



**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, 18 JULY 2023**

1. Acknowledgement of Country

2. Attendance

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

IN ATTENDANCE: Mr D Allingham (Acting General Manager); Mr C Pearce-Rasmussen (Director, Asset Services); Ms J Banks (Director, Governance & Regulatory Services); Ms G Browne (Director, Corporate Services) and Ms A Turvey (Manager Community Development & Engagement)

3. Applications for Leave of Absence

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

CARRIED

VOTING RECORD

In favour Against

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

4. Confirmation of Minutes

4.1 Ordinary Council Meeting

The Minutes of the previous Ordinary Council Meeting held on the 20th June 2023 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the previous Ordinary Council Meeting held on the 20th June 2023, be confirmed.

DECISION:

Cr Irons moved, Cr curran seconded that the Ordinary Council Meeting minutes on the 20th June 2023 be confirmed.

CARRIED

VOTING RECORD

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

4.2 Planning Authority

There were no Planning Authority meeting held in July 2023.

4.3 Committees of Council

There were no Committee meetings held in July 2023.

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 Murtagh declared an Interest in Item 13.1.

Cr McMaster declared an interest in Item 13.1 and Item 13.3

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.

- Mr Geoff Hull – Brighton Food Hub addressed Council in relation to Item 13.6.

7. Reports from Council

7.1 Mayor's Communications

The Mayor's communications were as follows:

21/06/23	Southern Mayors LG Review Engagement Session
23/06/23	Event at Zoo Doo
26/06/23	TasWater General Meeting
27/06/23	Meeting with Brighton Cricket Club
30/06/23	LGAT AGM & General Meeting
30/06/23	LGAT Networking Dinner
01/7/23	LGAT Professional Development for Elected Members
11/7/23	Meeting with CEO, Hobart Women's Shelter
17/7/23	Meeting with AFL Tas CEO, Damien Gill
18/7/23	Citizenship Ceremony
18/7/23	Council Meeting

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Owen moved, Cr Whelan seconded that the Mayor's communications be received.

CARRIED

VOTING RECORD

<u>In favour</u>	<u>Against</u>
Cr Curran	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

7.2 Reports from Council Representatives

The following verbal reports were made:-

- Cr Irons attended a Smith Family presentation to Brighton Primary School students on the 21st June.
- Cr Irons attended the Greater Hobart Homeless Alliance meeting at Hobart on 22nd June as Council's representative.

RECOMMENDATION:

That the verbal reports from Council representatives be received.

DECISION:

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

CARRIED

VOTING RECORD

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

8. Miscellaneous Correspondence

- Letter from the Hon Kristy McBain MP dated 5th July 2023 regarding The Voice to Parliament and the upcoming referendum.

9. Notification of Council Workshops

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

There have been no Council workshops held since the last Ordinary Meeting of Council.

10. Notices of Motion

There were no Notices of Motion.

11. Consideration of Supplementary Items to the Agenda

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

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

RECOMMENDATION:

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

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

Cr Geard moved, Cr Owen seconded that Item 13.6 be brought forward and discussed.

CARRIED

VOTING RECORD

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

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

12. 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 Planning Scheme Amendment for the South Brighton Development Precinct

Type of Report:	Section 40K of <i>Land Use Planning and Approvals Act 1993</i>
File Reference:	RZ 2022-05
Requested by	Brighton Council Officers
Owner:	Various
Location:	69 Brighton Road 33 Elderslie Road 25 & 27 William Street 1-17 Dylan Street 1-13 Melinda Court, including Lot 2 Melinda Court Elderslie Road (road lot) Dylan Street (road lot) Melinda Court (road lot)
Proposal:	<p>A. Amend the planning scheme maps to:</p> <p>a. rezone the land at:</p> <ul style="list-style-type: none"> i. 25 William St, 2-11, 13, Dylan St, 1-13 Melinda Ct and parts of 12, 14 and 15-17 Dylan St, Brighton from Rural Living to General Residential and part of 69 Brighton Rd, Brighton from Rural to General Residential; ii. parts of 12, 14 and 15-17 Dylan St, Brighton from Rural Living to Rural; iii. part of 33 Elderslie Road, Brighton from General Residential to Local Business; and iv. part of 69 Brighton Rd, Brighton from Rural to Environmental Management. <p>b. amend the priority vegetation area overlay on several properties on Dylan St, Melinda Ct and 69 Brighton Rd and 33 Elderslie Road, Brighton;</p> <p>c. Extend the Brighton Highway Services Precinct Specific Area Plan over parts of 12, 14 and 15-17 Dylan St;</p>

	<p>d. Insert the South Brighton Specific Area Plan over part of 69 Brighton Rd, 33 Elderslie Rd, 25 & 27 William St and 1-11, 13, 14 Dylan St and 1-13 Melinda Ct and parts of 12, and 15-17 Dylan St;</p> <p>B. To amend the Planning Scheme Ordinance to:</p> <p>a. Introduce the South Brighton Specific Area Plan at clause BRI-S11.0; and</p> <p>b. Amend the provisions of the Brighton Highway Services Precinct Specific Area Plan at clause BRI-S3.0.</p>
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Date Advertised:	20 th January 2023 to 21 st February 2023
Representations:	One (1)
Author:	David Allingham (Acting General Manager)

1. Background

At the April 2023 Planning Authority meeting, the planning authority considered a s.40K report relating to representations received during the exhibition period of draft planning scheme amendment RZ2022-05 relating to the South Brighton Master Plan area.

Unfortunately, due to an administrative error, one of the representations was not considered as part of that report. The Tasmanian Planning Commission (the Commission) has since provided the following direction:

The Commission directs the planning authority to provide to the Commission, by close of business, on or before 31 July 2023, the following:

(a) a report under section 40K containing a statement of the planning authority's opinion as to the merit of Ramilya Khayrutdinova's representation (attached), and whether the planning authority is of the opinion that the draft amendment ought to be modified to take this into account. The planning authority is also requested to consider the effect on the draft amendment if a modification is proposed.

2. Legislative requirements

In accordance with s.40H the planning authority must exhibit the draft amendment for twenty eight 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. The initial 40K report was forwarded to the Commission within the extended time frame, which was extended to allow Council to workshop the representations and for it to be considered at the April planning authority meeting. This section 40K report is a response to the above direction.

Representation and Response

Below is a summary of the representation required to be considered under the Commission direction and response on the merit of the representation as required by s.40K(b) of the Act.

Submission	Response on merit
<p>Due to the unworkability and inequity of the SAP, the SAP should be abandoned and the amendment should be for a simple rezoning from Rural Living to General Residential.</p>	<p>The key reason for the SAP and the Development Framework at Figure BRI-S11.2 is to avoid the ad-hoc development that would result from applying the General Residential Zone without additional controls.</p> <p>Without a SAP, "Precinct A" would likely be developed by a series of cul-de-sacs, with no connectivity or coherent open space or trail network.</p> <p>The SAP purpose clearly articulates the need for the SAP and to achieve a good planning outcome.</p> <p>The Development Framework within the SAP is informed by various reports to address the site constraints. It also has the aim of providing for a well-connected people focused community with high amenity. It is very unlikely this could be achieved on a site-by-site basis.</p> <p>Council's s.40F report clearly outlines how the SAP and development framework further the relevant STRLUS policies and meets the requirements of the Land Use Planning and Approvals Act 1993. Many of these could not have been achieved without the SAP framework.</p>
<p>Clause S11.8.3.1 Subdivision layout requires all subdivision to be either compatible or comparable with the subdivision layout as per figure BRIS11.2. It would not be possible to satisfy the acceptable solution or the</p>	<p>It is considered that this is a misinterpretation of Clause S11.8.3.1.</p> <p>The application would only have to be comparable or compatible with Figure BRI-S11.2 to the land to which an application relates.</p>

<p>performance criteria, if and unless all individual lots were subject to a future development application. This would obviously require the agreement and support for all lot owners. This is simply not realistic.</p>	
<p>The impacts and benefits to owners within the Precinct would not be felt equally. Some owners would be required to give up land for roads, public open space or walkways which would benefit other landowners.</p>	<p>The Master Plan has attempted to provide an equitable layout based on the existing constraints of the sites and good planning and design principles.</p> <p>It is assumed that there will need to be some degree of cooperation between some landowners to come to financial agreements to deliver infrastructure. The intent of the PC at Clause BRI-S11.8.3.1 is to allow some flexibility in layouts.</p> <p>It is worth noting that there would be no guarantees that each lot would be able to be developed in an equitable manner if there was no SAP and the land was just zoned to General Residential.</p>
<p>Infrastructure costs – how would infrastructure costs for matters such as roads, stormwater, sewer be paid for when there are 36 landowners all of whom would receive differing costs and benefits from the masterplan.</p>	<p>Infrastructure provision for the subject area is likely to be difficult. As noted in Council's s40F report, there is no consistent development contributions framework for the region or the State.</p> <p>A high level Infrastructure Assessment has been submitted as part of the proposal, providing concepts for the most efficient infrastructure layouts for the area. Council has also prepared its own “Key Infrastructure Investment and Defined Infrastructure Charges” Policy which allows Council to determine an infrastructure charge for a range of different infrastructure if needed.</p> <p>However, there will need to be some degree of landowners working with each other, Council and relevant authorities to deliver the infrastructure for the area.</p>
<p>The SAP has the potential to create real conflict between landowners within Precinct A. The SAP would encourage those benefiting the most from the SAP to pressure others to support it regardless of their opinion. This could even lead to some landowners to pressure others to sell. None of this would</p>	<p>This is a matter of opinion and there is no evidence that this will occur.</p> <p>On the contrary, the SAP provides the opportunity for landowners to co-operate and mutually benefit.</p>

<p>foster a sense of community and belonging, presumably an objective of the SAP.</p>	
<p>The actual impact of the SAP has not been calculated for each individual lot. Figure BRI-S11.2 is at a scale which makes it impossible to definitively calculate areas to be lost to roads or public open space and any resulting new lots. Figure 3 attempts to calculate the areas of 9 Melinda Court which would need to be foregone to roads and public open spaces for the SAP.</p>	<p>The SAP provides a development framework to work within. More detailed design would need to be done by the developer to calculate land for open space and roads. Provision of land for roads and open space are standard items to be considered as part of any development.</p>
<p>No minimum lot size is specified under Clause S11.8.3.1 as the Clause is in substitution for that within the General Residential Zone. The performance criteria if adopted could result in greater density than that proposed.</p>	<p>The PC under Clause S11.8.3.1 requires the development to be compatible with the SAP and Development Framework. There is some flexibility to provide higher densities than the Development Framework shows, in fact it is encouraged in places. But any high-density proposal that is vastly different from the layout in the Development Framework would be difficult to approve.</p>
<p>The SAP introduces the potential for Council to compulsory acquire land to achieve the layout within figure BRI-S11.2.</p>	<p>Council acknowledge that compulsory acquisition may be required to achieve the Development Framework. However, Council hope to work with landowners to facilitate the Development Framework.</p>
<p>The SAP introduces unnecessary complexity. Instead of delivering a simpler planning system it would be challenging for any reasonable person to determine which clause is relevant – the one in the General Residential Zone or one within the SAP.</p>	<p>The SAP has been written in accordance with the drafting conventions provided by the Tasmanian Planning Commission and justified against STRLUS.</p>

3. Modifications to the draft planning scheme amendment

The information in the representation does not raise any issues that require modification to the draft planning scheme amendment.

However, since Council submitted its previous s.40K report to the Commission, it has received an updated Natural Values Report (see Attachment A) which provides results of lichen surveys for the site. Results for samples of lichen that had been sent to the Tasmanian Herbarium for chemical analysis and identification some months ago have only recently been received. The results show that the lichen species *Xanthoparmelia vicariella* which is listed as rare under the *Threatened Species Protection Act 1995* (TSPA) occurs on 16 Dylan St.

As such, a modification to the planning scheme amendment is required to include an additional area in the priority vegetation area as highlighted in Figure 1.

