



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,
20 DECEMBER 2022**

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

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

1. Acknowledgement of Country

2. Confirmation of Minutes

2.1 Confirmation of minutes of the Ordinary Council meeting of 15 November 2022.

Cr De La Torre moved, Cr Curran seconded that the Minutes of the Ordinary Council meeting of 15 November 2022 be confirmed.

CARRIED

VOTING RECORD

In favour

Against

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

3. Apologies and Applications for Leave of Absence

Cr Owen moved, Cr De La Torre seconded that Cr McMaster and Cr Murtagh be granted leave of absence.

CARRIED

VOTING RECORD

In favour

Against

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

4. Declaration of Interest

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

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

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

Cr Owen declared an interest in Item 14.4 – Old Beach zoning review report.

5. Public Question Time and Deputations

There was no requirement for public question time.

6. Transfer of Agenda Items

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

7. Petitions

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

8. Reports from Council

8.1 Mayor's Communications

The Mayor's communication were as follows:

16/11	Meeting with LG Board – GM in Attendance
16/11	Meeting with John Tucker MP – GM in Attendance
16/11	Seymour Street funding announcement with Brian Mitchell/senior staff and Councillors
21/11	STCA Meeting at Brighton Council
30/11	Catch- up with Brittany Szlezak – Discussing all things Community
01/12	Meeting with GM/DGM/Governance Manager and Angela Turvey – General Discussion
08/12	STRWA Meeting – Hobart Town Hall
13/12	Council Workshop
13/12	Brighton Council AGM 2022 and presentation of the Annual Report
19/12	Opening of Zoo Doo's Koala enclosure with Brian Mitchell MP
20/12	Ordinary Council Meeting for December

DECISION:

Cr Geard moved, Cr Curran 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 Owen	
Cr Whelan	

8.2 Reports from Council Representatives

Cr Geard attended and Chaired the Hobart Fire Management committee at Cambridge recently.

Cr Geard and Cr Curran attended a Brighton football and cricket clubs meeting in relation to their overarching plan to amalgamate.

Cr Geard and Council Services Officer met with the Poultry Club & Show Society in relation to damaged poultry club pens.

Cr Geard and the Manager Asset Services attended a southern emergency management committee meeting recently.

Cr Curran moved, Cr Irons seconded that the reports be received.

CARRIED

VOTING RECORD

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

8.3 Miscellaneous Correspondence

- Letter to Minister for Communications dated 18th November 2022 regarding improved mobile coverage for Tea Tree/Pontville area.
- Letter to General Manager from Brian Mitchell MP dated 24th November 2022 in response to mobile coverage for Tea Tree.

9. Notification of Council Workshops

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

Four (4) Council Workshops had been held since the last Ordinary Meeting of Council.

1. A workshop was held on the 13th December 2022 at 4.00 p.m. to discuss the Old Beach zoning review.
2. A workshop was held on the 13th December 2022 and 4.30pm. to discuss the Social Infrastructure Plan.
3. A workshop was held on the 13th December 2022 at 5.15pm to discuss Council's Committee structures.
4. A workshop was held on the 13th December 2022 at 5.40pm to discuss the South Brighton Master Plan.

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

10. Notices of Motion

There were no Notices of Motion.

11. Consideration of Supplementary Items to the Agenda

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

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

RECOMMENDATION:

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

There were no supplementary agenda items.

12. Reports from Committees

There were no committee meetings held in December.

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 2022/00212 for Multiple Dwellings (4) at 39 & 41 Fouche Avenue, Old Beach

Author: Planning Officer (Andres Perez-Roca)

Applicant:	Pinnacle Drafting & Design
Subject Site:	39 & 41 Fouche Avenue, Old Beach
Proposal:	Multiple Dwellings (4)
Planning Scheme:	<i>Tasmanian Planning Scheme – Brighton</i> (the planning scheme)
Zoning:	8.0 General Residential
Codes:	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code
Local Provisions:	Nil
Use Class:	Residential (Permitted)
Discretions:	8.4.2 Setbacks and building envelope for all dwellings (P3) 8.4.6 Privacy for all dwellings (P1 & P3) C2.6.2 Design and layout of parking areas (P1)
Representations:	Two representations were received. The representors raised the following issues: <ul style="list-style-type: none"> • Unreasonable loss of amenity to adjoining properties via: <ul style="list-style-type: none"> - Reduction in sunlight/overshadowing; and - Adverse visual impacts; • Inconsistent separation between dwellings on adjoining properties; and • Loss of privacy.
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the planning authority to determine development application DA 2022 / 00212.

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

Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of LUPPA.

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

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

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

2. SITE AND SURROUNDS

The site comprises two (2) internal lots with shared access to Fouche Avenue, Old Beach (see Figure 1).



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

The site area is calculated by subtracting the access strip from the total area of each lot, as demonstrated in the table below:

Property address	Property area	Access strip area	Site area
39 Fouche Avenue	777m ²	Approx. 115m ²	Approx. 662m ²
41 Fouche Avenue	779m ²	Approx. 105m ²	Approx. 674m ²
39 & 41 Fouche Avenue (combined)			Approx. 1,336m ²

The site and adjoining land are zoned General Residential (see Figure 2).



Figure 2. Zoning (General Residential Zone highlighted in red)

The site is not affected by overlays or local provisions. It is burdened by a variable-width drainage easement in favour of Brighton Council, as shown in Plan of Survey SP183158. A pipeline and services easement in favour of TasWater was created over the above drainage easement.

3. PROPOSAL

The proposal seeks planning approval to develop four (4) units on the site (see Figure 3).

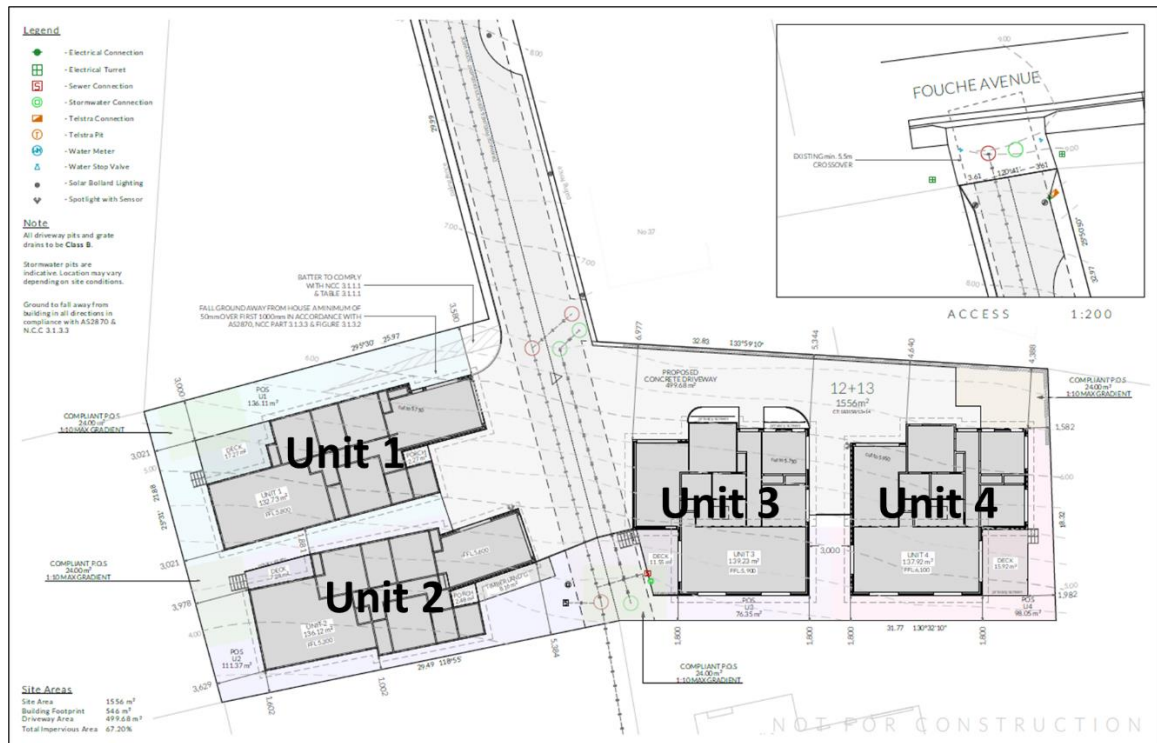


Figure 3. Site plan (with unit numbering added)

Each unit has an approximate site coverage of between 135 and 140sqm. They each are single storey with skillion roof, three bedrooms, single garage and open plan living areas, and decks. Two (2) car parking spaces are provided for each unit together with two (2) visitor car parking spaces. It is proposed that parking, access ways, manoeuvring and circulation spaces be concreted.

The proposal is accompanied by a civil plan demonstrating how stormwater, sewer and water infrastructure is to be managed.

4. PLANNING SCHEME ASSESSMENT

Compliance with Applicable Standards:

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

5.6.2 A standard is an applicable standard if:

- (a) the proposed use or development will be on a site within:
 - (i) a zone;
 - (ii) an area to which a specific area plan relates; or
 - (iii) an area to which a site-specific qualification applies; or
- (b) the proposed use or development is a use or development to which a relevant code applies; and

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

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

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

Determining applications (clause 6.10.1):

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

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

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

Use Class

The Use Class is categorised as Residential (Permitted).

The proposal provides for residential use and development where full infrastructure services are available.

Compliance with Performance Criteria

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

8.4.2 A3/P3 Setbacks and building envelope for all dwellings (Building envelope)

Objective:
<p>The siting and scale of dwellings:</p> <ul style="list-style-type: none"> (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and (d) provides reasonable access to sunlight for existing solar energy installations.

Acceptable Solutions	Performance Criteria
<p>A3</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>P3</p> <p>The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; and</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>

Figure 4 shows the building envelope for internal lots as required by clause 8.4.2 A3(a).

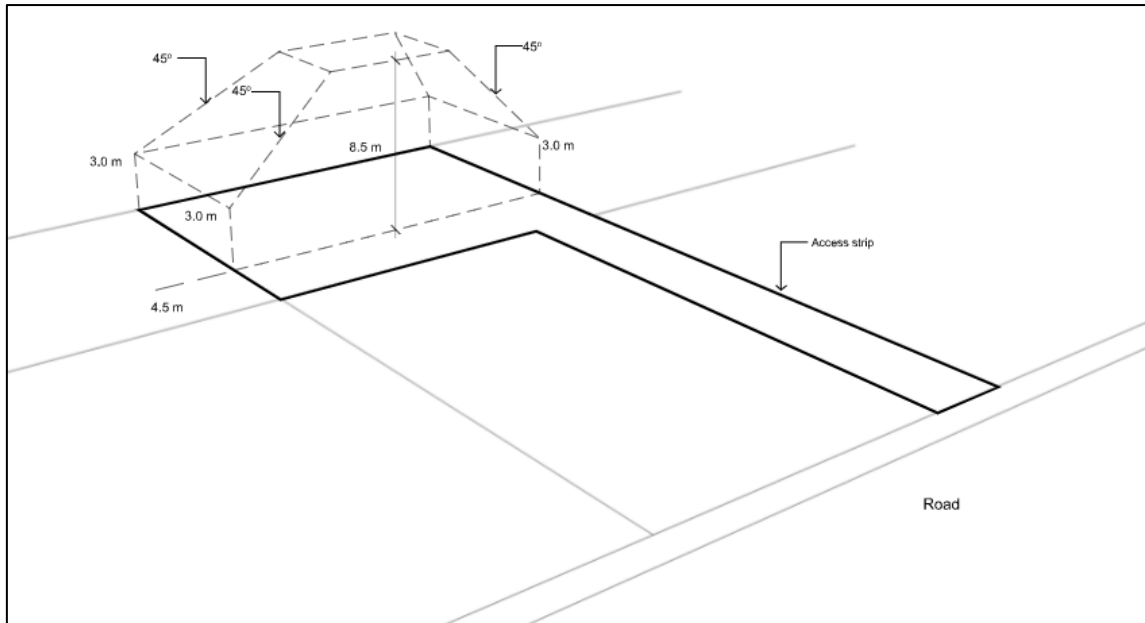


Figure 4. Building envelope for internal lots as required by clause 8.4.2 A3(a)

The assessment documents show that units 1, 2 and 4 are outside the building envelope in Figure 4. Particularly:

- (1) units 1 and 4 do not meet the required setback distance of 4.5m required by A3 a(i); and
- (2) unit 2 does not meet the building envelope required by A3 (a)(ii) (see Figure 5).

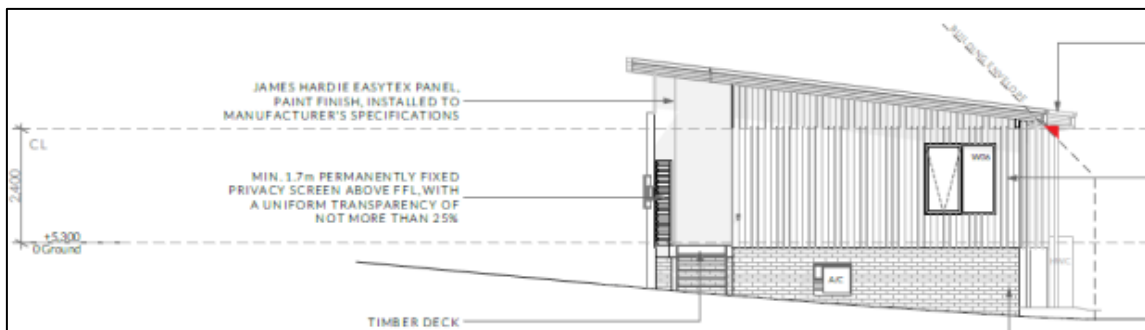


Figure 5. Western elevation for Unit 2 (area outside the building envelope highlighted in red)

Following the advertising of the proposal, the applicant provided the amended documents contained in attachment 3 in response to the representors' concerns.

The amended documents have reduced the building height for unit 2 , allowing this unit to be entirely contained within the required building envelope (see Figure 6).

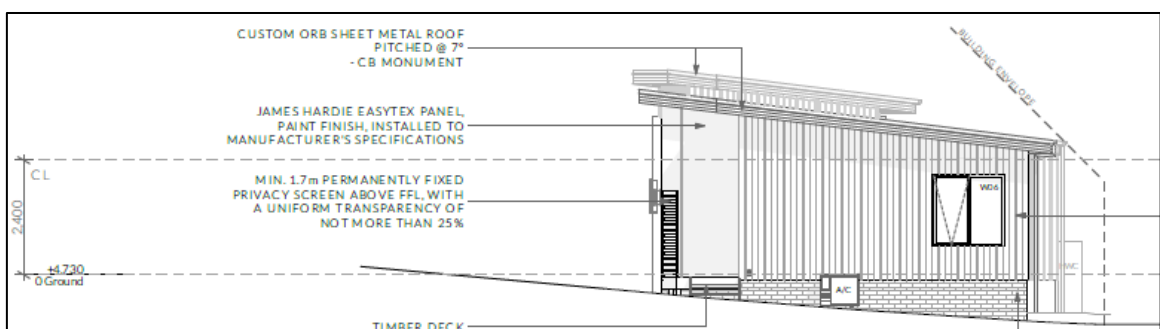
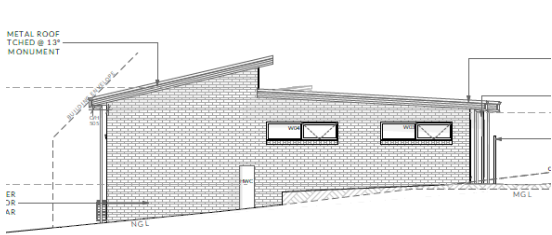
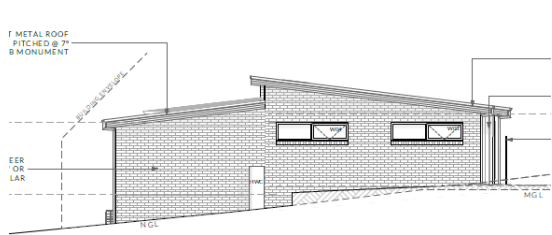
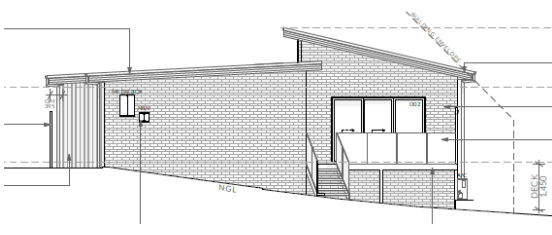
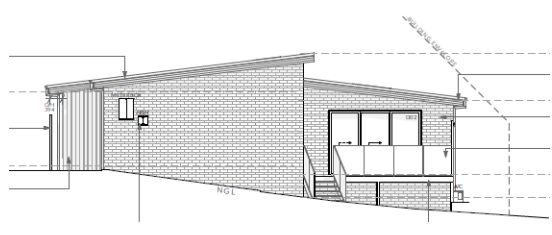
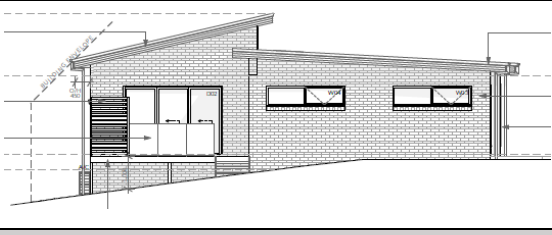
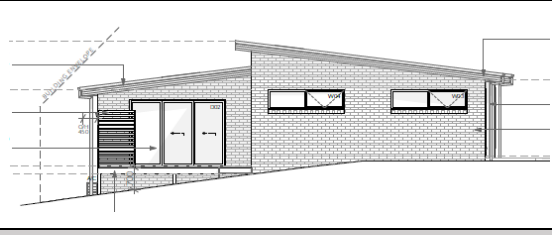
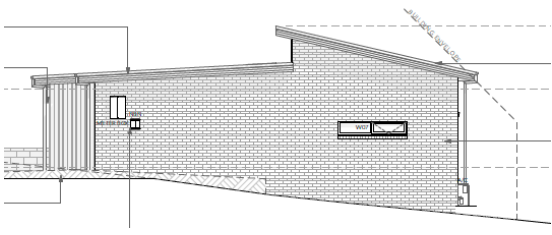
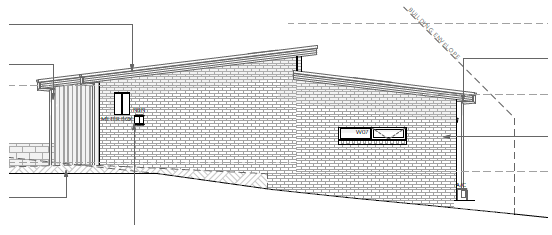


Figure 6. Amended western elevation for Unit 2

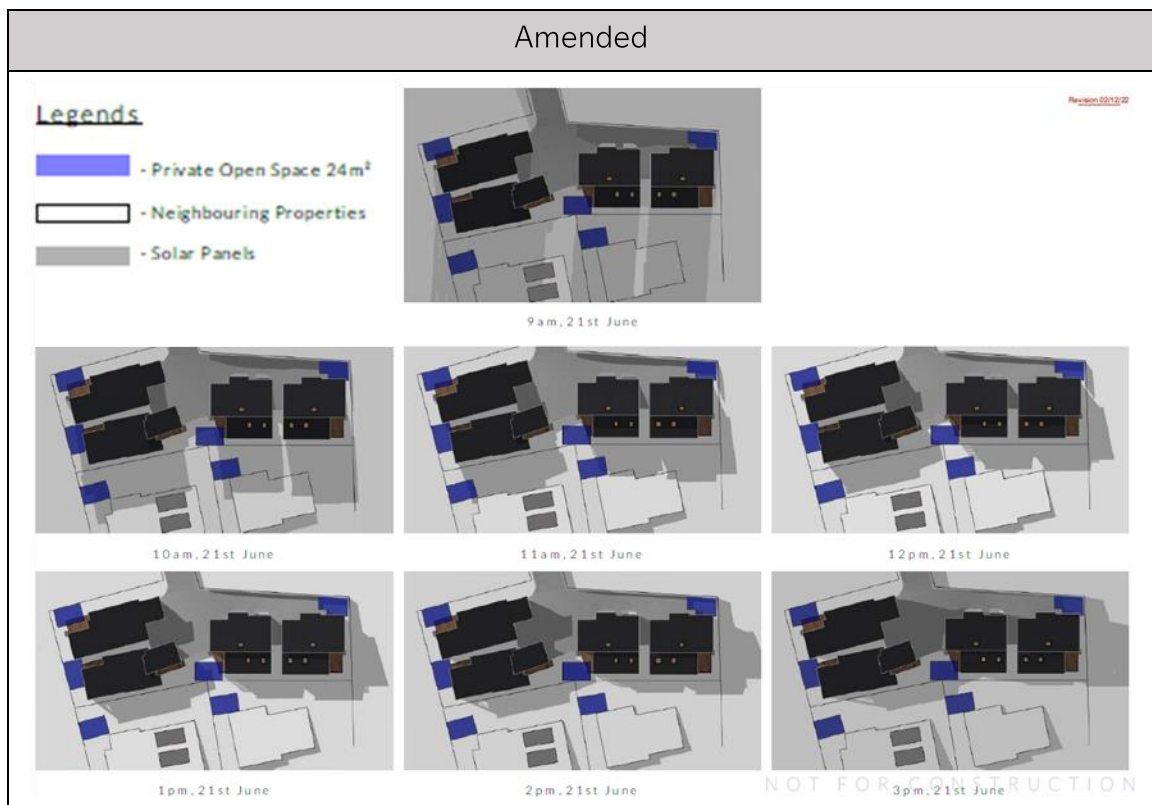
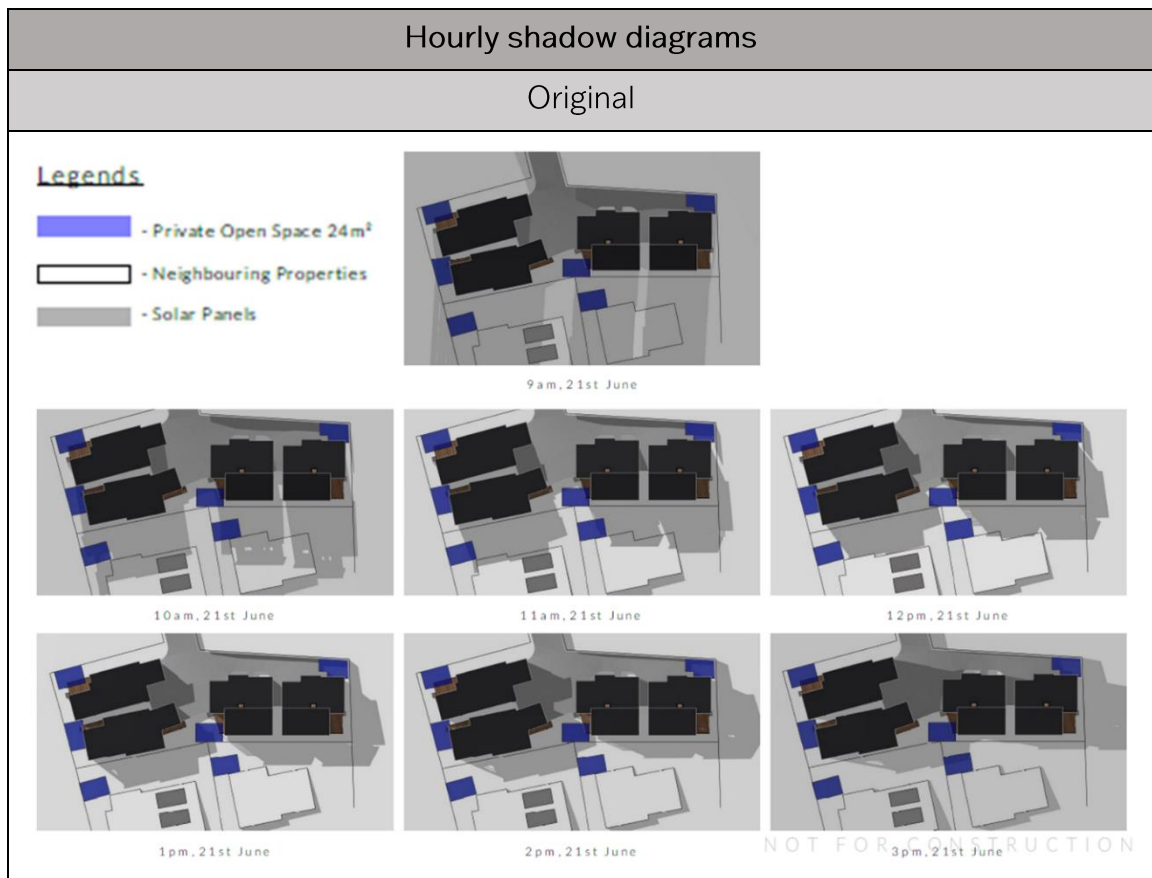
However, the amended documents did not increase the setback for units 1 and 4, required by A3(a)(i). Thus, the proposal does not meet the Acceptable Solution in clause 8.4.2 A3 and relies on the Performance Criteria.

