



**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 TUESDAY,
19 JULY 2022**

PRESENT: Cr Gray (Mayor) via Teams; Cr De La Torre via Teams; Cr Garlick;
Cr Geard; Cr Murtagh Cr Owen and Cr Whelan.

IN ATTENDANCE: Mrs J Banks (Acting General Manager); Mr C Pearce-Rasmussen
(Manager Asset Services); Mr D Allingham (Manager Development
Services) and Ms G Browne (Acting Manager Corporate Services).

1. Acknowledgement of Country

2. Confirmation of Minutes

2.1 Confirmation of minutes of the Ordinary Council meeting of 21 June 2022.

Cr Whelan moved, Cr Garlick seconded that the Minutes of the Ordinary Council meeting of 21 June 2022 be confirmed.

CARRIED

VOTING RECORD

In favour

Against

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

3. Attendance, Apologies and Applications for Leave of Absence

3.1 Cr Peter Geard had requested a leave of absence from 25 July to 27 August 2022.

Cr Murtagh moved, Cr Whelan seconded that the leave of absence be granted.

CARRIED

VOTING RECORD

In favour

Against

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

Cr Owen moved, Cr Garlick seconded that Cr Curran and Cr Jeffries be granted leave of absence.

CARRIED

VOTING RECORD

In favour

Against

Cr De La Torre
Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
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.

Cr Murtagh declared an interest in Item 14.3

Cr Whelan declared an interest in Item 13.2

Cr De La Torre declared an interest in Item 14.2 & 14.5

5. Public Question Time and Deputations

- 5.1 Ms Sue Hickey, Southern Transformation Stakeholder Liaison for UTAS provided an update on UTAS plans for Hobart.

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:

- | | |
|---------|--|
| 24 June | Meeting with Minister Nic Street – General Manager in attendance. |
| 29 June | Catch up with Kirsha Kaechele and Alison Johnson. |
| 1 July | LGAT Annual General Meeting. |
| 2 July | LGAT Professional Development Day. |
| 4 July | Meeting of the South Central Sub-region. |
| 5 July | General Manager's Performance Review Committee meeting. |
| 7 July | Invited to open the Jordan River Service Inc. Community Workshed. |
| 12 July | Meeting with Acting GM Janine Banks, Callum, Brittany and Angela in preparation for the Governor's visit to Brighton.

Meeting with the Tasmanian Audit Office - Jeff Tong (Assistant Auditor-General), Helen Grube (Senior Manager) together with Acting GM Janine Banks and Corporate Executive Gillian Brown. |
| 13 July | Governor's visit to the Municipality of Brighton including morning tea at the Civic Centre, visit to the Botanical Institute, Bonorong Wildlife Sanctuary and Civic Reception/Lunch at Brighton Regional Sports Pavilion. |
| 18 July | Manager Development Services David Allingham and Acting General Manager Janine Banks met with Guy Barnett. |

19 July July Ordinary Council meeting.

DECISION:

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

CARRIED

VOTING RECORD

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

8.2 Reports from Council Representatives

DECISION:

Cr Geard & the Manager Asset Services recently met with Tas Dogs & the Brighton Show Society in relation to the new shed being constructed at Pontville Park.

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

CARRIED

VOTING RECORD

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

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

8.4 Miscellaneous Correspondence

9. Notification of Council Workshops

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015. No Council workshops had been held since the previous Ordinary Meeting of Council.

10. Notices of Motion

There were no notices of motion.

11. Consideration of Supplementary Items to the Agenda

In accordance with the requirements of Part 2 Regulation 8(6) of the Local Government (Meeting Procedures) Regulations 2015, the Council, by absolute majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

RECOMMENDATION:

That the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2015.

DECISION:

The Acting General Manager advised that there were no supplementary agenda items.

12. Reports from Committees

There were no committee meetings held during July 2022.

13. Council Acting as a Planning Authority

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Council to act as a Planning Authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 13 on this agenda, inclusive of any supplementary items.

13.1 Appeal for DA2021/274 - Equipment & Machinery Hire (Storage Containers) at 77 Possum Road Bridgewater

Author: Manager Development Services (D Allingham)

Background

At the May 2022 Planning Authority (PA) Meeting, the PA approved DA2021/274 – Equipment & Machinery Hire (storage containers) at 77 Possum Road subject to conditions. As part of the approval, the PA amended the recommendation for approval subject to:

- Amending the landscaping condition No.13 to include “Landscaping to be 6 metres wide south of the road access”; and
- Insert a new condition “all storage containers must be setback from the frontage boundary a minimum of 10 metres (10m).”

The applicant has since lodged an appeal with the Tasmanian Civil and Administrative Tribunal (TASCAT) (Appeal No. P/2022/98). The representor has also lodged an application to join the Appeal.

Amongst other things, the grounds of appeal include the conditions imposed by the PA. Other grounds of appeal relate mainly to the timing of the construction of parking and access areas.

Council’s Policy (No. 7.5) outlines how to deal with appeals in relation to conditions imposed by the PA as follows:

That, in all cases where Council passes a motion relating to land-use planning which is contrary to the report and recommendation prepared by Council’s Officers, Council include within the motion all the reasons for its action, which shall form the basis for the appointment of Planning Consultants if a need arises.

The Brighton Planning Committee be authorised to prepare a brief and to appoint Planning Consultants to defend Council’s decision if a need arises.

Council has appointed Abetz Curtis (AC) lawyers to represent the PA in the Appeal. To date a Preliminary Hearing has been held, which is generally procedural and sets out times and dates for mediation and a full hearing. The full hearing is scheduled for Friday 12 August 2022.

A mediation session was held on site on Thursday 7 July and was attended by the TASCAT registrar and all parties to the Appeal. It is expected that the appellant is likely to put forward a draft modified permit for mediation purposes in the coming days.

In accordance with Council's Policy, Council staff cannot instruct AC on how to proceed with the mediation as this must be done by the PA, or consultants appointed by the PA. Given the potential ongoing negotiations and timing of the Appeal it is unrealistic that each decision is put to a full PA meeting and the decision making needs to be delegated.

Consultation

Senior Management Team, Senior Planner.

Risk Implications

Council staff advising AC on the grounds that were modified by the PA would be against Council's Policy.

Financial Implications

There will be a cost associated with appointing a planning consultant to act on behalf of the PA. There is also a cost associated with engaging AC lawyers, but it is the norm in any Appeal that Council has legal representation.

Strategic Plan

The report aligns with the following:

S4.1: Ensure Financial & Risk Sustainability

S4.2: Be well-governed

Social Implications

Nil.

Environmental or Climate Change Implications

Nil.

Economic Implications

Nil.

Other Issues

Nil.

Assessment

In accordance with Council's Policy, Council staff cannot make any decision on behalf of the PA, at least in relation to the modified conditions, and the decision making needs to be delegated. It is recommended that the decision making be delegated to the Chair of the PA, a sub-committee, or a consultant appointed by the sub-committee.

As AC are planning lawyers and are already familiar with the Appeal, it is recommended that they advise and seek instruction from the Chair.

Options

1. Chair of the Planning Authority instruct Abetz Curtis lawyers.
2. The Planning Authority appoint a sub-committee to instruct Abetz Curtis lawyers.
3. The Planning Authority engage an independent planning consultant to instruct Abetz Curtis lawyers.
4. Other

RECOMMENDATION:

That the Planning Authority appoint the Chair of the Planning Authority to instruct Abetz Curtis lawyers in relation to Appeal No. P/2022/98 for DA2021/274 – Equipment & Machinery Hire (storage containers) at 77 Possum Road.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr Whelan had declared an interest in the following item and left the meeting at 6.13pm.

13.2 Development Application DA 2021 /00336 for General Retail & Hire (Supermarket and 3 additional Tenancies)

Author: J Blackwell (Senior Planner)

Applicant:	6ty Pty Ltd
Subject Site:	162 Brighton Road, Brighton
Proposal:	Supermarket development (4 tenancies), 89 car parking spaces (2 DDA), signage and associated civil works.
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	General Business

Codes:	Sign; Parking and Sustainable Transport; Road and Railway Assets
Local Provisions:	None.
Use Class:	General Retail and Hire
Discretions:	1 - 15.4.1 Building Height (A2) - Within 10m of Residential zone 2 - 15.4.2 Setback (A1) – Frontage Setback 3 - 15.4.2 Setback (A2) - Setback from Residential zone 4 - 15.4.2 Setback (A3) – Setback from Residential Zone (Noise) 5 - 15.4.5 Outdoor Storage Areas (A1) 6 - C1.6.1 Design and siting (A1) 7 - C1.6.1 Design and siting (A3) 8 - C1.6.2 Illuminated signs (A1) 9 - C2.5.2 Bicycle parking (A1) - 10 - C2.6.5 Pedestrian Access (A1.1) 11 - C2.6.8 Siting of parking (A1) - 12 - C3.5.1 Traffic Increase (A1.4)
Representations:	1 representation was received. The representors raised the following issues: <ul style="list-style-type: none"> • Siting and Setback • Parking and Turning Areas • Traffic Impact Assessment
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2021/0336.

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's 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 located at 162 Brighton Road, Brighton (see Figure 1). The site is currently a vacant lot with a land area of 8749m². The subject site is accessed directly off Brighton Road.

The site is zoned General Business and is not subject to any overlays (Figure 2).



Figure 1 – relevant site (outlined in red).

