



**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,
15 NOVEMBER 2022**

PRESENT: Cr Gray (Mayor); Cr Curran (Deputy Mayor); Cr De La Torre; Cr Geard; Cr Irons; Cr McMaster; Cr Murtagh; Cr Owen and Cr Whelan

IN ATTENDANCE: Mr J Dryburgh (General Manager); Mr G Davoren (Deputy General Manager); Mr C Pearce-Rasmussen (Manager Asset Services); Ms J Banks (Governance Manager) and Mr D Allingham (Manager Development Services).

A. Council Elections October 2022 - Election of Councillors & Motion acknowledging receipt of all Declarations of Office made

Author: James Dryburgh (General Manager)

Background

The General Manager presented the Certificate of Election dated 31st October 2022, which revealed that the following Councillors had been duly elected for a period of four (4) years:

- Leigh Gray
- Barbara Curran
- Phil Owen
- Greg Irons
- Tennille Murtagh

- Aaron De La Torre
- Peter Geard
- Michael Whelan
- John McMaster

The Certificate also revealed that Leigh Gray has been elected as Mayor and Barbara Curran has been elected as Deputy Mayor, also for a period of four (4) years.

The General Manager reported that all Councillors were required to complete their Declaration of Office, before being able to participate at the meeting. The Declaration of Office was made on the 8th November 2022, by all Councillors at their Induction.

RECOMMENDATION:

That the Council formally acknowledge the receipt of all Declarations of Office made.

DECISION:

Cr Owen moved, Cr De La Torre seconded that the report be received.

CARRIED

VOTING RECORD

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

1. Acknowledgement of Country

Brighton Council acknowledges the palawa/pakana (Tasmanian Aboriginal) community as the traditional and original owners of the skies, land and water of lutruwita (Tasmania) and forward our respect to their elders both past and present.

Brighton Council acknowledges the continued connection the Tasmanian Aboriginal people still have to the skies, land and water of lutruwita that provides them with the food, medicine and craft celebrated through ceremony today.

2. Confirmation of Minutes

2.1 Confirmation of minutes of the Ordinary Council meeting of 18 October 2022

Cr Geard moved, Cr Curran seconded that the Minutes of the Ordinary Council meeting of 18 October 2022 be confirmed.

CARRIED

VOTING RECORD

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

3. Apologies and Applications for Leave of Absence

All members were present.

4. Declaration of Interest

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

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

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

Cr De La Torre declared an interest in Item 16.1

5. Public Question Time and Deputations

- Ellen Witte made a presentation about the Coastal Hazards Project to Council.
- Cr De La Torre, Cr Irons and Cr Gray thanked family and residents for their support in the recent election.

6. Transfer of Agenda Items

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

7. Petitions

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

8. Reports from Council

8.1 Mayor's Communications

The Mayor's communication were as follows:

- 19/10 Bridgewater Bridge Masterplan Workshop – Civic Centre.
- 05/11 Officially opened the Brighton Agricultural Show.
- 05/11 Tea Tree Hall Redevelopment Official Opening. Cr Geard / Cr Irons / Cr Owen in attendance.
- 07/11 Tree planting session - East Derwent Primary School.
- 08/11 Councillor Induction and Swearing in of New Council.
- 09/11 Attended reception at Government House – Smith Family 100 Year Celebration.
- 15/11 Council workshop – LGAT CEO and Director of Local Government.
- 15/11 Workshop – Landfill Management.
- 15/11 Ordinary Council meeting for November.

DECISION:

Cr De La Torre moved, Cr Geard seconded that the report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	

Cr Murtagh
Cr Owen
Cr Whelan

8.2 Reports from Council Representatives

- Cr Geard and the Manager Asset Services attended the regional sports pavilion overarching committee meeting on 14th November 2022.

Cr De La Torre moved, Cr Owen seconded that the report be received.

CARRIED

VOTING RECORD

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

8.3 Miscellaneous Correspondence

- Brighton Council letter of support dated 2nd November 2022 regarding proposal submitted by Landcare.

9. Notification of Council Workshops

In accordance with the requirements of Section 8(2)(c) of the Local Government (Meeting Procedures) Regulations 2015.

The following Workshops were held since the last Ordinary Meeting of Council.

- 8th November 2022 at 4.30 pm to induct new Councillors.

Cr Gray, Cr Curran, Cr De La Torre, Cr Geard, Cr Irons, Cr McMaster, Cr Murtagh, Cr Owen and Cr Whelan were in attendance.

- 15th November 2022 at 3.30pm with the Director of Local Government, Mr M Healey and CEO of Local Government Association of Tasmania, Mr D Lester.

Cr Gray, Cr Curran, Cr De La Torre, Cr Irons, Cr McMaster, Cr Murtagh, Cr Owen and Cr Whelan were in attendance.

- 15th November 2022 at 5.10pm on landfill guidelines.

Cr Gray, Cr Curran, Cr De La Torre, Cr Irons, Cr McMaster, Cr Murtagh, Cr Owen and Cr Whelan were in attendance.

10. Notices of Motion

10.1 Improved Mobile Coverage - Tea Tree area

Cr A De La Torre had submitted the following notice of motion.

The federal Labor government recently announced funding of \$400 million to “expand mobile coverage and improve the resilience of communications systems”. This motion calls on Council officers to lobby the appropriate Ministers and MPs to see improved mobile coverage throughout the Tea Tree region.

Anyone who has even travelled through Tea Tree would have noticed the lack of reliable mobile coverage throughout the region. The area has such patchy reception that even those staying on main roads cannot maintain consistent reception and those living or working in the area have long dealt with the inadequacy of mobile coverage at their home or place of business.

None of the three major mobile carriers (Telstra, Optus and TPG Telecom) provide full coverage over the area of Tea Tree, and with elderly residents, or those with health concerns, living in a rural setting with few neighbours nearby, mobile coverage becomes increasingly important from a public health point of view.

Cr De La Torre moves that:

Council urgently advocate for improved mobile coverage across the Tea Tree area, through the identification of relevant funding opportunities and criteria, lobbying the appropriate federal government ministers, and making representations to the three major telcos for improvements to their networks.

General Managers comments:

This motion aligns well with Council’s Vision and strategies and can be undertaken with existing resources.

DECISION:

Cr De La Torre moved, Cr Owen seconded that Council urgently advocate for improved mobile coverage across the Tea Tree and Pontville areas, through the identification of relevant funding opportunities and criteria, lobbying the appropriate federal government ministers, and making representations to the three major telcos for improvements to their networks.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Geard
Cr Gray
Cr Irons

Cr McMaster
 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:

Cr Owen moved, Cr Curran seconded that supplementary items Item 14.8 Appointment of representatives for Southern Tasmanian Regional Waste Authority (STRWA) be discussed.

CARRIED

VOTING RECORD

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

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

12. Reports from Committees

There were no Committee meetings held during November.

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 2022/00200 for Outbuilding at 28 Fouche Avenue, Old Beach

Author: Brian White (Senior Strategic Planner)

Authorised: David Allingham (Manager Development Services)

Applicant:	P & J Sheds Pty Ltd
Subject Site:	28 Fouche Avenue, Old Beach
Proposal:	Outbuilding
Planning Scheme:	<i>Tasmanian Planning Scheme – Brighton</i> (the planning scheme)
Zoning:	8.0 General Residential
Codes:	C2.0 Parking and Sustainable Transport Code
Local Provisions:	Nil
Use Class:	Residential (No Permit Required)
Discretions:	8.4.2 Setbacks and building envelopes for all dwellings (P3)
Representations:	One representation was received. The representor raised the following concerns: <ul style="list-style-type: none"> • Visual impacts of the outbuilding and loss of views • Property values
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the planning authority to determine development application DA 2022 / 00200 for the development of an 48m² outbuilding at 28 Fouche Avenue, Old Beach.

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. PROPOSAL

Planning approval is sought for the development of a 49m2 prefab outbuilding at 28 Fouche Avenue, Old Beach (the proposal). The outbuilding is to be used as part of the existing residential use on the site.

The outbuilding is to have a maximum height of 3.6m above natural ground level. It has a length of 8m, and a width of between 5.5m and 7.5m. The outbuilding is to be in the northwest corner of the site and is to be 500mm from the western side boundary and between 1m and 1.6m from the rear boundary.

The outbuilding is to be clad in Colorbond with one roller door and two doorways facing the frontage. No new driveway or access from Fouche Avenue is proposed.

The proposed shed is illustrated in the Figures 1 and 2 below. The application drawings are provided as Attachment 1.

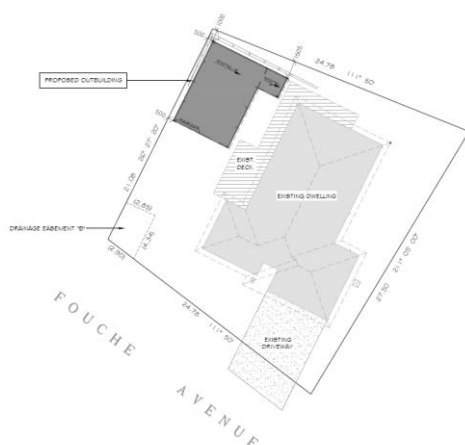


Figure 1 Site Plan (P & J Sheds)

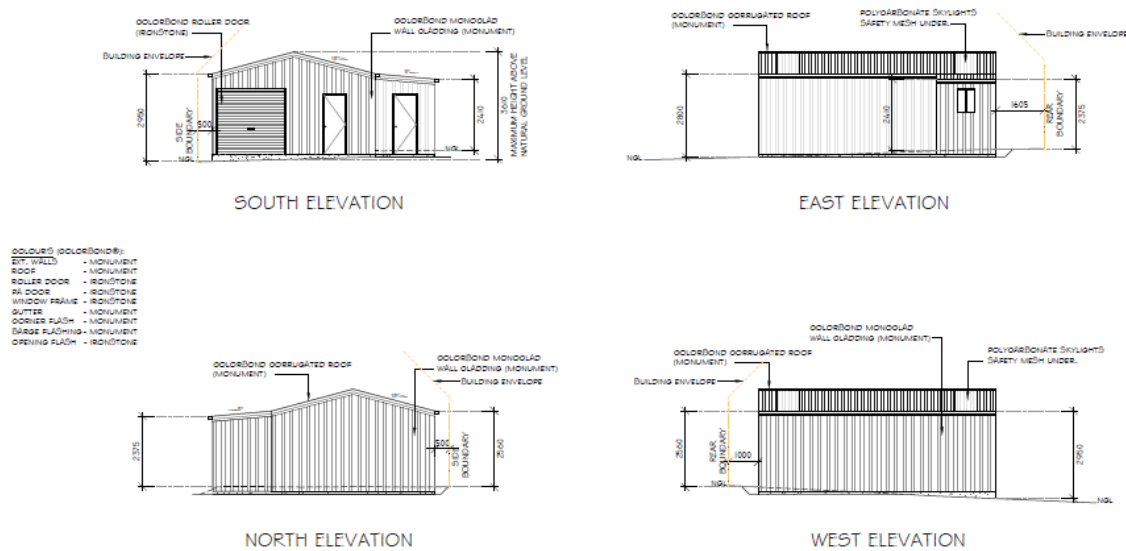


Figure 2 Elevation Drawings (P and J Sheds)

2. SITE AND SURROUNDS

The site is square shaped with an area of 573m². It has frontage and access to Fouche Avenue and is currently developed with a single dwelling. The site is connected to reticulated sewer and stormwater services and is relatively flat.

There is an internal lot located behind the site at 30 Fouche which contains a single dwelling. Behind that there is another internal lot at 30A Fouche also containing a single dwelling.

The site and surrounding area are zoned General Residential. The nearby uses are residential with lots developed with mostly detached, single dwellings. The East Derwent Highway is located approximately 125m to the north of the site.

The site's location and zoning context are shown below as figures 1 and 2.