The amended documents also show that a reduced building height, and reduced incline for the roofing, as shown in the table below:

Unit 3	
East elevation	
Original	Amended
	
West elevation	
Original	Amended
	

Unit 4	
East elevation	
Original	Amended
	
West elevation	
Original	Amended
	

As a result of these changes, the impact from overshadowing has been reduced:



The amended shadow diagrams show that the proposed units will not cause an unreasonable reduction in sunlight or overshadow a habitable room (other than a bedroom), or private open space. Further, solar panels on any adjoining property will not be unreasonably impacted due to the location (located to south west of the site) and built form (ie installed on two storey dwelling).

Further, it is considered that the proposed units are not out of scale, bulky or disproportionate in relation to the size of surrounding dwellings since each unit is single-storey with a low-pitched skillion roof. The amended plans submitted in Attachment 3 show that the building height has been reduced and the roof pitch lowered to address the representors concerns. Therefore, it is considered that the visual impacts caused by these units, when viewed from adjoining properties, will not be unreasonable.

The separation between the proposed units and dwellings on adjoining properties is consistent with that existing on established properties in the area:

- (1) While units 1 and 4 have front setbacks which are less than 4.5m from the rear boundary of a property with an adjoining frontage, there are examples of dwellings on nearby properties with similar setbacks.
- (2) While unit 2 has a setback of less than 1.5m from the rear boundary (i.e., approximately 1m), this unit does not extend within 0.2m of the shared boundary. Moreover, there are examples of buildings approved within 1.5m from the rear boundary of the property on which they are located (e.g., a building on the property at 40 Fouche Avenue was approved within 1m from this property's rear boundary).

Accordingly, it is considered that the proposal complies with the Performance Criteria in clause 8.4.2 P3, with a condition that the amended documents contained in attachment 3 replace the original documents contained in attachment 1.

8.4.6 A1/P1 Privacy for all dwellings (Landing and deck)

Objective:	
To provide a reasonable opportunity for privacy for dwellings.	
Acceptable Solutions	Performance Criteria
A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of	P1 A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of: (a) a dwelling on an adjoining property or its private open space; or

<p>not more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p>	<p>(b) another dwelling on the same site or its private open space.</p>
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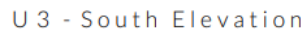
A timber landing and steps from the garage to the porch area for unit 2 is shown on the proposal plans. A portion of the landing area is within 4m of the rear boundary and has a finished floor level greater than 1m above the existing ground level. However, no screening has been proposed, and accordingly the landing does not meet the acceptable solution in clause 8.4.6 A1.

To provide a reasonable opportunity for privacy for dwellings on adjoining land, it is considered that the performance criteria can be satisfied by recommending the inclusion of a condition for screening in the following terms:

“(4) Prior to the issue of approvals pursuant to the Building Act 2016, an amended south elevation for unit 2 must be submitted showing a permanently fixed screen to a height of not less than 1.7m above the finished surface for any portion of the timber landing with a finished surface more than 1m above existing ground level.

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

Furthermore, the assessment documents in attachment 1 show that a portion of the 11.55m² timber deck for unit 3 has a floor level more than 1m above the existing ground level and a setback of less than 4m from the rear boundary. Screening is proposed for the deck area facing directly south, but no screening is proposed for the south west facing portion of the deck that is within 4m of the rear boundary.



The applicant has provided amended plans in response to the representors' concerns. The reduced building height has lowered the finished floor level of the deck, to allow the proposed deck to satisfy the acceptable solution in relation to privacy.

8.4.6 A3/P3 Privacy for all dwellings (Shared driveway)

Objective:	
To provide a reasonable opportunity for privacy for dwellings.	
Acceptable Solutions	Performance Criteria
<p>A3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not</p>	<p>P3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>

less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.	
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A portion of the driveway is proposed within 1m of windows W01, W08 and W09 for unit 4, and within 2.5m of window W02 for unit 4. Accordingly, the proposal does not meet the Acceptable Solutions in clause 8.4.6 A3(a) or (b) and therefore relies on the Performance Criteria in clause 8.4.6 P3.

Windows W01 and W02 for unit 4 are screened from the driveway by a paling fence, as shown in the landscaping plan.

While no screening is proposed for windows W08 and W09 for unit 4, this portion of the driveway will likely be used by vehicles pertaining to this unit only, as implied by the parking plan.

Hence, it is considered that this portion of the driveway is located and designed to minimise unreasonable impact of vehicle noise or vehicle light intrusion to windows W01, W02, W08 and W09 for unit 4 and thus to 'BED 1' and 'BED 2' for this unit.

Accordingly, it is considered that the proposal complies with the Performance Criteria in clause 8.4.6 P3.

C2.6.2 A1.1/P1 Design and layout of parking areas (Car parking space dimensions)

Objective:	
That parking areas are designed and laid out to provide convenient, safe and efficient parking.	
Acceptable Solutions	Performance Criteria
A1.1 Parking, access ways, manoeuvring and circulation spaces must either: (a) comply with the following: (i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2;	P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to: (a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety;

<p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890 - Parking facilities, Parts 1-6.</p>	<p>(e) the nature and use of the development;</p> <p>(f) the expected number and type of vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p> <p>(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 - 2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</p>
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Car parking space 'U3' and the nearest visitor car parking to Fouche Avenue are designed and arranged as parallel car parking spaces with a length of 5.4m. Thus, these car parking spaces do not meet the Acceptable Solution in clause C2.6.2 A3(a)(iv).

However, upon referral of the proposal to the Council's Development Engineer, this officer believes that the proposal can be conditioned to comply with Australian Standard AS 2890 - *Parking facilities, Parts 1-6* and has recommended that the following condition be included on any planning permit:

"(16) Prior to the issue of approvals pursuant to the Building Act 2016, the applicant is to provide engineer-designed drawings for the design and layout of parking, access ways, manoeuvring and circulation spaces demonstrating compliance with Australian Standard AS2890 - Parking facilities, Parts 1-6. These drawings must be to the satisfaction of the Council's Municipal Engineer."

Provided that the above condition is included on any planning permit issued, the above car parking spaces can meet the Acceptable Solution in clause C2.6.2 A3(b).

5. FURTHER INFORMATION SUBMITTED BY THE APPLICANT

Following the advertising of the proposal, the applicant provided the amended documents in attachment 3 in response to the representors' concerns.

A condition is recommended requiring that the amended documents be included in any permit approved, as follows:

“(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. The endorsed drawings include the following changes:

- *Amended drawings, inclusive of pages No. A0.01 to P0.1, revision DA - 03, dated 2 December 2022, replace advertised drawings No. A0.01 to P0.1, revision DA - 02, dated 13 September 2022.”*

6. REFERRALS

Council's Development Engineer

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

TasWater

The application was referred to TasWater, and TasWater has issued a Submission to Planning Authority Notice (SPAN) Reference No. TWDA 2022/01580-BTN, dated 05/10/2022. A copy of the SPAN will be attached to any planning permit issued.

To facilitate compliance with the SPAN requirements and protect the variable width drainage easement in favour of Brighton Council shown on Plan of Survey SP183158, it is recommended that the following condition be included on any planning permit:

“(7) Prior to the issue of approvals pursuant to the Building Act 2016, either:

- (a) submit an amended landscaping plan to be approved by the Council's Manager Development Services. The amended landscaping plan must show no trees or shrubs within the drainage and/or pipeline & services easements; or*
- (b) supply a report from a suitably qualified person stating that the proposed plantings will not damage TasWater infrastructure.*

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

7. REPRESENTATIONS

Two representations were received during the statutory public exhibition period between 5 and 21 November 2022.

The representors' concerns are summarised below and a planning response to each concern is provided:

Representors' concerns	Planning Response
Unreasonable loss of amenity to adjoining properties via: - Reduction in sunlight/overshadowing; and - Adverse visual impacts;	Refer to clause 8.4.2 Setbacks and building envelope for all dwellings.
Inconsistent separation between dwellings on adjoining properties; and	Refer to clause 8.4.2 Setbacks and building envelope for all dwellings.
Loss of privacy.	Refer to clause 8.4.6 Privacy for all dwellings.

8. CONCLUSION

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

RECOMMENDATIONS

That:

- A. Pursuant to the *Tasmanian Planning Scheme – Brighton*, Council approves application DA 2022 / 00212 for Multiple Dwellings (4) at 39 & 41 Fouche Avenue, Old Beach, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, endorsed drawings and conditions of this permit and must not be altered or extended without the further written approval of Council. The endorsed drawings include the following changes:
 - Amended drawings, inclusive of pages No. A0.01 to P0.1, revision DA - 03, dated 2 December 2022, replace advertised drawings No. A0.01 to P0.1, revision DA - 02, dated 13 September 2022.
- (2) Where a conflict between the application for planning approval, endorsed drawings and conditions of this permit, the latter prevails.
- (3) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.

Amended plans

- (4) Prior to the issue of approvals pursuant to the *Building Act 2016*, an amended south elevation for unit 2 must be submitted showing a permanently fixed screen to a height of not less than 1.7m above the finished surface for any portion of the timber landing with a finished surface more than 1m above existing ground level.

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

Adhesion of Titles

- (5) Prior to the commencement of use, the lots comprising the site area must be consolidated. The cost of consolidating the titles lies solely with the developer.

The developer must pay any Titles Office lodgment fees required by the Recorder of Titles.

Amenity

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

Landscaping

- (7) Prior to the issue of approvals pursuant to the *Building Act 2016*, either:
- (a) Submit an amended landscaping plan to be approved by the Council's Manager Development Services. The amended landscaping plan must show no trees or shrubs within the drainage and/or pipeline & services easements; or
 - (b) supply a report from a suitably qualified person stating that the proposed plantings will not damage TasWater infrastructure.

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

- (8) Before the use commences, all trees and landscaping must be planted and installed in accordance with the approved landscape plan to the satisfaction of the Council's Manager Development Services. Evidence showing compliance with this condition must be submitted to, and approved by, the Council's Manager Development Services within 30 days of planting.
- (9) Replacement trees and landscaping in accordance with the approved landscape plan must be planted if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.

Private Open Space

- (10) Before the use commences, the private open space for all units must be formed or constructed to the satisfaction of the Council's Manager Development Services and in accordance with the approved landscaping plan.
- (11) The private open space for each unit must be separated from other units and common areas by a paling fence no less than 1.7m in height above the natural ground level.

Services

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

- (13) Services located under the access driveway are to be provided with trafficable covers to the requirements of the local authority and to the satisfaction of the Council's Municipal Engineer.

TasWater

- (14) 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 2022/01580-BTN, dated 05/10/2022, as attached to this permit.

Parking and Access

- (15) At least ten (10) car parking spaces must be provided on the land at all times for the use of the development, including at least two (2) car parking spaces per dwelling and at least two (2) designated for visitor parking, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – *Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney*.
- (16) Prior to the issue of approvals pursuant to the *Building Act 2016*, the applicant is to provide engineer-designed drawings for the design and layout of parking, access ways, manoeuvring and circulation spaces demonstrating compliance with Australian Standard AS2890 - *Parking facilities, Parts 1-6*. These drawings must be to the satisfaction of the Council's Municipal Engineer.
- (17) Unless approved otherwise by the Council's Municipal Engineer, all parking, access ways, manoeuvring and circulation spaces must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – *Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney*, and include the following:
- (a) Constructed with a durable all-weather pavement;
 - (b) Drained to an approved stormwater system;
 - (c) Surfaced by concrete;
 - (d) Vehicular passing bays 5.5 metres wide x 5.5 metres long with lead in tapers located at the front and lot proper;
 - (e) All fencing and privacy screens are to be constructed outside the clearance sweep zones required for vehicles to undertake turning manoeuvres.
 - (f) Have car parking spaces delineated by line marking or other clear physical means and identify to which unit they belong and the designated visitor car parking spaces.
- (18) Before the use commences, the completed parking, access ways, manoeuvring and circulation spaces must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings, permit conditions and relevant standards.
- (19) All areas set-aside for parking and associated turning and access must be completed before the use commences and must continue to be maintained to the satisfaction of the Council's Municipal Engineer.

Access to Road

- (20) The existing reinforced concrete vehicle access from the road carriageway to the property boundary must be maintained in accordance with the standards shown on standard drawings TSD-R09-v1 *Urban Roads Driveways* and TSD-RF01-v1 *Guide to Intersection and Domestic Access Sight Distance Requirements* prepared by the IPWE Aust. (Tasmania Division), to the satisfaction of the Council's General Manager.
- (21) The existing concrete apron is to be protected from damage, cracking or marking during construction.

Advice: No works on or affecting any Council road reservation are 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

- (22) 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*.
- (23) Stormwater from the developed site will be required to meet the stormwater treatment targets set within the Tasmanian Stormwater Policy Guidance and Standards for Development November 2021 of:
 - (a) 90% reduction in the average load of gross pollutants based on typical urban stormwater concentrations; and
 - (b) 80% reduction in the average annual load of total suspended solids based on typical urban stormwater concentrations; and
 - (c) 45% reduction in the average annual load of total phosphorus based on typical urban stormwater concentrations; and
 - (d) 45% reduction in the average annual load of total nitrogen based on typical urban stormwater concentrations;

Alternatively, stormwater quality treatment can be offset via a cash contribution being applied for and made in line with Council's Stormwater Quality Control Contributions Policy.

Soil and Water Management

- (24) 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.

- (25) 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

- (26) 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.

- (27) 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.
- (28) 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.
- (29) 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.
- (30) 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 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 Owen	
Cr Whelan	

13.2 Combined Planning Scheme Amendment & Subdivision Permit Application - Amendment to the Brighton Local Provisions Schedule for Rezoning of Land & Approval for a reorganisation of Boundaries (via Subdivision)

Type of report	Report to the Planning Authority
Application number	RZ2022/02 & SA2022/37
Applicant	Brighton Council Officers
Subject land	1. 131 Cove Hill Road, Bridgewater, contained in Certificate of Title Volume 31616, Folio 1697; 2. Lot 105 Taylor Crescent, Bridgewater, contained in Certificate of Title Volume 177664, Folio 105; and 3. A portion of the land contained in Certificate of Title Volume 7884, Folio 1368.
Landowner	Brighton Council
Scope	1. Amend the Brighton Local Provisions Schedule to: a) Rezone 131 Cove Hill Road from Utilities to Light Industrial; b) Rezone 2,763m ² of Lot 105 Taylor Crescent from Open Space to Light Industrial; and c) Rezone a portion of the land contained in Certificate of Title Volume 7884, Folio 1368, from Utilities to Light Industrial; and

	2. Approve a reorganisation of boundaries (via subdivision) to add 2,763m ² of Lot 105 Taylor Crescent to 131 Cove Hill Road.
Author	Planning Officer (Andres Perez-Roca)
Authorised by	Manager Development Services (David Allingham)

1. EXECUTIVE SUMMARY

This report has been prepared for the Planning Authority to determine a combined permit and amendment application (the application) made by Brighton Council Officers, who are a 'person' for the purposes of this application.

The application is made under sections 37(1) and 40T(1) of the *Land Use Planning and Approvals Act 1993* (LUPAA). These sections allow a person to request the Planning Authority to simultaneously consider an amendment to the Brighton Local Provisions Schedule (LPS) and a permit that could not be issued unless the Brighton LPS were amended as requested.

Brighton Council (the Council) is the sole owner of the subject land, so the application has been accompanied by the consent of the Council's General Manager in Attachments A and B.

131 Cove Hill Road is currently used for 'Recycling & Waste Disposal' and developed by the Brighton Council's Waste Transfer Station (the Waste Transfer Station). Rezoning is sought, pending the decommissioning of the Waste Transfer Station. It is expected that 131 Cove Hill Road and 2,763m² of adjoining land at Lot 105 Taylor Crescent be consolidated to form Lot 2 in Attachment G (Lot 2) and that this lot be repurposed for light industrial use in line with adjoining Light Industrial zoned land.

It is also expected that the Council maintains ownership over Lot 1 in Attachment G (Lot 1) and that this lot be used to provide linear pedestrian linkage between Bisdee Road and a Crown reserve administered by Property Services.

The proposed amendment does not seek to modify any overlays or local provisions that apply to the subject land and is considered to meet the requirements of LUPAA.

The proposed subdivision is considered to comply with the applicable standards of the *Tasmanian Planning Scheme – Brighton* (the planning scheme).

It is recommended that the proposed amendment be prepared and certified and the proposed subdivision be approved.

2. LEGISLATIVE AND POLICY REQUIREMENTS

This report has been prepared considering the requirements of LUPAA and applicable standards of the planning scheme.

The 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*.

3. FINANCIAL IMPLICATIONS

Council will need to pay the Tasmanian Planning Commission application fee and for advertising of the amendment (approximately \$1,000).

4. SUBJECT LAND

4.1 Identification

The subject land is shown in Figure 1.



Figure 1. Subject land (highlighted in dark blue)

The subject land is contained within the following parcels of land:

Property address	Title reference	Owner(s) name	Total land area	Existing zoning
131 Cove Hill Road, Bridgewater	Certificate of Title Volume 31616, Folio 1697	Brighton Council	21,540m ²	Utilities
Lot 105 Taylor Crescent, Bridgewater	Certificate of Title Volume 177664, Folio 105	Brighton Council	6,628m ²	Open Space

N/A	Certificate of Title Volume 7884, Folio 1368	Brighton Council	1,268m ²	Split zoning (Light Industrial, Open Space & Utilities). However, only the Utilities zoned portion of this land is included within the subject land.
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4.2 Zoning, overlays and local provisions

Zoning

The subject land is zoned Utilities and Open Space and surrounded by land zoned General Industrial, General Residential, Light Industrial, and Open Space (see Figure 2).



Figure 2. Zoning (General Industrial Zone in dark purple; General Residential Zone in red; Light Industrial Zone in light purple, Open Space Zone in green, and Utilities Zone in yellow)

Overlays

A portion of the subject land is affected by an Attenuation Area Overlay relating to the Bridgewater Quarry, and the entirety of the subject land is affected by a Bushfire-Prone Areas Overlay (see Figure 3).



Figure 3. Attenuation Area Overlay (highlighted in dark blue on the left image) and Bushfire-Prone Areas Overlay (highlighted in dark blue on the right image)

Given the current use at 131 Cove Hill Road (i.e., Recycling & Waste Disposal), future development applications for this land will need to comply with any applicable standards of the Potentially Contaminated Land Code of the planning scheme.

Local provisions

A portion of the subject land is affected by the Bridgewater Quarry Specific Area Plan and the Brighton Industrial Hub Specific Area Plan (see Figure 4).



Figure 4. Bridgewater Quarry Specific Area Plan (highlighted in dark blue on the left image) and Brighton Industrial Hub Specific Area Plan (highlighted in dark blue on the right image)

4.3 Existing use and development

131 Cove Hill Road is currently used for 'Recycling & Waste Disposal' and developed by the Waste Transfer Station.

The Waste Transfer Station has (5) buildings, including a large and a small canopy and three (3) sheds (see Figure 5), as well as various signs and large metallic bins used for operational purposes.



Figure 5. Waste Transfer Station buildings

Shed 1 contains the Waste Transfer Station's office.

The Waste Transfer Station has an approximately 8-metre-wide sealed vehicular access connecting to the vacant land contained in Certificate of Title Volume 7884, Folio 1368, and, ultimately, to Cove Hill Road (see Figure 6).