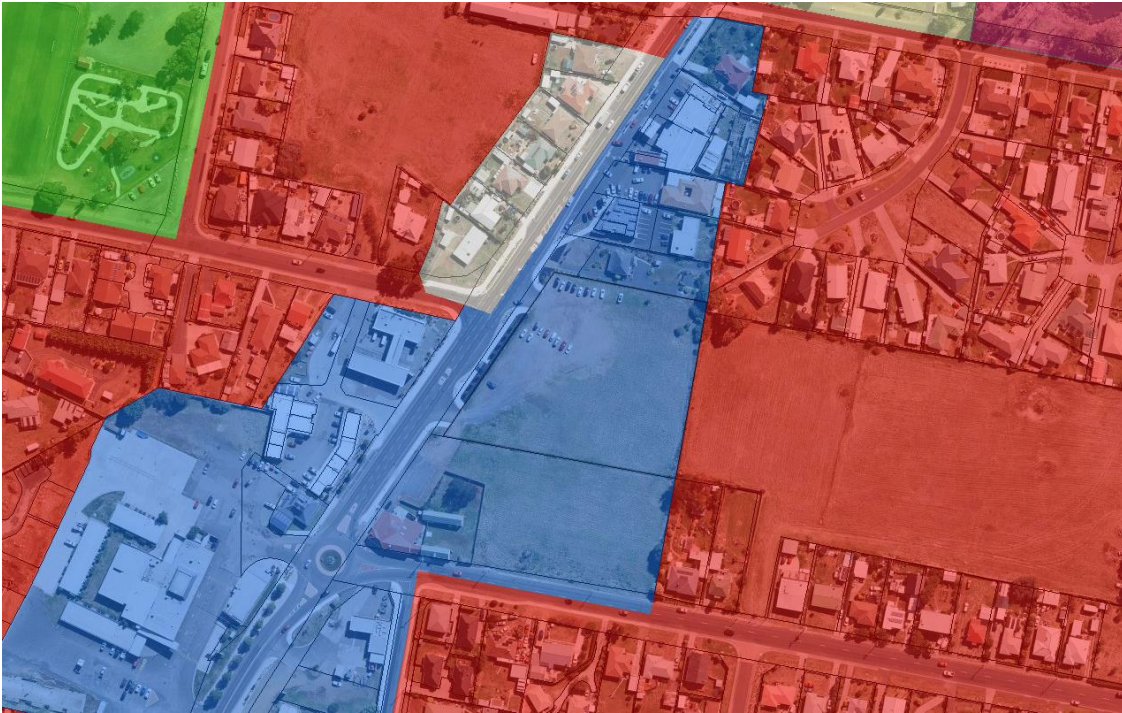


Figure 2 – Zoning (source: LISTMAP).

3. BACKGROUND

A similar proposal for a shopping centre incorporating a supermarket and additional tenancies (with a total floor area of approximately 2000m²) was approved by Council in July 2015 (DA 2015/83). That permit has now lapsed.

Council has an agreement with the owners of the land, that the “Village Green Area” will be transferred to Council for the development of a town square. Given council’s interest, in the development application, an independent planning assessment of the proposal has been undertaken by JMG Planners and Engineers at the request of Council staff. The independent assessment is attached and marked as Annexure A.

4. PROPOSAL

The proposed development involves the construction of a grocery store/ supermarket with (3) additional tenancies. The floor area of development is 2,137 m² and can be broken down into:

- Supermarket: 1621 m²
- Tenancy 1: 280 m²
- Tenancy 2: 106 m²
- Tenancy 3: 130m²

A minimum of 84 on-site car parking spaces are provided, including 2 accessible parking spaces.

Construction of a “village green” area at the front of the site.

Access is provided via 2 existing driveway accesses from Brighton Road.

A dedicated loading area is provided on the northern side of the building.

Signage is proposed which takes the form of two pylon signs (along Brighton Road) and window signs for each tenancy.

5. 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 standard applies; and*
- (c) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.*

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

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

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 General Retail and Hire – Supermarket under the Scheme. In the General Business Zone General Retail and Hire Use is No Permit Required.

The proposal is considered to be consistent with the above zone purpose however the Use is discretionary as the proposal triggers an assessment against three Codes: Signs [C1.0], Parking and Sustainable Transport [C2.0] and Road and Railway Assets [C3.0].

Compliance with Performance Criteria

The proposal meets the Scheme's relevant Acceptable Solutions with the exception of the following.

15.4.1 Building Height

Objective:	
That building height:	
(a) is compatible with the streetscape; and	
(b) does not cause an unreasonable loss of amenity to adjoining residential zones.	
Acceptable Solution	Performance Criteria
A2	P2
Building height:	Building height within 10m of a General Residential Zone or Inner Residential

<p>(a) within 10m of a General Residential Zone must not be more than 8.5m; or</p> <p>(b) within 10m of an Inner Residential Zone must not be more than 9.5m.</p>	<p>Zone must be consistent with building height on the adjoining properties and not cause an unreasonable loss of residential amenity, having regard to:</p> <p>(a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings;</p> <p>(b) overlooking and reduction of privacy to adjoining properties; or</p> <p>(c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.</p>
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The proposal provides for a 9.29m building height within 10m of a Residential zone (8.5m requirement) which does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

JMG's assessment as set out in Annexure A is supported. It is noted that only a small portion of the building exceeds the building height recommended by the acceptable solution. However the eastern facing wall is a continuous expanse of a single building material for the majority of the eastern boundary.

It is therefore recommended that a condition be included in any permit requiring amended plans showing a mix of materials and/or landscaping to minimise the visual bulk when viewed from the adjoining property.

Accordingly the PC is satisfied.

15.4.2 A1/P1 Setback

<p>Objective:</p> <p>That building setback:</p> <p>(a) is compatible with the streetscape;</p> <p>(b) does not cause an unreasonable loss of residential amenity to adjoining residential zones; and</p> <p>(c) minimises opportunities for crime and anti-social behaviour through setback of buildings.</p>	
Acceptable Solution	Performance Criteria
Buildings must be:	Buildings must have a setback from a frontage that is compatible with the

<p>(a) built to the frontage at ground level; or</p> <p>(b) have a setback of not more or less than the maximum and minimum setbacks of the buildings on adjoining properties.</p>	<p>streetscape and minimises opportunities for crime and anti-social behaviour, having regard to:</p> <p>(a) providing small variations in building alignment to break up long façades;</p> <p>(b) providing variations in building alignment appropriate to provide a forecourt or space for public use, such as outdoor dining or landscaping;</p> <p>(c) the avoidance of concealment spaces;</p> <p>(d) the ability to achieve passive surveillance; and</p> <p>(e) the availability of lighting.</p>
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The proposal is not built to the frontage at ground level and provides for a setback of 41.51m (frontage). The setbacks for adjoining lots are 2.7m and 8.7m. Therefore the proposal does not satisfy the acceptable solution, and assessment against the performance criteria is relied upon.

JMG's assessment as set out in Annexure a is supported. As noted, lighting is to be incorporated into the civil design.

Accordingly the PC is satisfied.

15.4.2 A2/P2 Setback

<p>Objective:</p> <p>That building setback:</p> <p>(a) is compatible with the streetscape;</p> <p>(b) does not cause an unreasonable loss of residential amenity to adjoining residential zones; and</p> <p>(c) minimises opportunities for crime and anti-social behaviour through setback of buildings.</p>	
<p>A2</p> <p>Building must have a setback from an adjoining property within a General Residential Zone or Inner Residential Zone of not less than:</p>	<p>P2</p> <p>Buildings must be sited to not cause an unreasonable loss of residential amenity to adjoining properties within a General Residential Zone or Inner Residential Zone, having regard to:</p>

(a) 5m; or (b) half the wall height of the building, whichever is the greater.	(a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings; (b) overlooking and reduction of privacy to the adjoining property; or (c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.
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The proposal provides for a 3m setback from an adjoining property within the General Residential zone, which does not satisfy the acceptable solution. Therefore assessment against the performance criteria is relied upon.

JMG's assessment as set out in Annexure A is generally supported. However the eastern facing wall is a continuous expanse of a single building material for the majority of the eastern boundary. It is therefore recommended that a condition be included in any permit requiring amended plans showing a mix of materials and/or landscaping to minimise the visual bulk when viewed from the adjoining property.

Accordingly the PC is satisfied with conditions

15.4.2 A3/P3 Setback

Objective: That building setback: (a) is compatible with the streetscape; (b) does not cause an unreasonable loss of residential amenity to adjoining residential zones; and (c) minimises opportunities for crime and anti-social behaviour through setback of buildings.	
A3 Air extraction, pumping, refrigeration systems or compressors must be separated a distance of not less than 10m from a General Residential Zone or Inner Residential Zone.	P3 Air conditioning, air extraction, pumping, heating or refrigeration systems or compressors within 10m of a General Residential Zone or Inner Residential Zone, must be designed, located, baffled or insulated to not cause an unreasonable loss of amenity

	<p>to the adjoining residential zones, having regard to:</p> <p>(a) the characteristics and frequency of emissions generated;</p> <p>(b) the nature of the proposed use;</p> <p>(c) the topography of the site and location of the sensitive use; and</p> <p>(d) any proposed mitigation measures.</p>
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The proposal provides for an external plant 1.92m from eastern boundary, which does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

JMG's assessment of the performance criteria is considered reasonable. However, it is recommended that a condition be included in any permit approved requiring the applicant to provide a noise attenuation report outlining how the sound from the outdoor mechanical plant is to be mitigated. The management plan must be submitted to and approved by Council's Manager Development Services prior to building approval.

Accordingly the PC is satisfied with conditions.

15.4.5 A1/P1 Outdoor Storage Areas

<p>Objective:</p> <p>That outdoor storage areas for non-residential use do not detract from the appearance of the site or surrounding area.</p>	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.</p>	<p>P1</p> <p>Outdoor storage areas, excluding for the display of goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.</p>

The proposal provides for waste bin storage visible from the road, which does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

JMG's assessment of the performance criteria is considered reasonable. In addition, elevation sheet (Ad03 rev B) shows a Colorbond boundary fence is to be constructed along the northern side boundary. The fence, together with parked cars on the site, will also assist in minimising visual impact.

