



Brighton Council

**MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL, HELD IN THE COUNCIL CHAMBERS,
COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH
AT 5.30 P.M. ON TUESDAY, 16 MAY 2023**

1. Acknowledgement of Country

2. Attendance

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

IN ATTENDANCE: Mr J Dryburgh (General Manager); Mr G Davoren (Deputy General Manager); Mr C Pearce-Rasmussen (Director, Asset Services); Ms J Banks (Director, Governance & Regulatory Services); Mr D Allingham (Director, Development Services) and Ms G Browne (Director, Corporate Services)

3. Applications for Leave of Absence

All members were present.

4. Confirmation of Minutes

4.1 Ordinary Council Meeting

The Minutes of the previous Ordinary Council Meeting held on the 18th April 2023 are submitted for confirmation.

DECISION

Cr Irons moved, Cr McMaster seconded that the Minutes of the Ordinary Council meeting of 18 April 2023 be confirmed.

CARRIED

VOTING RECORD

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

4.2 Committees of Council – Receipt of Minutes

No Committee meetings were held in May.

4.3 Committees of Council – Endorsement of Recommendations

No Committee meetings were held in May.

5. Declaration of Interest

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairperson of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest or conflict of interest in any item on the Agenda.

In accordance with Section 48(4) of the *Local Government Act 1993*, it is the responsibility of councillors to then notify the general manager, in writing, the details of any interest(s) that the councillor has declared within 7 days of the declaration.

Cr De La Torre declared an interest in Item 12.2 & Item 15.1

Cr L Gray declared an interest in Item 13.1

6. Public Question Time and Deputations

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the agenda is to make provision for public question time.

There was no requirement for public question time.

7. Reports from Council

7.1 Mayor's Communications

- 1/5 South Central Sub-Region Meeting
- 2/5 Meeting with Jane Howlett MP
- 2/5 Meeting with Gwen Pinnington – GM Performance review
- 3/5 LGAT Presidents online forum

- 3/5 Future of Local Government Review online briefing
- 8/5 Government House Reception
- 9/5 General Managers Performance Review Committee Meeting
- 9/5 Council Workshop – LG Reform
- 11/5 Opening Medical Centre at 1 Bedford Street, Brighton
- 12/5 Meeting and tour of Brighton with Jane Howlett MP
- 15/5 Climate Council online media training session
- 16/5 Brighton Alive meeting
- 16/5 Council Meeting

DECISION

Cr Curran moved, Cr De La Torre seconded that the Mayor’s Communications be received.

CARRIED

VOTING RECORD

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

7.2 Reports from Council Representatives

- Cr Geard and Deputy Mayor recently met with the Brighton Show Society.
- Cr Geard met with the Brighton Poultry club.
- Cr Geard attended his first meeting as LG representative as LGAT’s State Fire Service representative.
- Cr Irons attended the Tasmanian Young Achievers Awards on 12th May 2023.

DECISION

Cr Whelan moved, Cr Murtagh seconded that the verbal reports from Council representatives be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	

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

8. Miscellaneous Correspondence

- Letter from Senator Wendy Askew dated 4th May 2023.
- Letter from Minister for Planning dated 5th May 2023 regarding progress of Tasmanian Planning Policies.

DECISION

Cr Owen moved, Cr Curran seconded that the information be received.

CARRIED

VOTING RECORD

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

9. Notification of Council Workshops

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

Two (2) Council workshop has been held since the last Ordinary Meeting of Council.

- A workshop was held on the 18th April 2023 at 4.00 p.m to discuss the 2023/24 budget. Cr Gray, Cr Curran, Cr De La Torre, Cr Geard, Cr Irons, Cr McMaster, Cr Murtagh, Cr Owen and Cr Whelan were in attendance.
- A workshop was held on the 9th May 2023 at 5.30 p.m to discuss the future of Local Government Review. Cr Gray, Cr Curran, Cr Irons (via Teams), Cr McMaster, Cr Murtagh, Cr Owen and Cr Whelan were in attendance.

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*.

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

12. Council Acting as a Planning Authority

Under the provisions of the *Land Use Planning and Approvals Act 1993* and in accordance with Regulation 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the Council will act as a planning authority in respect to those matters appearing under Item 12 on this agenda, inclusive of any supplementary items.

12.1 Development Application SA 22022 / 044 for 203 and 205 Old Beach Road, Old Beach and Road Lot C/T 181742/2 at Subdivision (4 lots)

Author: Senior Planner (J Blackwell)

Authorised: Director Development Services (D Allingham)

Applicant:	JMG Engineers and Planners
Subject Site:	203 Old Beach Road, Old Beach; 205 Old Beach Road, Old Beach; C/T 181742/2 (Road Lot)
Proposal:	Subdivision (2 x two-lot subdivisions)
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	Future Urban Zone
Codes:	Road and Railway Assets Code Parking and Sustainable Transport Code Natural Assets Code - Waterway and Coastal Protection / Priority Vegetation Flood Prone Areas Code Bushfire Prone Areas Code

Local Provisions:	Nil
Use Class:	Subdivision
Discretions:	<p>Lot design</p> <p>Natural Assets Code (Waterway and Coastal Protection area)</p> <p>Natural Assets Code (Priority Vegetation area)</p> <p>Flood Hazards Areas Code (Building and works in flood area)</p>
Representations:	<p>One (1) representation was received. The representors raised the following issues:</p> <ul style="list-style-type: none"> • Potentially incorrect title documentation • Insufficient easements/rights of way on the plan of subdivision • Insufficient documentation to support new sewer pump station • Contradictory vehicle access strategy • Contradictory flood mapping • Inadequate documentation to support new stormwater point discharges into waterways • Suboptimal public open space contribution
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application SA 2022 / 44.

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

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

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

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

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

2. SITE ASSESSMENT

The subject site is both 203 and 205 Old Beach Road, Old Beach, which are both zoned Future Urban pursuant to the Tasmanian Planning Scheme - Brighton (the Scheme). The sites are bounded by land zoned General Residential and Open Space, with Rural zoned land located to the east of Old Beach Road (refer Figure 1). Both lots have been developed for residential use and contain a number of outbuildings.

203 Old Beach Road has a land area of 6.676ha, and 205 Old Beach Road has a land area of 5.885ha.

205 Old Beach Road is dissected by a TasWater Bulk Transfer Main, which lays within a 10m wide Pipeline Easement. The existing dwellings are serviced by reticulated water mains. Neither site is serviced for sewer.

Access to 205 Old Beach Road is via right of way across 203 Old Beach Road from Old Beach Road.

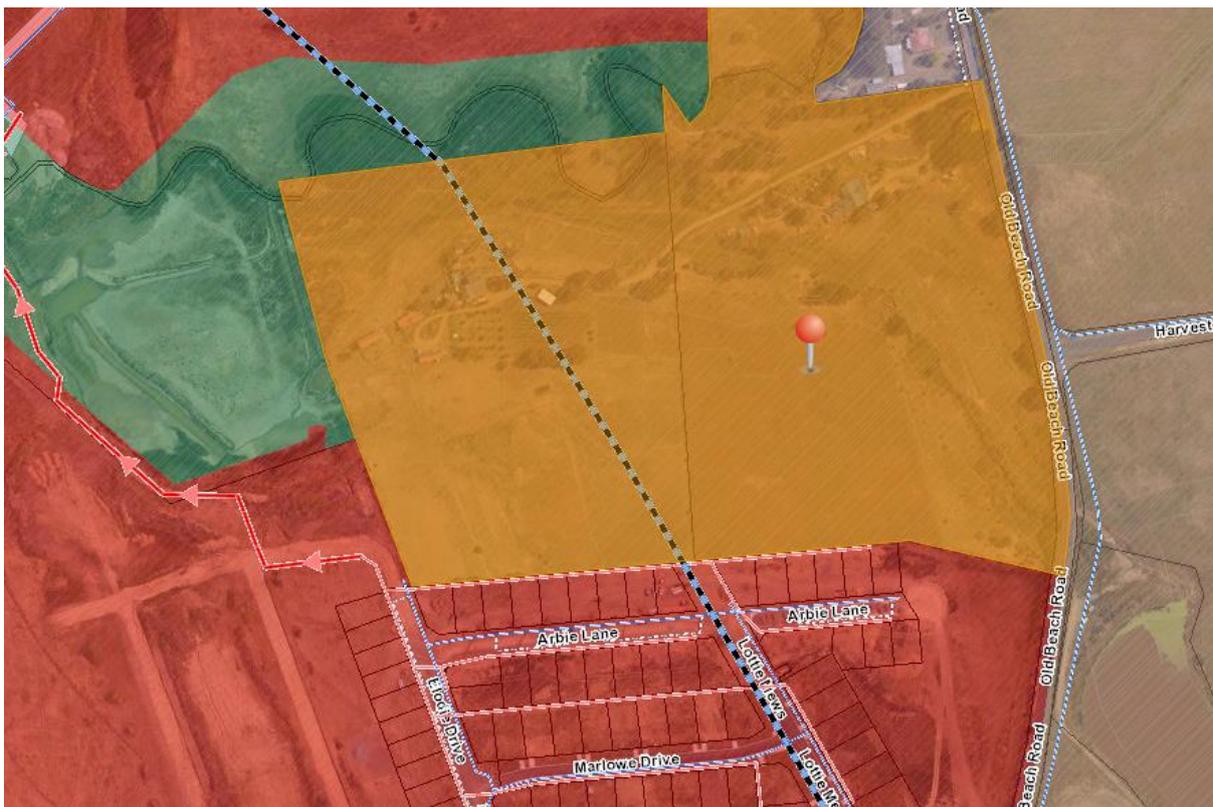


Figure 1: Zoning Map (source: www.thelist.tas.gov.au)

Both lots are subject to a Natural Assets overlay which identifies both a Waterway and Coastal Protection area and a Priority Vegetation area, as shown in figures 2 and 3.

