



**Brighton  
Council**

---

## **ATTACHMENTS**

### **ORDINARY COUNCIL MEETING**

21st November 2023





**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 5.35 P.M. ON TUESDAY, 17 OCTOBER 2023**

**1. Acknowledgement of Country**

**2. Attendance**

Cr Gray (Mayor); Cr De La Torre (5.40pm), Cr Geard, Cr Irons; Cr McMaster; Cr Murtagh, Cr Owen, Cr Whelan

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

**3. Applications for Leave of Absence**

*Cr Owen moved, Cr Geard seconded that Cr Curran be granted leave of absence.*

**CARRIED**

**VOTING RECORD**

In favour	Against
-----------	---------

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 19<sup>th</sup> September 2023 are submitted for confirmation.

**RECOMMENDATION:**

That the Minutes of the previous Ordinary Council Meeting held on the 19<sup>th</sup> September 2023, be confirmed.

**DECISION:**

*Cr McMaster moved, Cr Irons seconded that the Minutes of the previous Ordinary Council Meeting held on the 19<sup>th</sup> September 2023, be confirmed.*

**CARRIED**

**VOTING RECORD**

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

**4.2 Planning Authority**

The Minutes of the Planning Authority Meeting held on the 3<sup>rd</sup> October 2023 are submitted for confirmation.

**RECOMMENDATION:**

That the Minutes of the Planning Authority Meeting held on the 3<sup>rd</sup> October 2023, be confirmed.

**DECISION:**

*Cr Irons moved, Cr Whelan seconded that the Minutes of the Planning Authority Meeting held on the 3<sup>rd</sup> October 2023, be confirmed.*

**CARRIED**

**VOTING RECORD**

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

**4.3 Committees of Council**

*There were no Committee Meetings held during October 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 Gray and Cr Irons declared an Interest in Item 12.1*

## 6. Public Question Time and Deputations

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

*There was no requirement for public question time.*

## 7. Reports from Council

*Cr De La Torre joined the meeting during the Mayor's communications at 5.40pm*

### 7.1 Mayor's Communications

The Mayor's communications were as follows:

- 22/9 Meeting re Cities for Climate Protection (GM and Climate Officer in attendance)
- 25/9 South Central Sub-Region Meeting
- 25/9 Meeting with Minister Barnett and community members re Greenpoint Medical Centre
- 27/9 Tour of Tasmanian Botanicals with Deputy Mayor and Cr Owen
- 29/9 Meeting re Brighton Township Development (GM and A/Director Development Services in attendance)
- 3/10 Meeting with CEO of Tas Irrigation re developments with Greater South East Irrigation Scheme
- 3/10 Planning Authority Meeting
- 3/10 Council Workshop
- 3/10 LGAT Mayors Dinner

- 4/10 LGAT Mayors Workshop
- 5/10 Meeting with Rodney Croome (GM & Cr Irons in attendance)
- 6/10 STCA Media Release launch of Community Carbon Emissions & Energy Footprints
- 10/10 Meeting with Greens MP's (GM in attendance)
- 12/10 Meeting with Minister Barnett, Dept. of Health, Community representative and senior staff.
- 17/10 GMC meeting re LGAT Service Awards
- 17/10 Brighton Alive Meeting
- 17/10 Council Meeting

### **RECOMMENDATION:**

That the Mayor's communications be received.

### **DECISION:**

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

**CARRIED**

#### **VOTING RECORD**

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

## **7.2 Reports from Council Representatives**

- Cr Geard attended a State Fire commission meeting.
- Cr Geard also attended a Sub-committee meeting on Emergency Management Services and Recovery recently, which was attended by regional Councils.
- Cr Geard had been asked to report on the proposed amalgamation of SES & Fire Services re changes to Act – via Teams.
- Cr Irons who was invited by the Smith Family to attend both Gagebrook & Brighton Primary schools recently to talk about leadership and conservation with the students.

### **RECOMMENDATION:**

That the verbal reports from Council representatives be received.

**DECISION:**

*Cr De La Torre moved, Cr McMaster seconded that the verbal reports from Council representatives be received.*

**CARRIED**

**VOTING RECORD**

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

**8. Miscellaneous Correspondence**

- Letter from Minister for Planning dated 29<sup>th</sup> September 2023 regarding Major Project Proposal for Kangaroo Bay Hotel.
- Letter from Minister for Education, Children and Youth regarding the new southern youth detention facility at 466 Brighton Road, Pontville.

**9. Notification of Council Workshops**

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

One (1) Council workshop has been held since the previous Ordinary Council meeting.

A workshop was held on the 3<sup>rd</sup> October 2023 at 6.25pm to receive an update on the interim Derwent River Foreshore Coastal Hazards & Risk Assessment Report.

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

**10. Notices of Motion****10.1 Motion - Cr Greg Irons**

Cr Greg Irons has submitted the following motion:

*“That Council consider what potential steps it can take, including and in addition to flying relevant flags on relevant dates, to demonstrate its commitment to inclusion and equality and its support of the LGBTIQ+ community”.*

Background comments from Cr Irons:

I am aware the council has been approached with a request to fly the LGBTIQ+ flag and this has been discussed. I support this in order to demonstrate a commitment to inclusion and equality. Community Leadership is a very important role of council - whilst I believe the council staff and councillors are aware of the importance of inclusion and equality, I believe our community could benefit and grow in these areas with some leadership from Brighton Council. I have experienced right in front of me hateful and hurtful language and actions - sometimes even from younger people in playgrounds when attending school talks, and very recently, as well as a couple of incidents in our community I am aware of that certainly did not reflect the same values.

The long-term mental health damage this can cause to individuals that are targeted is quite horrific, and I feel we as a council may be able to do more in this space to help promote inclusion and equality in our community.

I am very supportive of the employment positions Brighton Council have that have the direct community connection we see currently and have planned for the future. Often it does not take a lot, or cost a lot, to instigate some small changes that offer positive outcomes, especially for those that have directly suffered as a result of not being included in the past, or who we can avoid having challenges in the future through being leaders in this area now. There are some great things happening in this space in many areas already that we could investigate their levels or success, and maybe look to instigate ourselves - and I would like to see council explore what else it could be doing to support inclusion and equality in our community.

#### **General Manager's Response:**

Council staff have begun work on a range of possible actions for council to demonstrate their support for the LGBTIQ+ community and inclusion and equality more generally. This has included reviewing the actions of other councils. It is hoped that these potential actions can be workshopped with council within the next two months, with recommended measures then going to council for endorsement shortly afterwards.

Potential actions being investigated include:

- Flying Pride, Transgender and appropriate other flags on appropriate days.
- Conducting staff training on LGBTIQ+ issues.
- Conducting councillor training on LGBTIQ+ issues.
- Conducting training for local businesses in being LGBTIQ+ inclusive.
- Consulting with the LGBTIQ+ community in the municipality.
- Hosting or supporting LGBTIQ+ community events.
- Developing an LGBTIQ+ Action Plan (as Kingborough Council has done).
- Funding public art that promotes greater inclusion.

Other councils in Tasmania that have been quite active in this area, including undertaking a range of the above actions, include Hobart, Kingborough, Central Coast, Meander Valley, Huon Valley and Derwent Valley.

Doing more in this space is entirely consistent with Council's Values, 2050 Vision and Strategic Plan, including via the following specific strategies:

**Council values:**

*Community, Vision, Integrity, Respect.*

**From our 2050 Vision:**

*Inspiring pride in where we live and who we are.*

*Building connections with communal events and spaces.*

*Fostering an inclusive approach which empowers all regardless of who you are and where you come from.*

*Ensuring all voices are included and represented in shaping our future.*

**Goal 1 of our Strategic Plan:**

*Inspire a proud community that enjoys a comfortable life at every age.*

Sadly, many LGBTIQ+ people in Tasmania amongst other harm, still suffer discrimination and abuse, feel unsafe and feel the need to hide their identity. This is clear justification for institutions such as councils to take action to promote inclusion, challenge prejudice and show support for their local communities.

It is proposed that a council workshop is convened before the end of 2023 for councillors to consider a range of potential actions presented by staff.

**DECISION:**

*Cr Irons moved, Cr De La Torre seconded that Council consider what potential steps it can take, including and in addition to flying relevant flags on relevant dates, to demonstrate its commitment to inclusion and equality and its support of the LGBTIQ+ community.*

*Council initiate a workshop for this to be discussed further.*

**CARRIED****VOTING RECORD**

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

**11. Consideration of Supplementary Items to the Agenda**

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

- (a) the reason it was not possible to include the matter on the agenda, and

- (b) that the matter is urgent, and
- (c) that advice has been provided under Section 65 of the *Local Government Act 1993*.

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

*Cr Gray and Cr Irons had declared an interest in the following items and left the room at 5.55pm.*

*Cr Owen (Deputy) took the Chair for the Planning Authority report.*

## **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 to the Brighton Local Provisions Schedule - Rezone 203 and 205 Old Beach Road, Old Beach from Future Urban Zone to General Residential Zone, Low Density Residential Zone, Environmental Management Zone and Open Space Zone**

Author: J Blackwell – Acting Director Development Services

Requested by:	JMB Engineers & Planners obo Great Divide Developments Pty Ltd
Owner/s:	Mark Nolan; Lisa Schimanski
Address:	<ul style="list-style-type: none"> <li>• 203 Old Beach Road, Old Beach (CT 123119/1)</li> <li>• 205 Old Beach Road, Old Beach (CT 135401/7)</li> </ul>
Proposal:	<p>Amend the planning scheme map to:</p> <ul style="list-style-type: none"> <li>• Rezone the land at 203 and 205 Old Beach Road, Old Beach from Future Urban Zone to General Residential Zone, Low Density Residential Zone, Environmental Management and Open Space Zone as shown in Annexure A.</li> <li>• Amend the Priority Vegetation Overlay from 203 and 205 Old Beach Road, Old Beach, as shown in Annexure B.</li> <li>• Insert the Flood Prone Hazard Overlay over 203 and 205 Old Beach Road, Old Beach, as shown in Annexure C.</li> </ul>
Planning Scheme:	Tasmanian Planning Scheme - Brighton

## Executive Summary

The purpose of this report is for the planning authority to consider an application received under s37 of the *Land Use Planning and Approvals Act 1993* (the Act) to:

- rezone land at 203 and 205 Old Beach Road, Old Beach (the Site) from Future Urban Zone to General Residential Zone, Low Density Zone, Environmental Management Zone and Open Space Zone.
- To remove the priority vegetation overlay from the proposed General Residential Zone area, based on the Natural Values advice from EnviroDynamics.
- Apply the flood prone hazards overlay based on flood modelling,

To proceed the planning authority must be satisfied that the draft amendment of the Brighton Local Provisions Schedule (LPS) meets the LPS criteria under section 34 of the Act. This report outlines how the proposed draft amendment satisfies each of the criteria.

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

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

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

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

## Legislative and Policy Content

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

The amendment request is made under section 37 of the *Land Use Planning and Approvals Act 1993* (the Act). The provisions of the Act establish the test of whether a planning scheme amendment is reasonable or not.

Section 38 of the Act requires Council to consider the criteria of the LPS when approving or refusing an amendment. The LPS criteria is contained in section 34 of the Act.

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

## **Risk and Implications**

The purpose of the amendment is to rezone land to general residential zone, low density residential, environmental management, and open space zones. The proposal will create opportunities for additional housing supply in Old Beach and apply appropriate zoning to the balance of the site to address site constraints such as flood risks. There is a risk that if the amendment is not approved there will continue to be an inadequate supply residential land within the Greater Hobart Urban Growth Boundary to meet anticipated demand in the Brighton municipality over the next 15- 20 years.

## **Site and Surrounds**

The site is contained within 203 Old Beach Road (CT 123119/1) and 205 Old Beach Road, Old Beach (CT 135401/7), which is zoned Future Urban pursuant to the Tasmanian Planning Scheme - Brighton (the Scheme). The site is bounded by land zoned General Residential and Open Space, with Rural zoned land located to the east of Old Beach Road (refer Figure 1). Both lots have been developed for residential use and contain a number of outbuildings.

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

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

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

The planning authority approved subdivision application (SA 2022-0044) at its meeting in May 2023, which provided approval for a total of 4 lots across the two existing titles. Access to the additional lots is to be created from Lottie Mews (refer Figure 2). Preliminary plans show a proposed lot layout for an additional 80 lots, if a rezoning to General Residential zone is approved.

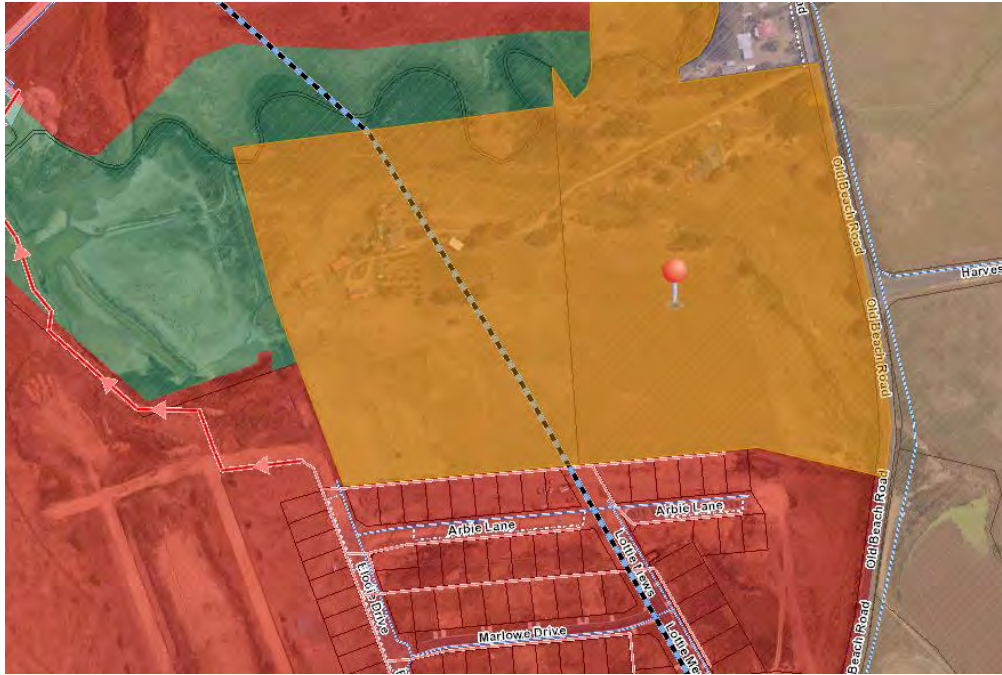


Figure 1: Current Zoning (source: www.thelist.tas.gov.au)

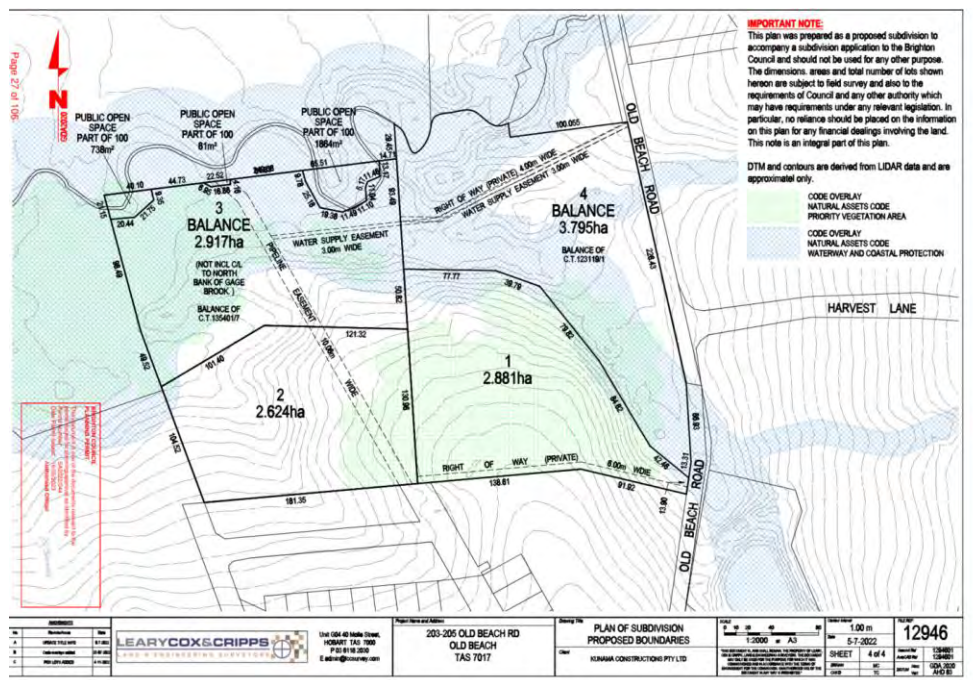


Figure 2: Approved subdivision layout.