Figure 6. Waste Transfer Station access

Lot 105 Taylor Crescent (the Open Space zoned lot) is currently vacant and was categorised as open space for 'Utility and Services' under the 2012 *Brighton Municipal Area Open Space Strategy* in case it was required to support the Waste Transfer Station operations (see area 24 highlighted in grey in Figure 7).

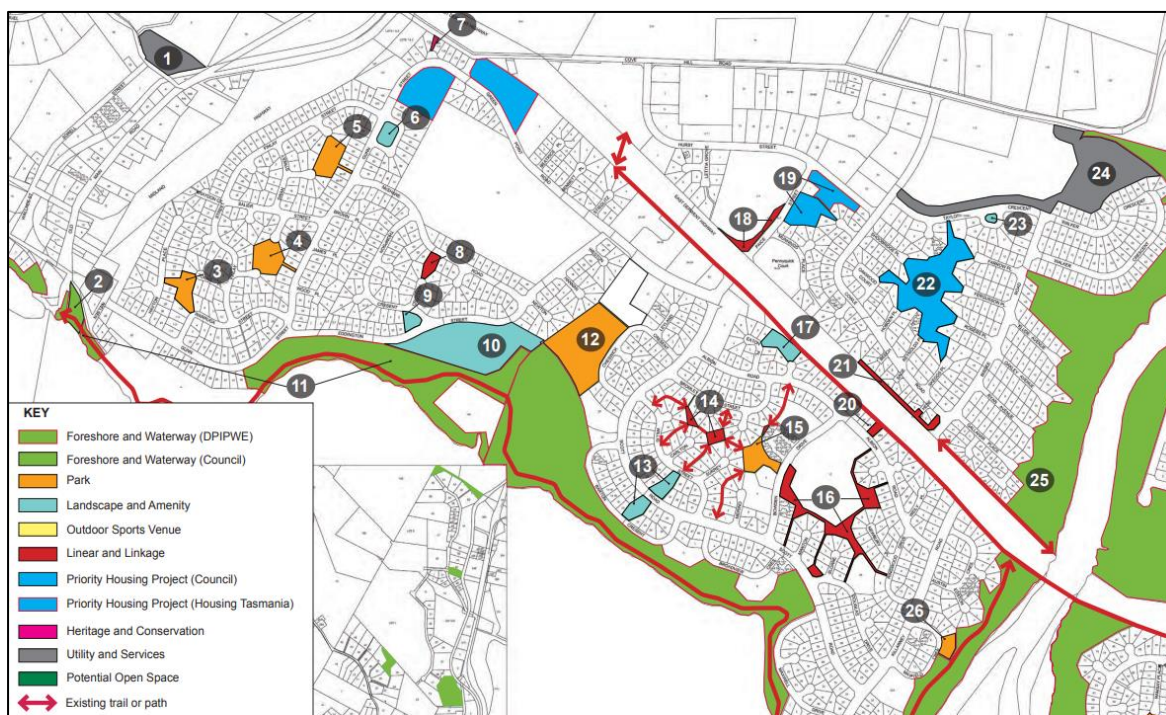


Figure 7. Bridgewater Open Space classification plan

While Lot 105 Taylor Crescent has an approximately 4-metre-wide sealed vehicular access connecting to Bisdee Road, this access is currently not in use and no internal driveway has been developed within this lot.

4.4 Natural and cultural values

The subject land has minimal vegetation, with no significant natural values identified (see Figure 8).



□ FUR (Urban areas)

Figure 8. TASVEG 4.0.

Existing trees will be retained where possible, but if there is a need to remove some or all of them, new trees could be planted, having regard to any asset or bushfire-related management requirements.

Aboriginal Heritage Tasmania was consulted regarding the cultural values of the subject land, and the following advice was provided:

There is no known Aboriginal heritage recorded within the property, although there are several shell midden sites recorded nearby along the banks of the Jordan River. As the current proposal is for rezoning and subdivision only with no civil works planned, there is no requirement for an Aboriginal heritage investigation at this stage. If works are proposed in the future however, AHT should be contacted and further advice sought.

Given the above advice, future development applications involving works at 131 Cove Hill Road must be referred to Aboriginal Heritage Tasmania.

4.5 Covenants, easements and infrastructure

Covenants

131 Cove Hill Road and Lot 105 Taylor Crescent are burdened by a standard fencing covenant.

No covenants apply to the land contained in Certificate of Title Volume 7884, Folio 1368.

Easements

Lot 105 Taylor Crescent is burdened by a 3-metre-wide pipeline and services easement in favour of TasWater and a 3-metre-wide drainage easement in favour of Brighton Council, as shown on Plan of Survey SP177664.

No easements apply to 131 Cove Hill Road and the land contained in Certificate of Title Volume 7884, Folio 1368.

Infrastructure

The subject land contains a TasWater's Water Main (see the blue line in Figure 9), TasWater's Sewer Mains (see the red lines in Figure 9), and public stormwater infrastructure (see the bright green lines and dots in Figure 9).



Figure 9. Infrastructure

4.6 Services

131 Cove Hill Road is connected to a water and sewer supply service. This land is also serviced by TasNetworks and connected to the NBN network.

Discharge of stormwater runoff from buildings and parking areas on the land at 131 Cove Hill Road currently occurs through infiltration into the surrounding naturally permeable soil. Nonetheless, this land can be serviced by the existing public stormwater system.

4.7 Surrounding land

Land to the east is predominantly vacant land zoned Open Space and includes a portion of a privately-owned property and a Crown reserve administered by Property Services. Land to the north and west is predominantly industrial in nature. Land to the south is predominantly residential in nature.

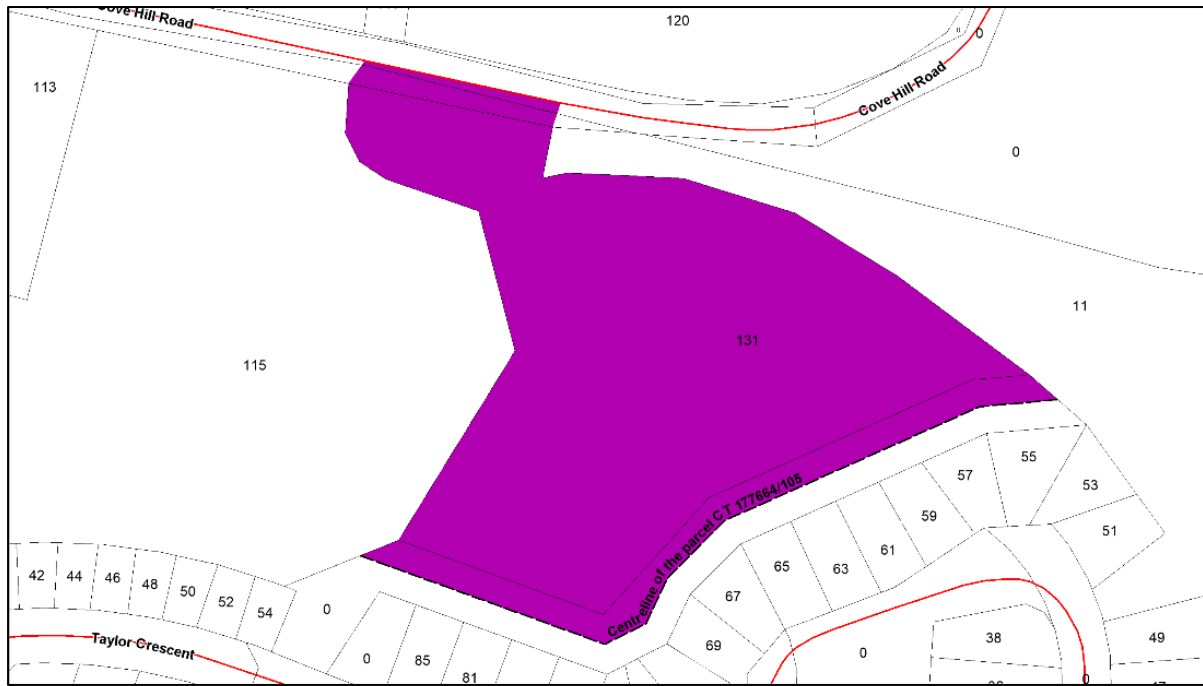
4.8 Natural hazards

Given that the entirety of the subject land is affected by a Bushfire-Prone Areas Overlay (see Figure 3), the proposed subdivision is accompanied by a Bushfire Hazard Management Report. The report concludes that the proposal would achieve and is likely to maintain a tolerable level of residual bushfire risk, provided that the recommendations made in the report and associated Bushfire Hazard Management Plan are implemented.

5. THE APPLICATION

5.1 Scope

The application seeks to amend the Brighton Local Provisions Schedule to rezone the subject land, as shown in Figure 10.



■ 18.0 Light Industrial Zone

Figure 10. Proposed rezoning of land

It also seeks approval for a reorganisation of boundaries (via subdivision) to add 2,763m² of Lot 105 Taylor Crescent to 131 Cove Hill Road, as shown in Figure 11.

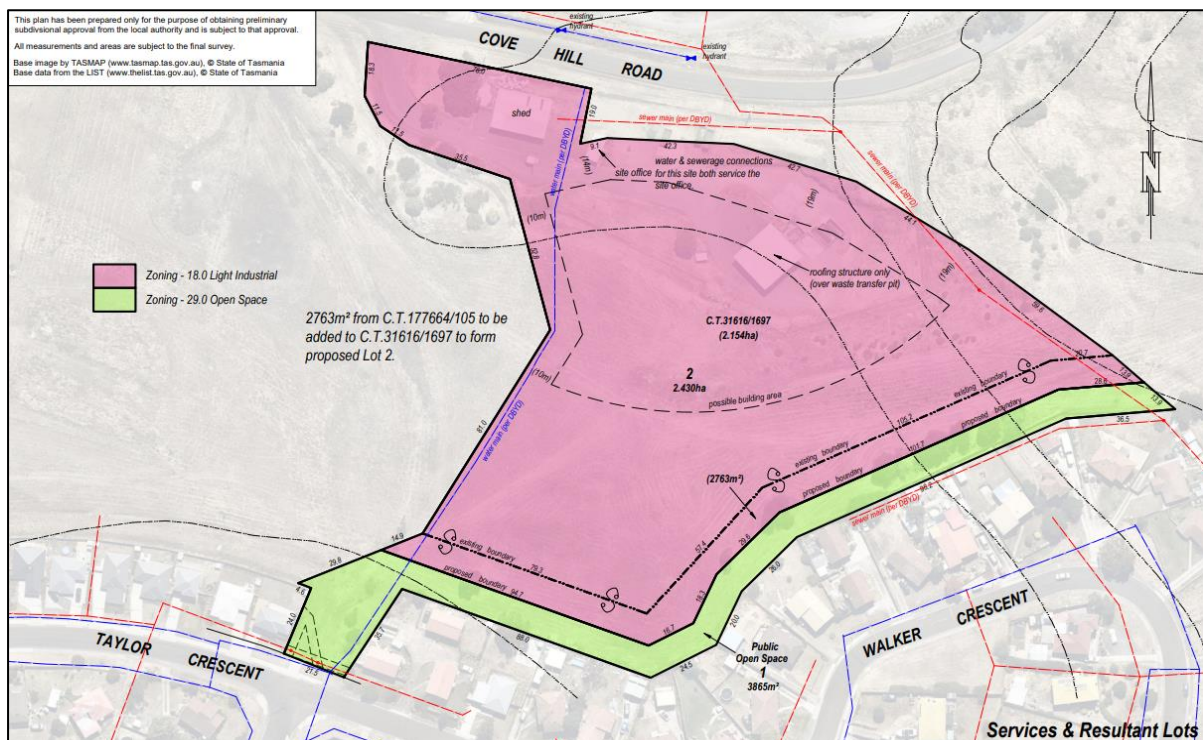


Figure 11. Proposed reorganisation of boundaries

5.2 Rezoning of land

Rationale

It is considered that 131 Cove Hill Road and 2,763m² of adjoining land at Lot 105 Taylor Crescent could be consolidated to form Lot 2 (see the lot highlighted in purple in Figure 11) and that this lot could be best repurposed for light industrial use for three main reasons:

- Once the Waste Transfer Station is decommissioned, the proposed rezoning will open a spectrum of possibilities for more effective and efficient use of Lot 2 in a way that will not conflict with or cause an unreasonable loss of amenity to adjacent industrial, residential or recreational uses. The proposed rezoning will also be consistent with the industrial character of the land to the north and west.
- There are significant challenges around repurposing Lot 2 to accommodate other high-demand land uses (e.g., residential uses) due to the planning scheme codes and local provisions that will apply to it; and
- While a strip of Open Space-zoned land will be maintained to provide linear pedestrian linkage between Bisdee Road and a Crown reserve administered by Property Services (see the lot highlighted in green in Figure 11), it is desirable that this strip of land is reduced to facilitate its future upgrade and maintenance and that the 2,763m² balance is added to 131 Cove Hill Road. This strip of land will have a minimum width of 10 metres and act as a buffer between the existing residential uses to the south and future light industrial use in Lot 2, in addition to the use standards within the Light Industrial zone, which deal with impacts on adjoining residential zones.

Planning scheme implications

The planning scheme establishes purpose statements for achieving sustainable use and development of land, which must be examined in light of the proposed amendment. These purpose statements are complemented by application guidelines under section 8A of LUPAA (see the table below).

Zone	Purpose statements & application guidelines	
Utilities	Purpose statements	<p><i>26.1.1 To provide land for major utilities installations and corridors.</i></p> <p><i>26.1.2 To provide for other compatible uses where they do not adversely impact on the utility.</i></p>
	Application guidelines	<p><i>UZ 1 The Utilities Zone should be applied to land that is used, or intended to be used, for major utilities infrastructure, including:</i></p> <p><i>(a) category 1, 2, 3, 4 and 5 roads as defined in the Tasmanian State Road Hierarchy published by the Tasmanian Department of State Growth;</i></p> <p><i>(b) any listed major local roads;</i></p>

		<p>(c) future road corridors for major local and all State roads;</p> <p>(d) energy production facilities, such as power stations, and major electricity substation facilities;</p> <p>(e) waste water treatment plants; or</p> <p>(f) rail corridors.</p> <p>UZ 2 The application of the Utilities Zone to category 1, 2, 3, 4 or 5 roads as defined in the Tasmanian State Road Hierarchy should be based on the 'State Road Casement' layer published on the LIST.</p> <p>UZ 3 The Utilities Zone may be applied to land that provides, or is intended to provide, for major waste transfer stations, recycling depots or refuse disposal sites.</p> <p>UZ 4 The Utilities Zone may be applied to land for water storage facilities for the purposes of water supply directly associated with major utilities infrastructure, such as dams or reservoirs.</p> <p>UZ 5 The Utilities Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, port and marine activities or facilities.</p> <p>UZ 6 The Utilities Zone should not be used for minor utilities or underground utilities as these are more appropriately contained within the surrounding zone to which it is located.</p>
Open Space	Purpose statements	<p>29.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.</p> <p>29.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.</p>
	Application guidelines	<p>OSZ 1 The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for:</p> <p>(a) passive recreational opportunities; or</p> <p>(b) natural or landscape amenity within an urban setting.</p> <p>OSZ 2 The Open Space Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, passive recreation opportunities.</p> <p>OSZ 3 The Open Space Zone should generally only be applied to public land, but may be applied to privately owned land if it has been strategically identified for</p>

		<p><i>open space purposes.</i></p> <p><i>OSZ 4 The Open Space Zone should not be applied to land:</i></p> <p><i>(a) with significant natural values (see Environmental Management Zone); or</i></p> <p><i>(b) with, or intended for, formal recreational facilities, such as sporting grounds, golf courses, racecourses or major sporting facilities (see Recreation Zone).</i></p>
Light Industrial	Purpose statements	<p><i>18.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off site impacts are minimal or can be managed to minimise conflict with, or unreasonable loss of amenity to, any other uses.</i></p> <p><i>18.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.</i></p>
	Application guidelines	<p><i>LIZ 1 The Light Industrial Zone should be applied to land where there are likely to be minimal off site impacts.</i></p> <p><i>LIZ 2 The Light Industrial Zone should not be applied to individual, isolated industrial uses, unless:</i></p> <p><i>(a) they are a use, or are of a scale, that is more appropriate for the Light Industrial Zone and there is a strategic intention to maintain the use; or</i></p> <p><i>(b) there is a strategic intention to expand the existing industrial area in this locality consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</i></p> <p><i>LIZ 3 The Light Industrial Zone should not be applied to areas that primarily accommodate, or are strategically intended to accommodate, large-scale, medium or high impact manufacturing, processing, storage, or transport activities (see General Industrial Zone).</i></p> <p><i>LIZ 4 The Light Industrial Zone may be applied to land seaward of the high water mark where it includes existing, or is intended for, light industrial activities.</i></p>

While the Utilities Zone is the most ideal zoning for the existing use on the land at 131 Cove Hill Road (see UZ 3 in the table above), rezoning this land to Light Industrial will not be detrimental to this use in that:

- The Waste Transfer Station has existing use rights; and
- Recycling and Waste Disposal (for a Waste Transfer Station) is a discretionary use, and thus non-prohibited, in the Light Industrial Zone.

However, upon decommissioning the Waste Transfer Station, the Utilities Zone will no longer be appropriate, given that it is significantly more restrictive of industrial uses than the Light Industrial Zone (see the table below).

Use Class	Utilities Zone	Light Industrial Zone	Restrictiveness
Bulky Goods Sales	Prohibited	Discretionary <i>If for:</i> <i>(a) a supplier for Extractive Industry, Resource Development or Resource Processing;</i> <i>(b) a garden and landscaping materials, trade or hardware supplier; or</i> <i>(c) a timber yard.</i>	More restrictive
Community Meeting and Entertainment	Prohibited	Discretionary	More restrictive
Crematoria and Cemeteries	Prohibited	Discretionary	More restrictive
Domestic Animal Breeding, Boarding or Training	Prohibited	Discretionary	More restrictive
Educational and Occasional Care	Prohibited	Discretionary <i>If for alterations or extensions to existing Educational and Occasional Care.</i>	More restrictive
Equipment and Machinery Sales and Hire	Prohibited	Permitted	More restrictive
Emergency Services	Discretionary	Permitted	More restrictive
Food Services	Prohibited	Discretionary	More restrictive
General Retail and Hire	Prohibited	Discretionary <i>If for alterations or extensions to existing General Retail and Hire.</i>	More restrictive
Manufacturing and Processing	Prohibited	Permitted	More restrictive
Natural and Cultural Values Management	No Permit Required	No Permit Required	No change
Passive Recreation	No Permit Required	No Permit Required	No change

Port and Shipping	Prohibited	Permitted	More restrictive
Recycling and Waste Disposal	Permitted	Discretionary <i>If for a scrap yard or waste transfer station</i>	Less restrictive
Research and Development	Prohibited	Permitted	More restrictive
Resource Processing	Prohibited	Discretionary	More restrictive
Service Industry	Prohibited	Permitted	More restrictive
Sports and Recreation	Discretionary	Discretionary	No change
Storage	Discretionary	Permitted	More restrictive
Transport Depot and Distribution	Permitted	Permitted	No change
Tourist Operation	Discretionary	Prohibited	Less restrictive
Utilities	No Permit Required <i>If for minor utilities.</i>	No Permit Required <i>If for minor utilities.</i>	No Permit Required
Vehicle Fuel Sales and Service	Prohibited	Permitted	More restrictive
Vehicle Parking	Permitted	Discretionary	Less restrictive
All other uses	Prohibited	Prohibited	No change

Thus, the proposed rezoning will open a spectrum of possibilities for more effective and efficient use of Lot 2.

Moreover, the proposed rezoning is consistent with the purpose statement and application guidelines for the Light Industrial Zone in that:

- It is unlikely to create adverse impacts on adjacent industrial, residential or recreational uses. If any, these impacts could be managed to minimise conflict with or unreasonable loss of amenity. Particularly:
 - Lot 2 is partly affected by the Bridgewater Quarry Specific Area Plan. Consequently, future light industrial development on land affected by this local provision must demonstrate that it will not result in the potential to conflict or interfere with the Bridgewater quarry operations.

- Lot 2 is partly affected by the Brighton Industrial Hub Specific Area Plan, which aims to protect industrial use. Consequently, future light industrial use or development on land affected by this local provision is unlikely to conflict with or cause an unreasonable loss of amenity to the adjacent industrial use or development.
- Future light industrial use or development on Lot 2 must demonstrate that it will comply with any applicable Light Industrial Zone standards, which assist in minimising adverse impacts on adjoining properties and, particularly, to adjoining properties in the General Residential Zone.
- Future light industrial use or development on Lot 2 must demonstrate that it will comply with any applicable standards of the Attenuation Code and Potentially Contaminated Land Code, which prevents environmental degradation and adverse impacts on the amenity, health and safety of residents and visitors. Also, Lot 2 will remain separated from the General Residential Zone by a minimum 10-metre-wide strip of Open Space-zoned land that will act as a buffer between the existing residential uses to the south and future light industrial use in Lot 2. This strip of land will continue to provide passive recreation opportunities for residents and visitors in line with OSZ 1(a).
- It is not for an individual, isolated industrial use since Lot 2 is directly next to the Light Industrial Zone and adjoins various existing industrial uses.
- While Lot 2 adjoins the General Industrial Zone, this lot is not intended to accommodate large-scale, medium, or high-impact manufacturing, processing, storage, or transport activities. Also, the Light Industrial Zone provides a more suitable interface with the existing residential land to the south.

Legislative and policy implications

LUPAA requirements

Section 34(2) of LUPAA requires that a draft amendment to a Local Provisions Schedule in Tasmania meets the following criteria:

- a. *Contains all the provisions that the SPPs specify must be contained in an LPS.*

Response: The proposed amendment is for rezoning land without modifications to the code development controls that apply to it. The proposed amendment uses a zone from the suite of zones available under the SPPs (i.e., Light Industrial Zone). If certified, all the provisions of the Light Industrial Zone will apply to this land along with any other relevant code development controls and local provisions.