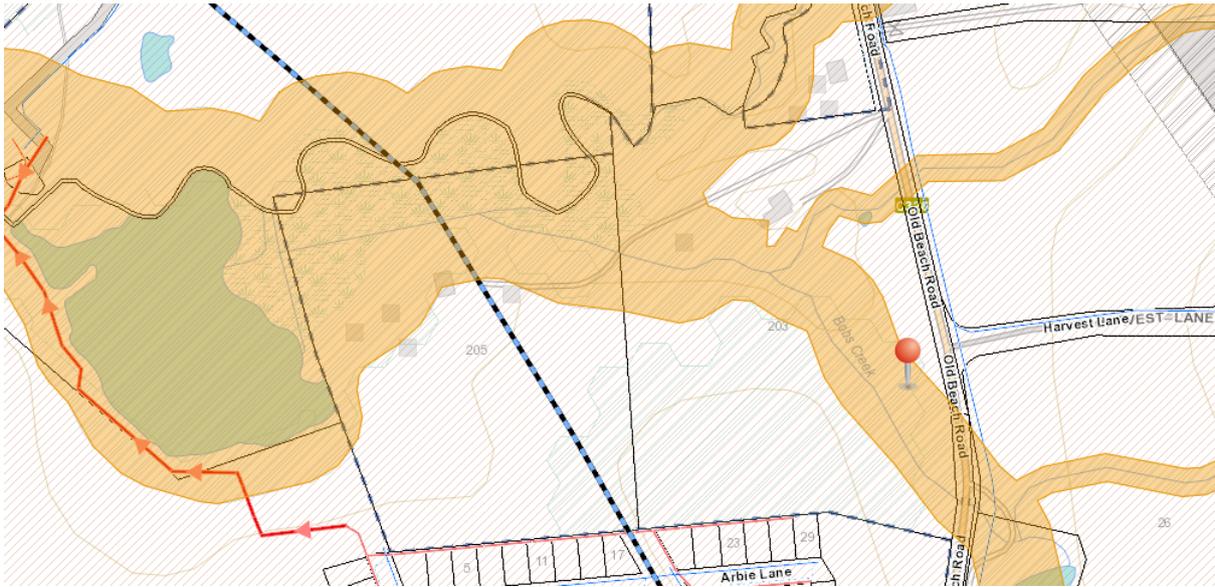


Figure 2: Waterway and Coastal Protection Overlay (source: www.thelist.tas.gov.au)



Figure 3: Priority Vegetation mapped overlay (green) (source: www.thelist.tas.gov.au)

As demonstrated by the Use Table contained in clause 30.2 of the Scheme (replicated below), future uses for the site are limited.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Permitted	
Residential	If for a single dwelling or home based business
Resource Development	If for an agricultural use, excluding controlled environment agriculture
Utilities	If for minor utilities
Discretionary	
Utilities	If not listed as permitted

Prohibited	
All other uses	

Any significant proposal other than for a single dwelling, or utilities infrastructure, will require the land to be rezoned prior to assessment. It has been foreshadowed to council officers that a proposal for rezoning will be submitted shortly, however is not part of this assessment.

3. PROPOSAL

The proposal is for the subdivision of both lots to excise the existing dwellings.

203 Old Beach Road will be split into 2 lots. Lot 4 will contain the existing house and outbuildings and Lot 1 will be a vacant lot for further subdivision.

205 Old Beach Road will be split into 2 lots. Lot 3 will contain the existing dwelling and outbuildings and Lot 2 will be a vacant lot for further subdivision.

In response to a request from Council officers, the proposal includes the transfer of land for the purpose of Public Open Space as indicated adjacent to the northern boundary on 205 Old Beach Road, which has been identified as important to facilitate future pedestrian connection from Old Beach Road.

An indicative lot layout was provided for the further subdivision of Lots 1 and 2 to a General Residential density (see figure 4). This application does not seek approval of the indicative layout.

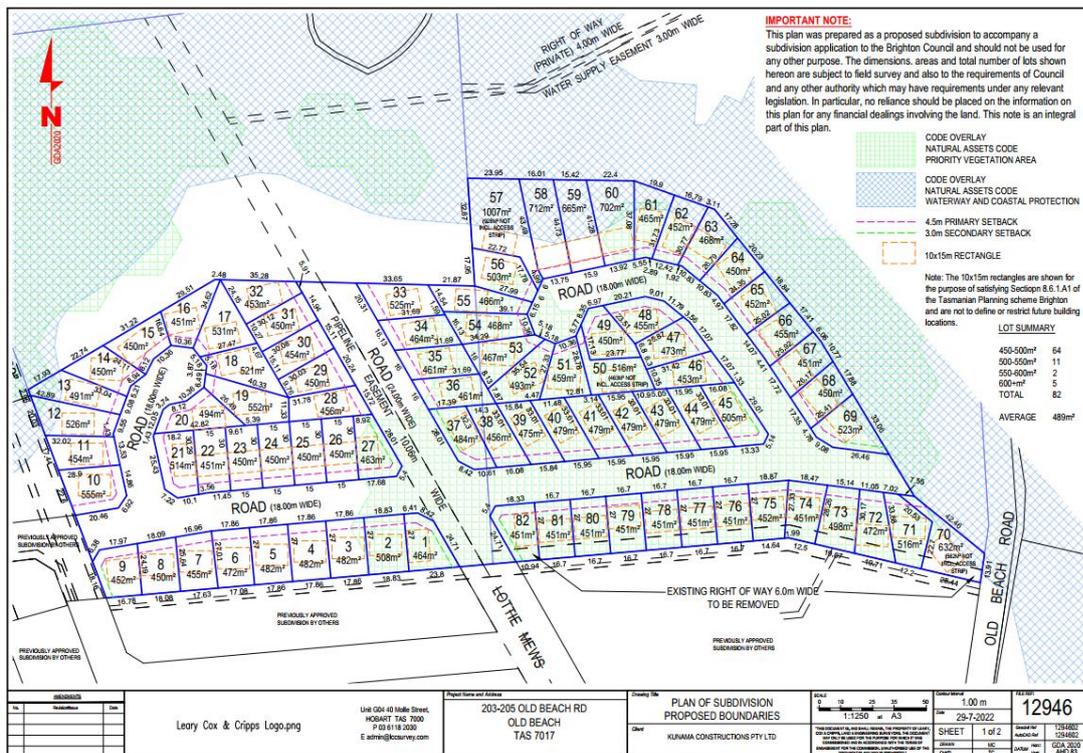


Figure 4: Indicate lot layout to General Residential Densities.

The application is supported by a natural values assessment, bushfire hazard management report, flood report and an indicative concept servicing plan.

4. PLANNING SCHEME ASSESSMENT

Compliance with Applicable Standards:

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

5.6.2 *A standard is an applicable standard if:*

- (a) *the proposed use or development will be on a site within:

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

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

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

Determining applications (clause 6.10.1):

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

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

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

Use Class

The proposal is for subdivision. Subdivision is not required to be categorised into a use class pursuant to clause 6.2.6 of the Scheme.

Compliance with Performance Criteria

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

Clause 30.5.1 A1/P1 - Lot Design

Objective:	
That subdivision of land not in accordance with a specific area plan does not prejudice the efficient future utilisation of land for urban development.	
Acceptable Solution	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must be: (a) required for public use by the Crown, a council or a State authority; (b) be required for the provision of Utilities; or (c) be for the consolidation of a lot with another lot provided each lot is within the same zone.	P1 Each lot, or a lot proposed in a plan of subdivision, must be for the excision of an existing dwelling provided that the lot design and layout does not preclude or hinder the effective and efficient future subdivision and development of the land to urban densities, having regard to: (a) any existing access arrangements; and (b) the location of any services.

The proposal is for the creation of two additional lots by a private developer. Accordingly the proposal does not satisfy the acceptable solution. Assessment against the performance criteria is relied upon.

The proposal is to excise the two existing dwellings on each of the lots at 203 and 205 Old Beach Road, together with the majority of the natural watercourse created by Bob’s Creek, and the northern sections of the mapped priority vegetation overlay.

A right of way (ROW) adjacent to the southern boundary of proposed Lot 1 technically provides access to Lot 2, however it is considered that access via the ROW is unfeasible, given existing topography and limited sight lines. No access is constructed over this ROW and it is proposed to be removed. A condition to this effect is recommended.

The subdivision of 205 Old Beach Road results in the existing dwelling on proposed Lot 3 having no alternate access during a flood event. It is recommended that a ROW be provided over Lot 2 in the benefit of Lot 3 to connect Lot 3 to the Lottie Mews Road reservation for the purpose of providing emergency access. The ROW could be located adjacent the existing pipeline easement. A condition to this effect is recommended.

New lots 1 and 2, will gain vehicle access from Arbie Road over an unmade section of Lottie Mews. A shared access will need to be constructed from Arbie Lane to the lot boundaries, and a condition is included to this effect.

The application was referred to TasWater who has included a condition in its Submission to Planning Authority Notice (SPAN) that water is to be connected to each of the proposed lots 1 and 2 to TasWater’s satisfaction. This can be achieved via extension of the water main located in the unmade section of Lottie Mews.

The indicative lot layout shows that the new lot layout does not preclude or hinder the effective and efficient future subdivision and development of the land to urban densities.

For the purposes of this subdivision, and any future development application under the current zoning, it is considered that both stormwater and sewer can be managed on site for each of the new lots with no change to the status quo for lots 3 and 4.

Accordingly, the PC is satisfied with conditions.

Clause C2.6.1 A1/P1 - Construction of Parking Areas.

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

Driveways for Lots 3 and 4 are existing gravel and require upgrading to comply with the bushfire standards. Accordingly, the acceptable solution cannot be satisfied, and the performance criteria must be addressed.

Council’s Senior Technical Officer has assessed the proposal. That officer notes Lots 3 and 4 will retain their rural nature. Therefore maintaining a gravel driveway within the lots is considered reasonable. It is recommended standard conditions for durable all weather pavement and drainage for Lots 3 and 4 be included in any permit approved.

