



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,
16 AUGUST 2022**

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

IN ATTENDANCE: Mr J Dryburgh (General Manager); Mrs J Banks (Acting Deputy
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 19 July 2022

Cr Owen moved, Cr De La Torre seconded that the Minutes of the Ordinary Council meeting of 19 July 2022 be confirmed.

CARRIED

VOTING RECORD

In favour

Against

Cr De La Torre
Cr Garlick
Cr Gray
Cr Jeffries
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 Jeffries moved, Cr Whelan seconded that Cr Geard be granted leave of absence.

CARRIED

VOTING RECORD

In favour

Against

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

- 3.2 Cr Barbara Curran (Deputy Mayor) had requested a leave of absence from 6th to 26th August 2022.

Cr Owen moved, Cr De La Torre seconded that Cr Curran be granted leave of absence.

CARRIED

VOTING RECORD

In favour

Against

Cr De La Torre
Cr Garlick
Cr Gray
Cr Jeffries
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 Whelan declared an interest in Item 13.2

Cr Gray declared an interest in Item 14.1

5. Public Question Time and Deputations

- 5.1 Ben Moloney, Project Director (via Teams) presented a quarterly update on the new Bridgewater Bridge.

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:

20/07 Meeting with Scott Wade BGH Breakers – Councillor Whelan and Senior staff in attendance.

26/07 Citizenship Ceremony.

27/07 Meeting with Rebecca White and Senior advisor – GM in attendance.

01/08 Meeting with Penny and Mark – The Jetty project – GM in attendance.

02/08 Meeting with the Derwent Valley Gazette – GM in attendance.

02/08 Meeting with Royal Agricultural Show Society – Acting DGM in attendance.

03/08 Meeting with Zoo Doo – Tea Tree with GM and Brittany in attendance.

03/08 Meeting with The Premier, Jane Howlett and John Tucker to discuss all things Brighton.

04/08 Invited to open the Brighton Food Hub Initiative at the Civic Centre.

05/08 Meeting with Point B new manager (Young Group) GM in attendance.

05/08 Meeting with Andrew Bullock to discuss future plans for his site.

08/08 Book reading with Prep class at Gagebrook Primary School.

08/08 Participated in a Candidates Forum at Brighton Civic Centre.

10/08 Meeting with IGA proponents.

16/08 Meeting with Page Seager – Planning Authority.

16/08 August Ordinary Council Meeting.

16/08 Workshop – South Brighton Master Plan.

RECOMMENDATION:

That the report be received.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

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

8.2 Reports from Council Representatives

There were no reports from Council representatives.

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 have been held since the previous Ordinary Meeting of Council.

10. Notices of Motion

10.1 Audit on Council owned buildings and facilities

Author - Cr Owen:

Following the access issue being raise in relation to Riverside Drive Track, I wish propose the following motion.

Motion - Cr Owen moves that:

That Council conduct an audit on all Council owned buildings and facilities to determine the adequacy of access, ingress and egress for persons of all abilities. A report to Council listing all facilities, any access deficiencies relating to each, the likelihood that they can be made accessible to all, whether compliant with legislation or not and approximate cost associated with making those not compliant, compliant.

DECISION:

Cr Owen moved, Cr De La Torre seconded that Council conduct an audit on all Council owned buildings and facilities to determine the adequacy of access, ingress and egress for persons of all abilities. A report to Council listing all facilities, any access deficiencies relating to each, the likelihood that they can be made accessible to all, whether compliant with legislation or not and approximate cost associated with making those not compliant, compliant.

CARRIED

VOTING RECORD

In favour

Against

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

10.2 Circular Economy (CE) - Resource recovery

Author - Cr Owen:

In reference Brighton Council's 2050 Vision in which Council refers to a thriving place, a proud community, a good life, a comfortable home, a caring council, and a sustainable environment, I believe there to be room for improvement in reaching the visions to which we aspire. I understand Council are actively promoting the Circular Economy (CE) and asking businesses to come to Brighton on the back of CE, yet do not support existing industry that are not just on our doorstep but in our living room, already showing the way in dealing with the recovery of these material that were once considered waste? A few of my report cards at school carried the message "can do better" and I think Council's report card would have a similar notation today?

Of concern is Council's ongoing failure to appropriately deal in a responsible and sustainable manner, waste road materials (bitumen, concrete, geo cloth), pine bark and grass clippings for example, which is contrary to the vision "embracing best practice environmentally sustainable initiatives". The types of materials being dumped in the environs of sports precinct at Pontville, for example, contain silica and carcinogens and I expect the cost of carting, burying, and pushing it around would just about offset the cost of having it dealt with and processed locally into quality, reusable material and reducing Council's carbon emissions, instead of using newly mined natural resources and increasing Council's carbon footprint in the process! This does not make sense?

We have all heard of the Circular Economy (CE), a term that has been used frequently in recent times and one recognised as "the way forward"? We talk about Climate Change, pollution, and sustainability but we don't do all that we could to address these issues. Plenty of self-delivered pats on the back for our sustainability record but not much action in the CE arena? There appears to be a reluctance to exit the old Linear Economy mindset - take, make, use, dispose, pollute? The Circular Economy model on the other hand aims to tackle global challenges of climate change, biodiversity loss and pollution through reusing, remanufacturing, reprocessing materials rather than just bury those resources or pretend we are putting them to some good future use? Resource recovery is the new way and if we wish to be instilling pride in our municipality, be innovative and progressive, embrace best practice and environmentally sustainable initiatives through reducing, reusing, and recycling waste, embed climate change awareness, there is no time like the present to act. I present three (3) motions separately for your consideration.