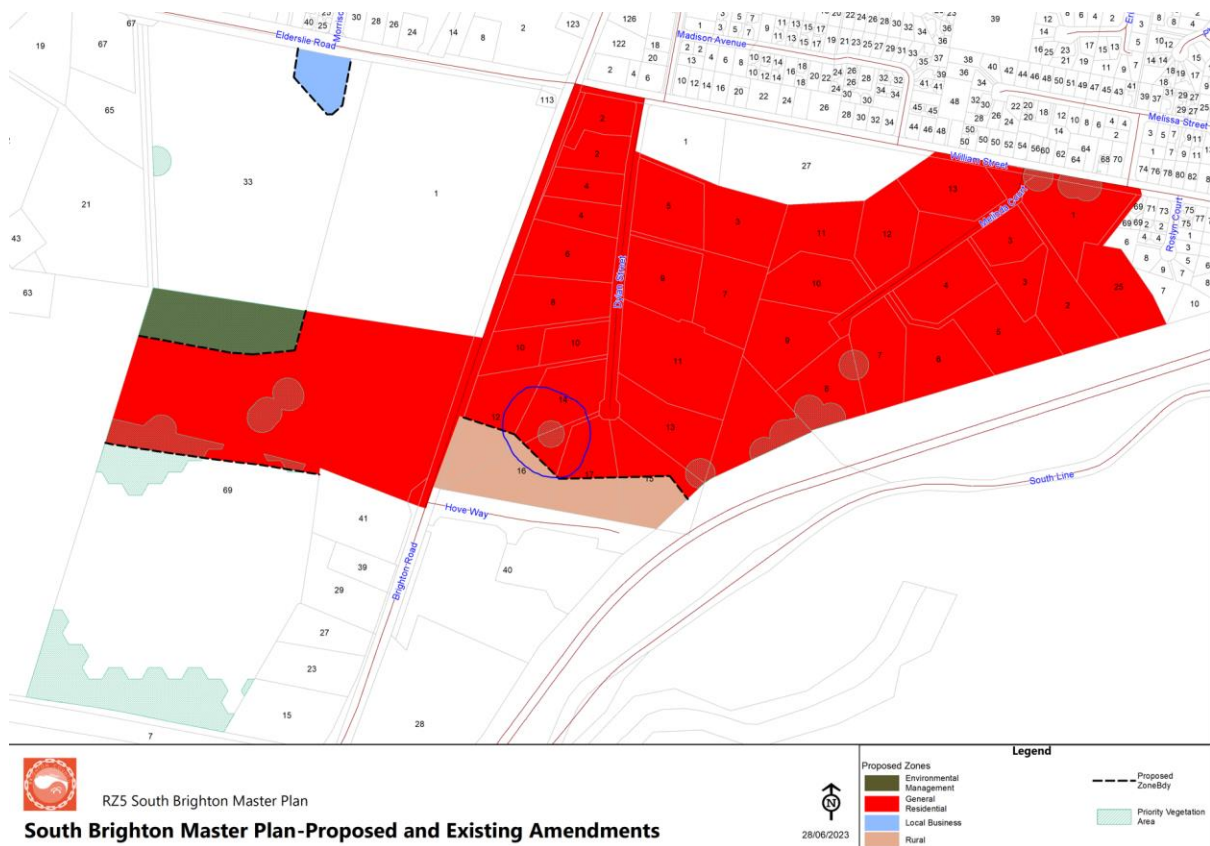


Figure 1: Additional area of Priority vegetation area overlay shown within blue circle

The proposed modification will require the priority vegetation area overlay, as shown in Annexure 5 of the Instrument of Certification, to be updated with the map at Attachment B to this report.

The modification has no impact on the LPS as a whole.

4. Conclusion

An additional representation that was not processed in Council's original s.40K report is considered in this report. The submission was not considered to raise any issues that require modification.

However, an updated Natural Values Report has been received since Council submitted information to the Commission and a modification to the priority vegetation area overlay is required.

The proposed draft planning scheme amendment with the modified overlay still meets the LPS criteria as required by s.40K(d) of the Act.

5. 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 that:

- a) Pursuant to section 40K(1) of the *Land Use Planning and Approvals Act 1993*, provide the Tasmania Planning Commission with a copy of this report.
- b) Pursuant to section 40K (2)(a) of the *Land Use Planning and Approvals Act 1993*, provide to the Tasmanian Planning Commission a copy of each of the additional representation that was received during the advertising of draft amendment RZ 2022-05.
- c) Pursuant to section 40K (2)(c) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that a modification to draft amendment RZ 2022-05 is required as detailed in this report.

DECISION:

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

CARRIED

VOTING RECORD

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

12.2 Development Application DA 2022/134

Multiple Dwellings (25) and associated infrastructure at 5-13 Maxwell Drive, 15 Maxwell Drive and 17 Maxwell Drive, Bridgewater

Author: Acting Director Development Services (Jo Blackwell)

Applicant:	Michael Ball
Subject Site:	5-13 Maxwell Drive, 15 Maxwell Drive, and 17 Maxwell Drive, Bridgewater
Proposal:	Multiple Dwellings (25) and associated infrastructure

Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	General Residential
Codes:	Road and Railway Assets Code Parking and Sustainable Transport Code Natural Assets Code (Waterway and Coastal Protection Area)
Local Provisions:	Nil
Use Class:	Residential
Discretions:	8.4.1 A1/P1 – Residential Density for Multiple Dwellings 8.4.2 A3/P3 – Building Envelope 8.4.3 A1/P1 – Site coverage and POS for all dwellings 8.4.4. A1/P1 Sunlight to POS of multiple dwellings C2.5.3 A1/P1 – Motorcycle parking C2.6.3 A1/P1 Number of accesses for vehicles C2.6.5 A1/P1 – Pedestrian Access C3.5.1 A1.2/A1.4/ P1 – Traffic generation at vehicle crossing C7.6.1 A1/P1 – Natural Assets Code (Development Standards for Building and Works)
Representations:	Two (2) representations were received. The representors raised the following issues: <ul style="list-style-type: none"> • Maintaining the existing pedestrian walkway • Density and compatibility with existing development
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2022 / 134.

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

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

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

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

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

2. SITE ASSESSMENT

The subject site is a vacant irregular shaped parcel of land comprising three titles fronting both Maxwell Drive and the Crown's waterfront reserve along the shore of the Derwent River (refer figure 1). The site falls towards the south western corner of the site, and has an average gradient of approximately 1:10.



Figure 1: Site plan showing 5-13, 15 and 17 Maxwell Drive (source: Listmap)

The three parcels, which are contained in Certificates of Title Volume 157339 Folio 1 and Certificate of Title Volume 6708 Folios 873 and 874 have a combined land area of 6911m². There are no easements on the site and the site is serviced by reticulated services. The proposal will need to install a sewage pumping station to allow connection to existing services.

A council owned pedestrian footpath traverses the south western corner of the site, which can be seen in Figure 1.

The site is zoned General Residential (figure 2) and is subject to a Natural Assets overlay (Figure 3). The adjoining Crown Reserve is zoned Open Space.

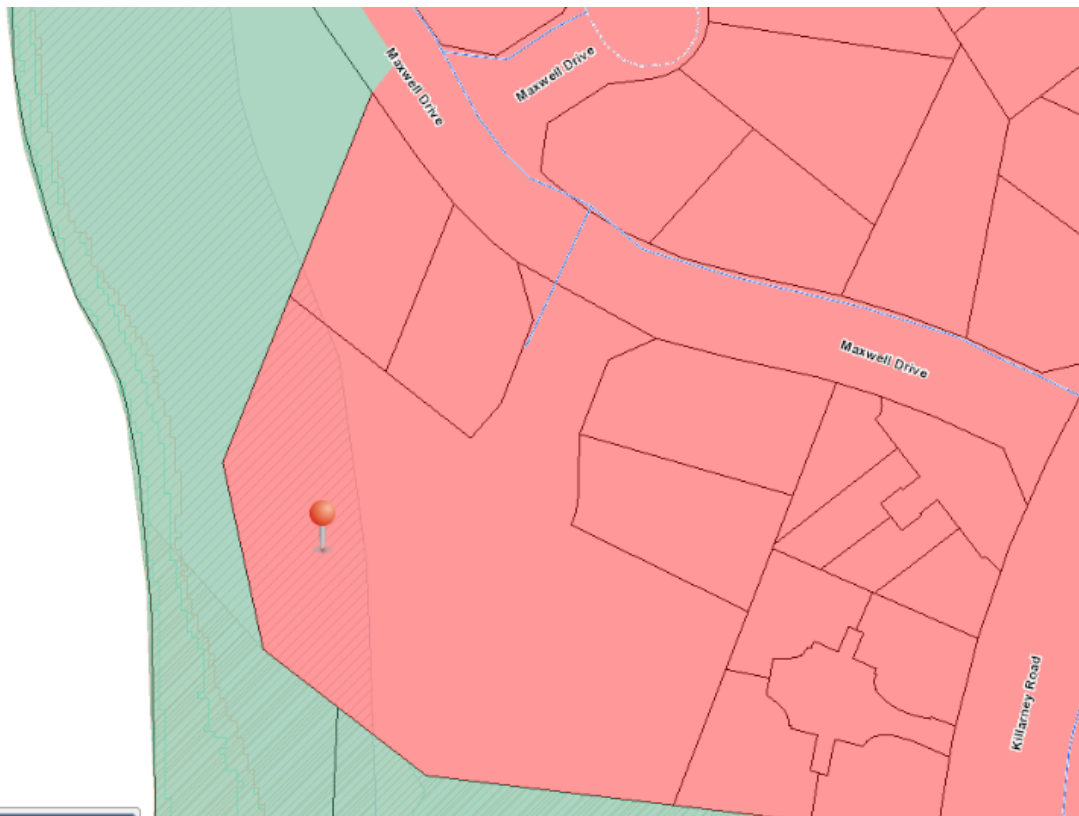


Figure 2: Zoning Map (source: Listmap)

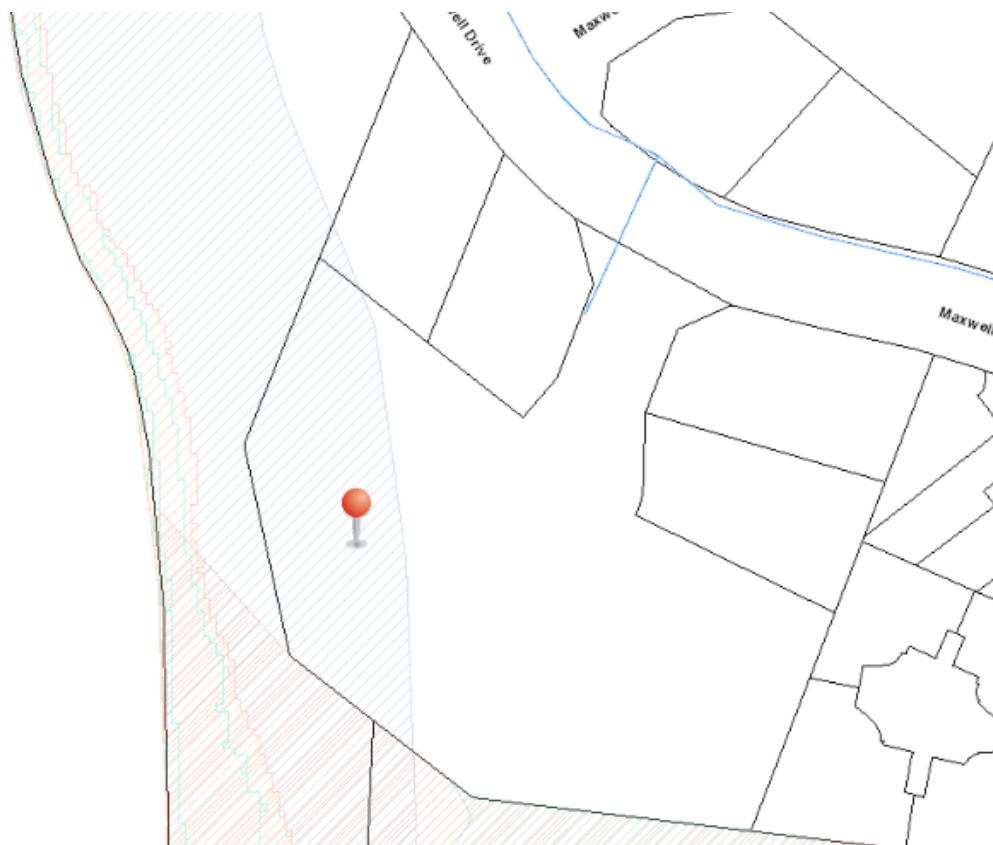


Figure 3: Natural Assets (waterway and coastal protection) Overlay (source: Listmap)

In the past, the site at 5-13 and 15 Maxwell Drive has been subject to a number of development applications including:

DA 2009/181 Multiple Dwellings (20) – refused

DA 2018/37 Subdivision (4 lots) – lapsed

DA 2020/354 Multiple Dwellings (25) – withdrawn due to change from the Brighton Interim Planning Scheme 2015 to the Tasmanian Planning Scheme – Brighton.