Further, it is considered that a condition requiring the vehicle access for Lots 1 and 2 (from Arbie Lane) be to Council’s standards, including sealed surface.

The performance criteria can be satisfied with conditions.

Clause 2.6.2 A1.1/P1 – Design and layout of parking areas

Objective:	
That parking areas are designed and laid out to provide convenient, safe and efficient parking.	
Acceptable Solution	Performance Criteria
<p>A1.1 Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p>(i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;</p> <p>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</p> <p>(iii) have an access width not less than the requirements in Table C2.2;</p> <p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p>	<p>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:</p> <p>(a) the characteristics of the site;</p> <p>(b) the proposed slope, dimensions and layout;</p> <p>(c) useability in all weather conditions;</p> <p>(d) vehicle and pedestrian traffic safety;</p> <p>(e) the nature and use of the development;</p> <p>(f) the expected number and type of vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p> <p>(j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car</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>parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities.</p>
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The driveways for Lots 3 and 4 do not meet the access width requirements in Table C2.2. Accordingly, the acceptable solution cannot be satisfied, and the performance criteria must be addressed.

Council’s Senior Technical Officer notes that the internal driveways for Lots 3 and 4 are existing and will retain a rural nature. The bushfire assessment requires that the vehicle access to Lots 3 and 4 be upgraded to comply with bushfire standards. Compliance with the bushfire standards is considered reasonable, and a condition requiring compliance with the bushfire report submitted in support of the application is recommended.

Clause C3.5.1 Traffic Generation at a vehicle crossing, level crossing or new junction

<p>Objective:</p>
<p>To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.</p>

Acceptable Solution	Performance Criteria
<p>A1.1</p> <p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <p>(a) a new junction;</p> <p>(b) a new vehicle crossing; or</p> <p>(c) a new level crossing.</p> <p>A1.2</p> <p>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the</p>	<p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <p>(a) any increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature of the road;</p> <p>(d) the speed limit and traffic flow of the road;</p>

<p>use and development has been issued by the road authority.</p> <p>A1.3</p> <p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4</p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</p> <p>A1.5</p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>(e) any alternative access to a road;</p> <p>(f) the need for the use;</p> <p>(g) any traffic impact assessment; and</p> <p>(h) any advice received from the rail or road authority.</p>
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A new access for Lots 1 and 2 is proposed via Arbie Lane (A1.2). No written consent for the new access has been provided, in accordance with the acceptable solution. The performance criteria must be addressed.

The proposal has been considered by Council's Senior Technical Officer who supports the proposal for the new access, given the low traffic speeds and volumes. Any alternative would include providing access via the existing ROW along the southern boundary from Old Beach Road, which is not suitable due to location, topography and sight line issues. A condition requiring the deletion of the existing ROW across Lot 1, to the benefit of Lot 2 is discussed previously in this report.

The performance criteria can be satisfied.

Clause C7.6.1 A1/P1 Natural Assets Code (Building and works within a waterway and coastal protection area)

<p>Objective:</p> <p>That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.</p>
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Acceptable Solution	Performance Criteria
<p>A1 Buildings and works within a waterway and coastal protection area must:</p> <ul style="list-style-type: none"> (a) be within a building area on a sealed plan approved under this planning scheme; (b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or (c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date. 	<p>P1.1 Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) impacts caused by erosion, siltation, sedimentation and runoff; (b) impacts on riparian or littoral vegetation; (c) maintaining natural streambank and streambed condition, where it exists; (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (e) the need to avoid significantly impeding natural flow and drainage; (f) the need to maintain fish passage, where known to exist; (g) the need to avoid land filling of wetlands; (h) the need to group new facilities with existing facilities, where reasonably practical; (i) minimising cut and fill; (j) building design that responds to the particular size, shape, contours or slope of the land; (k) minimising impacts on coastal processes, including sand movement and wave action; (l) minimising the need for future works for the protection of natural assets, infrastructure and property;

	<p>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</p> <p>(n) the guidelines in the Tasmanian Coastal Works Manual.</p> <p>(e) provision of essential utility or marine infrastructure; or</p>
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The application includes proposed works within the waterway and coastal protection area, to upgrade the access to meet bushfire standards and works to implement sewerage infrastructure.

Accordingly, the acceptable solution cannot be met and the performance criteria needs to be addressed.

The proposal was submitted to TasWater, who have provided an Amended Submission to Planning Authority Notice (SPAN). The SPAN notes that the land “is not located within serviced land for sewerage.... and TasWater will not support the construction of a sewage pump station within the H5 Flood Inundation area as shown on the concept servicing plans...”. Accordingly, the proposed works relate specifically to the access upgrade.

Council’s Senior Technical Officer considers that the proposed widening of the existing driveways can be managed with appropriate soil and water management, and revegetation and stabilisation of all disturbed surfaces on the land. Conditions to that effect are included in the permit.

Accordingly the PC can be satisfied with conditions.

Clause C7.6.1 A3/P3 Natural Assets Code (Stormwater point discharge)

Objective:	
That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.	
A3 Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.	P3 Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:

	<ul style="list-style-type: none"> (a) the need to minimise impacts on water quality; and (b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff.
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No change is proposed for stormwater discharge from the existing dwellings on Lots 3 and 4. However, the concept servicing plan shows new stormwater connections for Lots 1 and 2 to watercourses. Accordingly, the acceptable solution cannot be satisfied, and the performance criteria must be addressed.

The proposal was referred to Council’s Senior Technical Officer, who considers that the proposal does not adequately address the performance criteria.

The development standards for the Future Urban Zone do not specifically require services to be provided, but require “that the lot design and layout does not preclude or hinder the effective and efficient future subdivision and development of the land to urban densities, having regard to:

- (a) any existing access arrangements; and
- (b) the location of any services.”

The Concept Services Plan demonstrates that the new Lots 1 & 2 can be serviced by stormwater if further subdivided.

Any single dwelling constructed on Lots 1 or 2 could dispose of stormwater on site.

It is therefore recommended that a condition be imposed that no new stormwater point discharge be allowed to a watercourse as part of this subdivision.

Disposal of stormwater for further subdivision of lots 1 & 2 would be assessed with a new application. Necessary easements over Lots 3 and 4 will however need to be provided as part of this subdivision.

The performance criteria can be satisfied with a condition requiring the proposal to be in accordance with the acceptable solution.

Clause 12.6.1 A1/P1 Flood Prone Areas Code (Building and works within a flood prone hazard area)

Objective:	
That:	
<ul style="list-style-type: none"> (a) building and works within a flood-prone hazard area can achieve and maintain a tolerable risk from flood; and (b) buildings and works do not increase the risk from flood to adjacent land and public infrastructure. 	

Acceptable Solution	Performance Criteria
A1 No Acceptable Solution	<p>P1.1 Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:</p> <ul style="list-style-type: none"> (a) the type, form, scale and intended duration of the development; (b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures; (c) any advice from a State authority, regulated entity or a council; and (d) the advice contained in a flood hazard report. <p>P1.2</p> <p>A flood hazard report also demonstrates that the building and works:</p> <ul style="list-style-type: none"> (a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and (b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.

The proposal includes a servicing concept plan showing infrastructure works within a flood prone area. Accordingly the performance criteria needs to be addressed.

The proposal was referred to Council’s Senior Technical Officer and TasWater for assessment. Council’s Senior Technical Officer has advised:

The land is subject to flooding. Flood mapping prepared by Flussig was submitted with the original application. A subsequent Flood Hazard Report dated 16th March 2023 was submitted with updated flood mapping. The more recent mapping shows a small section of proposed Lot 2 being subject to inundation. Otherwise the new Lots 1 and 2 are largely free of any flooding. The impact on Lot 2 can be further assessed and addressed at the time of any future application.



Figure 6. 1% AEP + CC overland flow path Lot 205 with various depth points

Figure 5: Flood mapping showing overland flow paths and lots affected (Flussig Report)

Further, as previously identified, TasWater have issued a SPAN requiring that for the purposes of this subdivision, the sewer infrastructure for this two lot proposal is not supported.

The performance criteria can be satisfied.

5. Other

Public Open Space

At the request of council officers, the applicant has provided three areas of land to be transferred to Council as Public Open Space (POS) pursuant to s117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* and in accordance with council policy. The area of land has been requested to facilitate future pedestrian connectivity between Old Beach Road and the Tivoli Green development.

The land area shown on the proposed subdivision plan equates to 4.8% of the new lots to be created and has for some reason excluded a small area of land on the northern side of Gage Brook (see Figure 6). That area of land equates to approximately 0.17% of the land area of the proposed new lots. It is recommended that a condition be included in any permit approved requiring an amended survey plan, providing the balance section of the land as part of the POS contribution, which would equate the POS land contribution to

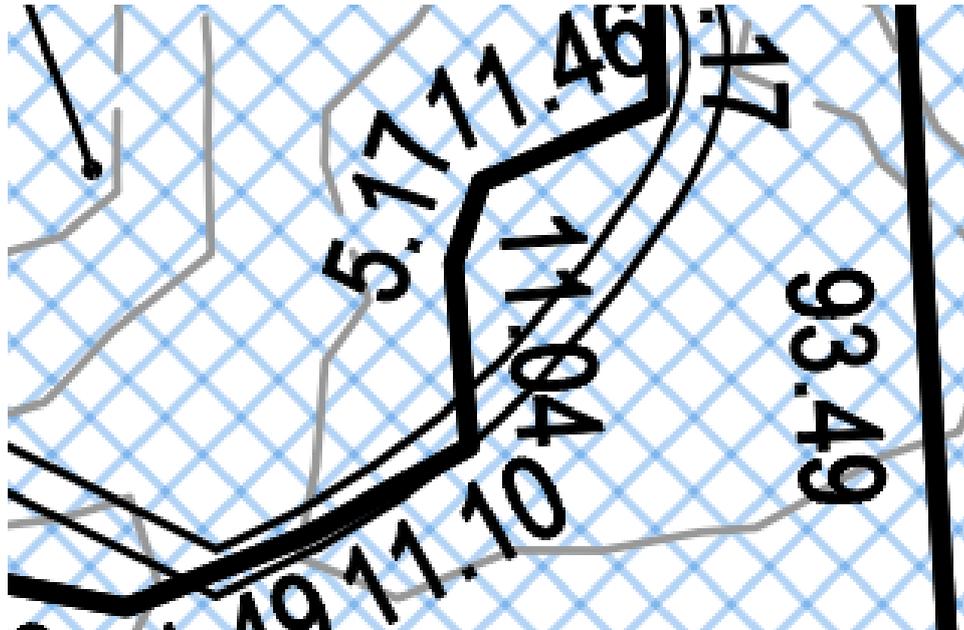


Figure 6 – Additional POS to be transferred to Council

Council’s Public Open Space Policy AP13 allows it to request 5% of the titled area of land to be subdivided where there is land suitable for quality public open space as assessed by Council, and that a land contribution in any zone may be requested on a merits-based assessment by the Council to obtain land that is consistent with the purpose of the policy. Given the strategic importance of the POS to facilitate future pedestrian connectivity, it is recommended that, pursuant to clause 2.5(b) of the Policy AP13, that the Public Open Space (as amended) is accepted as a full contribution.