Motion - Cr Owen moves that:

1. That Brighton Council cease dumping bitumen, concrete and other waste materials into stockpiles and infill; and immediately adopt resource recovery options for the disposal of these materials in line with today's best practice and Circular Economy principles.
2. Publicly announce and develop a by-law to the effect that the dumping/burying/stock piling of building demolition, construction and road waste material is not permitted anywhere in the Brighton Municipality.
3. Council engaged contractors, immediately or as soon as practical, be required to adopt resource recovery measures and to provide evidence that spoil and waste from works undertaken for Brighton Council are processed appropriately and in accordance with Circular Economy principles.

General Manager's Response:

It is recommended that prior to councillors voting on the proposed three-part motion based that they take up the opportunity to engage with council staff to more fully understand current council practices, the legislative and regulatory context and potential changes in approach, including their likely environmental, financial and operational implications.

The General Manager offers that relevant council officers prepare a summary report(s) and schedule a workshop within 3 months. Councillors should then be better informed of what changes to practice they may like to pursue and what implications they are likely to have.

This process should help to better define the elements of the proposed motion into a more comprehensive policy approach from Council.

Alternative motion: That the General Manager organise the appropriate information on current and potential practices with regard to the management of fill, construction and road waste, and schedule a councillor workshop within 3 months. This work should be framed by an intent to embrace a 'circular economy' approach to both Council's operations and to activities in the municipality that council can influence.

That Officers confirm that Council's current practices in relation to clean fill are compliant with the Environmental Management and Pollution Control Act.

DECISION:

Cr Owen moved, Cr Whelan seconded that:-

1. The General Manager organise the appropriate information on current and potential practices with regard to the management of fill, construction and road waste, and schedule a councillor workshop within 3 months. This work should be framed by an intent to embrace a 'circular economy' approach to both Council's operations and to activities in the municipality that council can influence.
2. That Officers confirm that Council's current practices in relation to clean fill are compliant with the Environmental Management and Pollution Control Act.

CARRIED

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

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

11. Consideration of Supplementary Items to the Agenda

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

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

RECOMMENDATION:

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

DECISION:

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

12. Reports from Committees

There were no committee meetings held during August 2022.

13. Council Acting as a Planning Authority

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

13.1 Development Application DA 2022 / 00046 for Multiple Dwellings (5) at 16 Hannah Court, Old Beach

Author: Andres Perez-Roca (Planning Officer)

Applicant:	Pinnacle Drafting & Design
Subject Site:	16 Hannah Court, Old Beach
Proposal:	Multiple Dwellings (5)
Planning Scheme:	<i>Tasmanian Planning Scheme – Brighton</i> (the planning scheme)
Zoning:	8.0 General Residential Zone
Codes:	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code
Local Provisions:	Nil
Use Class:	Residential (Permitted)
Discretions:	8.4.6 A1 and A3 - Privacy for all dwellings 8.4.8 Waste storage for multiple dwellings
Representations:	One (1) representation was received. The representor raised the following issues: <ul style="list-style-type: none"> Residential density that is incompatible with the density of existing development on established properties in the area; Insufficient street frontage space for waste and recycle bins;

	<ul style="list-style-type: none">• Increased demand for on-street car parking as a result of the development; and• Potential stormwater impact.
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the planning authority to determine development application DA 2022 / 00046.

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 LUPPA.

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 AND SURROUNDS

The site is a 1,743m² triangular shaped vacant lot with frontage and access to Hannah Court, Old Beach (see Figure 1 below).



Figure 1. An aerial image of the site (highlighted in ochre) and its surrounds

The site is zoned General Residential and surrounded by land zoned General Residential, Low Density Residential, and Rural (see Figure 2 below).

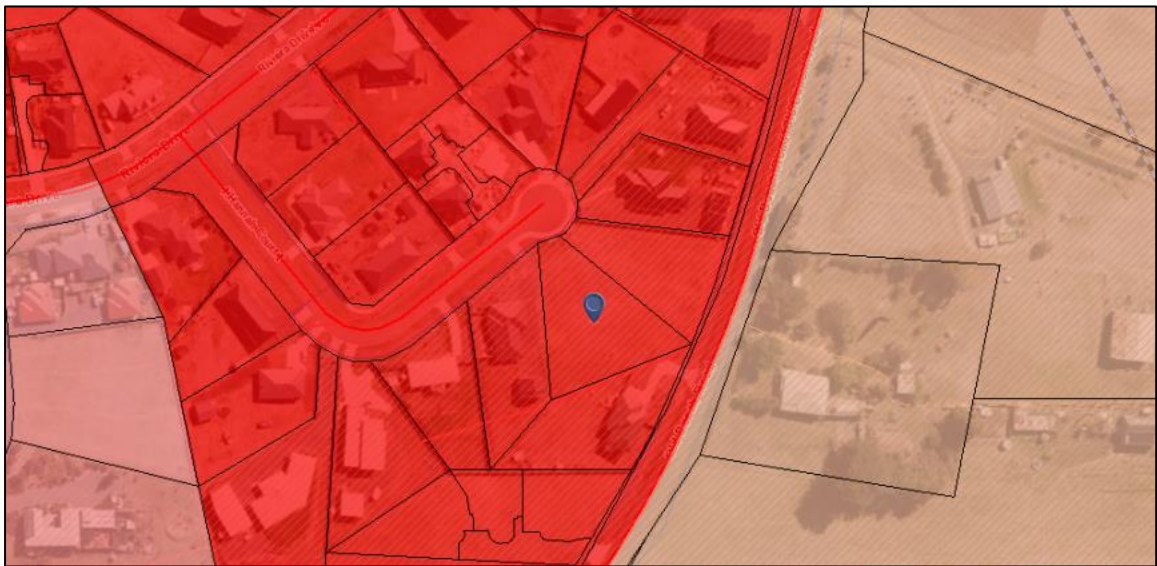


Figure 2. Zoning (General Residential Zone in red; Low Density Residential Zone in dark pink; and Rural Zone in cream)

The entire site is affected by a 'Bushfire-Prone Areas Overlay', and no local provisions apply to it.