## Overlays

The site is subject to the following planning scheme overlays.

### *Bushfire Prone Areas Code*

The entirety of the site is covered by the Bushfire Prone Areas Code

### Natural Assets Code

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

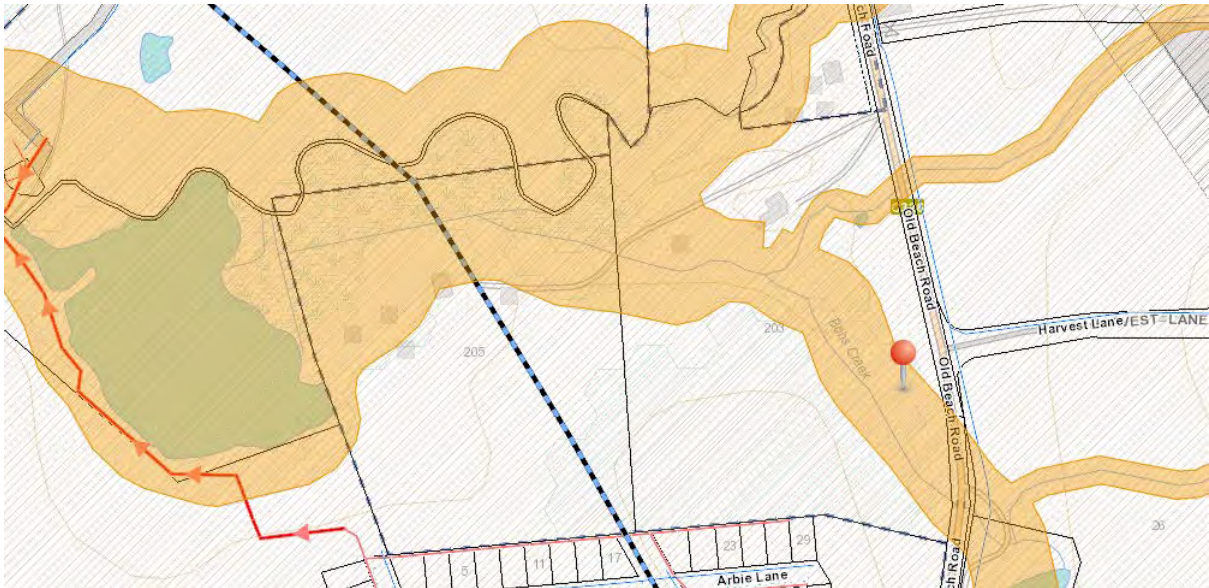


Figure 3: Waterway and Coastal Protection Overlay (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au))



Figure 4: Existing Priority Vegetation mapped overlay (green) (source: [www.thelist.tas.gov.au](http://www.thelist.tas.gov.au))

### Proposal

Pursuant to s37 of the Act, the Applicant seeks to amend the Brighton LPS by:

1. rezoning the land contained in Certificate of Title Volume 123119/1 (203 Old Beach Road, Old Beach) and Certificate of Title Volume 135401 Folio 7 (205 Old Beach Road, Old Beach) from Future Urban to General Residential, Low Density Residential, Environmental Management and Open Space, as shown in Figure 5.
2. amending the Priority Vegetation overlay, as shown in figure 6; and
3. inserting the Flood Prone Hazards overlay, as shown in figure 7.

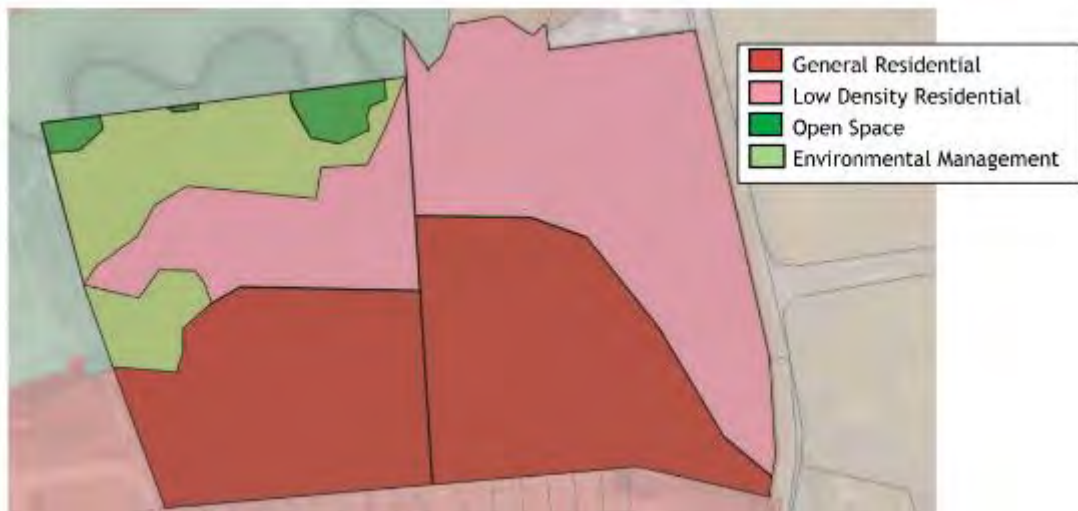


Figure 5: Proposed rezoning (Source: JMG Report, October 2023)



Figure 6: Amended Priority Vegetation overlay (Source: JMG Report, September 2023)



Figure 7: Proposed Flood Prone Hazard overlay for insertion in planning scheme map (Source: JMG Report, September 2023).

The proposal is supported by the attached Rezoning request prepared by JMG Engineers and Planners obo Great Divide Developments Pty Ltd dated September 2023, and includes assessments for traffic impact, natural values and bushfire hazard management.

### Legislative requirements

#### *Land Use Planning and Approvals Act 1993*

The Land Use Planning and Approvals Act 1993 (the Act) is the principal planning Act and forms an essential part of the Resource Management and Planning System (RMPS). The following section considers the applicable criteria under LUPAA 1993.

#### *Objectives of LUPAA*

Schedule 1 of the Act sets out the objectives to be furthered by the Act. Table 1 below provides an assessment of the proposed amendment against the objectives of the RMPS and the planning process established by the Act.

**Table 1: Assessment against objectives of RMPS and planning process**

Part 1	Applicant's Assessment
a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and	<p>The proposed amendment would promote appropriate land use, having regard to the attributes of the subject land and the surrounding land. It will enable future development of the proposed General Residential land, whilst protecting the land proposed to be zoned Low Density Residential, Environmental Management and Open Space, due to the natural, ecological and physical characteristics of the site.</p> <p>Stormwater and wastewater will be managed appropriately and will be controlled by provisions in the applicable zone and codes.</p> <p>The amendment will have minimal impact with regard to ecological processes and genetic diversity and accordingly, the amendment is considered to furthered Objective (a) of Part 1</p> <p><b><i>The Applicant's submission is supported</i></b></p>
b) To provide for the fair, orderly and sustainable use and development of air, land and water; and	<p>The proposed amendment will provide for urban use of land and development in a location that adjoins existing urban land, is capable of being fully serviced with reticulated water and sewerage supply, and is capable of capturing stormwater.</p> <p>Any future development will be required to comply with the existing provisions of the Planning Scheme applicable to the site and will be controlled by provisions in the applicable zones and codes.</p> <p>Accordingly, the amendment is considered to further Objective (b) of Part 1.</p> <p><b><i>The Applicant's submission is supported</i></b></p>
c) To encourage public involvement in resource	<p>A public notification period will be conducted in accordance with the requirements of the Act.</p>

management and planning; and	<p>Accordingly, the amendment is considered to further Objective (c) of Part 1.</p> <p><i>The Applicant's submission is supported</i></p>
d) To facilitate economic development in accordance with the objectives set out in paragraph a), b) and c); and	<p>The proposed amendment will allow for urban use and development that effectively utilises land, and that will promote economic growth through the delivery of urban uses and housing on suitable land.</p> <p>Accordingly, the amendment is considered to further Objective (d) of Part 1.</p> <p><i>The Applicant's submission is supported</i></p>
e) To promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	<p>The proposed amendment process is demonstrative of the sharing of responsibility for planning.</p> <p>Accordingly, the amendment is considered to further Objective (e) of Part 1.</p> <p><i>The Applicant's submission is supported</i></p>
<b>Part 2</b>	<b>Amendment Response</b>
a) To require sound strategic planning and coordinated action by State and local government; and	<p>The proposed amendment is consistent with the Southern Tasmania Regional Land Use Strategy.</p> <p>Accordingly, the amendment is considered to further Objective (a) of Part 2.</p> <p><i>The Applicant's submission is supported</i></p>
b) To establish a system of planning instruments to be the principal way of setting objectives, policies and controls of the use, development and protection of land; and	<p>The proposed amendment contributes to an established planning scheme that sets controls for use and development.</p> <p>Accordingly, the amendment is considered to further Objectives (b) of Part 2.</p> <p><i>The Applicant's submission is supported</i></p>
c) To ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and	<p>The existing site is cleared land and will have an acceptable environmental effect as outputs will be controlled through the planning scheme. It also ensures the efficient use of land that is likely to be capable of being fully connected to reticulated services and has existing road infrastructure, promoting compact urban development.</p> <p>Accordingly, the amendment is considered to further Objective (c) of Part 2.</p> <p><i>The Applicant's submission is supported</i></p>
d) To require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at	<p>The proposed amendment is consistent with state, regional and municipal policy as outlined in this report. The proposed amendment does not affect the attainment of this objective.</p> <p>Accordingly, the amendment is considered to further Objective (d) of Part 2.</p> <p><i>The Applicant's submission is supported</i></p>

State, regional and municipal levels; and	
e) To provide for the consolidation of approvals for land use or development and relates matters, and to co-ordinate planning approvals with related approvals; and	<p>The proposed amendment does not affect the attainment of this objective.</p> <p>Accordingly, the amendment is considered to further Objective (e) of Part 2.</p> <p><b><i>The Applicant's submission is supported</i></b></p>
f) To promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and	<p>The proposed amendment will directly provide a pleasant, efficient, and safe environment for living, adjacent to existing residential areas.</p> <p>Accordingly, the amendment is considered to further Objective (f) of Part 2.</p> <p><b><i>It is noted that the application proposes to include the identified flood hazard areas within the Environmental Management Zone and seeks to introduce flood mapping into the planning scheme maps relating to the sites.</i></b></p> <p><b><i>The Applicant's submission is supported.</i></b></p>
g) To conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and	<p>The proposed amendment will have no impact upon listed or identified places of value.</p> <p>Accordingly, the amendment is considered to further Objective (g) of Part 2.</p> <p><b><i>The Applicant's submission is supported</i></b></p>
h) To protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and	<p>The proposed amendment will allow for residential development and will support non-residential uses without adversely impacting on public infrastructure, assets or utilities that is likely to be capable of being fully serviced and with existing road access.</p> <p>Accordingly, the amendment is considered to further Objective (h) of Part 2.</p> <p><b><i>The Applicant's submission is supported</i></b></p>
i) To provide a planning framework which fully considers land capability.	<p>The proposed amendment does not affect the attainment of this objective.</p> <p>Accordingly, the amendment is considered to further Objective (i) of Part 2.</p> <p><b><i>The Applicant's submission is supported</i></b></p>

## 5.1 Section 34 Land Use Planning and Approvals Act

Section 34(2) of the Act sets out the criteria to be met by a planning instrument. Table 2 provides an assessment against the criteria:

**Table 2: Assessment against s34(2) Criteria**

Criteria	Assessment
<i>(a) contains all the provisions that the SPPs specify must be contained in an LPS</i>	The proposed amendment accords with the structure and contents of the LPS.
<i>(b) is in accordance with section 32</i>	The proposed amendment is for rezoning in accordance with the relevant application of the specific zones and is therefore in accordance with s32.
<i>(c) furthers the objectives set out in Schedule 1</i>	The proposed amendment meets the objectives of Schedule 1 as discussed above.
<i>(d) is consistent with each State policy</i>	State Policies are addressed later in this report. The proposed amendment is considered to be consistent with each State Policy.
<i>(da) satisfies the relevant criteria in relation to the TPPs</i>	At present, there are no adopted TPPs.
<i>(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;</i>	The regional land use strategy is addressed later in this report. It is considered that the proposed amendment is consistent with the Southern Regional Land Use Strategy 2010 – 2035.
<i>(f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates;</i>	The proposal is considered to be consistent with the Brighton Strategic Plan 2023-2033.
<i>(g) as far as practicable is consistent with and coordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.</i>	The site is not adjacent to another LPS.
<i>(h) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019</i>	The proposed amendment relates to land outside the declared pipeline corridor, and as such will not impact the safety requirements of the Act.

## State Policies

### State Coastal Policy 1996

The State Coastal Policy 1996 applies to land within 1km of the high-water mark. The site is within 1km of the high water mark but is separated from coastal waters by the East Derwent Highway, and General Residential and Open Space zoned land on adjoining land. The proposed amendment will not impact the Coastal Zone.

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

Resource Development (if for agricultural use, except for controlled environment agriculture) is a permitted use pursuant to the Use Table contained in clause 30.2 of the Scheme. Listmap identifies the land capability as Class 4, defining the land as “*Land well suited to grazing but which is limited to occasional cropping or a very restricted range of crops.*”

The layer “Land Potentially Suitable for Agricultural Zone” available on Listmap, does not identify the land as being required to be set aside for agricultural purposes.

Further, conversion to residential uses adjacent to existing residential zoned land is in keeping with PAL pursuant to principle 6 of the policy, in that future subdivision will provide approximately 80 additional lots for residential housing supply, thereby providing significant benefits to the region.

### *State Policy on Water Quality Management 1997*

The s37 application notes that the future residential development of the proposed General Residential zoned land will result in lots being fully connected to reticulated services. The lots within the Low Density Residential, Environmental Management and Open Space zones will protect the values of the waterways corridor, and protect water quality, ecological health, habitat values and water conveyance and supporting the waterway's corridors.

The applicant's submission is supported relating to state policies is supported.

### *National Environment Protection Measures (NEPMs)*

The proposed amendment is not likely to adversely impact any environmental matters specified in this policy and therefore, deemed consistent with the Policy.

It is considered that the proposed amendment accords with State Policies.

## **Section 8A Guidelines**

Guideline 1 “Local Provisions Schedule (LPS): zone and code application”<sup>1</sup> (the Guideline) sets out how zones and codes should be applied in the provision of the LPS. Clause 3.4 of the Guideline identifies the primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible.