6. Referrals

Senior Technical Officer

The proposal was referred to council’s Senior Technical Officer. That officer’s comments are incorporated into the body of this report.

TasWater

The proposal was referred to TasWater. That authority has issued a Submission to Planning Authority Notice (SPAN) which is included as part of this assessment and will form part of any permit approved.

7. Representations

One (1) representation was received during the statutory public exhibition period between 31st March 2023 and 20th April 2023, which included the additional days over Easter when the Council officers were closed.

The concerns of the representors are summarised below:

Representor’s concerns	Response
<p><i>Site location and context</i></p> <p>Advertised documents did not include titles, and title references in supporting documents are contradictory. Not possible to understand which land forms part of the application and whether the correct title documentation has been included.</p>	<p>The initial application initially proposed works on C/Ts 123119/1 and 135401/7 (203 and 205 Old Beach Road); 181742/2 (LGA subdivision Road); 183730/4 (Lot 4 Lewis Court, Old Beach) and 183730/3 (Lot 3 Old Beach Road). The respective titles were received as part of the application.</p> <p>The application was subsequently amended, such that works have only been proposed on C/Ts 123119/1 and 135401/7 (203 and 205 Old Beach Road); and 181742/2 (LGA subdivision Road). However, the advertising description was not updated to reflect the changes.</p> <p>The proposal was not readvertised, as it was considered that the impact from the development was reduced, and no additional landowners were affected.</p> <p>GM consent was provided for the making of the application, due to the proposal seeking access via the ROW along the southern boundary of Lot 1.</p> <p>The land which forms part of the application are:</p> <p>203 Old Beach Road (C/T123119/1);</p> <p>205 Old Beach Road (C/T135401/7)</p> <p>Subdivision Road Lot (C/T 181742/2).</p> <p>There is no sewer rising main proposed for 15 Arbie Lane. All works are proposed in the Subdivision Road lot. TasWater has also restricted infrastructure for the new lots via a SPAN which includes the following:</p>

	<p><i>“TasWater advises the subject land is not located within serviced land for sewerage. Council has advised TasWater there is no specific requirement to install sewerage infrastructure under the current zoning requirements and TasWater will not support the construction of a sewage pump station within the H5 flood inundation area as shown on the Concept Servicing Plans listed in the Schedule of drawings/documents.”</i></p>
<p><i>Vehicle Access</i></p> <p>Lottie Mews should be extended to the proposed subdivision as a public road</p>	<p>A condition is included requiring construction of vehicle access to be to Council standards including sealed surface.</p> <p>Lottie Mews would need to be extended as part of any future subdivision application if and when the land is rezoned.</p>
<p><i>Service Vehicle Access</i></p> <p>No provision for service vehicle access to the proposed sewer pump station</p>	<p>The application was referred to TasWater who provided the comments already outlined in this table.</p> <p>The Concept Services Plan demonstrates that Lots 1 and 2 can be further subdivided to urban densities and serviced by sewer. The provision of a sewer system and access to a SPS would need to be addressed in detail with any application for further subdivision.</p>
<p><i>Natural Assets Code</i></p> <p>JMG’s planning report and concept servicing plans are contradictory in relation to stormwater point discharged proposal.</p>	<p>Refer to clause C7.6.1 for discussion. However, it is recommended that a condition be imposed that no new stormwater point discharge be allowed to a watercourse as part of this subdivision.</p>
<p><i>JMG Bushfire Hazard Management Plan</i></p> <p>Vehicle access for bushfire management does not align with the vehicle access proposed in JMG’s concept services plan</p> <p>Access easement is not wide enough and lacks passing bay.</p>	<p>The Bushfire Hazard Report was completed prior to access from Arbie Lane being proposed. Access to Lots 1 and 2 via Arbie Lane/Lottie Mews is preferred over Old Beach Road and the existing ROW over Lot 1 could be removed. This results in a shorter access and negates the need for bushfire compliant passing bays.</p>

	<p>Access to Lot 3 is currently via an existing ROW over Lot 4. The Bushfire Hazard Report identifies the existing access to lots 3 and 4 is not compliant and recommends upgrades including widening the ROW to 7m.</p> <p>A condition requiring an amended Bushfire Hazard Report (including BHMP) is recommended.</p> <p>A condition requiring the ROW to Lot 1 being increased in width to a minimum of 5m and 7m at passing bays is also recommended.</p>
<p><i>Flood Hazard Report by Flussig Engineers</i></p> <p>Report is unclear as to whether the flood report is for this 4 lot subdivision or future multi lot subdivision</p> <p>Two sets of flood mapping show significantly different outcomes</p> <p>Proposed sewer pump station is in H5 flood zone</p> <p>Lots 12-15 significantly within the flood zone H3-H5</p> <p>Indicative plan does not set aside space for stormwater treatment.</p> <p>No calculations in flood model regarding impact of future subdivision</p>	<p>As noted by the representor, there are 2 sets of flood maps submitted with the application. The 203-205 Old Beach Rd, Old Beach, Flood Hazard Report contains the more recent mapping and is preferred over the flood mapping attached as an appendix to the JMG planning report.</p> <p>The Lot layout shown on proposed Lots 1 and 2 is indicative only and would be subject to further approval. The location of the proposed sewer pump station is subject to inundation and is not supported by TasWater.</p> <p>Additionally, a number of the potential future lots in the north western area of proposed Lot 1 may not be viable due to inundation. The future development and ultimate lot layout (including the sewer system and SPS) will be subject to approval with any future application for further subdivision of Lots 1 and 2.</p> <p>Whilst the Flood Hazard Report indicates that a portion of proposed Lot 1 may not be suitable for further development the current subdivision being considered does not preclude future further subdivision to an urban density and therefore meets the relevant performance criteria.</p>

<p><i>JMG Concept Services Plan</i></p> <p>No report provided in support</p> <p>SPS located in H5 flood zone</p> <p>SPS requires its own lot to be transferred to TasWater</p> <p>SPS requires all weather access track - Track or ROW required</p> <p>No provision of emergency bypass overflow, water and power services</p> <p>SPS will constrain the indicative lot layout for the residential subdivision</p>	<p>As previously stated the development standards for the Future Urban Zone do not specifically require services to be provided however the Concept Services Plan submitted with the application shows a new sewer system, stormwater connections and water connections for proposed Lots 1 & 2.</p> <p>As noted above, TasWater's SPAN does not support the installation of sewer infrastructure as proposed</p> <p>Nevertheless, the Concept Services Plan demonstrates that Lots 1 and 2 are capable of being serviced. The provision of those services will be assessed with any future application to further subdivide the lots.</p> <p>A condition requiring the onsite wastewater system servicing the house on Lot 3 be relocated and contained entirely on Lot 3 is recommended in accordance with a Wastewater Report, prior to sealing of the Final Plan.</p> <p>A condition requiring easements to be provided over Lot 3 and 4 for stormwater is recommended.</p>
<p>Open Space</p>	<p>Refer to paragraph 5 of the report</p>

8. Conclusion

The proposal for Subdivision (4 lots) at 203 Old Beach Road, 205 Old Beach Road and Certificate of Title Volume 181742 Folio 2, satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

RECOMMENDATION:

That pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approve application SA 2022/ 44 for Subdivision (4 lots) at 203 Old Beach Road, 205 Old Beach Road and Certificate of Title Volume 181742 Folio 2, for the reasons outlined in the officer's report and a permit containing the following conditions be approved:

General

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. Where a conflict between the application for planning approval, endorsed drawing and conditions of this permit, the latter prevails.
3. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the Land Use Planning and Approvals Act 1993.

Bushfire Hazard Management

4. Prior to the subdivision commencing the developer must submit an amended Bushfire Hazard Report and Bushfire Hazard Management Plan including access to Lots 1 and 2 from Arbie Lane. Once accepted by the General Manager, the amended report and plan will form part of the endorsed documents.
5. Prior to Council sealing the final plan of survey for any stage the developer must provide certification from a suitably qualified person that all requirements of the approved Bushfire Hazard Management Plan have been complied with.

Public Open Space

6. Prior to sealing, an amended plan of survey must be submitted to and approved by Council's Manager Development Services. The amended plan of survey must include all land on Lot 3 located north of the mapped "onshore water body" identified for the purposes of Public Open Space.

Once approved the amended plan of survey shall become part of the endorsed documents of this permit.

7. Notwithstanding condition 7 above, the public open space as indicated on the endorsed plan must be transferred to the Brighton Council by Memorandum of Transfer submitted with the Final Plan of Survey.

Easements

8. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.
9. The Right of Way over Lot 4 in favour of Lot 3 is to be a minimum of 5 metres wide and increased to a minimum width of 7 metres at passing bays, or as otherwise required to contain the constructed vehicular access to the satisfaction of Council's Municipal Engineer.
10. The existing Right of Way over proposed Lot 1 must be removed.