Figure 3 Location Plan (The List)

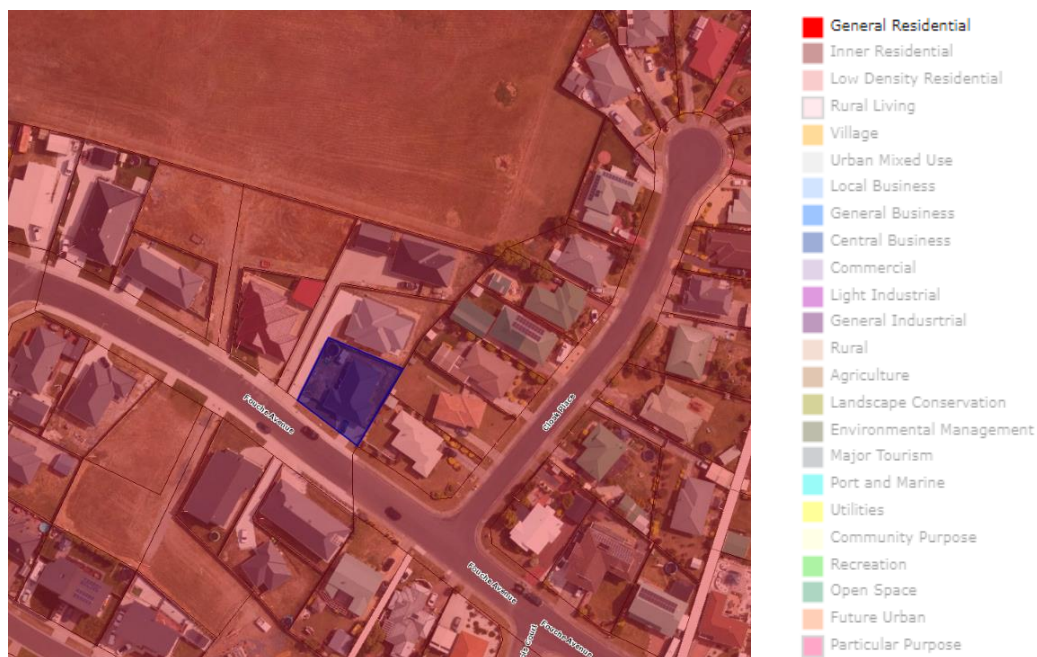


Figure 4 Zoning Context (TheList)

3. 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 assigned to the outbuilding is Residential (No Permit Required) as it is part of the existing residential use on site.

Compliance with General Residential Zone Standards

The proposal meets the Acceptable Solutions of all relevant development standards In the General Residential zone except for Clause 8.4.2 Setbacks and building envelope for all dwellings.

An assessment of the Standard is provided below.

Clause 8.4.2 Setbacks and building envelope for all dwellings.

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 Solutions
<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> <ul style="list-style-type: none"> 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 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>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <ul style="list-style-type: none"> i. does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or ii. does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).
Comment
<p>The proposal does not comply with A3 (b)(ii).</p> <p>The submitted drawings indicate the outbuilding is contained within the building envelope required by (a) and Figure 8.1.</p> <p>However, the outbuilding doesn't comply with (b)(ii) as the outbuilding has a setback of 500mm from the western side boundary and a wall length of 8m which is less than a third of the total length of that boundary which is 21m.</p>

Therefore, the proposal relies on the performance criteria to satisfy the standard due to the western side setback.
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>
Performance Criteria
<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> <ol style="list-style-type: none"> 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; and iv. visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; <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> <ol style="list-style-type: none"> i. an adjoining property; or ii. another dwelling on the same site.
<p>Comment</p> <p>The siting and scale of the outbuilding is assessed as being highly unlikely of causing an unreasonable loss of residential amenity to the adjoining properties to the north and west based on the following:</p> <ul style="list-style-type: none"> The outbuilding is orientated to the southwest of the adjoining dwelling at 30 Fouche and the land to the west is developed with driveways (a)(i).

- The open space of the dwelling at 30 Fouche is primarily located at the rear of the dwelling which is a significant distance from the proposed outbuilding. There is no private open space on adjoining lots to the west (a)(ii).
- There are no adjoining vacant properties (a)(iii).
- The visual impacts of the outbuilding from the adjoining lots to the west will be from two driveways rather than from a dwelling or private opens space (a)(iv).
- The outbuilding has a setback of between 1m and 1.6m from the rear boundary/ boundary of the internal lot at 30 Fouche. The existing dwelling on that lot has a setback of approximately 3m from the rear boundary of the subject site meaning there is a buffer of approximately 4m – 4.6m from the dwelling and the outbuilding. The outbuilding has a maximum height of approximately 3.6m at its peak which reduces to approximately 2.6m due to the gable roof which is shown below (a)(iv).

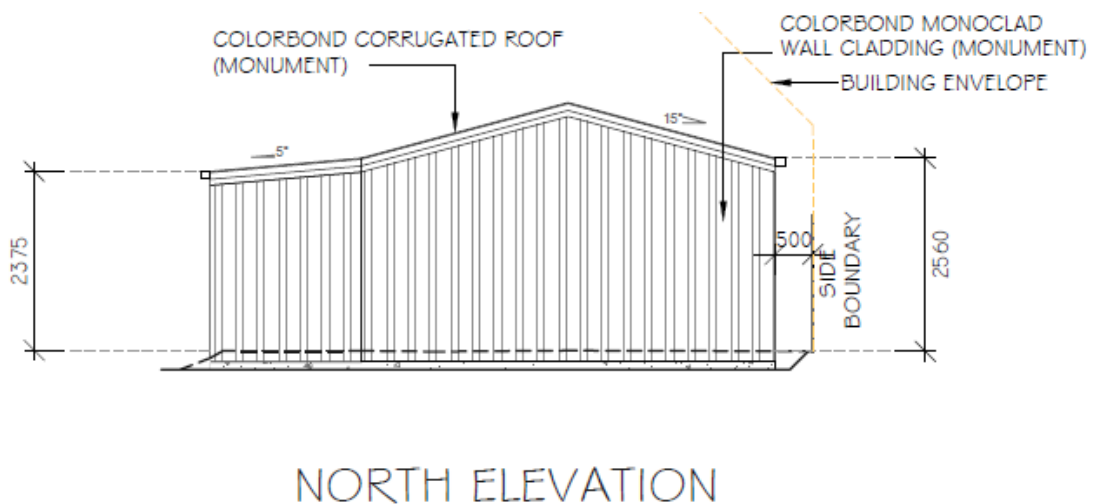


Figure 5 Northern Elevation (P&J)

- The existing fence between the subject site and 30 Fouche will soften the visual impacts of the outbuilding. This was raised in the applicant's submission addressing the performance criteria: "visual impacts will be minimal with the majority of the outbuilding screened by the existing paling fence when viewer (sic) from the adjoining properties."
- The site coverage of the outbuilding plus the dwelling are well below 50%, so the scale of the outbuilding and the overall development of the site is considered reasonable.
- The existing dwelling on the property at 30 Fouche has a setback of approximately 3m which is less than that required by Clause 8.4.2 A3 (a)(i) and Figure 8.3 for an internal lot – refer Figure 6. Therefore, the location of the existing dwelling on 30 Fouche must be considered in determining the visual impacts of the outbuilding when viewed from that lot (b)(iv).

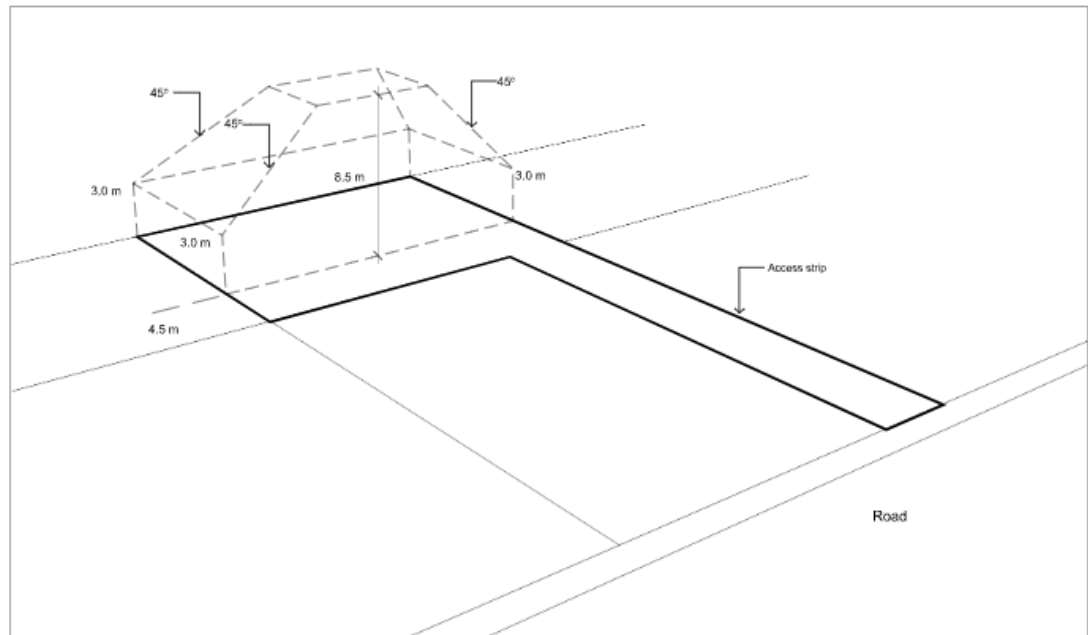


Figure 8.3 Building envelope for internal lots as required by clause 8.4.2 A3(a) and clause 8.5.1 A2(a)

Figure 6 Northern Elevation (P&J)

- Finally, whilst the acceptable solution been previously determined by the Resource Management and Planning Appeal Tribunal (now known as Tasmanian Civil and Administrative Tribunal) in *Henry Design and Consulting v Clarence City Council & Ors* [2017] TASRMPAT 11 as having no impact or assistance in assessing a corresponding performance criterion, the Tribunal did note in *N Mamic v Hobart City Council* [2018] TASRMPAT 5 that the assessment of a performance criteria does not exist in a 'vacuum'. They said that:

That, of course, does not mean that the performance criteria should be assessed in a vacuum and the fact that development may be permitted within the requirements of a zone or code may be relevant to assessments of reasonableness and amenity

In the case of this application, the outbuilding met all requirements of the acceptable solution relating to the rear boundary in terms of the building envelope and wall length. The discretion was only triggered due to the length of the outbuilding along the side boundary which abuts a driveway of an internal lot. Therefore, the visual impacts of the outbuilding from the rear property would almost be identical for an as of right development versus the current proposal which is considered relevant as per the decision of the Tribunal in *N Mamic v Hobart City Council* [2018] TASRMPAT 5.

The proposal is therefore assessed as meeting P3 (a).

There are ample examples of buildings on lots nearby that are built within 1m of side or rear boundary setbacks which can be seen at 32 Fouche, 2 Cloak Place and 3 Cloak Place. Therefore, the siting and scale of the outbuilding provides separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area, so meets P3 (b).

The adjoining property to the west is developed with a driveway. The outbuilding is orientated to the southwest of the dwelling at 30 Fouche so overshadowing is highly unlikely. Therefore, the proposal meets P3 (c).

The proposal is assessed as satisfying P3.

3. REFERRALS

Council's Development Engineer

Council's Development Engineer has reviewed the application and provided mostly standard condition relating to stormwater, access and impacts on other public infrastructure.

4. REPRESENTATIONS

One representation was received during the statutory public exhibition period between 28 September and 12 October 2022.

The issues raised are summarised in the following table.

Representors' concerns	Planning Response
Concerns with visual impacts of the dwelling.	<p>The representation is relevant in exercising a discretion under Clause 8.4.2 (P3).</p> <p>The siting and scale of the outbuilding on the property is considered reasonable when viewed from the rear property and is unlikely to result in an unreasonable loss of residential amenity. This is due to the outbuilding being setback between 1m and 1.6m from the rear boundary with a wall length of 7.5m and a maximum height of approximately 3.6m Furthermore, the dwelling at 30 Fouche is setback less than what is required for dwellings on internal lots.</p>

	The images provided by the representor suggest that looking south towards the river would be affected by the development. However, given the modest height and scale of the outbuilding the impact is not considered unreasonable.
Impacts on views of the river	<p>Unlike planning instruments in other states such as NSW, the General Residential Zone of the Tasmanian Planning Scheme does not explicitly refer to the impacts of development on the loss of significant views or outlook of adjoining residents or concepts of 'view sharing' or 'view sheds.'</p> <p>Nonetheless, regarding visual impacts, it is considered that the siting and scale of the outbuilding will not cause an unreasonable loss of amenity to the adjoining lot to the rear given a significant extent of the outbuilding will be just above the fence line when viewed from the lot.</p>
Property values loss	This is not a relevant matter to consider in determining a permit application pursuant to section 51 (2) of LUPAA.

5. 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 Development Application DA 2022 / 00200 for an Outbuilding at 28 Fouche Avenue, Old Beach for the reasons outlined in the officer's report, and that a planning 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.

- (2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.
- (3) The outbuilding is to be used for domestic storage only. It is not to be used for commercial, industrial, or habitable purposes.

Services

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

Parking and Access

- (5) The existing driveway crossover and apron within the road reservation is not to be altered, extended, or added to in any way

Access to Public Road

- (6) 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

- (7) Stormwater drainage from the proposed development must drain to a legal point of discharge to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2016*.

Soil and Water Management

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

Construction amenity

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

- a) Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
- b) Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.

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

- (11) The development must only be carried out between the following hours unless otherwise approved by the Council's 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.

- (12) 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.

- (13) 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.

- (14) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

- (15) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. Please contact your private building surveyor to ascertain what approvals (if any) are required under the *Building Act 2016*.