The proposal includes the conversion of land zoned Future Urban to the General Residential, Low Density Residential, Environmental Management and Open Space Zones. The guidelines relative to each zone are addressed below.

---

<sup>1</sup> Guideline No. 1 Local Provisions Schedule (LPS): zone and code application.

[https://www.planning.tas.gov.au/\\_data/assets/pdf\\_file/0006/583854/Section-8A-Guideline-No.-1-Local-Provisions-Schedule-LPS-zone-and-code-application-version-2.pdf](https://www.planning.tas.gov.au/_data/assets/pdf_file/0006/583854/Section-8A-Guideline-No.-1-Local-Provisions-Schedule-LPS-zone-and-code-application-version-2.pdf)

## Future Urban Zone

Pursuant to the Brighton Planning Scheme 2000, the site was zoned rural residential. The land was rezoned to PPZ1 - Urban Growth Zone during the transition to the Brighton Interim Planning Scheme 2015, and subsequently identified as Future Urban under the current Planning Scheme. The section 8A Guidelines note:

*FUZ1 The Future Urban Zone should be applied to land identified for future urban development to protect the land from use or development that may compromise its future development, consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.*

## General Residential Zone

The Zone application guidelines for the General Residential zone require:

*GRZ1 The General Residential Zone should be applied to the main urban residential areas within each municipal area which:*

- (a) are not targeted for higher densities (see Inner Residential Zone); and*
- (b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.*

*GRZ2 The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:*

- (a) within the General Residential Zone in an interim planning scheme;*
- (b) within an equivalent zone under a section 29 planning scheme; or*
- (c) justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; and*
- (d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system,*

*Note: The Future Urban Zone may be used for future urban land for residential use and development where the intention is to prepare detailed structure/precinct plans to guide future development.*

*GRZ3 The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.*

## Comment

The proposal accords with GRZ 1 and GRZ 2 in that:

- (a) it is intended under future division of land to create lots to be connected to reticulated water supply service and a reticulated sewerage system;
- (b) the land is identified within the Southern Tasmanian Regional Land Use Strategy as being within the Urban Growth Boundary. As previously noted, the land is currently zoned Future Urban. There is an expectation that future subdivision will connect with the Tivoli Green precinct.

Accordingly, the Applicant's proposal to rezone land to general residential is supported.

### **Low Density Residential Zone**

The land identified to be zoned Low Density Residential in figure 5 complies with the Guidelines in that the land is identified as having environmental constraints relating to flooding and priority vegetation:

*LDRZ 1 The Low Density Residential Zone should be applied to residential areas where one of the following conditions exist:*

- (a) *residential areas with large lots that cannot be developed to higher densities due to any of the following constraints:*
  - (i) *lack of availability or capacity of reticulated infrastructure services, unless the constraint is intended to be resolved prior to development of the land; and*
  - (ii) *environmental constraints that limit development (e.g. land hazards, topography or slope); or*
- (b) *small, residential settlements without the full range of infrastructure services, or constrained by the capacity of existing or planned infrastructure services; or*
- (c) *existing low density residential areas characterised by a pattern of subdivision specifically planned to provide for such development, and where there is justification for a strategic intention not to support development at higher densities.*

*LDRZ 2 The Low Density Residential Zone may be applied to areas within a Low Density Residential Zone in an interim planning scheme or a section 29 planning scheme to lots that are smaller than the allowable minimum lot size for the zone, and are in existing residential areas or settlements that do not have reticulated infrastructure services.*

*LDRZ 3 The Low Density Residential Zone should not be applied for the purpose of protecting areas of important natural or landscape values.*

*LDRZ 4 The Low Density Residential Zone should not be applied to land that is targeted for greenfield development unless constraints (e.g. limitations on infrastructure, or environmental considerations) have been identified that impede the area being developed to higher densities.*

### **Comment**

The proposal is considered to satisfy both LDRZ 1(a) and LDRZ 4, given the existing constraints on the site relating to natural values and waterway and coastal protection overlays.

### **Environmental Management Zone**

The land identified for rezoning to environmental management zone includes riparian and flood affected areas identified in the applicant's Flood Report, which forms part of this application.

The Zone application guidelines for the environmental management zone are:

*EMZ 1 The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:*

- (a) land reserved under the Nature Conservation Act 2002;*
- (b) land within the Tasmanian Wilderness World Heritage Area;*
- (c) riparian, littoral or coastal reserves;*
- (d) Ramsar sites;*
- (e) any other public land where the primary purpose is for the protection and conservation of such values; or*
- (f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.*

*EMZ 2 The Environmental Management Zone should be applied to land seaward of the high water mark unless contrary intention applies, such as land with existing, or intended for:*

- (a) passive recreation opportunities (see Open Space Zone);*
- (b) recreational facilities (see Recreation Zone);*
- (c) large scale port and marine activities or facilities (see Port and Marine Zone);*
- (d) industrial activities or facilities (see industrial zones); or*
- (e) major utilities infrastructure (see Utilities Zone).*

*EMZ 3 The Environmental Management Zone may be applied to land for water storage facilities directly associated with major utilities infrastructure, such as dams.*

## Comment

The land is privately owned land. The proposed zoning is intended to limit use and development due to the risk associated with the identification of the land as a high risk flood area. The applicant notes that EMZ 3 is partly applicable to the site as some of the area proposed for environmental management zoning will be used for a sewer pump station. This location of any service infrastructure will be a matter for assessment pursuant to any future application for subdivision. It is noted that utilities such as a sewer pump station will be a discretionary use within the environmental management zone.

## Open Space Zone

The small parcels of land which have been identified for rezoning to open space zone are riparian areas, adjacent to Bob's Creek. A condition of the subdivision approval SA 2022/44 requires the land to be zoned open space to be contributed to Council pursuant to s117 of the Local Government Act for Public Open Space.

The Guidelines Identify that Open Space (OSZ 1) *"should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for: (a) passive recreational opportunities; or (b) natural or landscape amenity within an urban setting."*

## Regional Policies

### Southern Tasmanian Regional Land Use Strategy 2010 - 2035

As required under s34(2)(e) of the Act, the proposed amendment must be, as far as practicable, consistent with the regional land use strategies. In southern Tasmania, the relevant regional land use strategy is the Southern Tasmanian Regional Land Use Strategy 2010-2035 (STRLUS).

An assessment against the Regional Policies is contained within the Applicant's s37 application, and replicated below.

Strategic Directions	Amendment Response
(1). Adopting a More Integrated Approach to Planning and Infrastructure	The proposed amendment relates to cleared and altered land adjacent to existing residential uses that is likely to be capable of being fully serviced by existing social and physical infrastructure systems including reticulated services and road access. The use of the subject site for use and development as proposed in the amendment would ensure that land use and infrastructure planning are coordinated. The amendment is considered to align with Strategic Direction 1.
(2). Holistically Managing Residential Growth	The proposed amendment enables a contained settlement pattern. It is anticipated that the land can be adequately serviced. Any future development will be required to comply with the existing provisions of the Planning Scheme that will help create a more compact settlement pattern, with existing zone controls enabling the delivery of a diversity of housing and supporting uses. The amendment is considered to align with Strategic Direction 2.
(6). Increasing Responsiveness to our Natural Environment	The proposed amendment is on land with identified risk, however, existing codes and zone provisions within the current planning scheme will adequately manage these risks.
(8). Supporting Strong and Healthy Communities	The proposed amendment would enable denser urban development to be delivered within an existing settlement, which will provide good access to community services and education and health facilities within the existing urban area, on land that is accessible and well designed and located.
(10). Creating Liveable Communities	The proposed amendment supports a liveable community by providing increased housing options close to living services such as transport, parks and community facilities.

Relevant STRLUS policies relating to residential growth are as follows:

- SRD2.1 Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.
- SRD 2.2 Manage greenfield growth through an Urban Growth Boundary, which sets a 20-year supply limit with associated growth limits on dormitory suburbs.
- SRD 2.3 Provide greenfield land for residential purposes across the following Greenfield Development Precincts: Bridgewater North, Brighton South, Gagebrook/Old Beach.
- SRD 2.6 Distribute residential infill growth across the existing urban areas for the 25-year planning period as follows: Brighton LGA 15% (1,987 dwellings). It is noted that this is in addition to greenfield development.
- SRD 2.7 Ensure that the residential zone in planning schemes does not encompass more than a 10-year supply of residential land.
- SRD 2.8 Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.
- SRD 2.9 Investigate the redevelopment to higher densities potential of rural residential areas close to the main urban extent of Greater Hobart.

The proposal supports the achievement of the above policies through allowing greenfield residential development, within the urban growth boundary, close to the main urban extent of Greater Hobart.

More specifically, the following regional policies are applicable:

- MRH2 Minimise the risk of loss of life and property from flooding;
- SRD 2.2 Manage greenfield growth through an Urban Growth Boundary, which sets a 20 year supply limit with associated growth limits on dormitory suburbs
- SRD 2.3 Provide greenfield land for residential purposes across the following Greenfield Development Precincts:
  - Gagebrook/Old Beach
- SRD 2.4 Recognise that the Urban Growth Boundary includes vacant land suitable for land release as greenfield development through residential rezoning as well as land suitable for other urban purposes including commercial, industrial, public parks, sporting and recreational facilities, hospitals, schools, major infrastructure, etc

It is considered that the proposed amendment continues to further the objectives of STRLUS. The applicant's assessment is supported.

### Brighton Council Strategic Plan 2023-2033

Section 34(2)(f) of the Act requires consideration of Council's strategic plan prepared under s66 of the Local Government Act 1993. The proposed amendment is consistent with the below relevant strategies from the Brighton Council Strategic Plan 2023-2033:

- 1.3 Ensure attractive local areas that provide social, recreational and economic opportunities.
- 2.2 Encourage respect and enjoyment of the natural environment.
- 2.3 Demonstrate strong environmental stewardship and leadership.

3.2 Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population.

3.4 Advocate and facilitate investment in our region.

4.1 Be big picture, long term and evidence-based in our thinking.

The proposed amendment does not conflict with any of Council's strategies.

### **Brighton Structure Plan 2018**

While consistency with the Brighton Structure Plan 2018 (the Structure Plan) is not a legislative requirement under the Act, it does represent orderly and sound strategic planning direction for the Brighton Municipal Area.

The Structure Plan guides the major changes to land use, built form and public spaces that together can achieve identified economic, social and environmental objectives for years 2018-2023.

The proposed amendment is consistent with the following strategies identified in the Structure Plan:

- Strategy 1: Maintain an urban growth boundary
- Strategy 2: Plan for housing growth within the urban growth boundary
- Strategy 3: Increase housing diversity

### **8.9 Local Provisions Schedule**

The relevant planning instrument is the *Tasmanian Planning Scheme - Brighton Local Provisions Schedule* (the Planning Scheme).

The subject site is located within the Future Urban Zone. It is subject to the Bushfire Prone Areas overlay, Waterway and Coastal Protection overlay and the Priority Vegetation overlay.

#### ***Zone Purpose***

The Tasmanian Planning Scheme – Brighton including the Local Provisions Schedule establishes a set of objectives for achieving sustainable use and development of land, which are relevant for the consideration of any planning scheme amendment.

It is relevant for this amendment to outline the relevant provisions which relate to the proposed amendment to rezone the land to General Residential, Low Density Residential, Environmental Management and Open Space zones.

#### **Clause 8.0 - General Residential Zone**

##### **8.1 Zone Purpose**

The purpose of the General Residential Zone is:

- 8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.

- 8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.
- 8.1.3 To provide for non-residential use that:
- (a) primarily serves the local community; and
  - (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.
- 8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

### **Clause 10.0 - Low Density Residential Zone**

#### **10.1 Zone Purpose**

The purpose of the Low Density Residential Zone is:

- 10.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.
- 10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.
- 10.1.3 To provide for Visitor Accommodation that is compatible with residential character.

### **Clause 23.0 Environmental Management Zone**

#### **23.1 Zone Purpose**

The purpose of the Environmental Management Zone is:

- 23.1.1 To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.
- 23.1.2 To allow for compatible use or development where it is consistent with:
- (a) the protection, conservation and management of the values of the land; and
  - (b) applicable reserved land management objectives and objectives of reserve management plans.

### **Clause 29.0 - Open Space Zone**

#### **29.1 Zone Purpose**

The purpose of the Open Space Zone is:

29.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

29.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses

The proposal is considered to be consistent with each zone's purpose.

### Allowable Uses

The following tables set out the comparison of uses between the current Future Urban zoning to General Residential, Low Density Residential and Open Space zoning.

Table 3: Comparison of uses of 'Future Urban' to 'General Residential'

Status	Future Urban Zone (Current)	General Residential Zone (proposed)
No Permit Required	<ul style="list-style-type: none"> <li>Natural and cultural values management</li> <li>Passive Recreation</li> </ul>	<ul style="list-style-type: none"> <li>Natural and cultural values management</li> <li>Passive Recreation</li> <li>Residential (if for a single dwelling)</li> <li>Utilities (if for minor utilities)</li> </ul>
Permitted	<ul style="list-style-type: none"> <li>Residential (if for a single dwelling or home-based business)</li> <li>Resource development (if for agricultural use, excluding controlled environment agriculture).</li> <li>Utilities (if for minor utilities)</li> </ul>	<ul style="list-style-type: none"> <li>Residential (if not listed as No Permit Required)</li> <li>Visitor Accommodation</li> </ul>
Discretionary	<ul style="list-style-type: none"> <li>Utilities (if not listed as permitted)</li> </ul>	<ul style="list-style-type: none"> <li>Business and professional services (if for a consulting room, medical centre, veterinary centre, child health clinic, or for the provision of residential support services).</li> <li>Community meeting and entertainment (if for a place of worship, art and craft centre, public hall, community centre, or neighbourhood centre).</li> <li>Education and Occasional Care (if not for a tertiary institution)</li> <li>Emergency services</li> <li>Food Services (if not for a takeaway food premises with a drive through facility).</li> <li>General retail and Hire (if for a local shop)</li> </ul>

		<ul style="list-style-type: none"> <li>• Sport and Recreation (if for a fitness centre, gymnasium, public swimming pool or sports ground).</li> <li>• Utilities (if not listed as No Permit required)</li> </ul>
Prohibited	All other uses	All other uses

Table 4: Comparison of uses "Future Urban" to "Low Density Residential"

Status	Future Urban Zone (Current)	Low Density Residential Zone (proposed)
No Permit Required	<ul style="list-style-type: none"> <li>• Natural and cultural values management</li> <li>• Passive Recreation</li> </ul>	<ul style="list-style-type: none"> <li>• Natural and cultural values management</li> <li>• Passive Recreation</li> <li>• Residential (if for a single dwelling)</li> <li>• Utilities (if for minor utilities)</li> </ul>
Permitted	<ul style="list-style-type: none"> <li>• Residential (if for a single dwelling or home-based business)</li> <li>• Resource development (if for agricultural use, excluding controlled environment agriculture).</li> <li>• Utilities (if for minor utilities)</li> </ul>	<ul style="list-style-type: none"> <li>• Residential (if not listed as No Permit Required)</li> <li>• Visitor Accommodation</li> </ul>
Discretionary	<ul style="list-style-type: none"> <li>• Utilities (if not listed as permitted)</li> </ul>	<ul style="list-style-type: none"> <li>• Business and professional services (if for a consulting room, medical centre, veterinary centre, child health clinic, or for the provision of residential support services).</li> <li>• Community meeting and entertainment (if for a place of worship, art and craft centre, public hall).</li> <li>• Education and Occasional Care (if not for a tertiary institution)</li> <li>• Emergency services</li> <li>• Food Services (if not for a takeaway food premises with a drive through facility).</li> <li>• General retail and Hire (if for a local shop)</li> </ul>