- b. *Is in accordance with section 32.*

Response: The proposed amendment is for rezoning of land in the Brighton municipality, as identified in the instrument of certification, which has been prepared in accordance with section 32 of LUPAA.

c. *Further the objectives set out in Schedule 1.*

Response: The proposed amendment furthers the objectives of the Resource Management and Planning System of Tasmania for the reasons outlined in the table below:

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 contributes to further this objective by facilitating more effective and efficient use of land with limited ecological value.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water.	<p>The proposed amendment contributes to further this objective by facilitating a more just and methodically arranged use of land.</p> <p>Rezoning is consistent with the purpose statement and application guidelines for the Light Industrial Zone and will not create an individual, isolated industrial use since Lot 2 is directly next to the Light Industrial Zone and adjoins various existing industrial properties and uses.</p> <p>Air emissions of future light Industrial use or development on Lot 2 can be controlled through permits or environment protection notices.</p> <p>Impacts on adjacent land from future light Industrial use or development on Lot 2 can be managed via the applicable planning scheme zoning, code and local provisions' development controls.</p> <p>Any applicable Light Industrial Zone standards will assist in minimising adverse impacts on adjoining properties and, particularly, on adjoining properties in the General Residential Zone.</p> <p>Future light industrial use or development on Lot 2 must demonstrate that it will comply with any</p>

	<p>applicable standards of the Attenuation Code and Potentially Contaminated Land Code, which will prevent environmental degradation and adverse impacts on the amenity, health and safety of residents and visitors.</p> <p>Water usage and wastewater or trade waste discharge from future light industrial use or development on Lot 2 can be regulated by TasWater. Lot 2 can be serviced by the existing public stormwater system.</p> <p>No adverse impacts are expected on the Jordan River.</p> <p>The Light Industrial Zone is preferred over the General Industrial Zone since the first one provides a more suitable interface with the existing residential land to the south of the subject land.</p>
(c) to encourage public involvement in resource management and planning.	The proposed amendment contributes to further this objective in that the public will be notified and provided with an opportunity to make representations and be heard.
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).	The proposed amendment contributes to further this objective by opening a spectrum of possibilities for Lot 2 to be more effectively and efficiently used after the Waste Transfer Station is decommissioned, facilitating economic development without conflicting with the objectives in paragraphs (a) to (c).
(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 contributes to further this objective by fostering a dialogue between governmental and non-governmental actors about the desired future for the Waste Transfer Station site.
Part 2	
(a) to require sound strategic planning and co-ordinated action by State and local government.	All relevant agencies and State authorities will be notified.
(b) to establish a system of planning instruments to be the principal way of	The proposed amendment is considered to be consistent with the

<p>setting objectives, policies and controls for the use, development and protection of land.</p>	<p>planning scheme and other planning instruments.</p> <p>If certified, it will form part of the Brighton Local Provisions Schedule that currently regulates the use and development of land in the Brighton municipality.</p>
<p>(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.</p>	<p>The subject land has limited ecological value and, for the most part, cannot be repurposed to accommodate residential uses.</p> <p>Rezoning Lot 2 for light industrial use is considered an environmentally, socially and economically sound alternative.</p> <p>Impacts on adjacent land from future light Industrial use or development on Lot 2 can be managed via the applicable planning scheme zoning, code and local provisions' development controls.</p> <p>Any applicable Light Industrial Zone standards will assist in minimising adverse impacts on adjoining properties and, particularly, on adjoining properties in the General Residential Zone.</p> <p>Future light industrial use or development on Lot 2 must demonstrate that it will comply with any applicable standards of the Attenuation Code and Potentially Contaminated Land Code, which will prevent environmental degradation and adverse impacts on the amenity, health and safety of residents and visitors.</p> <p>Furthermore, the fact that the Light Industrial Zone prohibits residential use contributes to ensuring that potentially contaminated land (if any) is not used for this purpose.</p>
<p>(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.</p>	<p>The proposed amendment is considered to be consistent with the State legislation and policies and the <i>Southern Tasmania Regional Land Use Strategy 2010-2035</i> (STRLUS).</p> <p>Moreover, it does not conflict with</p>

	Council plans, policies and strategies.
(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 is for a combined permit and amendment application, which entails a consolidated and more efficient planning approval process.
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation.	<p>The applicable the applicable planning scheme zoning, code and local provisions' development controls to Lot 2 will prevent the materialisation of potential adverse impacts on human health.</p> <p>Lot 1 will continue provide passive recreation opportunities, which may have a positive impact on the health and wellbeing of residents and visitors.</p>
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.	<p>The subject land is not listed on the State Heritage Register or affected by the Local Historic Heritage Code of the planning scheme.</p> <p>The proposal has been referred to Aboriginal Heritage Tasmania, who has provided the advice in section 4.4 of this report. Given the above advice, future development applications involving works at 131 Cove Hill Road must be referred to Aboriginal Heritage Tasmania.</p>
(h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community.	<p>The proposal was referred to TasWater under section 56O of the <i>Water and Sewerage Industry Act 2008</i>. TasWater's SPAN is contained in attachment H.</p> <p>After the decommissioning of the Waste Transfer Station, Council will no longer need Lot 2 for public utilities.</p> <p>Lot 1 will be maintained to provide for linear pedestrian linkage between Bisdee Road and a Crown reserve, which will result in the benefit of the community.</p>
(i) to provide a planning framework which fully considers land capability.	The subject land is not suitable for agricultural uses.

d. *Is consistent with each State policy.*

Response: The proposed amendment is consistent with the State Policies, as discussed in the table below:

State Policy	Response
<i>Tasmanian State Coastal Policy 1996</i>	<p>The <i>Tasmanian State Coastal Policy 1996</i> applies to land within 1km of the high-water mark. The subject land is within 140m of the Jordan River, yet the proposed amendment does not conflict or interfere with natural or cultural values of the coastal zone:</p> <ul style="list-style-type: none"> - The subject land has limited ecological value; - No adverse impacts are expected on the air, adjacent land and water resources, including on the Jordan River; - The subject land is not listed on the State Heritage Register or affected by the Local Historic Heritage Code of the planning scheme; and - No adverse impacts are expected on Aboriginal Heritage values, given that future development applications involving works at 131 Cove Hill Road must be referred to Aboriginal Heritage Tasmania.
<i>State Policy on the Protection of Agricultural Land 2009</i>	The subject land is not suitable for agricultural uses.
<i>State Policy on Water Quality Management 1997</i>	The subject land, and specifically Lot 2, has full access to reticulated services. Given this, it is considered that there will be no direct impact on the land due to future development.
<i>National Environmental Protection Measures (NEPMs)</i>	In Tasmania, the NEPMs are State Policies in accordance with section 12A of the <i>State Policies and Projects Act 1993</i> .

	Given the current use of the land at 131 Cove Hill Road of particular interest to this amendment is the Assessment of Site Contamination NEPM. According to this NEPM, it is important to ensure that potentially contaminated land does not adversely impact on human health or the environment and be suitable for the intended use. This is regulated by the Potentially Contaminated Land Code of the planning scheme, and future development applications on Lot 2 will need to comply with any applicable standards of this code.
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da. Satisfies the relevant criteria in relation to the TPPs.

There are currently no TPPs 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.*

Response: The STRLUS outlines strategic directions (SD) and regional planning policies to support the vision for Southern Tasmania and guide land use planning and decision making.

The proposed amendment aligns with the following SD:

SD1: Adopting a more integrated approach to planning and infrastructure;

SD4: Improving our economic infrastructure;

SD6: Increasing responsiveness to our natural environment;

SD8: Supporting strong and healthy communities;

SD9: Making the region nationally and internationally competitive; and

SD10: Creating liveable communities.

The regional planning policies that are relevant to the amendment are addressed in the table below:

Industrial activity	
Policy	Response
<i>IA 1 Identify, protect and manage the supply of well-sited industrial land that will meet regional need across the 5, 15 and 30 year horizons.</i>	The proposed amendment has the potential to contribute to the consolidation of industrial land along Cove Hill Road. Particularly, Lot 2 is located within 1.2 kilometres of the East
<i>IA 1.1 Ensure industrial land is relatively</i>	

<p><i>flat and enables easy access to major transport routes, other physical infrastructure such as water, wastewater, electricity and telecommunications.</i></p> <p><i>IA 1.2 Locate new industrial areas away from sensitive land uses such as residentially zoned land.</i></p>	<p>Derwent Highway and, as such, it is strategically located to make an efficient and cost-effective use of this road. This lot is fully serviced and suitable to accommodate future light Industrial use.</p> <p>Lot 2 will be separated from the General Residential Zone by a minimum 10-metre-wide strip of Open Space-zoned land. Furthermore, the Light Industrial zone has use standards that address the loss of amenity to nearby residential zones.</p>
<p><i>IA 3 Ensure industrial development occurs in a manner that minimises regional environmental impacts and protects environmental values.</i></p> <p><i>IA 3.1 Take into account environmental values and the potential environmental impacts of future industrial use and the ability to manage these in the identification of future industrial land.</i></p>	<p>The subject land has limited ecological value and no adverse impacts are expected on the air, adjacent land and water resources, including on the Jordan River.</p>
Managing risks and hazards	
Policy	Response
<p><i>MRH 4 Protect land and groundwater from site contamination and require progressive remediation of contaminated land where a risk to human health or the environment exists.</i></p> <p><i>MRH 4.1 Include provisions in planning schemes requiring the consideration of site contamination issues.</i></p>	<p>Given the current use at 131 Cove Hill Road, future development applications for this land will need to comply with any applicable standards of the Potentially Contaminated Land Code of the planning scheme, which will prevent environmental degradation and adverse impacts on the amenity, health and safety of residents and visitors.</p>
Recreation and open space	
Policy	Response
<p><i>ROS 1 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 well being, amenity, environmental sustainability and the</i></p>	<p>Lot 1 exhibits the qualities of a local open space area for linear pedestrian linkage and, thus, it is recommended that it be preserved for this purpose to ensure adequate community connectivity.</p>

<p>economy.</p> <p><i>ROS 1.1 Adopt an open space hierarchy consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows:</i></p> <ul style="list-style-type: none"> <i>a. Local</i> <i>b. District</i> <i>c. Sub-regional</i> <i>d. Regional</i> <i>e. State</i> <i>f. National</i> <p><i>ROS 1.2 Adopt an open space classification system consistent with the Tasmanian Open Space Policy and Planning Framework 2010, as follows:</i></p> <ul style="list-style-type: none"> <i>a. Parks;</i> <i>b. Outdoor Sports Venues;</i> <i>c. Landscape and Amenity;</i> <i>d. Linear and Linkage;</i> <i>e. Foreshore and waterway;</i> <i>f. Conservation and Heritage;</i> <i>g. Utilities and Services; and</i> <i>h. Proposed Open Space.</i> 	
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- f. *Has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates.*

Response: The proposed amendment has regard to the *Brighton Council Strategic Plan 2019-2029* and is consistent with the following strategies contained in this plan:

S1.1 - Understand/Improve Health and Wellbeing

S1.2 - Create Employment/Play/Education (Liveability)

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

While Lot 105 Taylor Crescent was categorised as open space for 'Utility and Services' under the 2012 *Brighton Municipal Area Open Space Strategy* (see Figure 7), this lot is no longer required to support the Waste Transfer Station operations. Considering this and the fact that this lot exhibits the qualities of a 'linear and linkage' open space area, the proposal is not inconsistent with the above strategy.

The proposed amendment does not conflict with other Council plans, policies and strategies.

- 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.*

Response: The proposed amendment is for rezoning land that is sufficiently setback from other municipal areas, so it is unlikely to conflict with the LPSs that apply to these areas.

- h. *Has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.*

Response: The subject land is not affected by the gas pipeline, so the proposed amendment does not trigger any issues of gas pipeline safety.

5.3 Reorganisation of boundaries

The proposed reorganisation of boundaries (via subdivision) seeks to add 2,763m² of Lot 105 Taylor Crescent to 131 Cove Hill Road. A full assessment against the applicable standards of the planning scheme is provided in Attachment J. The discretion that is triggered by the proposal is discussed below.

BRI-S4.8.1 Subdivision within Bridgewater Quarry Specific Area Plan

The proposal cannot comply with clause BRI-S4.8.1 A1 of the planning scheme since there is no Acceptable Solution. Thus, assessment against the Performance Criteria in clause BRI-S4.8.1 P1 is required:

Each lot, or a lot proposed in a plan of subdivision, must not result in potential to interfere or conflict with quarry operations having regard to:

(a) the nature of the quarry; including:

(i) operational characteristics;

(ii) scale and intensity;

(iii) degree of hazard or pollution that may be emitted from the activity;

(b) the future use and development of the lot; and

(c) any advice from the Bridgewater Quarry operator.

The proposal has been referred to Boral, the quarry operator, and Boral has confirmed that it has no objections to it. Thus, it is considered that the proposal will not result in the potential to interfere or conflict with quarry operations.

Moreover, any future use and development on the land will have to be assessed on a case-by-case basis, and it will require assessment against any relevant standards of the Bridgewater Quarry Specific Area Plan.

6. CONCLUSION

- 6.1. The proposed amendment meets the requirements of LUPAA. Thus, it is recommended that it be prepared and certified.

- 6.2. Subject to the approval of the proposed amendment, the proposed subdivision is considered to comply with the applicable standards of the planning scheme. Thus, it is recommended that it be approved.

RECOMMENDATION:

- A. That, in accordance with Sections 38(2)(a) and 40D(a)(i) of LUPAA, Council agrees to prepare draft amendment RZ2022/02 to the Brighton Local Provisions Schedule, as shown in Attachment D.
- B. That, in accordance with Section 40F of LUPAA, Council by instrument in writing affixed with the common seal of the planning authority, certifies that draft amendment RZ2022/02 meets the requirements of LUPAA, as shown in Attachment D.
- C. That, in accordance with Section 40W(1) of LUPAA, Council agrees to the request made under Section 40T(1) to amend the Brighton Local Provisions Schedule and consider an application for the planning permit concurrently.
- D. That, in accordance with Section 40(Y) of LUPAA, Council approves planning permit SA2022/37, subject to the conditions provided in the draft permit shown in Attachment E.
- E. That, in accordance with Section 40Y(6) of LUPAA, 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 LUPAA, Council directs that a copy of the draft amendment be provided to any relevant agencies or State authorities the Planning Authority considers may have an interest in the draft amendment.
- G. That in accordance with Section 40G and Section 40Z of LUPAA, Council directs that draft amendment RZ2022/02 and draft planning permit SA2022/37 be placed on public exhibition.

DECISION:

Cr Geard 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 Owen
Cr Whelan

13.3 Planning Scheme Amendment for the South Brighton Development Precinct

Type of Report:	Section 40F(1) of <i>Land Use Planning and Approvals Act 1993</i>
Application No:	RZ 2022-05
Address:	69 Brighton Rd 33 Elderslie Rd 25 & 27 William St 1-17 Dylan St 1-13 Melinda Ct, including Lot 2 Melinda Ct Elderslie Road (road lot) Dylan St (road lot) Melinda Ct (road lot)
Owner:	Various
Requested by:	Brighton Council
Proposal:	<p>A. Amend the planning scheme maps to:</p> <ul style="list-style-type: none"> a. rezone the land at: <ul style="list-style-type: none"> i. 25 William St, 2-11, 13, Dylan St, 1-13 Melinda Ct and parts of 12, 14 and 15-17 Dylan St, Brighton from Rural Living to General Residential and part of 69 Brighton Rd, Brighton from Rural to General Residential; ii. parts of 12, 14 and 15-17 Dylan St, Brighton from Rural Living to Rural; iii. part of 33 Elderslie Road, Brighton from General Residential to Local Business; and iv. part of 69 Brighton Rd, Brighton from Rural to Environmental Management. b. amend the priority vegetation area overlay on several properties on Dylan St, Melinda Ct and 69 Brighton Rd and 33 Elderslie Road, Brighton; c. Extend the Brighton Highway Services Precinct Specific Area Plan over parts of 12, 14 and 15-17 Dylan St;

	<p>d. Insert the South Brighton Specific Area Plan over part of 69 Brighton Rd, 33 Elderslie Rd, 25 & 27 William St and 1-11, 13, 14 Dylan St and 1-13 Melinda Ct and parts of 12, and 15-17 Dylan St;</p> <p>B. To amend the Planning Scheme Ordinance to:</p> <p>a. Introduce the South Brighton Specific Area Plan at clause BRI-S11.0; and</p> <p>b. Amend the provisions of the Brighton Highway Services Precinct Specific Area Plan at clause BRI-S3.0.</p>
Author:	Manager Development Services (David Allingham)

1. Executive Summary

The purpose of this report is for Council to consider whether to, of its own motion, to initiate the draft planning scheme amendment that will provide the framework for implementing the South Brighton Development Precinct Master Plan (the “Master Plan”).

The South Brighton Development Precinct (the “Development Precinct”) area is approximately 63ha and includes 39 properties. The Master Plan has been developed in response to housing supply issues in the Brighton township and to further strategies in the Brighton Structure Plan 2018 (BSP) and Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS).

The Master Plan has been designed to provide for a well-connected and people focused community with high amenity and is informed by various specialist reports including an infrastructure, natural values, aboriginal heritage, market and agricultural assessments and extensive community consultation.

The Master Plan provides a network of quality open space, a connected shared trail network and employment and social infrastructure opportunities to complement the increased residential development and new Brighton High School.

Implementation of the Master Plan is to be achieved through various amendments to the Brighton Local Provisions Schedule (LPS), including:

- rezoning approximately 57ha of land to General Residential to provide for approximately 565 new residential lots;
- rezoning 1.64ha of land to Environmental Management to protect threatened grasslands and to provide a bushland recreation area;
- rezoning approximately 3,800 square metres of land for the local business zone to provide an area for local services and social infrastructure;
- rezoning approximately 24,000 square metres of land to Rural to be added to the Highway Services Development Precinct SAP for large format retail.

The Master Plan ambitiously aims to restructure approximately 37ha of an established rural residential area in Dylan St and Melinda Ct with several different property owners and also provides for approximately 20ha of greenfield development at 33 Elderslie Road and 69 Brighton Rd.

Due to the complexity of consolidating an established area with several property owners, the South Brighton Specific Area Plan (SAP) will be inserted in the LPS ordinance to provide a planning framework for the co-ordinated delivery of the Master Plan. The South Brighton SAP ensures that the land will not be developed in an ad-hoc manner and all the necessary features that create a pleasant urban environment are delivered.

To proceed, the planning authority must be satisfied the draft amendment of an LPS meets the LPS criteria under Section 34 of the *Land Use Planning and Approvals Act 1993* (the Act). This report outlines how the proposed draft amendment satisfies each of the criteria.

If the amendment is agreed to, the Planning Authority must notify the Tasmanian Planning Commission (the Commission) of the decision and commence public exhibition.

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

The amendment is to implement the Master Plan and recommendations of key strategic planning documents that have had input from the community and endorsed by the Council.

It is recommended that Council certify the draft amendment to the LPS.

2. Legislative & Policy Content

The purpose of this report is for the planning authority to consider whether to, of its own motion, prepare a draft amendment of an LPS as described in this report and as shown in the Instrument of Certification at Attachment A.

The amendment request is made under section 40D(b) of the *Land Use Planning and Approvals Act 1993* (the Act). The provisions of the Act establish the test of whether a planning scheme amendment is reasonable or not.

Section 40F(1) of the Act requires Council to consider the criteria of the LPS when approving or refusing an amendment. The LPS criteria is contained in section 34 of the Act.

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

The purpose of the amendment is to create additional housing supply in the Brighton township. There is a risk that if the amendment is not approved there will be inadequate supply of housing.

The number of property owners means development within the Development Precinct is likely to be far more complex than normal greenfield development, particularly regarding the delivery of infrastructure. Council staff are likely going to have to commit time and resources to facilitate and help co-ordinate the development of the Development Precinct.

There may be financial implications for the delivery of infrastructure and compensation of proposed open space area in the Development Precinct. However, any financial implications will be subject to separate decisions by Council.

4. Site and Surrounds

The Development Precinct covers an area of approximately 63ha and is bounded by Elderslie Road and William Street to the north, the Highway Services Precinct to the south, Rural Living and Rural zoned land to the west and the Midland Highway to the east. Brighton Road bisects the Development Precinct. 1 Elderslie Road on the corner of Elderslie Rd and Brighton Rd has been purchased by the Department of Education for a future high school expected to open in 2025. The high school site is not included in the planning scheme amendment (see Figure 1).



Figure 1: Aerial image of the South Brighton Development Precinct depicted by the blue line. (Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania)

Figure 2 shows the Development Precinct area in the context of the Brighton township. To the north of the site is the beginning of the commercial strip which runs along Brighton Rd into the township of Brighton. Further to the south is the Brighton Industrial Estate and Transport Logistics Hub.

