway Assets Code
Local Provisions:	N/A
Use Class:	Residential
Discretions:	<ul style="list-style-type: none"> • Clause 8.4.3 Site coverage and private open space for all dwellings • Clause 8.4.6 Privacy for all dwellings • Clause 8.4.7 Frontage fences for all dwellings • C2.5.3 Motorcycle parking numbers • C2.6.2 Design and layout of parking areas • Clause C2.6.3 Number of accesses for vehicles • C2.6.5 Pedestrian access • C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction
Representations:	One (1) representation was received. The representor raised the following issues: Concerns with residential development on adjoining property.
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2021/ 00149.

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

2.1. The Site

The currently vacant site is located on the eastern boundary of the suburb of Herdsmans Cove. It has frontage to the East Derwent Highway, Lamprill Circle, and Gage Road.

The site has a total area of 3.564ha and is split into two (2) parcels by Gage Road. It is located towards the bottom of a hillside which extends up to a height of 60m AHD to the west beyond the site. The site itself is on land within the 35m to 20m AHD range which slopes down towards the East Derwent Highway. The site has no significant vegetation and is on land identified as having no significant scenic qualities.

The site is owned by the Director of Housing.

2.2. Infrastructure

There is a gravity sewer main and a stormwater connection in the northwest corner of the site. There is also a stormwater pipe and easement running through the site, parallel to Gage Road. There is a water reticulation main running along the Lamprill Street frontage.

The site is therefore able to be serviced by reticulated services.

2.3. Surrounds

The site is located on the interface between Herdsmans Cove, Gagebrook, and Old Beach. The surrounding area consists of residential use and development interspersed with pockets of open space, primary schools, a service station, and Brighton Council's Offices.

The existing residential development in Herdsmans Cove to the west appears to have been originally designed around the 'Radburn planning ideology' which is characterised by single dwellings on cul-de-sacs with pedestrian connections to areas of public open space. This pattern of cul-de-sacs is also common on residential land to the east.

The location of the subject site is show in Figure 1 below.



Figure 6 Subject Site Location (Source: TheList)

2.4. Zoning and Overlays

The subject site is predominantly zoned General Residential under the Tasmanian Planning Scheme: Brighton ('the scheme') although there is a strip of the site along the East Derwent Highway frontage zoned Open Space. The site is not subject to any overlays that are relevant to the proposal.

The zoning of the site and surrounds is shown in Figure 2 below.

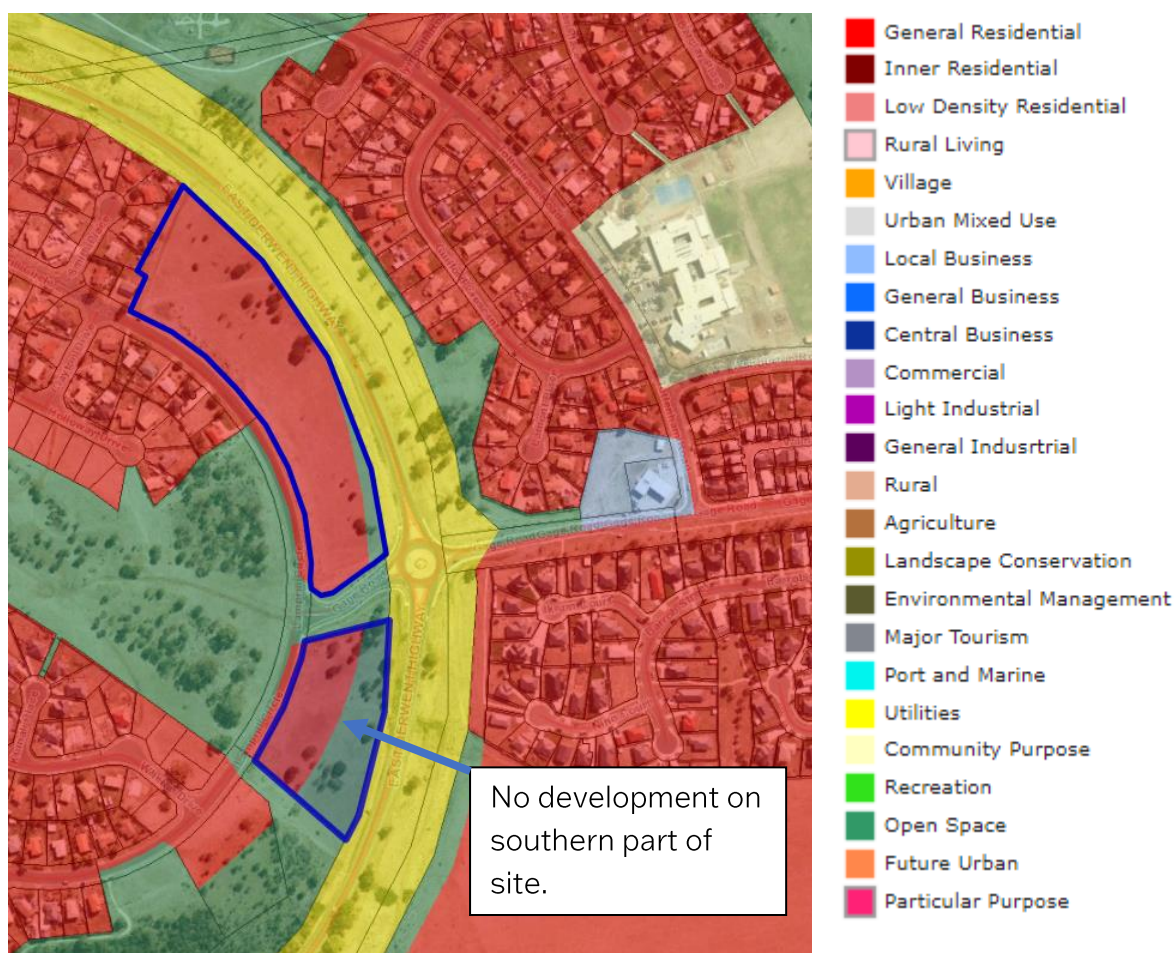


Figure 7 Site and Surrounds Zoning (Source: TheList)

3. PROPOSAL

The proposal is for the use and development of forty (40) two-bedroom multiple dwellings on the northern section of the site which is to be contained within the area zoned General Residential. There will be shared access to the Open Space Zone from within the development site provided by a pathway adjacent to Unit 30.

The proposal includes an internal driveway network, accessed via two (2) crossovers on Lamprill Circle, which provides access to thirty-six (36) of the dwellings. There are also four (4) other new crossovers proposed on Lamprill Circle that each provide access to a dwelling.

The dwellings each have access to two (2) allocated parking spaces and there are fifteen (15) proposed visitor spaces located throughout the site.

The dwellings are designed to run in a linear fashion along each side of the main driveway spine, parallel with Lamprill Circle. The dwellings are to be a combination of single and double storey and clad in a mixture of bricks and cement sheeting, all with Colorbond roofing.

Each of the dwellings has access to at least 24m² of private open space.

The noise assessment submitted as part of the application requires a 1.8m high noise barrier which is provided along the boundary of the site and the East Derwent Highway. For the dwellings backing directly onto the Highway the noise barrier will be their rear fence. Those dwellings that back onto the Open Space Zone will have standard boundary fence along the boundary of the two zones.

The proposal plans are provided as attachment A to this report.

The application is supported by the attached plans and documents which include traffic impact assessment (TIA), stormwater management plan, noise assessment, and details of internal lighting within the site.

Council's Senior Technical Officer has provided an assessment of the proposal regarding parking, access, stormwater and other engineering matters which is attached as Attachment C.

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 (multiple dwellings) which is a 'permitted' use in the General Residential Zone under the Scheme.

Compliance with Performance Criteria

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

Clause 8.4.3 A2/P2 Site coverage & Private Open Space

The private open spaces of the dwellings backing onto the East Derwent Highway frontage do not comply with the A2 (d) as the frontage is not orientated between 30 degrees west of true north and 30 degrees east of true north. The performance criteria is relied upon.

Objective:	
That dwellings are compatible with the amenity and character of the area and provide:	
(a) for outdoor recreation and the operational needs of the residents;	
(b) opportunities for the planting of gardens and landscaping; and	
(c) private open space that is conveniently located and has access to sunlight.	
Acceptable Solution	Performance Criteria
A2 A dwelling must have private open space that:	P2 A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:

<p>(a) is in one location and is not less than:</p> <p>(i) 24m² or</p> <p>(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>
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The private open spaces of those dwellings are conveniently located in relation to living areas and will receive favourable morning sunlight giving they range from being between the north to eastern side of the dwellings.

Whilst there will be a 1.8m noise barrier along the rear boundary of those lots backing directly onto the Highway, it is considered that the fence will not unreasonably impact on solar access to those identified areas of private open space.

The performance criteria can be satisfied.

Clause 8.4.6 A2/P2 Privacy

Unit 33 window four (4) has a finished floor level greater than 1m above natural ground level and is within 6m of unit 32, which does not comply with A.4.6 A2 (a)(iv).

Therefore, assessment against the performance criteria is relied upon.

Objective:	
To provide a reasonable opportunity for privacy for dwellings.	
Acceptable Solution	Performance Criteria
<p>A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to have a setback of not less than 3m from a side boundary; (ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site. <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or 	<p>P1 A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of: (a) a dwelling on an adjoining property or its private open space; or</p> <p>(b) another dwelling on the same site or its private open space.</p>

(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.	
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The sill height of window four (4) is 1.5m above floor level. The applicant has specified opaque glass which will minimise overlooking into the adjoining unit.

The performance criteria is satisfied.

Clause 8.4.7 A1/P1 Frontage fences for all dwellings

A 1.8m noise barrier is proposed along part of the boundary of the subject site and the East Derwent Highway. There is no acceptable solution for this standard.

Therefore, assessment against the performance criteria is relied upon.

Objective:	
The height and transparency of frontage fences:	
(a) provides adequate privacy and security for residents; (b) allows the potential for mutual passive surveillance between the road and the dwelling; and (c) is reasonably consistent with that on adjoining properties.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1 A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must: (a) provide for security and privacy while allowing for passive surveillance of the road; and (b) be compatible with the height and transparency of fences in the street, having regard to:

	<ul style="list-style-type: none"> (i) the topography of the site; and (ii) traffic volumes on the adjoining road.
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Given the 1.8m fence is located along the frontage of a major highway, issues associated with passive surveillance of the road are not relevant. Similarly for compatibility, these types of fences are common between residential development and major roads.

The performance criteria is satisfied.

Clause C2.5.3 A1/P1 Motorcycle parking

The proposal does not include motorcycle parking provided. Four motor cycle parking spaces are required to comply with the Acceptable Solution of Clause C2.5.3.

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> <ul style="list-style-type: none"> (a) be no less than the number specified in Table C2.4; and (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 intensification, provided the existing number of motorcycle parking spaces is maintained. 	<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> <ul style="list-style-type: none"> (a) the nature of the proposed use and development; (b) the topography of the site; (c) the location of existing buildings on the site; (d) any constraints imposed by existing development; and (e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.

The application was referred to Council's Senior Technical Officer, who states:

The development complies with the number of resident car parking spaces and has 5 more visitor spaces than required. Motorcycles can use car parking spaces when required.

The performance criteria is satisfied.

a) Clause C2.6.2 A1/P1 Design and layout of parking areas

The proposal does not meet A1.1 so must be assessed against the performance criteria.

Objective:	
That parking areas are designed and laid out to provide convenient, safe and efficient parking.	
Acceptable Solution	Performance Criteria
<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>(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</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>(d) vehicle and pedestrian traffic safety; (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>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 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>(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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Council's Senior Technical Officer has assessed the application. That officer considers that the aisle widths in some instances are slightly less than required in AS2890.1. However, turning paths have been provided to demonstrate the parking spaces are accessible. The TIA included the following statement:

Provisions of AS2890.1. The car parking layout generally complies with the requirements of AS2890.1. Whilst the aisle width is deficient in some areas (minimum 5.6m), there is sufficient manoeuvring area to facilitate a B85 vehicle into and out of the spaces.

This is due to the additional space width and the low speed operating environment. Engineering plans demonstrate the accessibility of all parking spaces by a B85 vehicle, as shown in Appendix A.

It is recommended that any permit issued should include standard conditions for car parking and associated access to be in accordance with AS2890.1 except where lesser aisle widths have been assessed using turning paths.

The performance criteria can be satisfied.

Clause C2.6.3 A1/P1 Number of accesses

There will be six (6) accesses onto Lamprill circle, which does not satisfy the acceptable solution. The proposal must therefore be assessed against the performance criteria.

Objective:	
<p>That:</p> <p>(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;</p> <p>(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and</p> <p>(c) the number of accesses minimise impacts on the streetscape.</p>	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses, whichever is the greater.</p>	<p>P1</p> <p>The number of accesses for each frontage must be minimised, having regard to:</p> <p>(a) any loss of on-street parking; and</p> <p>(b) pedestrian safety and amenity;</p> <p>(c) traffic safety;</p> <p>(d) residential amenity on adjoining land; and</p> <p>(e) the impact on the streetscape.</p>

The proposal was assessed by Council's Senior Technical Officer, who advises that given the length of the frontage the number of accesses proposed is acceptable.

The existing redundant access to the northwest is to be removed and nature strips reinstated.

The submitted TIA has addressed pedestrian impacts and states that the development will attract a relatively small number of pedestrian movements in the surrounding network and that pedestrian infrastructure in the surrounding area generally of a high standard with footpaths provided on both sides of Lamprill Circle near the subject site.

The proposal satisfies the performance criteria.

Clause C2.6.5 A1/P1 - Pedestrian access

The proposal does not meet the acceptable solution, as a pedestrian path separated from the driveway or protected by bollards has not been included. The performance criteria is relied upon.

Objective:	
That pedestrian access within parking areas is provided in a safe and convenient manner.	
Acceptable Solution	Performance Criteria
<p>A1.1</p> <p>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; (e) the needs of persons with a disability;</p> <p>(f) the location and number of footpath crossings;</p> <p>(g) vehicle and pedestrian traffic safety;</p>

<p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p>A1.2</p> <p>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>(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 use is for a multiple dwelling development within a low-speed environment where pedestrians will be familiar with the parking layout.

Whilst there are no protective bollards, these are not necessary for such a use. Council's Senior Technical Officer states that "footpaths are provided throughout the development" so is satisfied that pedestrian safety will be safe and convenient.

The Performance Criteria can be satisfied.

Clause C3.5.1 A1/P1 Traffic generation at a vehicle crossing, level crossing or new junction.

The proposal includes six (6) new accesses. Prior written consent was not provided by Council as the road authority for the accesses (A1.2) so the proposal must be assessed against the performance criteria.