3. PROPOSAL

The proposal seeks planning approval to develop five (5) multiple dwellings on-site (see Figure 3).



Figure 3. Site plan

The dwellings have flat roofs, a height not more than 4m above the natural ground level, and a minimum setback of 1.5m from the property's side and rear boundaries.

All dwellings have a floor area of 124.85m² with two (2) bedrooms (master with ensuite and WIR), a bathroom, a single garage, and dining, kitchen and living areas. Moreover, units 2 and 3 have one (1) landing each and units 4 and 5 have two (2) landings each. One of the proposed landings for both units 4 and 5 has a floor level more than 1m above the existing ground level and a setback of less than 3m from the property's north-eastern side boundary.

Window W06, 07 and 08 for unit 4 have a floor level of more than 1m above the natural ground level (NGL) and a setback of less than 3m from the north-eastern side boundary. Window W09 for unit 4 has a floor level of more than 1m above the NGL and a setback of less than 4m from the rear boundary. These windows have been located relative to other dwellings on-site and the approved dwelling at 18 Hannah Court, to ensure the windows are offset in the horizontal plane by not less than 1.5m from the edge of the window to a habitable room of another dwelling.

The landscaping plan for the proposal shows that each dwelling has an exclusive 1.5m² storage area for waste and recycling bins and that these storage areas are screened from the property's frontage and other dwellings by piling fences.

The parking plan for the proposal shows two (2) car parking spaces for each dwelling plus two (2) visitor car parking spaces. This parking plan also contains turning paths for each car parking space.

The proposal is also accompanied by a civil plan showing how the applicant intends to manage stormwater from the proposed development and a sewer and water plan stating that development will occur in accordance with best practice Water Sensitive Urban Design Guidelines.

No buildings are proposed within any easements affecting the site.

4. PLANNING SCHEME ASSESSMENT

Compliance with Applicable Standards:

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

5.6.2 A standard is an applicable standard if:

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

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

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

Determining applications (clause 6.10.1):

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

- (a) all applicable standards and requirements in this planning scheme; and*

(b) any representations received pursuant to and in conformity with section 57(5) of the Act,

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

Use Class

The Use Class is categorised as Residential which is a “Permitted” use pursuant to the Table 8.2 of the General Residential Zone.

Compliance with Performance Criteria

The proposal meets all relevant planning scheme’s Acceptable Solutions except for the following:

8.4.6 Privacy for all dwellings A1/P1

Objective:	
To provide a reasonable opportunity for privacy for dwellings.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p>	<p>P1</p> <p>A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <p>(a) a dwelling on an adjoining property or its private open space; or</p> <p>(b) another dwelling on the same site or its private open space.</p>

(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m: (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.	
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The proposal does not comply with the Acceptable Solution in Clause 8.4.6 A1 of the planning scheme, given that the north-eastern landings for units 4 and 5 have a floor level more than 1m above the existing ground level and a setback of less than 3m from the side boundary, and no screening for these landings is proposed. Therefore, the Performance Criteria must be addressed.

It is considered that the Performance Criteria can be satisfied by including a condition for any permit approved requiring amended plans showing a privacy screen on each of the north-eastern facing landings for units 4 and 5 to a height of 1.7m above the finished floor level to minimise opportunities for overlooking of the dwelling at 18 Hannah Court and its associated private open space.

The Performance Criteria can be satisfied with conditions.

8.4.6 Privacy for all dwellings A3/P3

Objective:	
To provide a reasonable opportunity for privacy for dwellings.	
Acceptable Solutions	Performance Criteria
A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than: (a) 2.5m; or (b) 1m if:	P3 A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.

<p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p>	
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The proposal does not comply with the Acceptable Solution in Clause 8.4.6 A3 of the planning scheme, given that Window W01 for both units 1 and 5 have a sill height less than 1.7m above the shared driveway, and are not separated by more than (a) 2.5m from a shared driveway; or (b)(i) are not screened at a height of 1.7m at a minimum distance of 1m. Therefore, the Performance Criteria must be addressed.

It is considered that the Performance Criteria can be satisfied by including a condition for amended plans requiring a permanent privacy screen to a height of 1.7m be located between the shared driveway and the windows to minimise unreasonable impact of vehicle noise and vehicle light intrusion for these two units.

The Performance Criteria can be satisfied with conditions.

8.4.8 Waste storage for multiple dwellings

Objective:	
To provide for the storage of waste and recycling bins for multiple dwellings.	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) a common storage area with an impervious surface that:</p>	<p>P1</p> <p>A multiple dwelling must have storage for waste and recycling bins that is:</p> <p>(a) capable of storing the number of bins required for the site;</p> <p>(b) screened from the frontage and any dwellings; and</p> <p>(c) if the storage area is a common storage area, separated from any dwellings on the site to minimise impacts caused by odours and noise.</p>

<p>(i) has a setback of not less than 4.5m from a frontage;</p> <p>(ii) is not less than 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</p>	
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Each dwelling has an exclusive 1.5m² storage area for waste and recycling bins. However, the storage areas for units 1 and 5 are located in the area in front of those units. Additionally, no common storage areas are proposed. Hence, the proposal does not meet the Acceptable Solutions in clause 8.4.8 A1 (a) or (b), and rely on the Performance Criteria in clause 8.4.8 P1.