Accordingly, the PC is satisfied.

C1.6.1 A1/P1 Design and siting

<p>Objective:</p> <p>That:</p> <p>(a) signage is well designed and sited; and</p> <p>(b) signs do not contribute to visual clutter or cause an unreasonable loss of visual amenity to the surrounding area.</p>	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>A sign must:</p> <p>(a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and</p> <p>(b) meet the sign standards for the relevant sign type set out in Table C1.6, excluding for the following sign types, for which there is no Acceptable Solution:</p> <ul style="list-style-type: none"> (i) roof sign; (ii) sky sign; and (iii) billboard. 	<p>P1.1</p> <p>A sign must:</p> <p>(a) be located within an applicable zone for the relevant sign type as set out in Table C1.6; and</p> <p>(b) be compatible with the streetscape or landscape, having regard to:</p> <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; the amenity of surrounding properties; (b) (iv) the repetition of messages or information) 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.

The proposal provides for :

- (a) 2 pylon signs 6m by 2.5m with a ground clearance of 1.85m; and
- (b) window signage as follows:
 - supermarket: 28.7m² or 33.3% of window area,
 - tenancy 1: 11.2m² or 28.5% of window area,
 - tenancy 2: 6.9m² or 29.6% of window area,
 - tenancy 3: 6.9m² or 27.8% of window area.

The proposed signage does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The Applicant's submission together with JMG's assessment as set out in Annexure A is considered reasonable. Accordingly the PC is satisfied.

C1.6.1 A3/P3 Design and siting

Objective: That: (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.	
Acceptable Solution	Performance Criteria
A3 The number of signs for each business or tenancy on a road frontage of a building must be no more than: (a) 1 of each sign type, unless otherwise stated in Table C1.6; (b) 1 window sign for each window; (c) 3 if the street frontage is less than 20m in length; and (d) 6 if the street frontage is 20m or more,	P3 The number of signs for each business or tenancy on a street frontage must: (a) not unreasonably increase in the existing level of visual clutter in the streetscape, and where possible, reduce any existing visual clutter in the streetscape by replacing existing signs with fewer, more effective signs; and (b) not involve the repetition of messages or information.

excluding the following sign types, for which there is no limit: (i) name plate; and (ii) temporary sign.	
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The proposal provides for 2 pylon signs (supermarket and 3 additional tenancies), together with multiple window signs for each of the four tenancies,. This does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The Applicant's submission together with JMG's assessment of the performance criteria is considered reasonable.

Accordingly, the PC is satisfied.

C1.6.2 A1/P1 Illuminated signs

Objective: That: (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.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1 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: (a) the location of the sign; (b) the size of the sign; (c) the intensity of the lighting;

	<p>(d) the hours of operation of the sign; the purpose of the sign;</p> <p>(f) the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity;</p> <p>(g) the intended purpose of the changing message of the sign;</p> <p>(h) the percentage of the sign that is illuminated with changing messages;</p> <p>(i) proposed dwell time; and</p> <p>(j) whether the sign is visible from the road and if so the proximity to and impact on an electronic traffic control device.</p>
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The proposal provides for two (2) illuminated pylon signs, which does not satisfy the acceptable solution. Therefore assessment against the performance criteria is relied upon.

The Applicant's submission together with JMG's assessment of the performance criteria is considered reasonable.

Accordingly, the PC is satisfied.

C2.5.2 A1/P1 Bicycle parking

Objective: That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	<p>P1</p> <p>Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) the likely number of users of the site and their opportunities and likely need to travel by bicycle; and</p> <p>(b) the availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.</p>

Table C2.1 requires the provision of 21 bicycle spaces, being 1 space per 100m² of floor area.

The proposal plans show a bike rack with 10 spaces near the supermarket entrance, which does not satisfy the acceptable solution. Therefore assessment against the performance criteria is relied upon.

JMG's assessment of the performance criteria is considered reasonable.

Accordingly, the PC is satisfied.

C2.6.5 A1/P1 Pedestrian Access

<p>Objective:</p> <p>That pedestrian access within parking areas is provided in a safe and convenient manner.</p>	
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>(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</p>	<p>P1</p> <p>Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the nature of the use;</p> <p>(c) the number of parking spaces;</p> <p>(d) the frequency of vehicle movements;</p> <p>€ 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>(h) the location of any access ways or parking aisles; and</p> <p>(i) any protective devices proposed for pedestrian safety.</p>

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.	
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The proposal provides for a 3m wide path from frontage to building entrance, with 1.5m separation between the path and car parking area(s) and landscaping adjacent to footpaths. The proposal has been assessed as not satisfying A1.1 of the acceptable solution, therefore assessment against the performance criteria is relied upon.

JMG's assessment of the performance criteria is considered reasonable.

Further, the proposal was referred to Council's senior technical officer for comment, who has provided the following advice:

It could be considered that the path is crossing the parking aisle and therefore does comply with the acceptable solution. Irrespective at the point where separation is only 1.5m the path is adjacent to car parking spaces where cars will be manoeuvring at low speeds. As such the proposal is considered to be reasonable and provide adequate separation and level of safety.

Accordingly, the PC is satisfied.

C2.6.8 A1/P1 - Siting of parking

<p>Objective:</p> <p>That the siting of vehicle parking and access facilities in an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone does not cause an unreasonable visual impact on streetscape character or loss of amenity to adjoining properties.</p>	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.</p>	<p>P1</p> <p>Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas, may be located in front of the building line where this is the only practical solution and does not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p>

	<p>(a) topographical or other site constraints;</p> <p>(b) availability of space behind the building line;</p> <p>(c) availability of space for vehicle access to the side or rear of the property;</p> <p>(d) the gradient between the front and the rear of existing or proposed buildings;</p> <p>(e) the length of access or shared access required to service the car parking;</p> <p>(f) the location of the access driveway at least 2.5m from a window of a habitable room of a dwelling;</p> <p>(g) the visual impact of the vehicle parking and access on the site;</p> <p>(h) the streetscape character and amenity;</p> <p>(i) the nature of the zone in which the site is located and its preferred uses; and</p> <p>(j) opportunities for passive surveillance of the road.</p>
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The proposal provides for vehicle accessway and parking areas to be provided in front of the building line, which does not satisfy the acceptable solution. Therefore assessment against the performance criteria is relied upon.

JMG's assessment of the performance criteria is considered reasonable. Further, visual impact will be minimised through the proposed landscaping at the frontage in the "Village Green Area".

Accordingly, the PC is satisfied.

C3.5.1 Traffic Increase

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
A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than: (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.	P1 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: (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.

The proposal provides for a traffic increase that exceeds the limits stated in Table C3.1, which does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The applicant has provided a Traffic Impact Assessment (TIA) prepared by Midson Traffic in support of the proposal.

In addition to JMG's assessment, the proposal has been referred to council's Senior Technical Officer for comment. That officer noted that the TIA included the following to address the performance criteria.

a. *Increase in traffic.*

The increase in traffic is estimated to be in the order of 3,015 vehicles per day. The peak increase is estimated to be 386 vehicles per hour (two-way movements). The traffic generation of the development is split across two accesses. The configuration of the accesses will result in safe and efficient traffic movements. SIDRA analysis of the two accesses indicate that they will operate at a high level of service with minimal queues and delays.

b. *Nature of traffic.*

The traffic generated by the development will be consistent in nature to the surrounding land uses in the transport network.

c. *Nature of road.*

Brighton Road is a major arterial road. It has sufficient spare capacity to cater for the traffic generated by the development proposal. It is noted that 50% of the trips generated by the development will be pass-by trips (i.e.. trips already on the network stopping at the development mid-trip). Brighton Road previously carried a much higher traffic volume than it currently carries when it was a component of the National Highway.

d. *Speed limit and traffic flow or road.*

The posted speed limit of Brighton Road is 50-km/h. The traffic volume is approximately 6,000 vehicles per day.

e. *Alternative access.*

No alternative access is considered necessary.

f. *Need for use.*

The accesses are required to service the parking associated with the proposed development.

g. *Traffic impact assessment.*

This report documents the findings of a traffic impact assessment.

h. *Road authority advice.*

- i. *The road authority has not provided specific advice in relation to the development proposal.*

Council, acting as Road Authority, have considered the proposal and the submissions contained within the TIA. It is considered that the traffic generation associated with the proposed development satisfies the requirements of the Performance Criteria.

6. Referrals

Senior Technical Officer

The proposal was referred to Council's senior Technical Officer. That officer's comments are incorporated throughout this report.

TasWater

The proposal was referred to TasWater. That authority has issued a Submission to Planning Authority Notice dated 31/5/2022, reference TWDA 2021/02132-BTN, which is to form part of any permit approved.

7. Representations

One (1) representation was received during the statutory public exhibition period between 3rd June 2022 and 21st June 2022. The independent assessment provided addresses the representors concerns separately.