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
<p>A1.1</p> <p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <p>(a) a new junction;</p>	<p>P1</p> <p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p>

<p>(b) a new vehicle crossing; or</p> <p>(c) a new level crossing.</p> <p>A1.2</p> <p>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3</p> <p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4</p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</p> <p>A1.5</p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>(a) any increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature of the road;</p> <p>(d) the speed limit and traffic flow of the road;</p> <p>(e) any alternative access to a road;</p> <p>(f) the need for the use;</p> <p>(g) any traffic impact assessment; and</p> <p>(h) any advice received from the rail or road authority.</p>
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The proposed accesses are supported by Council's Senior Technical Officer.

The submitted TIA opines that the traffic generation caused by the proposal will not have any significant adverse impacts in terms of traffic efficiency or safety.

The proposal will generate some 200 vehicles per day split over 2 accesses and 4 individual driveways with the peak generation being 9 vehicles per day at the two accesses.

Lamprill Circle is a collector road, with a speed limit of 50-km/h, which carries predominantly residential traffic. This is therefore compatible with the traffic generation associated with the proposed development. Council's Senior Technical Officer has raised no issues with the capacity of the surrounding road network to accommodate the increased traffic caused by the proposal.

The proposal satisfies the performance criteria.

5. Referrals

Senior Technical Officer

Council's Senior Technical Officer has determined that, subject to conditions, the proposal is acceptable in terms of parking and access, traffic and stormwater. See attachment C for more details.

TasWater

TasWater have issued a Submission to Planning Authority Notice, dated 10/06/2021.

Department of State Growth/ Crown Services

Department of State Growth (DSG)/ Crown Services have no objections to the proposal.

6. Representations

One (1) representation was received during the statutory public exhibition period between 17th February and 3rd March 2022.

The concerns of the representors are summarised below:

Representor's concerns	Planning Response
Does not want any houses or units built on adjoining land.	<p>The subject site is zoned General Residential which makes residential use (for multiple dwellings) a permitted use. Therefore, this type of use directly furthers the purpose of the zone.</p> <p>The development has been assessed as meeting all relevant development standards of the zone that relate to impacts on the amenity of adjoining sensitive uses in terms of visual impacts, overlooking and overshadowing.</p>

	The supporting TIA concludes that the increased traffic caused by the proposal will not compromise the safety or efficiency of the nearby road network.
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7. Conclusion

The proposal for Use and Development at Lot 615 Lamprill Circle, Herdsmans Cove satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

Recommendation:

That: A. Pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approves application DA 2021/ 149 for Residential (multiple dwellings) and the development of 40 multiple dwellings at Lot 615 Lamprill Circle, Herdsmans Cove 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*.

Staged development

- (3) Prior to the application for building or plumbing approvals the developer must submit an amended staging plan including both main vehicular accesses as part of Stage 1 or incorporate a temporary on site turning area at the end of Stage 1. Once approved by Council's Manager Development Services the amended staging plan will form part of the endorsed documents.

Agreements

- (4) An agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be entered into prior to the use commencing to the effect that:
 - (a) The noise barrier fence is the responsibility of the land owners for on-going maintenance, repair and replacement in perpetuity.

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

Landscaping

- (6) 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.

- (7) 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.

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 proposed subdivision or 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.

Amenity

- (10) Apart from the frontage fence along the boundary of the subject site and the East Derwent Highway required by condition 11, all other frontage fences must have a height above natural ground level of not more than:
- (c) 1.2m, if the fence is solid; or
 - (d) 1.8m, if the fence has openings above a height of 1.2m which provide a uniform transparency of not less than 30%.

Noise Attenuation

- (11) Prior to the commencement of the use, a noise barrier with a minimum height 1.8m and minimum surface mass of 15 kg/m² must be constructed on the boundary of the subject site and East Derwent Highway, as per Section 5 of the endorsed Noise Assessment, prepared by Noise Vibration Consulting, dated 31 August 2021.

Roadworks

- (12) Unless approved otherwise by Council's Municipal Engineer the developer must upgrade the road frontage across Lamprill Circle to include:
- (a) new kerb and channel between, and including, the two (2) main vehicular accesses.
 - (b) new 1.5m minimum width concrete footpath across the entire Lamprill Circle frontage.
 - (c) new stormwater side entry pit lids and surrounds.

Parking and Access

- (13) Any existing vehicular accesses along the frontage not utilised by the development must be removed and the kerb and channel, footpath and nature strip reinstated.

Advice: There is an existing vehicle crossover at the north western end of the Lamprill Circle frontage that will be redundant.

- (14) Unless approved otherwise by Council's Municipal Engineer all vehicular accesses within the road reservation must be constructed in reinforced concrete.
- (15) At least ninety-five (95) car 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 fifteen (15) designated for visitor parking.
- (16) 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:
- (d) be constructed with a durable all weather pavement;
 - (e) be drained to the public stormwater system; and
 - (f) be surfaced by asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
 - (g) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - (h) Other than units 13, 14, 17 and 18, provide for vehicles to enter and exit the site in a forward direction;

- (i) 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);
 - (j) the main internal loop access and access to units 35 and 36 have width not less than 6m with provision for two way traffic;
 - (k) have a vertical clearance of not less than 2.1m above the parking surface level.
- (17) The developer must provide a pedestrian path on at least one side of the main vehicular access through the site.
- (18) A minimum 1.5m wide reinforced concrete pedestrian path must be provided through the Public Open Space zoned land connecting to Gage Road.
- (19) 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,
 - (g) lighting,
 - (h) pedestrian paths

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

- (20) 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.
- (21) 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 State Road

- (22) Prior to undertaking any works within the State road reservation the developer must obtain the consent of the Minister under Section 16 of the Roads and Jetties Act 1935

Advice: For further information please visit <http://www.transport.tas.gov.au/road/permits> or contact: permits@stategrowth.tas.gov.au

Stormwater

- (23) The stormwater system for the development must, unless required otherwise by this permit, be substantially in accordance with:
- (a) *Lot 1 Lamprill Circle, Stormwater Management and Concept Services Report, Lamprill Circle, Herdsmans Cove for Catholic Care Tasmania (Revision B)* prepared by Gandy and Roberts Consulting Engineers, dated 15 November 2021.
- (24) 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*.
- (25) The developer must provide on-site detention to offset the increase in stormwater runoff caused by the development to Council's piped system for a 5% AEP event to the satisfaction of Council's Municipal Engineer.
- (26) The development must incorporate an overland flow path to accommodate a storm with a 1% AEP.
- (27) Unless required otherwise by the Department of State Growth stormwater flows from the site discharging to the State Road drainage network must be limited to a rate that can be accommodated in the piped network for a 2% AEP event.
- (28) 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.

- (29) The stormwater system within the development must continue to be maintained to ensure the quality targets, in accordance with the State Stormwater Strategy 2010, and flow rates discharging to the public stormwater system are maintained as per the approved design and water is conveyed so as not to create any nuisance to adjacent properties.
- (30) The driveways 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.

Advice: General Manager's consent is required for connection to the public stormwater system in accordance with the Urban Drainage Act. Providing the planning permit conditions are met General Managers Consent will be granted.

Discharge of Stormwater or drainage into the State road drainage system

- (31) Prior to commencement of works or application for building or plumbing permits the developer must obtain the consent of the Minister under Section 17B of the Roads and Jetties Act 1935 to concentrate and discharge drainage to the State road reserve.

Advice: *The proponent must submit a drainage plan, including catchment area, flows and drainage design for any area discharging to the State road reserve.*

This section of the East Derwent Highway is a Category 3 road, with flood protection design criteria relating to a 2% AEP event.

If any enlargement of the existing State road drainage infrastructure is required in order to carry any additional drainage, these works must be undertaken under the supervision and to the satisfaction of an officer designated by the Minister. If such works are required, the costs associated with the works will be payable by the proponent.

The proponent is responsible for the ongoing maintenance of their own infrastructure.

It is recommended that the proponent initiates early discussions with the Department concerning the overall stormwater design associated with the application to assist in streamlining the consent process.

For further information please contact Road Assets at roadassets.utilities@stategrowth.tas.gov.au.

Soil and Water Management

- (32) 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.
- (33) 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.

TasWater

- (34) 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 2021/00948-BTN, dated 10/06/2021, as attached to this permit.

Construction amenity

- (35) 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.

- (36) 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.

- (37) 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:

- (e) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, wastewater, waste products, grit or otherwise.
 - (f) The transportation of materials, goods, and commodities to and from the land.
 - (g) Obstruction of any public footway or highway.
 - (h) Appearance of any building works or materials.
- (38) 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.
- (39) 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.
- (40) 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

- (41) 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.

- (42) Engineering design drawings for all public works must be submitted to and approved by Council's Municipal Engineer 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.

- (43) 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.
- (44) Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
- (45) 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. The appointed Supervising Engineer shall be the primary contact person on matters concerning the public works.

Maintenance and Defects Liability Period

- (46) 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

- (47) 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:

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

- 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 permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- D. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved public 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.

- E. 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

13.4 Development Application SA 2021 / 00010 for 346 Cove Hill Road, Honeywood - Subdivision (2 Lots plus Balance)

Authors: Jo Blackwell / David Allingham

Applicant:	PDA Surveyors
Subject Site:	346 Cove Hill Road, Honeywood
Proposal:	Subdivision (2 lots plus Balance)
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	Rural Living Zone A
Codes:	<ul style="list-style-type: none"> • Parking and Sustainable Transport Code • Road and Railway Assets Code • Attenuation Code • Bushfire-Prone Areas Code • Landslip Hazard Code
Local Provisions:	Nil
Use Class:	Residential
Discretions:	<ul style="list-style-type: none"> • Lot Frontages

	<ul style="list-style-type: none"> • Access Construction • Attenuation Distance
Representations:	<p>2 representations were received. The representors raised the following issues:</p> <ul style="list-style-type: none"> • Maintaining Existing Vegetation • Stormwater Management • Access and Increased Traffic to Cove Hill Road • Space for Bin Collection • Proposed Shared Access • No adequate buffer to agricultural land from rural living land • Bushfire Risk
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application SA2021/0010 which is an application to subdivide the site into two lots plus balance.

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 refers to one lot: 346 Cove Hill Rd, Honeywood, which is developed by an existing single dwelling.

The lot is triangular, 3.004 hectares (ha) in size and slopes down to the north at a gradient of approximately 1 in 6 (see Figure 1).

The site is zoned Rural Living A (see Figure 2).

A 10m wide Right of Way affects the front of the lot (parallel to Cove Hill Rd).

The site is fully within the Bushfire-Prone Areas Code overlay, and minimally affected by a Low landslip hazard band.

The adjoining land to the north is the large Glenfield agricultural operation at 250 Cove Hill Rd. It is zoned Agriculture.

Land to the south of Cove Hill Rd is of lesser agricultural value and is accordingly zoned Rural.



Figure 1. Aerial Map (Site highlighted)

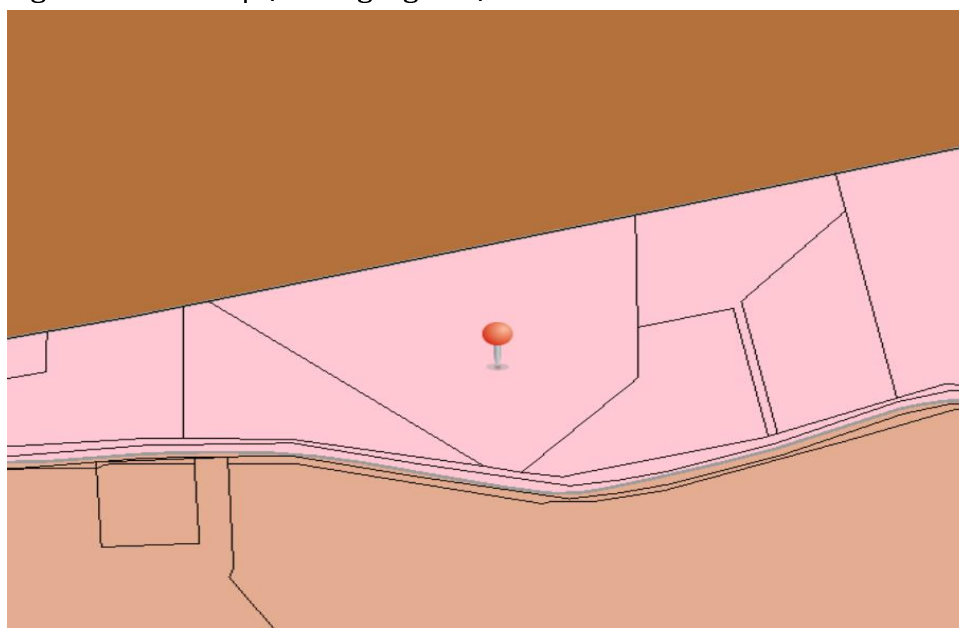


Figure 2. Zoning (Pink = Rural Living; Dark Brown = Agricultural; Light Brown = Rural)

3. PROPOSAL

The proposal seeks to subdivide 346 Cove Hill Rd from one lot into three triangular shaped lots.

Each lot is approximately 1 hectare in size and will utilise a shared access off Cove Hill Rd.

The application is supported by a Geotechnical Assessment (specifically addressing wastewater management) and, a Bushfire Hazard Report and Management Plan (both prepared by suitably qualified persons).

A legal submission addressing compliance with the Attenuation Code was received after advertising as it was identified that the Code applied due to re-use water irrigation as part of a representation. The legal submission is Attachment D.

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 existing Use Class is categorised as Residential under the Scheme, with a single dwelling on the site. In the Rural Living Zone the Residential use is “No Permit Required” for a single dwelling. However, the application involves subdivision of land, which is discretionary.

Compliance with Performance Criteria

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

Clause 11.5.1 A2/P2 Lot Design - 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; and (c) contains areas which are suitable for residential development. 	
Acceptable Solution	Performance Criteria
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 40m.	<p>Each lot, or a lot proposed in a plan of subdivision, 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;

	<p>(c) the topography of the site;</p> <p>(d) the functionality and useability of the frontage;</p> <p>(e) the ability to manoeuvre vehicles on the site; and</p> <p>(f) the pattern of development existing on established properties in the area,</p> <p>and is not less than 3.6m wide.</p>
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The site currently has a 23.52m wide frontage to Cove Hill Road. Accordingly, the proposal is not able to satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The site fronts Cove Hill Rd, a Council maintained road which is constructed to a sealed rural standard. Cove Hill Rd has a posted speed limit of 70km/h.

The subdivision will utilise an existing access. The increased traffic generation as a result of the subdivision can be estimated at 18 vehicle movements per day ('vmpd') (being 2 additional residences generating 9vmpd each) which is well under the acceptable increase of 40vmpd in Table C3.1 of the Planning Scheme.

The attached Engineering Report, prepared by Council's Senior Technical Officer, outlines how the vehicle access sufficient for the intended use can be achieved to required Bushfire and Engineering standards.

Accordingly, the PC is satisfied.