3. PROPOSAL

The Applicant's submission notes that the proposal contains 27 one and three bedroom dwellings, either two and three storeys high across the three titles. The plans have been amended during the application process to remove two units within the portion of land adjacent to the eastern boundary. Final plans submitted for assessment show 25 units comprising two x 1-bedroom units, three x 4-bedroom units, and twenty 3-bedroom units.

Subsequent to the conclusion of the public exhibition period, Council officers have undertaken negotiations with the applicant due to the high density of the proposal. Those negotiations have resulted in the applicant putting forward an amended proposal which reduces the number of units to 24 by removing unit 20, and by reducing the building height of unit 19, and adding an additional bedroom (see attachment C). Further negotiations have resulted in an offer to reduce the building height of units 16-18 and further mitigate visual bulk, which has been addressed in more detail later in this report.

Whilst the application was advertised as 27 multiple dwellings, Council officers consider that the reduction in unit numbers do not cause an increase in detriment, and indeed creates a lesser impact on the site (ie in its assessment of density), and that it was appropriate not to re-advertise in this instant.

It is proposed to undertake the development across 5 stages, as shown in the application documents.

A council maintained footway has been constructed across the south western corner of the site. Council officers have reached agreement with the applicant to transfer approximately 207m² in area to enable the foreshore walkway to be maintained.

The built form provides a mix of construction materials, which will provide differentiation across the site. A schedule of materials is included in the proposal documents, and can be seen on the perspective images. The proposal also includes 3kl rainwater tanks for each unit for toilet flushing and garden use.

With respect to parking and access requirements, Units 1 and 2 are to be provided with direct access from Maxwell Drive. The remainder of the units will be accessed via an internal driveway system. Agreement has been reached between council officers and the developer to facilitate private waste collection to occur on-site.

Fifty-four (54) car parking spaces are shown on the proposal documents. The parking requirement for the final development as proposed (24 units) is 24 x 2 car parking spaces (48) plus 6 visitor spaces, which accords with the requirements of the Scheme.

The application is supported through the provision of a planning submission, site plans, elevations and floor plans, traffic impact assessment, servicing infrastructure report and sewer pump station proposal (Attachment 1) as well as amended plans (Attachment 3).

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 Use Class is categorised as Residential under the Scheme. In the General Residential Zone the Residential use class is Permitted.

Compliance with Performance Criteria

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

Clause 8.4.1 A1/P1 Residential Density for Multiple Dwellings

Objective:	
Objective: That the density of multiple dwellings:	
<ul style="list-style-type: none"> (a) makes efficient use of land for housing; and b) optimises the use of infrastructure and community services. 	
Acceptable Solution	Performance Criteria
A1 Multiple dwellings must have a site area per dwelling of not less than 325m ² .	P1 Multiple dwellings must only have a site area per dwelling that is less than 325m ² , if the development will not exceed the capacity of infrastructure services and: <ul style="list-style-type: none"> (a) is compatible with the density of existing development on established properties in the area; or (b) provides for a significant social or community benefit and is: <ul style="list-style-type: none"> (i) wholly or partly within 400m walking distance of a public transport stop; or (ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.

The original proposal is for 25 multiple dwellings across an area of land encompassing 6911m², which includes the 207m² portion of land to be transferred to Council for the public walkway. Development of 25 units equates to a density of just under 276.5m² per unit and does not satisfy the acceptable solution. As per the amended submission proposed by the Applicant, and discussed previously, reducing the number of units to 24 will decrease the density to approximately 288m². In any event, assessment against the performance criteria must be relied upon.

As noted in the standard, there are two avenues by which to address the performance criteria. The applicant provided a fairly brief submission to address the issue of density (refer pages 118 and 119 of the proposal documents).

The proposal needs to demonstrate that the development is compatible with the density of existing development on established properties, as it cannot satisfy the performance criteria relating to social or community benefit (see, for example *CJ and JE Margetts v. Burnie City Council* [2015] TAsRMPAT 21).

Recent tribunal decisions have considered the question of compatibility. In *M Cubit and T Powell v. Launceston City Council and Ors*¹ the tribunal notes at para 32 that “Compatible” in P1 means that “*the proposal must be in harmony or broad correspondence with the density of existing development on established properties in the area*”. The decision in *Cubit* further notes that a qualitative approach, rather than a quantitative one must be adopted, and discusses the concept of compatibility in detail, in the context of consistency with the existing and desired neighbourhood character. Further in *Clarence City Council vs. Drury*² the Tribunal found that:

“the determination of compatibility is consistent with it being aspirational and conceptual. The determination of compatibility requires an overall assessment of how two things relate to each other and is concerned with the ultimate result.”

This leads into an assessment of the proposal against the existing and desired neighbourhood character. The proposal has been designed to fit within the existing topographical constraints, and to provide separation to existing adjoining dwellings, with densification occurring on the steeper, southern portion of the site. In *Wandoo Pty Ltd v Hobart City Council and 201 Macquarie Street Pty Ltd*³ the Tribunal considered both compatibility and transition between adjoining buildings when considering the streetscape, in relation to building height. The site was similar in topography, with taller building forms sited closer to the Rivulet, being the low point in the topography and shorter building forms being sited closer to the road frontage, as has been proposed with this application.

¹ [2022] TASCAT 47

² [2021] TASSC 5

³ [2022] TASCAT 4

As evidenced by the application documents, eleven (11) buildings are proposed, encompassing 24 units across the site. Taller buildings are located on the southern side of the site, which is the low point closest to the river, utilising the gradient of the land to take advantage of both mountain and river views.

Visually, the proposal presents a similar streetscape to that of the surrounding area when viewed from Maxwell Drive. The majority of the site is offered visual protection through existing built form, with the siting of proposed units 1 and 2 completing the street view, and the bulk of the density at the rear, so the development will not appear incongruous when observed from Maxwell Drive.

Finally, as identified previously, a mix of uses have been developed within the area. Multiple dwellings and supported housing have been constructed on adjoining lots, and conjoined multiple dwellings have been developed on sites fronting the foreshore reserve.

Accordingly, it is considered that the performance criteria can be satisfied.

Clause 8.4.2 A3/P3 Building envelope

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

<p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; and</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>
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Units 21-25 inclusive rely on the performance criteria, due to a reduced setback to the rear boundary of the parcels at 1 and 3 Maxwell Drive. Proposed setbacks range between 4.143m and 4.149m with the AS being 4.5m. Units 16-18 also fall outside the building envelope, as they exceed the maximum building height of 8.5m above existing ground level, with building heights ranging between 9.899m and 10.569m.

None of the units will cause an unreasonable loss of amenity in relation to overshadowing of habitable rooms or private open space on residential adjoining lots given siting to either the south or west of existing properties. There do not appear to be any existing solar energy systems to be impacted. The proposed development will overshadow the foreshore reserve and existing pedestrian walkway for the majority of the day (refer shadow diagrams provided).

The overshadowing of the public land can be mitigated due to the transient nature of the pathway, which is mainly utilised for pedestrian access along the foreshore, and is not likely to be used for passive recreational purposes for any significant period of time. Accordingly the overshadowing of the public land is not likely to cause an unreasonable loss of amenity.

Finally, criterion P3(a)(iv) asks council to consider “the visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property”.

It is considered that units 1-15 inclusive do not cause a significant visual impact, given those units’ ability to satisfy the acceptable solution, should they be assessed separately. Units 21-25 are approximately 4.1m from the northern boundary, adjoining 1 and 3 Maxwell Drive with the north facing walls for those units approximately 6.2m to 6.9m high (figure 7).

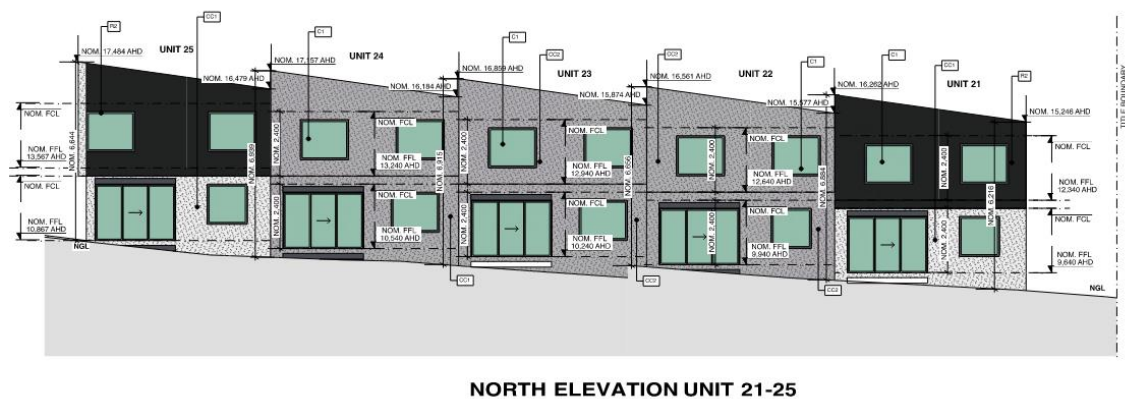


Figure 4: Northern elevations for units 21-25.

It is considered that a reduction in setback by 400mm is unlikely to significantly alter the visual amenity afforded the adjoining properties at 1 and 3 Maxwell Drive, with any visual impact also being slightly offset by the topography of the site. The performance criteria is further supported, with the northern elevation of units 21-25 providing for a mix of materials and articulation.

Across the site, the majority of the proposed units are two storey, other than units 16-18. Units 16-18 are two storey on the northern, driveway side of the unit, and three storey on the southern, foreshore reserve side. As noted above the units are outside the building envelope, and exceed the maximum height assessable under the acceptable solution. Figures 5 and 6 show an approximation of the building envelope for units 16 and 18, calculated by the assessing officer using BlueBeam Revu.

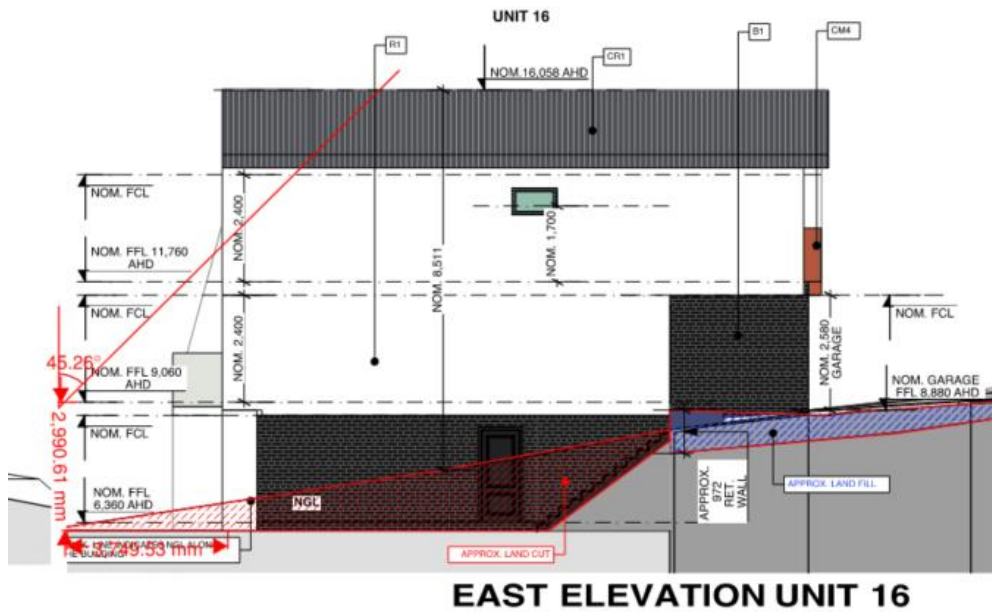


Figure 5: Approximate building envelope for unit 16, east elevation calculated by council officers.