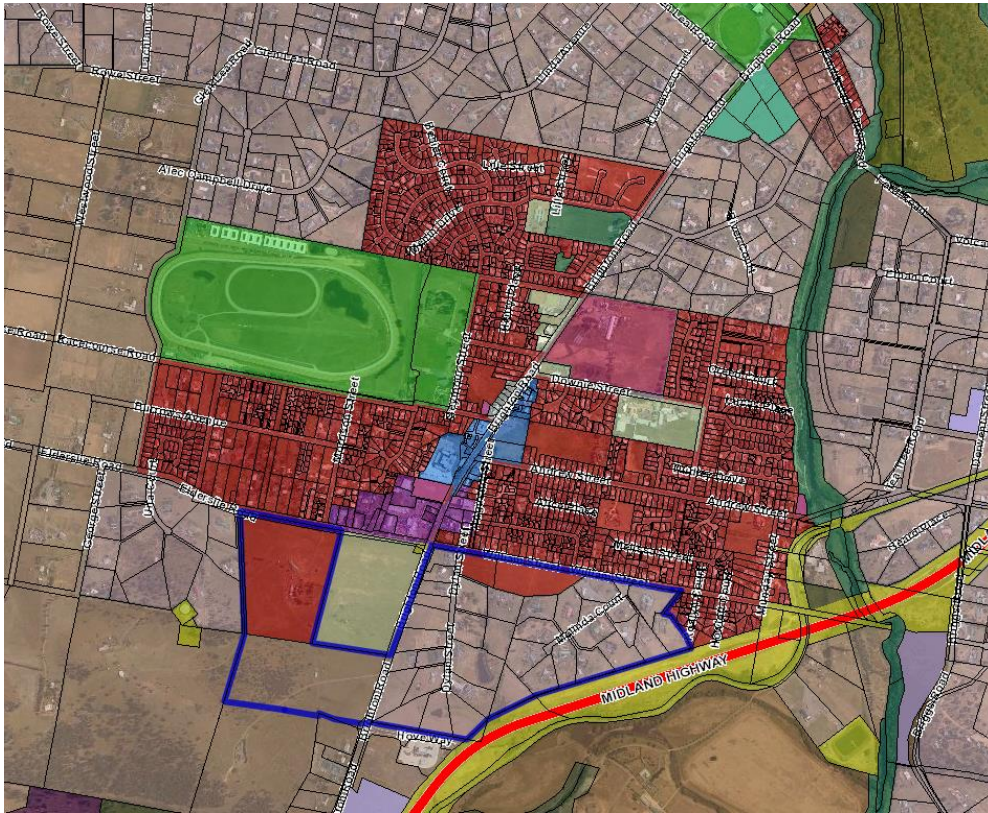


Figure 2: South Brighton Development Precinct in the context of Brighton township. (Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania)

The Development Precinct includes thirty-nine (39) properties in Elderslie Rd, Brighton Rd, William St, Dylan St and Melinda Ct, Brighton and three road titles as described in Attachment B. The land slopes downwards from the west to Brighton Road. The topography through the Dylan St properties is undulating due to two existing drainage paths, with the low point of the site at Lot 2 Melinda Court. The land along Melinda Ct is generally flat.

The land is currently serviced by reticulated water. A Taswater Bulk Transfer Main for water runs diagonally across 33 Elderslie Rd and along the frontage of properties fronting William St.

Sewer runs down the length of Elderslie Road and some of William St, but the system is known to be at capacity. Properties in Dylan St, Melinda Ct and 69 Brighton Rd do not have access to reticulated sewer or stormwater.

An open drainage path runs from the corner of Brighton Rd and William St and runs south-east through properties in Dylan St to the dam at 11 Dylan St. The outfall from the dam continues through Lot 2 Melinda Ct to culverts under the Midland Highway and the TasRail network. Drainage easements exist over the drainage path in favour of Council.

5. Planning Controls

5.1. Zoning

The Precinct is currently subject to three different zones under the Brighton LPS:

- Rural Zone - 69 Brighton Rd;
- General Residential Zone - 33 Elderslie Rd, 1 Dylan St and 27 William St; and
- Rural Living Zone – All properties in Melinda Ct and Dylan St (excluding 1 Dylan St); and 25 William St

Land to the north and east of the Precinct is generally zoned General Residential except for areas along Brighton Rd and Elderslie Road which are zoned Light Industrial and General Business (shown in purple and blue respectively) in Figure 2. Land to the west is zoned Rural Living and Rural and the future high school site is zoned Community Purpose. Land to the southeast is zoned Utilities due to the Midland Highway and TasRail network. Land to the south is zoned Rural.

5.2. Overlays & Codes

Bushfire prone areas overlay

The entirety of the Precinct is subject to the Bushfire Prone Areas overlay of the Brighton LPS.

Priority vegetation area overlay

Large portions of the site are covered by the Priority vegetation area overlay as shown in Figure 3 and subject to the Natural Assets Code in the Brighton LPS.

Low landslip hazard area Code

The Low landslip hazard band overlay applies to the western part of 69 Brighton Rd on the upper slopes (See Figure 4).

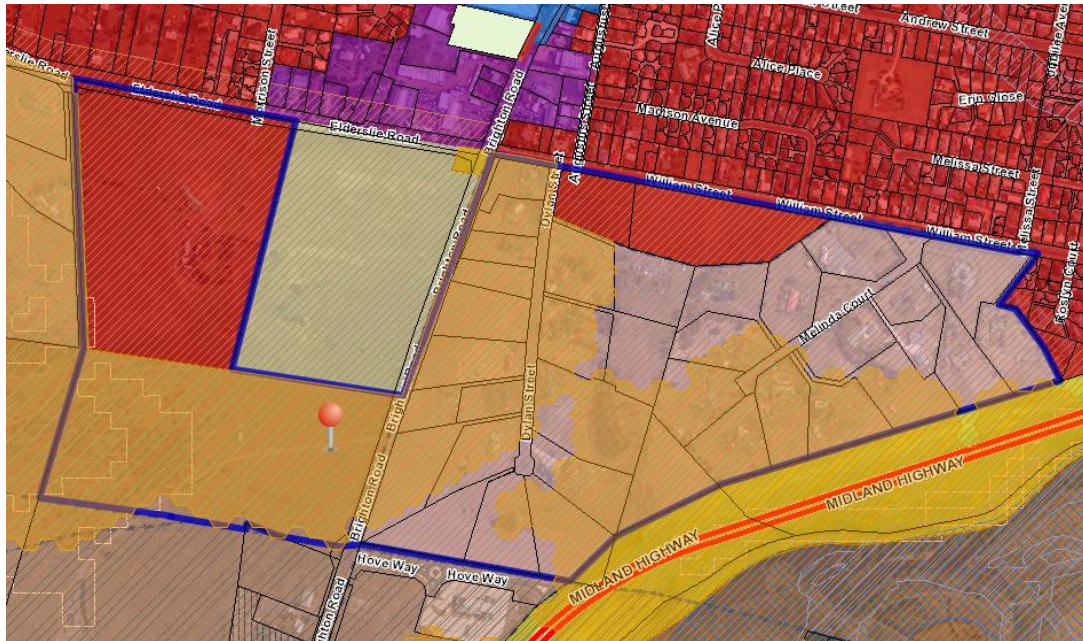


Figure 3: The priority vegetation overlay is shown in orange. (Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania)

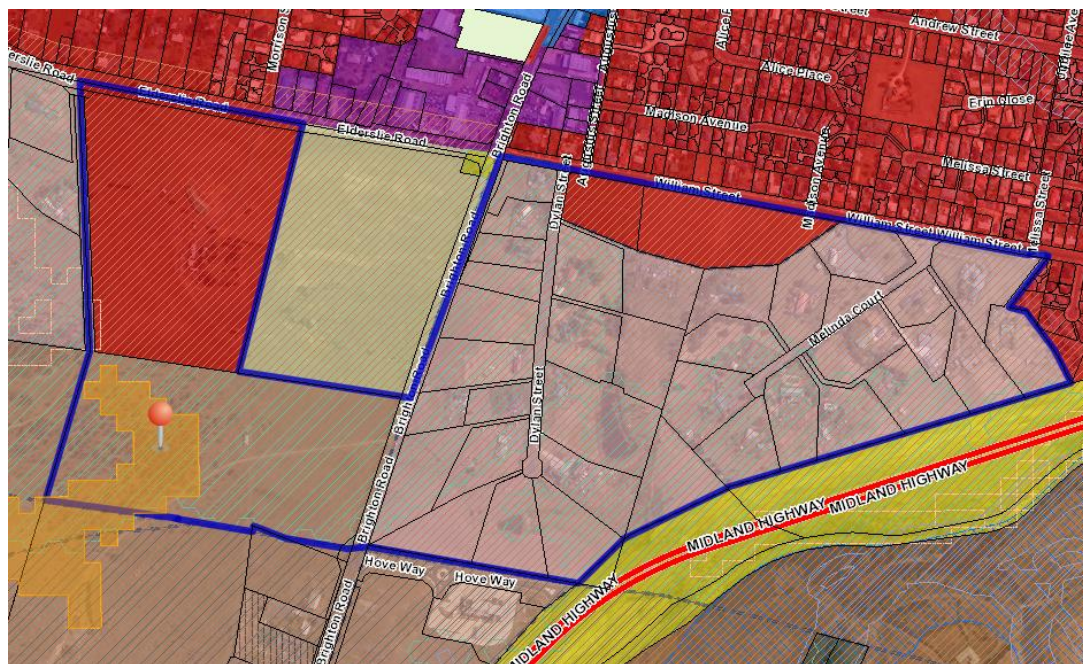


Figure 4: The low landslip hazard band overlay is shown in orange. (Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania)

Adjoining land

The Brighton Highway Services Precinct SAP applies to land at 40 Brighton Road which provides for use and development appropriate for a location adjacent the Midland Highway, including fuel, food services and bulky goods.

Directly joining the southern boundary of the Brighton Highway Services Precinct is the Attenuation area applying to the Bridgewater Quarry, the Bridgewater Quarry SAP and the Brighton Industrial Hub SAP which prohibit new sensitive uses.

6. Background and Rationale

6.1. Strategic Rationale

Southern Tasmanian Regional Land Use Strategy 2010-2035

The Development Precinct has long been earmarked as a residential growth option and Policy SRD 2.3 identifies “South Brighton” as a greenfield development precinct. The Precinct was depicted in Map 10 of STRLUS as a “Greenfield Development Precinct” in early versions, but has been removed in amended versions of STRLUS. However, the text reference at SRD 2.3 remains.

Brighton Local Area Plan 2012

The Precinct, as depicted in early versions of STRLUS, was captured in the Brighton Local Area Plan 2012 (BLAP 2012) (See Figure 5). A key action in the BLAP 2012 is to prepare a Specific Area Plan for the Precinct in the short/medium term.



Figure 5: Extract from Brighton Local Area Plan 2012. Page 10.

Brighton Structure Plan 2018 (BSP)

The BSP acts as a guide for major changes to land use, built form and public spaces that together can achieve identified economic, social and environmental objectives for Brighton.

The BSP includes an analysis of housing supply in the Brighton area to meet the long-term needs based on population projections. The BSP predicts that the strongest population in the municipality will be in the suburbs of Brighton and Pontville of 2.7% per annum, or an increase of 3,040 people by 2033.

The BSP determines that there is a shortfall of available residential land and an additional 58.2ha of greenfield land is required outside the existing urban growth boundary (UGB). Actions from Strategy 1 of the BSP include:

- For Brighton township, rezone **Sites 13 (Dylan Street)** and **14 (Melinda Court)** to General Residential or make them the subject of a Specific Area Plan.
- For Brighton township, further investigate Sites 3 (Alec Campbell Drive), 5 (Jordan Downs Drive) and **17 (69 Brighton Road)** for potential rezoning to the Particular Purpose (Urban Growth) Zone to allow for their future development as Greenfield Development Precincts.

6.2. Site History

Dylan Street Landowners Group.

In 2015, a Dylan St Landowners Group was established under the guidance of Gerard Coutts & Associates to actively pursue rezoning to standard residential lots.

In December 2018, a planning scheme amendment was submitted to Council to rezone the 20 lots with frontage to Dylan St and to insert a Specific Area Plan into the Brighton Interim Planning Scheme 2015. The proposal included the Master Plan shown in Figure 6 below.

The amendment could not be initiated by Council without the consent from non-participating landowners unless Council itself initiated the amendment. Council also identified several issues with the application in regard to infrastructure and layout. The application was subject to a further information request that was never satisfied.



Figure 6: Dylan St development Master Plan prepared by Gerard Coutts & Associates

Brighton High School

In early 2020, the Department of Education (DoE) announced that a new \$45 million high school will be built in Brighton, providing state of the art learning facilities for Years 7-12. The site chosen for the Brighton High School was 10 hectares of land within the Greenfield Development Precinct on the corner of Elderslie and Brighton Road.

69 Brighton Rd UGB expansion.

An amendment to STRLUS, to expand the UGB over 11.27ha of 69 Brighton Road was approved by the Minister in November 2021. The rationale for the amendment was:

- the Department of Education (DoE) compulsorily acquiring 10ha for the Brighton High School of greenfield General Residential zoned land at 33 Elderslie Road that was earmarked for residential development;
- A land supply analysis determined that there is insufficient supply in Brighton and that the extension of the UGB over 11.27ha over 69 Brighton Rd is urgently needed and a logical extension of the Brighton township and will effectively replace the 10ha of land compulsorily acquired by DoE.

6.3. The South Brighton Master Plan

Building on the work done with the Dylan St Landowners Group, Brighton Council and DOE identified an opportunity to collaborate to prepare a comprehensive, practical, people-focused strategic Master Plan for the South Brighton area.

The final South Brighton Master Plan is provided at Attachment C.

Design response

The South Brighton Master Plan was prepared having consideration of the following reports:

- South Brighton Infrastructure Feasibility and Master Plan – Infrastructure Assessment (GHD) (Attachment D)
- South Brighton Development Precinct – Natural Values Assessment (North Barker Ecosystem Services) (Attachment E)
- South Brighton Market Assessment (Choice Location Strategists) (Attachment F)
- South Brighton Masterplan Project – Aboriginal Heritage Assessment (Cultural Heritage Management Australia) (Attachment G).

Table 1 provides a summary of the design responses that have been incorporated into the Master Plan

Report	Design Response
Infrastructure Assessment	<p><u>Traffic</u></p> <p>The intersections at Elderslie Rd/Brighton Rd/William St and Hove Way/Brighton Rd/69 Brighton Rd were found to underperform under full development scenarios. Roundabouts are proposed at these intersections.</p> <p>Potential new bus stop locations on Brighton Rd with new pedestrian connection to 69 Brighton Rd and Dylan St.</p> <p>Provided a new road connection to existing Hove Way roundabout.</p>

	<p>Provision of road and pedestrian connectivity throughout the Master Plan to provide more direct connections from the “outer edges” to Brighton Road and the high school.</p> <p><u>Stormwater</u></p> <p>There are two significant existing overland flow paths through the Dylan St area to the low point on Lot 2 Melinda Ct. These have been aligned with new roads in a wider road reserve that also provides for shared paths and green space in a decentralised stormwater system.</p> <p>Other areas that are subject to inundation have been set aside as for larger open space areas, including:</p> <ul style="list-style-type: none"> • Corner of Brighton Road and William St • South-east corner of site below dam outlet. <p><u>Sewer</u></p> <p>It has been determined that a new sewer pump station will be needed to service the Precinct. A location for a new sewer pump station has been provided for on Council land on the low point on Lot 2 Melinda Ct. An indicative services layout is provided in the Infrastructure Assessment.</p>
Natural Values Assessment	<p>The EPBC listed community ‘Lowland Native Grasslands of Tasmania’ was identified on the north western corner of 69 Brighton Road. An Environmental Management zoned area (approximately 1.64ha) has been provided to protect and retain the community. An additional “Matters of National Environmental Significance” report has been prepared explaining why the proposal won’t breach any EPBCA significant impact criteria and doesn’t require referral (See Attachment H)</p> <p>The EPBC listed <i>Dianella amoena</i> and TSPA listed <i>Austrostipa bigeniculata</i>, <i>Vittadinia muelleri</i> and <i>Calocephalus citreus</i> flora occur on 69 Brighton Rd, 1 Melinda Ct and Lot 2 Melinda Court. It is proposed to retain the priority vegetation overlay area over areas where these species occur and management of these species will be addressed in future development applications.</p> <p>The remainder of the priority vegetation overlay area is proposed to be removed after the natural values assessment determined that there are no other natural values of significance.</p>
Market assessment	<p>There is strong market demand for additional residential land supply and rezoning to General Residential.</p>

	<p>Provided land at southern end of Dylan St for Large Format Retail to be regulated by expansion of existing Highway Services Precinct SAP.</p> <p>Provided approximately 3,800 square metres of land for a local business zone on 33 Elderslie Road to accommodate the need for additional local retail floor space.</p>
Aboriginal Heritage	One aboriginal heritage site was found. Land has been set aside for open space on 15 Dylan St to conserve the site.

In summary the key features of the South Brighton Master Plan are:

- Approximately 265 indicative new residential lots in Dylan St and Melinda Ct area.
- Approximately 20ha of greenfield land on the western side of Brighton Road. This equates to approximately 300 new residential lots if developed at 15 dwellings per hectare.
- Approximately 3,800 square metres of land for the local business zone.
- Approximately 24,000 square metres to be added to the Highway Services Development Precinct SAP for large format retail.
- Several new roads providing increased connectivity through Dylan St, Melinda Ct and Hove Way;
- Shared pedestrian and cycling pathways along Brighton Road, around the perimeter of the high school site and throughout Dylan St and Melinda Ct;
- A network of public open space areas, including a large area in the south-west of the site to protect threatened grasslands;
- Two new roundabouts on Brighton Road;
- New bus stops on Brighton Road; and
- Enhanced landscaping treatment for all existing and new roads.

It should be noted that larger lots have been provided for existing houses due to many landowners expressing the desire to maintain some of the openness that they currently enjoy. The ability to subdivide these lots into higher yields is provided for in the SAP framework.

Community Consultation

A key challenge of preparing the Master Plan has been engaging with the 39 landholders in the Precinct. Council took carriage of the consultation when GHD were engaged.

The first stage of consultation took place in November/December 2021 which included a letter to all landowners and adjoining landowners in the Precinct to inform them of the Project and the next steps. This included a follow-up phone call to all landowners to gauge their level of interest in the project and answer any questions.

The second stage of consultation was to seek feedback on a draft South Brighton Master Plan. The engagement took place between 2 November 2021 and 26 November 2021 and included:

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

In total, the community participated in the engagement as follows:

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

Council prepared the “South Brighton Master Plan - Community Engagement Summary” to provide an overview of the feedback of the responses, which was circulated to GHD, the landowners and representors in May 2022.

The consultation identified that there were several improvements, or items requiring further investigation, that could be made to the draft Master Plan. Twenty-two actions were generated from the feedback which formed the basis for the final South Brighton Master Plan.

The final draft of the Master Plan was circulated to all landowners, state service authorities, adjoining landowners and representors in September 2022. Council hosted a further public meeting that month and visited a number of landowners at their properties to discuss their concerns with the Master Plan. Some minor amendments were made to the Master Plan following these discussions.

7. The Amendment

The proposed amendment to the Brighton Local Provisions Schedule is to:

- 7.1. Rezone 25 William St, 2-11, 13, Dylan St and 1-13 Melinda Ct and part of 69 Brighton Rd and parts of 12, 14 and 15-17 Dylan St to General Residential

The rezoning of land to General Residential is to allow for development at urban densities within the UGB in an area that is identified as the South Brighton development precinct in STRLUS and is a logical extension to the existing Brighton township. The rezoning is supported by local and regional strategies.

7.2. Insert the South Brighton Specific Area Plan overlay over part of 69 Brighton Rd, 33 Elderslie Rd, 25 & 27 William St, 1-11, 13, 14 Dylan St and 1-13 Melinda Ct and parts of 12, 14 and 15-17 Dylan St and insert the South Brighton Specific Area Plan ordinance into the LPS.

The South Brighton SAP is required to implement the South Brighton Master Plan.

The use of a SAP is critical to provide for a comprehensive, practical, people focused residential community with good connectivity and high level of amenity that considers the land constraints and complexities of numerous landowners.

Explanatory notes for the SAP standards are provided in the table below:

Clause No.	Provision	Commentary
Purpose of the Specific Area Plan		
BRI-S11.1.1	To implement the South Brighton Development Precinct Plan.	<p>The statements under Clause BRI-S11.1 outline the overall intent of the specific area plan and the desired character that is to be achieved through future subdivision and development.</p> <p>The purpose statements also articulate the need for the Specific Area Plan above the standard provisions within the General Residential Zone.</p>
BRI-S11.1.2	To maximise and facilitate future development potential.	
BRI-S11.1.3	To coordinate the provision of infrastructure and public open space.	
BRI-S11.1.4	To create a safe and pleasant urban environment, through landscaping, connectivity between roads, the future high school and open spaces.	
BRI-S11.1.5	To provide a range of lot sizes with higher density living in close proximity to open space and open space networks.	
BRI-S11.1.6	To provide a road network that: <ul style="list-style-type: none"> (a) facilitates connection between lots; (b) encourages connectivity between the east and west side of Brighton Road; and 	

	(c) utilises and incorporates existing overland flowpaths.	
BRI-S11.1.7	To facilitate a transition to a slower traffic environment and more pedestrian friendly environment for Brighton Road	
Application of the Specific Area Plan		
BRI-S11.2.1	The specific area plan applies to the area of land designated as the South Brighton Specific Area Plan on the overlay maps and shown in Figure BRI-S11.1.	Application of the specific area plan to an application for a planning permit is to be determined by reference to Figure BRI-S11.1.
BRI-S11.2.2	<p>In the area of land that this plan applies to, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of:</p> <p>(a) 8.0 General Residential Zone;</p> <p>(b) 23.0 Environmental Management Zone</p> <p>(c) C3.0 Road and Railway Assets Code</p> <p>as specified in the relevant provision.</p>	The SAP is needed in addition to or substitution for the provisions of the General Residential Zone, Environmental Management Zone and Road and Railway Assets Code.
BRI-S11.4	Definition of Terms	<p>This clause is used to define the areas of Precinct A & B with reference to Figure BRI-S11.3.</p> <p>The subject land is divided into two precincts as Precinct A has additional complexity with numerous property owners and constraints.</p> <p>Precinct B has less constraints and more design flexibility is desirable, but provides for key roads, open space and trails.</p>

Use Standards		
BRI-S11.6.1	Access to Brighton Road	<p>This use standard is intended to further purpose statement BRI-S11.1.7.</p> <p>Allowing lots to have frontage to Brighton Road is an important factor in creating a slower pedestrian friendly traffic environment. Brighton Road has approximately 12,000 vehicle movements per day so it important that properties can be safely accessed.</p>
Development Standards for Buildings and Works		
BRI-S11.7.1	Building and Works	<p>This development standard is intended to prevent any buildings and works from hindering implementation of the development framework.</p> <p>The development standard is intended to specifically support Purpose Statement BRI-S11.1.1 and BRI-S11.1.2.</p>
Subdivision standards		
BRI-S11.8.1	Landscaping	<p>This subdivision standard is intended to achieve purpose statement BRI-S11.1.4.</p> <p>A1 and P1 requires street trees to be planted along new and existing roads where new lots are created.</p> <p>P2 requires open space and shared trail paths to be landscaped.</p>
BRI-S11.8.2	Infrastructure provision	<p>This subdivision standard is intended to further Purpose Statement BRI-S11.1.3.</p> <p>The standard provides an option for infrastructure to be provided by the developer or to enter into a Part 5</p>

		<p>Agreement to pay a contribution.</p> <p>The option to pay a contribution can only be utilised if Council has prepared an Addendum to Policy 1.7 Key Infrastructure Investments and Defined Infrastructure Charges.</p>
BRI-S11.8.3.1	Subdivision Layout – Precinct A	<p>This subdivision standard is intended to achieve all the purpose statements.</p> <p>The Performance Criteria provides for some flexibility in the development framework whilst still achieving the Purpose statements and providing for higher lot yields if desirable.</p> <p>The flexibility is important due to factors that may arise through detailed design and also the complexity of delivering the development framework with multiple landowners.</p>
BRI-S11.8.4.1	Lot size – Precinct B	<p>This subdivision standard is intended to achieve purpose statement BRI-S11.1.5.</p> <p>The standard specifically furthers STRLUS policy 2.9, 2.10 and 2.11 by providing for higher densities in desirable location near community infrastructure, open space and commercial areas. These higher densities will provide for greater diversity and more affordable housing.</p>
BRI-S11.8.4.2	Movement network connections - Precinct B	<p>This subdivision standard is intended to further Purpose Statements BRI-S11.1.1., BRI-S11.1.2, BRI-S11.1.3, BRI-S11.1.4, BRI-S11.6.1 and BRI-S11.7.1.</p> <p>The standard requires the road layout, open space and trails to be provided in accordance with the</p>

		<p>Development Framework.</p> <p>This road layout, including the round-about, is critical for traffic management, connectivity and provision of and active edge along the high school.</p> <p>The road connection shown from 33 Elderslie Road to 69 Brighton Road is the only location possible due to the EPBC listed threatened community.</p>
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7.3. Remove the priority vegetation overlay from the Precinct except on 69 Brighton Rd, 1 Melinda Ct and Lot 2 Melinda Ct.