- B. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Cr Curran
Cr De La Torre
Cr Gray
Cr Irons
Cr McMaster
Cr Murtagh
Cr Owen
Cr Whelan

Against

Cr Geard

13.2 Development Application DA 2021/210 – Concrete Batching Plant at 1 Crooked Billet Drive, Bridgewater

Author: Jo Blackwell (Senior Planner)

Authorised: David Allingham (Manager Development Services)

Applicant:	Hazell Bros Concrete Pty Ltd
Subject Site:	1 Crooked Billet Drive, Bridgewater
Proposal:	Concrete Batching Plant
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	General Industrial
Codes:	<ul style="list-style-type: none"> • Signs • Road and Railway Assets Code • Parking and Sustainable Transport Code • Electricity Transmission Infrastructure Protection Code • Bushfire Prone Areas Code • Attenuation Code

Local Provisions:	<ul style="list-style-type: none"> Brighton Industrial Estate SAP Bridgewater Quarry SAP
Use Class:	Manufacturing and Processing
Discretions:	<ul style="list-style-type: none"> Building Height (cl 19.4.1.A1) Landscaping (cl 19.4.3 A1) Construction of Parking Areas (C2.6.1 A1) Pedestrian Access (C2.6.5 A1.1) Traffic generation (C3.5.1 A1.4) Bridgewater Quarry SAP (CI S4.7.1.A1)
Representations:	<p>1 representation was received. The representors raised the following issues:</p> <ul style="list-style-type: none"> Stormwater management (existing run-off causing erosion issues)
Recommendation:	Approval with conditions.

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2021/210.

The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

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

This report details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either:

- (1) adopt the recommendation, or
- (2) vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa).

Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

2. SITE ASSESSMENT

The site is the former Bridgewater Stockyards located at the southern end of Crooked Billet Drive. The land is contained in Certificate of Title Volume 158010 Folio 1 and has a total land area of 7.865ha. The proposal intends to utilise the northern portion of the site.

The site is zoned General Industrial and is affected by the following Codes:

- Electricity Transmission Infrastructure Protection
- Enwave Declared Gas Pipeline Planning Corridor
- Bushfire Prone Areas Code
- Attenuation Code
- Road and Railway Assets Code
- Parking and Sustainable Transport Code

In addition, two (2) Specific Area Plans (SAP) apply to the site, being the Bridgewater Quarry SAP and the Brighton Industrial Hub SAP.

The proposed development is to be sited outside of the mapped overlays for Electricity Transmission Infrastructure Protection and Enwave Declared Gas Pipeline Planning Corridor, and as such are not considered in this report.



Figure 1: Location Map – 1 Crooked Billet Drive, Bridgewater (Source: Listmap)



Figure 2: Zoning Map (Purple = General Industrial; Yellow = Utilities) (Source: Listmap)

3. BACKGROUND

Historically, the site was originally used for the Bridgewater Cattleyard until its closure in approximately 2014. The site more recently has had approvals for:

DA 2022/83 Vehicle Storage

DA 2022/157 Woodyard and associated motor repairs

The tenants associated with the woodyard permit have vacated the site, to allow the applicant to develop the site for the Concrete Batching Plant.

4. PROPOSAL

The proposal is for the construction of a Concrete Batching Plant at the site predominantly to cater for the upcoming Bridgewater Bridge works. The applicant's submission notes that the *“core activity and function of operations will be the production of high strength ready mixed concrete for the Bridgewater Bridge – Major Infrastructure Project, and the general concrete supply market in the local area.”*

It is envisaged that the proposed use will employ between 6-10 full-time staff. Facilities on site will include an office and amenities building, storage of aggregates and quarry products; agitator parking areas, agitator wash out bays and staff and employee parking areas.

The application is supported by the attached planning submission prepared by the Applicant together with plans, environmental impact statement, traffic impact assessment, batch plant specifications and water and stormwater management plan (See Attachment A).

PLANNING SCHEME ASSESSMENT

Compliance with Applicable Standards:

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

5.6.2 *A standard is an applicable standard if:*

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

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

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

Determining applications (clause 6.10.1):

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

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

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

Use Class

The Use Class is categorised as Manufacturing and Processing under the Scheme. In the General Industrial Zone the Manufacturing and Processing Use is a permitted use.

Compliance with Performance Criteria

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

Clause 19.4.1 A1/P1 Building Height

Objective:	
To provide for a building height that:	
(a) is necessary for the operation of the use; and	
(b) minimises adverse impacts on adjoining properties.	
Acceptable Solution	Performance Criteria
A1 Building height must be not more than 20m.	P1 Building height must be necessary for the operation of the use and not cause an unreasonable impact on adjoining properties, having regard to: (a) the bulk and form of the building; (b) separation from existing use on adjoining properties; and (c) any buffers created by natural or other features.

The proposal shows that two of three silos included in the development works provide for a maximum building height of 21.5m which does not satisfy the acceptable solution. Therefore assessment against the performance criteria is relied upon.

The proposed silos form part of the overall development. The plans indicate that the silos are to be located in the south-eastern corner of the development site. The silos will be located a significant distance from adjoining boundaries, with the minimum separation being 75m from the eastern boundary increasing to 190m to the southern boundary.

The site is buffered by existing industrial development on all sides. Further, the adjoining site at 13 Crooked Billet Drive features a two rows of electricity transmission towers. The development site is approximately 10m higher than natural ground level along Glenstone Road to the east. Therefore, even at a compliant height of 20m, the proposed silos will feature prominently in the landscape.

The balance of the proposed works are well within the acceptable solutions afforded by the Scheme, with a third silo located adjacent to the dry plant having a total height of 12m above natural ground level.

It is considered that an additional 1.5m in building height is not significant given the nature of the proposed use of the site, and which accords with the objective of the standard that the building height “is necessary for the operation of the use”.

Accordingly, the PC is satisfied.

Clause 19.4.3 A1/P1- Landscaping

Objective:	
That landscaping enhances the amenity and appearance of the streetscape where buildings are setback from the frontage.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>If a building is set back from a road, landscaping treatment must be provided along the frontage of the site:</p> <p>(a) to a depth of not less than 6m; or</p> <p>(b) not less than the frontage of an existing building if it is a lesser distance.</p>	<p>P1</p> <p>If a building is setback from a road, landscaping treatment must be provided along the frontage of the site, having regard to:</p> <p>(a) the width of the setback;</p> <p>(b) the width of the frontage;</p> <p>(c) the topography of the site;</p> <p>(d) existing vegetation on the site;</p> <p>(e) the location, type and growth of the proposed vegetation; and</p> <p>(f) any relevant local area objectives contained within the relevant Local Provisions Schedule.</p>

The proposal provides for landscaping to a depth of 1.5m, which does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The applicant has provided an amended plan (Attachment B) which shows landscaping to a depth of 6m, which will be planted with *Spyridium obcordatum* (Creeping Dusty Miller) and *Leptospermum scoparium*.

Accordingly, the amended proposal can satisfy the acceptable solution and it is recommended that a condition allowing for the substitution of the amended plan be included in the permit.

The PC is satisfied with conditions.

ClauseC2.6.1 A1/P1 Construction of Parking Areas

Objective:	
That parking areas are constructed to an appropriate standard.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>All parking, access ways, manoeuvring and circulation spaces must:</p> <p>(a) be constructed with a durable all weather pavement;</p> <p>(b) be drained to the public stormwater system, or contain stormwater on the site; and</p> <p>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</p>	<p>P1</p> <p>All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <p>(a) the nature of the use;</p> <p>(b) the topography of the land;</p> <p>(c) the drainage system available;</p> <p>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</p> <p>(e) the likelihood of generating dust; and</p> <p>(f) the nature of the proposed surfacing.</p>

The application proposes an unsealed permeable crushed rock pavement, which does not satisfy the acceptable solution. Accordingly, the performance criteria must be addressed.

The proposal was assessed by Council's senior technical officer who considers that given the nature of the use (industrial) and requirements for appropriate stormwater management that the parking areas must be sealed. A condition requiring appropriate construction of the parking, access ways, manoeuvring and circulation spaces is recommended.

The PC can be satisfied, with conditions.

Clause C2.6.5 A1.1 / P1 Pedestrian Access

Objective:	
That pedestrian access within parking areas is provided in a safe and convenient manner.	
Acceptable Solution	Performance Criteria
<p>A1.1</p> <p>Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:</p> <p>(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p>(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p> <p>A1.2</p> <p>In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<p>P1</p> <p>Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the nature of the use;</p> <p>(c) the number of parking spaces;</p> <p>(d) the frequency of vehicle movements;</p> <p>(e) the needs of persons with a disability;</p> <p>(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>

No pedestrian access is provided in the proposed development. Accordingly, the performance criteria must be addressed.

The submitted Traffic Impact Statement provides a submission against the performance criteria and recommends that W6-1A Pedestrian Warning signs be installed on the approaches to the car parking area.

Council's Senior Technical Officer has considered the submission raised in the TIS and considers that the proposal can satisfy the performance criteria through a condition requiring the installation of the abovementioned signage.

Clause C3.5.1 A1.4 /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
<p>A1.1</p> <p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. <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>P1</p> <p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> (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.

<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>	
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The Traffic Impact Statement identifies that the traffic generation from the proposed development will exceed the amounts allowed under Table C3.1 of the Road and Railway Assets Code and therefore does not satisfy the acceptable solution for clause A1.4. Accordingly the performance criteria must be addressed.

The applicant states that the traffic generation will be 43 vehicle movements per day (vmpd) which exceeds the acceptable solution by 3 vmpd. This however does not take into account the reduction in traffic by the cessation of previous use. Council's senior technical officer has assessed the TIS and considers that the proposal adequately addresses the PC.

As Crooked Billet Drive is accessed via a State owned road (Glenstone Road), the proposal was referred to the Department of State Growth. That department advised that it had no issues with the proposal.

The PC is satisfied.

Clause S4.7.1 A1/P1 Bridgewater Quarry SAP

Objective:
That development is compatible with the operations of the Bridgewater Quarry.

Acceptable Solution	Performance Criteria
<p>A1</p> <p>No Acceptable Solution</p>	<p>P1</p> <p>Buildings and works must not result in potential to interfere or conflict with quarry operations having regard to:</p> <p>(a) the nature of the quarry; including:</p> <p>(i) operational characteristics;</p> <p>(ii) scale and intensity;</p> <p>(iii) degree of hazard or pollution that may be emitted from the activity;</p> <p>(b) the degree of encroachment of development or use into the Bridgewater Quarry Attenuation Area; and</p> <p>(c) measures in the design, layout and construction of the development to eliminated, mitigate or manage effects of the quarry; and</p> <p>(d) any advice from the Bridgewater Quarry operator.</p>

There is no acceptable solution for this standard. Accordingly, the performance criteria must be addressed.

The proposal is for a concrete batching plant which falls under the permitted use class of Manufacturing and Processing in the General Industrial zone. The site is located 250m inside the western edge of the overlay, and approximately 900m from the quarry. An environmental impact statement (EIS) was submitted with the proposal, which addresses environmental impacts that may arise from the site. However, it is likely a comprehensive Environmental Management Plan pursuant to the provisions of the Environmental Management and Pollution Control Act (EMPCA) will be required, should a permit be approved.

Further, the applicant's Water and Stormwater Management Notes that the development will need to confirm to the industry guideline: "*Environmental Management Guideline for Concrete Batch Plants*" (CCAA, October 2019).

The application was referred to Boral for comment, who have not provided a response.

The PC can be satisfied.

5. REFERRALS

Senior Technical Officer

The application was referred to Council's senior technical officer. That officer notes that a Traffic Impact Statement and a Water and Stormwater Management Plan was provided as part of the application.

The property at 1 Crooked Billet Drive has an existing legal point of discharge to the public stormwater system. Stormwater from the only new impervious area is proposed to be reused and where reuse is exceeded drain to the existing stormwater connection. The recommended conditions require runoff entering the minor (piped) system for a 2% AEP (1 in 50 Year) rainfall event to be managed so there is no increase in peak flows over pre-development. It is considered that conditions can be included in any permit, sufficient to ensure the proposed development has a no worsening effect of downstream properties.

Accordingly, based on the information provided in the submitted reports, Council's Senior Technical Officer considers that the proposal can be supported, with conditions relating to both parking and access and stormwater management recommended for inclusion in any permit.

TasWater

The application was referred to TasWater, who have issued a Submission to Planning Authority Notice reference number TWDA 2022/01509-BTN dated 21st September 2022, which is to be annexed to any permit issued.

Department of State Growth

The application was referred to the Department of State Growth for comment. That authority does not have any concerns with the proposal.

TasRail

The application was referred to TasRail for comment. TasRail have requested that a condition be included on any permit that:

- No stormwater or any other discharge is permitted to enter State Rail Network land or any TasRail drain or drainage infrastructure

TasRail has also requested that a copy of the standard notes in relation to operation of the TasRail network also be attached to any permit approved.

Tasmanian Gas Pipeline

The application was referred to Tasmanian Gas Pipeline. That agency has responded, stating that it has reviewed the application and has no objection to the application. However, they have advised that “any activity within the pipeline easement or over the pipeline requires contact through Before You Dig Australia (formerly Dial Before You Dig 1100). This will be included as advice on any permit approved.