Clause C2.6.1 A1/P1 – Access Construction

Objective:	
That parking areas are constructed to an appropriate standard.	
Acceptable Solution	Performance Criteria
<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p>	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <p>(a) the nature of the use;</p>

<p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<p>(b) the topography of the land;</p> <p>(c) the drainage system available;</p> <p>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</p> <p>(e) the likelihood of generating dust; and</p> <p>(f) the nature of the proposed surfacing.</p>
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The applicant proposes to seal the initial portion of the driveway only (defined by the hatched area on Sheet 46947-101 of the application documents). This does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

Council's Senior Technical Officer has assessed and concluded that drainage of the driveway is best considered as part of future Engineering Design approval via permit condition. An additional condition to the effect that there is to be no increase in stormwater runoff onto adjacent properties as a result of the development is also recommended.

The accesses to the site are, in places, steep and may be subject to excessive wear and tear due to vehicles lacking traction. It is recommended that the shared portions of the access are sealed as well as any sections greater than 18% in grade.

Accordingly, the PC is satisfied with conditions.

Clause C9.6.1 A1/P1 – Attenuation Code

Objective:
<p>To provide for subdivision so that a lot intended for a sensitive use:</p> <p>(a) is located to avoid an activity with potential to cause emissions and enable appropriate levels of amenity; and</p> <p>(b) does not conflict with, interfere with or constrain an existing activity with potential to cause emissions.</p>

Acceptable Solution	Performance Criteria
<p>A1 Each lot, or a lot proposed in a plan of subdivision, within an attenuation area must:</p> <p>(a) be for the creation of separate lots for existing buildings;</p> <p>(b) be for the creation of a lot where a building for a sensitive use can be located entirely outside the attenuation area; or</p> <p>(c) not be for the creation of a lot intended for a sensitive use.</p>	<p>P1 Each lot, or a lot proposed in a plan of subdivision, within an attenuation area must not result in the potential for a sensitive use to be impacted by emissions, having regard to:</p> <p>(a) the nature of the activity with the potential to cause emissions, including:</p> <ul style="list-style-type: none"> (i) operational characteristics of the activity; (ii) scale and intensity of the activity; and (iii) degree of emissions from the activity; and <p>(b) the intended use of the lot.</p>

The proposal involves subdivision with the purpose of creating two additional lots intended for sensitive use which does not satisfy the acceptable solution. Assessment against the performance criteria is relied upon.

The Attenuation Code applies, due to a pivot irrigation system operating on the adjoining Agriculture zoned land at 250 Cove Hill Road, Honeywood. The irrigation system utilises TasWater's recycled water for irrigation of crops on that land, with the area irrigated by the pivot infrastructure extending to the northern boundary of the subject site.

Table C9.1 of the Scheme requires a 200m Attenuation Distance for Effluent irrigation schemes measured as the shortest distance from the boundary of the site on which the activity is located. In other words, the Attenuation area covers the entire site.

A legal submission has been provided as part of the application addressing compliance with the Attenuation Code (see Attachment D).

In summary, the applicant submits that for the recycled irrigation scheme to operate lawfully, a buffer distance from 100m from the property boundary applies. Assuming that the pivot irrigation reuse system is operating lawfully, then any sensitive use located beyond the boundary (therefore beyond the buffer) will not be potentially impacted by the emissions from the pivot irrigator.

Accordingly, it is considered that the Applicant is able to demonstrate that the potential sensitive use is unlikely to be impacted by emissions as the use of the pivot irrigator which sprays recycled wastewater.

However, there is a possibility that, on occasions, equipment may malfunction and spray drift and odour emissions may occur. Accordingly, in order to provide further protection to each of the lots, it is recommended that a condition be included in any permit approved, which requires a Part 5 agreement to be registered on the title as part of any permit approved. The Part 5 will require that future sensitive uses are to be protected by a permanent vegetative barrier, the location and depth to be agreed with Council's Manager Development at the time of development approval.

The PC can be satisfied, with conditions.

5. Other Planning Considerations

In order to assess the matter fully, and consider future development on the sites, it is noted that any future sensitive use on the additional lots will be required to address the Attenuation Code, as well as the development standards for which the acceptable solution is a 200m setbacks for sensitive use, if within 200m of agriculture zoned land (clause 11.4.2 A4/P4 of the Scheme).

Further, future landowners should be reminded that the proposed lots adjoins land used for agricultural purposes, and that they may be subject to noise, dust and emissions, separate to the use of recycled water, that may impact on their residential use of the land. Accordingly, it is recommended that a condition for a Part 5 agreement be included in any permit approved advising:

The owner of each of the lots shown on the plan covenant and agree with the Planning Authority that the lots are within an established rural area and may be subject to noise, odour, chemical and dust emissions associated with surrounding agricultural activities.

6. Referrals

Senior Technical Officer

The application was referred to Council's Senior Technical Officer, who has responded to technical issues raised in the representations. That officer's Engineering Report is contained in Attachment C.

TasWater

A Submission to Planning Authority Notice has been issued with standard water provision conditions.

7. Representations

Two (2) representations were received during the statutory public exhibition period between 14th and 28th July 2021.

The concerns of the representors are summarised below:

Representor's concerns	Planning Response
<p>Maintain existing vegetation</p> <p>A mature line of native vegetation falls within the proposed Lot 1, along the south-west site boundary. This native vegetation currently acts as a visual screen between an adjoining property and the proposal site. There are also several mature trees to the north-west boundary which also act as a visual screen. We ask council to consider conditioning the Planning Permit to retain existing vegetation to act as a visual screen.</p>	<p><i>This is a reasonable request for the south-west boundary and will help minimise potential amenity impact to the existing adjoining dwelling.</i></p> <p><i>If approved, a permit condition is recommended that the land owner enter into a Part 5 Agreement that:</i></p> <ul style="list-style-type: none"> <i>the existing mature trees along the south-west side boundary of Lot 1 shared with 340 Cove Hill Rd are to be retained unless otherwise approved in writing by Council's Manager Development Services.</i>
<p>Stormwater Management</p> <p>We are concerned that the proposed changes to the access road will increase the amount of storm water runoff, potentially damaging adjoining property.</p>	<p><i>A condition requiring engineering plans for approval by Council is recommended. Drainage of the driveway will be considered as part of the design approval. An additional condition to the effect that there is no increase in stormwater runoff onto adjacent properties as a result of the development is also recommended.</i></p>
<p>Access & Increase in Traffic to Cove Hill Road</p> <p>We are very concerned with potential increase of traffic on Cove Hill Road this subdivision and potential additional subdivisions will bring. There are potentially a further 6 properties on this stretch of the</p>	<p><i>Cove Hill Road is classified as a collector road and provides connectivity from Honeywood and surrounds to Bridgewater. The proposed subdivision is likely to result in an increase of approximately 18 vehicle movements per</i></p>

<p>road which are suitable for subdivision in addition to the proposal. We strongly encourage Council to consider the cumulative effect of these subdivisions on the safety of this road, especially in the context of the substantial increase in heavy vehicle movements since the bridge has been improved. We ask council to consider if a Traffic Impact Assessment (TIA) for Cove Hill Road is required.</p>	<p><i>day, comprising 9vmpd for a residential dwelling on each of the 2 new lots. The application complies with acceptable solution C3.5.1 A1.4:</i></p> <p><i>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</i></p> <p><i>20% or 40 vehicle movements per day, whichever is the greater.</i></p> <p><i>As such a TIA is not required or in this instance warranted given the low traffic generation.</i></p>
<p>Space for bin collection on Cove Hill Road</p> <p>We are very concerned that on bin collection day, potentially 8 bins at the top of the access road where it joins Cove Hill Road will reduce lines of sight when leaving nearby properties and may cause an accident. Traffic is already forced into the carriageway at several locations on this road due to people putting their bins out too far into the carriageway. It is especially hazardous with the increase in heavy vehicle movements.</p>	<p><i>The representation has merit. Whilst there is no requirement for temporary objects to be clear of the sight lines it is important that they do not obstruct the traffic lane. Bins should be able to be placed in the road reservation clear of the traffic lanes. If approved, a condition requiring an area suitable for the 3 lots to place bins clear of the traffic lane to be provided and incorporated into the engineering design plans for approval by Council is recommended.</i></p>
<p>Proposed shared access</p> <p>The existing tarmac surface and proposed seal upgrade illustrated by PDA Surveyors drawing 46947 - 101 should be extended to the west side of proposed access to Lot 1. The shared access would then be protected from erosion damage to the existing shared gravelled access driveway by heavy excavation and site construction vehicles attending Lot 1 during construction.</p>	<p><i>This is a reasonable request. The shared component of all driveways should be sealed, including the shared portion of Lot 1 and no. 340 and the shared section of Lots 2 & 3. A condition to this effect is recommended, if approved.</i></p>

<p>There are not adequate buffers to protect the agricultural land from rural living</p> <p>TasWater sewerage treatment recycling ponds are used by adjoining 250 Covehill Road (Glenfield) to irrigate crops, and residential complaints are increasing.</p>	<p><i>The subject site adjoins agricultural land which uses recycled water to irrigate crops. The applicant has demonstrated that a buffer zone applies to the re-use irrigation scheme which demonstrates some compliance with the Performance Criteria. A permit condition is recommended that lots 1 and 2 enter into a Part 5 Agreement requiring vegetation screens be provided for future sensitive uses to provide further protections should equipment fail.</i></p> <p><i>A further permit condition is recommended that all lot owners enter into a Part 5 Agreement acknowledging that the land adjoins an agricultural operation and may be subject to the occasional rural area emissions such as overspray, noise and odour.</i></p> <p><i>Council's Senior Environmental Officer has only received past complaints from one residential property regarding strong odour from the irrigation of the recycled water from 250 Covehill Road (Glenfield). Each time this has been the result of irrigation equipment not being appropriately maintained, and the issue has been quickly resolved after intervention from TasWater.</i></p>
<p>Bushfire risk</p> <p>Most residences along Cove Hill Road are non-compliant with Bushfire hazard requirements and increasing the number of residences will only increase risk to fire damage on the adjoining agricultural property, particularly in peak summer when cereal crops are in full growth.</p>	<p><i>The state of other properties is a separate matter to the Planning application under consideration. The Bushfire Hazard Management assessment and plan submitted has been prepared by a suitably qualified person and concludes there will be no unreasonable increase in bushfire risk from this subdivision.</i></p>

8. Conclusion

The proposal for Subdivision (2 lots plus balance) at 346 Cove Hill Road, Honeywood, satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

Recommendation:

That: A. Pursuant to the Tasmanian Planning Scheme - Brighton, Council approve application SA 2021/0010 for Subdivision (2 lots plus balance) at 346 Cove Hill Road, Honeywood, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this 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*.

Bushfire Management

3. The development and works must be carried out in accordance with:
 - a. Bushfire Hazard Report (V1.0) for proposed three lot subdivision at 346 Cove Hill Road Honeywood, prepared by Jim Mulcahy, dated 9 April 2021.
4. Prior to Council sealing the final plan of survey the developer must provide certification from a suitably qualified person that all works required by the Bushfire Hazard Report have been complied with.

Easements

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

Endorsements

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

Public Open Space

7. In accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey. The cash contribution amount is to be equal to 5% of the value of the land being subdivided described as Lot 1 and 2 in the plan of subdivision at the date of lodgement of the Final Plan of Survey.
8. The value is to be determined by a Land Valuer within the meaning of the Land Valuers Act 2001 at the developers' expense.
9. The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey.

Agreements

10. Prior to sealing, the owner and Council must enter into an agreement pursuant to Part 5 of the *Land Use Planning and Approvals Act* 1993 in respect of the land. The Agreement is to provide that the owner covenants and agrees with the Brighton Council that:
 - a. Prior to any commencing any sensitive development on Lots 1 and 2:
 - i. a permanent vegetative shelter belt must be planted and maintained along the northern boundary to protect the sensitive use from spray drift in conjunction with an approved landscaping plan.
 - ii. The landscaping plan must be prepared by a suitably qualified person and must be submitted to and approved by Council's Manager Development Services. The landscaping plan must detail:
 - the depth of the shelter belt;
 - the species to be planted;
 - typical height and spread of each species;
 - number of each species.

The shelter belt is to comprise vegetation which suits the local environment.
 - b. The existing mature trees along the south-west side boundary of Lot 1 shared with 340 Cove Hill Rd are to be retained unless otherwise approved in writing by Council's Manager Development Services.
 - c. The existing mature trees along the northern boundary must not be modified or removed unless otherwise approved in writing by Council's Manager Development Services.

- d. The land is within an established rural area and may be subject to occasional noise, odour, chemical and dust emissions associated with surrounding agricultural activities.
11. Agreement(s) made pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must bind the current owner and his/her successors in title and must be prepared on a blank instrument form and registered with the Recorder of Titles in accordance with Section 78 of the *Land Use Planning and Approvals Act 1993* by the applicant at no cost to Council.

Final plan

12. 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.
13. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Brighton Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's Municipal Engineer in accordance with Council Policy 6.3 following approval of any engineering design drawings and shall not to be less than \$5,000.
14. 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.
15. The subdivider must pay any Titles Office lodgement fees direct to the Recorder of Titles.

Engineering

16. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013.
17. 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.

18. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, in accordance with the Tasmanian Subdivision Guidelines October 2013, and must show –
 - a. all existing and proposed services required by this permit;
 - b. all existing and proposed roadwork required by this permit;
 - c. measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - d. measures to be taken to limit or control erosion and sedimentation;
 - e. any other work required by this permit.
19. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
20. 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.

Property Services

21. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.
22. Any existing services shared between lots are to be separated to the satisfaction of Council's Municipal Engineer.
23. 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.

Telecommunications and electrical reticulation

24. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's Municipal Engineer.

25. Prior to sealing the final plan of survey, the developer must submit to Council 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.

Vehicular Access

26. The vehicular access(es) must be constructed/upgraded from the road carriageway to service each lot and, unless approved otherwise by Council's Municipal Engineer, must:
- a. Be constructed with a durable all weather pavement
 - b. Be designed so as there is no increase in concentrated stormwater onto adjacent properties (including 340 Cove Hill Rd).
 - c. Have a sealed surface for all shared sections (i.e. servicing 2 or more properties) including to the eastern extent of where Lot 1 access intersects the existing access to 340 Cove Hill Road.
 - d. Sealed surface for all sections of driveway where the grade is equal to or greater than 18%.
 - e. The surfacing material may be a spray seal, asphalt, concrete, pavers or other approved material.
 - f. Have a min trafficable width of 4.0m with a minimum sealed width of 3.0m
 - g. Have a passing bay of minimum width of 5.5m for a distance of no less than 6m from the edge of the road.
 - h. As required by Bushfire Hazard Report (V1.0) for proposed three lot subdivision at 346 Cove Hill Road Honeywood, prepared by Jim Mulcahy, dated 9 April 2021.
27. Widening of the road shoulder, adjacent the vehicular access, is to be provided as a collection area for waste and recycling bins. The bin collection area must be of sufficient size to accommodate the bins for the three (3) lots clear of the traffic lane and such that safe sight distance is maintained exiting the access. The bin collection area is to be included in the engineering design drawings for approval.

Stormwater

28. Stormwater from the proposed development must be managed on site such that any stormwater runoff from the site, for a storm with an ARI of 20 years, will be no greater than pre-existing runoff to the satisfaction of Council's Municipal Engineer.