The concerns of the representor are summarised below:

Representors concerns	Planning Response
Siting and Setback – The application does not comply with AS or PC	Refer to assessment against 15.4.2 A1/P1 and independent assessment
Parking and turning areas are not provided at the rear	Refer to assessment against C2.6.8 A1/P1 and independent assessment
Previous Traffic Impact Assessment raised concerns with semi-trailer access to site.	<p>The previous Traffic Impact Assessment (TIA) report referred to by the representor was an independent review of the TIA submitted with a previous application for the same site.</p> <p>The layout of the proposed car park differs from the previous application and circulation aisles have been widened,</p>

	<p>allowing more manoeuvring room and clearance for larger vehicles.</p> <p>The TIA submitted with the current application makes the following statements:</p> <ul style="list-style-type: none">▪ Swept paths of a semi-trailer (the design vehicle) were tested through the site, to and from Brighton Road.▪ The frequency of access to the site will be several times per day by vehicles of differing sizes. <p>Access by a semi-trailer will be relatively infrequent, with low likelihood of multiple arrivals of this vehicle class.</p> <ul style="list-style-type: none">▪ Access into the site is via a major road. This access (which is in its existing location for the current site) has been assessed to be appropriate in following sections of AS2890.2. <p>In this case, the following is applicable:</p> <p>(a) The service area and access driveway, including through the car park have been tested to enable the swept path of a semi-trailer.</p> <p>(b) All manoeuvring associated with parking, loading and unloading are within the loading area of the site.</p> <p>(c) Entry and exit at Brighton Road is in a forward direction.</p> <p>(d) Circulation roadways are not specifically provided, but the large area between customer parking spaces is available for circulation between Brighton Road and the loading area.</p>
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	<p>(e) Separate entry and exit is not provided for the loading area.</p> <p>The proposed access and manoeuvring arrangements therefore comply with the requirements of AS2890.2.</p> <p>It is agreed that it would be preferable to separate commercial vehicle movements from the main car park however given the size of the site and single road frontage it is impractical.</p>
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8. Conclusion

The proposal for Supermarket Development at 162 Brighton Road, Brighton, 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 DA 2021/00336 for General Retail & Hire (Supermarket & Tenancies) at 162 Brighton Road, Brighton, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

1. The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. Where a conflict between the application for planning approval, endorsed drawing and conditions of this permit, the latter prevails.
3. 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

4. Prior to issue of approvals pursuant to the *Building Act 2016*:

- a) plans for the eastern facing elevation must be submitted for approval. The amended plans should demonstrate how the eastern facing wall and/or setback can be articulated through a mix of building materials and/or landscaping to reduce visual bulk.
- b) a noise attenuation report demonstrating how the sound from the outdoor mechanical plant is to be mitigated must be submitted for approval by Council's Manager Development Services. Once app

Once approved by the Manager Development Services, the documents required by conditions 4(a) and 4(b) will form part of the permit.

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

Village Green Area

- 6. Prior to the use commencing, the "Village Green Area", as shown on Ad01 (rev. C), must be subdivided and transferred to Council and set aside for the purposes of public open space pursuant to section 177A of the *Local Government Act 1993*.

Landscaping

- 7. Before any work commences submit landscaping plan prepared by a suitably qualified person for approval by Council's Manager Development Services. The landscaping plan must detail proposed landscaping for the parking and common areas excluding the "Village Green", and must include:
 - (a) A survey of all existing vegetation to be retained and/or removed.
 - (b) The areas to be landscaped,
 - (c) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - (d) Details of surface finishes of paths and driveways.
 - (e) Details of fencing.
 - (f) Details of lighting,
 - (g) Landscaping and planting within all open areas of the site.
- 8. Planting must bear a suitable relationship to the proposed height of the buildings and must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics or unsuitable for fire prone areas. If considered satisfactory, the landscape plan will be endorsed and will form part of this permit.
- 9. 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.

10. 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.

TasWater

11. The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, dated 31/5/2022, reference TWDA 2021/02132-BTN as attached to this permit.

Hours of Operation

12. The use or development must only operate between the following hours unless otherwise approved by Council's Manager Development Services:

Monday to Saturday	7:00 a.m. to 9:00 p.m.
Sunday	8:00 a.m. to 9:00 p.m.

External Lighting

13. External lighting must not operate between the hours of 11pm or 6am, excluding any security lighting.
14. Security lighting must be baffled, such that direct light does not extend into adjoining residential properties.

Commercial Vehicle Movements

15. Commercial vehicle movements must be within the hours of:
 - a. Monday to Saturday 7.00am and 9.00pm
 - b. Sunday and Public Holidays 8.00am and 9.00pm

Services

15. 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.

16. 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.

Parking and Access

17. At least eighty four (84) car parking spaces, including at least two (2) accessible car parking spaces, must be provided on the land at all times for the use of the development.
18. At least three (3) motorcycle parking spaces must be provided on the land at all times for the use of the development.
19. At least ten (10) bicycle parking spaces must be provided on the land at all times for the use of the development.
20. Bicycle parking spaces must have dimensions not less than:
 - (a) 1.7m in length;
 - (b) 1.2m in height; and
 - (c) 0.7m in width at the handlebars; andinclude a rail or hoop to lock a bicycle that satisfies Australian Standard AS 2890.3-2015 Parking facilities - Part 3: Bicycle parking.
21. A loading bay must be provided in accordance with Australian Standard AS 2890.2-2002, Parking facilities, Part 2: Off-street commercial vehicle facilities, for the type of vehicles likely to use the site.
22. All parking, access ways, manoeuvring and circulation spaces must be provided in accordance the endorsed drawings, Australian Standard AS 2890 - Parking facilities, Parts 1-6, or as otherwise required by this permit, and include all of the following;
 - (a) be constructed with a durable all weather pavement;
 - (b) be drained to the public stormwater system; and
 - (c) be surfaced by asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
 - (d) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - (e) provide for vehicles to enter and exit the site in a forward direction;
 - (f) have an internal access width not less than 7m;
 - (g) have car parking space dimensions not less than 3m wide x 6m long;
 - (h) have a vertical clearance of not less than 2.1m above the parking surface level;

23. The northern car park access must be restricted to left in /left out vehicle movements only. Measures used to restrict the turning movements including line marking, signage and islands must be included in the parking plan.
24. The parking and vehicle circulation roads and pedestrian paths, must be provided with lighting in accordance with Clause 3.1 “Basis of Design” and Clause 3.6 “Car Parks” in Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements.
25. The proposed 3 metre wide pedestrian path through the site must be extended to meet the existing footpath in the road reservation.
26. Prior to the development commencing, or application for building or plumbing permits under the *Building Act* 2016, 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.

27. 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.
28. All areas set-aside for parking and associated turning, and access must be completed before the use commences and must continue to be maintained to the satisfaction of the Council’s Municipal Engineer.

Access to Public Road

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

Stormwater

29. 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*.
30. The stormwater drainage system for the proposed development must be designed to comply with all of the following:
 - (a) Stormwater detention must be provided such that peak flows to the public stormwater system for a 1% AEP event are limited to pre-existing;
 - (b) Stormwater from the proposed development must be treated prior to entering the public stormwater system to:
 - i) achieve that the quality targets in accordance with the State Stormwater Strategy 2010.
 - ii) Ensure runoff entering the public stormwater system is visually free of any hydrocarbons.
31. The developer must extend the existing piped stormwater network from Andrew Street to the Lot boundary to be adopted as part of the public stormwater system.
32. 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.
33. 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*.
34. Prior to the lodgement of building or plumbing applications the developer must submit a Stormwater Management Report to Council's Municipal Engineer. The Stormwater Management Report must be prepared and certified by a suitably qualified person, and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The plan must clearly demonstrate that the requirements of this permit are met and that adjacent properties will not be adversely impacted by the stormwater system. Once approved the Stormwater Management Plan will form part of this permit.

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.

Soil and Water Management

35. 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.
36. 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.

Engineering

37. 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.
38. 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 proposed stormwater pipe from the existing main in Andrew Street to the lot boundary of the subject property is considered public infrastructure. The engineering drawings submitted with the application are considered to be concept plans and may require alterations prior to consideration for approval.

39. 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.
40. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
41. 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

42. 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.

43. 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.

Construction amenity

44. 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.

45. 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
46. All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - (b) The transportation of materials, goods and commodities to and from the land.
 - (c) Obstruction of any public footway or highway.
 - (d) Appearance of any building, works or materials.
47. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager Strategic Planning.
48. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
49. The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. As foods are going to be sold from the premises a licence will be required to be issued pursuant to the *Food Act* 2003. Please contact Council's Senior Environmental Health Officer to discuss.
- C. The issue of this permit does not ensure compliance with the provisions of the Commonwealth Disability Discrimination Act 1992 in relation to access to or use of premises that the public can enter or use. Building access issues may also arise under other Disability Discrimination Act 1992 provisions relating to employment, access to services and accommodation provisions. The operator may be liable to

complaints in relation to any non-compliance with the Disability Discrimination Act 1992.

There are currently no standards prescribed for compliance with the Disability Discrimination Act 1992, however, Australian Standards associated with the Act, including AS 1428.1-2001 - Design for access and mobility - General requirements for access - new building work and the Building Code of Australia (BCA) may apply to occupants of the building. It is recommended that you obtain further information concerning the Disability Discrimination Act 1992 from the Office of the Human Rights and Equal Opportunities Commission or the Tasmanian Anti-Discrimination Commission.

- 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 De La Torre moved, Cr Owen seconded that the application be refused based on the following 3 performance criteria:-

- 1) 15.4.1 P2 - Building Height*
- 2) 15.4.2 P2 - Setbacks*
- 3) C2.6.8 P1 - Siting of parking and turning areas.*

CARRIED

VOTING RECORD

In favour	Against
Cr De La Torre	Cr Gray
Cr Geard	
Cr Murtagh	
Cr Owen	

Cr Whelan rejoined the meeting 6.38pm

Cr Murtagh left the meeting 6.38pm

13.3 Development Application DA 2022/0022 Multiple Dwellings (x4) at 14 Lamprill Circle, Herdsmans Cove

Author: Jo Blackwell (Senior Planner)

Applicant:	Peacock Darcey and Anderson Pty Ltd obo Ozbo Pty Ltd
Subject Site:	14 Lamprill Circle, Herdsmans Cove
Proposal:	Multiple Dwellings (x4)
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	General Residential
Codes:	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code
Local Provisions:	Nil
Use Class:	Residential
Discretions:	8.4.2 A1 Frontage Setback 8.4.2 A3 Building envelope 8.4.4 A1 Sunlight to private open space of multiple dwellings C2.5.1 A1 Car Parking Numbers C2.6.2 A1.1 Design and Layout of Parking Numbers C2.6.3 A1 Number of Accesses for Vehicles C3.5.1 A1.2 Traffic Generation at a vehicle crossing, level crossing or new junction.
	One (1) representation was received. The representors raised the following issues: <ul style="list-style-type: none"> • Loss of amenity -visual impact from adjoining property • 4m rear setback not achieved • Not sufficient sunlight to dwellings 1 and 2 • Insufficient separation distance between dwellings • Insufficient separation between dwellings and private open space

	<ul style="list-style-type: none"> Site will be overdeveloped with 4 x 4-bedroom dwellings on it.
Recommendation:	Refusal

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2022/0022.