Since each dwelling provides an exclusive 1.5m² storage area for waste and recycling bins, which is the size required by the above Acceptable Solutions, it is considered that these areas can store the number of bins required for the site.

The proposed storage for waste and recycling bins are screened from the property's frontage and other dwellings by paling fences not less than 1.2m above the natural ground level, so it is considered that adequate screening for these storage areas is proposed.

The Performance Criteria is satisfied.

5. FURTHER INFORMATION SUBMITTED BY THE APPLICANT

Following the advertising of the proposal, the applicant was requested to provide additional shadow diagrams to demonstrate that the private open space for all dwellings, but particularly unit 2, will receive more than 3 hours of sunlight between 9 a.m. and 3 p.m. on 21st June.

The additional shadow diagrams (refer Annexure C) demonstrate that the units are able to obtain the required access to sunlight, and as such satisfy the acceptable solution.

However, a condition is recommended requiring that the additional shadow diagrams be included in any permit approved.

6. REFERRALS

Council's Development Engineer

Council's Development Engineer was consulted regarding this proposal. That officer considers that the proposal can satisfy the applicable standards of the Parking and Sustainable Transport Code and the Road and Railway Assets Code, and that the proposal will not generate stormwater issues provided that the stormwater-related conditions on any planning permit issued be observed. Comments have been incorporated into the officer's report, where necessary.

TasWater

The application was referred to TasWater, and TasWater has issued a Submission to Planning Authority Notice (SPAN) Reference No. TWDA 2022/00343-BTN, dated 17/03/2022. A copy of the SPAN will be attached to any planning permit issued.

7. REPRESENTATIONS

One (1) representation was received during the statutory public exhibition period between 6 and 20 July 2022.

The representor's concerns are summarised below and a planning response to these concerns is provided:

Representors' concerns	Planning Response
Residential density that is incompatible with the density of existing development on established properties in the area	The land at 16 Hannah Court, Old Beach, is zoned General Residential. In this zone, multiple dwellings are permitted. The proposal accords with the density requirements of Clause 8.4.1 A1 of the planning scheme.
Insufficient street frontage space for waste and recycle bins;	The proposal satisfies the Performance Criteria in clause 8.4.8 P1 of the planning scheme for the reasons outlined above. This is the only requirement that the planning scheme contains regarding waste storage, but, in any case, waste and recycling bins can be distributed along the public footpath/road reserve during collection day.
Increased demand for on-street car parking as a result of the development	The proposal complies with the number of on-site car parking spaces required by clause C2.5.1 A1 of the planning scheme being two (2) car parking spaces per

	dwelling plus two (2) visitor car parking spaces.
Potential stormwater impact.	The applicant has provided a stormwater management plan, which has been reviewed and accepted by Council's Development Engineer. Standard stormwater conditions are included.

8. CONCLUSION

The proposal satisfies all relevant provisions of the Planning Scheme. Thus, it is recommended for approval with conditions.

RECOMMENDATION:

That:

- A. Pursuant to the *Tasmanian Planning Scheme – Brighton*, Council approves application DA 2022 / 00046 for Multiple Dwellings (5) at 16 Hannah Court, Old Beach, 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, endorsed drawings and conditions of this permit and must not be altered or extended without the further written approval of Council, including amended shadow diagrams prepared by Pinnacle Drafting and Design Revision DA 01, Pg No A0.04 dated 24.02.22.
- (2) Where a conflict between the application for planning approval, endorsed drawings 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*.

Privacy

- (4) Prior to building approval, the applicant must submit amended plans for the approval of the Manager Development Services. The amended plans must show:
 - a. Privacy screens for the landings for unit 4 and 5 on the north eastern elevations to a height of 1.7m above finished floor level.

- b. Privacy screens adjacent to Windows W01 for units 1 and 5 to a height of 1.7m above the shared driveway's floor level. Alternatively, obscure glazing may be shown.

Once approved, the amended plans will form part of the permit.

Amenity

- (5) Any fence within 4.5m of the frontage must have a height above natural ground level of not more than:
 - (a) 1.2m, if the fence is solid; or
 - (b) 1.8m, if the fence has openings above a height of 1.2m which provide uniform transparency of at least 30%.
- (6) 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.

Landscaping

- (7) Prior to building approval, submit an amended landscaping plan to be approved by the Manager Development Services. The amended landscaping plan must show the relocation of the fence, such that the vegetative landscaping is located in the common property.

Once approved, the amended landscaping plan will form part of the permit.

- (8) Before the use commences, all trees and landscaping must be planted and installed in accordance with the approved landscape 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.
- (9) Replacement trees and landscaping in accordance with the approved landscape plan must be planted if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.

Private Open Space

- (10) Before the use commences, the private open space for all units must be formed or constructed to the satisfaction of the Council's Manager Development Services.

TasWater

- (11) The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No. TWDA 2022/00343-BTN, dated 17/03/2022, as attached to this permit.