TasWater

29. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice TWDA 2021/00676-BTN, dated 07/05/2021.

Water quality

30. 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.
31. 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.
32. 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.
33. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

Construction Amenity

34. The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
- | | |
|---|---------------------|
| • Monday to Friday | 7:00 AM to 6:00 PM |
| • Saturday | 8:00 AM to 6:00 PM |
| • Sunday and State-wide public holidays | 10:00 AM to 6:00 PM |

35. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
- a. emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
 - b. transport of materials, goods or commodities to or from the land; and/or
 - c. appearance of any building, works or materials.
36. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on-site will be permitted unless approved in writing by the Council's General Manager.
37. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the subdivision during the construction period.

Maintenance and Defects Liability Period

38. 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.
39. 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.

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 Jeffries 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

13.5 Insert Two Site-Specific Qualifications into the Brighton Local Provision Schedules to Allow Pole/Pylon Signs in the Utilities Zone and Permit Application for Two (2) Pole/Pylon Signs (Combined Permit And Amendment Application)

Author: Planning Officer (Brian White)

Type of Report:	Ordinary Council Meeting Section 38 and 40D of <i>Land Use Planning and Approvals Act 1993</i> Report
Application No:	RZ 2022-01 & DA 2022/32
Address:	Midland Highway (Land know as: Certificate of Title 52012/1 & 156374/1.)
Owner:	The Crown
Requested by:	Brighton Council
Proposal:	Combined application and development application for: - Amend the Brighton Local Provision Schedule to insert site-specific qualifications adding the Utilities zone as an applicable zone for a pole/pylon sign, under Table 1.6 of the Signs Code, on two (2) road reserve titles; and

	- Application for a planning permit (DA 2022/32) for the development of two (2) pole/pylon signs on two road reserve titles.
Zone:	Utilities
Authorised:	Manager Development Services (David Allingham)

1. Executive Summary

The report considers a combined permit and amendment application, made under Section 37 (1) and 40T (1) of the *Land Use Planning and Approvals Act 1993* ('LUPAA'), for the following:

- Amend the Brighton Local Provision Schedule (LPS) to insert site-specific qualifications making the Utilities Zone an applicable zone for pole/pylon signs, under Table C1.6 of the Signs Code, on two (2) road reserve titles on the Midland Highway, located nearby to the Brighton Industrial Estate; and
- Apply for a planning permit for the development of two (2) pole/pylon signs on those (2) road reserve titles.

The proposed combined permit and amendment application (the application) is being made by Brighton Council who is a 'person' for the purposes of LUPAA.

The application is to implement key recommendations of two (2) recent strategic planning documents endorsed by the Council that relate to the Brighton Industrial Estate (the Estate): the Brighton Structure Plan 2018 (BSP); and the Brighton Industrial Estate Brand and Place Strategy 2020 (the Strategy). These strategies recommended that Council consider new landmark entrance signage in prominent road reserves nearby to the entrance to the Estate to create an immediately recognisable identity and a greater sense of arrival and place due to a current lack of entrance signage to the Estate.

The Brand Guidelines (the Guidelines) to the Strategy outline the proper use of the new 'Brighton Hub' brand and informs how to make decisions when creating visual elements and forms of communication (such as signage and wayfinding). The choice of pylon/ pole signs is based on the recommendations within the Guidelines.

Pylon/ pole signs are prohibited signs in the Utilities Zone. Therefore, a site-specific amendment to the LPS is proposed to allow a permit application to be considered to develop the pole/pylon signs within two (2) road reserves on the Midland Highway.

The land forming part of the application are titles owned by the Crown and managed by the Department of State Growth ('DSG'). The consent of the Minister of the Crown to the making of the application has been provided as attachment B.

To proceed, the Planning Authority must first agree to the amendment to the LPS and then determine whether the concurrent permit application meets the relevant provisions of the Brighton LPS. If the amendment is agreed to, and the concurrent permit application deemed to comply with the LPS, the Planning Authority must notify the Tasmanian Planning Commission (the Commission) of the decision and commence public exhibition.

The Planning Authority will then decide whether any representations received warrant amending or refusing the draft amendment or the planning permit. If approved by the Planning Authority, the final decision will be made by the Tasmanian Commission who will likely invite any representors to attend a public hearing.

The amendment and permit application are necessary to implement the recommendations of key strategic planning documents that have had input from the community and endorsed by the Council.

It is recommended that Council certify the draft amendment to the LPS and approve the permit application.

2. Legislative & Policy Content

The purpose of this report is to enable Council to determine whether to approve the combined permit and amendment request.

The combined permit and amendment request is made under section 37(1) and 40T(1) of the *Land Use Planning and Approvals Act 1993* (the Act). Section 37 (1) allows a person to request a planning authority to amend an LPS. Section 40T allows a person to concurrently make an application for a permit which could not be issued unless the LPS were amended as requested.

This report details the reasons for the officer recommendation. The Planning Authority is not bound to adopt the recommendations in this report. 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 2005*.

3. Risk & Implications

Approval or refusal of this application will have no direct financial implications for the Planning Authority.

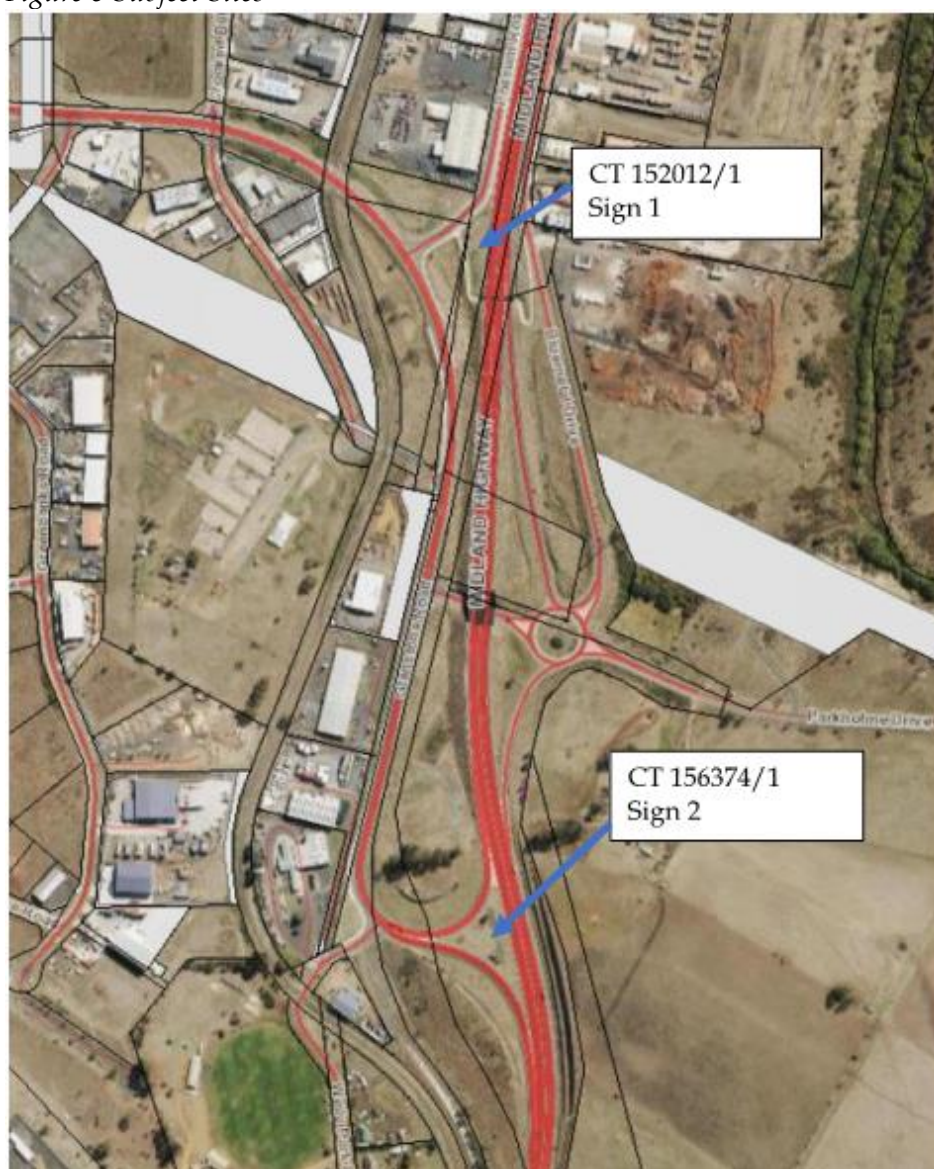
4. Site and Surrounds

The proposal relates to two (2) road reserve titles on the Midland Highway adjacent to the Brighton Industrial Estate (the Estate) as described in Table 1 and show in Figure 1.

Table 1 Subject Titles

Folio of the Register Volume/ Folio	Area (ha)	Reference (sign number) as per Figure 1.
152012/1	1.298	1
156374/1	7.845	2

Figure 8 Subject Sites



Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

The Estate is located on either side of the Midland Highway and includes the Brighton Transport Hub (the Transport Hub), which is an internodal facility, covering road, rail, and freight distribution. The Transport Hub is managed by Tasrail.

Toll and SRT Logistics have large operations located nearby to the Transport Hub. There is an area of currently vacant land adjacent to the Transport Hub that is zoned General Industrial but is yet to be developed.

Land to the west and north of the Estate is zoned Rural and primarily made up of pasture lots used for small scale agricultural pursuits. The Boral Quarry is located approximately 500m to the east of the Estate. There is Rural Living land directly abutting the site to the south on Cobbs Hill Road.

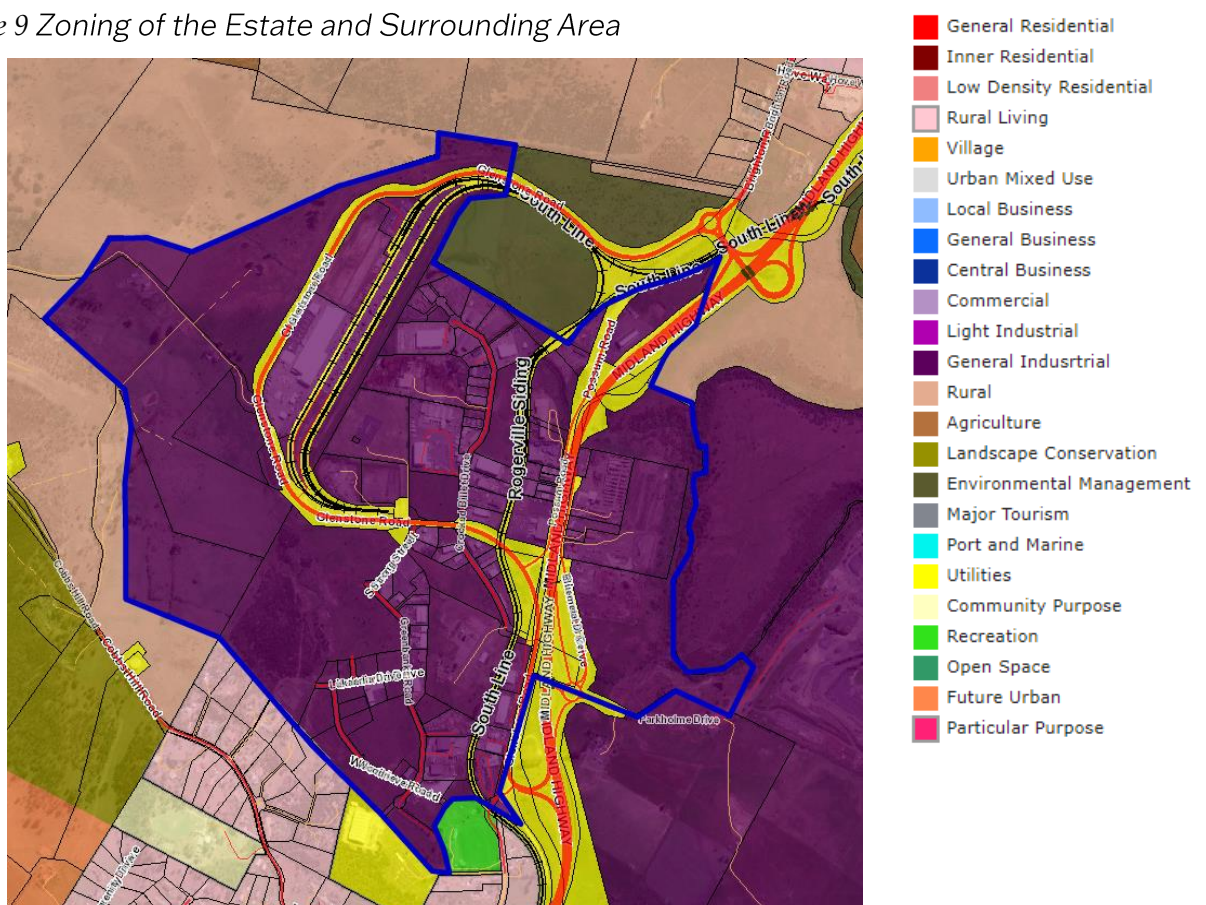
The Estate is located approximately 1.5km to the southwest of the Brighton Township and approximately 1km to the northwest of Bridgewater.

4. Planning Controls

4.1. Zoning

The subject sites are zoned Utilities under the Brighton LPS. The adjoining land is zoned a combination of Rural, Rural Living, Environmental Management, Recreation, and General Industrial, as shown in Figure 2.

Figure 9 Zoning of the Estate and Surrounding Area



Source: Base image and data from the LIST
(www.thelist.tas.gov.au) © State of Tasmania

4.2. Overlays

Attenuation area (Bridgewater Quarry)

The sites are located within the 'Attenuation Area' of the Bridgewater Quarry, so are subject to the Attenuation Code of the Brighton LPS. The Bridgewater Quarry Specific Area Plan provides use and development standards that are in substitution for, and are in addition to, the provisions of the Attenuation Code.

Local Heritage Place

The site for proposed sign two (2) (CT 156374/1) is a permanent listing on the Tasmanian Heritage Register (Place ID: 619) and is also listed as a Local Heritage Place ('Parkholm') under Table C6.1 of the Local Historic Heritage Code of the LPS.

The listing covers the subject site and two titles to the east of the highway which appear to have been split due to the construction of the Brighton Bypass.