As shown in Figure 3 above, a significant portion of the Precinct is currently subject to the priority vegetation overlay.

An NVA was prepared for the entire Precinct to ground truth the existing overlay. The NVA found that there was one threatened vegetation community and several significant flora species, but these were contained to just three properties.

The amendment proposes to remove the priority vegetation area from areas where no threatened flora and fauna were identified during the surveys.

7.4. Rezone part of 33 Elderslie Rd to Local Business

The amendment to rezone approximately 3,800sqm of land to local business zone will provide for additional conventional retail space to support the new residential community.

The rezoning is supported by the Market assessment which identifies that Brighton will need an additional 15,400 sqm of retail floor space by 2040.

The local business zone is well located next to the proposed Brighton High School and shared trail and at a new intersection on Elderslie Road. The location is opposite the existing light industrial area and is considered to be an extension of the existing Brighton township activity centre.

7.5. Rezone part of 69 Brighton Rd to Environmental Management

The purpose of rezoning 1.64ha of the northwest portion of 69 Brighton Rd is to protect the EPBC listed threatened grassland identified in the NVA.

It is expected that this land will be transferred to Council as an open space contribution. The Environmental Management Zone has been chosen over the open space zone due to the significant ecological values on the site.

7.6. Rezone part of 12, 14 and 15-17 Dylan St, Brighton to Rural.

The purpose of rezoning part of these sites to Rural is to provide consistency with the zoning on the land to the south which is subject to the Highway Services Precinct SAP.

7.7. Extend the Brighton Highway Services Precinct Specific Area Plan over parts of 12, 14 and 15-17 Dylan St.

The owner of this land provided a submission prepared by Ethos Urban (see Attachment I) outlining the planning merit for land at 12, 14 and 15-17 Dylan St to contain a combination of the following uses:

- Restricted retail;
- Trade showrooms; and
- Agricultural sales activities.

Their arguments were subsequently supported by the Market Assessment which identified that there would be adequate demand for the extension of the large format retail area to be viable.

The proposed large format retail was justified largely on the proximity to the Midland Highway and the existing Brighton Highway Services Precinct SAP. The logical planning control for the area was to extend the existing SAP and to provide some minor amendments as per below.

7.8. Amend the Brighton Highway Services Precinct Specific Area Plan overlay and ordinance.

The Market Assessment and the Ethos Urban submission provides an opportunity to review the provisions of the Brighton Highway Services Precinct SAP if it is going to expand in area.

The below explanatory table provides for some additional uses, some additional protections of the surrounding activity centres and provisions to manage the interface with the General Residential Zone and new South Brighton SAP.

Clause No.	Provision	Commentary
Use Table		
BRI-S3.5	Use Table – No Permit Required	Passive Recreation added. Provides for recreational opportunities to improve user experience in the SAP area.
	Use Table – Permitted	Car wash added. Further purpose statement BRI-S3.1.3

		and arguably BRI-S3.1.1. A car wash is complimentary to the existing fuel services use and a logical addition for an area with easy access to the Midland Highway
	Use Table – Discretionary	Equipment & Machinery Hire added. Furthers purpose statement BRI-S3.1.2.
		Department store added. Furthers purpose statement BRI-S3.1.3 and will assist to improve the viability of development in the SAP area.
		Food and beverage production added. Furthers purpose statement BRI-S3.1.3. Beer, wine and spirits trails are becoming increasingly popular on touring routes in Tasmania. The location provides easy access for tourists.
		Visitor centre added Furthers purpose statement BRI-S3.1.3. The Midland Highway is a major tourist route and the SAP area is at the ‘start’ for travellers heading north.
Use Standards		
BRI-S3.6.7	Discretionary uses	This clause has been inserted to further purpose statement BRI-S3.1.3. The intent is to ensure discretionary uses do not distort the activity centre hierarchy.
Development standards		
BRI-S3.7.2	Setbacks	A1(c) was inserted to provide a 10m setback to residential zones to help manage any land use conflict.
BRI-S3.7.3	Design	A2 amended to include buildings “facing” a residential zone and (b) added to avoid

		<p>large expanses of blank sheer walls.</p> <p>P2(b) amended to remove the word “acoustic” as the standard should apply for screening to protect any kind of residential amenity (e.g. visual, noise, etc.).</p>
BRI-S3.7.5	Landscaping	<p>A1 has been amended to recognise that there is no landscaping plan for the precinct and less likely to be one with multiple owners.</p> <p>The amended landscaping standard is taken from the Industrial Zone in the SPPs for consistency.</p>
		<p>A2 has been amended to increase the depth from 2m to 5m recognising that the General Residential Zone has lesser setback requirements than the previous Rural Living Zone.</p>

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

Section 40D (b) of the Act allows a planning authority to prepare a draft amendment of an LPS of its own motion;

40D. Preparation of draft amendments

A planning authority –

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

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

40F. Certification of draft amendments

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

(2) If a planning authority determines that –

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

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

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

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

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

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

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

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

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

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

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

Response: Section 32 of the Act sets out the contents of the LPSs. The changes to the zoning and overlays are all provisions that apply to the LPS. The relevant parts of the Section that relate to specific area plans require further consideration and are provided below.

32. Contents of LPSs

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

...

(b) a specific area plan, being a plan consisting of –

(i) a map or overlay that delineates a particular area of land; and

(ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs;

...

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

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

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

Assessment of s.32(4)(b):

South Brighton SAP

The proposed South Brighton SAP is necessary to apply to the land to address the unique spatial qualities that comes with consolidation of 39 different properties.

The South Brighton SAP provides a development framework that facilitates consolidation of this land in a way that creates a comprehensive, practical, people focused residential community with good connectivity and high level of amenity.

The majority of the lots in Precinct A of the SAP are currently between 0.5ha and 2ha and in different ownership. The area to the South of Brighton is a logical extension to the Brighton township, particularly around the proposed Brighton High School at 1 Elderslie Road.

If the land were simply rezoned to General Residential without the SAP controls, the land would most likely be developed in an ad-hoc manner and would fail to provide the connectivity, high levels of amenity and address the site constraints in a holistic manner.

Highway Services Precinct SAP extension

The extension of the Highway Services Precinct SAP is necessary to realise the unique economic qualities that is afforded to it by its location next to the Midland Highway and to take advantage of the significant investment in road infrastructure to make it accessible.

As noted in the Market Assessment, an expansion of the Highway Services Precinct SAP in South Brighton is likely to capture 10.2% of large format retail trade in the great Hobart area which is considered to support development activity.

The use and development standards in the SAP are designed to ensure that the Precinct only provides for large format retail trade that is favourable to a highway location and does not distort the other Activity Centres in the municipality.

(c) *Furtherers RMPS Objectives*

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

Table 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 natural values have been considered in the design of the Master Plan and a 1.64ha offset is provided.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water	The amendment is to implement the recommendations of local strategic planning documents. The Master Plan has been prepared to provide to facilitate fair, orderly and sustainable development of the area. The physical attributes of the area, including natural overland flow paths have been considered in the design.
(c) to encourage public involvement in resource management and planning	<i>As noted in section 5.3 above, there has been extensive community consultation on the proposal to date.</i> <i>The public will be further involved in the draft planning scheme amendment through opportunity to make representations and attend public hearings.</i>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The proposed amendment will facilitate growth in one of Tasmania's fastest growing suburbs. The proposal provides for over 400 new lots, local business opportunities and large format retail and is well located to the Brighton Industrial Estate.
(e) to promote the sharing of responsibility for resource management and planning between	The proposed amendment has had input from the community, different spheres of Government and infrastructure authorities.

the different spheres of Government, the community and industry in the State	If approved, ongoing responsibility will continue through the planning process.
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 has been found to be consistent with the contents of the LPS and have been drafted to achieve specific objectives and policies recommended in strategic planning documents endorsed by the Council.
(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.	<p>The environmental impact has been considered through the design of the Master Plan.</p> <p>The rationale for the proposed amendment is to address a housing supply issue through the creation of a vibrant well connected neighbourhood with supporting economic opportunities.</p>
(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 proposal is recommended in local strategic planning documents endorsed by the Council and is consistent with regional planning documents and State Policies and legislation.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	<p>The proposal will provide a clear framework for development approvals in the Brighton LPS.</p> <p>The approvals process is generally prescribed and the planning scheme amendment process has little impact on co-ordination of approvals. However, the amendment does consider aboriginal heritage and natural values in the design and attempts to avoid the need for further approvals.</p>

(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 purpose of the planning scheme amendment is to provide for a walkable community with high levels of residential amenity and connectivity that promotes health and wellbeing.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	There are no buildings or areas of interest within the subject site.
(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	Existing public infrastructure has been considered in the design of the Master Plan. The SAP provisions provide for infrastructure contributions to enable the orderly provisions and coordination of public utilities and facilities.
(i) to provide a planning framework which fully considers land capability.	The sites on Dylan St and Melinda Ct are already subdivided in to small lots and the majority have already been developed by residential use. This land is too fragmented to be used for agricultural purposes. An agricultural report has been prepared for 69 Brighton Rd that concludes that the land capability is poor and has negligible potential for improvement.

(d) *Consistent with State Policies*

8.1.1. State Coastal Policy 1996

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

8.1.2. State Policy on the Protection of Agricultural Land 2009

The *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) 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 PAL Policy.

All land in the subject area, except 69 Brighton Rd, is already zoned Rural Living or General Residential and is not considered agricultural land.

An Agricultural Assessment of 69 Brighton Road is provided at Attachment J and provides an assessment against the PAL Policy and concludes that the rezoning is compliant.

8.1.3. The State Policy on Water Quality Management 1997

There will be no direct impact on water quality as a result of the amendment. Future impact on water quality will be regulated through future development applications.

8.1.4. 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 Assessment

Policy	Action
Biodiversity & Geodiversity	
BNV 1 Maintain and manage the region's biodiversity and ecosystems and their resilience to the impacts of climate change.	BNV 1.1 Manage and protect significant native vegetation at the earliest possible stage of the land use planning process. Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and protected by the planning scheme. BNV 1.2 Recognise and protect biodiversity values

	<p>deemed significant at the local level and in the planning scheme:</p> <p>a) specify the spatial area in which biodiversity values are to be recognised and protected; 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>BNV 1.4</p> <p>Manage clearance of native vegetation arising from use and development in a manner that is generally consistent across the region but allowing for variances in local values.</p>
<p><u>Consistent</u></p> <p>As previously mentioned, a Natural Values Assessment has been prepared by North Barker for the South Brighton Development Precinct which has informed the Master Plan layout.</p> <p>The ecological community 'Lowland Native Grasslands of Tasmania' is located on 69 Brighton Road and is listed as Critically Endangered under the Environment Protection and Biodiversity Conservation Act 1999 (EPBCA). A portion of this community is proposed to be located in the Environmental Management Zone which is consistent with Policy BNV 1.1.</p> <p>Four threatened flora species were recorded during the natural values assessment including the EPBCA-listed <i>Dianella amoena</i> and the TSPA-listed species <i>Austrostipa bigeniculata</i>, <i>Vittadinia muelleri</i> and <i>Calocephalus citreus</i>.</p> <p>These species are generally located along the south-east boundary of the site, fronting William St and on 69 Brighton Rd. It is proposed to amend the priority vegetation area overlay so that it includes all these locations so that they can be considered as part of future development of the site, which is consistent with BNV 1.2.</p>	
<p>BNV 2</p> <p>Protect threatened native vegetation communities, threatened flora and fauna species, significant habitat for threatened fauna species, and other native vegetation identified as being of local importance and places</p>	<p>BNV 2.1</p> <p>Avoid the clearance of threatened native vegetation communities except:</p> <p>a. where the long-term social and economic benefit arising from the use and development facilitated by the clearance outweigh the environmental benefit of retention; and</p>

important for building resilience and adaptation to climate change for these.	<p>b. where the clearance will not significantly detract from the conservation of that threatened native vegetation community.</p> <p>BNV 2.2</p> <p>Minimise clearance of native vegetation communities that provide habitat for threatened species.</p> <p>BNV 2.3</p> <p>Advise potential applicants of the requirements of the Threatened Species Protection Act 1995 and their responsibilities under the Environmental Protection and Biodiversity Conservation Act 1999.</p>
<p><u>Consistent</u></p> <p>See comments above relating to BNV 1.</p> <p>The Natural Values Assessment has been provided as a public document to improve potential applicants understanding of relevant legislation.</p>	
<p>BNV 5</p> <p>Restrict the spread of declared weeds under the Weed Management Act 1999 and assist in their removal.</p>	<p>BNV 5.1</p> <p>Provide for construction management plans where vegetation clearance or soil disturbance is undertaken that include weed management actions where the site is known, or suspected, to contain declared weeds.</p>
<p><u>Consistent</u></p> <p>A number of declared weeds have been identified in the natural values assessment. These can be required to be removed and managed through future development applications.</p>	
Managing Risks and Hazards	
<p>MRH 1</p> <p>Minimise the risk of loss of life and property from bushfires.</p>	<p><u>MRH 1.1</u></p> <p>Provide for the management and mitigation of bushfire risk at the earliest possible stage of the land use planning process (rezoning or if no rezoning required; subdivision) by the identification and protection (in perpetuity) of buffer distances or through the design and layout</p>

	<p>of lots.</p> <p>MRH 1.2</p> <p>Subdivision road layout designs are to provide for safe exit points in areas subject to bushfire hazard.</p> <p>MRH 1.5</p> <p>Allow new development (at either the rezoning or development application stage) in bushfire prone areas only where any necessary vegetation clearance for bushfire risk reduction is in accordance with the policies on biodiversity and native vegetation.</p>
<p><u>Consistent</u></p> <p>All future subdivision applications will need to include bushfire-hazard management plans to ensure that risk of loss and life is minimised.</p> <p>The bushfire-prone areas code currently applies to the entire SAP area. It is conceivable that once developed, Precinct A will not be bushfire-prone given it is surrounded by residential development and roads.</p>	
<p>MRH 2</p> <p>Minimise the risk of loss of life and property from flooding.</p>	<p>MRH 2.1</p> <p>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</p> <p>Include provisions in the planning scheme for use and development in flood prone areas based upon best practice in order to manage residual risk.</p>
<p><u>Consistent</u></p> <p>The Master Plan has been designed to minimise the risk and loss of life and property and flooding based on the Infrastructure Assessment and also Council's recently endorsed Stormwater Catchment Management Plans.</p> <p>Overland flow paths and areas of widespread inundation are not located on private land, but have been incorporated into the road and open space network.</p>	

<p>MRH 3</p> <p>Protect life and property from possible effects of land instability.</p>	<p>MRH 3.1</p> <p>Prevent further development in declared landslip zones.</p> <p>MRH 3.2</p> <p>Require the design and layout of development to be responsive to the underlying risk of land instability.</p> <p>MR 3.3</p> <p>Allow use and development in areas at risk of land instability only where risk is managed so that it does not cause an undue risk to occupants or users of the site, their property or to the public.</p>
<p>Consistent</p> <p>The western portion of 69 Brighton Road includes the low landslip hazard band. Any future works will need to take the requirements of the Landslip Hazards Code into consideration if its “significant works”.</p>	
<p>Cultural Values</p>	
<p>CV 1</p> <p>Recognise, retain and protect Aboriginal heritage values within the region for their character, culture, sense of place, contribution to our understanding history and contribution to the region’s competitive advantage.</p>	<p>CV1.3</p> <p>Avoid the allocation of land use growth opportunities in areas where Aboriginal cultural heritage values are known to exist.</p>
<p>Consistent</p> <p>An Aboriginal Heritage Assessment Report was prepared for the subject area. One aboriginal heritage site was identified and it has been incorporated into a public open space are to avoid disturbance.</p>	
<p>Recreation & Open Space</p>	
<p>ROS 1</p> <p>Plan for an integrated open space and recreation system that responds to existing and</p>	<p>ROS 1.5</p> <p>Provide for residential areas, open spaces and other community destinations that are well connected with a network of high quality walking</p>

emerging needs in the community and contributes to social inclusion, community connectivity, community health and well being, amenity, environmental sustainability and the economy.	and cycling routes. ROS 1.6 Subdivision and development is to have regard to the principles outlined in 'Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania'.
<p><u>Consistent</u></p> <p>The Master Plan has been designed to provide a high-quality open space network which is well connected with a network of shared trails and roads. An active edge around the future high school site will also improve walkability and access to the school.</p> <p>The Master Plan layout has consideration to all the Healthy by Design principles and includes:</p> <ul style="list-style-type: none"> • an integrated accessible network of walking and cycling routes with high amenity • functional street network with safe and convenient footpaths and crossing points • encourage reduced traffic speeds on Brighton Road • require landscaping to provide attractive and welcoming streetscapes • Encourage mix-use walkable neighbourhoods with good access to the future high school, local business zone, large format retail and the existing Brighton commercial centre. • Open space areas are provided within 400m of each lot and are well connected by shared trails and roads. • Open space areas have been designed to have good passive surveillance • Future public transport routes have been identified on Brighton Road and can be accessed by a network of well-connected shared trails. 	
Social Infrastructure	
<p>S1</p> <p>Provide high quality social and community facilities to meet the education, health and care needs of the community and facilitate</p>	<p>S1.2</p> <p>Match location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release.</p>

<p>healthy, happy and productive lives.</p>	<p>S1.3</p> <p>Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.</p> <p>S1.4</p> <p>Identify and protect sites for social infrastructure, particularly in high social dependency areas, targeted urban growth areas (both infill and greenfield) and in identified Activity Centres.</p> <p>S1.5</p> <p>Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.</p> <p>S1.6</p> <p>Co-locate and integrate community facilities and services to improve service delivery, and form accessible hubs and focus points for community activity, in a manner consistent with the Activity Centre hierarchy.</p> <p>S1.7</p> <p>Provide flexibility in the planning scheme for the development of aged care and nursing home facilities in areas close to an Activity Centre and with access to public transport.</p>
<p><u>Consistent</u></p> <p>The Master Plan area surrounds land that has been acquired for a future high school which has recently been rezoned Community Purpose. The Department of Education will provide a gymnasium and arts space after identifying that these are social infrastructure gaps within the community. These spaces are likely to be multi-purpose and flexible with some access outside school hours.</p> <p>A local business zone has been provided on 33 Elderslie Road which has the potential to provide for additional community infrastructure. Other social infrastructure, such as GPs, chemist and community centres are located on the Brighton Road commercial strip.</p> <p>Good access to community infrastructure has been integrated into the Master</p>	

Plan framework.	
<p>S2</p> <p>Provide for the broad distribution and variety of social housing in areas with good public transport accessibility or in proximity to employment, education and other community services.</p>	<p>S2.1</p> <p>Provide flexibility in the planning scheme for a variety of housing types (including alternative housing models) in residential areas.</p> <p>S2.2</p> <p>The planning scheme is not to prevent the establishment of social housing in residential areas.</p>
<p><u>Consistent</u></p> <p>The South Brighton SAP framework provides for a range of lot sizes in Precinct B where they are located close to open space, services and public transport.</p> <p>There is nothing in the proposed amendment which prevents the establishment of social housing.</p>	
Physical Infrastructure	
<p>PI 1</p> <p>Maximise the efficiency of existing physical infrastructure.</p>	<p>PI 1.1</p> <p>Preference growth that utilises under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.</p>
<p><u>Consistent</u></p> <p>The subject area is located within the UGB for Greater Hobart. However, the proposal required an extension of physical infrastructure. There are no other growth opportunities for the Brighton township within the UGB.</p>	
<p>PI 2</p> <p>Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.</p>	<p>PI 2.1</p> <p>Use the provision of infrastructure to support desired regional growth, cohesive urban and rural communities, more compact and sustainable urban form and economic development.</p> <p>PI 2.4</p> <p>Use information from the Regional Land Use Strategy, including demographic and dwelling forecasts and the growth management strategies,</p>

	<p>to inform infrastructure planning and service delivery.</p> <p>PI 2.5</p> <p>Develop a regionally consistent framework(s) for developer charges associated with infrastructure provision, with pricing signals associated with the provision of physical infrastructure (particularly water and sewerage) consistent with the Regional Land Use Strategy.</p>
<p><u>Consistent</u></p> <p>A key driver for the proposed amendment is to deliver a more compact and sustainable urban form. The area is currently characterised by larger lots, but this is hugely inefficient given its proximity to existing services in the Brighton township and the future Brighton High School.</p> <p>STRLUS identifies South Brighton as a Greenfield Development Precinct. Recent demographic and dwelling forecasts also identify Brighton as having high growth.</p> <p>Brighton Council has been working with developers and TasWater for several years to coordinate and deliver the necessary infrastructure to unlock the development potential of the area. Unfortunately, the policy settings in relation to development charges and infrastructure provision is not set up to facilitate growth, even when it is in desired areas. Policy PI 2.5 has certainly not been delivered and the absence of regionally consistent framework is now a growth impediment.</p> <p>Brighton Council has developed its own “Key Infrastructure Investment and Defined Infrastructure Charges” Policy which allows Council to determine an infrastructure charge for a range of different infrastructure. The Policy is effectively enacted by providing an addendum to the Policy which defines the area, the specific type of infrastructure, and Infrastructure charge. At this stage no addendums have for the area have been added to the Policy, as it is Council’s preference to have the certainty of the zoning before undertaking this resource intensive work.</p> <p>The SAP framework for Precinct A allows for a developer to provide the infrastructure at their own cost or through an infrastructure contribution if an addendum exists to the Policy.</p>	
Land Use & Transport Integration	
LUT11	LUT11.1
Develop and maintain an integrated transport and land	Give preference to urban expansion that is in physical proximity to existing transport corridors

<p>use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.</p>	<p>and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.</p> <p>LUTI 1.2</p> <p>Allow higher density residential and mixed-use developments within 400 metres, and possibly up to 800 metres (subject to topographic and heritage constraints) of integrated transit corridors.</p> <p>LUTI 1.4</p> <p>Consolidate residential development outside of Greater Hobart into key settlements where the daily and weekly needs of residents are met</p> <p>LUTI 1.5</p> <p>Locate major trip generating activities in close proximity to existing public transport routes and existing higher order activity centres.</p> <p>LUTI 1.6</p> <p>Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.</p> <p>LUTI 1.7</p> <p>Protect major regional and urban transport corridors through the planning scheme as identified in Maps 3 & 4.</p> <p>LUTI 1.8</p> <p>Apply buffer distances for new development to regional transport corridors identified in Map 4 in accordance with the Road and Railway Assets Code to minimise further land use conflict.</p> <p>LUTI 1.11</p> <p>Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.</p>
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Consistent

The subject area is adjacent to the existing transport corridor of the Midland Highway and Brighton Road. Brighton Road is serviced by Metro. Brighton is a higher order activity centre. Urban expansion of the subject land is supported by LUTI 1.1.