		<ul style="list-style-type: none"> <li>• Residential (if not listed as No Permit Required or Permitted)</li> <li>• Sport and Recreation (if for a fitness centre, gymnasium, public swimming pool or sports ground).</li> <li>• Utilities (if not listed as No Permit required)</li> </ul>
Prohibited	All other uses	All other uses

Table 5: Comparison of uses “Future Urban’ to ‘Environmental Management’

Status	Future Urban Zone (Current)	Environmental Management Zone (proposed)
No Permit Required	<ul style="list-style-type: none"> <li>• Natural and cultural values management</li> <li>• Passive Recreation</li> </ul>	<ul style="list-style-type: none"> <li>• Natural and cultural values management</li> <li>• Passive Recreation</li> </ul>
Permitted	<ul style="list-style-type: none"> <li>• Residential (if for a single dwelling or home-based business)</li> <li>• Resource development (if for agricultural use, excluding controlled environment agriculture).</li> <li>• Utilities (if for minor utilities)</li> </ul>	<ul style="list-style-type: none"> <li>• Community Meeting and Entertainment</li> <li>• Educational and Occasional Care</li> <li>• Emergency Services</li> <li>• Food Services</li> <li>• General Retail and Hire</li> <li>• Pleasure boat Facility</li> <li>• Research and Development</li> <li>• Residential If: (a) for reserve management staff accommodation; and (b) an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.</li> <li>• Resource Development If: (a) for grazing; and (b) an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General</li> </ul>

		<p>of Lands under the Crown Lands Act 1976.</p> <ul style="list-style-type: none"> <li>• Sports and Recreation</li> <li>• Tourist Operation</li> <li>• Utilities if: (a) for minor utilities; and (b) an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.</li> <li>• Visitor Accommodation</li> </ul>
Discretionary	<ul style="list-style-type: none"> <li>• Utilities (if not listed as permitted)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Community Meeting and entertainment*</b></li> <li>• <b>Educational and occasional care*</b></li> <li>• <b>Emergency services*</b></li> <li>• <b>Extractive industry</b></li> <li>• <b>Food Services*</b></li> <li>• <b>General Retail and Hire*</b></li> <li>• <b>Pleasure Boat Facility*</b></li> <li>• <b>Research and Development*</b></li> <li>• <b>Resource Development*</b></li> <li>• <b>Resource Processing</b></li> <li>• <b>Sports and Recreation*</b></li> <li>• <b>Tourist Operation*</b></li> <li>• <b>Utilities *</b></li> <li>• <b>Vehicle Parking</b></li> <li>• <b>Visitor Accommodation *</b></li> </ul>
Prohibited	All other uses	All other uses

All but one use in the permitted category are qualified by "If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976

Discretionary uses marked "\*" are qualified "if not listed as permitted".

Table 6: Comparison of uses 'Future Urban' to 'Open Space'

Status	Future Urban Zone (Current)	Low Density Residential Zone (proposed)
No Permit Required	<ul style="list-style-type: none"> <li>Natural and cultural values management</li> <li>Passive Recreation</li> </ul>	<ul style="list-style-type: none"> <li>Natural and cultural values management</li> <li>Passive Recreation</li> <li>Utilities (if for minor utilities)</li> </ul>
Permitted	<ul style="list-style-type: none"> <li>Residential (if for a single dwelling or home-based business)</li> <li>Resource development (if for agricultural use, excluding controlled environment agriculture).</li> <li>Utilities (if for minor utilities)</li> </ul>	<ul style="list-style-type: none"> <li>No Permitted Uses</li> </ul>
Discretionary	<ul style="list-style-type: none"> <li>Utilities (if not listed as permitted)</li> </ul>	<ul style="list-style-type: none"> <li>Community meeting and entertainment</li> <li>Emergency services</li> <li>General retail and Hire</li> <li>Pleasure Boat Facility</li> <li>Resource Development (if for marine farming shore facility or other facility that relies upon a coastal location to fulfil its purpose or grazing)</li> <li>Tourist Operation</li> <li>Transport Depot and Distribution</li> <li>Residential (if not listed as No Permit Required or Permitted)</li> <li>Utilities (if not listed as No Permit required)</li> <li>Visitor accommodation</li> </ul>
Prohibited	All other uses	All other uses

The Applicant has provided an assessment against the comparison of uses. The s37 application notes that the subject land is zoned Future Urban and that the 'principle' of urban use and development has been accepted on the site; the extension of the general residential zone will not have a significant impact on adjoining sites; and will be adequately controlled by existing planning scheme provisions.

Accordingly, it is considered that the rezoning of land from Future Urban to General Residential, Low Density Residential, Environmental Management and Open Space is appropriate.

### **Code Implications**

In addition to zone assessment, future use and development of the land will be subject to assessment against a number of Codes including:

- Road and Railway Assts Code.
- Parking and Sustainable Transport Code
- Natural Assets Code
- Flood Prone Hazard Areas Code
- Bushfire Prone Areas Code

The application of all Codes will need to be assessed during future development applications.

### **Relevant Issues**

#### ***Traffic and Transport Networks***

The applicant has provided a traffic impact statement (TIS) (refer Attachment C) considering impact on the road network which may arise from future development of the site. In summary the TIS identifies that access to the East Derwent Highway will be constrained based on development of the approved lots in the Tivoli Green and any future lots should this amendment be approved.

Council's senior technical officer considers that the TIS does not sufficiently consider the impact of the proposal on the road network.

Recently, a comprehensive Traffic Impact Assessment (Old Beach TIA) has been prepared as part of a broader Old Beach Rezoning project, which has identified limitations in the East Derwent Highway. The proposed rezoning under consideration results in a moderate increase in traffic on the East Derwent Highway above the already approved Tivoli Green development. The 2 main upgrades identified in the Old Beach TIA to accommodate Tivoli Green (and moderate additional development) are located outside the municipality at the Bowen Bridge and Otago Bay. A 3rd upgrade at the Clives Avenue/East Derwent Highway Roundabout is also likely to be required near completion of the existing Tivoli Green subdivision.

These upgrades, particularly the Bowen Bridge and Otago Bay are required irrespective of the rezoning under consideration. The Department of State Growth is currently undertaking a corridor study of the East Derwent Highway partially in response to concerns raised by Council over the future performance of the East Derwent Highway.

More specifically related to the proposed land to be rezoned, construction of an intersection between Riviera Drive and Old Beach Road is in the final design stages, and will most likely be finalised within the next 6-12 months, which assist by diverting some traffic from Riviera Drive onto Old Beach Road.

### ***Flora and Fauna***

The applicant has submitted a Natural Values assessment that was prepared in support of its application for subdivision identified previously in this report. That findings of that report are used to support the applicant's application to amend the Priority Vegetation overlay to delete the overlay from the area to be zoned General Residential.

TasVeg4.0 (Listmap) identifies the land as "modified land". There are no threatened communities, species or species habitats identified on the site.

Based on the Natural Values assessment submitted by the Applicant, the application to remove the priority vegetation overlay from the General Residential land is supported.

### ***Water Sewer and Stormwater***

The applicant addresses stormwater, water and sewer on the site. It is considered that reticulated services will be achievable. The existing flood mapping when compared with the proposed concept servicing plan shows a sewer pump station within the H5 Flood Hazard areas, which will need to be reconsidered, should an application for future subdivision be submitted. However, it is considered that there is sufficient scope for the site to be serviced, should it be rezoned to General Residential.

Council's senior technical officer has confirmed that stormwater treatment would be a requirement of any future subdivision application.

### ***Aboriginal Heritage***

The applicant has provided an assessment by Cultural Heritage Management Australia (CHMA) which has determined that there were no sites identified during field study assessment of 203 or 205 Old Beach Road. Accordingly the site has been determined as having a low potential for Aboriginal sites to be present. However, any development of the site will remain subject to the legal and procedural requirements specified by the *Aboriginal Heritage Act 1975*.

### ***Conclusion***

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

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2023-002, as detailed in the attachments to this report.

**RECOMMENDATION:**

- A. That in accordance with s38(2)(a) of the *Land Use Planning and Approvals Act 1993*, to be known as draft amendment RZ 2023-02, the Planning Authority agree to rezone the land contained in Certificate of Title Volume 123119 Folio 1 and Certificate of Title Volume 135401 Folio 7, known as 203 Old Beach Road, Old Beach and 205 Old Beach Road, Old Beach respectively.
- B. That in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2023-02 satisfies the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*.
- C. That in accordance with Section 40F(3) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2023-02 be certified by instrument in writing affixed with the common seal of the Council; and
- D. That in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2023-02 be given to the Tasmanian Planning Commission within seven (7) days.
- E. That in accordance with Section 40FA(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment RZ 2023-02 be provided to relevant agencies and those state service, or State authorities, that the planning authority considers may have an interest in the draft amendment.
- F. That in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2021-03 be placed on public exhibition.

**DECISION:**

*Cr De La Torre moved, Cr Geard seconded that:*

- A. *That in accordance with s38(2)(a) of the Land Use Planning and Approvals Act 1993, to be known as draft amendment RZ 2023-02, the Planning Authority agree to rezone the land contained in Certificate of Title Volume 123119 Folio 1 and Certificate of Title Volume 135401 Folio 7, known as 203 Old Beach Road, Old Beach and 205 Old Beach Road, Old Beach respectively.*
- B. *That in accordance with Section 40F(2)(a) of the Land Use Planning and Approvals Act 1993, Council considers that draft amendment RZ 2023-02 satisfies the provisions of Section 34 of the Land Use Planning and Approvals Act 1993.*
- C. *That in accordance with Section 40F(3) of the Land Use Planning and Approvals Act 1993, Council directs that draft amendment RZ 2023-02 be certified by instrument in writing affixed with the common seal of the Council; and*
- D. *That in accordance with Section 40F(4) of the Land Use Planning and Approvals Act 1993, Council directs that a certified copy of draft amendment RZ 2023-02 be given to the Tasmanian Planning Commission within seven (7) days.*

- E. *That in accordance with Section 40FA(1) of the Land Use Planning and Approvals Act 1993, Council directs that a copy of the draft amendment RZ 2023-02 be provided to relevant agencies and those state service, or State authorities, that the planning authority considers may have an interest in the draft amendment.*
- F. *That in accordance with Section 40G(1) of the Land Use Planning and Approvals Act 1993, Council directs that draft amendment RZ 2021-03 be placed on public exhibition.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr De La Torre	
Cr Geard	
Cr Owen	
Cr Whelan	

*Cr Irons and Cr Gray rejoined the meeting 6.15pm*

*Cr Gray resumed the Chair.*

## **13. Officers Reports**

### **13.1 Derwent River Foreshore Coastal Hazards Project Report**

**Author:** Climate Resilience Officer (A Johnson)

**Authorised:** Acting Director Development Services (J Blackwell)

---

#### **Purpose**

This report aims to seek the endorsement of the Derwent River Foreshore Coastal Hazards Project for community consultation.

#### **Background**

The Derwent River Foreshore Coastal Hazards Project commenced in March 2021. This project responds to the issues of coastal inundation (flooding) and coastal erosion along the Derwent River Foreshore in the Brighton municipality. The Project considers the impact of future climate changes out to 2100 on existing coastal hazard risks.

The Coastal Hazard and Risk Assessment Report has been delivered and outlines:

- The current ListMap hazard bands will continue to be the primary reference on the low, medium, and high risks of coastal erosion and flooding.
- Inundation has the greatest affect on properties and infrastructure, rather than coastal erosion.
- The study focusses on three sites, including Sunrise Avenue, Riverside Drive and Old Beach. Inundation mainly affects households in the Old Beach area..
- Findings suggest:
  - currently mostly people's gardens flood, and these flooding impacts will reach an increasing number of buildings over the next 70 years.
  - \$38.2 million in rate-able properties affected by inundation in Old Beach, equating to 89 properties by 2100.
  - \$23.2 million in rate-able properties affected by coastal erosion in Old Beach, equating to 51 properties by 2100.
  - 18 aboriginal heritage sites are identified at risk.
  - The marshlands and saltwater marshes at Old Beach are likely to be heavily impacted. Sunrise Avenue wetlands will be affected and are rated the highest classification environmental value (high priority site with the highest importance rating), expressing the relative importance of an ecosystem.

- o Climate change impacts are expected to increase, as areas become susceptible to increasingly frequent and more intense storm events and a 0.8m rise in sea levels by 2100

The Project includes four key milestones, including:

1. Coastal Hazard and Risk Assessment Report to identify coastal hazard risks and provide an indication of the costs of coastal hazards to private and public assets.
2. Two community forums, one for residents to have a questions and answers session, and the other for essential service providers such as TasNetworks, TasGas, Department of State Growth and TasRail.
3. Community Values Report to provide an indication of community values – aboriginal heritage, environmental and social values to provide an indication of mitigation pathways (ways to reduce future impact of coastal hazards).
4. Pathways Report to provide an estimate of the costs of various adaptation actions.

This report relates to Milestone 2 relating to community engagement. The community engagement proposal includes:

- a. Provide a public workshop at Old Beach Community Hall (Cloak Oval) and mail out to residents in the Old Beach, Sunrise Avenue and Riverside Drive project sites with an invitation to attend.
- b. Provide an essential services provider workshop at the Civic Centre.
- c. Seek community feedback via the Brighton Council Have Your Say website.
- d. Delivery of a draft Community Values Report
- e. Following the delivery of the final reports SGS will present the Project findings back to Council in a workshop.

Ellen DeWitt from SGS will run the events with a coworker, with Brighton Council representatives in attendance.

### **Consultation**

The General Manager, Director Asset Services and Director Development Services have been consulted.

### **Risk Implications**

The risk of providing information is low in the context of reducing future liability. It is a higher risk approach not to provide information on potential hazards. The Project itself discusses a range of risks out to 2100, that includes climate change impacts. This approach is in line with the Regional Strategy – Adapting to a changing coastline in Tasmania, endorsed by the 12 southern Tasmanian councils, under the auspices of the Southern Tasmanian Councils Authority. A central feature of the Strategy is a risk management approach, which uses a set of principles to guide decision making to reduce councils' risks, these include:

- Public safety - human safety is paramount and providing up-to-date information to the community is important.
- Local government – are responsible for the management and cost of coastal hazards impacts on their own assets and services. Councils should actively monitor coastal hazard areas within their municipal areas.
- Legal risk and adaptation - well developed policy and action now will minimise the risk of legal challenges and liability in the future. Coastal legal risks can be identified, managed, and reduced, but can't be avoided.

### **Financial Implications**

There is no financial request associated with the report. If the Project does not deliver on key project milestones there is a risk of reducing the contribution from the Australian Government to the Project's overall funding.

### **Strategic Plan**

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

S1.1: Understand/Improve Health and Wellbeing

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

S4.1: Ensure Financial & Risk Sustainability

S4.2: Be well-governed

S4.4: Long-term thinking & evidence-based

### **Social Implications**

The proposal benefits Brighton Council as it will increase community health and wellbeing. Brighton Council instigated this Project to:

- Improve the long-term resilience of the Brighton community, and households, through increasing disaster preparedness.
- Identify built infrastructure such as homes, roads, streetlights, tracks, or jetties at risk of damage and mitigation options/costs.
- Increase Council, and the community's, ability to prepare for the impacts of coastal hazards disasters.
- Improve understanding of local coastal hazards, risk assessment, pathways, and mitigation costs to improve disaster recovery.
- Guide future planning decisions.
- Increase options in the natural environment to build resilience.
- Strengthen social networks and connections with essential services such as the State Emergency Service.