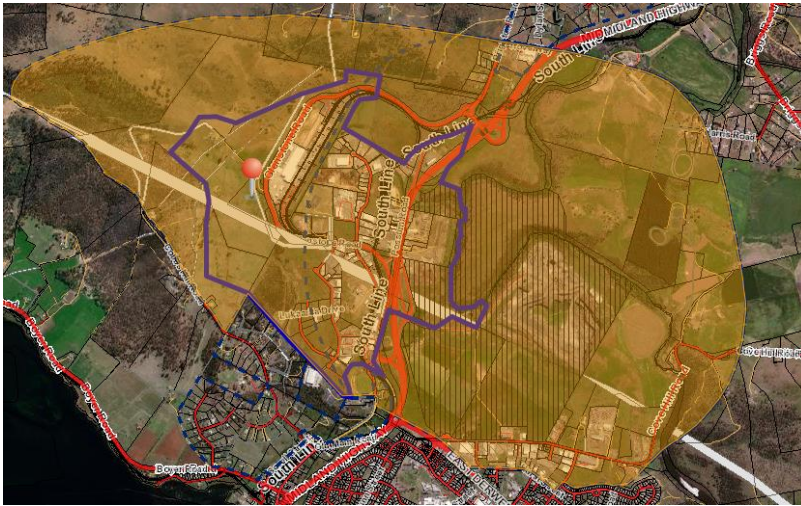
The application has been referred to the Tasmanian Heritage Council (THC) who have provided a Certificate of Exemption for the works pursuant to section 42(3)(a) of the *Historic Cultural Heritage Act 1995*. The certificate is provided in attachment F.

4.3. Specific Area Plans

Brighton Industrial Hub

The Brighton Industrial Hub Specific Area Plan (SAP) buffer area adds an additional attenuation zone to the Attenuation Code around the Estate which covers an area of approximately 1170ha, as shown in Figure 4. The SAP prohibits sensitive uses from establishing within the buffer area to protect the Brighton Industrial Hub from land use conflicts. The SAP will have no impact on the proposal.

Figure 10 The Brighton Industrial Hub Specific Area Plan



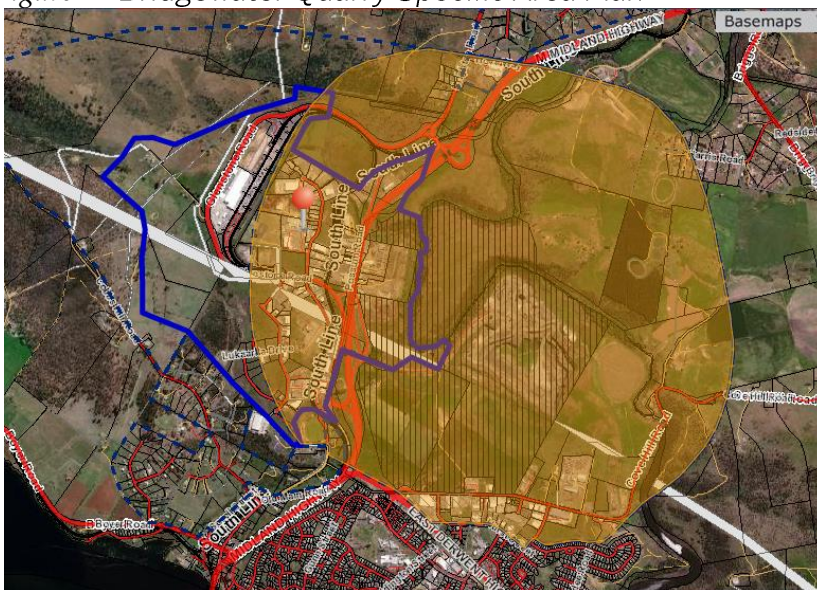
Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

Bridgewater Quarry

Approximately half the Estate is also covered by the Bridgewater Quarry SAP which adds an additional buffer area to the Attenuation Code of the Scheme. The SAP prohibits sensitive uses and adds additional development (including subdivision) standards, in addition to the Zone standards, for any buildings (including signs) and works within the buffer area.

The proposed signs are within the buffer area so will be subject to assessment under Clause BRI-S4.7.1 Development within Bridgewater Quarry Specific Area Plan (P1). The amendment and planning application has been referred to the Bridgewater Quarry operator.

Figure 11 Bridgewater Quarry Specific Area Plan



Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of

*Tasmania***5. Current Entrance Signage**

Except for standard road signs within the Estate, there are currently no specific 'entrance' signs to the Estate along the Midlands Highway. The only 'entrance' sign alerting people they have arrived at the Estate is located at the corner of Glenstone Road and Crooked Billet Road, shown as Figure 5. The sign is in poor condition as noted in the BSP.

Figure 12 Existing Signage within the Estate

**6. Background and Rationale****6.1. The Brighton Structure Plan & Economic Assessment**

The purpose of the BSP is to manage growth and change in the Brighton Municipality over a defined planning horizon (15 years), with a focus on housing, employment, and community infrastructure. The BSP makes a series of strategies and recommendations related to each category and provides an implementation framework.

The BSP recognises the Brighton Transport Hub and Industrial Estate as a **state-significant employment node** given the Transport Hub is the only intermodal freight facility in southern Tasmania, and the industrial estate is the largest in the Hobart region.

The BSP predicts demand for industrial land in Brighton Council will increase due to limited supply in established industrial areas within Greater Hobart. The BSP specifically predicts that demand for sites within the Brighton Industrial Estate will continue to increase.

The BSP acknowledges that whilst the existing signage within the Estate is ‘functional,’ it does not evoke a sense of arrival or particular attention to quality.

The BSP therefore recommends that new entrance signage is developed to improve the presentation of Estate to bring it up to a standard that is consistent the Estate’s future role as a key location for regionally significant and/or state-wide industrial uses.

The proposed signage is therefore consistent with Strategy 5 of the BSP: “Improve the functioning and presentation of the Brighton Transport Hub and Industrial Estate”.

6.2. The Brighton Industrial Estate Brand and Place Strategy

The Brighton Industrial Estate Brand and Place Making Strategy is partly the result of the findings and recommendations of the BSP to improve the functioning and presentation of the Brighton Transport Hub and Industrial Estate.

The aim of the Brighton Industrial Estate Brand and Place Strategy is to set out a new vision and pathway, supported by practical actions, to reposition the Brighton Industrial Estate as an attractive prospect for future investors and support growth.

The Brighton Industrial Estate Brand and Place Strategy is made up of the Placemaking Strategy Report as well as the Brand Guidelines.

Place Making Strategy Report

The Placemaking Strategy Report has found that the Brighton Industrial Estate is an underutilised asset in Tasmania. In consultation with stakeholders in the Brighton Industrial Estate, the Strategy produced the following common themes and issues with the Estate:

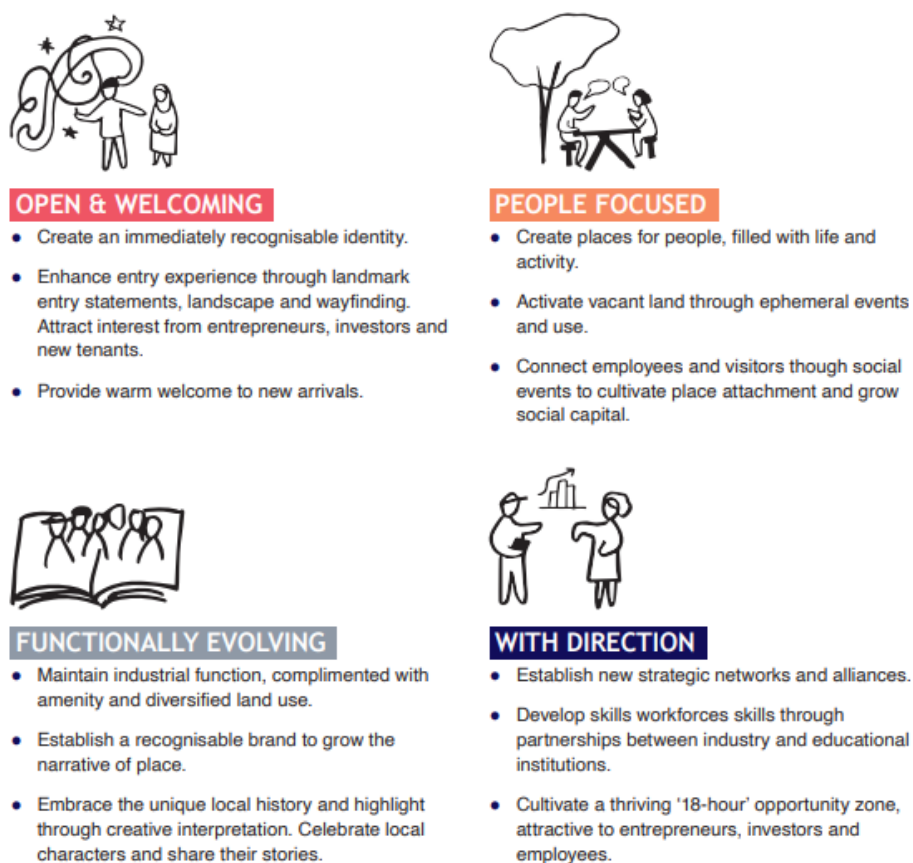
- Hostile and empty
- Unwelcoming
- Low amenity
- Disconnected.

In response to the issues raised in consultation, ten 'aspirational themes' were developed to represent how the Brighton Industrial Estate stakeholders envision the future of the site. The themes included matters such as:

- improving pedestrian amenity and activity and the visual aesthetics;
- creating a recognisable identity through signage and wayfinding;
- improving the visual aesthetics through landscaping and maintenance;
- adding people focussed uses and places; and creating business networks.

The Place Vision for the site was established ("Where People Matter and Business Prospers"), along with four vision themes and objectives, as shown in Figure 6.

Figure 13 Vision Themes and Objectives (Source: Design Jam)



The Place Vision emphasises employees and visitors feeling welcome in a place that values pedestrian movements and social interaction, which will be achieved via activity nodes, lunchtime recreation and special events. A business network and a strong brand identity will help to attract investment and ingrain a sense of pride of place and identity.

A Strategic Action Plan was developed which sets out prioritised actions to respond to each of the vision themes and objectives, as shown in Figure 5. Establishing landmark entrance experience is a project to achieve the 'Open and Welcoming' vision theme and objectives and has been designated as an action with a 'very high priority'.

The Strategy shows three (3) preferred locations for the landmark entrance signage. The proposed signage has been based on two (2) of these preferred locations.

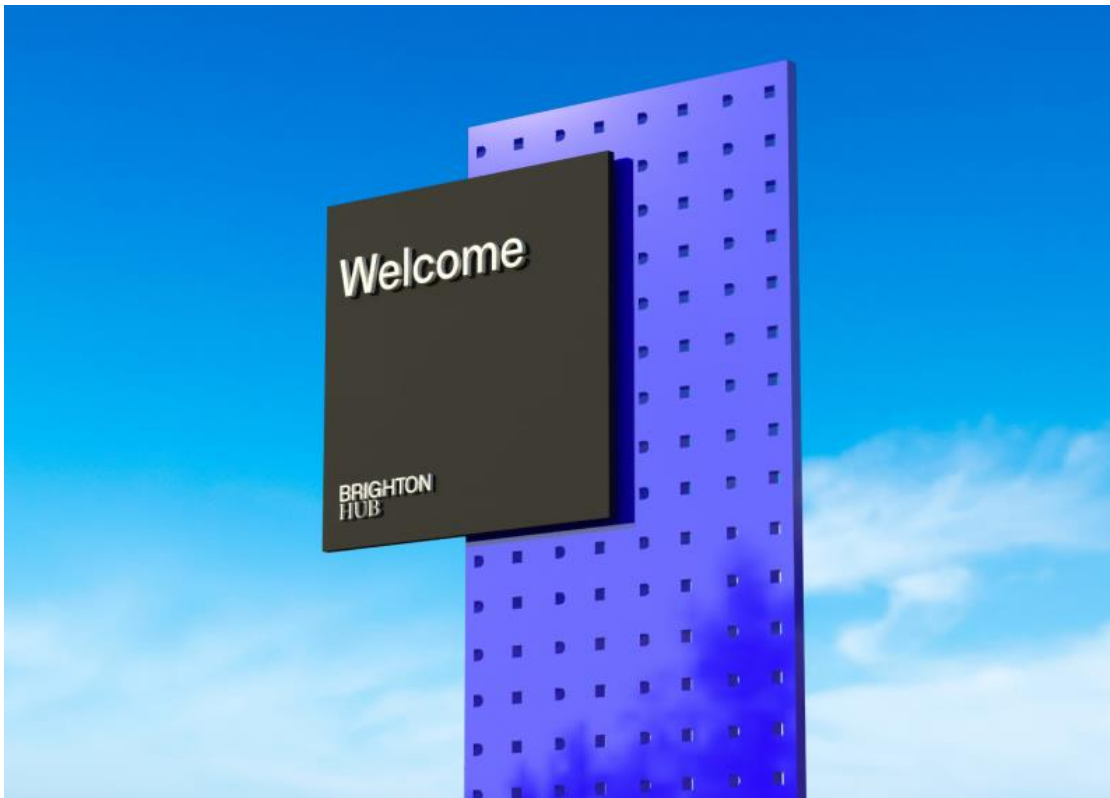
Figure 14 Strategic Action Plan - Very High Priority Projects (Source: Design Jam)

Very High Priority	
OPEN & WELCOMING	1. Consistent Maintenance
	2. Landmark entrance experience
	3. Road verge landscaping
PEOPLE FOCUSED	8. Update Mobile Food Vendor Policy
FUNCTIONALLY EVOLVING	18. Implementation of new name & brand narrative
WITH DIRECTION	22. Workforce development
	23. Specific Area Plan
	24. Business network

Brighton Hub – Brand Guidelines

The Brand Guidelines contains a 'Brand Toolkit' which sets out the preferred Brand Elements, logos, brand marks, typography, brand colours and iconography within the Estate. The Brand Guidelines provide an example of a large sign which has been used to design the proposed signs that are the subject of this application. This example is shown in Figure 8.

Figure 15 Example of Large Signage in Brand Guidelines



7. The Amendment – Site Specific Qualifications

The proposed amendment to the Brighton Local Provisions Schedule is to insert two (2) site specific qualifications to add the Utilities Zone as an applicable zone for a Pole/Pylon sign, under Table C1.6 of the Signs Code, on land known as CT 156374/1 and CT 152012/1.

The amendment is required as the Utilities Zone is currently not an applicable zone for a Pole/ Pylon sign under Table C1.6 of the Signs Code.

8. Planning Assessment – Draft Amendment of LPS Requirements of the Act

Section 40D (a) of the Act requires a planning authority to prepare a draft amendment of an LPS after receiving a request under Section 37(1), if it decides under section 38(2) to prepare a draft amendment of an LPS;

40D. Preparation of draft amendments

A planning authority –

(a) *must prepare a draft amendment of an LPS, and certify it under [section 40F](#), within 42 days after receiving the request under [section 37\(1\)](#) to which the amendment relates, if –*

- (i) *it decides under [section 38\(2\)](#) to prepare a draft amendment of an LPS;*
- or*

- (ii) *after reconsidering, in accordance with a direction under [section 40B\(4\)\(a\)](#), a request under [section 37\(1\)](#) whether to prepare a draft amendment of an LPS, it decides to prepare such an amendment; or*
- (b) *may, of its own motion, prepare a draft amendment of an LPS; or*
- (c) *must, if it receives under [section 40C\(1\)](#) a direction to do so, prepare a draft amendment of an LPS and submit it to the Commission within the period specified in the direction or a longer period allowed by the Commission.*

Section 40F (1) of the Act requires that, where a planning authority has prepared a draft amendment of an LPS (under Section 40D(b)), it must be satisfied the draft amendment of an LPS meets the LPS criteria under Section 34 of the Act.