TasNetworks

The application was referred to TasNetworks. That agency has advised that they have received a Connected Application from the developer and have been in discussion regarding the requirements. TasNetworks further advises that any impacts to existing infrastructure and the requirements to appropriately supply the development will be discussed with the developer during the assessment phase of the application.

Boral

The application was referred to Boral for comment. However, no comment was received.

6. REPRESENTATIONS

One (1) representation was received during the statutory public exhibition period between 22nd October 2022 and 7th November 2022

The concerns of the representor are summarised below:

Representor's concerns	Planning Response
Concerns that drainage and erosion issues which currently affect properties to the east may be exacerbated by the development.	The concerns raised by the representor are understandable.
Concerns about the impact of the functions of the application which relate to water and run off and the effect on owners' properties	There is an existing open drain through the representor's property. Flows in the drain are causing scouring and undermining the boundary fence.
Would like assurances that the issues associated with run-off will be investigated and rectified prior to the approval of the planning permit.	<p>Whilst the proposed development has potential to worsen the impact, the issues are existing.</p> <p>Council has given the representor an undertaking to investigate the stormwater issues on their property and propose a solution.</p> <p>With regard to the proposed development, the property at 1 Crooked Billet Drive has an existing legal point of discharge to the public stormwater system. Stormwater from the only new impervious area is proposed to be reused and where reuse is exceeded drain to the existing stormwater</p>

	<p>connection. The recommended conditions require runoff entering the minor (piped) system for a 2% AEP (1 in 50 Year) rainfall event to be managed so there is no increase in peak flows over pre development.</p> <p>The representors properties are located on the lower side of the rail line and any flow through or onto their property appears to be governed by the size of the pipe under the rail. As such any impact from an extreme rainfall event exceeding the capacity of the piped system (ie greater than a 5% AEP) is likely to be mitigated by the height of the rail controlling overland flow paths.</p> <p>It is considered that the recommended conditions are sufficient to ensure the proposed development has a no worsening effect of downstream properties.</p> <p>Council officers will continue investigations and liaise with the representor to resolve the existing stormwater issues.</p>
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7. CONCLUSION

The proposal for Manufacturing and Processing (Concrete Batching Plant) at 1 Crooked Billet Drive, Bridgewater, 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 2022/210 for Manufacturing and Processing (Concrete Batching Plant) at 1 Crooked Billet Drive, Bridgewater, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions

of this permit and must not be altered or extended without the further written approval of Council.

- (2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.

Amenity

- (3) 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

- (4) The landscaping plan at page 114 of the advertised documents showing a landscaping area 1.5m deep be replaced with Landscaping Plan showing a landscaping area 6m deep, attached hereto and marked "A".
- (5) 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.
- (6) 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.

Signage

- (7) One sign 3.6m wide x 1.2m is approved by this permit. The sign must comprise the Hazell Bros colour scheme of red and white and show the words "Hazell Brothers Bridgewater Concrete Batch Plant".

Parking and Access

- (8) Prior to the use commencing, at least twelve (12) car parking spaces, including at least two (2) accessible parking spaces must be provided on the site at all times for the use of the development.
- (9) Prior to the use commencing at least two (2) bicycle parking spaces must be provided on the site at all times for the use of the development.
- (10) Prior to the use commencing, unless approved otherwise by Council's Municipal Engineer, 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) Constructed with a durable all weather pavement;
 - b) Drained to the public stormwater system;

- c) All parking, access ways, manoeuvring and circulation spaces must be surfaced by concrete, or equivalent material;
 - d) Have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - e) Provide for all vehicles to enter and exit the site in a forward direction;
 - f) Have car parking space dimensions 3m wide and 5.4m long
 - g) Have a combined access and manoeuvring width adjacent to parking spaces not less than 5.2m;
 - h) Be delineated by line marking or other clear physical means;
- (11) Prior to the use commencing, pedestrian warning signs must be installed on the approaches to the car parking area in accordance with the endorsed Traffic Impact Statement.
- (12) Prior to commencement of works, or application for building or plumbing permits, whichever occurs first, 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 or parking delineation,
 - g) signage
- (13) The parking plan is to be certified by an engineer and shall form part of the permit once accepted.
- (14) Prior to the use commencing, 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.

Access to Public Road

Advice:

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

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 development. Any work required is to be specified or undertaken by the authority concerned.
- (16) Prior to the use commencing, 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

Stormwater

- (17) Prior to the use commencing, 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.
- (18) The development must not discharge, or cause or permit to be discharged, anything other than stormwater into the public stormwater system.
- (19) Prior to commencement of works, or lodgment of applications for building and plumbing permits, whichever occurs first, 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 2% AEP event are limited to pre-existing or any increase can be accommodated within existing or upgraded public stormwater infrastructure;

Advice:

There are known capacity issues with the public stormwater system downstream of the development.

- b) Stormwater from the proposed development must be treated prior to entering the public stormwater system to:
 - i. Achieve the quality targets in accordance with the State Stormwater Strategy 2010.
 - ii. Achieve an Acidity – Alkalinity (ph) level between 6.5 to 8.5.
 - iii. Achieve a maximum Total Suspended Solids measurement of 50 mg/L.
 - iv. Ensure runoff entering the public stormwater system is visually free of any hydrocarbons.
- c) Water Sensitive Urban Design Principles will be in accordance with the *Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania*, and to the satisfaction of the Council's Municipal Engineer. The development must incorporate overland flow paths through the site to accommodate a 1% AEP (plus climate change) rainfall event.

- (20) The development must incorporate overland flow paths through the site to accommodate a 1% AEP (plus climate change) rainfall event.
- (21) 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.
- (22) 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.
- (23) Prior to the commencement of works, or lodgment of building or plumbing applications, whichever occurs first, the developer must submit an updated Stormwater Management Report to Council's Municipal Engineer. The Stormwater Management Report must be prepared and certified by a suitably qualified person, in accordance with section 2.6.2 of DEP & LGAT (2021). Tasmanian Stormwater Policy Guidance and Standards for Development. Derwent Estuary Program and Local Government Association of Tasmania (Hobart, Australia) 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 and downstream 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.

TasWater

- (24) 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 2022-01509-BTN dated 21st September 2022 as attached to this permit.

TasRail

- (25) No stormwater or any other discharge is permitted to enter State Rail Network land or any TasRail drain or drainage infrastructure.

Water Quality

- (26) Prior to the commencement of works, or lodgment of building or plumbing applications, whichever occurs first, 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 Program and NRM South, must be approved by Council's Manager Development Services. The SWMP shall form part of this permit when approved.

- (27) Prior to commencement of works, 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 Manager Development Services until the land is effectively rehabilitated and stabilised after completion of the development.

Construction amenity

- (28) The developer must make good any damage to the road frontage of the development site including road, kerb and channel, footpath and nature strip to the satisfaction of Council's Municipal Engineer.
- (29) 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, existing or otherwise, may be deemed a result of construction activity and require replacement or repair to the satisfaction of Council's Municipal Engineer.

- (30) 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.

- (31) 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.
- (32) 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.

- (33) 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.
- (34) 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. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The developer is advised to consider TasRail's standard operating notes (attached).
- D. Pursuant to s44 of the *Environmental Management and Pollution Control Act* 1994, it is likely that following issue of the planning permit, the developer will be issued with an Environmental Protection Notice (EPN), which will require the submission of a comprehensive Environmental Management Plan which demonstrates more fully how environmental risks will be managed on site. The developer should be aware that the Environmental Management Plan may necessitate increased or greater requirements for the development and operation of the site.
- E. The developer is advised that the requirements of the Environmental Management Guideline for Concrete Batch Plants (CCAA 2019) may exceed those provided for in this permit.
- F. 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 Geard seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Geard
Cr Gray
Cr Irons
Cr McMaster

Cr Murtagh
Cr Owen
Cr Whelan

13.3 Combined Planning Scheme Amendment & Planning Permit Application - 15 Cheswick Crescent, Bridgewater

Author: Senior Strategic Planner (B White)
Authorised: D Allingham (Manager Development Services)

Type of Report: Planning Authority

Application No: RZ 2022-04 & SA 2022/ 43

Subject Site Address: 15 Cheswick Crescent, Bridgewater.

Certificate of Title Reference: CT 6706/982

Owner: Brighton Council

Requested by: Brighton Council Officers

Proposal: Combined planning scheme amendment and planning permit application for:

- Amend the Brighton Local Provision Schedule ('LPS') to adjust the current split zoning of 15 Cheswick Crescent, Bridgewater, by increasing the Open Space zone and decreasing the Inner Residential Zone by 1745 m².
- Amend the Brighton LPS to update the Waterway and Coastal Areas Overlay mapping under C7.0 Natural Assets Code to reclassify the Cheswick Creek watercourse at 15 Cheswick Crescent, Bridgewater from a Class 2 to a Class 4 under Table C7.3 and remap the watercourse accordingly.
- Application for a planning permit (SA 2022/ 43) for a two (2) lot subdivision at 15 Cheswick Crescent, Bridgewater.

Zone: Inner Residential & Open Space

1. Executive Summary

The report considers a combined permit and amendment application ('the application'), made by Council Officers, under section 40T (1) of the *Land Use Planning and Approvals Act 1993* ('LUPAA') at 15 Cheswick Crescent, Bridgewater ('the site').

The application is being made by Brighton Council Officers who is a 'person' for the purposes of sections 37 (1) and 40T(1) of LUPAA.

The application will:

- create an inner residential zoned lot that can be developed at high densities and without unnecessary constraints and uncertainty for future developers;
- increase the area of Open Space zoned land along Cheswick Creek ('the Creek') to allow for future open space/ recreation opportunities and future water sensitive urban design projects; and
- reclassify the watercourse (Cheswick Creek) on site from Class 2 to a Class 4 under Table C7.3 of the Natural Assets Code. This will reduce the spatial extent of the Waterway and Coastal Areas Overlay mapping that applies to the Creek from 30m to 10m, consistent with NAC 3 of *Guideline No. 1 Local Provisions Schedule (LPS): zone and code application* ('Section 8A Guideline')

Once approved, the Council is intending to sell the inner residential zoned lot to allow for medium to high density housing development and continue developing the open space zoned lot as part of the *Bridgewater Parkland Master Plan* ('Master Plan')

The application is generally consistent with the relevant recommendations and policies within the Master Plan and the Brighton Structure Plan (2018) ('BSP').

The land forming the application is owned by Brighton Council. The consent of the General Manager to the making of the application is provided as attachment C.

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

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

The amendment and permit application are necessary to implement the recommendations of key strategic planning documents that have had input from the community and endorsed by the Council and to create a lot suitable for development to add to housing supply.

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

2. Legislative & Policy Content

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

The combined permit and amendment request is made by Council Officers under sections 37(1) and 40T(1) of LUPAA. Section 37 (1) allows a person to request a planning authority to amend an LPS. Section 40T allows a person to concurrently make an application for a permit which could not be issued unless the LPS were amended as requested.

This report details the reasons for the officer recommendation. The Planning Authority is not bound to adopt the recommendations in this report. The Planning Authority can either: (1) adopt the recommendation; or (2), vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.

3. Risk & Implications

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

4. Site and Surrounds

4.1. The Subject Land

The proposal relates to land at 15 Cheswick Crescent, Bridgewater, which is formally known as Certificate of Title Volume 6706, Folio 982.

The site has an area of 2.52ha and has an irregular shape. It has frontage to Cheswick Crescent and is split into two zones along Cheswick Creek. The land on both sides of the Creek slopes down towards creek and to the Derwent River to the west.

The site is currently being used for passive recreation with the northern part containing play equipment and other recreation infrastructure as per the Master Plan. The southern part of the site is currently vacant.

The subject site is shown in Figures 1 and 2 below.