Higher density residential area has been provided for in Precinct B in the SAP framework where it is close to public transport stops, schools and services.

The planning scheme amendment is strongly supported by LUTI 1.4 as it consolidates residential development in Greater Hobart in the key settlement of Brighton township.

The Master Plan furthers LUTI 1.6 by providing strong connectivity to the existing road network and new roads.

The impact on the Midland Highway regional transport corridor will be considered through the Road and Rail Assets Code as part of future subdivision applications.

The planning scheme amendment furthers LUTI 1.11 through the provision of a well-connected and attractive walking and cycling.

Productive Resources**PR 2**

Manage and protect the value of non-significant agricultural land in a manner that recognises the potential and characteristics of the land.

PR 2.1

Utilise the settlement strategy to assess conversion of rural land to residential land through rezoning, rather than the potential viability or otherwise of the land for particular agricultural enterprises.

PR 2.2

Support opportunities for down-stream processing of agricultural products in appropriate locations or 'on-farm' where appropriate supporting infrastructure exists and the use does not create off-site impacts.

PR 2.3

Provide flexibility for commercial and tourism uses provided that long-term agricultural potential is not lost and it does not further fetter surrounding agricultural land.

PR 2.4

	The introduction of sensitive uses not related to agricultural use, such as dwellings, are only to be allowed where it can be demonstrated the use will not fetter agricultural uses on neighbouring land.
<p><u>Consistent</u></p> <p>The land to be rezoned from Rural to General Residential sits within the UGB for Greater Hobart and the rezoning is supported by an Agricultural Assessment prepared by a suitably qualified person.</p> <p>The introduction of sensitive uses adjoining Rural land on 69 Brighton Road will need to be considered through future subdivision applications.</p>	
<p>PR 3</p> <p>Support and protect regionally significant extractive industries.</p>	<p>PR 3.1</p> <p>Existing regionally significant extractive industry sites are to be appropriately zoned, such as the Rural Zone, and are protected by appropriate attenuation areas in which the establishment of new sensitive uses, such as dwellings, is restricted.</p>
<p><u>Consistent</u></p> <p>The subject area is located outside the Attenuation Area for the Bridgewater Quarry.</p>	
Activity Centres	
<p>AC 1</p> <p>Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.</p>	<p>AC 1.1</p> <p>Implement the Activity Centre Network through the delivery of retail, commercial, business, administration, social and community and passenger transport facilities.</p> <p>AC 1.2</p> <p>Utilise the Central Business, General Business, Local Business Zones as the main zones to deliver the activity centre network through the planning scheme, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.</p> <p>AC 1.3</p> <p>Discourage out-of-centre development by only providing for in-centre development within the</p>

	<p>planning scheme.</p> <p>AC 1.4</p> <p>Promote a greater emphasis on the role of activity centres, particularly neighbourhood and local activity centres, in revitalising and strengthening the local community.</p> <p>AC 1.5</p> <p>Encourage high quality urban design and pedestrian amenity through the respective development standards.</p> <p>AC 1.6</p> <p>Encourage an appropriate mix of uses in activity centres to create multi-functional activity in those centres.</p> <p>AC 1.7</p> <p>Improve the integration of public transport with Activity Centre planning, particularly where it relates to higher order activity centres.</p> <p>AC 1.8</p> <p>Encourage new development and redevelopment in established urban areas to reinforce the strengths and individual character of the urban area in which the development occurs.</p> <p>AC 1.9</p> <p>Require active street frontage layouts instead of parking lot dominant retailing, with the exception of Specialist Activity Centres if the defined character or purpose requires otherwise.</p> <p>AC1.10</p> <p>Activity centres should encourage local employment, although in most cases this will consist of small scale businesses servicing the local or district areas.</p>
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	<p>AC 1.12</p> <p>Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within the planning scheme.</p>
<p><u>Consistent</u></p> <p>The Brighton township is identified as a Rural Services Centre in STRLUS. Whilst not identified as such, the Brighton Highway Services Precinct is likely to be a Specialist Centre.</p> <p>Both SAP's have been specifically tailored so that the areas continue to function as it is intended under the Activity Centre Network without distorting the Activity Centre hierarchy.</p> <p>The proposed planning scheme amendment provides for an additional local business zone adjoining the new Brighton High School site. The SAP provisions provide for strong urban design outcomes that promote pedestrian amenity with strong linkages to public transport stops, the new high school and the existing commercial strip on Brighton Road.</p> <p>The increased residential densities around the Brighton Activity Centre will support growth of the Activity Centre and provide additional employment. The improved pedestrian amenity and cycling lanes on Brighton Road will also make the nearby Brighton Industrial Hub more accessible for workers.</p> <p>The uses allowed in the Highway Services Precinct SAP have been carefully considered so that they don't distort the function and vibrancy of the existing Brighton township. The uses are generally for large format retail and limit uses that are better suited to other activity centres (e.g. office space, supermarkets, child care, doctors, etc.).</p> <p>The Market Assessment indicates that the expansion of the Highway Services Precinct is viable and can complement the existing Specialist Centres of Cambridge Park and Derwent Park.</p>	
<p>AC 3</p> <p>Evolve Activity Centres focussing on people and their amenity and giving the highest priority to creation of pedestrian orientated environments.</p>	<p>AC 3.1</p> <p>Actively encourage people to walk, cycle and use public transport to access Activity Centres.</p> <p>AC 3.5</p> <p>Allow flexibility in providing on-site car parking in the lower order Activity Centres subject to consideration of surrounding residential amenity.</p>

Consistent

The South Brighton Master Plan encourages walking, cycling and public transport use. The SAP does not provide additional standards in relation to car parking.

Settlement & Residential Development**SRD 1**

Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.

SRD 1.1

Implement the Regional Settlement Strategy and associated growth management strategies through the planning scheme.

SRD 1.4

Encourage land zoned General Residential to be developed at a minimum of 15 dwellings per hectare (net density).

Consistent

The area to be rezoned to General Residential and covered by the South Brighton SAP is within the UGB and consistent with the Regional Settlement Strategy.

The 15 dwellings per hectare can easily be achieved in Precinct B as SAP provisions encourage higher densities near public transport, open space and services.

Given the challenges of consolidating a Rural Living settlement with multiple property owners and existing buildings, it is less likely to achieve the 15 dwelling per hectare target in Precinct A. Based on the existing lot layout, the Master Plan will achieve approximately 7.1 dwellings per hectare in Precinct A. However, there is a discretionary pathway for greater densities.

SRD 2

Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.

SRD 2.1

Residential growth for Greater Hobart is to occur through 50% infill development and 50% greenfield development.

SRD 2.2

Manage greenfield growth through an Urban Growth Boundary, which sets a 20 year supply limit with associated growth limits on dormitory suburbs.

SRD 2.3

SRD 2.3 Provide greenfield land for residential

	<p>purposes across the following Greenfield Development Precincts:</p> <ul style="list-style-type: none"> • Bridgewater North • Brighton South • Droughty Point Corridor • Gagebrook/Old Beach • Granton (Upper Hilton Road up to and including Black Snake Village) • Midway Point North • Risdon Vale to Geilston Bay • Sorell Township East • Spring Farm/Huntingfield South <p>SRD 2.4</p> <p>Recognise that the Urban Growth Boundary includes vacant land suitable for land release as greenfield development through residential rezoning as well as land suitable for other urban purposes including commercial, industrial, public parks, sporting and recreational facilities, hospitals, schools, major infrastructure, etc.</p> <p>SRD 2.5</p> <p>Implement a Residential Land Release Program that follows a land release hierarchy planning processes as follows:</p> <ol style="list-style-type: none"> 1. Strategy (greenfield targets within urban growth boundary); 2. Conceptual Sequencing Plan; 3. Precinct Structure Plans (for each Greenfield Development Precinct); 4. Subdivision Permit; and 5. Use and Development Permit.
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	<p>SRD 2.7</p> <p>Distribute residential infill growth across the existing urban areas for the 25 year planning period as follows:</p> <p>Glenorchy LGA 40% (5300 dwellings)</p> <p>Hobart LGA 25% (3312 dwellings)</p> <p>Clarence LGA 15% (1987 dwelling)</p> <p>Brighton LGA 15% (1987 dwellings)</p> <p>Kingborough LGA 5% (662 dwellings)</p> <p>SRD 2.8</p> <p>Aim for the residential zones in the planning scheme to encompass a 10 to 15 year supply of greenfield residential land when calculated on a whole of settlement basis for Greater Hobart.</p> <p>SRD 2.9</p> <p>Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.</p> <p>SRD 2.10</p> <p>Investigate the redevelopment to higher densities potential of rural residential areas close to the main urban extent of Greater Hobart.</p> <p>SRD 2.11</p> <p>Increase the supply of affordable housing.</p>
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Consistent

The proposed planning scheme amendment is strongly supported by all the policies under SRD 2 as outlined in more detail below.

SRD 2.1. & 2.2

The proposed planning scheme amendment is for land within the UGB and is for 10ha of greenfield development on 69 Brighton Road and approximately 37ha of infill development in Precinct A, contributing to both the greenfield and infill targets in STRLUS under SRD 2.1.

SRD 2.3

As noted previously, the proposal supports SRD 2.3 as it provides greenfield land in Brighton South.

SRD 2.4

The proposal furthers SRD 2.4 through the provision of open space and local business zoned land that will support residential uses within the UGB. It also provides additional commercial land with the expansion of the Highway Services Precinct.

SRD 2.5

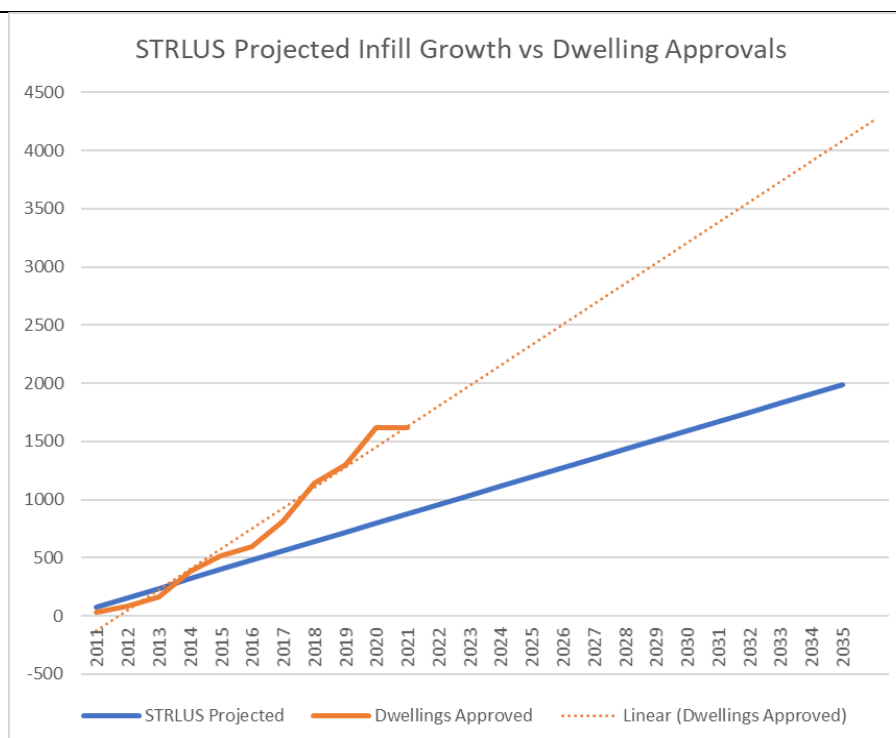
The planning scheme amendment has been prepared following a Residential Land Release Program in accordance with SRD 2.5 with the preparation of the South Brighton Master Plan (i.e. Precinct Structure Plan) which has included a significant amount of public consultation.

SRD 2.7

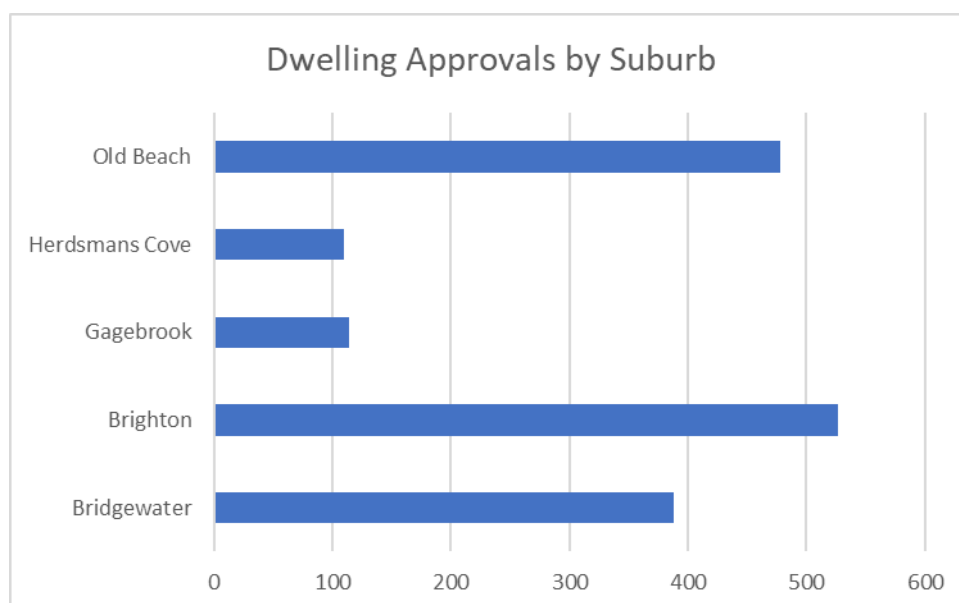
SRD 2.7 provides a residential infill growth target for Brighton LGA across the 25 year planning period of 15% (1,987 dwellings). Using Council's development approvals database, it has been estimated that approximately 1,618 dwellings (as at December 2020) have been constructed on infill sites since the STRLUS was gazetted in 27 October 2011. The results have been filtered to ensure that only dwelling approvals within the UGB (excluding Greenfield Development Precincts) have been included.

10 years into 25 year planning period and the Brighton Council has already achieved 81% of its infill target (see Graph 1). Graph 2 confirms that the strongest growth is within the Brighton township.

The infill development numbers demonstrates that housing demand has been well in excess of what was predicted under STRLUS and more housing in Brighton is needed.



Graph 1: STRLUS projected infill growth vs actual development approvals.



Graph 2: Dwelling approvals within UGB by suburb since 27 October 2011 to December 2020.

SRD 2.8

The proposed planning scheme amendment provides for an additional 47ha supply of residential land equating to approximately 565 lots. As outlined below, the additional residential zoned land is urgently needed to satisfy the 10 to 15 year supply recommended under Policy SRD 2.8.

Based on a land supply analysis used to justify the expansion of the UGB over 69 Brighton Road (See Appendix K), there are a total of 2,234 lots in Brighton municipality (1,499 infill and 735 greenfield) that are either approved or could be approved and able to be released in coming years. Only 599 of these are within the Brighton township.

Based on population projections in the Brighton Structure Plan (BSP), This existing supply just satisfies the 20 year supply from the Treasury projections, but would require ALL infill development opportunities to proceed. This is unrealistic. The existing supply is well short of the BSP scenario.

Under the BSP scenario for 43% of growth to be accommodated in Brighton township, there will be a shortage of 351 dwellings under the Treasury scenario or 565 dwellings under the BSP scenario. These figures support the BSP findings that 58.2ha of additional land will be needed to meet the required demand within the life of the Structure Plan.

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:

- *S1.1 – Understand/Improve Health & Wellbeing*
- *S1.2 - Create Housing/Employment/Play/Education (Liveability)*
- *S1.3 – Provide Public Amenities/Facilities*
- *S1.4 – Support Connected Communities*
- *S1.5 Build a resilient community and environmentally sustainable future.*
- *S3.1 – Support 30% Growth Target*
- *S4.4 – Long term thinking and evidence-based.*

(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 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. Conclusion

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

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2022-05 as detailed in this report and in the attachments.

RECOMMENDATION:

- A. That in accordance with s40D(b) of the *Land Use Planning and Approvals Act 1993* that the planning authority, of its own motion, prepare a draft amendment of an LPS, to be known as draft amendment RZ 2022-05 as follows:
 - a. To amend the planning scheme map to:
 - i. rezone the land at:
 - 1. 25 William St, 2-11, 13, Dylan St, 1-13 Melinda Ct and parts of 12, 14 and 15-17 Dylan St, Brighton from Rural Living to General Residential and part of 69 Brighton Rd, Brighton from Rural to General Residential;
 - 2. part of 12, 14 and 15-17 Dylan St, Brighton from Rural Living to General Residential;
 - 3. part of 33 Elderslie Road, Brighton from General Residential to Local Business; and
 - 4. part of 69 Brighton Rd, Brighton from Rural to Environmental Management.
 - ii. amend the priority vegetation area overlay on several properties on Dylan St, Melinda Ct and 69 Brighton Rd and 33 Elderslie Road, Brighton;
 - iii. Extend the Brighton Highway Services Precinct Specific Area Plan over parts of 12, 14 and 15-17 Dylan St;
 - iv. Insert the South Brighton Specific Area Plan over part of 69 Brighton Rd, 33 Elderslie Rd, 25 & 27 William St and 1-11, 13, 14 Dylan St and 1-13 Melinda Ct and parts of 12, and 15-17 Dylan St;
 - b. To amend the Planning Scheme Ordinance to:
 - i. Introduce the South Brighton Specific Area Plan at clause BRI-S11.0; and

- ii. Amend the provisions of the Brighton Highway Services Precinct Specific Area Plan at clause BRI-S3.0.
- B. That in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2022-05 satisfies the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*.
 - C. That in accordance with Section 40F(3) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2022-05 be certified by instrument in writing affixed with the common seal of the Council; and
 - D. That in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2022-05 be given to the Tasmanian Planning Commission within seven (7) days.
 - E. 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 RZ2022-05 be provided to relevant agencies and those state service, or State authorities, that the planning authority considers may have an interest in the draft amendment.
 - F. That in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ2022-05 be placed on public exhibition as soon as practicable.

DECISION:

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

CARRIED

VOTING RECORD

In favour

Against

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

14. Reports from Officers

14.1 Council Meetings - Commencement Time

Author: Governance Manager (J Banks)

Background:

The *Local Government (Meeting Procedures) Regulations 2015*, require that “after each Ordinary Election, a Council are to review the times of commencement of meetings”.

The following is noted from *The Local Government (Meeting Procedures) Regulations 2015*:-

- An ordinary meeting of a council is to be held at least once in each month;
- A meeting is not to start before 5:00 p.m. unless otherwise determined by the council by absolute majority or by the council committee by simple majority;
- After each ordinary election, a council and a council committee are to review the times of commencement of their meetings.

At present, Council meetings are held on the third Tuesday of every month commencing at 5.30 p.m. Finance & Planning Authority meetings are held on the second Tuesday of every month.

A proposed meeting schedule for 2023 has been developed for consideration by Council including the meeting date, venue and commencement time.

Consultation:

General Manager

Risk Implications:

Nil.

Financial Implications:

Nil.

Other Issues:

N/A

Assessment:

N/A

Options:

1. As per the recommendation.

2. That Ordinary Council meetings commence at a time and day of each month as determined by Council.

RECOMMENDATION:

That the 2023 meeting schedule be endorsed, noting that Ordinary Meetings of Council be held on the third Tuesday of every month commencing at 5.30 p.m. with Finance and Planning Authority Meetings held on the second Tuesday of each month at the Council Chambers, 1 Tivoli Road, Old Beach.

DECISION:

Cr Owen moved, Cr De La Torre 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 Owen	
Cr Whelan	

14.2 Appointment of Council's Representatives on Committees

Author: General Manager (J Dryburgh)

Background

Following the recent Council Election, it is necessary to review and update the appointments of Council representatives to various Council Committees.

The following committees require Council representatives to be appointed.