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 subject site is a vacant one, located on the corner of Lamprill Circle and Bantick Drive, Herdsmans Cove. It has a total land area of 1356m², is unvegetated and falls from the southern boundary to the north, with the north western corner being the lowest point.

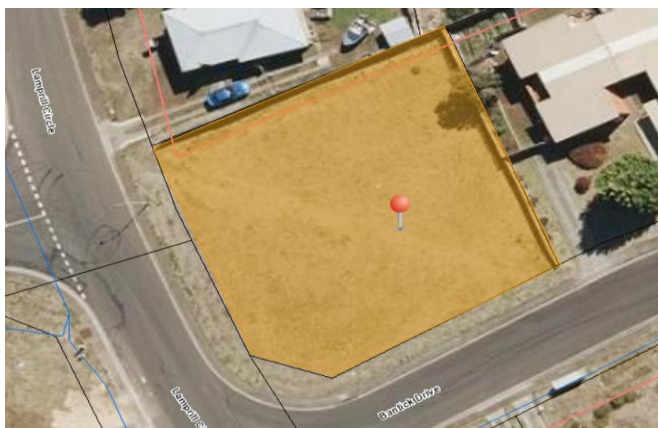


Figure 1: Aerial image (source: Listmap)

A TasWater sewer line is located along the northern boundary, with gas, water and stormwater located in the road reserve to the south.



Figure 2: Site location (source: Listmap).

The site is zoned general residential and is not subject to any mapped overlays. Nearby zoning includes Community Purpose (East Derwent Primary School) and Open Space (Figure 3).



Figure 3: Zoning Map (source: Listmap)

3. PROPOSAL

The proposal is for the construction of 4 x four-bedroom dwellings on the site. Floor areas range from approx. 145m² to 190m² (including carports/garages) for each dwelling.

Units 1, 2 and 4 have four bedrooms (master with ensuite and WIR), open plan living/meals/kitchen areas, separate lounge and garage.

Unit 3 is slightly smaller and does not include the separate lounge. The carport is separate to the dwelling.

Units 1 and 2 of the dwellings on Lamprill Circle have conjoined garages sharing a common party wall.

The proposal plans show a mix of materials to be used for construction, including rendered walls, light weight cladding over windows and doors, aluminium windows and colorbond sheet roofing.

The application is supported by the attached plans and TIA, correspondence addressing council requests, and a further submission further addressing issues raised in the representation.

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 standard applies; and*
- (c) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.*

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

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

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 under the Scheme. In the General Residential Zone the Residential use class (Multiple Dwellings) is Permitted.

Compliance with Performance Criteria

The proposal meets the Scheme's relevant Acceptable Solutions with the exception of the following.

Clause 8.4.2 A1/P1 Frontage

Objective:	
<p>The siting and scale of dwellings:</p> <ul style="list-style-type: none"> (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and (d) provides reasonable access to sunlight for existing solar energy installations. 	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions</p>	<p>P1</p> <p>A dwelling must have a setback from a frontage that is compatible</p>

<p>that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;</p> <p>(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or</p> <p>(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.</p>	<p>with the streetscape, having regard to any topographical constraints.</p>
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The proposal provides for a setback of approximately 2.13m between the proposed deck attached to unit 1 and the primary frontage (Lamprill Circle), which does not satisfy the acceptable solution. Further the proposal does not satisfy the exemption in clause 4.3.6 of the planning scheme which states:

4.3.6 Unroofed decks

If:

- (a) *not attached to or abutting a habitable building; and*
- (b) *the floor level is less than 1m above existing ground level,*

Therefore assessment against the performance criteria is relied upon.

The Planning Scheme defines:

Frontage:

a boundary of a lot which abuts a road.

Primary frontage:

- (a) *if there is only a single frontage, the frontage; or*
- (b) *if there are 2 or more frontages, the frontage with the shortest dimensions measured parallel to the road irrespective of minor deviations and corner truncations.*

The shortest dimensions of the two frontages to the site is the Lamprill Circle frontage, which according to the survey plan forming part of Folio of the Register Volume 244066 Folio 1, is 30.07m compared to 30.82m for the Bantick Drive frontage. Therefore a 4.5m setback is required from Lamprill Circle, and a 3.0m setback is required from Bantick Drive.

The sole criterion for the PC is that a dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints. Lamprill Circle and surrounding streets have a moderate gradient, which is not considered adverse to development.

In relation to compatibility, in this instant, a desktop survey combined with information obtained from council records have been considered. Plans for recent developments at 1 Lamprill Drive, and 1 Norris Place, Herdsmans Cove indicate that the two nearby multiple dwelling developments have approved primary frontage setbacks of 4.394m and 4.516m respectively. Whilst the setback for 1 Lamprill Circle is less than the acceptable solution of 4.5m, it could be argued that a reduction in 0.106m is negligible.

The dwelling at 16 Lamprill Place demonstrates a lesser frontage to Lamprill Circle, however pursuant to the definitions above, has its primary frontage fronting Bantick Drive, and would satisfy the AS if under assessment.

Other dwellings situated along Lamprill Circle, and adjoining streets indicate setbacks in excess of the required 4.5m setbacks.

Whilst the proposal does not demonstrate compliance with the PC in its current form, it is considered that should the western facing deck be removed from unit 1, the PC can be satisfied. Accordingly, it is recommended that a condition be included in any permit that amended plans be submitted prior to lodgement of an application for building approval, which shows the removal of the western facing deck from unit 1.

Accordingly, the PC is satisfied with conditions.

Clause 8.4.2 A3/P3 Building Envelope

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

<p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>(iii) overshadowing of an adjoining vacant property; or</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>
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The proposal provides for a primary frontage setback of approximately 2.132m, secondary frontage exceeding 3m; and a rear setback of between 1.1 and 1.5m. Maximum building height is approximately 5.2m (north western corner of unit 1). Given the reduced primary frontage for unit 1, the acceptable solution cannot be satisfied. Therefore assessment against the performance criteria is relied upon.

In assessing the proposal against the PC:

The siting and scale of a dwelling must:

(a) *not cause an unreasonable loss of amenity to adjoining properties, having regard to:*

- (i) *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;*
- (ii) *overshadowing the private open space of a dwelling on an adjoining property;*
- (iii) *overshadowing of an adjoining vacant property; or*
- (iv) *visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;*

The proposed units are not considered to cause an unreasonable impact on adjoining properties, given the site's location to the south and west of those properties adjoining it. The adjoining lot at 25 Bantick Drive will not incur any overshadowing until late afternoon on 21 June. Further, the adjoining dwelling is unlikely to be unreasonably impacted due to the separation distance and low scale development proposed (single storey with proposed maximum building height of 4.5m at the north eastern corner of Unit 4).

- (b) *provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and*

Aerial imagery shows that there are number of lots within close proximity which have been developed with either dwellings or outbuildings close to rear boundaries. Accordingly, separation between dwellings on adjoining properties are considered to be consistent with that existing on established properties in the area.

- (c) *not cause an unreasonable reduction in sunlight to an existing solar energy installation on:*
- (i) *an adjoining property; or*
 - (ii) *another dwelling on the same site.*

There are no solar energy installations on either of the adjoining properties. The plans do not show solar energy installations for the proposed units.

Further, pursuant to the condition recommended relating to clause 8.4.2 P1 above, it is submitted that with the recommended amendment to unit 1 to remove the deck, the proposal will satisfy the PC in relation to building envelope.

Accordingly, the PC is satisfied with conditions.

Clause 8.4.4 A1/P1 Sunlight to private open space of multiple dwellings

Objective:	
That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.	
Acceptable Solution	Performance Criteria
A1 A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c):	P1 A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to

<p>(a) the multiple dwelling is contained within a line projecting (see Figure 8.4):</p> <p>(i) at a distance of 3m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</p> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <p>(i) an outbuilding with a building height not more than 2.4m; or</p> <p>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>	<p>satisfy A2 or P2 of clause 8.4.3 of this planning scheme.</p>
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The proposal provides for Units 1 and 2 to be located to the north of units 2 and 3 respectively. Unit 4 is located to the north east of units 2 and 3.

Separation distances between Units 1, 2, and 3 are approximately 2.4m, with separation distances between units and POS being between 1.05m and 1.35m. Accordingly, the acceptable solution is not satisfied and must be assessed against the performance criteria.

The PC requires that the units do not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site.

The site plan shows that there is a negligible difference in finished floor levels (FFL) of 0.57m between units 1 and 2; and 0.81m between units 2 and 3, which is not considered to significantly reduce any overshadowing impacts on the units.

The applicant has submitted shadow diagrams in support of its application (refer Sheet SH1). Those diagrams show that the designated POS required to be provided under clause 8.4.3 A2/P2 for unit 2 is overshadowed for the entirety of the day on June 21. In relation to Unit 3, whilst the diagrams show that sunlight can access the site at the eastern end of the dwelling at approximately 12noon, only approximately 25% of the designated POS receives that sunlight.

Accordingly, the PC is not satisfied as the proposal causes an unreasonable loss of amenity by overshadowing the private open space of another dwelling (being units 2 and 3) on the same site, and the application must be refused.