40F. Certification of draft amendments

- (1) *A planning authority that has prepared a draft amendment of an LPS must consider whether it is satisfied that the draft amendment of an LPS meets the LPS criteria.*
- (2) *If a planning authority determines that –*
 - (a) *it is satisfied as to the matters referred to in [subsection \(1\)](#), the planning authority must certify the draft as meeting the requirements of this Act; or*
 - (b) *it is not satisfied as to the matters referred to in [subsection \(1\)](#), the planning authority must modify the draft so that it meets the requirements and then certify the draft as meeting those requirements.*
- (3) *The certification of a draft amendment of an LPS under [subsection \(2\)](#) is to be by instrument in writing affixed with the common seal of the planning authority.*
- (4) *A planning authority, within 7 days of certifying a draft amendment of an LPS under [subsection \(2\)](#), must provide to the Commission a copy of the draft and the certificate.*

The LPS criteria is provided under Section 34 of the Act, and Section 34(2) is addressed below where relevant to the proposed amendment.

8.1. Assessment of Section 34 (2) of the Act.

A discussion of those relevant parts of Section 34(2) are provided below.

The LPS criteria to be met by a relevant planning instrument are that the instrument –

- (a) *contains all the provisions that the SPPs specify must be contained in an LPS; and*

Response: the amendment does not affect the provisions that must be contained in an LPS. An LPS can contain site specific qualifications.

(b) *is in accordance with [section 32](#) ; and*

Response: Section 32 of the Act sets out the contents of the LPSs. The relevant parts of the Section that relate to site-specific qualification are provided below.

32. Contents of LPSs

(3) *Without limiting [subsection \(2\)](#) but subject to [subsection \(4\)](#), an LPS may, if permitted to do so by the SPPs, include –*

(c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.

(4) *An LPS may only include a provision referred to in [subsection \(3\)](#) in relation to an area of land if –*

(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or

(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

Assessment of 4(a):

The proposed development is considered to provide significant social and economic benefits to the southern region through much needed promotion of the Estate.

The proposed site-specific qualifications to the Signs Code of the LPS are necessary to implement the findings of the BSP and Strategy, which both recommend that entrance/ landmark signage is essential to provide an improved sense of arrival, to instigate a sense of pride in the Estate, and to ensure the Estate fulfills its potential as a regionally and State significant industrial estate.

The stakeholder consultation as part of the Placemaking project revealed that a key problem with the Estate is it that is ‘unwelcoming’, with a lack of identity, and an ‘unremarkable’ and confusing entrance experience. Implementing landmark signage at prominent locations at the entrance to the Estate was determined to be a high priority strategic placemaking action in the Strategy to give the Estate an improved identity.

The Estate is recognised in the Southern Regional Industrial Land Strategy as the key location to accommodate some 40% of future demand for industrial land up to 2041.

The BSP acknowledges that demand for industrial land in the Brighton municipality and the Estate is set to continue provided other regionally significant industrial Estates are not established. Ensuring that the Estate is an attractive place to invest and a welcoming place for workers is critical in ensuring the Estate continues to be *the* prominent location in the Region for regionally significant industrial uses.

Future investment in the Estate resulting in added industrial growth will provide social and economic benefits to the Municipality given the high rates of the population being employed in construction, manufacturing, transport, postal and warehousing and the fact that existing businesses draw a significant percentage of employees from the local area.

The two locations are prominently located nearby to the entrances to the Estate and so are an ideal location for 'landmark' entry signs. These sites are unique in that they are located within a road reserve of a National Highway and adjacent to the entrance of a State significant industrial estate.

A traffic report has been provided to support the application which opines that that allowing pole/ pylon on the two (2) sites will result in minimal distraction to drivers and road safety. The report concludes that:

"It is our view that the proposal satisfies the relevant standards of the Code contained within the Planning Scheme and the Austroads Research Report, Impact of Roadside Advertising on Road Safety, and it supported on traffic grounds as well as general road safety principles".

(c) *Furtherers RMPS Objectives*

The objectives of the Resource Management and Planning System (RMPS) must be furthered by the rezoning request and are addressed in the following table:

Table 2 – RMPS Objective Assessment

Objective	Response
Part 1	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	The proposed amendment relates to two (2) sites which have no known significant natural values.

<p>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</p>	<p>The amendment is to implement the recommendations of local strategic planning documents which relate to the Brighton Industrial Estate. The strategies recommend entrance signage to the Estate to improve its appearance and sense of place to make the Estate a more attractive place for investment. The Estate is identified as regionally significant in regional planning strategies so ensuring its success is crucial for orderly strategic planning for the region and the municipality.</p>
<p>(c) to encourage public involvement in resource management and planning</p>	<p>The public will be involved in the draft planning scheme amendment through opportunity to make representations and attend public hearings. The proposal is to implement the recommendations of key strategic planning documents that were endorsed by Council, and which were prepared via a consultative process with the community.</p>
<p>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</p>	<p>The proposed amendment will improve the appearance of the Estate so it can continue to attract investment and maintain its role as a key industrial estate in the Region and the State. This will inevitably facilitate economic development for the municipality and the region by creating employment and further spending in activity centres within the municipality.</p>
<p>(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the</p>	<p>The proposed amendment relates to sites owned and managed by the State Government. The consent of the relevant minister for the making of the application has been provided.</p>

State	
Part 2	
(a) to require sound strategic planning and coordinated action by State and local government	The proposed amendment is to implement the recommendations of regional and local strategic planning documents and is consistent with relevant policies within the Southern Tasmanian Regional Land Use Strategy.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	<p>The proposed amendment adds additional site-specific amendments to the LPS to allow a permit application to be made for pole/pylon signs on two (2) sites in the Utilities Zone. The signs will still be subject to the relevant provisions of the Zone and the Signs code.</p> <p>The proposed amendment has been found to be consistent with the contents of the LPS and have been drafted to achieve specific objectives and policies recommended in strategic planning documents endorsed by the Council.</p>
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	The proposal does not allow for use and development with the potential to cause environmental harm. There are no significant natural values on the sites.
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	The proposed signage is recommended in local strategic planning documents endorsed by the Council and is consistent with regional planning documents and State Policies and legislation.

(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	The proposal will allow a permit application to be considered at the same time as the amendment which is allowable under the Act. This represents a coordinated approach to planning approvals.
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	<p>The proposal is to implement some of the findings of the Placemaking Strategy which are to improve the amenity and activity of the Estate for workers and visitors.</p> <p>The safety of having pole/pylon signs on the two (2) road reserve titles has been addressed by a suitably qualified traffic engineer who has deemed that the signs are able to meet the relevant Standards of the Signs Code which specifically deals with the impact of signage on the safe and efficient movement of vehicles and pedestrians.</p>
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	The site for sign one (1) is listed as a place of heritage significance on the Tasmania Heritage Register as well as under the Local Historic Heritage Code. The application has been referred to the THC who have no interest in the application.
(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community	If certified the draft amendment will be referred to TasWater in accordance with the requirement of the Act.
(i) to provide a planning framework which fully considers land capability.	The proposed sites are zoned utilities under the LPS so are not intended to be used for agriculture.

(d) *Consistent with State Policies*

- **State Coastal Policy 1996**

The *State Coastal Policy 1996* applies to land within 1 km of the high-water mark. The subject land is more than 1km from the high-water mark and this policy does not apply.

- **State Policy on the Protection of Agricultural Land 2009**

The *State Policy on the Protection of Agricultural Land 2009* protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion of agricultural land to non-agricultural uses is subject to the principles of the Policy. The subject land is zoned Utilities so the Policy is not applicable.

- **The State Policy on Water Quality Management 1997**

There will be no direct impact on water quality as a result of the amendment and permit application.

- **National Environmental Protection Measures**

The National Environmental Protection Measures (NEPMs) have been adopted as State Policies. They relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled pollutant inventory.

The proposal does not trigger consideration under the NEPMs.

(da) *consistent with TPPs*

There are currently no Tasmanian Planning Policies in effect

(e) *as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*

As required under s.34(2)(e) the proposed amendment must be, as far as practicable, consistent with regional land use strategies. In southern Tasmania, the relevant regional land use strategy is the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS). The policies that are relevant to the amendment are addressed in Table 3 below.

Table 3 – STRLUS Assessment

Policy	Action
<p>IA 1</p> <p>Identify, protect and manage the supply of well-sited industrial land that will meet regional need across the 5, 15 and 30 year horizons.</p>	<p>IA 1.1</p> <p>Ensure industrial land is relatively flat and enables easy access to major transport routes, other physical infrastructure such as water, wastewater, electricity and telecommunications</p> <p>IA 1.2</p> <p>Locate new industrial areas away from sensitive land uses such as residentially zoned land.</p> <p>IA 1.3</p> <p>Provide for a 30-year supply of industrial land, protecting such land from use and development that would preclude its future conversion to industrial land use - in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.</p> <p>IA 1.4</p> <p>Provide a 15-year supply of industrial land, zoned for industrial purposes within the new planning schemes - in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.</p> <p>IA 1.5</p> <p>Aim to ensure a minimum 5-year supply of subdivided and fully serviced industrial land.</p> <p>IA 1.6</p> <p>Take into account the impact on regional industrial land supply, using best available data, prior to rezoning existing industrial land to non-industrial purposes.</p>
<p><u>Consistent</u></p>	

The proposed amendment is to improve the appearance and entrance experience of the Estate as recommended in the BSP and the Placemaking Strategy. The Southern Tasmania Industrial Land Strategy 2013 identifies the Brighton Estate as a key location to meet a significant amount of future demand for industrial land in the Region up until 2041. Ensuring the Estate is an attractive place for investment is therefore consistent with the Southern Tasmania Industrial Land Strategy 2013 and the above actions.

IA 2

Protect and manage existing strategically located export orientated industries.

IA 2.1

Identify significant industrial sites through zoning and ensure that other industrial uses not related to its existing function do not diminish its strategic importance.

Consistent

The proposed amendment allows an application to be made for a pole/pylon sign on two specific sites zoned Utilities. The Estate has potential to attract a wide range of export orientated industries given the vacant land available. Improving the appearance and sense of place of the Estate will assist with driving investment in these types of industries.

IA 3

Ensure industrial development occurs in a manner that minimises regional environmental impacts and protects environmental values.

IA 3.1

Take into account environmental values and the potential environmental impacts of future industrial use and the ability to manage these in the identification of future industrial land.

Consistent

The sites of the proposed signage do not have known environmental values.

As such, it is considered that the proposed amendment continues to further the requirements of the STRLUS.

(f) Brighton Council Strategic Plan 2019-2029

The proposed amendment is consistent with the following relevant strategies from the Brighton Council Strategic Plan 2019-2029:

- S2.3 - Support Further Development of a 'Business and Logistics Hub'.
- S3.1 - Support 30% Growth Target

- (g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates*

The proposed amendment will add additional site-specific qualifications to the LPS which will have no impact on the LPS of adjacent municipal areas. The amendment has been assessed as being consistent with the STRLUS.

(h) *Gas Pipeline safety*

The subject land is not affected by the Gas Pipeline. Accordingly, there are no issues of gas pipeline safety associated with the draft amendment.

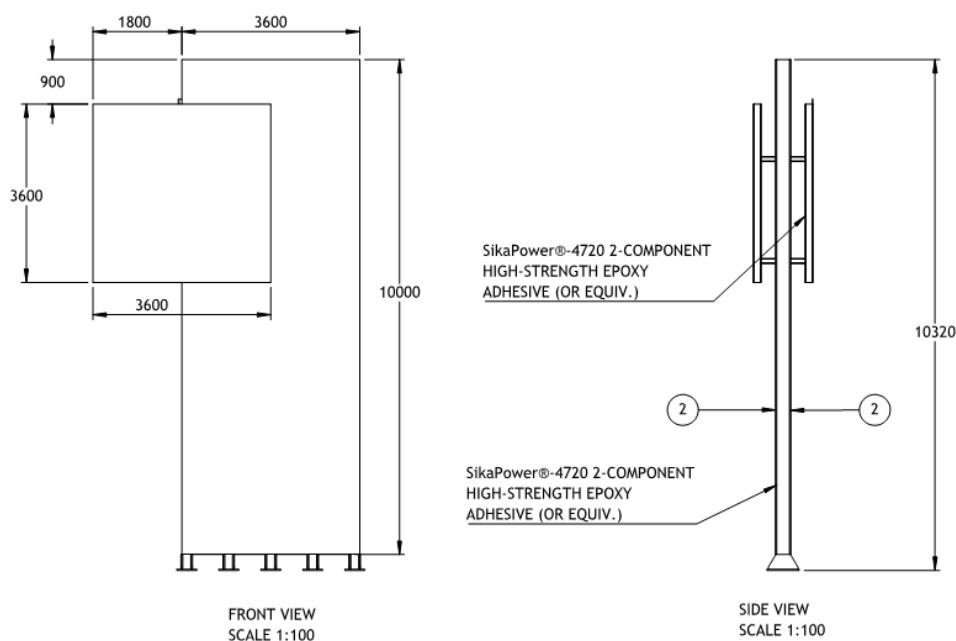
The proposed amendment is therefore considered to be consistent with the requirements under Section 34 (2) of the Act.

9. The Permit Application

The permit application seeks approval for the construction of two (2) pole/pylon signs on the two road reserve titles previously described.

The signs are to be identical in design and consist of one (1) rectangular blade with an area 10m x 3.6m, and a square panel affixed to the main blade with an area of 3.6m x 3.6m, which displays LED illuminated text: "Brighton Hub". The text will be shown on both sides of the signs. The signage dimensions are shown in Figure 9.

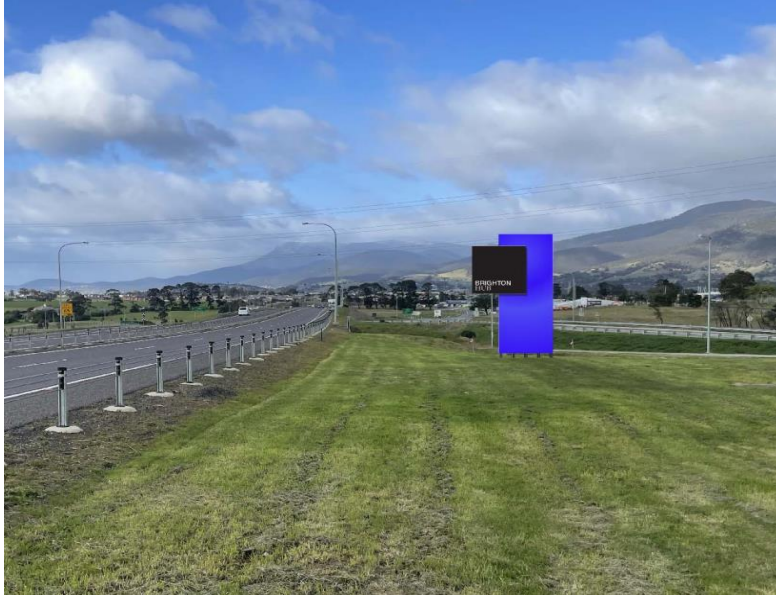
Figure 16 Signage Dimensions (Source: Howarth, Fisher and Associates)



The signs are to be constructed with steel sheeting and will be finished in blue and black colours as shown in the photomontages in this report and in the submitted plans.