Figure 7 Subject Site Location



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

Figure 8 View of subject site looking north on Cheswick Crescent



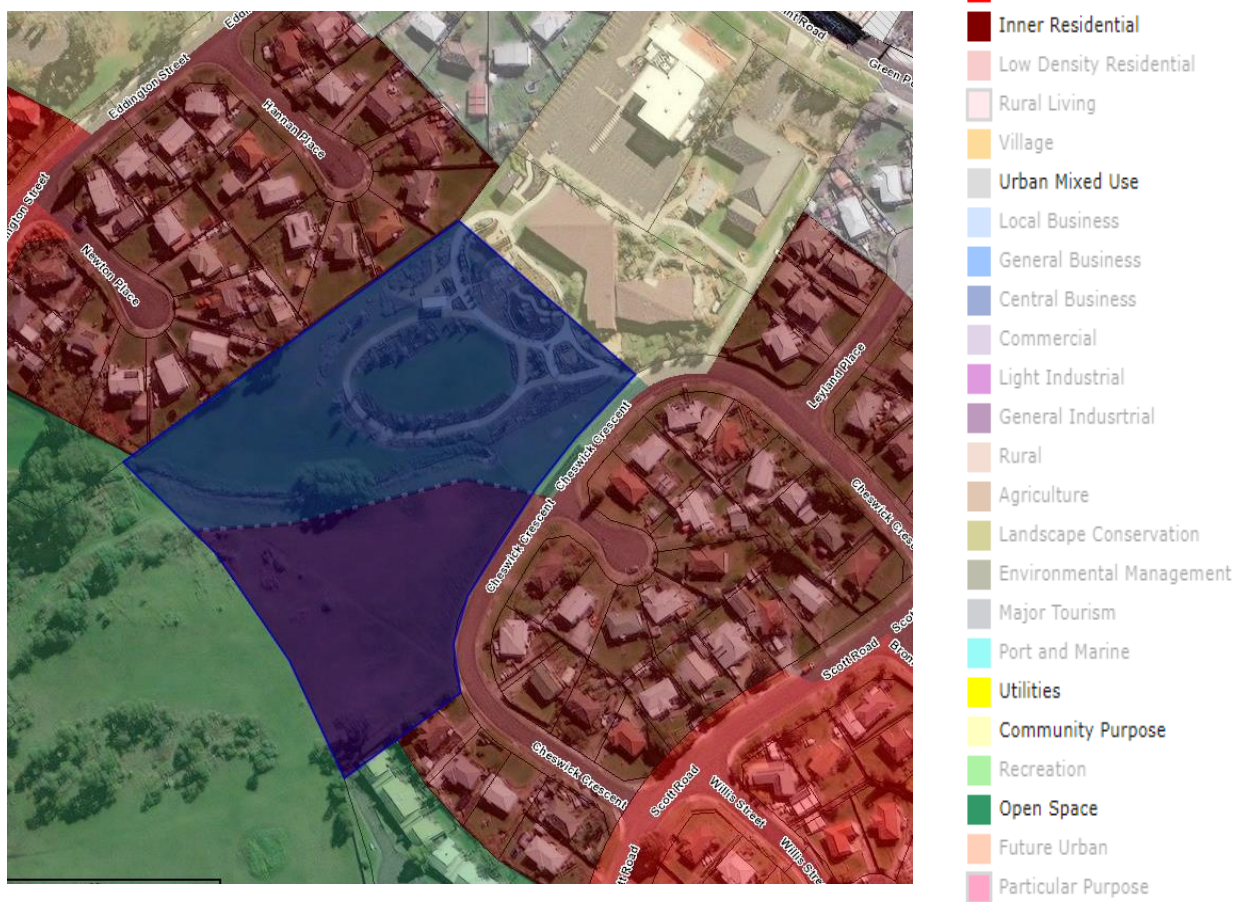
4.2. Zoning and Overlays

The site has a split zoning with land on the southern side of the Creek zoned Inner Residential and land to the north zoned Open Space.

The site is subject to the Waterway and Coastal Protection Area Overlay which runs along the Creek. The waterway is currently classified as a Class 2 watercourse under Table C7.3 of the Natural Assets code and so has a 30m wide buffer area.

The site zoning context is provided as Figure 3. The current Waterway and Coastal Protection Area Overlay is shown in Figure 4.

Figure 9 Zoning of the Site and Surrounds



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

Figure 10 Current Waterway and Coastal Protection Overlay



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

4.3. Surrounding Area

Land to the southeast is predominantly residential in nature with the JRLF East Derwent Primary School located approximately 500m to the southeast of the site.

Land to the south and southwest is mostly vacant Crown land zoned Open Space and containing swathes of native vegetation. The Bridgewater waste treatment plant, zoned Utilities, is located approximately 200m from the site and the Derwent River is located approximately 300m to the southwest.

The site is located approximately 200m to the south of the Bridgewater 'Major Activity Centre' Activity Centre. The zoning to the north of the site is a combination of Community Purpose (Brighton Civic Centre, JRLF Complex and Metal Trades Centre), Commercial (Covehill Fair Shopping Centre) and Residential.

4.4. Current Use and Development

The Inner Residential zoned portion of the site is vacant, mostly cleared of vegetation and is grassed.

The Open Space zoned section of the site contains the Creek and associated riparian vegetation. The site is used for passive recreation and developed with play equipment, pathways, and other public infrastructure in accordance with the 'Community Parkland Concept' in the Master Plan.

The parkland also extends to the adjoining lot to the northeast at 23 Greenpoint Road. This site is zoned Community Purpose and includes offices currently occupied by Service Tasmania and others. This site is accessed via Green Bank Road through the lot containing the Brighton Civic Centre and its associated car parking.

4.5. Infrastructure

The site is in a location where reticulated water, stormwater, electricity, and telecommunications are available.

- **Sewer**

There is a 375mm diameter sewer main running through the Open Space zoned section of the site. There is a 150mm sewer main running along Cheswick Avenue.

It is proposed that future lot one (1) will connect to a new sewer connection nearby to the Creek which will connect to the 375mm main on future lot two (2). Lot two (2) does not require a connection as per the zone standards

- **Water**

There is a 100mm water main that runs along Cheswick Crescent which will service lot one (1). There is a Taswater recycled main that runs through the open space zoned lot.

- **Stormwater**

Stormwater from the site is currently drained to the Creek via 300mm diameter stormwater main. It is proposed that future lot one (1) will include a new connection to drain to the Creek and that lot two's connection will remain the same.

The submitted subdivision drawings indicate that the newly created lots can be appropriately serviced with those reticulated services required by the Open Space Zone and Inner Residential Zone subdivision standards.

4.6. Natural Values and Natural Hazards

The site is not mapped as containing any priority vegetation communities under the Natural Assets Code nor is there any significant native vegetation. There are a group of willow trees along the Creek. The Creek flows through the site to a detention basin (dam) on the adjoining lot to the southwest and currently doesn't exhibit high natural values.

The Creek is shown in the images below.

Figure 11 Cheswick Creek

Council's stormwater modelling suggests that in a 1% AEP flood event that there will be some flooding on either side of the Creek. The flooding is contained on the open spaced zoned section of the site.

The Masterplan recommended that Council investigate water sensitive urban design stormwater treatment with natural wetland planting as well as nature-based play along the Creek bed.

Council Officers have made enquiries about a future 'living stream' project along the Creek. A 'living stream' can achieve multiple outcomes including "creating a healthy ecosystem, improving water quality, conveying floodwaters and creating an attractive landscape feature for the residential community".¹

The project will require additional open space zoned land nearby to the creek which is a key rationale for the application. However, it is unclear when work on this project will commence.

4.7. Scenic Values

The site is not mapped or zoned as having scenic significance. The view sheds in the Masterplan indicate that the site enjoys favourable views of the river and kunanyi / Mt Wellington.

¹ https://www.water.wa.gov.au/_data/assets/pdf_file/0018/5490/84990.pdf

4.8. Roads and Access

The site is located on Cheswick Crescent which is a local road owned and administered by Council. Given the site's current use as passive recreation, there is currently no vehicular access to the site from Cheswick Crescent. There are existing pedestrian connections via Cheswick Crescent into the parkland as well as via the Civic Centre car park and the property at 27 Green Point Road. The only vehicles that enter the site currently are those required for maintenance and mowing.

The existing pedestrian access to the site from Cheswick Creek and from the Brighton Civic Centre car park is shown as Figures 6 and 7 below.

Figure 12 Existing pedestrian access to site from Cheswick Crescent



Figure 13 Existing pedestrian access to site from Civic Centre carpark



5. Combined Amendment and Permit Application

5.1. Rezoning

The proposed amendment to the Brighton LPS is to add 1754m² from the inner residential zoned section of the site to the open space zone. The resulting zone areas will therefore be as follows:

Zone	Existing m ²	Proposed m ²
Inner Residential	8364	6619
Open Space	14152	15897

The existing and proposed zonings of the site are shown in the plans provided in Attachment F.

5.2. Amendment to Waterway and Coastal Protection Overlay (Natural Assets Code)

The proposed amendment to the Brighton LPS also includes amending the Waterway and Coastal Protection Overlay mapping that applies to the Creek on site.

The current spatial extent of the overlay surrounding the Creek is 30m which corresponds to a Class 2 Waterway, and which is defined in Table C7.3 of the Natural Assets Code as: "Watercourses from the point where their catchment exceeds 100ha".

It is understood that extent of the Class 2 Waterway under Table C7.3 is derived from the LIST's 'Waterway and Coastal Protection Area Guidance Map' which was produced to guide the state-wide application of the Code during the LPS process.

Table C7.3 (b) states any watercourse, including the tidal waters of any river, creek or stream, within or adjoining the Inner Residential Zone is deemed to be a Class 4 Waterway, defined as: "All other watercourses carrying running water for part or all of the year for most years". A Class 4 Waterway has a spatial extent of 10m (either side of the watercourse).

However, Table C7.3 also states if there is a discrepancy between Table C7.3 and the area shown on the overlay map, the greater distance prevails. This means that the 30m spatial extent applies to the Creek.

NAC 3 of Guideline 8A sets out those circumstances where the waterway and coastal protection area overlay can be modified, as follows:

The waterway and coastal protection area overlay may include modifications to the areas depicted on the guidance map to:

(a) address any anomalies or inaccuracies in the guidance map;

(b) identify a larger area if demonstrated as necessary to protect identified natural assets associated with the waterway and coastal protection area;

(c) make any adjustments to align with the definition of 'waterway and coastal protection area' in the Natural Assets Code, such as removing piped watercourses or piped drainage lines;

(d) remove areas of existing development, particularly within urban areas; or

(e) to include Ramsar wetlands within the overlay area.

It is considered that the current overlay mapping is in an 'urban area' given it covers land in the Inner Residential zone and Open Space zone. Furthermore, the current mapping extends into the properties at Newtown Place which are currently used and developed with dwellings.

Even with the buffer area being reduced to 10m, the current and future natural values of the Creek will still be protected via the application of the Natural Assets Code when use or development is proposed within the overlay area.

The TPC recently approved an amendment to the Glenorchy LPS² to reduce the width of some of their waterway and coastal protection area overlay mapping in urban areas for similar reasons to what is proposed by this application.

Therefore, reducing the extent of the overlay mapping is consistent with the requirements under Section 8A Guideline and the recent decision of the TPC.

5.3. Subdivision Permit Application

The proposed subdivision is to create two (2) lots with the lot boundary to be consistent with the new zone boundary. Details of the lots are provided below.

Lot	Area (m2)	Zone	Frontage to Cheswick Street (m)
1	8, 619	Inner Residential	Approx. 81
2	15, 897	Open Space	Approx. 73

Each of the lots are to be connected to reticulated sewer, water, and stormwater connections. Lot one (1) will have a new access onto Cheswick Crescent.

² Glenorchy amendment PLAM-21-03 [2022] TASPCComm 27 (9 August 2022).

6. Site History and Zoning Context

The whole of the site was zoned Recreation under the Brighton Planning Scheme 2000 before the current residential zoned section was rezoned as part of combined permit and amendment application in 2014. As well as the rezoning (RZ 2013/ 01), the application also included a nine (9) lot subdivision. However, the subdivision was never substantially acted upon.

As part of the LPS process the site was zoned Inner Residential on the basis that it is within proximity to the Bridgewater Activity Centre, is well serviced by public transport, and can be developed at high densities.

The open space zoned section of the site has been developed in recent years as per the Masterplan. The residential zoned part of the site has remained vacant since the rezoning in 2014.

7. Rationale

The primary rationale for the application is to create an inner residential zoned development lot, free from unnecessary planning constraints, that Council can dispose of and allow it to be developed with housing at medium to high densities with quality connections to the Bridgewater Parkland.

It is considered this will have a positive social and economic benefit for the municipality by creating additional housing.

The other rationale is to expand the open space zoned land on site is to allow enough space for a future WSUD project along the Creek and future open space opportunities in accordance with the Masterplan.

The application is consistent with several strategic planning documents that have been endorsed by Council.

7.1. Bridgewater Parkland Master Plan

The Masterplan was initiated by Council to enable the Bridgewater Parkland to become an important link from the civic centre to the foreshore, incorporating spaces along the link able to be activated for various recreational uses.

The subject site was referred to as 'Site 1' in the Masterplan which is part of the 'Community Parkland', as shown in Figures 8 and 9 below.

Figure 14 Community Parkland Concept

Understanding the existing conditions of site and the surrounding context combined with the desired outcomes of both the community and the council has guided the development of the master plan, which seeks to identify and rectify any issues and provide maximum value to the community.

Two key sites were identified as suitable for the more active areas of the parkland with a connecting spine to enable safe and pleasant access from the civic heart to the foreshore.

The areas immediately surrounding these two sites were then looked at in further detail. Each site was developed further with two potential options as a possible spatial layout for future activities.