- Clarify the roles and responsibilities of governments, individuals, and essential service providers.

### Environmental or Climate Change Implications

The action also relates to the Brighton Council *Climate Change Resilience Strategy 2019*:

- To promote innovation and generate opportunities.
- Working with the community – Council will integrate climate change issues into relevant community engagement activities.
- Infrastructure, hazards, and risk management – Council needs to engage with the community, and build networks, to improve sustainability and actively foster resilience.

### Economic Implications

Nil

### Other Issues

Nil

### Assessment

The Project outcomes are in line with other councils' work to identify and manage coastal risks and will provide additional clarity to be able to manage coastal hazards in the Derwent Foreshore area. Communication and community engagement will play a critical part in delivery increased disaster preparedness through information provision. Supporting SGS consulting to seek feedback from the community will progress this Project and help deliver the best possible community coastal risk management outcomes.

### Options

1. Endorse the Coastal Hazards and Risk Assessment Report for community consultation and next phase of community engagement.
2. Do not endorse the Coastal Hazards and Risk Assessment Report and next phase of community engagement.

---

### **RECOMMENDATION:**

That Council endorse the Coastal Hazards and Risk Assessment Report and next phase of community engagement.

### **DECISION:**

*Cr De La Torre moved, Cr Geard seconded that Council endorse the Coastal Hazards and Risk Assessment Report and next phase of community engagement.*

**CARRIED**

**VOTING RECORD**

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

## 13.2 Brighton Hub - Truck Stop Upgrades / Town Square - Concept Plan

**Author:** B White (Planning Officer)

**Authorised:** J Blackwell (Acting Director Development Services)

---

### Purpose

This purpose of this report is for Council to consider the submissions received during the public consultation period for the Brighton Hub - Truck Stop Upgrades/ Town Square Concept Plan ('the Concept Plan'), prepared by Play Street.

### Consultation

The Concept Plan was endorsed for public consultation by Council at its meeting of the 16<sup>th</sup> August 2023. Council officers sent a letter to all properties within the Brighton Industrial Estate ('the Hub') which provided a link to the project page on Council's 'Have Your Say' website and invited submissions. All relevant state agencies and infrastructure providers were also notified via email.

The period for submissions ran for a period of one (1) month between 28<sup>th</sup> August and 25<sup>th</sup> September. Four (4) email submissions were received from the following state agencies and infrastructure providers:

- Taswater
- Tasgas
- Department of State Growth (DSG)
- Tasmanian Gas Pipeline/ Zinfra.

None of the submission objected to the Concept Plan; rather, they generally provided advice regarding the future construction phase of the project and the possible impact on their assets. DSG advised that Council would need to enter into a lease agreement or similar. TasNetworks confirmed they were satisfied that the plan had sufficient regard to their previous comments.

The submissions received are provided as Attachment B.

## Play Street Response

Play Street have responded to the submissions by stating that no changes are required to the masterplan apart from making a minor amendment to an existing advisory note on the plan regarding the need to liaise with relevant authorities in developing a construction methodology for works within an easement. The change to the note is underlined below to include vegetation as well as any structures:

*'Construction methodology for any structures and vegetation located within an easement to be coordinated with relevant authority'.*

Playstreet have provided an updated Concept Plan with this slight change which will supersede the originally exhibited plan as provided in Attachment A.

## Risk implications

The site is currently owned by the Crown and there is a risk that Council may not be able to secure the land for the proposal. However, the Crown have provided in-principle support for the project and are open to working through an appropriate mechanism for the project to proceed.

Lodgment and approval of a development application will be required to change the use of the site to 'passive recreation', and for any development not exempt under the planning scheme. This adds risk in that the application, if discretionary, and if approved by Council, could face potential planning appeals. The risk of this occurring is minor given the prior engagement with nearby businesses and State Agencies.

The Hub Town Square Project does not currently have a budget allocation and there is a risk that Council raises expectations that the Project is likely to be delivered in the short-term. Preparing Concept or Master Plans is not uncommon and has proved very successful for obtaining grant funding in the past (e.g. Ted Jeffries Memorial Park upgrades, Cris Fitzpatrick Park and Bridgewater Parklands, etc.) and community expectations can be managed through good communication.

## Financial Implications

The consultant brief was to prepare the concept plan based on a budget of \$300K. This will need to be factored into future budgets. The Concept Plan will likely prove useful for attracting grant funding and there may be possibilities for contributions from Government agencies given the proximity to the heavy vehicle rest stop.

## Strategic plan

This project furthers Council's Strategic Plan with a key focus on the following strategies:

- 1.3 - Ensure attractive local areas that provide social, recreational and economic opportunities
- 1.4 - Encourage a sense of pride, local identity and engaging activities
- 2.4 - Ensure strategic planning and management of assets has a long term-sustainability and evidence-based approach

- 3.2 - Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population
- 3.3 - Community facilities are safe, accessible and meet contemporary needs
- 4.3 - Ensure strong engagements and relationships to shape the agenda and advocate for our community

### **Social implications**

The Concept Plan shows a proposal which will improve the appearance of this part of the Hub for the benefit of the community. It will provide workers and visitors to the Hub with a space to socialise and help foster an improved place via best practice landscape architecture and place making principles.

### **Economic implications**

The Masterplan has the potential to stimulate economic activity and attract private investment to the Hub by improving its appearance and the enjoyment of workers and visitors.

### **Environmental or climate change implications**

The Concept Plan will provide landscaping which will benefit people and wildlife.

### **Other Issues**

Nil

### **Assessment**

No objections were received during the consultation period for the Concept Plan. The only submissions received were generally related to future works on site and the impact they may have on infrastructure that run through the site.

It is noted that there is broad support for the proposal from nearby businesses which is evidenced by feedback received from Play Street during their targeted consultation.

Play Street are confident the matters raised can be easily addressed during the design/ construction phase of the project and that the Concept Plan does not require changing apart from the wording to an advisory note.

Council Officers agree with Play Street's comments and no changes are considered necessary to the design of the Concept Plan.

### **Options**

1. As per the recommendation; or
2. Other.

---

### **RECOMMENDATION:**

It is recommended that Council:

- a) Notes the submissions received during public consultation.
- b) Endorses the amended Brighton Transport Hub - Truck Stop Upgrades/ Town Square Concept Plan and Site Identity.
- c) Directs Council Officers to send letters and notifications to property owners in the Hub and relevant state agencies notifying them of Council's decision.

### **DECISION:**

*Cr Whelan moved, Cr McMaster seconded that Council:*

- a) Notes the submissions received during public consultation;*
- b) endorses the amended Brighton Transport Hub – Truck Stop Upgrades / Town Square Concept Plan and Site Identity.*

**CARRIED**

#### **VOTING RECORD**

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

## **13.3 Finance Quarterly Report - September 2023**

**Author:** Director Corporate Services (G Browne)

### **Background**

The finance report was considered. The report comprised the Comprehensive Income statement for the first three months of the 2023/2024 financial year.

### **Consultation**

Nil.

### **Risk Implications**

Nil.

### **Financial Implications**

Not applicable.

### **Strategic Plan**

S4.4 – Ensure financial & risk sustainability

### Social Implications

Not applicable.

### Environmental or Climate Change Implications

Not applicable.

### Economic Implications

Not applicable.

### Other Issues

Nil.

### Assessment

Nil.

### Options

1. As per the recommendation.
2. Not receive the reports.

### **RECOMMENDATION:**

That the September 2023 Quarterly Report be received.

### **DECISION:**

*Cr De La Torre moved, Cr Owen seconded that the September 2023 Quarterly Report be received.*

**CARRIED**

### VOTING RECORD

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

## 14. Questions on Notice

*There were no Questions on Notice for the October meeting.*

Meeting closed: 6.25 pm

Confirmed: \_\_\_\_\_  
(Mayor)

Date: 21 November 2023  
\_\_\_\_\_



## **Brighton Council**

**MINUTES OF THE PLANNING AUTHORITY MEETING  
OF THE BRIGHTON COUNCIL HELD  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES  
OLD BEACH AT 5.45 P.M. ON TUESDAY, 7 NOVEMBER 2023**

**1. Acknowledgement of Country**

**2. Attendance**

Cr L Gray (Chairperson); Cr P Owen (Deputy Chairperson); Cr B Curran; Cr A De La Torre; Cr P Geard; Cr G Irons and Cr M Whelan.

IN ATTENDANCE: Cr J McMaster; Cr T Murtagh; Mr D Allingham (Director Development Services); Ms J Banks (Director Governance & Regulatory Services); Mr L Wighton (Senior Officer – Development Engineering)

**3. Apologies**

*All members were present.*

**4. Public Question Time and Deputations**

*There was no requirement for public question time.*

**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 Owen declared an interest in Item 6.1  
Cr Geard declared an interest in Item 6.2  
Cr Whelan declared an interest in Item 6.2*

## 6. Council Acting as Planning Authority

In accordance with the provisions of Part 2 Regulations 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Council to act as planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 6 on this agenda, inclusive of any supplementary items.

*Cr Owen had declared an interest and left the meeting at 5.49pm.*

### 6.1 Planning Scheme Amendment - Old Beach Future Urban Zone

Type of Report:	Section 40F(1) of <i>Land Use Planning and Approvals Act 1993</i>
Application No:	RZ 2023 -05
Title Details:	See attachment B
Owner/s:	Various
Requested by:	Brighton Council
Proposal:	<ul style="list-style-type: none"> <li>Rezone various properties as shown in Attachment B from Rural Living Zone A to the Future Urban Zone</li> <li>Remove the Urban Rural Interface Specific Area Plan from various properties shown in Attachment B.</li> </ul>
Author:	Brian White (Strategic Planner)
Authorised:	Director Development Services (David Allingham)

#### 1. Purpose

The purpose of this report is for Council to consider whether to, of its own motion, initiate a draft planning scheme amendment made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('LUPAA') to amend the Brighton Local Provision Schedule (LPS) regarding land on the eastern side of the East Derwent Highway, Old Beach, as follows:

- a) Rezone 95.86ha (103 properties) of land from 'Rural Living A' to Future Urban; and
- b) Remove the 'Urban Rural Interface Specific Area Plan from 103 properties of land (95.86ha).

This planning scheme amendment is to implement the recommendations of the Old Beach Zoning Review Report, prepared by ERA Consultants ('the ERA Report') as endorsed by the Brighton Council ('Council').

## 2. Executive Summary

The ERA Report was an independent land use planning review of whether two (2) 'precincts' of land in Old Beach currently zoned 'Rural Living A' had the capacity to be rezoned to accommodate future residential development at a higher density and to seek community feedback on the future of the area.

The Precincts are shown in Figure 1 below.



Figure 1 The Study Precincts (Source: ERA)

The ERA Report found that the two precincts had limited constraints to future development under the General Residential Zone ('GRZ') subject to upgrades to the East Derwent Highway and a masterplan being developed to guide future subdivision and infrastructure provision, and to consider community feedback.

The ERA Report recommended that Council rezones the precincts to 'Future Urban' as a first step to prevent rezonings from occurring in the area whilst a master planning project and infrastructure upgrades are considered.

At its meeting of the 20th June 2023, and in response to submissions received during public consultation, Council partially endorsed the recommendations of the Old Beach Zoning Review report ('the Report') to rezone the land in Precinct A to Future Urban and then General Residential, but not rezone the land in Precinct B at this stage.

This is therefore the first planning scheme amendment in the process of Precinct A being rezoned to provide additional housing to meet anticipated demand in a sought-after location in the municipality.

It is submitted that the amendment is necessary to encourage infill development within the Greater Hobart Urban Growth Boundary (UGB') in a location close to activity centres and community infrastructure. This represents a more sustainable growth pattern than seeking to rezone marginal land on the urban fringe and is consistent with local, regional and state planning policies and strategic plans.

### 3. Legislative & Policy Content

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

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

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

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

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

### 4. Risk & Implications

The amendment proposes no significant risks or implications for Council. Should the amendment be initiated by Council and then approved by the Tasmanian Planning Commission, the master planning project will need to be budgeted for and further community engaged undertaken.

## 5. Site and Surrounds

The subject site is the land within Precinct A as per ERA 's Report and shown below in Figure 2.<sup>1</sup>

The subject site contains an area of approximately 95ha and is made up of 103 parcels which range in size from 1,287m<sup>2</sup> to 11.43hs.<sup>2</sup> All properties comprise a single dwelling except for 11 vacant properties.

The subject site (Precinct A) is shown highlighted in blue in Figure 2 below.

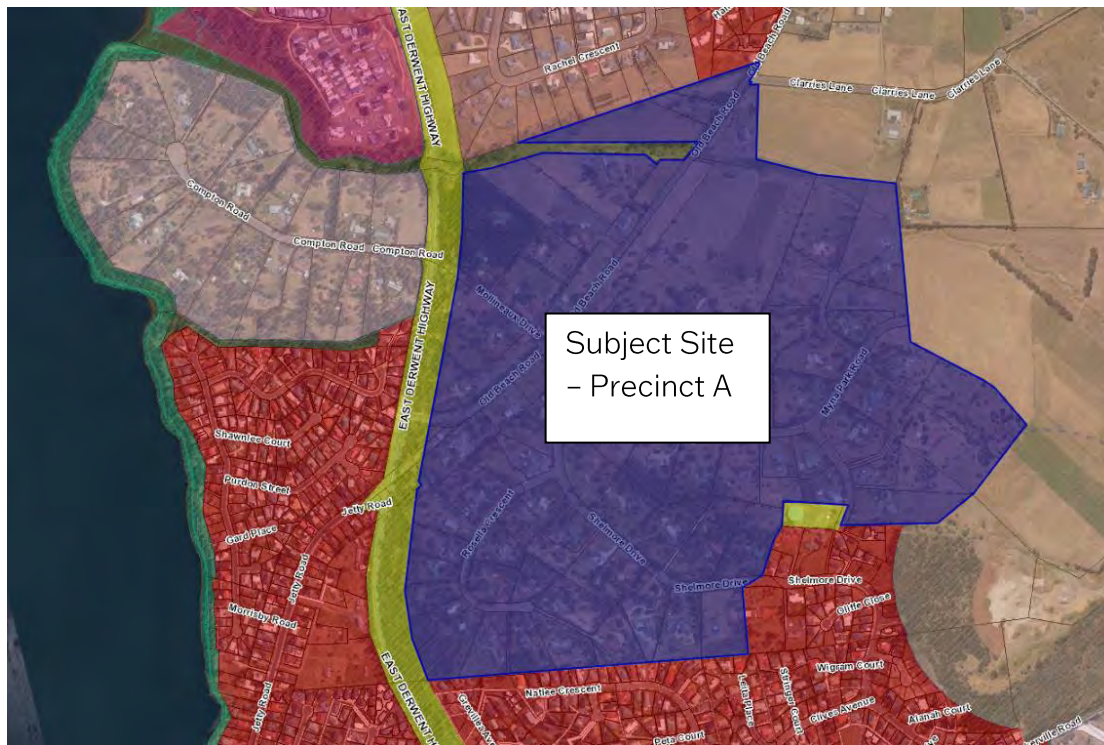


Figure 2 Subject Site – Precinct A (Source: TheList)

The subject site is a typical rural residential area, being low density residential uses with rural road geometries, and some small-scale hobby farm type pursuits. The area was originally developed as the 'Myna Park Estate'.

The Precinct has two different geographies which are split horizontally by Myna Park Road. Land on the north of said road is flatter and less vegetated. Land to the south shows more vegetation cover and slopes up to the south at an average grade of 5%, where it peaks on the southern side of Rosella Crescent.