Services

- (12) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Parking and Access

- (13) Prior to the issue of a building permit, an approved parking plan designed and certified by a suitably qualified person is to be submitted for approval by Council's Municipal Engineer incorporating all amendments required by this planning permit.
- (14) Prior to commencement of use, parking spaces and circulation ways are to be delineated, signed, and unit assigned in accordance with the approved parking plan and to the satisfaction of Council's Municipal Engineer. Directional signage is to make maneuvering motorists aware of:
- a. the contra flow around the center landscaped island; and
 - b. for spaces U1, V1, V2 and U5 vehicles are not to reverse onto the street.
- (15) Unless approved otherwise by Council's Municipal Engineer all parking, access ways, manoeuvring and circulation spaces must be provided in accordance the endorsed drawings and the Australian Standard AS 2890 - Parking facilities, Parts 1-6, and include all of the following:
- a. be constructed with a durable all-weather pavement;
 - b. be drained to the public stormwater system;
 - c. be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement;
 - 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 car parking space vertical clearances of not less than 2.1m above the parking surface level; and
 - g. have car parking spaces delineated by line marking or other clear physical means.

or as otherwise required by an approved Bushfire Plan.

Access to Road

- (16) A new reinforced concrete vehicle access must be provided from the road carriageway to the property boundary. The access must be located and constructed in accordance with the standards shown on standard drawings TSD-R09-v1 Urban Roads Driveways and TSD-RF01-v1 Guide to Intersection and Domestic Access Sight Distance Requirements prepared by the IPWE Aust. (Tasmania Division), an approved parking plan and the satisfaction of Council's General Manager.
- (17) A road opening permit is to be applied for, fee paid and permit issued for the renewal of the crossover apron prior to works in the road reservation being undertaken.

Stormwater

- (18) Stormwater drainage from the proposed development must drain to a legal point of discharge to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the *Building Act* 2016.
- (19) Stormwater from the development must meet the detention and treatment targets set by the Tasmanian Stormwater Policy Guidance and Standards for Development version 1 November 2021. Detention and treatment design must consider and be over the whole fully developed site.
- (20) Stormwater quality treatment may be offset by a cash contribution for the whole development by application and at the sole discretion of Council in accordance with Council's Stormwater Policy prior to the issuing of a building permit.

Soil and Water Management

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

Construction amenity

- (23) The 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 survey to be provided to the 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.
 - (c) 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.
- (24) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Development Services:
- | | |
|---------------------------------------|-------------------------|
| Monday to Friday | 7:00 a.m. to 6:00 p.m. |
| Saturday | 8:00 a.m. to 6:00 p.m. |
| Sunday and State-wide public holidays | 10:00 a.m. to 6:00 p.m. |
- (25) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function, and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, wastewater, waste products, grit or otherwise.
 - (b) The transportation of materials, goods, and commodities to and from the land.
 - (c) Obstruction of any public footway or highway.
 - (d) Appearance of any building works or materials.
- (26) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager Development Services.
- (27) 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.
- (28) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. Please contact your private building surveyor to ascertain what approvals (if any) are required under the *Building Act 2016*.
- B. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- C. If you notify Council that you intend to commence the use or development before the date specified above, you forfeit your right of appeal in relation to this permit.
- 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 Owen moved, Cr Jeffries seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

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

Cr Whelan had declared an interest in the next item and left the meeting 6.14pm.

13.2 Appeal for DA2021/336 – General Retail & Hire (Supermarket Tenancies) at 162 Brighton Road

Author: Manager Development Services (D Allingham)

Background

At the July 2022 Planning Authority (PA) Meeting, the PA refused DA2021/336 – General Retail & Hire (Supermarket Tenancies) at 162 Brighton Road. The decision went against the planning officer's recommendation.

The applicant has since lodged an appeal with the Tasmanian Civil and Administrative Tribunal (TASCAT) (Appeal No. P/2022/128).

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 Page Seager lawyers (as chosen by the PA) to represent the PA in the Appeal.

In accordance with Council's Policy, Council staff cannot instruct Page Seager on how to proceed. 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 Page Seager 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 lawyers and planning consultant to act on behalf of the PA.

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, 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.

Options

1. As per the recommendation.
2. The Planning Authority appoint a sub-committee to instruct lawyers/consultants.
3. Other.

RECOMMENDATION:

That the Planning Authority appoint the Chair of the Planning Authority to instruct lawyers and planning consultants in relation to Appeal No. P/2022/128 for DA2021/336 – General Retail & Hire (Supermarket Tenancies) at 162 Brighton Road, Brighton.

DECISION:

Cr Owen moved, Cr Murtagh seconded that Cr De La Torre be appointed to act as Chair of the Planning Authority in relation to this appeal.

CARRIED

VOTING RECORD

In favour

Against

Cr De La Torre
Cr Gray
Cr Jeffries
Cr Murtagh
Cr Owen

Cr Whelan rejoined the meeting at 6.20pm

14. Reports from Officers

14.1 Community Grant - Jordan River Learning Federation (JRLF) Senior School - Reading Garden

Author: Community Development Officer (B Szlezak)

Background

Our school network throughout the municipality has been decimated both in funds and morale since COVID has left a significant impact on teaching staff who despite their consistent efforts, motivation and skill sets, are experiencing burn out and trying to support students who are doing their best to adjust to the restrictions and budgets recently implemented in an effort to keep schools safe and operational. JRLF Senior School are requesting \$8000 towards the construction of an outdoor reading garden from Council's 2022-23 Community Grants Program to support students engaged in their reading program. The author of this report was requested to seek further information about the grant application to inform Councillor's decision.

After meeting with the Literacy Coordinator and school Principal, the following information (in addition to the original application) was supplied:

- Students at the senior school who access the reading program are some of the most vulnerable children across our municipality , many of whom are reading at a primary school level.
- The school has a limited budget to support the reading program at the school. Their annual funding has already been spent on much needed nuanced reading resources.
- The proposed garden is situated in a quiet 'nook' just outside the reading room. It is a private and inviting space at the front of the school. The space is modest, low maintenance and has 'buy in' from the students who access the reading program and the school Association group.