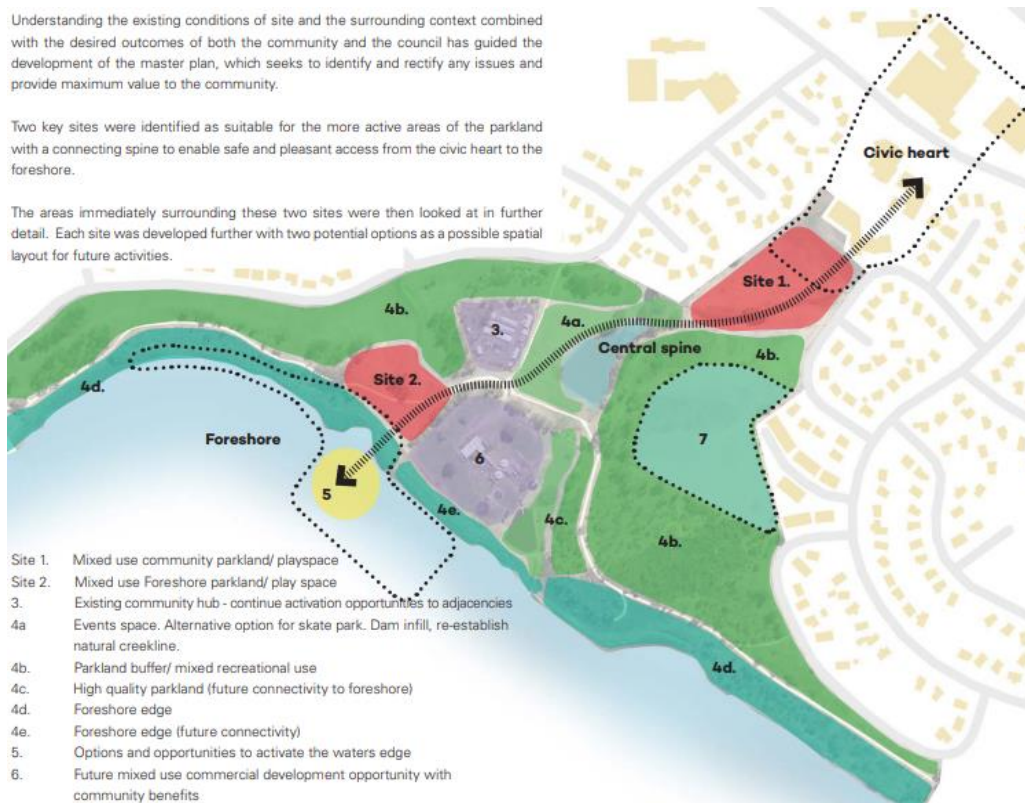


Figure 15 Community Parkland Concept



Works on the Masterplan have progressed well since its endorsement by Council with the community parkland completed.

Whilst the Masterplan didn't specifically recommend that the subject site be fully developed with dwellings, it is considered that the new inner residential zoned lot can be developed in a manner that is sympathetic to the Masterplan and that rezoning additional land to Open Space can create a buffer between the Inner Residential Zone and the area around the waterway in accordance with the Masterplan.

7.2. The Brighton Structure Plan 2018

The Brighton Structure Plan ('BSP') is a strategic planning document that is to guide the future growth of the Brighton municipality over a 15-year period.

It is considered that the amendment and subdivision specifically support the following strategies in the BSP.

Strategy	Summary	Alignment with Proposal
2 - Plan for housing growth within the urban growth boundary	In line with the Southern Tasmanian Regional Planning Scheme ('STLUS'), residential development within the urban growth boundary will occur on infill land, and 50% in greenfield precincts.	The site is located within the UGB and is in an ideal location to add to housing diversity. The amendment will allow the lot to be free of unnecessary planning whilst still protecting the natural values of the Creek via the application of the Natural Assets Code.
3 - Increase housing diversity	<p>The BSP encourages medium density housing to be established in close proximity to town centres, public transport services and open space including through the use of the Inner Residential Zone.</p> <p>Furthermore, the BSP also specifically comments on the suitability of the site to accommodate medium density housing.</p>	By adjusting the waterway and coastal protection overlay and increasing the area of land zoned open space, the newly created inner residential lot is free from any planning constraints that could possibly limit residential densities and deter future purchasers.
17 - Enhance and extend the walking and cycling trail network	The BSP encourages walkability by having a permeable and high-quality pedestrian network.	The proposed amendment will allow the open space section of the site to be developed in accordance with the Masterplan, including the

		'pedestrian spine' along the Creek and a future WSUD project.
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7.3. Brighton Open Space Strategy ('BOSS')

Whilst the site was nominated as a 'park' in the BOSS and was recommended to be retained, the TPC approved part of it to be rezoned to Inner Residential in 2014.

It is considered that the amendment will do little to affect the strategic justification in that TPC decision for reducing the area of the park and will still ensure there is sufficient space on the open space zoned lot to accommodate future recreational activities in accordance with the Masterplan and Brighton Open Space Strategy.

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

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

40D. Preparation of draft amendments

A planning authority –

- (a) must prepare a draft amendment of an LPS, and certify it under [section 40F](#), within 42 days after receiving the request under [section 37\(1\)](#) to which the amendment relates, if –*
 - (i) it decides under [section 38\(2\)](#) to prepare a draft amendment of an LPS; or*
 - (ii) after reconsidering, in accordance with a direction under [section 40B\(4\)\(a\)](#), a request under [section 37\(1\)](#) whether to prepare a draft amendment of an LPS, it decides to prepare such an amendment; or*
- (b) may, of its own motion, prepare a draft amendment of an LPS; or*
- (c) must, if it receives under [section 40C\(1\)](#) a direction to do so, prepare a draft amendment of an LPS and submit it to the Commission within the period specified in the direction or a longer period allowed by the Commission.*

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

40F. Certification of draft amendments

- (1) A planning authority that has prepared a draft amendment of an LPS must consider whether it is satisfied that the draft amendment of an LPS meets the LPS criteria.*

(2) If a planning authority determines that –

(a) it is satisfied as to the matters referred to in [subsection \(1\)](#), the planning authority must certify the draft as meeting the requirements of this Act; or

(b) it is not satisfied as to the matters referred to in [subsection \(1\)](#), the planning authority must modify the draft so that it meets the requirements and then certify the draft as meeting those requirements.

(3) The certification of a draft amendment of an LPS under [subsection \(2\)](#) is to be by instrument in writing affixed with the common seal of the planning authority.

(4) A planning authority, within 7 days of certifying a draft amendment of an LPS under [subsection \(2\)](#), must provide to the Commission a copy of the draft and the certificate.

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

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

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

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

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

Response: the amendment relates to the zoning and overlay mapping affecting the site which are both provisions that must be included in an LPS.

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

Response: as per (a) above.

(c) furthers the objectives set out in Schedule 1

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

Table 1 – RMPS Objective Assessment

Objective	Response
Part 1	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	The proposed amendment relates to a site which has no known significant natural values. The amendment will allow for additional space on the Open Space zoned lot to provide for a future WSUD project

	and plantings etc. which could improve the water quality and natural values of the Creek which are currently considered to be low.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water	<p>The amendment is to implement the recommendations of local strategic planning documents which relate to this area of Bridgewater.</p> <p>It is considered that the amendment represents a good planning outcome which will allow for each of the lots to be used and developed in accordance with their respective zone purpose.</p>
(c) to encourage public involvement in resource management and planning	The public will be involved in the draft planning scheme amendment through opportunity to make representations and attend public hearings.
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The proposed amendment will allow for the future of the inner residential zoned part of the site without unnecessary constraints which will have beneficial economic impacts.
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State	The proposed amendment will be determined by the Tasmanian Planning Commission.
Part 2	
(a) to require sound strategic planning and coordinated action by State and local government	The proposed amendment is to implement the recommendations of regional and local strategic planning documents and is consistent with relevant policies within the Southern Tasmanian Regional Land Use Strategy.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	The proposed amendment is consistent with the contents of the LPS and have been drafted to achieve the objectives and policies recommended in strategic planning documents endorsed by the Council.

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	The proposal does not allow for use and development with the potential to cause environmental harm. There are no significant natural values on the sites.
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	The proposed amendment is consistent with regional planning documents and State Policies and legislation.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	The proposal will allow a permit application to be considered at the same time as the amendment which is allowable under the Act. This represents a coordinated approach to planning approvals.
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	The proposal will create additional land on the Open Space zoned lot to allow future recreational opportunities and future WSUD projects adjacent to the Creek in accordance with the Masterplan.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	Neither of the sites are mapped as having special cultural value. It is considered these matters would have been considered during the Masterplan and rezoning process.
(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community	If certified the draft amendment will be referred to Taswater in accordance with the requirement of the Act.
(i) to provide a planning framework which fully considers land capability.	The proposed sites are not intended to be used for agriculture.

(d) *Consistent with State Policies*

- **State Coastal Policy 1996**

The *State Coastal Policy 1996* applies to land within 1 km of the high-water mark. The subject land is less than 1km from the high-water mark and so the policy applies.

It is considered that the amendment is consistent with the State Coastal Policy 1996 given that any future development on the site within the Waterway and Coastal Protection Overlay will be subject to further planning assessment under the Natural Assets Code of the planning scheme and any other relevant legislation.

Furthermore, conditions on the permit require that any subdivision works within the Waterway and Coastal Protection Overlay will be undertaken in accordance Wetlands and Waterways Works Manual and that a soil and water management plan be provided.

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

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

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

Future development of the inner residential zoned lot will have to manage and treat stormwater in a manner that does not result in impacts on the environmental values/ water quality of the Creek via compliance with the relevant sections of the Natural Assets Code of the Planning Scheme. Furthermore, conditions on the permit require that any subdivision works within the Waterway and Coastal Protection Overlay will be undertaken in accordance Wetlands and Waterways Works Manual and that a soil and water management plan be provided.

A future living stream/WSUD project will also improve water quality and the appearance of the waterway.

- **National Environmental Protection Measures**

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

The proposal does not trigger consideration under the NEPMs.

(da) *consistent with TPPs*

There are currently no Tasmanian Planning Policies in effect

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

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

Table 2 – STRLUS Consideration

Policies	Action
<p><u>Biodiversity and Geodiversity</u></p> <p>BNV 1</p> <p>Maintain and manage the region's biodiversity and ecosystems and their resilience to the impacts of climate change.</p>	<p>BNV 1.1</p> <p>Manage and protect significant native vegetation at the earliest possible stage of the land use planning process.</p> <p>Where possible, ensure zones that provide for intensive use or development are not applied to areas that retain biodiversity values that are to be recognised and protected by Planning Schemes.</p>
	<p>BNV 1.2</p> <p>Recognise and protect biodiversity values deemed significant at the local level and ensure that planning schemes:</p> <p>a. specify the spatial area in which biodiversity values are to be recognised and protected (either by textural description or map overlay); and</p> <p>b. implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values</p>
<p>Comment</p> <p>The proposal to reduce the extent of the overlay and to increase the Open Space zoned area on site will allow any current or future biodiversity values along the Creek to be retained and improved whilst allowing for the Inner Residential lot to be developed in accordance with its intent/ purpose. This allows current and future native vegetation nearby the creek to be protected at the earliest possible stage of the land use planning process which is land use zoning, rather than relying on Codes.</p> <p>Applying the open space zone to cover more of the area surrounding the creek is more appropriate than having the land zoned Inner Residential. This will ensure applications for inappropriate intensive use and development are not able to be made.</p>	

The proposed amendment applies the Waterway and Coastal Protection overlay to the Creek consistent with Guideline 8A given its location in an 'urban' area.

Policies	Action
<p><u>Water Resources</u></p> <p>WR 1</p> <p>Protect and manage the ecological health, environmental values and water quality of surface and groundwater, including waterways, wetlands and estuaries</p> <p>WR 2</p> <p>Manage wetlands and waterways for their water quality, scenic, biodiversity, tourism and recreational values.</p>	<p>WR 1.2 Incorporate total water cycle management and water sensitive urban design principles in land use and infrastructure planning to minimise stormwater discharge to rivers, (particularly subdivision)</p> <p>WR 1.4 Ensure development that includes vegetation clearance and/or soil disturbance is undertaken in accordance with construction management plans to minimise soil loss and associated sedimentation of waterways and wetlands</p> <p>WR 2.2 Provide public access along waterways via tracks and trails where land tenure allows, where there is management capacity and where impacts on biodiversity, native vegetation and geology can be kept to acceptable levels</p> <p>WR 2.3 Minimise clearance of native riparian vegetation.</p> <p>WR 2.4 Allow recreation and tourism developments adjacent to waterways where impacts on biodiversity and native vegetation can be kept to acceptable levels</p>

Comment

The proposal is consistent with these policies as it is to provide additional open space zoned land along the Creek so that recreational and WSUD projects can occur in accordance with the Masterplan.

It is considered that the protection of existing waterways and the rehabilitation of degraded waterways into living streams in urban areas are important techniques for improving stormwater management. This is the type of project Council is considering in the future for the Creek.