The site is somewhat unique as it is located within the UGB and is zoned Rural Living. It also has existing vehicular connections to the General Residential zoned land to the north and south.

<sup>1</sup> There is one title within Precinct A currently zoned Environmental Management and is not included in the amendment. This title contains Clarries Creek and is owned by the Brighton Council.

<sup>2</sup> This includes some road lots.

The surrounding area is characterised by agricultural land to the east and existing residential uses on all other sides. The site abuts to the East Derwent Highway.

### 5.1. Zoning

The site adjoins general residential zoned land to south and a combination of general residential, low density residential and Rural to the north. The 'Tivoli Green' residential estate is located approximately 300m north along Old Beach Road. Land to the east of the site and on the eastern side of Old Beach Road to the north is zoned Rural. Land along Compton Road to the west is zoned Rural Living.

The zoning of the site and surrounds are shown in Figure 3 below.

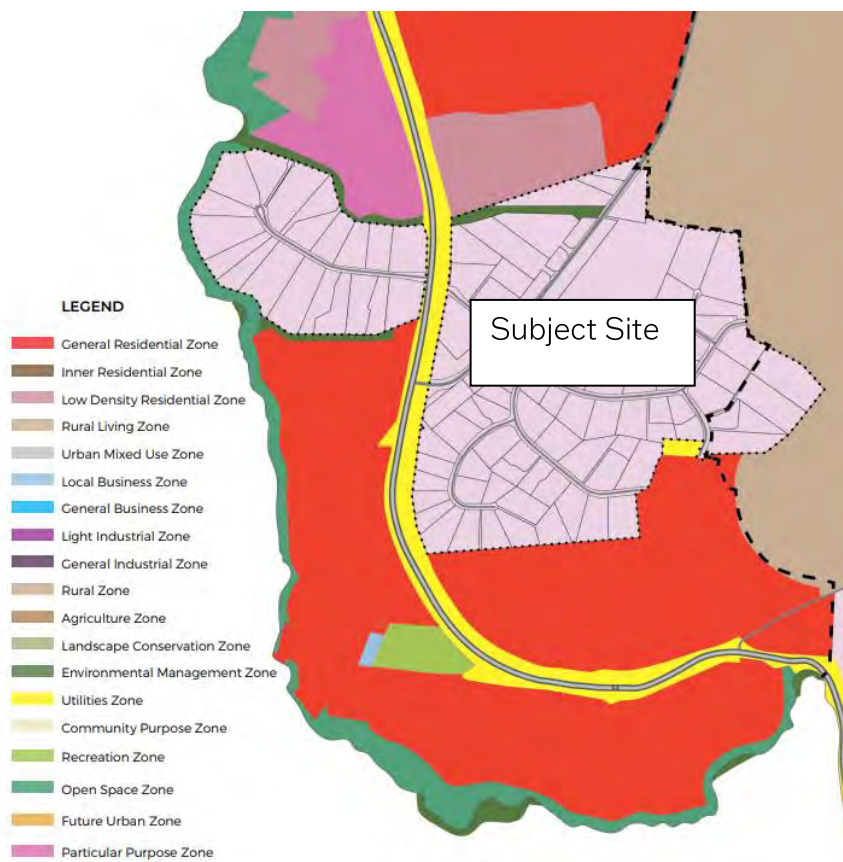


Figure 3 Zoning of site and surrounds (Source: ERA)

### 5.2. Overlays, Codes and Specific Area Plans

The site is mapped as being Bushfire prone under the Bushfire Prone Areas Code of the Brighton LPS. Parts of the site are subject to the Natural Assets Code due to containing a patch of 'Priority Vegetation', and two (2) 'Water Way and Coastal Protection Areas' that run along Clarries Creek and a minor tributary which passes through lots on Old Beach Road and Shelmore Drive.

### **5.3. Roads and Public Transport**

Old Beach Road is the key collector road running through the precinct and feeds the local roads to the East Derwent Highway (EDH). Shelmore Drive and Myna Park Road are local roads which provide connection through the precinct to the General Residential zoned land to the south. The roads are of a rural standard with no kerb and channel or footpaths throughout.

The EDH is classified as a “Category 3 Road” under the Tasmanian State Road Hierarchy and is a key link in Greater Hobart’s transport network between the Tasman Highway at Montagu Bay, and the Midland Highway at Bridgewater, on Hobart’s eastern shore.

Hubble Traffic (Hubble) provided a Traffic Report which analysed the capacity of the EDH between Old Beach and Bowen Bridge to accommodate future residential growth in the precincts (See Attachment D). The TIA concluded that once the Tivoli Green Estate was fully developed that the EDH would have limited capacity for further growth without significant upgrades occurring.

### **5.4. Natural Values**

The southwestern corner at the site at the rear of several lots along Rosella Crescent is mapped as containing a path of *Eucalyptus amygdalina* forest and woodland on sandstone (DAS). There is natural vegetation scattered throughout the precinct interspersed with modified vegetation relating to residential uses. Two (2) waterways are present in the site.

### **5.5. Infrastructure**

The majority of lots within the site are not currently serviced by reticulated sewer. There are two (2) lots on Rosella Crescent that are connected to a 150mm sewer pipe. Water is provided to the site via the Clives Hill (Old Beach) Reservoir. Stormwater in the site drains to roadside swales or is captured on site via tanks and dispersion pits typical of a rural residential area.

TasWater and TasNetworks have both indicated the site can be serviced by reticulated sewer subject upgrades.

## **6. Background and Rationale**

### **6.1. Strategic Rationale**

The proposal is to implement the recommendations of the Brighton Structure Plan and the Old Beach Zoning Review Report. The proposal also furthers the intent of the UGB and settlement strategies within the Southern Tasmanian Regional Land Use Strategy which aims to contain residential growth within an UGB.

#### **6.1.1. Brighton Structure Plan**

The Brighton local government area (LGA) is experiencing strong population growth, resulting in increased pressure on residential land supply. The Department of Treasury and Finance (Treasury projections) in 2019 predicted that this growth will continue, with the Brighton LGA expected to be the fastest growing in Tasmania with an expected

population growth of 33.4%, or 5,754 people between 2017 and 2042 under the medium growth scenario.

The BSP found that predicted population growth in Brighton equates to demand for 2,213 dwellings by 2042 under the medium growth scenario Treasury projections, and 2,708 dwellings by 2033 under the BSP. The BSP identifies that half of this dwelling demand for the LGA is to be in Old Beach, which is predicted to grow by an additional 3,000 people between 2018 and 2033. The other area where demand is to be high by 2033 is to be the suburb of Brighton. Those other areas in the municipality are likely to have far less demand for land.

The BSP found that there was highly likely a lack of currently zoned and vacant land (i.e., residential) within the UGB to accommodate the expected demand up to 2042.

For Council to meet demand by 2042 via a 50/50 greenfield to infill scenario as per the Southern Tasmanian Regional Land Use Strategy ('STRLUS'), the BSP estimated that almost all infill development opportunities of zoned and currently 'underutilised' lots (i.e., non-vacant parcels with a dwelling but with subdivision approval) within the UGB will need to occur. This is highly ambitious and unlikely given it would mean that landowners on underutilised sites would need to agree to develop their lots.

The BSP therefore recommended that the Brighton Council investigate possible growth options both within and outside the UGB.

Key to the possible growth options within the UGB was to look at the restructuring of existing Rural Living zoned areas in Brighton and Old Beach. Two (2) of those sites were in Old Beach and were the subject of the ERA Report. Precinct A was described as 'Site 8' in the BSP and the following comments made on its potential as a growth option:

<ul style="list-style-type: none"> <li>• Would be a logical extension of the suburb of Old Beach and would assist to create closer linkages to Gagebrook.</li> <li>• Is adjacent to an existing bus route.</li> <li>• Some sites are heavily vegetated.</li> <li>• The current road layout and subdivision pattern does present some challenges to redevelopment, and a majority of landowners would need to be willing to develop their sites to ensure a coordinated outcome.</li> <li>• TasWater comments on sewage = Backlog rollout issues.</li> <li>• TasWater comments on water = Likely augmentation required, booster zone and rollout of larger pipes.</li> </ul>	Consider as a secondary urban growth option.
---	--

Figure 4 Site 8 Description (Source: BSP)

A key action coming out of Strategy 1 of the BSP (Review the urban growth boundary) relevant to this rezoning is:

For Old Beach, further investigate Sites 8 (Old Beach Road) and 9 (Old Beach Quarry) for eventual rezoning to the Particular Purpose (Urban Growth) to allow for their future development as Greenfield Development Precincts.

Strategy 2 (Plan for housing growth within the urban growth boundary) states: "Prepare Precinct Structure Plans for the Greenfield Development Precincts".

The proposed rezoning of Precinct A is directly consistent with the intent and strategies within the BSP given it is implementing the recommendations of a review of Site 8 which will then allow for a masterplan/ precinct structure plan to be developed for the land to be developed at urban densities.

### 6.1.2. Old Beach Zoning Review Project

ERA were engaged by Council to investigate whether precincts A and B have the capacity and policy support to accommodate future growth. The report is provided as Attachment A.

#### *Consultation*

ERA undertook community consultation of stakeholders within the precincts to gauge the community's appetite for change and what kinds of things they would like to be retained if growth was to occur.

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

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

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

#### *The Site/ Policy Analysis*

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

- Existing lot sizes and existing dwelling location
- Land constraints including natural hazards, topography, and existing vegetation
- Infrastructure and servicing
- Current and possible future transport network
- Public open space network
- Ability to consolidate lots
- Capacity for subdivision or development

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

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

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

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

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

**Table 1 Change Scenarios**

Option	Growth Scenario	Changes to planning controls / Road Infrastructure	Possible additional lots / residents
1	No Change Scenario	No change to the current planning controls. The current zoning of Rural Living (Zone A) would be maintained across both precincts, with the current Urban Rural Interface SAP covering Precinct A.	114 additional new lots. 266 new residents.
2	Moderate change	<ol style="list-style-type: none"> <li>1. Rezone both Precinct A and B to Future Urban zone, remove the Urban Rural Interface SAP currently applying to Precinct A, and extend the UGB to include the entirety of Precinct A.</li> <li>2. Road upgrades to be completed or agreed to at: <ul style="list-style-type: none"> <li>• Junction of Bowen Bridge with the highway (returning to Old Beach)</li> <li>• Southern junction of Otago Bay with the highway (right turn onto highway).</li> </ul> </li> <li>3. Rezone part of (21.2ha) of Precinct A</li> </ol>	580 additional lots. 1, 357 residents

		to General Residential.	
3	Significant	<ol style="list-style-type: none"> <li>1. Rezone both Precinct A and B to Future Urban zone, remove the Urban Rural Interface SAP currently applying to Precinct A, and extend the UGB to include the entirety of Precinct A.</li> <li>2. Significant upgrades to East Derwent Highway.</li> <li>3. Rezone both Precincts to General Residential.</li> </ol>	1,544 lots  3,612 residents

Option two (2) was ERA's recommended growth scenario.

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

#### *The Traffic Assessment*

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

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

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

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

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

## **7. Council's Endorsement of Report**

At its meeting of the 20th of June 2023, Council partially endorsed the recommendations of the Old Beach Zoning Review report ('the Report') to rezone the land in Precinct A, but to not rezone the land in Precinct B at this stage.

This decision was a result of the consideration of responses received during the consultation period regarding the ERA Report.

## 8. The Amendment

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

- (a) Rezone the properties shown in Attachment B from Rural Living A to the Future Urban Zone; and
- (b) Remove the Urban Rural Interface Specific Area Plan from those properties in Attachment B.

The proposed rezoning described in B are shown below in Figure 5 below.

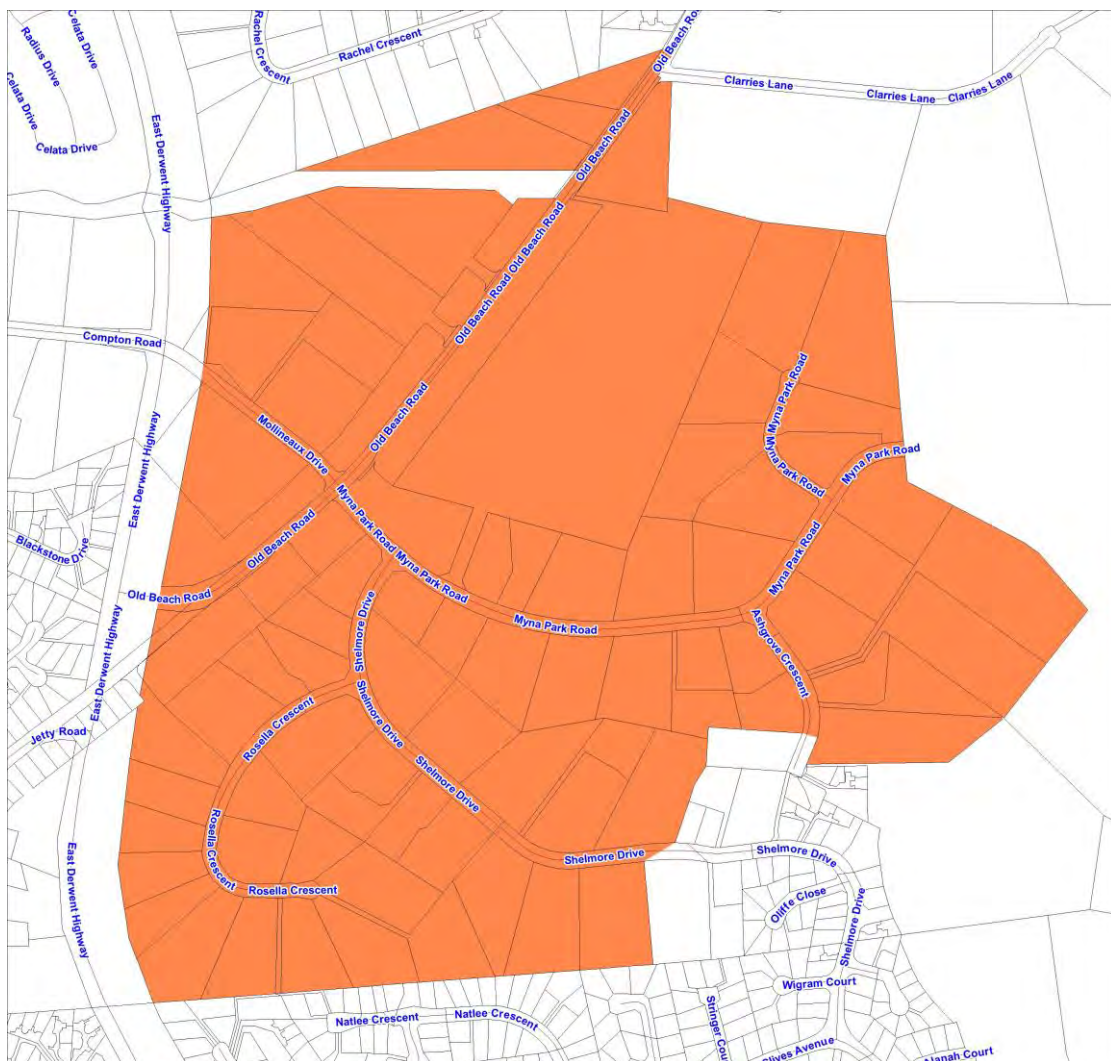


Figure 5 Future Urban Zoning (Source: Brighton Council)

## 9. Section 8A of LUPAA - Guideline No. 1 - Local Provisions Schedule (LPS): Zone and Zode Application

The ERA report has addressed the Section 8A Guidelines in arriving at its recommendation that Precinct A ought to be rezoned to Future Urban and then General Residential with an accompanying masterplan and SAP.