1. Finance Committee
2. Planning Authority
3. Parks and Recreation Committee
4. Environment & Climate Committee
5. Waste Management Committee
6. Emergency Management Advisory Committee
7. Community Development Committee
8. General Managers Performance Review Committee

9. Cycling South (External)
10. Hobart Fire Management Area Committee (External)

The purpose and meeting cycle of each of the above listed committees was provided in the attachment.

Under the *Local Government Act 1993*, Section 23 provides the following information relating to Council committees:-

- (1) A council may establish, on such terms as it thinks fit, council committees to assist it in carrying out its functions under this or any other Act.
- (2) A council committee consists of councillors appointed by the council and any councillor who fills a vacancy for a meeting at the request of the council committee.
- (3) A meeting of a council committee is to be conducted in accordance with prescribed procedures.

Consultation:

Nil.

Risk Implications:

Nil.

Financial Implications:

Nil.

Strategic Plan

Goal 4 – Ensure a Stable Organisation.

S4.1: Be well governed.

Social Implications

Not applicable.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Options

1. To appoint Council representatives to each of the Committees listed.

Cr De La Torre moved, Cr Curran seconded that Council suspend standing orders.

CARRIED

VOTING RECORD

In favour

Against

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

RECOMMENDATION:

To appoint Council representatives to each of the Committees listed below.

Finance Committee

Chairperson: Cr Curran

Deputy Chairperson: Cr De La Torre

Council representatives: Councillors Geard, Owen, De La Torre, Whelan, Curran, Gray

Planning Authority

Chairperson: Cr Gray

Deputy Chairperson: Cr Owen

Council representatives: Councillors Geard, Owen, De La Torre, Irons, Whelan, Curran, Gray

Parks & Recreation Committee

Chairperson: Cr Geard

Deputy Chairperson: Cr De La Torre

Council representatives: Councillors Murtagh, McMaster, Geard, Owen, De La Torre, Gray, Whelan

Environment & Climate Committee

Chairperson: Cr Curran

Deputy Chairperson: Cr Irons

Council representatives: Councillors Murtagh, Curran, Irons, Owen, De La Torre, Gray

Waste Management Committee

Chairperson: Cr Owen

Deputy Chairperson: Cr Geard

Council representatives: Councillors Murtagh, Geard, Owen, Curran, Whelan, Gray

Emergency Management Advisory Committee

Chairperson: Cr Geard

Deputy Chairperson: Cr Owen

Council representatives: Councillors Geard and Owen

Community Development Committee

Chairperson: Cr De La Torre

Deputy Chairperson: Cr Curran

Council representatives: Councillors Murtagh, McMaster, Owen, Geard, De La Torre, Curran, Gray, Irons

General Managers Performance Review Committee

Chairperson: Cr Gray

Deputy Chairperson: Cr Curran

Council representatives: Councillors Geard and Whelan

Cycling South

Council representative: Cr Owen

Hobart Fire Management Area Committee

Council representative: Cr Geard

Cr De La Torre moved, Cr Curran seconded that Council resume standing orders.

CARRIED

VOTING RECORD

In favour

Against

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

DECISION:

Cr Curran moved, Cr Owen seconded that the recommendations for the Committee members as listed above be adopted.

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

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

14.3 Brighton Garden Club - Free Use of Pontville Hall

Author: Governance Manager (J Banks)

Background

Louise Bennet from Brighton has written to Council seeking support to establish a Garden Club in the area. This would be a new club for the area offering not only a special interest group the opportunity to get established but would also be another opportunity for social interaction in the rapidly growing area. She is currently seeking expressions of interest via social media to gauge the level of interest for the establishment of such a club in the area. She has contacted council seeking support for use of a venue to set up monthly meetings free of charge until such time as the club can get set up and financially viable.

Consultation

Louise Bennet (Brighton Garden Club), Governance Manager

Risk Implications

Nil

Financial Implications

Funds would need to be allocated from Council's Grants and Donations Budget. Hire fee for the use of Pontville Hall for two hours per month, totalling \$1008 pa, casual hire insurance of \$32/month for twelve months of the year = \$384. Totalling \$1392. Groups like this would ordinarily be allowed a 50% discount on the hire fee.

Strategic Plan

S1.5 Building a resilient community

Social Implications

Providing a facility for the meetings and potential fundraising for this group will contribute to building positivity and community connection.

Assessment

Supporting this emerging club to get established by offering them a meeting and potential fundraising venue will provide additional opportunity for social interaction along with an opportunity for those interested in gardening to meet and potentially even have open gardens program in our municipality. Whilst there is a lot of activity in the municipality for community kitchen gardens, this club is more aimed at the home flower and landscaped gardens.

Allowing twelve months free use of the venue will provide them with the time to determine the groups ongoing financial viability and interest level from community members.

Options

1. As per the recommendation.
2. That Council provide free use of Pontville Hall (meeting room) for two hours per month for a period of six months from February 2023 and provide the casual hirer public liability insurance coverage as required during this period.
3. Council not permit free use of Pontville Hall (meeting room) with insurance coverage.

RECOMMENDATION:

Council approve the free use of Pontville Hall (meeting room) for two hours per month for a period of twelve months from February 2023 and provide the casual hirer public liability insurance coverage as required during this period. Additional times may be required if the club decide to run fundraisers during this time to become viable. A review to be undertaken in January 2024 to determine the ongoing viability of the club.

DECISION:

Cr De La Torre moved, Cr Irons seconded Option 2 be adopted.

CARRIED

VOTING RECORD

In favour

Against

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

Cr Owen
Cr Whelan

Cr Owen had declared an interest in the following item and left the meeting at 6.39pm

14.4 Old Beach Zoning Review Report - Community Consultation

Author: Senior Strategic Planner (Brian White)

Authorised: Manager Development Services (David Allingham)

Background

The purpose of this report is to seek Council's endorsement to put the Old Beach Zoning Review Report (the "Report") on public exhibition. The full report and associated documents are available as Attachments.

The Brighton municipality is experiencing high demand for residential land and has seen population growth increase at an average growth rate of 2% compared to an average growth rate of 1.4% for Greater Hobart.

The Brighton Structure Plan (BSP) estimates that an additional 2,708 dwellings will be required and there is likely to be an undersupply of zoned land in Old Beach to meet this demand up until 2033.

In response to this anticipated growth and to ensure that the Brighton Municipality grows in an orderly and sustainable manner, Council has engaged ERA Planning Consultants ('ERA') to investigate two (2) possible 'urban growth options' identified in the BSP, and which are within the Greater Hobart Urban Growth Boundary ('UGB') (See Figure 1). The investigation is to determine whether the precincts have the necessary conditions to accommodate future residential growth and consolidation.

The precincts which are the subject of the study are both predominantly zoned Rural Living under the *Tasmanian Planning Scheme – Brighton* ('the Scheme') and are shown below in Figures 1 below.



Figure 7 The possible Old Beach growth areas (Source: ERA)

The report is based on the study methodology that consists of community consultation, a site/policy analysis, and a traffic assessment.

Consultation

Overall, participation rates were excellent, with 92 out of 102 properties in the precincts responding in some way.

The consultation revealed an almost 50/50 split between respondents who want no change to existing planning controls and those who are open to change.

Regarding what respondents felt were the desirable characteristics to be retained in the precincts, most people felt that privacy, serenity, tranquillity and few traffic issues being key desirable aspects of living in the precincts and surrounding areas.

Concerns with future growth revolved around increases in traffic, loss of privacy and rural amenity, and increases in rates due to infrastructure upgrades.

The Site/ Policy Analysis

The site analysis involved a review of opportunities and constraints to determine whether the precincts can accommodate future growth, such as:

- Existing lot sizes and existing dwelling location
- Land constraints including natural hazards, topography, and existing vegetation
- Infrastructure and servicing
- Current and possible future transport network
- Public open space network

- Ability to consolidate lots
- Capacity for subdivision or development

ERA consulted with infrastructure providers who provided advice that the precincts can both be fully serviced subject to upgrades.

ERA also consulted with the Department of State Growth ('DSG') who advised that, subject to upgrades to the East Derwent Highway, further growth in the precincts can be accommodated.

The site analysis ultimately found that there were minimal constraints that limit the development potential of land in the precincts. Therefore, the analysis found that subject to infrastructure upgrades, the precincts could accommodate the General Residential zone and likely be developed at urban densities. However, in the short term, due to current infrastructure constraints, the analysis found that the Future Urban Zone was an appropriate interim zoning for the Precincts.

The policy analysis reviewed relevant local, regional, and state planning policies and found that they were also generally supportive of future growth in the precincts.

The analysis came up with three (3) possible change scenarios for the precincts, described in Table 1 below.

Table 3 Change Scenarios

Option	Growth Scenario	Changes to planning controls / Road Infrastructure	Possible additional lots / residents
1	No Change Scenario	No change to the current planning controls. The current zoning of Rural Living (Zone A) would be maintained across both precincts, with the current Urban Rural Interface SAP covering Precinct A.	114 additional new lots. 266 new residents.
2	Moderate change	<ol style="list-style-type: none"> 1. Rezone both Precinct A and B to Future Urban zone, remove the Urban Rural Interface SAP currently applying to Precinct A, and extend the UGB to include the entirety of Precinct A. 2. Road upgrades to be completed or agreed to at: <ul style="list-style-type: none"> • Junction of Bowen Bridge with the highway 	580 additional lots. 1, 357 residents

		(returning to Old Beach) <ul style="list-style-type: none"> • Southern junction of Otago Bay with the highway (right turn onto highway). 3. Rezone part of (21.2ha) of Precinct A to General Residential.	
3	Significant	1. Rezone both Precinct A and B to Future Urban zone, remove the Urban Rural Interface SAP currently applying to Precinct A, and extend the UGB to include the entirety of Precinct A. 2. Significant upgrades to East Derwent Highway. 3. Rezone both Precincts to General Residential.	1, 544 lots 3, 612 residents

Refer to the report In Attachment A for the complete site and planning analysis.

The Traffic Assessment

The Traffic Assessment ('the assessment') assesses the capacity of the East Derwent Highway between Old Beach and Bowen Bridge and associated intersections to accommodate the change scenarios, and whether upgrades may be required.

The assessment considers that two (2) intersections on the East Derwent Highway ('highway') need to be upgraded at the completion of the Tivoli Green Estate, regardless of future growth in the precincts:

- Junction of Bowen Bridge with the highway (returning to Old Beach)
- Southern junction of Otago Bay with the highway (right turn onto highway).

Once these upgraded occurred, the assessment considers that Option 2 - rezoning 21.2ha of land in Precinct A to the General Residential Zone in Precinct A - could be accommodated by the East Derwent Highway. The assessment considers that the Old Beach and East Derwent Highway junctions should also be considered for upgrading to further improve the level of performance of Option 2.

The assessment indicates that neither the highway nor any of the intersections can accommodate option 3 (significant change) without significant upgrades such as dual traffic lanes and improvements to all junctions.

The assessment is provided as Attachment B to this report.

Recommendation

Option 2 is ERA's preferred change scenario, resulting in moderate change, and up to 580 additional lots.

Option 2 would see both precincts zoned Future Urban and, once the upgrades were completed to the East Derwent Highway as outlined in Attachment B, rezone part of Precinct A (21.2ha) to General Residential.

If the East Derwent Highway was eventually upgraded with dual carriage lanes, the remainder of the precincts could then theoretically be zoned General Residential.

As well as the rezoning, ERA recommends a masterplan be prepared for the land to be zoned General Residential which has regard to the 'Subdivision Guidelines' in their report and includes details of future infrastructure provision and the findings of a natural values assessment. The masterplan could be implemented into the Brighton Local Provision Schedules via a Specific Area Plan.

The zoning recommended by Option 2 is shown in Figure 2 below.

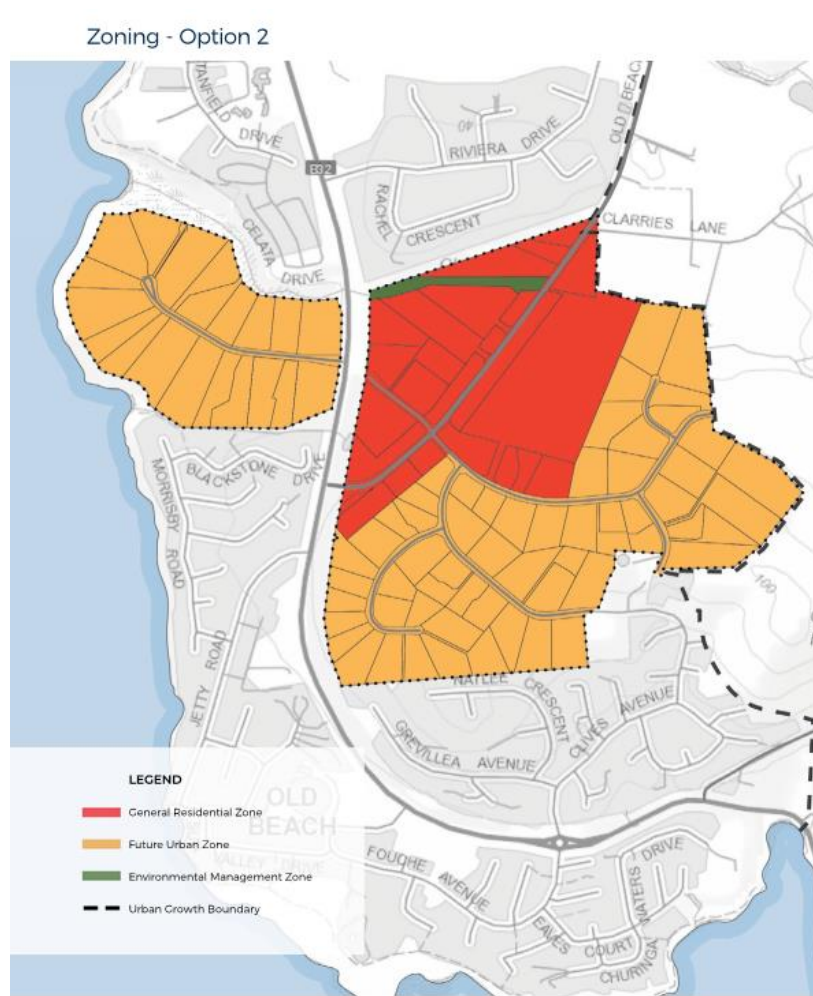


Figure 8 Preferred Growth Option

Consultation

The report and attachments will be exhibited for a period of a month during mid January.

Landowners and other relevant stakeholders will be sent letters advising that the documents are able to be viewed on the project page ('have your say') of Council's website and provide instructions as to how submissions can be made. Once submissions are collated, Council Officers and ERA will provide responses in a report back to Council. This may result in the recommendations being modified depending on the matters raised in the submissions.

Should Council be satisfied with the responses to the submissions, the final report will be endorsed by Council.

Risk implications

Council has already engaged the local community in the Old Beach Zoning review, and it is important that the community get an opportunity to provide comment on the report findings.

Financial Implications

There is no direct financial implication for the public exhibition of the Report, but if the recommendation is endorsed, future implications include the cost of preparing a Master Plan for the area.

Strategic plan

This project aligns with the following strategies:

- S1.2: Create housing/employment/play/education;
- S1.3: Provide public facilities/amenities;
- S1.4: Support connected communities;
- S1.5: Build a resilient Social and environmentally sustainable future;

Social implications

Nil

Economic implications

Nil

Environmental or climate change implications

Nil

Assessment

The Old Beach Zoning Review Project report has assessed whether two (2) existing rural residential precincts in Old Beach have the necessary conditions to accommodate future growth at urban densities. Subject to infrastructure upgrades, the analysis has found the precincts can accommodate future growth.

Options

1. As per the recommendation; or
2. Do not endorse the Old Beach Zoning Review report and associated documents.
3. Other.

RECOMMENDATION:

It is recommended that Council:

- a) Endorse the Old Beach Zoning Review report and associated documents for community consultation for a period of four (4) weeks.
- b) Direct Council Officers to exhibit the Old Beach Zoning Review Report and associated documents for a period of one month from 21 January 2023.

DECISION:

Cr De La Torre moved, Cr Curran 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 Whelan	

Cr Owen rejoined the meeting at 6.47pm.

14.5 Brighton Social Infrastructure Plan - Community Consultation

Author: Senior Planner (Jo Blackwell)

Authorised: Development Services Manager (David Allingham)

Purpose

This report aims to seek the endorsement of the Brighton Social Infrastructure Plan for community consultation.

Background

Social infrastructure includes both open space and recreation, and community and cultural facilities – providing the places and spaces for people to meet, be active, connect, create and learn. It plays an integral part in bringing people together and provides opportunities for individuals, families, and communities to develop life skills; create healthy lifestyles; and to engage socially. Social infrastructure also provides opportunities for all persons to maximise their potential, through diversity in educational, cultural, sporting, social and recreational offerings.

In recent years, rapid growth has put considerable pressure on social infrastructure across the Brighton municipality. The rapid growth is expected to continue with Treasury population projections expecting the Brighton Local Government Area (LGA) to be the fastest-growing LGA in Tasmania in percentage terms with an expected population gain of 33.4%, or 5,754 people, by 2042.

The Brighton Structure Plan 2018 (BSP) includes a brief assessment of social infrastructure which may be required up to 2033, but notes this is no substitute for a more detailed needs analysis. Strategy 18 of the BSP identifies a need to “provide additional social infrastructure to cater for Brighton’s growing population” and the following specific action:

“Further analyse the future needs for Social infrastructure in terms of quantities, locations and ease of access to services.”

Council consequently approved the preparation of a social infrastructure plan through the 2021/22 budget.

Ethos Urban, in collaboration with the Community Collaborative and Ireneinc, have been engaged to prepare a Social Infrastructure Plan (the Plan) that identifies the gaps and needs for social infrastructure provision across the municipality to 2042. The Brighton Social Infrastructure Plan is Annexure “A” to this report. Annexure “B” is an extract of Section 6 – The Social Infrastructure Plan, to be used as a summary document for consultation purposes.

The Vision in the Plan is:

A thriving network of social infrastructure that connects Brighton's residents with nature and with each other. Our shared spaces will be safe, sustainable and comfortable with services and facilities for all – from the young to the elderly. We are proud of our spaces, representing who we are and providing a destination for connecting, learning, and creating.

Through an analysis of demographic indicators and an audit of existing social infrastructure, benchmarking was used to provide a Needs Analysis for social infrastructure in the municipality.

Key challenges and opportunities for Brighton's social infrastructure include:

- Young populations and a lack of youth space,
- Areas of social disadvantage in the LGA,
- Lack of social cohesion between neighbourhoods,
- Low activation and vibrancy with limited people centred places,
- Rapid population growth and planning for new communities,
- Improving existing assets,
- Deficit in creative infrastructure and local cultural spaces,
- Significant undersupply of GPs living and working in the LGA.

Key priority areas for open space & recreation include:

- Expanding the large amount of waterway related open space,
- Considering the recreation infrastructure available at school sites,
- Limited walkability in some areas, although noting Council's work in upgrading Brighton's existing walking and cycling network,
- Spaces for informal individualised fitness-based activities,
- A diversity of play offerings,
- Dog friendly spaces, tennis facilities, and access to an indoor recreation centre.

The Social Infrastructure Plan provides Priority Actions for the Whole of Council area and also on a suburb-by-suburb basis over the short, medium and long-term.

The Brighton Social Infrastructure Plan is Annexure "A" to this report. Annexure "B" is an extract of Section 6 – The Social Infrastructure Plan, to be used as a summary document for consultation purposes.

Consultation

Consultation to gather information from both stakeholders and the wider community was undertaken, through:

- Three (3) initial stakeholder sessions on 31st March / 1st April 2022 for:
 - sporting, recreational and educational bodies;
 - government agencies and adjoining Councils; and

- community drop in sessions.

The community drop in sessions were promoted via the Brighton Community News, council's web page and social media.

- Survey for stakeholders.
- General Manager
- Council officers (property, community, planning, assets)

Risk implications

Nil

Financial Implications

Nil

Strategic plan

This project aligns with the following strategies:

- S1.1: Improve health and wellbeing;
- S1.2: Create housing/employment/play/education;
- S1.3: Provide public facilities/amenities;
- S1.4: Support connected communities;
- S1.5: Build a resilient Social and environmentally sustainable future;
- S3.1: Support 30% Growth Target
- S3.2: Implement Strategic Asset Management Plan
- S3.3: Enabling infrastructure.
- S4.4 Long-term thinking and evidence-based.

Social implications

- Positive impact on liveability across the municipality

Economic implications

- Nil. Endorsement for public consultation only is being sought.

Environmental or climate change implications

Future development will be undertaken with best practice models.

Other Issues

Nil. Attachments A and B are for public consultation only at this stage.

Assessment

The Social Infrastructure Plan is a complex and comprehensive document which analyses, details and recommends actions to support the expected population growth across Brighton to 2042.

Options

1. As per the recommendation; or
2. Do not endorse the Social Infrastructure Plan and summary document for community consultation; or
3. Other.

RECOMMENDATION:

It is recommended that Council endorse the Social Infrastructure Plan and summary document for community consultation for a period of four (4) weeks.

DECISION:

Cr Owen 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 Owen
Cr Whelan

14.6 Policy 1.10 - Debt Collection (Rates) - proposed changes

Author: Corporate Executive (G Browne)

Background

Council review on policies is good governance and should be undertaken regularly to capture any changes to administrative processes.

Consultation

Senior Rates Officer

Risk Implications

Nil.

Financial Implications

The debtor collection policy is required to reflect the process that Council employees follow when lodging debts for collection.

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

Nil.

Assessment

The policy 1.10 Debt Collection – Rates has been reviewed by the Senior Rates Officer with minor amendments made.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Policy 1.10 – Debt Collection – Rates is updated with the relevant changes.

DECISION:

Cr De La Torre moved, Cr Geard seconded that the recommendation be adopted, noting the minor amendment to wording ie 'practicable after 1 July'.

CARRIED

VOTING RECORD

In favour

Against

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

Cr Owen
Cr Whelan

15. Questions on Notice

There were no Questions on Notice for the December meeting.

The meeting closed at 7.00pm.

Confirmed:

(Mayor)

Date:

17 January 2023