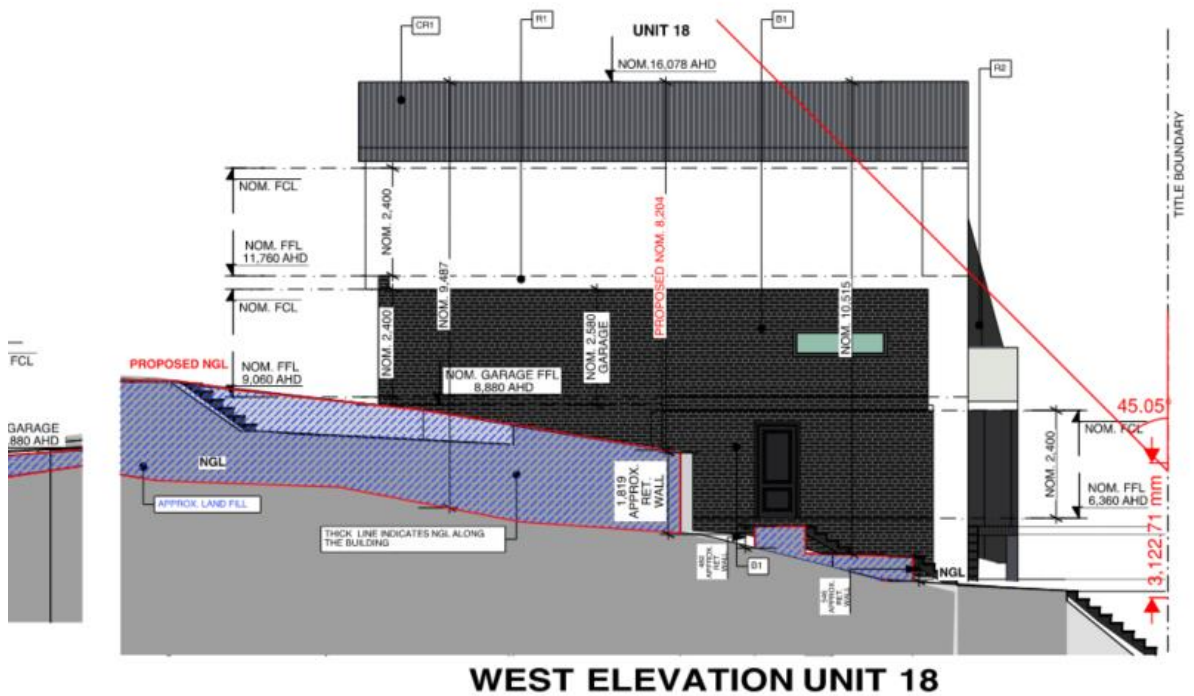


Figure 6: Approximate building envelope for unit 18, east elevation calculated by council officers.

The Applicant’s original submission briefly addresses the performance criteria for building envelope, and makes a further submission in Attachment 3 which identifies that “units 16-18 are utilising the slope of the land at the south (water) side of the block which is quite significant.”

Figure 7 and 8 shows the perspective view provided as part of the original proposal, with units 16-18 being at the centre of the image.



Figure 7 : Perspective view taken from Proposal Documents. Units 16-18 in grey. Units 19 and 20 (timber look, LHS) will be reduced to two storeys (with an approximate height of 6.390m above NGL on southern side)



Figure 8: Perspective views taken from proposal documents. Units 16-18 in grey. Units 19 and 20 (timber look, LHS) will be reduced to two storeys (approximate height of 6.390m above NGL on southern side).

Units 16-18 exceed the maximum building height by approximately 1.4m (unit 16) to 2m (unit 18), with either end of the building demonstrating solid expanses of walls (refer figure 8).

Ongoing discussions with the applicant has resulted in an offer by the Applicant to “accept conditions relating to the lowering of the roof profiles of units 16, 17 and 18 and more detailed landscaping design of the eastern and western walls of those units.”

The Applicant’s offer is acknowledged and his effort in trying to mitigate this matter appreciated. However, the lowering of the roof profiles for units 16, 17 and 18 is not a quantitative figure, and is difficult to assess, without understanding what the final outcomes may be. In essence, the planning authority are being asked to consider a condition that may not be able to be achieved to its satisfaction.

To that end, rather than a condition requiring amended plans which require lowering the roof profiles for units 16-18 to the satisfaction of the Director Development Services (as would usually be the case), it is recommended that a condition be included in any permit approved requiring units 16-18 be redesigned to fit within the maximum building height afforded by the development standard for building envelopes (ie 8.4.2 A3). Such a condition is considered to provide more clarity for the development.

The final consideration in relation to the performance criteria for building envelope, is the need to demonstrate separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area. The setbacks between the proposed units and existing dwellings range from 2.287m (unit 11), 4.1m (units 21-25) and 6.679 (unit 2). Desktop analysis shows that the setbacks on established properties have similar separation distances with setbacks ranging between approximately 2.2m to in excess of 10m. Accordingly, it is considered that the proposal will satisfy the performance criteria.

Accordingly, the PC is satisfied with conditions.

Clause 8.4.3 A1/P1 – Site coverage and private open space for all dwellings

Objective:	
That dwellings are compatible with the amenity and character of the area and provide:	
<ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight. 	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the 	<p>P1</p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> (a) site coverage consistent with that existing on established properties in the area; (b) private open space that is of a size and with dimensions that are appropriate for the size of

<p>dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p>the dwelling and is able to accommodate:</p> <ul style="list-style-type: none"> (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and (c) reasonable space for the planting of gardens and landscaping.
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The proposal plans shows that site coverage equates to 29.75%, with the supporting planning submission noting 32%, either of which accords with acceptable solution of 50%. However, a number of the dwellings do not include a minimum 60m² of private open space (POS), namely units 12, 17, and 22-24 inclusive and cannot meet the acceptable solution. Therefore assessment against the performance criteria is relied upon.

The proposal plans for the units not meeting the minimum 60m² requirement show units are provided with both balconies and an area of green space at ground level for private use. The proposal also adjoins the foreshore reserve, which provides additional open space for passive recreational purposes.

Desktop assessment shows that site coverage in the area is varied. The multiple dwelling sites in the area have site coverage of approximately 24%. Single dwellings, range from approximately 13% to 30%. Accordingly, it is considered that the site coverage is similar to that existing.

Each unit has an area for private bin storage, and bin collection points are located within the shared driveway areas. Units are provided with private areas that will allow residents to landscape individual spaces.

Accordingly, the performance criteria can be satisfied.

Clause 8.4.4 A1/P1 Sunlight to Private Open Space of Multiple Dwellings

Objective:	
That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 8.4):</p> <p>(i) at a distance of 3m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</p> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <p>(i) an outbuilding with a building height not more than 2.4m; or</p> <p>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>	<p>P1</p> <p>A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 8.4.3 of this planning scheme</p>

The applicant’s submission notes the proposal relies on the performance criteria in relation to overshadowing of private open space for multiple dwellings. The report notes *“The shadow diagrams provided with the application show the inevitable overshadowing of open space during the course of the day, however all of the private open space receives sunshine whether it be morning or afternoon sunshine”* (Ball report, page 7).

As demonstrated by the shadow diagrams included in the proposal documents, the majority of the units have access to suitable private open space. To provide additional access to sunlight for units 11-18, north facing decks have been included which allow access to sunlight, whilst maintaining river and mountain views.

Accordingly, the PC is satisfied.

Clause C2.5.3 A1/P1 – Motorcycle Parking Numbers

Objective:	
That the appropriate level of motorcycle parking is provided to meet the needs of the use.	
Acceptable Solution	Performance Criteria
A1 The number of on-site motorcycle parking spaces for all uses must: (a) be no less than the number specified in Table C2.4; and (b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.	P1 Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to: (a) the nature of the proposed use and development; (b) the topography of the site; (c) the location of existing buildings on the site; (d) any constraints imposed by existing development; and (e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.

The proposal does not provide the two (2) motorcycle spaces required by the acceptable solution, therefore assessment against the performance criteria is relied upon.

The proposal was referred to Council’s Acting Director Asset Services, who has identified that whilst all the units have sufficient space for motorcycle parking in individual driveways at the front of each unit, these generally exceed the maximum gradient for a parking area. There is sufficient space for on street parking for units 1 and 2. It is considered that the omission of two (2) motorcycle parking spaces is acceptable in this instance.

Accordingly the performance criteria can be satisfied.

Clause 2.6.3 A1/P1 Number of Access for Vehicles

Objective:	
That:	
(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses; (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and (c) the number of accesses minimise impacts on the streetscape.	
Acceptable Solution	Performance Criteria
A1 The number of accesses provided for each frontage must: (a) be no more than 1; or (b) no more than the existing number of accesses, whichever is the greater.	P1 The number of accesses for each frontage must be minimised, having regard to: (a) any loss of on-street parking; and (b) pedestrian safety and amenity; (c) traffic safety; (d) residential amenity on adjoining land; and (e) the impact on the streetscape.

The proposal provides for three (3) accesses on Maxwell Drive, to access units 1 and 2 respectively, and an internal access to the balance of the proposed units. This does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

Council’s Acting Director Asset Services considered the Traffic Impact Assessment (TIA) submitted as part of the application adequately addresses the performance criteria and is supported.

Accordingly, the PC is satisfied.

Clause C2.6.5 A1.1 / P1 Pedestrian Access

Objective:	
That pedestrian access within parking areas is provided in a safe and convenient manner.	
Acceptable Solution	Performance Criteria
<p>A1.1 Uses that require 10 or more car parking spaces must:</p> <p>(a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by:</p> <p style="padding-left: 40px;">(i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or</p> <p style="padding-left: 40px;">(ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and</p> <p>(b) be signed and line marked at points where pedestrians cross access ways or parking aisles.</p>	<p>P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the nature of the use;</p> <p>(c) the number of parking spaces;</p> <p>(d) the frequency of vehicle movements;</p> <p>(e) the needs of persons with a disability;</p> <p>(f) the location and number of footpath crossings;</p> <p>(g) vehicle and pedestrian traffic safety;</p> <p>(h) the location of any access ways or parking aisles; and</p> <p>(i) any protective devices proposed for pedestrian safety.</p>

The proposal provides for a 1m wide footpath adjacent to the main access into the site. It is not separated from the access by 2.5m or with protective devices. The proposal does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The TIA provides an assessment which includes a statement that *“The site design has now been updated to provide a 1m wide footpath that connects Maxwell Drive with the visitor car parking spaces, with a kerb separating the footpath from the driveway.”*

Council’s Acting Director Asset Services notes that the path is raised from the access by a kerb and is consistent with the public footpath adjacent to Maxwell Drive.

Accordingly, the PC is satisfied.

Clause C3.5.1 A1.2/P1 Traffic Generation at a vehicle crossing, level crossing or a new junction

Objective:	
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction	
Acceptable Solution	Performance Criteria
<p>A1.1 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 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3 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 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 Vehicular traffic must be able to enter and leave a major road in a forward direction</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>(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>

The proposal is not able to satisfy the acceptable solution for A1.2, being road authority consent in relation to the creation of the additional accesses, or for A1.4, the increase in traffic movements per day (A1.4). Therefore assessment against the performance criteria is relied upon.

The TIA is considered to have addressed both criteria satisfactorily and is supported by Council's Acting Director Asset Services.

Accordingly, the PC is satisfied.

Clause C7.6.1 A1/P1 Natural Assets Code – Development Standards for Building and Works

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.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Buildings and works within a waterway and coastal protection area must:</p> <p>(a) be within a building area on a sealed plan approved under this planning scheme;</p> <p>(b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5m in width; or</p> <p>(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>	<p>P1.1</p> <p>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <p>(a) impacts caused by erosion, siltation, sedimentation and runoff;</p> <p>(b) impacts on riparian or littoral vegetation;</p> <p>(c) maintaining natural streambank and streambed condition, where it exists;</p> <p>(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;</p> <p>(e) the need to avoid significantly impeding natural flow and drainage;</p> <p>(f) the need to maintain fish passage, where known to exist;</p>

	<p>(g) the need to avoid land filling of wetlands;</p> <p>(h) the need to group new facilities with existing facilities, where reasonably practical;</p> <p>(i) minimising cut and fill;</p> <p>(j) building design that responds to the particular size, shape, contours or slope of the land;</p> <p>(k) minimising impacts on coastal processes, including sand movement and wave action;</p> <p>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</p> <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>
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The proposal provides for building and works within a mapped waterway and coastal protection area, such works not being able to satisfy the criteria in the AS A1. Therefore assessment against the performance criteria P1.1 is relied upon.

Council's Acting Director Asset Services notes that the proposed works are generally located on or above the existing foreshore walking path, This land has previously been cleared when originally subdivided. Works within the subject property are not expected to adversely impact the waterway.