The reduction in the Overlay to recategorise the waterway as a Class 4 rather than a Class 2 is consistent with Guideline 8A. The Code will still apply where use and development is proposed within the Overlay, thereby protecting the current and future environmental values of the Creek. It is noted that a key goal of the Masterplan is to 'naturalise' the creek line given its current poor appearance and low natural values.

<p><u>The Coast</u></p> <p>C1</p> <p>Maintain, protect and enhance the biodiversity, landscape, scenic and cultural values of the region's coast</p> <p>C2</p> <p>Ensure use and development in coastal areas is responsive to effects of climate change including sea level rise, coastal inundation and shoreline recession</p>	<p>C1.1 Ensure use and development avoids clearance of coastal native vegetation</p> <p>C 1.4 Zone existing undeveloped land within the coastal area, Environmental Management, Recreation or Open Space unless:</p> <ul style="list-style-type: none"> a. The land is utilised for rural resource purposes; or b. It is land identified for urban expansion through a strategic planning exercise consistent with this Regional Land Use Strategy <p>C 2.1 Include provisions in planning schemes relating to minimising risk from sea level rise, storm surge inundation and shoreline recession and identify those areas at high risk through the use of overlays.</p> <p>C 2.2 Ensure growth is located in areas that avoid exacerbating current risk to the community through local area or structure planning for settlements and the Urban Growth Boundary for metropolitan area of Greater Hobart .</p> <p>C 2.3 Identify and protect areas that are likely to provide for the landward retreat of coastal habitats at risk from predicted sea level rise.</p>
<p>Comment</p> <p>The amendment will ensure that the Inner Residential Zoned lot can be developed in a manner consistent with its intent whilst increasing the area of open space zoned land to cover the area around the Creek. This Code will still apply to use and development within the new Overlay area.</p>	
<p><u>Managing Risks and Hazards</u></p> <p>MRH 2</p> <p>Minimise the risk of loss of life and property from flooding</p>	<p>MRH 2.1 Provide for the mitigation of flooding risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by avoiding locating sensitive uses in flood prone areas.</p> <p>MRH 2.2 Include provisions in planning schemes for use and development in flood prone areas based upon best practice in order to manage residual risk.</p>

<p>Comment</p> <p>Council's stormwater modelling shows an indicative 1% AEP flood event as not affecting the new Inner Residential zoned lot which is considered appropriate. It is considered that future WSUD projects along the Creek can actually reduce the risk of flooding.</p> <p>A future 'living stream' project for the Creek can assist in conveying floodwaters.</p>	
<p><u>Recreation and Open Space</u></p> <p>ROS 1</p> <p>Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and Contributes to social inclusion, community connectivity, community health and wellbeing, amenity, environmental sustainability and the economy</p>	<p>ROS 1.5 Ensure residential areas, open spaces and other community destinations are well connected with a network of high quality walking and cycling routes.</p> <p>ROS 1.6 Ensure subdivision and development is consistent with principles outlined in 'Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania'.</p>
<p>Comment</p> <p>The proposal will allow the Creek line to be utilised for future recreational opportunities as per the Masterplan.</p>	

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

(f) Brighton Council Strategic Plan 2019-2029

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

- *S1.2 - Create Housing/ Employment/Play/ Education (Liveability)*
- *S1.5 - Build a resilient community and environmentally sustainable future*

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

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

(h) Gas Pipeline safety

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

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

9. Assessment of the Permit Application

9.1. Assessment Against Planning Scheme Provisions

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

- Clause 9.0 – Inner Residential
- Clause C1.0 – Road and Railway Assets Code
- Clause C7.0 – Natural Assets Code
- Clause C12.0 – Flood Prone Areas Code

An assessment of the relevant standard is provided attachment A. It is considered that the proposal satisfies the relevant provisions subject to permit conditions.

10. Conclusion

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

- 10.1. On this basis, it is recommended that Council initiate and certify draft amendment RZ 2022-04 and approve the permit application SA 2022/ 43 as detailed in this report and attachments.

RECOMMENDATION:

- A. That, in accordance with Sections 38(2)(a) and 40D (a)(i) of the *Land Use Planning and Approvals Act 1993*, Council agrees to prepare draft amendment **RZ 2022-04** to the Brighton LPS as shown in Attachment B.
- B. That, in accordance with Section 40F of the *Land Use Planning and Approvals Act 1993*, Council by instrument in writing affixed with the common seal of the planning authority, certifies that draft amendment **RZ 2022-04** meets the Land Use Planning and Approvals Act 1993, as shown in Attachment B.

- C. That, in accordance with Section 40W (1) of the *Land Use Planning and Approvals Act 1993*, Council agrees to the request made under Section 40T(1) to amend the LPS and consider an application for the planning permit at the same time.
- D. That, in accordance with Section 40(Y) Council approves planning permit SA 2022/ 43 subject to the conditions provided in the draft permit shown as Attachment G.
- E. That, in accordance with Section 40Y(6) of the *Land Use Planning and Approvals Act 1993*, Council directs that the relevant permit material relating to the permit application is provided to the Tasmanian Planning Commission within seven (7) days.
- F. That, in accordance with Section 40FA(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment be provided to relevant agencies those State Service Agencies, or State authorities, that the planning authority considers may have an interest in the draft amendment.
- G. That in accordance with Section 40G and Section 40Z of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2022-04 and draft planning permit SA 2022/ 43 be placed on public exhibition.

DECISION:

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

CARRIED

VOTING RECORD

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

14. Reports from Officers

14.1 Complete Set of Financial Statements 2021/22

Author: Deputy General Manager (G R Davoren)

Background

The Complete set of Financial Statements for the year ending 2021/22 was formally submitted for consideration.

The Tasmanian Audit Office has given its opinion that the Financial Report of Brighton Council and its subsidiaries presents fairly, in all material respects, the Group's financial position as at 30 June 2022, and of its financial performance and its cash flows for the year then ended. The report is in accordance with the *Local Government Act 1993* and Australian Accounting Standards.

The Financial Statements have again been passed without any qualifications by the Tasmanian Audit Office.

The Tasmanian Audit Office is responsible for the report to be completed in accordance with section 84(3) of the Local Government Act 1993.

The report format also complies with the Australian Equivalent to International Reporting Standards (AIFRS). A summary has been provided below.

Highlights of the General Purpose Financial Report include:

Consolidated Statement of Comprehensive Income (P/L)

- Unqualified Audit Opinion by the Tasmanian Audit Office for Brighton Council.
- Recurrent Income of \$17,550,372 up from \$15,558,232 last financial year. The increased income was generally across most areas reflecting both community growth and CPI. The investment revenue from TasWater was up significantly at \$739,200 this year ended from \$308,000 for the year ending 6/2021. The increase was a return to planned dividends and catchup following the board's unplanned decision to reduce dividends during the pandemic.
- Total Income \$18,194,183. This includes capital income added to the recurrent income such as \$1,157,810 of capital grant revenue for new or up graded assets which was down significantly from \$7,616,800 in the previous year which was extraordinarily high.
- Other Comprehensive Income that contributed to our overall comprehensive result was \$13,535,101. This included a net asset revaluation increment of \$12,284,084 for Brighton Council Assets and a net asset revaluation increment of \$1,251,017 on equity invested assets being our share of TasWater.
- Total expense from continuing operations was \$16,829,827 a small increase from \$16,414,347 last year. Expenditure includes: \$3,641,624 in depreciation. The increase in expenditure was dominated by higher maintenance and a significant increase in cash grants this year from \$89,152 to \$177,438. This increase is contributed to by \$90,000 to the Tea Tree Hall and \$25,000 to Pete's shed. Increase expenditure was offset by falling Employee Benefits of \$505,488.

- A positive net result for the year again from continuing operations of \$1,364,356 compared to \$6,675,718 in the previous year. The previous year included capital grants of \$7,616,800 compared with just \$1,157,810 this financial year. Even with the removal all capital income, Brighton Council would have had a successful financial result with a surplus of \$720,545.
- Microwise Australia did not trade except for an equity transfer to Brighton Council being a return of investment to owner of \$1,457,165.
- Other commercial activities included Professional Service which supports other Councils providing a revenue stream of \$357,212 has been falling whilst rental income of \$235,540 has been increasing.

Consolidated Statement of Financial Position (Balance Sheet)

All our key economic indicators are in sound shape. The following balance sheet statistics provide an excellent overall picture of our financial position at year end.

Every Financial Management Indicator sought by the Auditor General is either within the Auditor General's preferred range or exceeds the identified benchmark for the year ending June 2022.

- Our current assets are 253% of our current liabilities. The benchmark recognised by the Auditor General is >100%.
- Our asset sustainability ratio for the year was 172% against a benchmark of 100%
- Our underlying surplus is a positive \$534,000. The benchmark recognised by the Auditor General is 0
- Our underlying surplus ratio is a positive 3%. The benchmark recognised by the Auditor General is 0
- Our Net financial Liabilities are inside the Auditor General's benchmark range,
- Our asset consumption ratios are all above 60%. The Auditor general does not provide a benchmark for this ratio.
- Our Asset renewal funding ratio is 100%. The benchmark recognised by the Auditor General is 90% - 100%.
- Our asset sustainability ratio is 172%. The benchmark recognised by the Auditor General is 100%
- Our total assets have increased from \$216,825,360 to \$230,967,589. The main contribution from property and infrastructure revaluation totalling \$12,284,084.
- Our total liabilities have decreased from \$5,296,245 to \$4,539,018. This decrease may predominately be attributed to a single accrued expense of \$904,000, being a yet to be paid progress claim for the Pontville Sports Pavilion construction payment.
- Our total equity has increased from \$211,529,115 to \$226,429,472 during the financial year. This equity decrease reflects the comments provided that relate to the movement in total assets and total liabilities.
- Our total cash and investments held at the end of the year decreased from \$6,822,787 to \$5,172,498. The significant accrued expenses carried forward from the previous financial year discussed above under Liabilities influenced this reduction.

In summary, the report outlines a strong position for the key financial management ratios of Brighton Council.

I thank Councillors for their support and long term financial vision to place Brighton Council in such a strong financial position.

Consultation:

Tasmanian Audit Office, Corporate Executive.

Risk Implications:

Nil

Financial/Budget Implications:

As stated

Strategic Plan:

Goal 4: - Ensure a Stable Organisation

S4.1: - Ensure financial & risk sustainability.

S4.2: - Be well governed.

Social Implications:

Not Applicable

Environmental or Climate Change Implications:

Not Applicable

Economic Implications:

Not Applicable

Other Issues:

Not applicable

Options:

1. As per the recommendation.
 2. That Council not receive the report.
-

RECOMMENDATION:

That the report be received.

DECISION:

Cr De La Torre moved, Cr Owen seconded that the report be received.

CARRIED

VOTING RECORD

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

14.2 Local Government Association of Tasmania (LGAT) - Voting Delegates

Author: Governance Manager (J Banks)

Background

It is a requirement after each ordinary Council Election that Council appoint a Voting Delegate and Proxy as per the Member Rules of the Local Government Association of Tasmania.

In previous years the Mayor and Deputy Mayor (as proxy) have been appointed as LGAT Voting delegates.

Under Section 27 (1) F of the *Local Government Act 1993*, a function of the Mayor is to represent council on regional organisations and intergovernmental forums at regional; state and federal levels (unless they choose to delegate the responsibility to another elected member).

Consultation:

General Manager and Governance Manager

Risk Implications:

Nil.

Financial Implications:

Not Applicable

RECOMMENDATION:

That the Mayor be appointed as Brighton Council's voting delegate for LGAT meetings and the Deputy Mayor be appointed as proxy.

DECISION:

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

CARRIED

VOTING RECORD

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

14.3 Appointment of Owners' Representatives for TasWater

Author: Governance Manager (J Banks)

Background

Under TasWater's governance arrangement each Council is required to appoint a person (Owner's Representative) to represent the Council in any matters pertaining to TasWater and act as a liaison between the Council and the TasWater Board.

Following the declaration of the polls in the Local Government Elections Council is required to advise TasWater of its Owner Representative.

Under Section 27 (1) F of the *Local Government Act 1993*, a function of the Mayor is to represent council on regional organisations and intergovernmental forums at regional; state and federal levels (unless they choose to delegate the responsibility to another elected member).

Consultation:

General Manager, Governance Manager

Risk Implications:

None.

Financial Implications:

None

Other Issues:

TasWater have requested that all Council's are to advise the Company Secretary of their Owner's Representatives by the 2nd December 2022.

RECOMMENDATION:

That the Mayor be appointed as Brighton Council's Chief Owner Representative for TasWater and the Deputy Mayor be appointed as Deputy Owner Representative.

DECISION:

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

CARRIED

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

Cr Curran
Cr De La Torre
Cr Geard
Cr Gray
Cr Irons
Cr McMaster
Cr Murtagh
Cr Owen
Cr Whelan

14.4 Appointment of Representatives for Southern Tasmanian Councils Authority (STCA)

Author: Governance Manager (J Banks)

Background

The Southern Tasmanian Councils Authority (STCA) is a regional organisation of Councils that is managed by the nine Southern Councils (Brighton; Huon Valley; City of Hobart; Southern Midlands; Tasman; Derwent Valley; Glamorgan Spring Bay; Sorell and Central Highlands) to facilitate cooperative working partnerships and to improve the ability of Councils to take joint action to address regional development issues and progress sustainable economic, environmental and social outcomes for Southern Tasmania, its local communities and the State.