Clause 2.5.1 A1/P1 Car Parking Numbers

Objective:	
That an appropriate level of car parking spaces are provided to meet the needs of the use.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1</p>	<p>P1.2 The number of onsite car parking spaces for dwellings must meet the reasonable needs of the uses having regard to,</p> <p>(a) The nature and intensity of the use and car parking required,</p> <p>(b) The size of the dwelling and the number of bedrooms, and,</p> <p>(c) The pattern of parking in the surrounding area.</p>

The proposal provides for eight (8) car parking spaces, provided via a single carport/garage and jockey parking for each unit. Table C2.1 requires the provision of two (2) spaces per dwelling, plus visitor parking of one (1) space (i.e. nine (9) car parking spaces are required), which does not satisfy the acceptable solution. Therefore assessment against the performance criteria is relied upon.

The application submitted a TIA in support of the proposal, and the proposal together with the TIA was referred to council's development engineer for assessment. The TIA makes reference to the RMS Guide in relation to parking demand for medium density residential development for two and three bedroom units, however it fails to provide a calculation relating to parking requirements for 4 bedroom units.

Council's development engineer has reviewed the proposal and considers that there is sufficient on-street parking available to accommodate the reduction of visitor parking on site.

Accordingly, the PC is satisfied.

Clause 2.6.2 A1.1/P1 Design and Layout of Parking Areas

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 there are 3 or more car parking spaces;</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;</p> <p>(e) the nature and use of the development;</p> <p>(f) the expected number and type of vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p>

<p>(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>(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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The proposal provides for eight (8) car parking spaces, with four jockey parking spaces showing dimensions of 2.6m x 4.9m each, which does not satisfy (a)(ii) and (a)(iv) or (b) of the acceptable solution. Therefore assessment against the performance criteria is relied upon. The performance criteria requires that all parking areas “**must** be designed and readily identifiable to provide convenient, safe and efficient parking” (emphasis added), as required by sub-clauses (a) to (j) inclusive. Therefore, given the designated jockey car parking spaces are not a minimum of 5.4m in length, as required by AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities, the performance criteria cannot be satisfied, and the application must be refused.

Clause 2.6.3 A1/P1 Number of accesses for vehicles

Objective:	
<p>That:</p> <p>(a) access to land is provided which is safe and efficient for users of the land and 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,</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>

whichever is the greater.	(c) traffic safety; (d) residential amenity on adjoining land; and (e) the impact on the streetscape.
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The proposal plans show two 6.5m wide shared cross overs, however the site plan also shows the accesses being designed as separate/private accesses to each unit. It is therefore considered that the proposal does not satisfy the acceptable solution and the performance criteria must be addressed.

The proposal was referred to Council's development engineer, who has assessed the proposal.

It is considered that there is sufficient on-street parking in the area, enhanced by trafficable widths suitable to accommodate the additional parking. Pedestrian safety and amenity can be maintained, given the location of footpaths at front of kerb, and residential amenity is unlikely to be affected given the scale of the development. Of concern, is protecting site lines when reversing out of the site into the road reserve, and any impact that might have for vehicles and pedestrians.

However, this can be addressed through a condition requiring that the strips of land located between the driveways for Units 1 and 2 and units 3 and 4 are not to be fenced.

Accordingly, the performance criteria can be satisfied, with conditions.

Clause 3.5.1 A1.2/P1 Traffic Generation at a vehicle crossing, level crossing or new junction

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
A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or 	P1 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>(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 road authority has not provided consent for the proposal, as required by clause A1.2. Therefore the acceptable solution contained in A1.2 cannot be satisfied, and the performance criteria must be addressed.

The Traffic Impact Assessment provided by the applicant in support of its application does not consider clause 3.5.1 A1/P1 of the Road and Railway Assets Code.

It is noted from the TIA that traffic generation from the site “will generate 26 vehicle per day, across four individual accesses” (Midson, 2022, p12), and is for a residential use. Lamprill Circle is classed as a residential collector road and has a speed limit of 50kmh which carries approximately 1500 vehicles per hour.

The proposal has been referred to Council’s development engineer for comment, who has considered that given the above, the proposal can satisfy the performance criteria in relation to traffic generation

Accordingly, the PC is satisfied

5. Other Considerations

In an effort to provide common property for future strata consideration, the proposal shows a communal bin storage area in the north western corner of the site. It is considered that whilst the proposal satisfies the AS for waste storage for multiple dwellings, the location of same is inappropriate given the layout of the site. Should a permit be approved for the development it is considered that a condition be included requiring that waste storage is to be in an area for the exclusive use of each dwelling, excluding the area in front of the dwelling. This will also address TasWater’s concerns, which has included a condition in its Submission to Planning Authority Notice that *“the proposed fence and gate that is outlined to be constructed around the bin storage area must not be installed over the exiting sewer maintenance hole”*.

6. Referrals

Development Engineer

The proposal was referred to council’s development engineer for comment. That officer’s comments are included throughout this report as required.

TasWater

The proposal was referred to TasWater for comment. That authority has provided a Submission to Planning Authority Notice dated 10th June 2022, reference TWDA 2022/00172-BTN, including conditions relating to location of the waste storage area, as discussed in point 5 above. The SPAN is to be included as part of any permit approved.

TasNetworks

The proposal was referred to TasNetworks who provided the following response”

“Based on the information provided, the use/development is not likely to adversely affect TasNetworks’ operations and the standard arrangements (for developments of this type) will apply for connection to the electricity network. For further information, please refer to more information on the TasNetworks’ website: [New electricity connections - TasNetworks](#)”

7. Representations

One (1) representation was received during the statutory public exhibition period between 14th June 2022 and 29th June 2022. The applicant has provided a response to the concerns raised by the representor. That response is attached and marked "C".

The concerns of the representors are summarised below:

Representor's concerns	Planning Response
Overlooking will occur from adjoining lots located east of the site	<i>The planning scheme does not require that a proponent consider the impact of overlooking from an external site onto its own. Having said that, the adjoining property at 25 Bantick Drive is approximately 5.5m from the dividing boundary, which will satisfy the acceptable solution relating to privacy.</i>
The eastern boundary is the rear of the block and does not have a 4m setback from the fence	<i>The rear boundary is the eastern boundary as per the Planning Scheme definition relating to primary frontage. The Tasmanian Planning Scheme does not require a 4m rear setback.</i> <i>A 4m setback related to a standard of the Brighton Interim Planning Scheme 2015. That scheme has been superseded.</i> <i>Refer also to planning assessment against 8.4.2 A3.</i>
Dwellings 1 and 2 will be overshadowed the majority of the time by each other and dwelling 4	<i>Refer to planning assessment against clause 8.4.4. The application is recommended for refusal on this basis.</i>
Privacy is not adequate as there is not sufficient separation. Dwelling 4 is at risk of overlooking from property to the east	<i>The proposal satisfies the acceptable solution as the proposed units do not have a finished floor level exceeding 1m above natural ground level.</i>
Dwelling 4 is not reasonably separated from dwellings 1 and 2, there is less than 5metres between these buildings and not 6 metres between living areas windows/doors of dwellings 2 and 4.	<i>Refer to planning assessment against clause 8.4.4.</i>

Objection to trying to squeeze 4 x 4 bedroom houses on the site	<i>Council is obliged to consider the proposal against the standards of the Tasmanian Planning Scheme – Brighton.</i>
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8. Conclusion

The proposal for Residential (Multiple Dwellings x 4) at 14 Lamprill Circle, Herdsmans Cove does not satisfy the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for refusal.

RECOMMENDATION:

That:

- A. Pursuant to the *Tasmanian Planning Scheme - Brighton*, Council refuse application DA 2022/0022 for Residential (Multiple Dwellings x 4) at 14 Lamprill Circle, Herdsmans Cove, as:
- 1) the proposal does not satisfy the performance criteria required by Clause 8.4.4 P1 by causing an unreasonable loss of amenity by overshadowing the private open space of another dwelling (being units 2 and 3) on the same site.
 - 2) The proposal does not satisfy the performance criteria required by clause 2.6.2 P1 by not providing car parking spaces that satisfy the dimensions of car parking spaces as specified by AS 2890.2.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

Cr De La Torre
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

Cr Murtagh rejoined the meeting 6.40pm during discussion of the above item.

14. Reports from Officers

14.1 Election Caretaker Period Policy

Author: Corporate Executive (G Browne)

Approved: Acting General Manager (J Banks)

Background

There is currently no legislation in Tasmania that governs the leadup to a local government general election. However, Kingborough developed a policy last year and Derwent Valley and other Councils have also adopted this approach. The Minister for Local Government wrote to all councils recently (tabled at Brighton's June OCM) recommending all councils adopt a policy before the elections later this year. This Policy has been prepared consistent with the policy developed by Kingborough and endorsed by the Minister.

This policy is to put guidelines in place for existing councillors and electoral candidates to follow and to provide clarity of their roles during this caretaker time. It also provides that the operational requirements of Brighton Council can continue without decisions being made that are against the future interests and against budget decisions that give existing Councillors an advantageous position in the election period. Nothing in this policy will override any statutory requirements that may apply under any other relevant legislation.

Consultation

SMT, Minister for Local Government

Risk Implications

Nil

Financial Implications

Nil

Strategic Plan

Goal 4 – Ensure a stable Organisation

S4.1 – Ensure Financial & Risk Sustainability

S4.2 – Be well-governed

Social Implications

Nil.

Environmental or Climate Change Implications

Nil.

Economic Implications

Nil.

Other Issues

Nil.

Assessment

The introduction of a caretaker policy is establishing good governance. It gives guidelines that enable sitting members to carry out their normal Councillor duties free from accusations of having an unfair advantage about their access to Council resources. Any new councillors that are elected, have the assurance that no financial decisions have been decided upon that were for an electoral purpose and against Council's asset management and long term financial plan.

Options

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

RECOMMENDATION:

That the draft Election Caretaker Period Policy be endorsed.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

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

Cr De La Torre declared an interest in the following item and left the meeting at 6.44pm.