It is considered that the proposal can satisfy the performance criteria through the submission of a comprehensive Soil and Water Management Plan and implementation of appropriate stormwater management across the site.

Accordingly, the PC is satisfied with conditions.

5. Public Walkway

During pre-lodgement consultation regarding this proposal, it was identified that part of the public foreshore walkway adjacent to the Derwent River was located across the south western corner of the land at 5-13 Maxwell Drive.

Council officers investigated the most appropriate way to relocate the path, given the topography of the area. It has been agreed that the landowner will transfer an area of land approximately 207m² in area to Brighton Council, at council's cost, to allow the walkway to be retained, in return for allowing for private internal waste collection. However, the proposal has subsequently been redesigned to accommodate on-site collection by Brighton Council contractors.

A condition requiring the excision of the land at Council's cost should be included in any permit issued.

6. Referrals

Acting Director Asset Services

The application was referred to Council's Acting Director Asset Services who has assessed the proposal. That officer's comments have been incorporated into this report where necessary.

TasWater

The Application was referred to TasWater for comment. TasWater have issued a Submission to Planning Authority Notice, TWDA 2022/00856-BTN dated 31st May 2023, which will be included in any permit issued.

7. Representations

Two (2) representations were received during the statutory public exhibition period between 5th and 19th June 2023.

The concerns of the representors are summarised below:

Representor's concerns	Planning Response
Concern regarding retention of the foreshore walkway	<p>The existing walking path has been inadvertently constructed over private land being a portion of the subject site.</p> <p>The applicant proposes leaving an area of approximately 207m² undeveloped to be transferred to Council as part of a separate process to allow the relocation of the walking track.</p> <p>The track will be relocated by Council.</p>

<p>The development is over-development because of the density. The density of this development is not compatible with the surrounding density.</p>	<p>Refer to the officer's assessment in this report.</p>
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8. Conclusion

The proposal for Residential (24 Multiple Dwellings) at 5-13 Maxwell Drive, 15 Maxwell Drive and 17 Maxwell Drive, Bridgewater satisfies the relevant provisions of the Tasmanian Planning Scheme – Brighton.

As shown in the preceding assessment, the proposal:

- has been well designed to reflect the topography of the area,
- provides access to northern sunlight whilst taking into the river and mountain views.
- provides visual interest through a mix of construction materials; and
- adjoins a significant area of public open space.

As such is recommended for approval with conditions.

RECOMMENDATION:

That pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approve application DA 2022/134 for Residential (24 Multiple Dwellings) at 5-13 Maxwell Drive, 15 Maxwell Drive and 17 Maxwell Drive, Bridgewater for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

1. The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. Amended Plans submitted by the applicant showing revised Unit 19 plans and deleting unit 20, being drawing numbers DA017 titled Unit 19 Plans, and DA 018 titled unit 19 Elevations are approved as part of the endorsed drawings.
3. Prior to approvals issued under the *Building Act 2016* amended plans for units 16, 17 and 18 must be submitted to, and approved by, Council's Director Development Services. The amended plans must show that units 16, 17 and 18 have a maximum building height of 8.5m above existing ground level. Once approved the amended plans will form part of the endorsed drawings.
4. Where a conflict between the application for planning approval, endorsed drawing and conditions of this permit, the latter prevails.

Staging

5. The development must proceed in the order of stages shown on the endorsed plans unless otherwise agreed in writing by the Director Development Services.

Subdivision

6. Prior to commencement of Stage 2 the developer is to transfer the land shown on the proposal plans on the western boundary of the subject property (CT 157339/1), measuring approximately 207m² in area, to the Brighton Council to accommodate the relocation of the existing foreshore walking path.

Advice:

The final configuration of the parcel to be transferred may be adjusted in shape and area subject to detail design and agreement with Council's General Manager.

Easements

7. Easements must be created over all public 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 developer's full cost.

Advice:

Existing public stormwater mains and TasWater sewer mains are located within the subject property without necessary easements.

8. Prior to the issue of building approvals under the *Building Act 2016*, Certificates of Titles Volume 157339 Folio 1 (or its subsequent title as created by the subdivision required by condition 6 herein), and Certificate of Titles Volume 6708 Folios 873 and 874 must be consolidated.

Amenity

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

Private open space

10. The private open space for each unit must be formed or constructed to the satisfaction of Council's Director Development Services before the use commences.

Landscaping

11. Before any work commences submit an amended landscape plan prepared by a suitably qualified person for approval by Council's Director Development Services. The revised landscape plan must also include:

- (a) An amended planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.

***Advice:** Planting must demonstrate a suitable relationship to the proposed height of the buildings*

- (b) Additional landscaping along the northern (street) frontage including street trees. Street trees must be a minimum of 1.5m high at the time of planting and be clear of all infrastructure services.

Planting must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics or unsuitable for fire prone areas. If considered satisfactory, the landscape plan will be endorsed and will form part of this permit.

- 12. Prior to commencement of use, all trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Manager Development Services. Evidence showing compliance with this condition must be submitted to and approved by the Manager Development Services within 30 days of planting.
- 13. Replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.

Fencing

- 14. Any front fence must have a height above natural ground level of not more than:
 - a) 1.2m, if the fence is solid; or
 - b) 1.8m, if the fence has openings above a height of 1.2m which provide a uniform transparency of not less than 30%.

Services

- 15. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision or development. Any work required is to be specified or undertaken by the authority concerned.
- 16. Services located under the proposed driveways are to be provided with trafficable covers to the requirements of the relevant authority and to the satisfaction of Council's Municipal Engineer.
- 17. All private services and structures are to be located at least 1.0 metre clear of public stormwater infrastructure and designed to ensure no loads are imposed on Council's pipes.

18. A separate sequentially numbered mailbox must be provided for each dwelling and the Body Corporate created under the *Strata Titles Act 1998*. The mailboxes must be located together at the junction of the driveway and the frontage to the satisfaction of the Council's Director Development Services.

Waste Collection Agreement

19. Prior to the use commencing, the owner/body corporate must provide written agreement allowing Council's waste collection contractor to enter the site and indemnify Council and said contractor from any damage arising from the collection of waste from the site.

Advice

The agreement is to include entry/exit to any locked gate by remote access, with a keyed backup or access code, to the satisfaction of Council's Municipal Engineer.

Roadworks

20. Prior to the use commencing the entire Maxwell Drive frontage of the development must be upgraded to include:
 - (a) new kerb and channel on the southern side of the road
 - (b) new 1.5m wide reinforced concrete footpath
 - (c) Kerb ramp on the western side of the main vehicular access

Parking and Access

21. The vehicle access(es) to Maxwell Drive must be provided in accordance with the following;
 - (a) Reinforced concrete in accordance with Council's Standard Drawings and Specification;
 - (b) Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - (c) allow regular use vehicles to enter and exit the site without crossing the centreline of the public road to the extent that there is any interaction with the opposing direction of travel; and
 - (d) to the satisfaction of Council's Municipal Engineer.
22. At least fifty-four (54) parking spaces must be provided on the land at all times for the use of the development, including at least two (2) car parking spaces per dwelling and at least six (6) designated for visitor parking.
23. Pedestrian paths must be provided to parking areas in accordance with the endorsed plans.

24. All parking, access ways, manoeuvring and circulation spaces must be provided in accordance the endorsed drawings, Australian Standard AS 2890 - Parking facilities, Parts 1-6, or as otherwise required by this permit, and include all of the following;
- (a) Constructed with a durable all weather pavement;
 - (b) Drained to the public stormwater system;
 - (c) Surfaced by concrete, asphalt, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement
 - (d) The portion of the access within the road reservation must be reinforced concrete.
 - (e) Have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - (f) Provide for all vehicles to enter and exit the site in a forward direction
 - (g) be delineated by line marking or other clear physical means.
25. Prior to the development commencing, or application for building or plumbing permits, the developer must submit to Council a parking plan including:
- (a) pavement details,
 - (b) design surface levels and gradients,
 - (c) drainage,
 - (d) turning and travel paths (where required to demonstrate compliance with AS2890),
 - (e) dimensions (including clearances),
 - (f) line marking,
 - (g) lighting (where provided),
 - (h) pedestrian paths (including any signage, line marking, protective devices such as bollards, guard rails or planters),
 - (i) vehicle barriers

The parking plan is to be certified by an engineer and shall form part of the permit once accepted.

26. The completed parking and associated turning areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.

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

Access to Public Road

Advice:

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

Stormwater

28. Stormwater from the proposed development must drain to the public stormwater system to the satisfaction of Council's Municipal Engineer and in accordance with the Building Act 2016.
29. The stormwater drainage system for the proposed development must be designed to comply with all of the following:
 - (a) be able to accommodate a storm with a 5% AEP, when the land serviced by the system is fully developed;
 - (b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.
 - (c) Stormwater from the proposed development must be treated prior to entering the public stormwater system to:
 - i) achieve that the quality targets in accordance with the State Stormwater Strategy 2010.
 - ii) Ensure runoff entering the public stormwater system is visually free of any hydrocarbons.
30. Peak stormwater flows from the development must be managed to ensure there is no increase in erosion to the existing public stormwater outfall.
31. The development must incorporate overland flow paths through the site to accommodate a 1% AEP (plus climate change) rainfall event.
32. The stormwater system within the development must continue to be maintained to ensure the quality targets, in accordance with the State Stormwater Strategy 2010, and flow rates discharging to the public stormwater system are maintained as per the approved design and water is conveyed so as not to create any nuisance to adjacent properties.

33. The driveway must be drained to minimise surface runoff over adjoining land (including road reservation) in accordance with the requirements of the Municipal Engineer and the *Building Act 2016*.
34. Prior to the lodgement of building or plumbing applications the developer must submit a revised Stormwater Management Report to Council's Municipal Engineer. The Stormwater Management Report must be prepared and certified by a suitably qualified person, in accordance with section 2.6.2 of DEP & LGAT (2021). Tasmanian Stormwater Policy Guidance and Standards for Development. Derwent Estuary Program and Local Government Association of Tasmania (Hobart, Australia) and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The report must clearly demonstrate that the requirements of this permit are met and that adjacent and downstream properties will not be adversely impacted by the stormwater system. Once approved the Stormwater Management Report will form part of this permit.

Advice:

General Manager's consent is required for connection to the public stormwater system in accordance with the Urban Drainage Act. Providing the planning permit conditions are met General Managers Consent will be granted.

Tas Water

35. The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice TWDA 2022/00856-BTN, dated 31/05/2023.

Soil and Water Management

36. A soil and water management plan (here referred to as a 'SWMP') prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's Director Development Services before development of the land commences. The SWMP shall form part of this permit when approved.
37. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's Director Development Services until the land is effectively rehabilitated and stabilised after completion of the development.

Construction Amenity

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

40. Works associated with the development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
- Monday to Friday 7:00 am to 6:00 pm
 - Saturday 8:00 am to 6:00 pm
 - Sunday and State-wide public holidays 10:00 am to 6:00 pm
41. All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - (b) The transportation of materials, goods and commodities to and from the land.
 - (c) Obstruction of any public footway or highway.
 - (d) Appearance of any building, works or materials.
42. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's General Manager.
43. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

Engineering

44. Public works must be carried out and constructed in accordance with the:
- (a) Tasmanian Subdivision Guidelines

(b) Tasmanian Municipal Standard – Specifications

(c) Tasmanian Municipal Standard – Drawings

as published by the Local Government Association of Tasmania and to the satisfaction of Council's Municipal Engineer.

45. Engineering design drawings for all public works must be submitted to and approved by Council's Municipal Engineer before any works associated with development of the land commence.

Advice:

Public works include all works within, or affecting, the road reservation including, but not limited to, kerb and channel, footpath, stormwater mains.

46. The engineering drawings submitted with the application are considered to be concept plans and may require alterations prior to consideration for approval.
47. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, and must show–
- (a) all existing and proposed services required by this permit;
 - (b) all existing and proposed roadwork required by this permit;
 - (c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - (d) measures to be taken to limit or control erosion and sedimentation;
 - (e) any other work required by this permit.
48. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
49. The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of public works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the public works.

Maintenance and Defects Liability Period

50. Public works provided as part of the development must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.

Advice:

A bond is to be lodged with Council during the maintenance and defects liability period equal to 10% of the value of public works in accordance with Council Policy 6.3

- 51. Prior to placing works onto the maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council’s Standard Drawings, specification, and the approved plans.