11. A Right of Way must be provided over Lot 2 in the benefit of Lot 3 to allow emergency access to the Lottie Mews road reservation to the satisfaction of Council's Municipal Engineer.
12. Drainage easements must be provided over Lots 3 and 4 for the future disposal of stormwater from Lots 1 and 2 to the satisfaction of Council's Municipal Engineer.

Final plan

13. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
14. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Brighton Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's Municipal Engineer in accordance with Council Policy 6.3 following approval of any engineering design drawings and shall not be less than \$5,000.
15. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied.
16. The subdivider must pay any Titles Office lodgement fees direct to the Recorder of Titles.

Engineering

17. The subdivision must be carried out and constructed in accordance with the:
 - a. Tasmanian Subdivision Guidelines
 - b. Tasmanian Municipal Standard – Specifications
 - c. Tasmanian Municipal Standard – Drawingsas published by the Local Government Association of Tasmania and to the satisfaction of Council's Municipal Engineer.
18. Engineering design drawings, to the satisfaction of the Council's Municipal Engineer, must be submitted to and approved by Council before any works associated with development of the land commence.
19. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, in accordance with the Tasmanian Subdivision Guidelines October 2013, and must show –

- a) all existing and proposed services required by this permit;
 - b) all existing and proposed roadwork required by this permit;
 - c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - d) measures to be taken to limit or control erosion and sedimentation;
 - e) any other work required by this permit.
20. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
21. The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

Services

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

Vehicular Access

25. A vehicular access must be provided from the road carriageway to the property boundary of each lot.
26. The existing vehicle access to Lots 3 and 4, within the road reservation, must be upgraded including a sealed surface to comply with Council's minimum construction standards and the approved Bushfire Hazard Report.
27. A shared vehicular access for Lots 1 and 2 must be provided from the Arbie Lane carriageway to the lot boundaries and, unless approved otherwise by Council's Municipal Engineer, include:
- (a) Constructed with a durable all-weather pavement.
 - (b) Drained to the public stormwater system, or contain stormwater on the site, such that stormwater is not concentrated onto adjacent properties.

- (c) Surfaced with a material to resist abrasion from traffic and to minimise the entry of water. The surfacing material may be asphalt, concrete, or other approved material.
 - (d) A 5.5 metre minimum width crossover in the kerb and channel
 - (e) A 5.5 metre minimum width concrete apron from the back of kerb/crossover for a distance of no less than 6 metres.
 - (f) A minimum width of not less than 4 metres for the remainder of the access splaying where it meets the lots to create a 4 metre minimum width access onto each lot
 - (g) In accordance with the approved Bushfire Hazard Management Plan
28. The vehicular access to Lot 3 must be constructed/upgraded for the entire length of the right of way from Old Beach Road to the lot proper and, unless approved otherwise by Council's Municipal Engineer, include:
- (a) Constructed with a durable all-weather pavement.
 - (b) Drained to the public stormwater system, or contain stormwater on the site, such that stormwater is not concentrated onto adjacent properties.
 - (c) Surfaced with a minimum gravel surface that is designed, constructed and maintained to avoid dust or mud generation, erosion or sediment transfer on or off site;
 - (h) A min trafficable width of 4.0m (with 0.5m clearance either side to the property boundary)
 - (i) Provided with passing bays of 2.0m additional width and 20 metres long (excluding tapers) every 200 metres.
 - (d) In accordance with the approved Bushfire Hazard Management Plan
29. The vehicular access to Lot 4 must be constructed/upgraded and, unless approved otherwise by Council's Municipal Engineer, include:
- (a) Constructed with a durable all-weather pavement.
 - (b) Drained to the public stormwater system, or contain stormwater on the site, such that stormwater is not concentrated onto adjacent properties.
 - (c) Surfaced with a minimum gravel surface that is designed, constructed and maintained to avoid dust or mud generation, erosion or sediment transfer on or off site;
 - (d) A min trafficable width of 4.0m (with 0.5m clearance either side to the property boundary)

Access to Public Road

ADVICE: No works on or affecting any Council road reservation is to be commenced until the Brighton Council has issued a WORKS IN ROAD RESERVATION PERMIT. Application for the issue of the necessary works permit is to be made to the Brighton Council's Asset Services Department prior to the proposed date of commencement of any works. (No application fee will be charged where an Engineering Plan Assessment and Inspection Fee has been paid for the approval of engineering design drawings.)

Stormwater

30. No new stormwater point discharge is allowed to a watercourse as part of this subdivision.

Sewer & Water

31. Each lot must be connected to a full water supply service.
32. Prior to sealing of the Final Plan of Survey, the onsite wastewater system servicing the existing dwelling at 205 Old Beach Road is to be decommissioned and relocated such that it is contained entirely on proposed Lot 3 in accordance with a Wastewater Report submitted to, and approved by, Council's Senior Environmental Health Officer.

Tas Water

33. The development must meet all required conditions of approval specified by TasWater Amended Submission to Planning Authority Notice TWDA 2022/01712-BTN, dated 02/05/2023.

Telecommunications and electrical reticulation

34. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's Municipal Engineer.
 - (a) Prior to sealing the final plan of survey the developer must submit to Council: A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
 - (b) Written advice from TasNetworks confirming that all conditions of any Agreement between the Owner and authority have been complied with and/or that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections (basic connection) at the time each lot is further developed.

Soil & Water Management

- 35. Before any work commences install temporary run-off, erosion and sediment controls 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.
- 36. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

Construction Amenity

- 37. Prior to commencement of works, the road frontage of the development site including road, kerb and channel, footpath and nature strip, should be:
 - (a) Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
 - (b) Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.

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

- 38. Works associated with the subdivision must only be carried out between the following hours unless otherwise approved by the Council's General Manager
 - Monday to Friday 7:00 AM to 6:00 PM
 - Saturday 8:00 AM to 6:00 PM
 - Sunday and State-wide public holidays 10:00 AM to 6:00 PM

- 39. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
 - (a) emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
 - (b) transport of materials, goods or commodities to or from the land; and/or
 - (c) appearance of any building, works or materials.

40. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on-site will be permitted unless approved in writing by the Council's General Manager.
41. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the subdivision during the construction period.

Maintenance and Defects Liability Period

42. The subdivision must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
43. Prior to placing the subdivision onto the maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification and the approved plans.

As Constructed Drawings

44. Prior to the works being placed on the maintenance and defects liability period "as constructed" drawings and data for all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council's Municipal Engineer. These drawings and data sheets must be prepared by a qualified and experienced civil engineer or other person approved by the Municipal Engineer in accordance with Council's Guidelines for As Constructed Data.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The applicant is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works (minimum of \$300.00), or as otherwise specified in Council's Schedule of Fees, must be paid to Council prior to the approval of engineering plans.
- D. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

DECISION

Cr Whelan 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 McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

Cr De La Torre had declared an interest in the following item and left the meeting 6.04pm

Cr Murtagh left the meeting at 6.04pm and returned at 6.06pm

12.2 Amendment Application: Planning Scheme Amendment & Planning Permit Application - Section 40K Report

Author: Senior Planner (J Blackwell)

Authorised: Director Development Services (D Allingham)

File Reference:	2023 / 0004 - RZ
Type of Report	Section 40(K) of <i>Land Use Planning and Approvals Act 1993</i>
Applicant:	Brighton Council
Owner:	Various
Location:	<ul style="list-style-type: none"> • 38, 40, 42, 44, 44A, 46, 48, 48A, 48B and 48D, 50, 52, 54, 56, 58, 60, 60A, 62, 62A – E, 64, 66, 68, 70, and 72 Racecourse Road, Brighton • 10 - 15, 14A,14B, 16, 16A,16B, 18A - F, 19 – 26, 26A, 20A, 20B, 28, 30 Burrows Avenue, Brighton • 2, 6, 8, 8A, 10, 14, 16, and 18 Brooke Street, Brighton • 3, 5, 15, 17, 19, 21, 23, and 25 Morrison Street, Brighton • 40, 42, 44, 52, 54, 60, 64, 70, 72, and 74 Elderslie Road, Brighton • Subdivision road (C/T 150382/2) (cnr Racecourse and Cartwright Street)

Zoning:	General Residential
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Date Advertised:	22 nd March 2023 to 24 th April 2023
Decision Required:	29 th May 2023
Representations:	47 including petition and TasWater Submission to Planning Authority Notice
Recommendations:	<ul style="list-style-type: none"> • Advise the Tasmanian Planning Commission that 47 representations were received following the exhibition of draft amendment RZ 2023/004 to the Tasmanian Planning Scheme – Brighton • Advise the Tasmanian Planning Commission that no modification to amendment RZ 2023/004 is considered necessary to the initial S report

1. Executive Summary

The report considers the exhibition period regarding a planning scheme amendment application to insert the Burrows Avenue Specific Area Plan (SAP) over:

- 38, 40, 42, 44, 44A, 46, 48, 48A, 48B and 48D, 50, 52, 54, 56, 58, 60, 60A, 62, 62A – E, 64, 66, 68, 70, and 72 Racecourse Road, Brighton
- 10 - 15, 14A,14B, 16, 16A,16B, 18A - F, 19 – 26, 26A20A, 20B, 28, 30 Burrows Avenue, Brighton
- 2, 6, 8, 8A, 10, 14, 16, and 18 Brooke Street, Brighton
- 3, 5, 15, 17, 19, 21, 23, and 25 Morrison Street, Brighton
- 40, 42, 44, 52, 54, 60, 64, 70, 72, and 74 Elderslie Road, Brighton

Pursuant to Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act') Council, at its planning authority meeting on 14th March 2023, agreed to initiate a draft planning scheme amendment to insert the Burrows Avenue Specific Area Plan in the Local Provisions Schedule of the Tasmanian Planning Scheme – Brighton. At that time Brighton Council certified the draft amendment as meeting the LPS criteria (s34) under the Act.