14.2 Community Grants

Author: Acting Corporate Services Manager (G Browne)

Background

Each year Brighton Council offers support to community and sporting groups through its community grants program. This provides Council with a basis to allocate funds under Section 77 of the *Local Government Act 1993* in an effective and equitable manner. Advertising of this program is undertaken in March and a report and recommendation completed as part of the Budget process. As there was discussion regarding the grants to be distributed, a separate report has been prepared for Council to consider the allocation of the funding in line with the budget funds available.

Consultation

Senior Management, Councillors (Budget workshop), Community Groups

Risk Implications

Nil.

Financial Implications

As per the budget expenditure for Community Grants

Strategic Plan

Goal 1 – Strengthen our Communities

S1.1 – Understand/Improve Health and Wellbeing

S1.4 – Support Connected Communities

Social Implications

Not Applicable.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

Not Applicable.

Other Issues

Nil.

Assessment

Council received twenty-one submissions for funding as part of its community grants process, these applications have been supplied to all Councillors. The applications have been assessed in line with the funding criteria as specified in the Community Grants Program Policy 1.2.

A summarised listing has been attached with the amount requested and the amount recommended for approval. Council must keep in mind that there is \$70,000 available in the budget for payment of grants and that five percent be set aside for contingency payments for community organisations that require emergency assistance after the closing of the grants program.

Options

1. As per the recommendation.
 2. Do not approve the recommended amounts to be paid.
-

RECOMMENDATION:

1. That the community grants be paid as per the amounts recommended.
2. That a new Council committee be established for the 2023/2024 grants program to assess the applications outside the budget workshop.

DECISION:

Cr Whelan moved, Cr Owen seconded that the recommendation be adopted excluding #5 ie. reading garden at JRLF senior school. A report was requested to be prepared and presented to the August Ordinary Council Meeting after further consideration of this application.

CARRIED

VOTING RECORD

In favour

Cr Garlick
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

Against

Cr De La Torre rejoined the meeting at 6.58pm.

Cr Murtagh declared an interest in the following item and left the meeting 6.58pm.

14.3 Write- Off Bad Debts

Author: Acting Corporate Services Manager (G Browne)

Background

In accordance with the Finance Policy 1.13 it is requested that Council authorise the write off of bad debts.

Consultation

Nil.

Risk Implications

Nil.

Financial Implications

A total of \$532.20

Strategic Plan

Goal 4

S4.1 – Ensure Financial & Risk Sustainability

Social Implications

Not Applicable.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

Not Applicable.

Other Issues

Nil.

Assessment

The following debts are owed to Council. It is believed that these debts are unrecoverable and unless the properties are sold there are not prospects of recovering these debts. The cost of recovery is unlikely to equal or exceed the amount to be recovered.

- \$412.50 - ACN 101 076 322 PTY – Fire Hazard Clearance 27 Greenbanks Road, Bridgewater - 27/11/09

- \$119.70 – Glenn Evans – 8 Eddington Street, Bridgewater - Part 5 agreement dated 4/9/2009.

Options

1. As per the recommendation.
 2. That Council continue to seek payment of identified outstanding debts.
-

RECOMMENDATION:

That approval is given to write off the outstanding debts.

DECISION:

Cr Geard moved,

MOTION LAPSED for a want of a seconder

Cr Whelan moved, Cr Owen seconded that Option 2 be adopted and the debt remains against the individual property until it is sold.

CARRIED

VOTING RECORD

In favour

Against

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

Cr Murtagh rejoined the meeting at 7.03pm.

14.4 Request to Waive Planning Fees - Hobart Women's Shelter

Author: Administration Officer (M Short)

Authorised: Manager Development Services (D Allingham)

Background

The Hobart Women's Shelter (HWS) has submitted a Development Application for constructing their first two replicable homes in Brighton Municipality.

Janet Saunders, CEO of the HWS, has formally requested that Council consider reimbursing the development application fee of \$2,275, allowing them to repurpose these funds towards constructing the two homes (see Attachment A).

The project is to construct the first two replicable homes to start alleviating the chronic shortage of crisis and permanent housing across Tasmania for women and their children. HWS currently turns away 8 out of 10 women who call for assistance.

Consultation

General Manager, Manager Development Services, Executive Officer

Risk Implications

Waiving fees for this development may set precedence for other not-for-profit groups.

Financial Implications

If the full amount of \$2,275 is reimbursed, then Council will be responsible for paying \$431 to the Mercury for advertising expenditure and Council's revenue will be reduced by any other amount reimbursed.

Strategic Plan

This development is in line with:

- S1:1 Improve Health and Wellbeing; and
- S1:2 Create Housing (Liveability)

Social Implications

Waiving the development fees will assist the HWS in preserving the necessary funds to construct the two dwellings. These dwellings will provide long-term housing to at-risk families transitioning from crisis housing back into mainstream society. Thus, they will be of great social benefit to these families.

Environmental or Climate Change Implications

Nil.

Economic Implications

Nil.

Other Issues

Nil.

Assessment

The HWS's core business is providing safe, emergency accommodation and support to women and children who are affected by family violence and those who are homeless.

The construction of long-term housing through the HWS will provide women and children with a safe and secure living environment. The HWS has formally requested our assistance waiving or discounting the associated planning fees.

Council has the opportunity to assist in a small way with this much-needed project which endeavours to alleviate the chronic shortage of crisis and permanent housing across Tasmania.

It is suggested that the \$431 advertising fee not be reimbursed, and that Council reimburse the remaining fees. Council has recently approved reimbursement in this way for other not-for-profit developments.

Options

1. As per the recommendation.
2. Reimburse 50%.
3. Not reimburse any fees.
4. Other.

RECOMMENDATION:

That Council reimburse the development application fee minus the advertising fee (i.e. \$1,844).

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

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

Cr De La Torre declared an interest in the following item and left the meeting 7.06pm.

14.5 Request to Purchase Council Land -13a Yellow Brick Road, Old Beach

Author: Acting Corporate Services Manager (G Browne)

Manager Development Services (D Allingham)

Background

Council recently received a request from a neighbouring property, owners Andrea and Keron Nichols, to purchase Council owned property at 13A Yellow Brick Road Old Beach.

Four other letters of support were also provided from her neighbours.

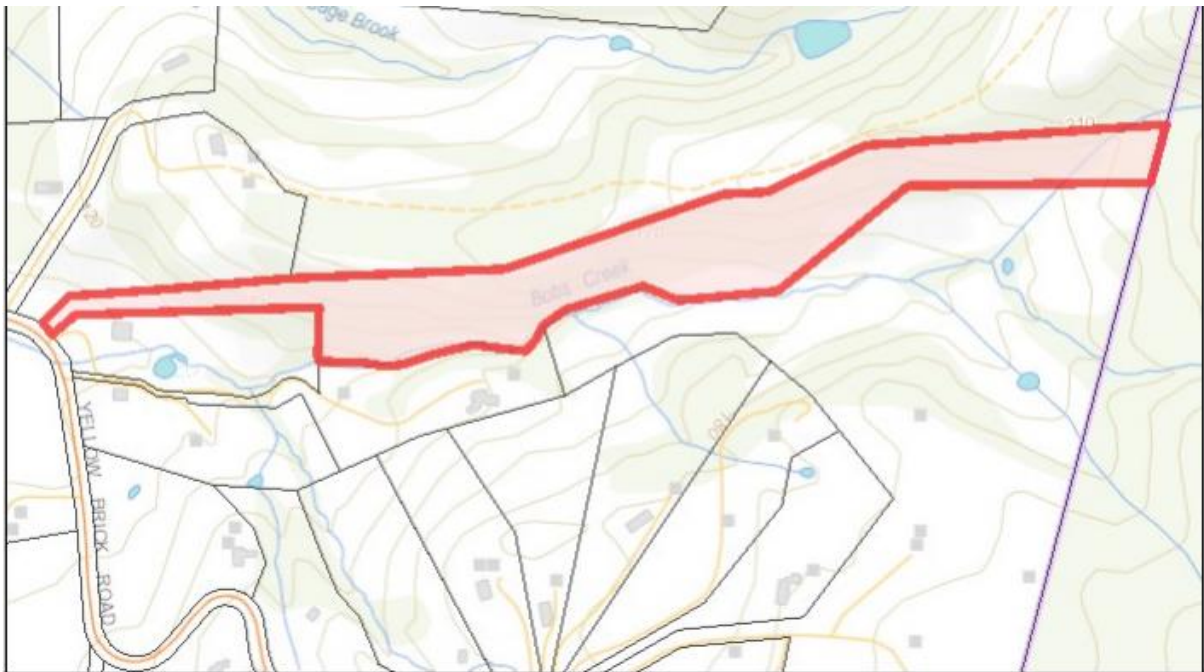


Figure 1 - Map of 13A Yellow Brick Road (Source: ListMap)

The Nichols would like the land for the following reasons;

- To maintain the land as they already mow the front section which goes a meter from our door;
- To fence and put trees around boundary of the bottom section;
- They would leave the back section as it is, due to it being too steep and dangerous to access and the natural bush is a good buffer to their neighbours.

Consultation

General Manager, Asset Services Manager, Development Manager, Graduate Planning officer, Executive Officer, Derwent Catchment Group

Risk Implications

The risk of selling the land is Council will be unable to fully protect the land of significant environmental values and Council will lose the opportunity to create a walking trail/ trail along creek in the future.

Financial Implications

The Sale will increase Councils revenue. All capital returns for land sold will be set aside for reserve expenditure of a capital nature.

The purchaser will be required to pay any costs associated with the sale including the advertising, valuation, and any solicitors' costs for the transfer and contract of sale.

Strategic Plan

Goal 1: Strengthen our Communities

S1:1 Improve Health and Wellbeing.