The northern sign (Sign 1) is located approximately 10 metres to the west of the carriage way edge of the Midland Highway and approximately 25 metres to the east of the Possum Road carriageway edge. A photomontage of the sign looking south along the Midland Highway is shown in Figure 10.

Figure 17 Photomontage of Sign 1



Source: Howarth Fisher and Associates.

The southern sign (Sign 2) is located approximately 15 metres to the west of the carriage way edge of the Midland Highway and 30 metres to the east of the Brighton Hub Off Road carriageway edge. A photomontage of Sign 2 is shown in Figure 11.

Figure 18 Photomontage of Sign 2



Source: Howarth Fisher and Associates.

9.1. Planning Assessment

The permit application accompanies a request for an amendment to the LPS.

Pursuant to section 40T(1) and section 40Y(4) of the Act, the permit application is to be determined against the provisions of the planning scheme as if the scheme had been amended in accordance with the draft amendment of the LPS, to which the application for the permit relates.

The following section addresses the relevant sections of the Scheme in relation to the two (2) proposed pole/ pylon signs.

9.2. Categorisation of the Development

Pursuant to Clause 6.2.6 of the Scheme, development for signage does not need to be categorised into one of the Use Classes in Table 6.2.

Clause 7.10 of the Scheme deals with development not required to be categorised into a Use Class under Table 6.2. Clause 6.8.2 (b) states that a planning authority has a discretion to refuse or permit a development that is not required to be categorised into a Use Class if the use or development relies on any Performance Criteria to demonstrate compliance with an applicable standard.

9.3. Status of Application

The proposal development is discretionary as it relies on the Performance Criteria to satisfy one or more standards of the Scheme standards.

9.4. Assessment Against Planning Scheme Provisions

The following provisions are relevant to the assessment of the proposed development:

- Clause 26.0 – Utilities Zone
- Clause C1.0 - Signs Code
- Clause BRI -S4.7.1 – Development within Bridgewater Quarry Specific Area Plan.

Whilst the Parking and Sustainable Transport Code applies to all use and development, in this case there are no standards in the code that apply to the proposed development.

Those standards relying on the performance criteria are listed below. They will be addressed in the following section.

Signs Code

- Clause C1.6.1 (P1) – Design and siting of signs.

- Clause C1.6.2 (P1) - Illuminated signs.
- Clause C1.6.3 (P1) – Third Party Signs.
- Clause C1.6.4 (P1) - Signs on local heritage places and in local heritage precincts and local historic landscape precincts.

Bridgewater Quarry Specific Area Plan

- Clause BRI -S4.7.1 - Development within Bridgewater Quarry Specific Area Plan.

9.5. Signs Code Assessment

- Clause C1.1 - Purpose of the Code

The purpose of the Signs Code is:

C1.1.1

To provide for appropriate advertising and display of information for business and community activity.

C1.1.2

To provide for well-designed signs that are compatible with the visual amenity of the surrounding area.

C1.1.3

To ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.

Comment

The proposed pole/ pylon signs are to be 'landmark' entrance signs in prominent locations nearby to the Estate. The signs are part of a process of 'rebranding' the Estate as per the recommendations of the BSP and the Strategy which are strategic planning documents endorsed by the Council.

The design of the signage is consistent with the Branding Guidelines within the Strategy and are therefore considered to be well-designed. The signs are consistent with advertising signage of a similar scale nearby on the Midland Highway.

The submitted traffic report concludes the signs are highly unlikely of disrupting or compromising the safety and efficiency of vehicular movements.

The proposal is considered to be consistent with the purpose of the code.

- Clause C1.6 A1/P1 – Design and Siting of Signs

Subject to the site-specific amendment, the Utilities Zone sign is an applicable zone for a pole/pylon sign, so complies with A1 (a).

The requirements of Table C1.6 are provided below.

Must:

- (a) project not more than 1.2m beyond the boundary with the footpath or road reservation;*
- (b) have no more than two faces;*
- (c) have a maximum area of 5m² for each face;*
- (d) have a maximum height above ground level of 5m; and*
- (e) have a clearance from ground level to the sign not less than 2.4m.*

Comment

The proposed signs do not meet (c), (d) or (e), so must be assessed against the performance criteria.

Objective:
<p>That:</p> <ul style="list-style-type: none"> (a) signage is well designed and sited; and (b) signs do not contribute to visual clutter or cause an unreasonable loss of visual amenity to the surrounding area.
<p>P1</p> <p>A sign must:</p> <ul style="list-style-type: none"> (a) be located within an applicable zone for the relevant sign type as set out in Table C1.6; and (b) be compatible with the streetscape or landscape, having regard to: <ul style="list-style-type: none"> (i) the size and dimensions of the sign; (ii) the size and scale of the building upon which the sign is proposed; (iii) the amenity of surrounding properties; (iv) the repetition of messages or information;

(v) the number and density of signs on the site and on adjacent properties; and

(vi) the impact on the safe and efficient movement of vehicles and pedestrians.

P1.2

If a roof sign, sky sign or billboard, the sign must:

(a) be located within the applicable zone for the relevant sign type set out in Table C1.6;

(b) meet the sign standards for the relevant sign type in Table C1.6; and

(c) not contribute to visual clutter or cause unreasonable loss of amenity to the surrounding area, having regard to:

(i) the size and dimensions of the sign;

(ii) the size and scale of the building upon which the sign is proposed;

(iii) the amenity of surrounding properties;

(iv) the repetition of messages or information;

(v) the number and density of signs on the site and on adjacent properties; and

(vi) the impact on the safe and efficient movement of vehicles and pedestrians.

Comment

It is considered that the signage meets the performance criteria (P1.1) based on the following:

- The signs are landmark entrance signs which are recommended in two (2) strategic planning documents endorsed by Council with the aim of improving the appearance of the Estate. The signs will not cause visual clutter as they are static and will not contain advertising of individual businesses.
- The signs are compatible with the streetscape and landscape given it is a major highway which passes signs of similar size and dimensions such as those at the recently constructed United Petrol Station nearby.

- There are no properties nearby whose amenity could be unreasonably impacted due to the visual impacts caused by the size and dimensions of the sign.
- The submitted traffic report has addressed P1 (b) (vi) and concludes that there is nothing contentious, ambiguous or distracting by the proposed sign. Therefore, they conclude there will be no impacts on pedestrian or vehicle movements for the following reasons:
 - The signs being located at least 10 metres from the carriageway, meaning drivers will not be overly distracted given the signs are not displaying any moving or overly distracting information and the fact that drivers will not have to turn their heads to view the limited text to be displayed on the signs.
 - There are favourable site lines from the Midland Highway that do not require the driver to turn their head and be minimally distracted by the sign.

Therefore, the proposal is assessed as satisfying P1.1.

- **Illuminated Signage**

As the lettering on the sign is to be illuminated with LED lighting, the proposal must comply with the performance criteria Clause C1.6.2 P1.

Clause C1.6.2 - Illuminated signs
<p>Objective</p> <p>That:</p> <ul style="list-style-type: none"> (a) illuminated signs are compatible with the streetscape; (b) the cumulative impact of illuminated signs on the character of the area is managed, including the need to avoid visual disorder or clutter of signs; and (c) any potential negative impacts of illuminated signs on road safety and pedestrian movement are minimised.
Performance Criteria
<p>P1</p> <p>An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> (a) the location of the sign; (b) the size of the sign;

- (c) the intensity of the lighting;
- (d) the hours of operation of the sign;
- (e) the purpose of the sign;
- (f) the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity;
- (g) the intended purpose of the changing message of the sign;
- (h) the percentage of the sign that is illuminated with changing messages;
- (i) proposed dwell time; and
- (j) whether the sign is visible from the road and if so the proximity to and impact on an electronic traffic control device.

Comment

The signs are located nearby to the Estate as they will act as a gateway treatment to the Estate. The submitted traffic report states that the signs have good site distances in both directions. The report has not raised any road safety issues with the signs being illuminated in the selected locations.

The illuminated lettering on both sides of the signs displaying the message: "Brighton Hub", has a total area of approximately 2.7m², or 4% of the total sign area, which is considered modest compared to the illumination of the signs nearby to the Midland Highway at the United Service Station, approximately 2km to the north of the subject sites (shown in Figure 12).

Figure 19 United brand Fuel Station with large LED signage, to the north of the subject site.



The signs are non-electronic displays which will contain a static image on both sides and will not have changing lighting intensity. The lettering of the signs will be internally illuminated from an LED light source which will operate 24 hours a day/ 7 days per week. A condition on the planning permit will require that the intensity of the illumination of the lettering minimises negative impacts on road safety and meeting current Australian Standards. This will be resolved as part of the detailed design/building permits stage and through discussions with the DSG.

The traffic report states that there is no sensitivity in terms of view corridor and that, given the signs location on a National Highway, they are intended to be visible from the road. The report states that the signs are visible from a distance greater than 200-metres in both directions.

Subject to conditions regarding the intensity of the illumination, the proposed is assessed as satisfying P1.

Clause C.1.6.2 – A2 is satisfied as the proposed signs are static display which will contain a static image and are not proposed to have any changing lighting intensity.

Therefore, the proposal complies with the Standard.

- **Third Party Signage**

There is no acceptable solution applicable to Clause C1.6.3 – Third Party Signage.

Clause C1.6.3 Third party sign
Objective

To:

- (a) provide for third party signs that are compatible with the streetscape and the character of the area in which it is proposed to be located;
- (b) manage the cumulative impact of third party signs on the character of an area; and
- (c) minimise any potential impact of third party signs on road safety.

Performance Criteria

P1

A third party sign must be compatible with the natural and built environment of the surrounding area, having regard to:

- (a) the content of the sign;
- (b) the necessity for the advertisement to be in the location;
- (c) opportunities for alternative locations or other methods to achieve the intended purpose (e.g. eligibility for Tasmanian Visitor Information System (TVIS) signs); and
- (d) the likely impact on the operation and safety of a railway, road, footpath, or navigable water; and
- (e) any advice from a State authority.

Comment

The proposed signs are compatible with the built environment given their location on a National Highway adjacent to the Estate.

The location of the signs has been chosen based on the recommendations of strategic plans endorsed by Council which recommend landmark entrance signs to the estate to improve its appearance and sense of place.

The signage will promote a business area ("Brighton Hub") which was created as a State Government initiative, so it is fitting that promotional signage is on Stage Gov land. The sign does not promote any individual business', so sets no precedent for this to occur elsewhere.

The submitted traffic report has found that the impact of the signs on the operation of the road will be negligible as they have good site distance in both directions, avoid moving, scrolling or flashing display, and contain illumination letters that do not exceed ~900mm in height which make up a small proportion of the total area of the sign.

The DSG have provided landowners consent for the making of the application and have provided conditional approval.

The proposal is therefore assessed as meeting P1.

- **Clause C1.6.4 - Signs on local heritage places and in local heritage precincts and local historic landscape precincts.**

As the southern sign is located on a local heritage place under the Local Historic Heritage Code and has an area greater than 0.2m² and is illuminated, it does not comply with A1 so must be assessed against P1 to satisfy the Standard.

Clause C1.6.4 - Signs on local heritage places and in local heritage precincts and local historic landscape precincts.

Objective:

That the size, design and siting of signs is compatible with and does not have an unacceptable impact on the local historic heritage significance of a local heritage place, a local heritage precinct or a local historic landscape precinct as listed in the Local Historic Heritage Code.
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Performance Criteria

P1 A sign located on a site that is a local heritage place, in a local heritage precinct or local historic landscape precinct listed under the Local Historic Heritage Code must be located in a manner that does not have an unacceptable impact on the local heritage significance of the place or precinct, having regard to:
--

- | |
|---|
| <ul style="list-style-type: none"> (a) placement to allow the architectural details of the building to remain prominent; (b) the size and design not substantially diminishing the local historic heritage significance of the place or precinct; (c) where relevant, placement in a location on the building that would traditionally have been used as an advertising area; (d) any domination or obscuring of any historic signs forming an integral part of a building's architectural detailing or local historic heritage significance; (e) using fixtures that do not and are not likely to damage building fabric; |
|---|

- (f) not projecting above a parapet or roof line if such a projection impacts on the local historic heritage significance of the building; and
- (g) not using internal illumination in a sign on a local heritage place unless it is demonstrated that such illumination will not detract from the local historic heritage significance of the place or precinct.

Comment

It is considered that the heritage significance of the site on the western side of the highway is limited as it is now an intersection between the Midland Highway and the Brighton Hub off road. That part of the site is grassed with some shrubs which don't have any significant heritage value.

The sign will not detract from the heritage significance of the site as it is to be located in a road reserve on a National Highway which is separated by some distance from the rest of the property to the east containing a dwelling and farmland.

The proposal has been referred to the Tasmanian Heritage Council and a "Certificate of Exemption" (See Attachment 4) has been received for the site.

- **Clause BRI-S4.7.1 Development within Bridgewater Quarry Specific Area Plan**

There is no acceptable solution applicable to BRI-S4.7.1.

BRI-S4.7.1 Development within Bridgewater Quarry Specific Area Plan	
Objective:	
That development is compatible with the operations of the Bridgewater Quarry.	
Performance Criteria	
<p>P1</p> <p>Buildings and works must not result in potential to interfere or conflict with quarry operations having regard to:</p> <p>(a) the nature of the quarry; including:</p> <ul style="list-style-type: none"> (i) operational characteristics; (ii) scale and intensity; (iii) degree of hazard or pollution that may be emitted from the activity; 	

- (b) the degree of encroachment of development or use into the Bridgewater Quarry Attenuation Area; and
- (c) measures in the design, layout and construction of the development to eliminated, mitigate or manage effects of the quarry; and
- (d) any advice from the Bridgewater Quarry operator.

Comment

The proposed signs are highly unlikely of impacting on the operations of the quarry as they are solid steel structures located a significant distance from the quarry.

The application has been referred to the Bridgewater Quarry operator who has raised no issues with the proposal.

It is considered that the proposal therefore satisfies P1.

10. Conclusion

The proposal to amend the *Brighton Local Provisions Schedule* is consistent with regional and local land use strategy and the requirements of the *Land Use Planning and Approvals Act 1993*.

- 10.1. On this basis, it is recommended that Council initiate and certify draft amendment RZ 2022-01 and approve the permit application as detailed in the attachments to this report.