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 public 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. Separate planning approval is required for the strata division of the land. The developer should consider the requirements of the Strata Titles Act 1998 prior to commencing development.
- E. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

DECISION:

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

CARRIED

VOTING RECORD

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

13. Officers Reports

Cr McMaster and Cr Murtagh had declared an interest in the following item and left the meeting at 6.48pm

13.1 Update on Proposal for a Bridgewater Youth Community Hub

Author: Manager, Community Development & Engagement (A Turvey)

Authorised: Acting General Manager (D Allingham)

Background

At the end of 2022, council officers were approached by the Tasmanian Aboriginal Legal Service (TALS), regarding a proposal to set-up a standalone multi-use youth community hub in Bridgewater. TALS applied for and received a grant under the Closing the Gap - Capacity Building Fund through the Tasmanian Government Department of Communities and were investigating sites to locate the proposed Hub.

At the time, Council's property at 85-87 Gunn Street Bridgewater was available for lease. Due to a number of factors, Council agreed in February 2023, to lease the property to Your Choice Support Services who were ready and waiting to commence service delivery in the Brighton Council area.

In conjunction with this decision to lease 85-87 Gunn Street to Your Choice Support Services, Council agreed:

- To offer TALS in kind support to secure a local youth hub.
- To consider as part of its next budget, to offer financial support to secure a local youth hub.

Council officers recently met with representatives from TALS, to continue the discussions regarding the proposal for a Youth Community Hub in Bridgewater and understand possible next steps.

This report is to update Council on proposed next steps and to seek approval to progress the collaboration with TALS, to establish a much needed Youth Community Hub in the Brighton Council area.

What is the vision?

- A significant social infrastructure investment to address current and future social needs, specifically for youth aged 12-25 years in our region.
- Strengthen the collaboration between a full range of youth services, stakeholders and different levels of government, by bringing everyone together in one location or precinct.

- Local government collaborating with and investing at a local level to make a significant difference to the health and well-being outcomes and day to day lives of youth in our area. A place-based solution rather than a 'cookie cutter' approach brought in by 'others'.
- Self-determination at a local level through enduring and purposeful relationships with those whose lives are directly affected (critical role for BYAG in creating a co-designed youth response). The Hub will become the canvas where young community people create what they need with the assistance of related services.
- The Hub is to be co-created, planned, services prioritised, and the spaces designed and managed by a 'co-operative committee of management' or steering committee with a representative from all of the main stakeholders.
- This will be a governing group to plan and prioritise the services provided at the precinct into the future. Each service will pay a fee/rent to operate in the Hub.
- This will be a Hub for all youth. Although TALS as a key stakeholder, has a primary interest in Tasmanian Aboriginal youth, it is strongly acknowledged this will service our entire community and no young person will be excluded.
- It will be a safe space for young people to meet, visit, connect and seek support services.
- **Please see case study example of a community designed and led services hub - Phillip Street Communities and Families Precinct, Gladstone Regional Council, Qld: <https://www.gladstone.qld.gov.au/philip-street-precinct>*

Why now?

- Our population is very young compared to Tasmania overall and experiences much disadvantage, yet we have no consistent and holistic commitment to youth services for the 12-25 year age group in our area.
- There has been a major lack of investment in social infrastructure and community development over the decades for our area, and in particular for youth.
- There are large gaps in local service provision for youth in our area as related to mental health services, food security, substance use, primary health care, sexual health, education, legal services/justice needs, employment and training.
- The Hub creates an opportunity for visiting services rather than people needing to travel to Hobart.
- In the current social and economic climate, there will be major grant funding available for place-based investment that is foundational in Closing the Gap.

Consultation

TALS, Brighton Food Hub, BYAG, SMT, Community Development Officer.

Risk Implications

Any community throughout the world, which has a high concentration of social housing, poverty, intergenerational trauma, mental illness, lack of social infrastructure and schools struggling with attendance/disruptive behaviour, will unfortunately suffer a perceived stigma of being unsafe and having limited liveability. The cost of not doing anything about youth justice, health and wellbeing, is far greater than being proactive and tackling it together as a community, with local government taking a leadership role.

Financial Implications

Unknown at this stage.

Strategic Plan

Goal 1: Inspire a proud community that enjoys a comfortable life at every age.

Goal 3: Manage infrastructure and growth effectively.

Goal 4: Ensure a progressive, efficient and caring Council.

Social Implications

As outlined in the project's vision previously.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

Unknown.

Other Issues

Currently unknown.

Assessment

It seems the optimum time to consider a collaborative approach to developing a place based approach to meeting youth needs and services (12-25 year age group), with this opportunity having been presented to Council by TALS, who are very willing and able to work with Council and the community to co-create the best possible outcomes from the development of a Bridgewater Youth Community Hub.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That in collaboration with TALS, Council agrees to progress work on investigating the establishment of a Bridgewater Youth Community Hub including:

- Development of an initial Memorandum of Understanding with regards to the project between Council and TALS, for Council’s review and endorsement.
- Council officers to conduct an initial analysis of possible sites/locations within the Bridgewater area for a Hub or precinct of this nature to be presented to Council.
- Conduct an initial EOI for community stakeholders and services interested in being part of the community management/steering committee to commence the co-creation and design of a possible Youth Community Hub.

DECISION:

Cr Geard moved, Cr Curran seconded that the recommendation be endorsed.

CARRIED

VOTING RECORD

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

Cr Murtagh rejoined the meeting at 6.55pm

Item 13.3 was brought forward and discussed and for the purpose of these Minutes items will remain in numerical order.

13.2 Tasmanian Community Landcare Conference - Ticket Bursary Program

Author: Manager, Community Development and Engagement (A Turvey)

Authorised: Acting General Manager (D Allingham)

Background

Council has received a request from Landcare Tasmania to sponsor two (2) tickets for Landcare Members from the Brighton municipality to attend the upcoming Tasmanian Community Landcare Conference, *Building Momentum, turning knowledge into action*, 13-15 October 2023, to be held at the Spring Bay Mill in Triabunna.

In 2021, for the last Landcare Tasmania conference, Brighton Council sponsored two tickets for local Landcare members to attend.

The cost for 2x full tickets as a bursary purchase is \$1,020.

It is envisaged that each of the registered Landcare Tasmania groups in the Brighton LGA would be offered a bursary ticket for a nominated member of the group to attend.

- Bridgewater Foreshore Landcare Group

- Friends of Old Beach Foreshore

It is proposed that each group submit a very short nomination form, with details of the nominated individual and reasons for nominating that particular individual to attend the 2023 conference.

Each ticket includes three days of networking, talks, hands-on workshops, panel discussions, events and field trip adventures.

In recognition of Brighton Council's contribution, Council's name and logo will be on the name badge of the attendee we have sponsored. Council's logo will also be displayed on Landcare Tasmania's website and published materials.

Part of the bursary requirements would be that each attendee provides a short report to Council on their key learnings and take-out from the conference.

Consultation

Landcare Tasmania – Jess Fitzgibbon, Derwent Catchment Project – Mel Fazackerley, SMT, Community Development & Engagement.

Risk Implications

Nil.

Financial Implications

A total amount of \$1,020 from the community grants budget.

Strategic Plan

Goal 1: Inspire a proud community that enjoys a comfortable life at every age.

Goal 2: Ensure a sustainable environment.

Goal 4: Ensure a progressive, efficient and caring Council.

Social Implications

The Ticket Bursary Program is to help all members of the community, from all budgets, to be able to come and celebrate the amazing achievements with other 'Landcarers' statewide.

Environmental or Climate Change Implications

This type of sponsorship is sought after as a highly valuable way to reward, educate and inform volunteers who are participating in natural resource management working bees to clean-up foreshores, plant trees and manage weeds.

Economic Implications

Not Applicable.

Other Issues

Nil.

Assessment

A ticket bursary such as this would allow dedicated volunteers, who otherwise may not be able to attend a formalised conference of this nature, to connect, network and build their skills in the Landcare community within Tasmania.

Options

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

RECOMMENDATION:

That Council approve a two (2) ticket bursary valued at \$1,020, with one ticket to be offered to each of the registered Landcare Tasmania groups (Bridgewater Foreshore Landcare Group and Friends of Old Beach Foreshore), based on the conditions outlined in this report for the nomination of an individual from each group.

DECISION:

Cr Curran moved, Cr Geard seconded that the recommendation be endorsed.

CARRIED

VOTING RECORD

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

13.3 Review of Small Community Grant Application - Jordan River Service Inc

Author: Community Development Officer (K Murphy)

Authorised: Manager, Community Development & Engagement (A Turvey)

Background

Jordan River Service Inc. (JRS) submitted a Small Community Grant application in April 2023 – *Supporting Young People to Attend Edmund Rice Camps.*

Their small community grant application has been attached to seek Council's review and reconsideration, although the grant was reviewed in the recent Small Community Grant process, it has been brought to our attention that there was another component to this application that may have been missed but was outlined in the attachment provided with the original application.

In addition to the Edmund Rice Camps, the Jordan River Service Inc. grant application also included a request for funding to undertake school holiday activities at the Gagebrook Community House in October 2023 and January 2024. This proportion of the grant application is for \$1,959.00.

Jordan River Service Inc understand that they have not received a grant to fund attendance at the Edmund Rice Camps. However, Council agreed if a child would like to attend a camp, the parent or guardian can approach Council directly to consider funding the child's attendance.

Jordan River Service Inc. would like Council to consider the part funding for the school holiday activities, which included:

- 2x cooking session \$400
- Zoo Doo for 10 young people and 2 adults \$361
- Movie afternoon at the Community House \$200
- Woody's Skate Centre for 10 young people and 2 adults \$198
- Kombi Krew Silent Disco \$600 (2 separate x 2hrs sessions)
- Tie Dye session \$200

Consultation

Nil.

Risk Implications

Nil.

Financial Implications

A total amount of \$1,959.00 from the small community grants budget.

Strategic Plan

Goal 1 Inspire a proud community that enjoys a comfortable life at every age- 1.1, 1.2, 1.4.

Goal 4 Ensure a progressive, efficient and caring Council- 4.3

Social Implications

As a large number of Brighton community members are experiencing financial strain, this grant application from JRS could provide a number of children/youth with the opportunity to enjoy free holiday activities and have valuable community experiences.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

Not Applicable.

Other Issues

Nil.

Assessment

Should Council feel that the School Holiday Activity component of the grant was not taken into consideration, Jordan River Service Inc respectfully ask that Council consider this aspect of the funding, if it was not part of earlier considerations.

Options

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

RECOMMENDATION:

That Council approve a total amount of \$1,959.00 from the community grants budget to go to Jordan River Services Inc. for the proposed school holiday activities programs to be conducted in October 2023 and January 2024.

DECISION:

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

CARRIED

VOTING RECORD

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

Cr McMaster rejoined the meeting at 6.59pm

13.4 Budget 2023/24 - Brighton Community News

Author: Director Corporate Services (G Browne)

Background

At the Council ordinary meeting in June, the fees and charges register was approved in addition to the budget. The advertising rates for the Brighton Community News were not updated as part of this process. It has since been discovered that the advertising rates have needed to be increased for the first time in approximately 2 years, in line with an increase in printing and distribution costs. The rates in Council's fees and charges register should be aligned to the advertising rates outlined on the Brighton Community News website.

Consultation

Angela Turvey, Acting Director Governance & Regulatory Services

Risk Implications

Nil

Financial Implications

Failure to update the rates will result in the BCN advertising not reflecting the cost of inclusion and not recovering at least some of the outgoings.

Strategic Plan

Goal 4.4 Ensure financial and risk sustainability

Social Implications

Not Applicable.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

As per the budget.

Other Issues

Nil.

Assessment

The cost of advertising in the Brighton Community News should be aligned to other increases in costs to prepare and publish. The advertising rates have not been increased for at least the last two years.

Alignment to these advertising rates means there will not be any confusion between the rates that are published on the Brighton Community News website and Council's fees and charges register.

Options

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

RECOMMENDATION:

To update Council's fees and charges to be in line with the advertising rates, as outlined on the Brighton Community News website for 2023/24.