Following the recent Council elections it is now appropriate that Council appoint a representative and Proxy to the STCA. In accordance with the STCA 'Approved rules' (number 13) the Mayor is automatically a board member and can nominate another member if he wishes.

Under Section 27 (1) F of the *Local Government Act 1993*, a function of the Mayor is to represent council on regional organisations and intergovernmental forums at regional; state and federal levels (unless they choose to delegate the responsibility to another elected member).

Consultation:

General Manager and Governance Manager

Risk Implications:

Nil.

Financial Implications:

Not Applicable

Options:

1. As per the recommendation.
2. As determined at the meeting.

RECOMMENDATION:

That the Mayor be appointed as Brighton Council's representative for STCA and the Deputy Mayor be appointed as proxy.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

Cr Curran
Cr De La Torre
Cr Geard
Cr Gray
Cr Irons
Cr McMaster
Cr Murtagh
Cr Owen
Cr Whelan

14.5 Contribution to maintenance - Brighton Bakehouse and Hotel Carpark

Author: Manager Asset Services (C Pearce-Rasmussen)

Background

The carpark area to the rear of the Brighton Best Bakehouse and Brighton Hotel has fallen into a state of disrepair. This parking area has been utilised by members of the public for some years and provides a significant contribution to parking availability within the township.

A number of users of the carpark are not customers of the bakery or hotel. Council have received a request for a contribution towards the repair works.

The following information has been provided with the request:

"The land in question has/is being used as:

- *By buses, school pick up and drop off*
- *By parents, collection point for their children*
- *Drop off and long term parking for various commercial vehicles, including trucks, double b's (sic)*
- *Parking for neighbouring businesses*
- *Car pooling*
- *General meeting place for bike and car clubs*
- *All other like minded uses all not necessarily associated with both our mutual interests"*

"The area in question has worn out and requires regular repairs (currently at least every three months) and requires even more repairs at a lesser interval as time progresses. The time frame for repairs is lessening and more frequent as time goes by."

Remedial works for the 800 square metre area of carpark requiring repairs have been estimated by the business' engineer at approximately \$100,000.

Consultation

General Manager, Manager Asset Services, Manager Finance

Risk Implications

N/A

Financial Implications

The request is for council make a one-off contribution. No ongoing maintenance obligations will be entertained.

Strategic Plan

S1.3 Provide public facilities/amenities

S3.3 Enabling Infrastructure

Social Implications

N/A

Environmental or Climate Change Implications

N/A

Economic Implications

N/A

Other Issues**Assessment**

The carparking area is utilised by a broad range of users, some of whom are customers of the bakery and hotel businesses. A large number of users of the carparking area, however, are for the purposes listed above. Given that the area provides community benefit and carparking availability is limited within the Brighton township, it is accepted as reasonable that council should consider a one off contribution towards the repair works necessary to keep this parking facility open and available to the current users.

If council decline the request to contribute, the owners of the carpark may take steps towards reducing the availability of the carpark to users outside their customer base.

Options

1. As per the recommendation.
2. Nominate a different amount to contribute towards remedial works.
3. Decline the request.

RECOMMENDATION:

That Council commit to a one-off financial contribution of \$10,000 towards the reconstruction of the Brighton Best Bakery and Brighton Hotel carpark area, to be paid upon completion of reconstruction works.

DECISION:

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

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

Cr Curran

Cr De La Torre

Cr Geard
 Cr Gray
 Cr Irons
 Cr McMaster
 Cr Murtagh
 Cr Owen
 Cr Whelan

14.6 Support for the establishment of a Brighton Youth Action Group (BYAG)

Author: Community Development Officer (B Szlezak)

Background

The municipality of Brighton has a population of 3270 people aged between 12 -24 (ABS 2021). As with every age bracket, life looks very different and for young people, life can be very different when most of the decisions about what you should be doing are made by adults. We also know that what life looks like for a 12 year old, is very different to what it looks like for a 17 or 22 year old.

For the municipality of Brighton, there has not been a Youth Action Group or something similar for quite some time. Whilst there have been great efforts over the years to understand youth related priorities and action them, it can be argued that without young people driving these priorities, they will always be difficult to implement.

Key issues that young people in our community currently experience include

- Limited safe spaces alternatives for when home isn't safe
- Limited transport options throughout the municipality and to other hubs such as Glenorchy and Rosny
- A cloud of unjustified stigma that impact's young people's self-worth
- Intergenerational trauma that impact's young people's capacity to thrive
- Limited collaboration between suburbs throughout the municipality
- Limited recreational ventures throughout municipality including sport and rec but even less so for art and culture
- Not feeling safe moving around the community, especially at night time and on foot

Key Strengths that young people in our community experience include

- Strong connection with family networks
- Various shared passions including family, football, cricket, fishing, motorbikes, scooters, social media, high adrenaline activities (some of which involve illegal behaviour)
- A keen to desire to learn new skills and gain new knowledge

- Down to earth senses of humour

What's being proposed

That a process commence to establish a Youth Action Group. The direction, formalities and focus should be guided by this group.

What's the purpose

Traditionally, the purpose of a YAG is for local young people to work together on projects that address various social issues. How and when this happens can depend on the group that has come together. For Brighton the purpose of establishing a YAG is to provide a platform for young people in our community to build relationships, ask questions, share ideas and work towards addressing selected issues in the community, if they want to.

Who comes to a YAG and what do they do?

It is proposed that the BYAG be co-ordinated by the Community Development Officer, however it is important to note that this role is an administrative/ behind the scenes role and if appropriate can be a mentor type role too. This role might help the YAG put ideas together, but it does not set the agenda. There may be opportunities for Councillors to mentor young people in a leadership and idea exploration capacity if this is something the group would like to do.

The BYAG won't work if it doesn't have young people coming along. We would encourage membership of young people who live across the Brighton municipality. Young people from neighbouring suburbs on the outskirts of Brighton such as Otago Bay, Mangalore and Campania for example could also be considered given Brighton can be a hub for those communities. We are aiming for between 3 and 20 members.

Potential collaborative partners (most of these groups attend the Brighton Alive Youth Network meetings)

- Yourtown Social Enterprise
- Centacare Evolve Inspiring Future Leaders Program
- Kutalayna Collective youth engagement
- Brighton Food Hub initiative
- Jordan River Learning Federation Senior School
- Bridgewater PCYC
- Various sporting clubs
- BighART
- Mission Australia Youth Beat
- Material Institute
- Bridgewater Library
- Jordan River Services Inc

Consultation

Governance Manager; General Manager; Executive Officer ; Brighton Alive Youth Network

Risk Implications

There is a high risk of further disengagement of young people throughout our municipality if something like a YAG is not established. There is minimal risk to council if the program is properly supported with resources.

Financial Implications

There is \$10,000 in the Community Development budget to assist with the BYAG set-up.

In addition a grant for \$5000 has been applied for through Healthy Tas fund- council is awaiting the outcome of this.

Strategic Plan

Goal 1: Strengthen our Communities

S1.1: Understand/ Improve Health and Wellbeing.

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

S1.4: Support Connected Communities.

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

Goal 2: Create 2-3 hubs for our Connector Satellite City

S2.2: Education/Capability Build

Social Implications

See background section

Environmental or Climate Change Implications

Nil.

Economic Implications

N/A

Assessment

Establishment of a youth voice at the community decision making table was identified a key priority in our 2050 Vision. With the establishment of the Community development Officer, and the beginning of a new year it is an ideal time to commence establishing a YAG in Brighton.

Options

1. As per the recommendation.
 2. Not support the establishment of a Brighton Youth Action Group.
-

RECOMMENDATION:

Council support the establishment of a Brighton Youth Action Group.

DECISION:

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

CARRIED

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

Cr Curran
Cr De La Torre
Cr Geard
Cr Gray
Cr Irons
Cr McMaster
Cr Murtagh
Cr Owen
Cr Whelan

14.7 Funding for Vibrance Street Art Project

Author: Community Development Officer (B Szlezak)

Background

As part of Brighton Council's Public Art Strategy, Council have been working closely with Vibrance Street Art to beautify some of our public spaces, prioritising Bridgewater, Herdsmans Cove and Gagebrook.

To date, two walls have been painted: the toilet block in Cris Fitzpatrick Park Gagebrook and a main wall on the side of the Jordan River Services in Herdsmans Cove. We are also in the process of developing a design for the Tas Water building on the fringe of the Jordan River just under the Jordan River Bridge.

Vibrance plan to host a stall at the upcoming Block Party event on the 26th of November and conduct a community mural 'paint by numbers' exercise. This will involve a commissioned artist (Bec Adamczewski) developing a design on a 2.5m X 3m canvas that the community will 'colour in' on the day. This piece of art will then be hung in the Civic Centre as a commemoration of the activity and to celebrate community spirit.

Consultation

Governance Manager; General Manager; Vibrance Projects ; Centacare Evolve Housing Block Party Planning Group

Risk Implications

Nil.

Financial Implications

This project has been quoted at \$3800. There is a shortfall of \$300 in the Public Art Strategy budget for this financial year. There are funds available in the Community Liaison budget.

Strategic Plan

Goal 1: Strengthen our Communities

S1.1: Understand/ Improve Health and Wellbeing.

S1.4: Support Connected Communities.

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

Social Implications

Brighton Council has identified through its Public Art Strategy that it wants to improve its support of community initiatives and social capital through an arts and culture lens.

Environmental or Climate Change Implications

Nil.

Economic Implications

One key aim is to connect community through arts and culture. This project has potential for mid to long-term economic social return implications for the municipality as it may inspire other organisations and groups to host similar activities.

Other Issues

Nil.

Assessment

The municipality will have a significant community art piece that can be admired at the Civic Centre for years to come.

Options

1. As per the recommendation.
2. Not provide the additional funding.

RECOMMENDATION:

That Council provide an additional \$300 to Vibrance Street Art to facilitate the community 'Paint by Numbers' activity on the 26th of November at the Block Party event to be funded from the Community Liaison budget.

DECISION:

Cr Curran moved, Cr McMaster seconded that the recommendation be adopted.

CARRIED

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

Cr Curran
 Cr De La Torre
 Cr Geard
 Cr Gray
 Cr Irons
 Cr McMaster
 Cr Murtagh
 Cr Owen
 Cr Whelan

14.8 Appointment of Representatives for Southern Tasmanian Regional Waste Authority (STRWA)

Author: Governance Manager (J Banks)

Background

The Southern Tasmanian Regional Waste Authority (STRWA) has been established by the 12 Southern Tasmanian Councils to coordinate local government's resource recovery and management of solid waste in the southern region for a more sustainable future.

The objectives of the STRWA are to:

- Foster sustainable use of resources
- Deliver efficient collection and reprocessing of resources
- Support opportunities for the circular economy to reduce environmental impact and grow Tasmania's economy

Following the recent Council elections it is now appropriate that Council appoint a representative and Proxy to the STRWA. In January this year Council appointed Cr P Owen & Cr P Geard (Proxy) as the STRWA representatives.

Under Section 27 (1) F of the *Local Government Act 1993*, a function of the Mayor is to represent council on regional organisations and intergovernmental forums at regional; state and federal levels (unless they choose to delegate the responsibility to another elected member).

Consultation:

General Manager, Deputy General Manager

Risk Implications:

None.

Financial Implications:

None

Other Issues:

Nil.

Options:

1. Adopt the recommendation.
2. As determined at the meeting.

RECOMMENDATION:

That the Mayor be appointed as Brighton Council's Representative for the Southern Tasmania Waste Authority and the Deputy Mayor as Proxy.

DECISION:

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

CARRIED

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

Cr Curran
Cr De La Torre
Cr Geard
Cr Gray
Cr Irons
Cr McMaster
Cr Murtagh
Cr Owen
Cr Whelan

15. Questions on Notice

There were no Questions on Notice for the November meeting.

Cr Curran moved, Cr De La Torre seconded that Council resolve into Closed Council.

CARRIED

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

Cr Curran
Cr De La Torre
Cr Geard
Cr Gray
Cr Irons
Cr McMaster
Cr Murtagh
Cr Owen
Cr Whelan

16. Closed Meeting

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

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

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

Cr De La Torre declared an interest in the following item but remained in the room.

16.1 Rates Relief – Vehicle Compensation

16.2 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
16.1	Rates Relief – Vehicle Compensation	Decision to remain confidential.

Cr De La Torre moved, Cr Curran seconded that Council resolve out of Closed Council and the decision while made in Closed Council be ratified.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	

Cr Murtagh
Cr Owen
Cr Whelan

The meeting closed at 7.00pm.

Confirmed:

(Mayor)

Date:

20 December 2022