Consultation

Acting Deputy General Manager, Council Services Officer, Literacy Coordinator JRLF Senior School, Principal JRLF Senior school, students from reading program.

Risk Implications

May set a precedent for other State Government schools to seek funding from Council.

Financial Implications

Any donation granted will come from Council's donation budget and be recorded in Council's Annual Report.

Strategic Plan

Goal 1: Strengthen our communities

- S1.1 Understand/Improve Health and Wellbeing
- S1.2 Create Housing/employment/play/education (liveability)
- S1.3 Provide public facilities/amenities
- S1.4 Support Connected Communities
- S1.5 Build a resilient community and environmentally sustainable future

Social Implications

Between the alarmingly low literacy rates of our community and the limited resources of the school, Brighton Council has an opportunity to demonstrate its support for the Senior school and all that it contributes to young people and their families throughout our municipality.

Council has a social responsibility to support our young people and children in the community. If the garden is not built, teachers will need to continue to have limited access to purpose built spaces that facilitate best practice learning environments.

Environmental or Climate Change Implications

Nil

Economic Implications

Schools, community clubs, not for profits and other organisations are regular contenders for financial support from Council for improvement to infrastructure that can produce a social outcome. If young people improve their literacy, they are more likely to actively contribute to society which has multiple positive economic as well as social outcomes.

Partial approval of the grant would delay the project for another year until the school applied for the Council Community Grant's in 2023-24.

Other Issues

NIL

Assessment

Ideally the Department of Education should provide additional financial support to the Senior school however for reasons listed above and other competing infrastructure needs, the school is experiencing similar issues to other public schools in terms of funding which is a much broader systemic issue for Tasmania as a whole.

For the benefit of young people across our municipality where there are already significant gaps in infrastructure and support for this cohort, funding this small garden would significantly contribute to outcomes for students experiencing low literacy.

Pictures of the site for garden



There is a door at the back right corner of this space that links directly too the reading room.



The reading room which has limited room for 1:1 support for vulnerable young people. I am standing at the door to the garden space.

Options

1. As per the recommendation.
 2. Not approve the grant
 3. Approve a different amount.
-

RECOMMENDATION:

That the community grant of \$8,000 be provided to the Jordan River Learning Federation Senior School towards the construction of a small reading garden for students accessing the reading program, and this grant be recorded in Council's Annual Report.

DECISION:

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

CARRIED

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

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

14.2 Industrial Estate Gateway Report

Author: Planning Officer (A Perez-Roca)

Authorised: Manager Development Services (D Allingham)

Purpose

This report aims to seek the endorsement of the master plan and landscape framework for the Industrial Estate Gateway.

Background

The *Brighton Industrial Estate Brand & Place Strategy*, endorsed at the Ordinary Council Meeting on 15 December 2020, defined practical actions to reposition this Industrial Estate as an attractive prospect for future investors and support growth.

An identified action to make the Industrial Estate more visible and welcoming was enhancing the users' landmark entry experience through better amenity, landscaping, and wayfinding. To implement this action, Council engaged Playstreet Urban Design (Playstreet) and collaborated with other stakeholders to develop a master plan and landscape framework for the Industrial Estate Gateway.

The master plan is intended to be a public facing document and provides a conceptual layout identifying priorities and opportunities to improve amenity, landscaping, and walkability across the Industrial Estate Gateway. The landscape framework provides a more comprehensive roadmap of how to achieve this. The master plan is available in attachment A, and the landscape framework is available in attachment B.

It is expected that the project will be staged over a number of years.

If endorsed by Council, a consultation process will be undertaken with neighbouring businesses and landowners and, more generally, with anyone who wishes to provide advice or an opinion.

Consultation

The following individuals and organisations were involved in the development of this master plan and landscape framework:

- Brighton Council's Senior Management Team and staff
- Heritage Tasmania
- Playstreet
- The Department of State Growth (DSG)
- The Derwent Catchment Group

Risk implications

The foreseeable risks and implications associated with this initiative are as follows:

General risks

- Lack of support

The risk of Industrial Estate businesses and landowners not being supportive of this initiative, which can be mitigated by actively engaging and listening to them during the consultation process.

- Damage and vandalism

The risk of development and works undertaken because of this initiative being damaged or vandalised.

Financial Implications

- Budgeting

This initiative is not directly budgeted for this financial year, but funds from the annual street tree budget could be used. The initiative can be staged over a number of years and considered as part of future budgets. The master plan and framework can also be utilized for grant applications.

- Ongoing maintenance costs

The initiative will be developed on DSG Land, and Council is in the process of entering into an agreement with DSG. This agreement is yet to be finalised, however it is likely that Council will be responsible for ongoing maintenance. However, this initiative has been purposely designed to be low maintenance (e.g., by using native vegetation, which requires none to very low maintenance).

Strategic plan

This initiative aligns with the following strategies:

- S1.1: Improve health and wellbeing;
- S1.2: Create employment;
- S1.3: Provide public facilities/amenities;
- S1.4: Support connected communities;
- S1.5: Build a resilient community and environmentally sustainable future; and
- S2.3: Support further development of a 'business & logistics hub'.

Social implications

- Positive impact on liveability

Development and works undertaken as a result of this initiative may encourage people to relax and walk, positively impacting their health and well-being.

- Positive impact on social cohesion

Development and works undertaken as a result of this initiative may facilitate social connection and contribute to fostering a sense of belonging and community.

Economic implications

- Positive impact on businesses and the economy

This initiative can help attract new businesses and help grow existing ones, which, in turn, may contribute to creating new jobs in the municipality.