DECISION:

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

CARRIED

VOTING RECORD

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

13.5 Brighton Fighting & Fitness Boxing Club - Reduction of Fees

Author: Director Corporate Services (G Browne)

Background

Correspondence has been received from Brighton Fighting and Fitness Boxing Club requesting that the weekly hire fees be reduced. Brighton Fighting and Fitness Boxing Club is a not-for-profit club that has been operating out of the Bob Scott Pavilion for the past 9.5 years. They provide fighting and fitness lessons three times a week and attract predominately under privileged and disadvantaged youth. Lessons are charged at \$5.00 per night however because of the background of the participants this fee is quite often waived as they do not have the capacity to pay. In the classes the club runs the attendance is approximately 12-20 children and 10-15 adults with half of these people not being able to pay anything. The club is currently charged at \$120 per week for the hire of the Pavilion which reflects the 50% discounted rate.

The Club has tried to pay what they can to catch up but due to the club being not-for-profit they are struggling financially and have difficulty getting any sponsorships and generate any revenue. The funds they do raise are usually utilised in either the upkeep of their equipment, building alterations, boxing tournaments and sponsoring students for Boxing Championships.

Consultation

Gillian Browne Director Corporate Services

Risk Implications

The Boxing club had made the same request in 2020 and was granted \$50 hire fee per week and their debt of \$1800.94 was waived. The boxing clubs' finances have not improved, however they were able to pay their invoices in a reasonable time at this rate. If the request is approved, it could turn into a recurring tendency. The boxing club was the recipient of a grant in the 2022/23 financial year which was put towards building improvements.

Financial Implications

The Club has requested that the hire fees are reduced to \$55.50 per week for the 2023/2024 financial year with the financial implications of \$3354. Funding will be allocated from the grants and donations budget.

Strategic Plan

This request aligns with Councils Strategic Goals: -

Goal 1 "Inspire a proud community that enjoys a comfortable life at every age"

Goal 3.3 "Community facilities are safe, accessible and meet contemporary needs"

Social Implications

Reducing hire fees helps the boxing club in their continuing effort of providing a community need for under privileged youth, which gives them a sense of purpose in their lives. Approving this request will contribute to building positivity and community connection.

Environmental or Climate Change Implications

N/A

Economic Implications

N/A

Other Issues

NIL

Assessment

Supporting the Boxing Club will give them the opportunity to improve their financial position and decrease any amount of debt they would have to take on. The club provides our community opportunities to get fit, gain self-esteem and confidence in a safe supportive and rewarding environment.

Options

1. As per recommendation.
2. Refuse to waive off debt and reduction in hire fees as requested.

RECOMMENDATION:

It is recommended that Brighton Council reduce the hire fees to \$55.50 per week for the 2023/2024 year.

DECISION:

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

CARRIED

VOTING RECORD

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

13.6 Food Hub - waiving of Civic Centre Hire Fees

Author: Director Corporate Services (G Browne)

Background

Since March 2022, Council has supported the Brighton Community Food Hub by waiving the full amount of hire and service fees for The Brighton Civic Centre. The Brighton Community Food Hub provides access for individuals and families to affordable food items on a fortnightly basis. The group has recently become a not-for-profit incorporated association and is currently assisting more than 170 individuals and families in Brighton and surrounding areas which equates to approximately 700 people each fortnight.

Since July 2022, the group has investigated partnership arrangements and alternative premises in which to provide its services but have been unable to secure anything that is appropriate at this stage. It has been identified by the group that the best location for any premises would be situated in the Bridgewater area as moving the Food Hub elsewhere will have a negative effect on the number of volunteers and also people accessing the service.

Consultation

Angela Turvey Acting Director Governance, Ishita Singh Facilities Admin & Facilities Management Officer, Megan Braslin Executive Officer Risk & Property Management, David Allingham Acting General Manager & Gillian Browne Director Corporate Services.

Risk Implications

The fortnightly use of the Brighton Civic Centre for the operation of the Food Hub has meant that the Centre is not available for other hirers if required. Council has in the past worked around this, but it also means that the centre cannot be booked for large gatherings at short notice.

Given that the attendance has grown since February 2023 to June 2023 from 120 to 177 people and with the cost of living increasing dramatically, it could mean that the program could expand past what the Civic Centre allows, if alternative premises are not found in the future.

Reputational risk should be taken into consideration as we cannot risk the community assuming that we can waive fees for every project that has a positive social impact. Reputational risk should also be taken into consideration as the Brighton Community Food Hub may be seen as taking business away from supermarkets that are located in the same vicinity of where the program operates.

Financial Implications

Brighton Council has already approved in the past the following waiving of fees & in-kind support;

- June 2022 OCM – Meeting room \$ 1,332
- September 2022 OCM – Main Hall \$ 3,060 & in-kind support \$1,300
- February 2023 Finance Committee - \$5,890.50 – In-kind support \$3,144

The Brighton Community Food Hub is seeking that Council continue to waive the hire and service fees for the Brighton Civic Centre for the 2023-2024 financial year. The fees have been calculated based on 26 hubs and \$148 hourly rate for half the hall and the theatrette.

The food hub is making a very small profit on its program and after having a meeting with senior Council staff, has advised that they could potentially pay an amount towards their hire fees, but this also takes away the amount that is put back into the program each fortnight. The following table sets out potential discount rates for Council to consider:

Day	Time	Task	Full Cost	50% discount – normally applicable	50% discount with in kind Wednesdays	70% discount with in kind Wednesdays
Wednesday	4 Hours (2 hours free per event as per policy)	Set up and receiving deliveries	\$296	\$148	In Kind	In kind
Thursday	4 Hours	Food Hub – Half Main Hall & Theatrette	\$ 592	\$ 296	\$296	\$ 177.60
Total for the period of 12 Months			\$23,088	\$ 11,544	\$7,696	\$4617.60

Additional services for removal & disposal of rubbish will also need to be considered at \$159.84 per fortnight for the Food Hub Program.

Strategic Plan

Goal 1 - “Inspire a proud community that enjoys a comfortable life at every age.”

Goal 4 - “Ensure a progressive, efficient and caring Council.”

Social Implications

The Brighton Community Food Hub is an important initiative that is providing people within our municipality access to food at a cheaper price due to the rising cost of living. The increase in this service shows that the community is experiencing food poverty, but they also may use this program to engage with others on a social level, it may be the only interaction that they have on a fortnightly basis. Council has a social responsibility to support this initiative until alternative premises can be found.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

The Brighton Community Food Hub is continually working towards being financially sustainable. They have been successful in obtaining two small grants for food items and are liaising with wholesale suppliers to source cheaper goods.

Other Issues

The relocation of Tasmania Police in December to the Brighton Civic Centre may impede current hirers that use the meeting rooms. With the Brighton Community Food Hub using the main hall on Wednesday for their setup, these hirers may no longer have sole use of the space.

Assessment

Council have demonstrated their support for this program since its inception in March 2022 by waiving the hall hire at a cost to ratepayers of approximately \$15,000. The initiative provides genuine relief to those who access the program without the barriers that emergency relief programs may. It also allows people to maintain some dignity in being able to provide for their families by not having handouts but being able to pay a nominal fee for the hampers and additional produce available.

The Food Hub is working on a model to be financially sustainable, which would allow them to operate out of their own premises for storage and a shop front, once a suitable place is found.

By asking the food hub to pay at a reduced rate enables Council to be accountable for any reputational risk that may occur due to continued support of this organisation and the location in relation to multi-national supermarkets with higher overheads. This allows the Food Hub to contribute a small amount towards the hire of the Civic Centre but also allows them to budget a hire fee in preparation for future site costs.

It is recommended that Council waive hire and service fees for the use of the Civic Centre Main Hall and Theatrette every second Wednesday and Thursday of the month at a discounted hire fee of 70% for the 2023/2024 financial year.

This would result in the Brighton Community Food Hub being invoiced \$177.60 and the following donation being recorded by Council each fortnight from the grants and donations budget.

Wednesday - in kind setup fee	\$148.00
Rubbish Removal	\$159.84
Extra 30% Discount	\$118.40
Total	\$426.24

Council officers are assisting the Food Hub in investigating alternative venues within the municipality until a longer term solution can be found for its operation.

Options:-

1. As per the recommendation.
2. Approve to waive the full amount of the 50% hire & in-kind fees and the additional services fee for 2023/2024 financial year.

3. Approve to waive the in-kind discount and invoice for 50% of the hire fees and additional service fees.
4. Approve to waive the 50% hire fees but invoice for the in-kind fee of \$148 and the additional service fee of \$159.84 a total of \$307.84 per fortnight.
5. To not approve the recommendation

RECOMMENDATION:

That:

- A) Council waive hire and service fees for the use of the Civic Centre Main Hall and Theatrette every second Wednesday and Thursday of the month at a 70% discounted hire fee of \$177.60 for the 2023/2024 financial year and the waived amount of \$426.24 being recorded by Council each fortnight from the grants and donations budget.
- B) Council continues to work with the Brighton Community Food Hub in sourcing alternative premises for both the long and short term.

DECISION:

Cr Murtagh moved, Cr Owen seconded that the recommendation be adopted with the inclusion of the following 2 recommendations:-

- C. Council write a letter of support on behalf of the Brighton Community Food Hub to all local business and politicians advocating for donations to assist in covering hire fee costs until an alternative premises is found.*
- D. Councillors and staff forgo our monthly meeting dinners/snacks/alcohol beverages and redirect the funds towards the \$177.60 hire fee.*

MOTION LOST

Cr Gray moved the following alternate motion:-

- A) Council waive hire and service fees for the use of the Civic Centre Main Hall and Theatrette every second Wednesday and Thursday for the 2023/2024 financial year and the waived amount be recorded as a donation in the annual report.
- B) Council continues to work with the Brighton Community Food Hub in sourcing alternative premises for both the long and short term.
- C) Council provide a letter of support to the Brighton Community Food Hub so they can request local business and politician donations to assist in covering costs until an alternative premises is found.

Cr Murtagh moved, Cr Owen seconded that the alternate motion be adopted:-

- A. Council waive hire and service fees for the use of the Civic Centre Main Hall and Theatrette every second Wednesday and Thursday for the 2023/2024 financial year and the waived amount be recorded as a donation in the annual report.*
- B. Council continues to work with the Brighton Community Food Hub in sourcing alternative premises for both the long and short term.*

C. Council provide a letter of support to the Brighton Community Food Hub so they can request local business and politician donations to assist in covering costs until an alternative premises is found.

CARRIED

VOTING RECORD

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

13.7 Naming Roads and Streets - 155 Lamprill Circle and 105 Fisher Drive, Herdsmans Cove

Author: Development Services Officer (K Clifton)

Authorised: Acting Director Development Services (J Blackwell)

Background

The purpose of this report is to seek endorsement for the naming of new roads in Lamprill Circle, Herdsmans Cove and Fisher Drive, Herdsmans Cove in accordance with the *Place Names Act 2020*.

In 2020, the *Place Names Act 2020* (the Act) was introduced to provide for contemporary Governance arrangements for the place naming process and clarity in the responsibility for the naming of roads and streets.

Under the Act, local councils are the naming authority for roads and streets.

The Tasmanian Place Naming Guidelines (the Guidelines) are provided for under the Act and are to be used by all naming authorities to assist in selection of a conforming name, as well as providing the public and community with the principals that apply to the selection of a name.

Section 7.11 of the Guideline states: “Road and street name proposals should be endorsed by the elected council members”.

The proposed road names for 155 Lamprill Circle (Attachment 1) are listed below:

- Barberi Drive
- Cassinia Mews

The proposed road name for 105 Fisher Drive (Attachment 2) is listed below:

- Zena Road
- Spinosa Lane

These road names have been selected from endemic flora.

Consultation

Consultation has been undertaken with the land owner, Placenames Tasmania and council's Acting Director Development Services.

Risk Implications

There is a risk that the proposed road names do not conform with the Guidelines and that the proposed names may be referred back to Council. However, Council staff consider that the proposed naming meets the requirements.

Financial Implications

Nil.

Strategic Plan

1.4 Encourages a sense of pride and engaging in local activities.

3.3 Community facilities are safe and meet contemporary needs.

Social Implications

Nil

Environmental or Climate Change Implications

Nil

Economic Implications

Nil

Other Issues

Nil

Assessment

By naming these new roads Council is providing a safe and accessible environment for the community in keeping with its vision and core values. Likewise, by choosing names that reflect endemic flora, Council hopes to encourage a sense of pride in the local community and celebrate the environmental features that set it apart within the Brighton Municipality.

Options

1. As per the recommendation.
2. Do not endorse the recommended road names.
3. Other.

RECOMMENDATION:

It is recommended that Council:

- A. Endorse the road names for 155 Lamprill Circle, Herdsmans Cove; and
- B. Endorse the road names for 105 Fisher Drive, Herdsmans Cove.