RECOMMENDATION:

- A. That, the requested combined amendment and permit application be referred to as RZ 2022-01.
- B. That, in accordance with Section 38(1) and Section 38(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council prepares draft amendment RZ 2022-01 to the LPS.
- C. That, in accordance with Section 40D(a) (i) of the *Land Use Planning and Approvals Act 1993*, Council certifies draft amendment RZ 2022-01 to the LPS by instrument in writing affixed with the common seal of the planning authority.
- D. That, in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2022-01 be given to the Tasmanian Planning Commission within seven (7) days.
- E. That, in accordance with Section 40W(1) of the *Land Use Planning and Approvals Act 1993*, Council agrees to the request made under Section 40T(1) to amend the LPS and consider an application for the planning permit at the same time.

- F. That, in accordance with Section 40(Y)(2) and Section 40Y(4), Council approves planning permit DA 2022/32 subject to the conditions provided in Attachment G.
- G. That, in accordance with Section 40Y(6) of the *Land Use Planning and Approvals Act 1993*, Council directs that the relevant permit material relating to permit application DA 2022/32 is provided to the Tasmanian Planning Commission within seven (7) days.
- H. That, in accordance with Section 40FA(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment and planning permit DA 2022/32 be provided to relevant agencies those State Service Agencies, or State authorities, that the planning authority considers may have an interest in the draft amendment.
- I. That in accordance with Section 40G(1) and Section 40Z of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2022-01 and planning permit DA 2022/ 32 be placed on public exhibition.

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. Reports from Officers**14.1 South Brighton Master Plan - Community Engagement Summary:**

Author: Manager Development Services (D Allingham)

Background

In partnership with the Department of Education, Brighton Council has engaged GHD to prepare a Concept South Brighton Development Precinct Master Plan (the "Master Plan").

The aim of the Master Plan is to prepare a comprehensive, practical, people-focused strategic Master Plan for the area that guides development for the future and ensures that there are strong physical and social links to the new high school.

The South Brighton Master Plan area covers approximately 73ha (see Figure 1 below).



Figure 20: South Brighton Master Plan area

The draft Master Plan (see Attachment A) went out for community consultation between 2nd November 2021 and 26th November 2021. The community participated in the engagement as follows:

In total the community participated in the engagement as follows:

- 17 submissions were received via survey monkey;
- 9 submissions were received via email;
- 14 people attended the “drop-in session”;
- 5 one-on-one meetings with Council staff.

The South Brighton Master Plan – Community Engagement Summary (the “Summary Report”) has been prepared to provide an overview of the feedback of the responses received through the engagement (see Attachment B).

The submissions provided a mixed response in terms of opposition to and support for the proposed draft Master Plan. Several respondents are excited by the opportunities that the proposal will bring to Brighton, whereas others had concerns about the density, potential traffic issues and lack of services in the area.

There were also a number of responses from property owners in the area that were generally supportive of the project but thought aspects of it could be improved.

The consultation has identified that there are several improvements, or items requiring further investigation, that could be made to the draft Master Plan. Twenty-two actions have been generated from the feedback which Council and the project consultants are committed to addressing. This will likely result in an amended layout for the Master Plan.

Council intends to follow-up individually with property owners where the layout is greatly altered on their land.

Council also commits to consulting further with landowners on any infrastructure contributions framework.

Consultation

The engagement took place between the 2nd November 2021 to 26th November 2021 and included:

- Letters to all landowners and occupiers in the study site, including a FAQ and copy of the draft Master Plan and an invitation for one-on-one meetings.
- Letters to all landowners and occupiers with properties adjoining the subject site.
- Letters to all relevant infrastructure providers and state service authorities.
- A “Have Your Say” page with links to the draft Master Plan, supporting documentation and a survey monkey.
- A Drop-in session from 4 p.m. to 6p.m on Wednesday 10th November at the Brighton Bowls Club.
- One-on-one meetings with landowners.
- Promotion of the “Have Your Say” and drop-in session on social media.

Further consultation has been held with the General Manager, Manager Development Services and Manager Asset Services.

Risk Implications

Brighton township is rapidly growing and additional residential land is needed with increasing urgency. There is a risk that Council will run out of residential zoned land in the Brighton township if it does not continue to pursue the Master Plan.

Master planning the area reduces the risk of a poorly designed subdivision layout.

The community consultation raised a number of additional risks, such as infrastructure contributions, stormwater modelling, layout issues, etc. Addressing the action in the Summary Report will help reduce these risks.

There is a risk that the draft Master Plan will not be supported by the Tasmanian Planning Commission when it comes to inserting it into the Brighton Local Provisions Schedule. Ongoing consultation with the community will improve chances of it being approved.

Financial Implications

Addressing all the actions may result in further costs for the consultants to amend the draft Master Plan. However, it is important that the draft Master Plan addresses the community concerns.

Implementing the draft Master Plan may have financial implications through infrastructure contributions.

Strategic Plan

Goal 1: Strengthen our Communities

S1.1: Understand/Improve Health and Wellbeing

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

S1.3: Provide Public Facilities/Amenities

S1.4: Support Connected Communities

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

Goal 3: Drive Infrastructure Development

S3.1: Support 30% Growth Target

S3.3: Enabling Infrastructure

Goal 4: Ensure a Stable Organisation

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

Social Implications

There are some members of the community that do not want see growth in the area and believe that the increased housing will put more pressure on existing services.

However, the draft Master Plan area has been earmarked for residential growth for a number of years and has been designed to create strong social links through connected walkways and public open space.

Council are working to ensure essential services such as schools, supermarket, doctors, childcare, etc. keep up with the pace of growth.

Economic Implications

The draft Master Plan will increase economic activity in the area through increased construction jobs and opportunities that come from increased population in the area.

Assessment

The submissions provided a mixed response in terms of opposition and support of the proposed draft Master Plan. Several respondents are excited by the opportunities that the proposal will bring to Brighton, whereas others had concerns about the density, potential traffic issues and lack of services in the area.

There were also a number of responses from property owners in the area that were generally supportive of the project but thought aspects of it could be improved.

Given that the area has long been earmarked as a growth area for the Brighton township and many property owners in the area would like to see the project proceed, Council will continue to proceed with the project.

It is recommended that the Summary Report be endorsed and shared with the community.

Options

1. As per the recommendation
 2. Other
-

RECOMMENDATION:

Endorse the South Brighton Master Plan – Community Engagement Summary to be shared on Council's website.

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 Appointment of Independent Committee Member for Overarching Committee - Brighton Regional Sports Pavilion:

Author: Executive Officer, Corporate Services (M Braslin)

Approved: Deputy General Manager (G Davoren)

Background

In accordance with the Terms of Reference document approved at the March 2022 Ordinary Council Meeting (OCM), Council have advertised Expressions of Interest for an Independent Committee Member for the Overarching Committee of the Brighton Regional Sports Pavilion.

To qualify as being independent, a person must, in the opinion of the Council, be independent of any management, business or other association that could materially interfere with, or could reasonably be perceived to materially interfere with, and exercise unfettered and independent judgement.

An independent committee member:

- (1) does not have a material relationship with the Council or Clubs,
- (2) is not part of the Council or Clubs' executive team, and
- (3) is not involved with the day-to-day operations of the clubs.

Two (2) applications were received and reviewed.

Consultation

President of Brighton Football Club, President of the Brighton Cricket Club, Asset Services Manager, Chair Parks and Recreation Committee, Deputy General Manager.

Risk Implications

Nil.

Financial Implications

The Independent Committee Members cost of fuel to and from each meeting that the independent member attends, in accordance with the Australian Tax Office travel rates.

Strategic Plan

The proposal contributes to our Goal 1 to *strengthen our communities* and Our Strategies S1.1 to *Understand/Improve Health and Wellbeing*, S1.3 to provide public facilities/Amenities.

Social Implications

This Committee allows Council to ensure the new community sports facility is managed well and in the best interest of the community and its ratepayers.

Recreation, leisure and sports activities play an important role in communities. Their many benefits include improving the health and well-being of individuals, contributing to the empowerment of individuals, and promoting the development of inclusive communities.

Environmental or Climate Change Implications

Nil.

Other Issues

Nil.

Assessment

There were two applications received by the submission closure date of 11 April 2022.

A selection panel of Council employees scored the criteria of each application and the current committee members have reviewed the applications and agreed to the recommendation that Applicant 2, Lisa Howes be appointed as the Independent Committee Member of the Overarching Committee for the Brighton Regional Sports Pavilion.

Both applicants would be suitable for the position. However, Lisa Howes answered the criteria in detail and demonstrated through her answers her relevant experience on many committees. She is currently a senior manager in State Government and is responsible for providing leadership, direction, and strategic advice as well as sound communication at all levels.

Options

1. As per the recommendation.
2. Do not approve the recommended candidate for the Independent Committee Member.

RECOMMENDATION:

That Council endorse the recommended candidate, Lisa Howes for the Independent Committee Member for the Overarching Committee of the Brighton Regional Sports Pavilion.

DECISION:

Cr Geard moved, Cr Jeffries 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 DELEGATIONS – BUILDING ACT 2016:**AUTHOR:**

Governance Manager
(J Banks)

Background:

The *Building Act 2016* and Building Regulations 2016 came into effect on 1st January 2017, and superseded the existing Building Act 2000, Building Regulations 2014 and Plumbing Regulations 2014.

Legislation enables Council to delegate some of its functions to assist in the smooth and efficient running of Council affairs.

In order for Council to make a valid delegation, legislation requires:-

- a) Council must have authority from legislation to delegate the Function
- b) The legislation must allow Council to delegate the Function to the Delegate
- c) Council must resolve to make the delegation
- d) Council must resolve to seal and Instrument of Delegation

In addition, Council may resolve to allow the delegate to sub-delegate the Function.

Consultation:

Mrs A Blake (Building Services Officer)

Risk Implications:

Council may incur legal costs if demonstrated that Council's delegation/s are invalid.

Financial Implications:

None, unless delegations are deemed invalid and action is taken against Council.

Permit Authority employees/contractors are required to complete an approved training programme.

Five employees have so far completed this training.

Assessment:

Section 8(3) of the *Building Act 2016*, states that a General Manager may delegate to any person any of their powers and functions under the Act, other than his power of delegation. The legislation also has provisions for the General Manager to appoint an employee of another Council or a Permit Authority for the municipal area for another Council as a Permit Authority.

The role of the Permit Authority is to grant or refuse Building Permits and Plumbing permits in accordance with the Act, and to issue Certificates of Completion for building and plumbing works.

The Permit Authority must also ensure that the public is aware of building and plumbing requirements to ensure compliance with the Legislation and to keep registers in accordance with the Act.

With the inception of the new Legislation some of the statutory functions have been transferred from the General Manager to the Permit Authority e.g. Building Order previously only issued by the General Manager will now be issued by the Permit Authority.

Persons appointed as a Permit Authority will now require an occupational licence under the *Occupational Licensing Act 2005* and must complete an approved training programme. Brent Bastian, Amelia Blake, Janine Banks, Byron Duffy and Meg Gray have undertaken the required training courses.

Options:

1. As per the recommendation.
2. That the Delegation not be adopted.

RECOMMENDATION:

That Council resolve to delegate the following functions and powers to the General Manager in accordance with Section 22 of the *Local Government Act 1993*; and that the General Manager sub-delegate functions and powers in accordance with Section 64 of the *Local Government Act 1993*, and Section 8(4) of the *Building Act 2016*; and if at any time the General Manager is unable to act, Council delegates the Function to the person acting as the General Manager at the time.

That Council authorise the following persons as the Brighton Council Permit Authority pursuant to Section 24(2) of the *Building Act 2016* for building and plumbing matters:-

Environment & Development Services Officer – Amelia Blake

Senior Environmental Health Officer – Brent Basstian

Plumbing Inspector – Byron Duffy

Governance Manager – Janine Banks

Environment & Development Services Officer – Meg Gray

Building Act 2016

1.	S.24(2) – Who is a Permit Authority	The General Manager may only appoint a person as a Permit Authority under Section 24(2) if the person holds a licence under the Occupational Licensing Act 2005 that authorises the person to perform the function and exercise the powers of a permit authority. Sub-delegate to Brighton Council Permit Authority
2.	S.28(1) – Who is a Building Surveyor	Sub-delegate to Building Surveyor
3.	S.41 - Councils	Sub-delegate to Brighton Council Permit Authority
4.	S.70 – works on contaminated or undrainable land	Sub-delegate to Brighton Council Permit Authority
5.	S.73 – Works involving or in proximity of existing drains	Sub-delegate to Brighton Council Permit Authority
6.	S.74 – works involving, or in proximity of service easements	Sub-delegate to Brighton Council Permit Authority

7.	S.241 – Dilapidated building report	Sub-delegate to Brighton Council Permit Authority
8.	S.245 – Emergency Order	Sub-delegate to Brighton Council Permit Authority
9.	S.251 – Court Orders	Sub-delegate to Brighton Council Permit Authority
10.	S.266 – Possession of Building	Sub-delegate to Brighton Council Permit Authority
11.	S.267 – Demolition Order	
12.	S.269 – Recovery of Performance Costs	
13.	S.271 – Purchasing building and materials	
14.	S.272 – Police Assistance	Sub-delegate to Brighton Council Permit Authority
15.	S.275 – Compliance with Act in certain circumstances	Sub-delegate to Brighton Council Permit Authority
16.	S.286 – Onus of proof in certain cases	Sub-delegate to Brighton Council Permit Authority
17.	S.308 – Habitation of Certain Buildings	Sub-delegate to Brighton Council Permit Authority
18.	S.309 – Restriction of use of land	Sub-delegate to Brighton Council Permit Authority
19.	S.321 – Reliance on Certification	Sub-delegate to Brighton Council Permit Authority
20.	S.324 – Infringement Notices	Sub-delegate to Brighton Council Permit Authority

The Delegations are made on the following conditions:

1. The Delegation is subject to the conditions or restrictions (if any) outlined in the table above.
2. The Delegation is subject to such policies, policy guidelines and directions as the authority may from time to time approve.
3. The Delegation is subject to the Council's by-laws or the provisions of any Act.
4. That the general Instruments of Delegation in relation to the Act listed above be signed and sealed by the authority.

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	

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 considered in Closed Council.

16. Questions on Notice**16.1 Cr Owen**

What are the reasons why this Council, which to my mind clearly forms an integral part of the Derwent estuary and overall greater Hobart picture, no longer is a participant and contributor alongside Clarence, Glenorchy, Hobart and Kingborough, as was the case when Brighton and the aforementioned Councils were active members of the Hobart Metropolitan Councils Association?

General Manager's Response

The General Manager will provide a report to the May Ordinary Council Meeting into the background of the formation of the Hobart City Deal. The General Manager will include Council's involvement to date and ways that we can continue to be involved. The Mayor wrote to the Joint Ministerial Committee, Hobart City Deal regarding Brighton Council's wish to be involved in the Derwent Ferry Service initiative, which is included as an attachment on this agenda.

The meeting closed 6.20 pm

Confirmed:

(Mayor)

Date:

17 May 2022