- Positive impact on property values and tax revenue

A well-designed gateway may help increase the value of neighbouring properties and contribute to creating additional land tax and rates.

- Reduced public health care expenditure

By positively impacting the health and well-being of those who frequent the gateway, it may contribute to reducing public health care expenditure.

Environmental or climate change implications

- Environmental benefits

The proposed landscaping can help to absorb stormwater runoff, improve air quality, provide shade for animals and people, and reduce heat retention.

Other Issues

Nil

Assessment

The master plan and landscape framework aligns with the *Brighton Industrial Estate Brand & Place Strategy* and will provide an attractive gateway to the Brighton Industrial Hub with a range of benefits.

If Council endorse the project, consultation with businesses and the community will follow and a maintenance agreement with DSG will need to be negotiated.

Options

1. As per the recommendation.
2. Suggest amendments to the master plan and landscape framework for the Industrial Estate Gateway; or
3. Do not endorse the master plan and landscape framework for the Industrial Estate Gateway; or
4. Other

RECOMMENDATION:

It is recommended that:

- a) Council endorse the master plan and landscape framework for the Industrial Estate Gateway for public consultation.
- b) The master plan and landscape framework for the Industrial Estate Gateway only come back to Council if multiple objections and/or significant amendments are required following consultation.

DECISION:

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

CARRIED

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

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

14.3 Landscaping Policy

Author: Graduate Planning Officer (K Min)

Authorised: Manager Development Services (D Allingham)

Background:

Since April 2021, Brighton Council transitioned to Tasmanian Planning Scheme – Brighton (TPS), which no longer consisted of the landscaping requirements for the parking areas (Clause E6.7.8). As a result, less development and subdivision applications are providing landscaping.

Landscaping is one of the fundamental planning requirements to build and maintain liveable and sustainable municipalities. Landscape is where the most abundant human-nature interactions occur and where ecosystems provide valuable services to people. These ecosystem services include water management, stormwater control, flood protection, urban cooling, air quality, and aesthetic, physiological and psychological benefits.

Through the Policy, Council can better achieve sustainable urban growth by powering the Planning Scheme to improve the standards of new developments while striving to protect and enhance the existing environment and neighbourhood character.

The Policy requires developers to submit a landscaping plan where:

- a) Development application includes parking and circulation areas accommodating five (5) or more cars, including change of use applications; and
- b) Subdivision applications have new roads.

Consultation:

General Manager, Manager Development Services, Manager Asset Services, Climate Resilience Officer

Risk Implications:

The landscaping requirements set out in the Policy could be appealed by a developer and there is uncertainty about whether the Policy would hold up. However, the Policy has a head of power under the planning scheme.

There is a risk that not having a Landscaping Policy will likely result in urban environments that have poor amenity, face greater risk of flooding and urban heat island effects.

Financial Implications:

There are no direct financial implications for Council.

Strategic Plan:

The Policy aligns with the following Brighton Council Vision and strategies:

Brighton Council 2050 Vision	<p><u>A proud community</u></p> <ul style="list-style-type: none"> - Inspiring pride in where we live and who we are <p><u>A comfortable home</u></p> <ul style="list-style-type: none"> - Ensuring safe, clean, and tidy neighbourhoods - Boosting community health and wellbeing - Creating opportunities for residents to play a role in shaping Brighton. - Ensuring an abundance of trees and open spaces in the urban areas <p><u>A caring Council</u></p> <ul style="list-style-type: none"> - Remaining innovative and progressive - Managing efficient and cost-effective regulation, design and planning for growth, affordability, and amenity <p><u>A sustainable environment</u></p> <ul style="list-style-type: none"> - Embedding climate change awareness into decision making - Nurturing natural places for people and wildlife
Brighton Council Strategic Plan 2019-2029	<p>S1.1: Understand/Improve Health & Wellbeing</p> <p>S1.5: Build a Resilient Community and Environmentally Sustainable Future</p> <p>S2.1: A focus on Agriculture /Horticulture/ Aquaculture – (Food)</p> <p>S4.2: Be well-governed</p> <p>S4.4: Long-term thinking & evidence-based</p>
Greening Brighton Strategy 2016-2021	<ul style="list-style-type: none"> - To encourage private developers to improve landscaping practices

	<ul style="list-style-type: none"> - Increase the tree canopy across Brighton's urban areas through strategic tree planting - To provide a consistent and co-ordinated approach to street tree planting - To encourage the local community to embrace the greening of Brighton's urban areas
Climate Change & Resilience Strategy 2019	<ul style="list-style-type: none"> - Improve climate change capacity within Council - Work with the community and local business to tackle climate change issues and increase resilience - Pursue innovative Council leadership practices that address climate change risks and opportunities - Improve hazard and emergency management to minimise climate change risk - Improve ecological resilience to climate change

Social Implications:

Having suitable landscaping improves community health and well-being outcomes by fostering increased physical and social activity and community bonding.

Economic Implications:

The Policy encompasses a broader range of zones to provide for increased proximity to nature and green space, which in turn will contribute to increased property values, tourism revenues, improved air quality, reduced infrastructure costs, reduced health care costs, and reduced energy consumption.

Other Issues:

Nil

Options:

1. As per the recommendation
2. Do not endorse the Landscaping Policy
3. Other

RECOMMENDATION:

That the Landscaping Policy be endorsed.

DECISION:

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

CARRIED

VOTING RECORD

In favour**Against**

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

14.4 Request to purchase Council easement - 2-4 Cobbs Hill Road, Brigewater

Author: Acting Corporate Services Manager (G Browne)

Background

Council recently received a request from PDA Surveyors, Engineers & Planners on behalf of their client Mr & Mrs Cowen of 6 Cobbs Hill Road Brigewater who wish to purchase a 3.6m wide benefitting Right of Way and Service Easement on Council owned property at 2-4 Cobbs Hill Road, Brigewater.