DECISION:

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

CARRIED

VOTING RECORD

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

13.8 Tasmanian Housing Strategy Exposure Draft Report

Author: Planning Officer (K Min)

Authorised: Acting Director Development Services (J Blackwell)

Background

In December 2022, a dedicated housing authority, Homes Tasmania, was established to take over the roles and responsibilities for housing and homelessness from the Department of Communities Tasmania. The role of Homes Tasmania is to deliver affordable housing solutions across the entire housing continuum, giving priority to Tasmanian’s most in need.

Homes Tasmania has prepared a Draft Tasmanian Housing Strategy (Attachment 1) and are now exhibiting the draft Strategy and providing opportunities for local government to comment.

The draft Strategy proposes to develop a better housing system to provide safe, secure, and affordable housing for all Tasmanians over the next 20 years.

The Strategy is a call to action for all sectors to work together to improve housing choices and access to suitable and affordable homes – particularly for the most vulnerable. There are four focus areas:

1. More homes, built faster
2. Affordability in the private market
3. People at the centre
4. Local prosperity

Local government has a role to play within the State Strategy:

- Making information on local services and supports available and accessible.
- Utilising land and assets to create places that are inclusive and can support vulnerable people.
- Continue to advocate and support a human-centred approach to the design and delivery of affordable housing that meets the diverse needs of residents now and into the future.

Risk Implications

Nil

Financial Implications

Nil

Social Implications

The adoption of a well-considered Housing Strategy will support the provision of additional housing services within the Brighton Municipality and the wider community.

Environmental or Climate Change Implications

Nil

Economic Implications

Nil

Other Issues

Nil

Assessment

Council Officers are supportive of the draft Tasmanian Housing Strategy and consider that overall, the Strategy captured the key priority areas and principles that will guide the processes required to deliver social and affordable housing that can create an inclusive community where everybody has equitable access to safe, quality, and liveable housing they can afford. However, improvements can be made by integrating the missing levers and objectives in the key themes as set out in the draft submission (Attachment 2).

Options

1. As per the recommendation; or
2. Do not endorse the submission to Homes Tasmania
3. Other.

RECOMMENDATION:

It is recommended that Council endorse the submission to Homes Tasmania on the Tasmanian Housing Strategy Exposure Draft as set out in Attachment 2; and direct Council Officers to forward the submission to Homes Tasmania.

DECISION:

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

CARRIED

VOTING RECORD

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

13.9 Landmark Entrance Signs to Brighton Hub

Author: Planning Officer (B White)

Authorised: Acting Director Development Services (J Blackwell)

Purpose

This purpose of this report is for Council to consider reducing the number of landmark entry signs to the Brighton Hub from two (2) to one (1).

Background

The Brighton Industrial Estate ('Brighton Hub') Place Making Strategy and the Brighton Structure Plan both recommended that Council considers constructing landmark entrance signs adjacent to the Brighton Hub as a way of improving its appearance and identity.

Council allocated \$160,000 in its 2021/2022 budget for the construction of two (2) signs conditional on Tasmanian Planning Commission (TPC) approval of a site specific qualification. However, due to delays in obtaining planning approvals and the rising costs of materials, the amount approved will not cover two (2) signs, and an additional \$50,000 would be required to complete the project.

Rather than seeking additional funds, it is the view of Council officers that only one (1) sign should be constructed, and any remaining budget should be spent on landscaping and/or refacing the existing signage in the Hub.

The preferred location for the remaining sign is at the southern entrance to the Brighton Hub adjacent to the Midland Highway (see Figure 1).



Figure 2: Proposed Brighton Hub sign at southern entrance.

Consultation

Senior Management Team

Risk implications

There is no risk to Council because the proposal is to reduce the number of signs from two (2) to one (1).

Financial Implications

Reducing the signage will allow the project to stay within the funds allocated in the 2021/2022 budget.

Strategic plan

This proposal aligns with the following strategies:

- 1.4 Encourage a sense of pride, local identity and engaging activities.
- 3.2 Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population
- 4.1 Be big picture, long-term and evidence based in our thinking
- 4.4 Ensure financial and risk sustainability

Social implications

Nil

Economic implications

The signs are proposed as part -promote the Brighton Hub and help stimulate economic activity. The reduction in signs may reduce the impact of the project, but the sign has been located to have the most prominent position at the entrance to the Hub. Council may consider constructing the second sign as part of future budgets.

Environmental or climate change implications

Nil

Other Issues

Nil

Assessment

Whilst having two (2) landmark entry signs would be preferable, delays in planning approvals and budgetary constraints means only one (1) sign is achievable within the \$160,000 previously budgeted. Council can revisit the need for an additional sign in future years.

Having one (1) sign is still consistent with the previously mentioned strategies and should be supported by Council.

Options

1. As per the recommendation; or
2. Council does not endorse the recommendation.
3. Other.

RECOMMENDATION:

It is recommended that Council endorses reducing the number of landmark entrance signs adjacent to the Hub from two (2) to one (1) and directs Council Officers to pursue the necessary actions for construction of the previously approved (southern) sign adjacent to the Midland Highway as soon as is practical.

DECISION:

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

CARRIED

VOTING RECORD

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

13.10 Ted Jeffries Memorial Park Master Plan 2021-2035

Author: Project Manager (D Cundall)

Authorised: Acting General Manager (D Allingham)

Purpose

To provide a brief update to Council on the progress of the Ted Jeffries Master Plan Project.

Background

The scope of works is to plan, design and construct *the Ted Jeffries Memorial Park Master Plan 2021-2035*. This will be a staged project based on the level of funding (\$2.3 million federal and \$1.1 million). Attached is a copy of the Master Plan dated May 2023.

The scope of works and priorities are:

1. Design and construct - Off-Lead dog park
2. Design and construct - Seymour Street reconstruction, kerb, pipe stormwater, gutter, footpath etc
3. Design and construct - Skate Park improvements, basketball court and outdoor youth and recreation area
4. Design and construct - Car park works and parking for buses
5. Design and construct – Soccer pitch upgrades and soccer pitch extensions
6. Design and construct – New clubrooms/changerooms

June 2023 Update and Key points:

- The project is progressing well. The milestones outlined above are being achieved as planned.
- A revised Master Plan layout plan has been prepared by Inspiring Place in discussion and guidance by the Project Steering Group. The revised Master Plan does not change the outcome and quality of development for the community. The revised plan still includes all works which were announced.
- Revision of master plans is an ordinary part of the planning and design process – the reason for this revision is:
 - Avoid significant threatened species communities identified on the site in the vicinity of the proposed Norther Soccer Field. This is within the large stand of pine trees in the centre of the site.
 - The existing stormwater channel and drainage area was not factored into former drawing.
 - The existing skatepark can be extended and improved with basketball courts and other youth facilities.
 - The budget was not sufficient for all four (4) pitches on the previous plan and was not considered fit for purpose by the Brighton Storm Club. The revised plan has dedicated junior pitches and an upgraded dedicated senior pitch. The Brighton Storm are a junior club. The revised plan now provides dedicated junior grounds.

The former plan did not cater specifically for the under 10 age group which is the core age group for the Brighton Storm Club. The club is expected to double in size in the next 10 years to 200-250 members.

- An all women senior soccer team is also likely to start training in 2024.
 - Dog park layout finalised per declared area under *Dog Control Act 2000* and avoids threatened species.
 - Carpark area can be developed in two (2) stages if quotes cannot build entire area.
 - The budget of \$950k for club-rooms was not adequate for facility that met needs of Brighton Storm and Football Federation Tasmania.
 - An estimated \$300k extra is now available to deliver the works, retain and improve midlands grasses community, greater open space, better clubrooms and deliver new soccer field
- The revised Master Plan dated May 2023 can be presented to Council for information and provided on Brighton's Facebook page.
 - It is my recommendation that the revised plan does not require separate community consultation for endorsement to proceed. This is because the reasons for design changes are logical and the outcome has not changed. The community will have greater benefits and in a shorter timeframe.
 - The milestones outlined in the table above have been modified since the May 2023 update. This was due to further development and engagement with consultants. The club room construction will interrupt the 2024 soccer season and will be ready for the 2025 season.
 - We have until 31st December 2026 to spend the Federal funding and complete the programmed works.
 - Estimated completion of works and close of project Mid 2025

Timeframe

A high level timeframe of the works breakdown is listed in the attachment provided (Table 1).

Consultation

Senior Management Team

Financial implications

The funded amount is \$3.4 million.

Note: Not all works shown on the master plan are achievable under the current budget. The total cost of works for the entire implementation and construction of the Master Plan – including, landscaping, club rooms, sport ground lighting, pathways, grandstands and park works is estimated at \$6 million + (2022 estimate).

Strategic Plan

Goal 1 – inspire a proud community that enjoys a comfortable life at every age

Goal 3 – manage infrastructure and growth effectively

RECOMMENDATION:

That the project update on the Ted Jeffries Memorial Park Master Plan 2023-2035 be received.

DECISION:

Cr Geard moved, Cr Curran seconded that the report be received.

CARRIED

VOTING RECORD

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

13.11 Representatives - Community Development Committee

Author: Acting General Manager (D Allingham)

Background

At the December 2022 Council meeting, appointment of elected members to various Council committees was endorsed.

Representatives as listed below for each of the following Council committees were appointed on the 20th December 2022. Cr M Whelan has now indicated his interest in being appointed as a representative on the Community Development Committee.

1. Community Development Committee (*Representatives: Crs De La Torre, Curran, Gray, Geard, Irons, McMaster, Murtagh & Owen*).
2. Finance Committee (*Representatives: Crs Curran, De La Torre, Gray, Geard, Owen & Whelan*).
3. Planning Authority (*Representatives: Crs Gray, Owen, Curran, De La Torre, Geard, Irons & Whelan*).
4. Parks and Recreation Committee (*Representatives: Crs Geard, De La Torre, Gray, McMaster, Murtagh, Owen & Whelan*).
5. Environment & Climate Committee (*Representatives: Crs Curran, Irons, Gray, De La Torre, Murtagh & Owen*).
6. Waste Management Committee (*Representatives: Crs Owen, Geard, Gray, Curran, Murtagh & Whelan*).
7. Emergency Management Advisory Committee (*Representatives: Crs Geard & Owen*).

8. General Managers Performance Review Committee (*Representatives: Crs Gray, Curran, Geard & Whelan*).

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

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

Consultation:

SMT; Community Development Committee Chairperson - Cr A De La Torre

Risk Implications:

Nil.

Financial Implications:

Nil.

Strategic Plan

Goal 4 – Ensure a Stable Organisation.

S4.1: Be well governed.

Social Implications

Not applicable.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Options

- 1. To appoint Councillor M Whelan to the Community Development Committee.
- 2. Other.

RECOMMENDATION:

That Cr M Whelan be appointed to the Community Development Committee.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
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 July 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*.

RECOMMENDATION:

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, Council move into Closed Session and the meeting be closed to members of the public to deal with the following item:

Item:	Matter:	Closed under:
15.1	205 Brighton Road, Brighton	Section 15(2)(b)

DECISION:

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

Item:	Matter:	Closed under:
15.1	205 Brighton Road, Brighton	Section 15(2)(b)

CARRIED

VOTING RECORD

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

15.1 205 Brighton Road, Brighton

Author: Executive Officer (M Braslin)

Authorised: Director Corporate Services (G Browne)

RECOMMENDATION:

1. Approve CAMHS to commence a 12-month rent free period (including fit-out time) at 205 Brighton Road Brighton with Council to pay for the internal painting of the building, subject to internal fit-out by Child and Adolescent Mental Health Services.
2. Approve a 10 year + lease period.
3. Approve the Corporate Services Manager to negotiate a lease agreement.

DECISION:

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

CARRIED

VOTING RECORD

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

Authorisation to Move Out of Closed Session & Release of Information to the Public

RECOMMENDATION:

That Council, having met and dealt with its business formally move out of Closed Session.

DECISION:

Cr Whelan moved, Cr Curran seconded that Council resolves to formally move out of Closed Session and report that it has determined the following:

Item:	Matter:	Outcome:
15.1	205 Brighton Road, Brighton	Recommendation in full

CARRIED

VOTING RECORD

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

Meeting closed: 7.35 pm

Confirmed: _____
(Mayor)

Date: 15 August 2023