Social Implications

There is a possibility that the land may be enjoyed by the public if it is retained in public ownership.

Environmental or Climate Change Implications

The land currently supports a threatened vegetation community and provides a heavily vegetated area that helps control dispersive soils on steep slopes. The land provides a green wedge with high natural values along Bobs Creek. Whilst the overlays may protect the values to an extent, land with high natural values in riparian zones is often valuable as public land for protection.

Economic Implications

Nil.

Other Issues

Nil.

Assessment

The land is 7.15ha and currently zoned Environmental Management. The land is also subject to the following planning overlays:

- Medium Landslide area

- Waterway and Coastal Protection (relating to Bobs Creek)
- Bushfire Prone areas
- Priority vegetation area (relating to Threatened Vegetation Community “*Eucalyptus globulus* dry forest and woodland”)
- Quoin Ridge Specific Area Plan
- East Baskerville Dispersive Soils Specific Area Plan

The result of these planning overlays is that the site is heavily constrained for future development.

It is considered that the land would meet the open space classification of a ‘Landscape and Amenity Reserves’ within the Brighton Open Space Strategy (2012) which is defined as sites which have landscape and amenity features and value which warrant reservation and protection ahead of use for other purposes, and which may also have significant natural or cultural values (e.g. remnant native vegetation).

The land has been inspected by the Derwent Catchment Group who have confirmed that the threatened vegetation community is of high value.

There doesn’t seem to be any reason why Council would sell this land given the natural values on site and the lack of future development opportunities due to the site constraints.

The land is public open space so the adjoining owners have access to the land for their enjoyment. If they wish to maintain and plant trees at the bottom section of the property, a lease or license arrangement could be considered.

Options

1. As per the recommendation.
2. Don’t approve the recommendation.
3. Other.

RECOMMENDATION:

Not to sell the public open space land at 13A Yellow Brick Road Old Beach and to discuss lease or license options for the bottom part of the site with the Nicholls.

DECISION:

Cr Whelan moved, Cr Garlick seconded that Council not sell or lease any portion of 13A Yellow Brick Road, Old Beach.

CARRIED

VOTING RECORD**In favour**

Cr Garlick
Cr Geard
Cr Gray
Cr Owen
Cr Whelan

Against

Cr Murtagh

Cr De La Torre rejoined the meeting at 7.14pm.

14.6 Free Use of Seymour St Soccer Grounds for Non-Brighton Based Junior Soccer Teams

Attachment: Brighton Storm Request

Author: Council Services Officer (C Harper)

Background

Brighton Storm Soccer has been made responsible for the hire costs of soccer grounds for non-Brighton based games by Northern Suburbs Junior Soccer Association. Under their new hub model, matches are played across three sites over the season, with all matches being played at one of the hubs every 3 weeks. The hubs are based at Metro grounds at Chigwell, New Norfolk and Brighton.

Hosting the matches allows the home clubs to fundraise through their kiosk provision, which is an important aspect to maintain viability.

This year NSJSA have determined that they will not pay for the hire costs of the grounds for when there are two non-Brighton based teams playing each other and have made an organisational decision that Brighton Storm Soccer are to be responsible for the costs.

Under its policy Council does not charge for junior sports for Brighton based teams, it only charges for non-Brighton based teams.

Consultation

Tina Moate (Brighton Storm Soccer), James Dryburgh (General Manager), Football Federation Tasmania, Northern Suburbs Junior Soccer Association.

Risk Implications

Nil.

Financial Implications

The loss of income would be 58 hours of hire totalling \$2344.50 if a full waiver is granted.

Strategic Plan

Goal 1: Strengthen our Communities

S1.1 Improve Health and Wellbeing

S1.5 Build a resilient community

Social Implications

Brighton Storm Soccer club have been an active member of the Brighton community for many years and provides opportunity for children and youth to participate in a popular soccer roster.

Economic Implications

Operating a kiosk at the roster matches provides Brighton Storm soccer with their main avenue of fundraising to keep their club viable. If they are required to pay the full fee for the other non-Brighton based teams their financial viability is placed in jeopardy.

Other Issues

Major works are planned for the Seymour Street soccer grounds with both Council and other levels of government contributing. The works will have an impact on the use of the grounds that needs to be taken into consideration when charging hire fees.

Assessment

To keep Brighton Storm Soccer Club as a viable and healthy club capable of growing with demand, especially once the new high school is complete, which is expected to grow their youth numbers it is important they receive financial support to cover these unexpected costs.

Once the upgrades have been completed there will need to be consultation with other hirers of the venue in regard to use of the grounds and costs involved.

Options

1. As per the recommendation.
 2. Council approves 50% discount on the fees for non-Brighton based team matches.
 3. Council approves a different discount.
 4. Council does not approve any discount on ground fees for the fees for non-Brighton based team matches.
-

RECOMMENDATION:

Council approves a full fee waiver on the fees for non-Brighton based team matches until such time as the soccer upgrades are completed; this to be reviewed annually.

DECISION:

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

CARRIED

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

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

14.7 Historical Interpretation Panels - Brighton Army Camp Parade Ground:

Author: Executive Officer (A Turvey)

Approved: Acting General Manager (J Banks)

Background

At the Ordinary Council Meeting (OCM) 17 August 2021, Council agreed to provide \$10,000 in funding towards the production of the Brighton Rotary Club's historical interpretation panel project at the old Brighton Army Camp Parade Ground.

At this time, Council requested that the draft panels be brought to Council for final approval prior to production. These are attached for Council's review.

Eight (8) panels in total have been designed and meticulously researched by local historian and graphic designer Derek Hall-Jones.

The eight graffiti proof panels are 900mm deep x 500mm wide. These will be mounted on steel stands about waist height at an angle of about 30 degrees, similar to the panels on Cadbury Walk between The Claremont WWI memorial and the Cadbury factory.

The design of the physical installations has been done in conjunction with Eye Spy and Brighton Council Asset Services team.

The signs will be installed along the Menin Drive side of the former Army Camp Parade Ground, commencing below the existing augmented reality signage. The location of the signage was agreed with the General Manager during a site visit with a representative from the Brighton Rotary Club. The interpretation panels will be installed by Council's construction crew.

The interpretation panels will be presented in chronological order as follows:

- Overview Panel - Timeline: A general overview of the history of the area from its occupation by the Moomirimina people for more than 40,000 years until the establishment of a military outpost in the mid-1820s, to the growth of Brighton and Pontville townships.
- Panel 1: The first people of Brighton – the Moomirimina band of the Oyster Bay Tribe.
- Panel 2: 1914 World War I – From Brighton/Pontville to Gallipoli and the Western Front.
- Panel 3: 1914-1931 - A focus on the use of the area as the initial aerodrome for Hobart from 1931 till the opening of Cambridge Aerodrome in 1935, including the landing of the first Melbourne to Hobart flight on 8th March 1931 piloted by Sir Charles Kingsford Smith.
- Panel 4: 1939 World War II – Brighton becomes a permanent army camp, detailing its layout, construction of buildings and growth to include 2,400 trainees by 1941.
- Panel 5: Establishment of the Brighton Army Hospital (1939).
- Panel 6: 1944 – 1950 – Italian Prisoners of War, temporary housing, Eastern European refugees and National Service Army Camp.
- Panel 7: Covers its use as emergency accommodation for 400 people after the 1967 bushfire before its revitalization as an army camp and then its use in 1999 to house 400 Kosovo refugees.

Consultation

Rotary Club of Brighton, Senior Management Team.

Risk Implications

Nil.

Financial Implications

The total project cost is quoted at \$20,000. The Brighton Rotary Club will be matching Council's funding of \$10,000 to complete the project, with no other businesses/sponsors coming forward to assist with funding.

Strategic Plan

Goal 1: Strengthen our Communities.

S1.3: Provide public facilities/amenities.

S1.4: Support connected communities.

Social Implications

A more permanent and physical presence of the social and cultural history of this site for all generations of our community to see and understand. This is a site of important and widely varied historical and cultural significance for the Brighton community.

Environmental or Climate Change Implications

Improving the general amenity and appreciation of the old Brighton Army Camp site.

Economic Implications

Encouraging visitors to stop and perhaps spend some time in the township of Brighton through a more visitor friendly presentation of the town and highlighting the site as a historical point of interest.

Other Issues

Nil.

Assessment

The project is of minimal cost to Council but will provide a very positive visual impact in terms of Council's connection to community, support of a local community group project, improving the amenity of the area and providing a point of interest for visitors and residents alike, that conveys and preserves the significant cultural and social history of the site.

Options

1. As per the recommendation.
2. Approves the recommendation with any noted amendments to content or design.
3. Does not approve the recommendation.

RECOMMENDATION:

That Council approves the design and content of the historical interpretation panels to be installed at the old Brighton Army Camp Parade Ground at Menin Drive, Brighton, subject to consultation with the TAC.

DECISION:

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

CARRIED

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

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

Cr Garlick left the meeting at 7.25pm.

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

CARRIED

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

Cr De La Torre
Cr Geard
Cr Gray
Cr Murtagh
Cr Owen
Cr Whelan

Cr Garlick rejoined the meeting 7.26pm.

All Senior Managers left the meeting except the Acting General Manager at 7.26pm.

15. Closed Meeting

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

Matters are listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

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

15.1 General Manager's Performance Review

Author: Acting General Manager (J Banks)

RECOMMENDATION:

That the performance assessment be received.

DECISION:

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

CARRIED

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

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

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

That the Council:

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

DECISION:

Item Number	Matter	Outcome
15.1	General Manager's Performance review	Recommendation to be made public.

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

CARRIED

VOTING RECORD

In favour**Against**

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

16. Questions on Notice

There were no Questions on Notice for the July meeting.

The meeting closed 7.35pm.

Confirmed:

(Mayor)

Date:

16 August 2022