The Cowen's would like to purchase a Right of Way and Service Easement (refer Figure 1) to facilitate a future development (subdivision) of their land and for the provision of services to the development.

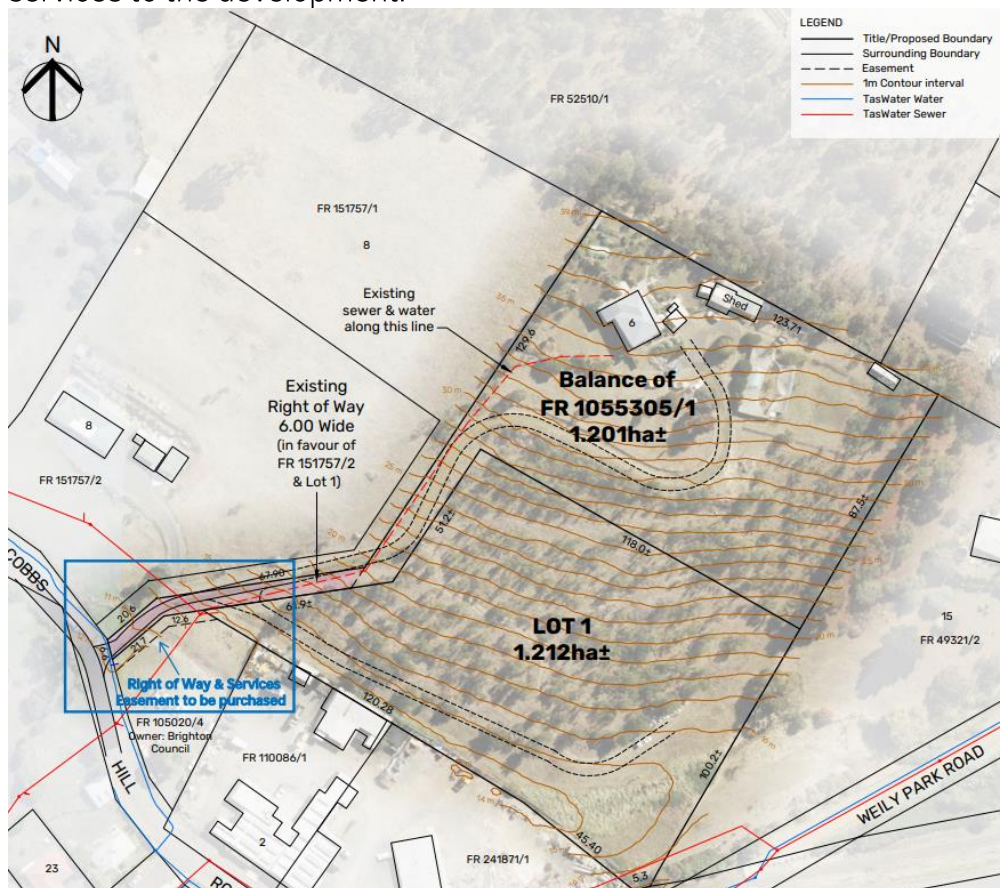


Figure 1: Proposed subdivision plan, and easement**Consultation**

Development Manager, Senior Planner, Executive Officer

Risk Implications

Nil

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, independent valuation, and any solicitors' costs for the transfer and contract of sale.

Strategic Plan

Relates to Goal 1: Strengthen our Communities.

Social Implications

Nil

Environmental or Climate Change Implications

Nil

Economic Implications

Nil

Other Issues

Council's Senior Technical Officer is of the understanding that TasWater may not allow the Cowens to construct the water connection in the easement, as the land containing the services is not owned by the Cowens. It may be that rather than purchasing an easement, the Cowens should acquire a strip of land adjacent to their existing access for this purpose.

Assessment

The Cowens own the land contained in Certificate of Title Volume 105305 Folio 1, being 6 Cobbs Hill Road, Bridgewater. That lot has an area of 2.413ha. The site adjoins council owned land at 2-4 Cobbs Hill Road, Bridgewater.

The land at 6 Cobbs Hill Road is zoned Rural Living Area A and is subject to the Rural Urban Interface Specific Area Plan which means that the minimum lot size required for subdivision is 0.5ha, of the Tasmanian Planning Scheme – Brighton. The land at 2-4 Cobbs Hill Road is zoned General Industrial, however the conflicting zones are considered by the Planning Scheme, and do not propose any issues. The land relating to this request is level and dissected by a stormwater drain.

Selling the land will help facilitate subdivision, which will be required to address the provisions of the Planning Scheme in relation to zone and code standards. As there may be an issue with the assessment by TasWater it should also be recommended that the 4m wide strip be sold to the Cowens should the connection not be allowed in the easement.

Options

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

RECOMMENDATION:

That Council sell the 3.6m wide portion of land at market value for the purposes of a Right of Way and Services Easement for the land at 2-4 Cobbs Hill Road, Bridgewater. Should Taswater not approve a connection in the required easement the land be subdivided off 2-4 Cobbs Hill Road, Bridgewater and sold to the Cowens at market value.

Both these options would require the Cowens to pay all costs.

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 Gray
Cr Jeffries
Cr Murtagh
Cr Owen
Cr Whelan

15. Questions on Notice

There were no Questions on Notice for the August meeting.

The meeting closed 6.30pm.

Confirmed:

(Mayor)

Date:

20 September 2022