The amendment application was then exhibited for a period of twenty-eight (28) days (s40H) between 22nd March 2023 to 24th April 2023, which was extended to accommodate Easter public holidays.

A petition containing 58 signatures was received at the Council offices on Monday 24th April 2023.

A Submission to Planning Authority Notice was received from TasWater.

This report is required by section 40K of the Act to be submitted to the Commission in relation to the representations received during advertising.

It is considered that the representations to the draft amendment does not raise matters that warrant its modification.

2. Legislative requirements

In accordance with s.40H the planning authority must exhibit the draft amendment for twenty eight (28) days.

Following exhibition, the planning authority must consider any representations and provide a report to the Commission. The report must include [section 40K]:

- (a) a copy of each representation, including any agreed to be accepted after the end of the exhibition period;
- (b) the planning authority's views on the merit of each representation;
- (c) a recommendation as to whether the draft amendment should be modified to take into account the representation and the effect on the LPS as a whole in implementing the recommendation; and
- (d) a statement as to whether the planning authority is satisfied that the draft amendment meets the LPS criteria; and
- (e) any other recommendations in relation to the draft amendment.

The planning authority has 35 days from the close of the exhibition period to forward its report to the Commission.

3. Representations and Response

TasWater provide a Submission to Planning Authority Notice (Attachment A). That Notice advised that "TasWater does not object and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings."

A petition was received on 24th April 2023. The petition was split into two parts, with Part 1 seeking that Council address residential infrastructure in the SAP area through its capital works program and Part 2 responding to the representation. It appears that 11 signatures (one of which was repeated) related to Part 1 only and are not relevant to this assessment. The remaining 46 signatures are considered applicable to Part 2. The petition statement for Part 2 is replicated below. The whole of the document is provided as Attachment A.

In the interest of natural justice, council officers determined to accept the signatories to the petition as a representation under s40J, given the document did not comply with the requirements of s. 57(2) of the *Local Government Act 1993* ("LGA"). Section 57(2) of LGA outlines all the information a petition must include, being:

(2) *A person lodging a petition is to ensure that the petition contains –*

- (a) a clear and concise statement identifying the subject matter and the action requested; and*
- (b) in the case of a paper petition, a heading on each page indicating the subject matter; and*
- (c) in the case of a paper petition, a brief statement on each page of the subject matter and the action requested; and*
- (d) a statement specifying the number of signatories; and*
- (e) at the end of the petition –*

- (i) *in the case of a paper petition, the full name, address and signature of the person lodging the petition; and*
- (ii) *in the case of an electronic petition, the full name and address of the person lodging the petition and a statement by that person certifying that the statement of the subject matter and the action requested, as set out at the beginning of the petition, has not been changed.*

Representation 1 -

Part 2

We the undersigned also wish to be heard as representors against the proposed draft Planning Scheme amendment known as the burrows Avenue Specific Area Plan (RZ 2023-004).

We wish to make the following points against the amendment: -

- *This amendment is a direct result of Council not providing adequate, safe and effective infrastructure in our part of the community over many decades.*
- *The amendment seeks to treat our properties differently to any other similar zoned property in Tasmanian because of the Council's failure to provide basic infrastructure in the past.*
- *The amendment will not satisfy its proposed purpose as will be a significant deterrent to multiple dwelling developments and will subsequently be a limitation to improved infill growth.*
- *The amendment will significantly decrease the property value of developable land as it will force developers to provide infrastructure which should have been provided by the Council.*
- *The amendment will do nothing to provide much needed infrastructure in our area.*

Section 40K Response

This amendment is a direct result of Council not providing adequate, safe and effective infrastructure in our part of the community over many decades.

The existing subdivision pattern is more consistent with what is usually seen in low density or rural living zones that do not require the same level of urban infrastructure. Given that the majority of the land continues to be developed at reasonably low densities it has not been a priority for Council to provide this infrastructure. The whole premise of this planning scheme amendment is for the infrastructure to be improved in the area as the demand for infrastructure increases with the increased development.

The amendment seeks to treat our properties differently to any other similar zoned property in Tasmanian because of the Council's failure to provide basic infrastructure in the past.

Part of the justification for the proposed amendment is that the existing subdivision pattern is unique compared to similar zoned properties in Tasmania.

The existing layout in the SAP area does not encourage subdivision given the narrow frontages and deep lots. This has resulted in an increase in multiple dwelling developments, reduced green spaces and landscaping on private land, increased hard surfaces for parking and turning areas, lack of public infrastructure and a need for additional public open space.

	<p>If the land were favourable to subdivision, approvals under LUPAA would allow Councils to require infrastructure upgrades such as kerb and channel, footpaths and stormwater infrastructure via permit conditions, where the subdivision will increase demand and/or a need for such infrastructure.</p> <p>TASCAT recently affirmed this right to condition for these matters in <i>Beauty Point Trading Pty Ltd v West Tamar Council [2023] TASCAT 67</i>.</p> <p>When approving subdivision applications, Council also has the ability under the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> to require a developer to either provide a portion of land to be subdivided as public open space or, alternatively, payment in lieu of such a requirement.</p> <p>However, it remains unclear whether there is a mechanism within the Tasmanian Planning Scheme – Brighton or the <i>Local Government (Building and Miscellaneous Provisions) Act 1993</i> to require upgrades or payment in lieu for permit applications regarding multiple dwellings when a ‘permitted use’ in a zone.</p> <p>As mentioned above, the developers of the land in the SAP are possibly able to develop multiple dwellings, with no financial contribution required, and little consideration of each development’s impact on the wider community, including a requirement for Public Open Space contributions, which can be used to mitigate the amenity and streetscape impacts of the repetitive and comparable infill development currently being undertaken in the SAP area.</p>
<p><i>The amendment will significantly decrease the property value of developable land as it will force developers to provide infrastructure which should have been provided by the Council.</i></p>	<p>Property values are not a planning consideration, however it would be expected that a development that provides the infrastructure required under the SAP would benefit financially from providing a serviced and more attractive dwelling.</p>
<p><i>The amendment will do nothing to provide much needed infrastructure in our area.</i></p>	<p>The proposed amendment will require any new development to provide the necessary infrastructure that will help meet the infrastructure needs in the area. It will also provide the certainty and impetus for council to consider upgrades earlier than may have been originally planned.</p>

3. Conclusion

The representations received do not raise matters that warrant the modification of the proposed Burrows Avenue Specific Area Plan.

It is recommended that the Planning Authority agrees to forward this report and the representations to the Tasmanian Planning Commission for determination.

4. Options:

- a) To adopt the recommendation; or
- b) To adopt an alternative recommendation satisfying the provisions of section 40K of the Act, with a full statement of reasons as determined by Council.

RECOMMENDATION:

It is recommended that Council resolves to:

- a) Pursuant to Section 40K(1) of the *Land Use Planning and Approvals Act 1993*, provide this report and the relevant attachments regarding draft amendment RZ 2023/ 004 to the Tasmanian Planning Commission.
- b) Pursuant to section 40K(1) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmania Planning Commission that two (2) representations were received during the exhibition of draft amendment RZ 2023/ 004 that related to the draft amendment.
- c) Pursuant to section 40K (2)(a) of the *Land Use Planning and Approvals Act 1993*, provide to the Tasmanian Planning Commission a copy of the representations that were received during the advertising of draft amendment RZ 2023/ 004.
- d) Pursuant to section 40K (2)(c) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmanian Planning Commission that the representations received during advertising do not warrant modifications to draft amendment RZ 2023/ 004 as detailed in this report.
- e) Pursuant to section 40(K)(2)(d) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the planning authority is satisfied that the draft amendment of the LPS meets the LPS Criteria.

DECISION

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	Cr Whelan
Cr Geard	
Cr Gray	
Cr Irons	
Cr Owen	

Cr De La Torre rejoined the meeting 6.18pm.

13. Reports from Officers

Cr Gray declared an interest in the following item but remained in the meeting.

13.1 Local Government Association of Tasmania (LGAT) - Election of President & General Management Committee

Author: Director, Governance & Regulatory Services (J Banks)

Background

Nominations for the Local Government Association of Tasmania (LGAT) election of the President and General Management Committee closed on the 19th April 2023.

Candidate Statements for the position of LGAT President are attached for information.

Each member Council is entitled to one vote for the position of President and for the General Management Committee as per Rule 20(j) of the LGAT Rules:

each member shall have one vote for both population categories within its electoral district.

As a Southern District Council, Brighton has been provided with 3 ballot papers (President; General Management Committee Member Southern District -less than 20,000; and General Management Committee Member Southern District - more than 20,000).

Ballot material from the Tasmanian Electoral Commission has been received for the following positions:

President:-

- Brendan BLOMELEY – Clarence
- Michelle DRACOULIS – Derwent Valley
- Leigh GRAY – Brighton
- Kelly SPAULDING – Tasman
- Bec THOMAS – Glenorchy
- Mick TUCKER – Break O’Day

General Management Committee - Southern Electoral District (less than 20,000):-

- Michelle DRACOULIS – Derwent Valley
- Leigh GRAY – Brighton
- Carole McQUEENEY – Glamorgan Spring Bay
- Kelly SPAULDING – Tasman
- Toby THORPE – Huon Valley

General Management Committee - Southern District (more than 20,000):-

- Brendan BLOMELEY - Clarence
- Bec THOMAS – Glenorchy
- Paula WRIEDT - Kingborough

Consultation:

N/A

Risk Implications:

Nil.

Financial Implications:

Nil.

Other Issues:

N/A

Assessment:

The sealed and signed ballot paper envelope is to be posted and received by the Tasmanian Electoral Commission by 10am on Thursday, 15th June 2023.

Options:

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That the ballot material received by the Tasmanian Electoral Commission for the Local Government Association of Tasmania 2023 Elections be completed, signed and returned to the Commission by close of postal ballot on the 15th June 2023.