ERA concluded that the RLZ is no longer appropriate as: “the land is earmarked for future residential development and is within the UGB. It is also capable of being connected to services and appears to have limited natural values”.

Regarding the General Residential Zone ERA state that:

The General Residential zone would be the most appropriate zoning for the study area, providing properties within it are connected to a reticulated water supply service and a reticulated sewerage system. There are minimal constraints that impact the land’s development potential. This zoning would also allow for more efficient use of existing infrastructure and servicing in the area.

Regarding the Future Urban Zone:

The Future Urban zone should be applied to the Precincts to ensure that the future development of the area is not compromised. This ensures that further structure or master planning for the precincts can be prepared before they are released for urban development.

ERA also dismissed the suitability of the Low Density Zone:

The Low Density Residential zone is only appropriate for land that is not capable of being connected to reticulated infrastructure services and is affected by significant environmental constraints that limit development. This is not the case for the study area. Accordingly, this zoning is not considered appropriate.

## 10. Planning Assessment – Draft Amendment of LPS Requirements of the Act

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

### ***40D. Preparation of draft amendments***

*A planning authority –*

*(a) must prepare a draft amendment of an LPS, and certify it under [section 40F](#), within 42 days after receiving the request under [section 37\(1\)](#) to which the amendment relates, if –*

*(i) it decides under [section 38\(2\)](#) to prepare a draft amendment of an LPS; or*

*(ii) after reconsidering, in accordance with a direction under [section 40B\(4\)\(a\)](#), a request under [section 37\(1\)](#) whether to prepare a draft amendment of an LPS, it decides to prepare such an amendment; or*

*(b) may, of its own motion, prepare a draft amendment of an LPS; or*

- (c) *must, if it receives under [section 40C\(1\)](#) a direction to do so, prepare a draft amendment of an LPS and submit it to the Commission within the period specified in the direction or a longer period allowed by the Commission.*

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

#### **40F. Certification of draft amendments**

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

(2) *If a planning authority determines that –*

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

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

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

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

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

#### **10.1. Assessment of Section 34(2) of the Act.**

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

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

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

**Response:** the SPP's allow for the Future Urban Zone to be applied via an LPS.

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

**Response:** Section 32 of the Act sets out the contents of the LPSs. The amendment is to alter the zoning maps that relate to the site by replacing the Rural Living Zone with the Future Urban Zone. The proposal will also remove the Specific Area Plan that currently applies.

*(c) Furthers RMPS Objectives*

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

**Table 2 – RMPS Objective Assessment**

<i>Objective</i>	<i>Response</i>
<b>Part 1</b>	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	<p>The proposal is to rezone the site to Future Urban which is more restrictive than the current Rural Living Zone in terms of subdivision potential. Furthermore, only a part of the site is mapped as containing priority vegetation and waterway buffer areas under the Natural Assets Code.</p> <p>A comprehensive natural values assessment will form part of the masterplan and future rezoning to General Residential.</p>
(b) to provide for the fair, orderly and sustainable use and development of air, land and water	<p>The proposal is to apply a holding zone onto an area of land within the UGB which has been identified for future growth in strategies endorsed by Council. Finding ways to provide housing within the UGB and nearby to existing infrastructure and activity centres is far more sustainable than seeking out more marginal land on the urban fringe.</p>
(c) to encourage public involvement in resource management and planning	<p><i>The community have been engaged throughout the project and will be provided an opportunity to make submissions and attend hearings under LUPAA should Council initiate the amendment.</i></p>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	<p>The proposal will begin the process of rezoning the site to provide additional housing which has obvious economic benefits.</p>
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State	<p>The proposed amendment has had input from the community, the Tasmanian Government and Brighton Council officers. If approved, ongoing responsibility will continue through the planning process.</p>

Part 2	
(a) to require sound strategic planning and coordinated action by State and local government	The proposed amendment is to implement the recommendations of regional and local strategic planning documents and is consistent with relevant policies within the Southern Tasmanian Regional Land Use Strategy.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	The proposed amendment has been found to be consistent with the contents of the LPS and has been drafted to achieve specific objectives and policies recommended in strategic planning documents endorsed by the Council.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	<p>The land is mapped as containing only minimal environmental values of any known significance. A natural values assessment will</p> <p>In terms of social and economic effects, the proposal is only for a Future Urban Zone which will not have any significant social/economic impacts.</p>
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	The proposal is recommended in local strategic planning documents endorsed by the Council and is consistent with regional planning documents and State Policies and legislation.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	The approvals process is generally prescribed and the planning scheme amendment process has little impact on co-ordination of approvals.
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	One of the purposes of the planning scheme amendment is to set aside land for future growth within the UGB which is close to existing infrastructure and services.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	There are no buildings or areas of interest within the site.

(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community	A key reason for the proposal is to set aside land for future growth whilst issues with infrastructure (such as the East Derwent Highway) are resolved and considered in a future master plan.
(i) to provide a planning framework which fully considers land capability.	The land is currently zoned Rural Living.

**(d) Consistent with State Policies**

**10.1.1. State Coastal Policy 1996**

The *State Coastal Policy 1996* applies to land within 1 km of the high-water mark. The proposed rezoning is only to apply the Future Urban Zone to land within the UGB which is more restrictive than the current Rural Living Zone.

**10.1.2. State Policy on the Protection of Agricultural Land 2009**

The *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion of agricultural land to non-agricultural uses is subject to the principles of the PAL Policy.

All land is zoned Rural Living and is not considered agricultural land. The future master plan will consider impacts of higher density on adjoining agricultural land.

**10.1.3. The State Policy on Water Quality Management 1997**

There will be no direct impact on water quality as a result of the amendment. Any impact on water quality will be considered in future projects.

**10.1.4. National Environmental Protection Measures**

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

The proposal does not trigger consideration under the NEPMs.

**(da) consistent with TPPs**

There are currently no Tasmanian Planning Policies in effect.

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

As required under s.34(2)(e) the proposed amendment must be, as far as practicable, consistent with regional land use strategies. In southern Tasmania, the relevant regional land use strategy is the *Southern Tasmania Regional Land Use Strategy 2010-2035*

(STRLUS). The policies that are relevant to the amendment are addressed in Table 3 below.

**Table 3 – STRLUS Assessment**

Policy	Action
<p>SRD 2</p> <p>Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability</p>	<p>SRD2.1</p> <p>Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.</p> <p>Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and protected by the planning scheme.</p> <p>SRD 2.6</p> <p>Increase densities to an average of at least 25 dwellings per hectare (net density) within a distance of 400-850m of integrated transit corridors and Principal and Primary Activity centres, subject to heritage constraints.</p> <p>SRD 2.9</p> <p>Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.</p> <p>Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme:</p> <ul style="list-style-type: none"> <li>a) specify the spatial area in which biodiversity values are to be recognised and protected; and</li> <li>b) implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.</li> </ul>
<p><b><u>Consistent:</u></b></p> <p>The proposed amendment seeks to set aside land within the UBG for future residential growth. This is directly consistent with the intent of the settlement strategies. Furthermore, the BSP signalled that there would not be enough zoned land within the current UGB to meet demand by 2033 so suggested that Council looked to rezone the site to Future Urban and then to General Residential.</p>	

PI 2  Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.	PI 2.2  Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.
<u>Consistent:</u>  The proposal will set aside the land whilst infrastructure is worked through via a future masterplan. It is noted that all relevant authorities have confirmed the land can be fully serviced subject to upgrades.	
LUTI 1  Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.	LUTI 1.6  Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.
<u>Consistent</u>  The land sits in a favourable position regarding access to transport.	

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

**(f) Brighton Council Strategic Plan 2023 – 2033**

The proposed amendment is consistent with the following relevant strategies from the Brighton Council Strategic Plan 2023- 2033:

- 1.3 – Ensure attractive local areas that provide social, recreational and economic opportunities.
- 2.4 - Ensure strategic planning and management of assets has a long term sustainability and evidence-based approach.
- 3.2 – Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population.

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

The proposed amendment will not impact the LPS of adjacent municipal areas. The amendment has been assessed as being consistent with the STRLUS.

**(h) Gas Pipeline safety**

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

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

**11. Conclusion**

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

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2023-04 as detailed in this report and attachments.

**RECOMMENDATION:**

1. That in accordance with s40D(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority prepare a draft amendment of an LPS to be known as RZ 2023-05 as follows,
  - (a) Rezone the properties provided in Attachment B from Rural Living A to Future Urban: and
  - (b) Remove the Urban Rural Interface Specific Area Plan from those properties in Attachment B.
2. That, in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2023-05 satisfies the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*.
3. That, in accordance with Section 40F(3) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2023-05 be certified by instrument in writing affixed with the common seal of the Council.
4. That, in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, a certified copy of draft amendment RZ 2023-05 be given to the Tasmanian Planning Commission within seven (7) days.
5. That, in accordance with Section 40FA(1) of the *Land Use Planning and Approvals Act 1993*, a copy of the draft amendment RZ2023-05 be provided to relevant agencies and those state service, or State authorities, that the planning authority considers may have an interest in the draft amendment.
6. That, in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ2023-05 be placed on public exhibition as soon as practicable.

**DECISION**

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

**CARRIED**

**VOTING RECORD**

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

*Cr Owen rejoined the meeting at 5.52pm*

*Cr Geard and Cr Whelan had declared an interest and left the meeting at 5.52pm*

## **6.2 Development Application DA 2023 / 00081 - Firewood Depot at 252 Elderslie Road, Brighton**

**Author:** Kien Tran (Planning Officer)

**Authorised:** David Allingham (Director Development Services)

<b>Applicant:</b>	WWTas Pty Ltd
<b>Subject Site:</b>	252 Elderslie Road, Brighton
<b>Proposal:</b>	Firewood Depot
<b>Planning Scheme:</b>	Tasmanian Planning Scheme - Brighton
<b>Zoning:</b>	Agriculture Zone
<b>Codes:</b>	Parking & Access Bushfire-prone area N/A Landslip Hazard Code – Low landslip hazard band N/A Attenuation Code – N/A
<b>Local Provisions:</b>	N/A
<b>Use Class:</b>	Resource Processing
<b>Discretions:</b>	Discretionary Use – Resource Processing
<b>Representations:</b>	4 representations were received. The representors raised the following issues: <ul style="list-style-type: none"> <li>• Validity of the EMP</li> </ul>

	<ul style="list-style-type: none"> <li>• Noise Issues</li> <li>• Stormwater Management</li> <li>• Construction of access and internal driveway</li> <li>• Fire Risk</li> <li>• Biosecurity</li> <li>• Quarry Rehabilitation</li> <li>• Waste Management</li> </ul>
<b>Recommendation:</b>	Approval with conditions

## 1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA2023/00081.

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

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

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

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

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

## 2. SITE ASSESSMENT

The site is an old quarry located at 252 Elderslie Road, Brighton. It is accessible by Quarry Road, and is approximately 530m from Elderslie Road. The property is small in size, only at 2.043 ha and situated on a steep elevation. However, the proposed area for the development is the unused section of the flat quarry floor, cleared of vegetation and has a solid rock foundation. The site is completely separated from the quarry operations. There is shared access, turning, and parking spaces available at the quarry site.



The existing quarry is only operating at limited scale and utilising a small part of the site. The proposed firewood depot will utilise an area of approximately 350m<sup>2</sup> only.

The property is within the Agriculture Zone with overlays of Bushfire-prone areas, medium landslip hazard band and Low landslip hazard band.

### 3. PROPOSAL

The proposal is for the Use of Resource Processing, development by a Firewood Depot. The proposed Use is a discretionary use and therefore, the proposal will be assessed as a Discretionary application.

The application proposes to process and distribute firewood. Timber will be delivered to the site by log truck in a maximum of 6 metres lengths and then processed using a timber processor, which will cut the log and then split the cut logs into smaller firewood pieces.

Timbers will be supplied by 1-2 log truck loads (30 tonnes) of logs per week with the estimated average to be less than 7 loads per week. Processed timber will be delivered from the site in bulk 2 tonnes loads by small truck (HINO 300 series, 5.2 metres long). Full capacity of the operation will see a total of 60 tonnes per week, which would equate to a maximum 5 loads per day.

The application is supported by the attached Site Plans and Environmental Management Plan.

### 4. PLANNING SCHEME ASSESSMENT

#### Compliance with Applicable Standards:

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

*5.6.2 A standard is an applicable standard if:*

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

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

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

#### **Determining applications (clause 6.10.1):**

- 6.10.1 *In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:*
- (a) *all applicable standards and requirements in this planning scheme; and*
  - (b) *any representations received pursuant to and in conformity with section 57(5) of the Act,*
- but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.*

#### **Use Class**

The Use Class is categorised as Resource Processing under the Scheme. In the Agriculture Zone the Resource Processing is a Discretionary use.

As the Use Class is discretionary, it must be consistent with the Zone Purpose as follows:

21.1.1 *To provide for the use or development of land for agricultural use.*

21.1.2 *To protect land for the use or development of agricultural use by minimising:*

- a) *a) conflict with or interference from non-agricultural uses;*
- b) *b) non-agricultural use or development that precludes the return of the land to agricultural use; and*
- c) *c) use of land for non-agricultural use in irrigation districts.*

*21.1.3 To provide for use or development that supports the use of the land for agricultural use.*

The proposal is considered to be consistent with the above because the proposal is to provide for the resource processing use of a woodfire depot, which is considered to support the timber resource development, which also is an agricultural use. Moreover, the subject site has already been used for the operation of a Level 1 quarry, which is not an agricultural use. The proposal will not create conflicts or interference with any existing agricultural use on the site or adjoining lands.

### Compliance with Performance Criteria

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

### Clause 21.3 - Use Standards

<b>Objective:</b>	
That uses listed as Discretionary:	
a) support agriculture use; and	
b) protect land for agricultural use by minimising the conversion of land to non-agricultural use.	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
A1  No Acceptable Solution	P1  A use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site, for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regards to:  a) access to a specific naturally occurring resource on the site or on land in the vicinity of the site;  b) access to infrastructure only available on the site or on land in the vicinity of the site;  c) access to a product or material related to an agricultural use;

	<p>d) service or support for an agricultural use on the site or on land in the vicinity of the site;</p> <p>e) the diversification or value adding of an agricultural use on the site or In the vicinity of the site; and</p> <p>f) provision of essential Emergency Services or Utilities.</p>
--	---

The proposal provides for the Discretionary use of Resource Processing. The standard does not provide an acceptable solution, therefore assessment against the performance criteria is relied upon.

The proposal is located on the site for operational reasons, with the intention to minimise impacts arising from the operation such as noise and saw dust. The site has sufficient setback from adjoining residential use and the assessment of noise from the operation is deemed acceptable (EMP by Rivulet Environmental, submitted 4 Oct 2023). The proposal is for the Resource Processing use of timber, which is considered a product of agriculture activity.

Accordingly, the Performance Criteria Is satisfied.

<p>A2</p> <p>No Acceptable Solution</p>	<p>P2</p> <p>A use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to:</p> <p>a) the area of land being converted to non-agricultural use;</p> <p>b) whether the use precludes the land from being returned to an agricultural use;</p> <p>c) whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites.</p>
---	---

The proposal provides for the Discretionary use of Resource Processing. The standard does not provide an acceptable solution, therefore assessment against the performance criteria is relied upon.

The proposed development is situated within the existing quarry. There is no conversion of agricultural land to non-agricultural use proposed. Due to the nature of the development and its use (both existing and proposed), the proposal will be unlikely to preclude the land from being returned to an agricultural use in the future, if such an opportunity occur. The proposal is also unlikely to confine or restrict existing or potential agricultural use on the site or adjoining sites due to the proposed development's size and location.