DECISION

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

CARRIED

VOTING RECORD

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

13.2 Lennox Park, Old Beach - Café

Author: Senior Officer – Risk & Property (M Braslin)

Authorised: Deputy General Manager (G Davoren)

Background

With the closing of Verve Café in Old Beach a couple of years ago there is a need for social infrastructure in Old Beach where the community can meet and have coffee and food.

Council ran an expression of interest (EOI) process in 2020 and worked with two preferred candidates both of which did not come to fruition after 12 months.

Council have been approached by a local resident with a proposal to set up a container café at Lennox Park. He has previously operated a couple of well-known successful cafes in the Northern Suburbs. He is passionate and interested in setting up something closer to home and an investment in his own municipality.

Consultation

Senior Management Team, Senior Environmental Health Officer, and Councils Facilities Management Officer.

Risk Implications

There is a risk of the business failing.

Financial Implications

Council would have an initial expense of a slab and running utilities to the site and a cost for outdoor seating.

Strategic Plan

Goal 1 - Inspires proud community that enjoys a comfortable life at every age.

Social Implications

A café will provide a hub for the Old Beach community to meet and socialise as well as have quality coffee and food. Many residents will be able to walk to the café supporting health and wellbeing.

Environmental or Climate Change Implications

No significant climate or environmental-related issues. Any tenant will be required to engage in activities to promote sustainable living behaviours.

Economic Implications

The Café will support economic activity in the immediate area.

Other Issues

Nil

Assessment

Council recognises and is committed to meeting the needs of the community, to have access to Council owned property through appropriate lease arrangements.

With the closing of Verve Café, Council recognises the gap in the social infrastructure in the Old Beach community.

This proposal is an opportunity for Council to work with the applicant to bring the Old Beach and surrounding communities together to socialise with a good coffee and bite to eat.

Options

1. As per the recommendation.
2. Do not approve the recommendation.

RECOMMENDATION:

That Council approves the Director, Corporate Services to negotiate a lease for a container Café to be set up at 86 Jetty Road, Old Beach (Lennox Park) with the applicant.

DECISION

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

CARRIED

VOTING RECORD

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

13.3 Dog Registration and Kennel Licence Fees 2023/2024

Author: Director Corporate Services (G Browne)

Background

Under Brighton's Dog Management Policy, Council is required to adopt dog registration and kennel licence fees annually.

It is proposed to bring fees gradually into line with true cost involved with maintaining animal control services as well as inflation increases.

A slight increase in dog registration and kennel licence fees is recommended for this financial year.

Consultation

Director Governance & Regulatory Services.

Risk Implications

Nil.

Financial Implications

Not Applicable.

Strategic Plan

Goal 4: Ensure a progressive efficient and caring Council.

4.4 Ensure Financial & Risk Sustainability

4.2 Be well-governed, providing quality service and accountability to our community.

Social Implications

Not Applicable.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

Not Applicable.

Other Issues

Nil.

Assessment

A comparison between the current (2022-2023) and proposed dog registration and kennel licence fees for the 2023-2024 financial year are as follows:-

Registration Fees	CURRENT 2022-2023	PROPOSED DISCOUNTED 2023-2024	FULL RATE 2023-2024
	<i>Paid by July 31</i>	<i>Paid by July 31</i>	<i>Paid after July 31</i>
Domestic Dog (desexed)	\$37.00	\$40.00	\$55.00
Domestic Dog (not desexed)	\$90.00	\$96.00	\$111.00
Working Dog	\$53.00	\$57.00	\$72.00
TGRB registered Greyhound	\$53.00	\$57.00	\$72.00
Pure Bred Dog kept for breeding	\$53.00	\$57.00	\$72.00
Dangerous Dog (declared under the Act)	\$520.00	\$556.00	\$556.00
Assist Dog	\$0.00	\$0.00	\$0.00

The following concession rates can apply to **ONE** dog only per owner and a Pensioner Concession Card of Health Care Card must be sighted at the time of payment.

Registration Fees Concession Rates	CURRENT 2022-2023	PROPOSED DISCOUNTED 2023-2024	FULL RATE 2023-2024
	<i>Paid by July 31</i>	<i>Paid by July 31</i>	<i>Paid after July 31</i>
Domestic Dog (desexed)	\$32.00	\$34.00	\$49.00
Domestic Dog (not desexed)	\$58.00	\$62.00	\$77.00

Fees will be discounted to the rates listed in the previous page tables if registrations are paid by 31st July 2023 or otherwise the full rate will apply.

Renewal of kennel licences and other related dog/animal fees are as follows:-

Kennel Licences & Fees	CURRENT 2022-2023	PROPOSED DISCOUNTED 2023-2024	FULL RATE 2023-2024
Renewal	\$140.00	\$150.00	\$180.00
New	\$140.00	\$150.00	
Dog Complaint Fee – Reimbursed	\$100.00	\$100.00	\$100.00
Replacement Tags	\$5.00 each	\$5.00 each	\$5.00 each

Animal Agistment Fee	\$50.00 per day	\$50.00 per day	\$50.00 per day
Reclaim Fees from the Dogs Home	\$75.00 per dog	\$80.00 per dog	\$80.00 per dog

Options

1. As per the recommendation.
2. Council amends the proposed Animal Control fees for 2023/24.

RECOMMENDATION:

That Council adopts the proposed Animal Control Fees for the 2023-2024 financial year, as listed in the above report.

DECISION

Cr Curran moved, Cr Owen seconded that Council adopts the proposed Animal Control Fees for the 2023-2024 financial year, as listed in the report.

CARRIED

VOTING RECORD

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

13.4 Endorsement of Draft Brighton Council Foreshore Management Plan

Author: Project Engineer (K Tongue)

Authorised: Director, Asset Services (C Pearce-Rasmussen)

Background

Brighton Council has engaged the Derwent Catchment Project (DCP) to assist to better manage council owned land and assist members of the community to do their part for a variety of environmental issues.

The DCP was set up to assist landholders to restore and maintain natural and agricultural landscapes, to ensure a prosperous and sustainable future for the Derwent River Catchment. The DCP is a not-for-profit group and provides Natural Resource Management (NRM) services to the Derwent Valley Council, Central Highlands Council and Brighton Council.

The Draft Foreshore Management Plan (FMP) has been developed in partnership with the DCP and provides a practical guide for collaborative management of the Brighton Foreshore, with this initial plan concentrating on areas in Old Beach, Bridgewater and Herdsmans Cove. There are 6 main goals outlined in the Draft FMP. These are to:

- Protect Aboriginal Heritage
- Protect high-value conservation areas
- Restore foreshore vegetation and habitat
- Promote environmental awareness
- Maintain green spaces and promote pride in the area
- Promote good biosecurity hygiene practices

Key activities are provided for each goal and focus area, as well as key stakeholders involved.

Consultation

The General Manager, Director Assets Services and Director Development Services have been involved with the development of the FMP, as well as stakeholder engagement.

Risk Implications

Undertaking and finalising the Foreshore Management Plan is low risk as it leads to improved collaborative planning and natural resource management. A clear and coordinated management approach reduces the risks of various forms of environmental damage and reputational damage from community complaints.

Financial Implications

N/A

Social Implications

The community looks to Brighton Council for leadership on issues such as climate change action and caring for the environment, and it emerged as a core priority for the community in the 2050 Vision consultation. There is a key role for local government to actively work with the range of organisations that care for the land, such as the State Government, the Derwent Estuary Program DCP and Landcare Tasmania.

Strategic Plan

The recommendations further the following strategies from Council's strategic plan:

S2.2: encourage respect and enjoyment of the natural environment

S2.3: demonstrate strong environmental stewardship and leadership

S4.1: be big picture, long-term and evidence based in our thinking

S4.2: be well-governed, providing quality services and accountability to our community

S4.4: ensure Financial & Risk Sustainability

Environmental or Climate Change Implications

Caring for the natural environment are actions under the *Brighton Council Climate Change Resilience Strategy 2019*:

- 65 - Develop and implement a Brighton Biodiversity & Natural Values Strategy
- 67 - Work collaboratively with regional landscape management agencies to effectively manage Brighton’s natural assets in a changing climate. (e.g. Crown, NRM South, DPIPWE, Tas Water)

Economic Implications

There will be an expectation from the community that Brighton Council will take action to enhance and restore the natural environment by meeting the goals provided in the Foreshore Management Plan through suggested key activities. These include community events and implementation of water sensitive urban design.

Assessment

The Draft Brighton Council Foreshore Management Plan will provide a strategic approach to NRM within the Brighton municipality, with clear common goals which all stakeholders can aim towards in their relevant fields. The pursuit of these goals will provide a range of environmental, social and economic benefits to the community.

Options

1. Endorse the Draft Brighton Council Foreshore Management Plan.
2. Do not endorse the Draft Brighton Council Foreshore Management Plan.

RECOMMENDATION:

That Council endorse the Draft Brighton Council Foreshore Management Plan.

DECISION

Cr Owen moved, Cr McMaster seconded that Council endorse the Draft Brighton Council Foreshore Management Plan.

CARRIED

VOTING RECORD

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

Cr Irons
Cr McMaster
Cr Murtagh
Cr Owen
Cr Whelan

13.5 Audit Panel Committee

Author: Director Corporate Services (G Browne)

Background

At the April 2023 Ordinary Council Meeting it was resolved to advertise for another independent member for the Audit Panel. Membership of the Audit Panel is mandated by the Act and must have either 3, 4 or 5 members. As Council has expanded the membership to have two independent members, it is proposed to have the panel increase to 4 members, the remaining two positions being filled by Councillors.

In selecting appropriate members for the audit panel, it is important for a Council to consider the relevant skills and experience required by an audit panel. Audit panel members must possess good business acumen and sound management and communication skills. The composition of the audit panel should include a balance of professional skills, knowledge and technical expertise. The Mayor, General Manager or an employee of Council cannot be a member of the Audit Panel.

Consultation

Audit Panel Chairperson, Deputy General Manager, General Manager

Risk Implications

Nil.

Financial Implications

The audit panel is set up to serve as an independent and objective party to review all financial information presented to the local community. By increasing the panel membership to four, with the addition of two Councillors will show due diligence to Council's external observers.

Strategic Plan

Goal 4 - 4.4 - Ensure financial and risk sustainability

Social Implications

Not Applicable.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

Not Applicable.

Other Issues

Nil.

Assessment

Other Local Government Councils have one or more independent members as well as two Councillors on their panel. By appointing two Councillors, Brighton Council will fall in line with what is best practice.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Council appoint two (2) Councillors as the two non-independent members for the remainder of their term and the audit panel membership be increased to four.

DECISION

Cr De La Torre moved, Cr Irons seconded that Cr Geard and Cr Owen be appointed to the audit panel for the remainder of their term and the audit panel membership be increased to four.

CARRIED

VOTING RECORD

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

13.6 Brighton Garden Club - 50% Discount for the use of Pontville Hall

Author: Facilities Co-ordinator & Depot Admin (I Singh)

Authorised: Director, Asset Services (C Pearce-Rasmussen)

Background

The President of the Brighton Garden Club has written to Council seeking a 50% discount for the hire of Pontville Hall and Insurance fees waived to run their monthly 2- hour meetings until May 2024. The Club had previously written to Council regarding the establishment of a Garden Club in Brighton and were granted free use of the hall for the period of 6 months (until 24th July). The club now has 35 active members and over 300 members on Facebook. Moving forward the club hopes to expand their presence in Brighton and increase their activities and outings.

Consultation

Senior Officer – Risk & Property

Risk Implications

Nil

Financial Implications

The Club has requested a 50% discount and insurance fees till May 2024 (they do not meeting in December or January) i.e. 8 meetings. Clubs like these are usually granted 50% according to Council Buildings Hire Fees Policy No: 8.2. The Financial implication would be \$256 for insurance and funds would be allocated from Councils Grants and Donations Budget.

Strategic Plan

This request aligns with Councils Strategic Goals: -

Goal 1.1 – Engage with and enable our community

Goal 1.3 – Ensure attractive local areas that provide social, recreational, and economic opportunity.

Goal 1.4 – Encourage a sense of pride, local identity, and engaging activities.

Social Implications

Providing a facility for the meetings will contribute to building positivity and community connection.

Assessment

Supporting this emerging club in their growth 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. There will also be the potential for the club to host an 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. Waiving insurance fees until May 2024 will provide them with the time to establish clubs ongoing financial viability and increase interest from community members.

Options

1. As per recommendation.
2. That full hire fee and insurance be charged.

RECOMMENDATION:

It is recommended that Brighton Council waive the Insurance fee and the Club be granted 50% discount in accordance with Council Buildings Hire Fees Policy 8.2. This to be recorded in Council's Annual Report as a donation in accordance with Section 77 of the *Local Government Act 1993*.

DECISION

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

CARRIED

VOTING RECORD

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

13.7 All About Fitness - Free Use of Old Beach Community Hall

Author: Facilities Co-ordinator & Depot Admin (I Singh)

Approver: Director, Asset Services (C Pearce-Rasmussen)

Background

All About Fitness, a health and wellbeing business, has written to Council seeking waiving of fees for use of the Old Beach Community Hall on Tuesdays between 9am -6pm. They would like to provide cost effective exercise classes for participants over the age of 50. They have a qualified trainer who specialises in assisting people with a variety of health conditions such as diabetes, heart disease, arthritis, and Parkinson's disease. If this request is approved, they would like to offer range of exercise classes such as low-impact aerobics, strength training, balance, and flexibility classes for \$10 per class per person.

The use of the hall would also provide All About Fitness with the opportunity to offer free hourly assessments to help individuals improve their overall wellbeing. During these assessments, they evaluate everyone's current health status, including their physical fitness level, nutrition, and any health conditions or concerns. Based on this evaluation, they also provide customized recommendations/classes to help them reach their health and fitness goals. All About Fitness states that they have previously worked with other Councils such as Hobart, and Glenorchy. Currently they are working with Clarence and Central Highlands with great success running classes for a couple of hours per week. They believe that by offering cost-effective exercise classes at Old Beach, it will help older adults stay active and healthy, while promoting community engagement.

Consultation

Senior Officer – Risk & Property

Risk Implications

This will be a permanent booking with no flexibility, which will reduce the availability of Old Beach Community Hall and may reduce the quantity of paid bookings.

If the fees are waived, it could potentially set a precedent that Council waive fees for other community-based businesses. However, there is potential for a significant community health benefit which should be considered and balanced against these risks.

Financial Implications

All About Fitness would like access on Tuesdays from 9am-6pm for a trial period of 3 Months. The day rate for Old Beach Community Hall is \$280. For a trial period of 3 months (12 Tuesdays) the total cost would be \$3,360 (charges will increase in the next financial year).

Strategic Plan

This request aligns with Council's Strategic Goals: -

Goal 1.1 – Engage with and enable our community

Goal 1.3 – Ensure attractive local areas that provide social, recreational, and economic opportunity.

Goal 1.4 – Encourage a sense of pride, local identity, and engaging activities.

Social Implications

Providing a facility for exercise classes aimed at over 50 will contribute to building positivity and community connection.

Environmental or Climate Change Implications

N/A

Economic Implications

N/A

Assessment

Groups, clubs, and business like these are usually given 50% discount in accordance with the Council Buildings Hire Fees Policy no: 8. Whilst there is a lot of activity in the municipality for fitness; All About Fitness is aimed at community members over the age of 50. This will give them access to cost effective fitness classes and consultations. Currently the Arthritis Tasmania offer a weekly class for 1 hour on Thursdays out of the Old Beach Hall. If this request is approved, it would give our older community members more variety in classes and provide additional opportunities for social interaction. Waiving fees for a trial period of 3 months (12 Tuesdays) will give All About Fitness the time to assess interest from our community and help Council understand if there is increased need for such classes.

Options

1. As per the recommendation.
2. Apply 50% discount as per Council Policy.
3. Apply full hire fee as per Council's Fees and Charges.
4. Other.

RECOMMENDATION:

It is recommended that Brighton Council waive the hire fees for a period of 3 months (Tuesdays), to All About Fitness for use of the Old Beach Community Hall in order to facilitate the provision of these health related services within the community.

DECISION

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

CARRIED

VOTING RECORD

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

13.8 Budget 2023/24

Author: Director, Corporate Services (G Browne)

Background

The draft 2023-2024 Budget and Fees & Charges register has been provided to all Councillors. The budget workshop has been undertaken and the draft budget has been completed in accordance with the Councillor's requests and is now ready to be adopted in principle.

Consultation

Councillors & Senior Management

Risk Implications

Nil.

Financial Implications

As per the budget.

Strategic Plan

Goal 3: Manage Infrastructure and growth effectively

Goal 4.4: Ensure Financial & Risk Sustainability

Social Implications

Considered within the budget.

Environmental or Climate Change Implications

Considered within the budget.

Economic Implications

Considered within the budget.

Other Issues

Nil.

Assessment

In accordance with the *Local Government Act 1993*, the budget may not be adopted more than one month before the start of that financial year. It is intended that the budget be adopted in principle only.

Options

1. As per the recommendation.
2. Review the budget and make further changes prior to adoption in principle.

RECOMMENDATION:

That the 2023-2024 budget be adopted in principle.

DECISION

Cr Irons moved, Cr McMaster seconded that the 2023-2024 budget be adopted in principle.

CARRIED

VOTING RECORD

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

14. Questions on Notice

There were no Questions on Notice for the May meeting.

15. Closed Meeting

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

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

DECISION

Cr De La Torre moved, Cr Owen seconded that in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015, Council moves into Closed Session and the meeting be closed to members of the public to deal with the following item:

Item:

15.1 General Managers Performance Review

Closed under:

Section 15(2)(a)

CARRIED

VOTING RECORD

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

The General Manager and Directors left the meeting while the next Item was discussed.

Cr De La Torre declared an interest in the following item and also left the meeting at .6.40pm

15.1 General Managers Performance Review - 2022/23

Author(s): Director, Governance & Regulatory Services (J Banks)

Background

Councillors will recall that the General Manager's performance review committee was established in 2021. Current committee members are Cr Gray, Cr Curran, Cr Geard and Cr Whelan.

Gwen Pinnington was selected in 2021 as the preferred external consultant to support the performance review process. Gwen has met most Councillors (either in person or online) to brief all Councillors on the performance review process and receive their feedback.

Consultation

General Manager's performance review committee, General Manager, Gwen Pinnington Consultants & Coaching, Senior Management Team.

Risk Implications

Not providing a transparent and comprehensive review process for assessing the General Manager's performance.

Financial Implications

N/A

Strategic Plan

Goal 4: Ensure a progressive, efficient and caring Council

S4.4 Ensure financial & risk sustainability

S4.2 Be well-governed, providing quality service and accountability to our community

Social Implications

N/A

Environmental or Climate Change Implications

N/A

Economic Implications

N/A

Assessment

The process commenced with Councillors meeting with Consultant Gwen Pinnington during May 2023. Through these session Ms Pinnington commenced a feedback process with Councillors.

The Consultative Committee met with Ms Pinnington on the 9th May 2023 to discuss the feedback received on the General Manager's performance, against the criteria.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That the General Managers Performance Review for 2022/23 be received.

DECISION

Cr Geard moved, Cr Curran seconded that the General Managers Performance Review for 2022/23 be received.

CARRIED

VOTING RECORD

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

Cr De La Torre rejoined the meeting at 7.10pm

DECISION

Cr Curran moved, Cr McMaster seconded that Council, having met and dealt with its business formally moves out of Closed Session and resolves to report that it has determined the following:

Agenda item	Matter	Outcome
15.1	General Managers Performance Review 2022/23	Item 15.1 and decision to be made public, excluding the review attachments.

CARRIED

VOTING RECORD

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

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

CARRIED

VOTING RECORD

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

Meeting closed: 7.10 pm

Confirmed: _____
(Mayor)

Date: 20 June 2023