Accordingly, the Performance Criteria Is satisfied.

<p>A3</p> <p>No Acceptable Solution.</p>	<p>P3</p> <p>A use listed as Discretionary, excluding Residential, located on prime agricultural land must:</p> <p>a) be for Extractive Industry, Resource Development or Utilities, provided that:</p> <p>i) the area of land converted to the use is minimised</p> <p>ii) adverse impacts on the surrounding agricultural use are minimised; and</p> <p>iii) the site is reasonably required for operational efficiency; or</p> <p>b) be for a use that demonstrates a significant benefit to the region, having regard to the social, environmental and economic costs and benefits of the proposed use.</p>
--	---

The proposal provides for the Discretionary use of Resource Processing, which does not have the acceptable solution, therefore assessment against the performance criteria is relied upon.

The proposal is for development on the property at 252 Elderslie Road, Brighton. The land is a Category 5 land, in term of land capability, which is not considered as prime agricultural land. This standard is not applicable.

## 5. REFERRALS

### *Council's Development Engineer*

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

### *Council's Senior Environmental Health Officer*

Council's Senior Environmental Health Officer (SEHO) was consulted regarding this proposal. The SEHO considers that based on the information provided in the EMP, the proposed use will not create unreasonable nuisances or detriments to adjoining lands. The EMP also addresses other potential issues related to the proposed development. Comments have been incorporated into the officer's report, where necessary.

## 6. REPRESENTATIONS

Four (4) representations were received during the statutory public exhibition period between 7<sup>th</sup> October and 23<sup>rd</sup> October 2023.

The concerns of the representors are summarised below:

Representor's concerns	Planning Response
The EMP was not undertaken by a recognised body or expert	<i>The author of the EMP is a suitably qualified person with extensive experience working as Senior Environmental Officer for the EPA as well as Environmental Adviser for Spectran group.</i>
The EMP was not following the Commonwealth EMP Guidelines	<i>The Commonwealth EMP Guidelines set out guidelines for what issues may need to be addressed in the production of an EMP. However, these guidelines are not a regulatory requirement and the person preparing the EMP could choose to adopt the most suitable and applicable guidelines for their own work. The proposed firewood depot is a small scale, restricted operation and would not require all of the information set out in the Guidelines. Council's Senior Environmental Health Officer is satisfied that the EMP sufficiently addresses the issues relevant to the activity.</i>
Noise reading was not accurately taken, and the level of noise could affect the existing agricultural operation of the adjoining lands.	<i>Site inspections were undertaken by Council Officers during times the activity was operating and during the assessment by the consultant who authored the EMP. Noise level readings were barely detectable above background noise and far less than what is widely considered in the legislation to be intrusive. The</i>

	<i>proposed hours of operation also ensure the activity is not operating during sensitive periods when background levels are minimised as further protection that noise levels are not regarded as offensive.</i>
Stormwater runoff is not adequately managed or addressed within the proposal.	<p><i>There are a few different concerns raised regarding the management of stormwater on the operation site and for the access driveway from Elderslie Road.</i></p> <p><i>Assessment of the proposal by Council Engineer outlined that the activity would not impact negatively on stormwater dispersal and may even benefit by preventing flow channels forming. Most of the operation area is permeable surface and the risk of stormwater or stormflow concentration is reduced, and any erosion is unlikely to occur.</i></p> <p><i>The access road from Elderslie Road would need to be formalised or properly constructed to manage stormwater in high flow periods. However, Council Engineer is confident that this issue could be addressed adequately by conditioning in the Permit.</i></p>
The access to the site is not adequately constructed and could potentially create traffic hazards when log trucks turn into the site from Elderslie Road.	<i>A condition will be included in any permit requiring the upgrade of the access from Elderslie Road to comply with relevant standards.</i>
The site is within Bushfire-prone area and the proposal has a high risk of fire, but the proposal has not adequately addressed this risk.	<i>The proposed use is not a Vulnerable Use or a Hazardous Use, nor is there an application for subdivision. Accordingly, the Bushfire-prone Areas Code does not apply. .</i>
The partially change of use of the site from the Level 1 quarry operation (Extractive Industry) to Resource Processing will trigger the requirement to rehabilitate the site. This has not been mentioned in the proposal.	<i>The conditions of approval for the operation of the quarry are controlled under an Environmental Protection Notice ("EPN") issued in December 2018. The additional use of the site for this new activity does not impact on the EPN and its requirements remain unaffected and unchanged.</i>
Biosecurity plan has not been addressed by the proposal and there is risk of carrying introduced species into the agricultural lands surrounding the proposal.	<i>The logs being transported to the site are all locally sourced and not from interstate. Therefore, concern regarding the biosecurity risks of introduced species is not relevant. Concern for dirt, vegetation or barks is similar and trucks using the main road would pose the same risks.</i>
Waste disposal management has not been outlined and concerns over possibilities of creating more traffic on site to manage waste from the operation. In addition, there is concern	<i>There should be minimal waste produced due to the nature of the activity, the removal of such would therefore not be required on a regular basis and the additional traffic movements should not exceed those listed by the client in the original application.</i>

of inadequate sanitation facilities on the site.	<i>Provision of sanitation facilities is not a planning consideration.</i>
--	--

## 7. CONCLUSION

The proposal for Firewood Depot at 252 Elderslie Road, Brighton, satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

## **RECOMMENDATION:**

That pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approve application DA2023/00081 for the Use of Resource Processing developed by a Firewood Depot at 252 Elderslie Road, Brighton, 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. Where a conflict occurs between the application for planning approval, endorsed drawings and the conditions of permit, the latter prevails.
3. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the Land Use Planning and Approvals Act 1993.

### *Services*

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

### *Vehicular Access*

5. The existing vehicle access at Elderslie Road must be upgraded including a sealed surface to comply with Council's minimum standards as shown on standard drawing TSD-R05 and in accordance with Australian Standard AS 2890- Parking facilities, Parts 1-6.

*Advice: The largest regular use vehicles must be able 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.*

*Access Road*

6. The vehicular access way must be constructed/upgraded for the entire length of the right of way from Elderslie Road to the lot proper and, unless approved otherwise by Council's Municipal Engineer, include:
  - (a) Constructed with a durable all-weather pavement.
  - (b) Drained to the public stormwater system, or contain stormwater on the site, such that stormwater does not create a nuisance on adjacent properties.
  - (c) Surfaced with a minimum gravel surface that is designed, constructed and maintained to avoid dust or mud generation, erosion or sediment transfer on or off site;
  - (d) A min trafficable width of 3.5m
  - (e) Provided with passing bays.

*Engineering*

7. Unless approved otherwise by Council's Municipal Engineer, engineering design drawings, to the satisfaction of Councils Municipal Engineer must be submitted to and approved by Council before any the use or any works associated with development of the land commences.
8. Engineering design drawings are to be prepared by a qualified and experience civil engineer or other person approved by Councils Municipal Engineer and must show:
  - (a) all existing and proposed services required by this permit,
  - (b) all existing and proposed access strip 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) location of existing trees and desired clearance from road edge,
  - (f) any other work required by this permit.
9. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
10. Unless approved otherwise by Councils Municipal Engineer, 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 on completion of subdivision construction works. The appointed consulting engineer shall be the primary contact person for all matters concerning the subdivision.
11. On completion of all works the supervising engineer is to provide certification that all works have been completed in accordance with the approved drawings, and these permit conditions.

*Soil and Water Management*

12. Temporary run-off, erosion and sediment controls must be undertaken in accordance with the approved recommendations of the geotechnical site investigations report and must be maintained at full operational capacity to the satisfaction of Council's Municipal Engineer until the land is effectively rehabilitated and stabilised after completion of the development.
13. The driveways, roads and accessways must be drained as to minimise surface runoff over adjoining land.
14. That stormwater drainage runoff be undertaken according to the recommendations of the geotechnical site investigation report and good construction practices to the satisfaction of Council's Municipal Engineer.

*Construction amenity*

15. 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.
16. 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
17. All works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function, and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
  - (a) emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
  - (b) transport of materials, goods, or commodities to or from the land; and/or
  - (c) appearance of any building, works or materials.
18. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Director Development Services.

*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. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

## DECISION

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

**CARRIED**

### VOTING RECORD

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

Meeting closed: 6.00pm

Confirmed: \_\_\_\_\_  
(Mayor)

Date: 19 December 2023



## **Brighton Council**

**MINUTES OF THE COMMUNITY DEVELOPMENT COMMITTEE MEETING  
OF THE BRIGHTON COUNCIL HELD IN THE COUNCIL CHAMBERS, COUNCIL OFFICES  
OLD BEACH AT 5.15 P.M. ON TUESDAY, 7 NOVEMBER 2023**

**1. Acknowledgement of Country**

**2. Attendance**

Cr A De La Torre (Chairperson); Cr B Curran (Deputy Chairperson); Cr L Gray; Cr P Geard; Cr G Irons; Cr J McMaster; Cr T Murtagh, Cr P Owen and Cr M Whelan.

IN ATTENDANCE: Mr J Dryburgh (General Manager); Ms G Browne (Director, Corporate Services); Mr D Allingham (Director Development Services); Ms J Banks (Director Governance & Regulatory Services); Ms A Turvey (Manager Community Development & Engagement) and Ms K Murphy (Officer - Community Development)

**3. Apologies**

*All members were present.*

**4. Public Question Time**

*There was no requirement for public question time.*

**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.

*There were no declarations of interest.*

## 6. Business

### 6.1 Brief overview of Asset Based Community Development (ABCD) Principles

**Author:** Community Development Officer (K Murphy)

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

#### Background

Our approach to Community Development at Brighton is grounded very much in Asset Based Community Development (ABCD) principles. Supporting what community wants and empowering collective action, with a focus on our communities' strengths.

ABCD is a powerful approach to community engagement and development that focuses on abilities and potential, rather than problems and deficits by discovering the resources that are already present in a community. Discovering community strengths is a powerful and productive way to address problems and realise a collective vision. By building relationships and creating the space for opportunities to emerge, community members are more in control of their own decision making.

It is on this basis that we move forward as a Council in the Community Development space and embrace the many community led opportunities we have in our area.

**Please note:** A brief overview of Asset Based Community Development (ABCD) Principles and how we approach community development at Brighton Council will be provided verbally to the meeting by Kylie Murphy (Community Development Officer).

#### **RECOMMENDATION:**

That the information be received.

#### **DECISION**

*Cr Owen moved, Cr McMaster seconded that the information be received.*

**CARRIED**

#### VOTING RECORD

In favour	Against
-----------	---------

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

## 6.2 Update on Major Impact Grant - Employment of Youth Engagement Worker

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

**Authorised:** General Manager (J Dryburgh)

---

### Background

At the Ordinary Council Meeting on 19 September 2023, Council awarded the Major Impact Grant to Communities for Children (CfC) to establish the position of a Youth Worker for the Brighton Council area to work with young people aged 12-25 years.

Three (3) submissions were assessed by Council and the decision to award the grant to Communities for Children was made based on the needs of young people being a clear priority in our area, with no dedicated youth workers currently based in or actively working in this space in the Brighton Municipality.

The Community Development team convened an implementation meeting with Communities for Children on 4 October 2023 with Tanya Brooks-Cooper (Communities for Children Program Manager) and Stacey Milbourne (Doorways Manager – The Salvation Army) to commence scoping the role and undertaking the recruitment process. Communities for Children (CfC) is managed by The Salvation Army. This meeting included discussions on the following considerations:

- Discussion on key objectives of the role and achievable goals.
- Development of the position description.
- Drafting the advertisement for the role.
- Reporting lines, practical work arrangements and HR responsibilities.
- Make-up of interview panel, including Brighton Youth Action Group representatives.
- Development of the grant deed.

Brighton Council Community Development officers, Communities for Children and The Salvation Army representatives were each tasked with working on these elements of recruitment for the appointment of a Youth Engagement Worker.

A position description has been drafted, along with an initial list of opportunities/objectives for the Youth Worker to engage with and support. These included:

- Coordination and support of the vibrant Brighton Youth Action Group and activities the group is driving in the community, including the 2024 Youth Summit.

- Coordination and development of the Brighton Alive Youth Network, including developing a youth services directory for the region.
- Creating partnerships and opportunities for young people in the Brighton Council area, working with the BYAG and key stakeholders.
- Building on key relationships in the Brighton community, including JRLFSS and PCYC to build a supportive network for the regions young people.
- Working collaboratively to source funding for the ideas bubbling in the BYAG.

On 18 October 2023, Council officers were informed by The Salvation Army that as the CfC Program Manager Tanya Brooks-Cooper had resigned and was leaving the organisation, the organisation could no longer take on the funding for and management of the Youth Engagement Worker position. Tanya had agreed to accept the responsibility and oversight for the Youth Engagement Worker position as CfC Program Manager as part of The Salvation Army and CfC taking on the Major Impact Grant funding.

An email from The Salvation Army Doorways Manager – Tasmania wrote in her email to Brighton Council:

*“The youth worker position sits outside of the CfC Manager’s PD, however we were able to let Tanya step into this space as it was a request from Tanay to extend her work into this age group. Given we are in the process of recruiting a new CfC program manager, we are not able to have the new manager take on the management and oversight of this role, as it does not sit within the PD or within the guidelines of our funding agreement for CfC. As a result, we will not be able to accept the funding for this position. Please accept our sincerest apologies.”*

Given the decision was made by Council to prioritise the Major Impact Grant for a Youth Engagement Worker, the current lack of any dedicated youth workers in the area and the significant amount of work that has already gone into the recruitment phase, it is strongly suggested that Brighton Council directly employ a part time Youth Engagement Worker using the Major Impact Grant funding.

## Consultation

General Manager, SMT, Community Development Officer.

## Risk Implications

If the appointment of a youth worker by Council is not progressed at this stage in our community development journey in the youth space, that Council is perceived as not able to seriously commit to supporting young people in our area.

The delivery of a successful project or program may risk raising community expectations that Council will continue to work with and fund a Youth Engagement Worker ongoing. However, potential success of a project should not be considered a reason not to proceed but rather considered as a pilot project within the community, to understand and evaluate what works to best meet current needs within the community.

Employment of a Youth Engagement Worker by Council directly, mitigates the risk of a third-party organisation not being able to deliver on the commitment or expose Council to an association with poor management or governance issues.

### **Financial Implications**

Budgeted at \$80K for 2023-2024 financial year.

### **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 direct appointment of a Youth Engagement Worker by Council has the potential to begin to address some of the social issues associated with young people in our area, including a perceived increase in destructive and anti-social behaviour and the lack of hope and feelings of hopelessness. An active Youth Engagement Worker increases the ability of young people to become aware of and access referrals to relevant services and supports, creating space for opportunities and building their ability to feel safe and secure in our community. This ultimately leads to everyone in our community feeling a greater sense of well-being and safety.

Based on the 2022 ABS data, the residential population of Brighton LGA is currently sitting at 19,687 people. We have one of the youngest populations in Tasmania, with almost 30% of our population being aged in the 10-29 year old age group compared to 24% for Tasmania overall.

As anecdotal evidence suggests, the current social and economic climate with ever increasing costs of living and issues around food security for even working households, provides a high level of insecurity and anxiety for families. It is hard to know if there is any direct correlation to the observed and experienced anti-social behaviour that appears to have increased in our area in recent times, but we can hypothesise that it may certainly be a contributing factor that cannot be ignored.

Brighton's Socio-Economic Index for Areas (SEIFA) sits at 885, sitting in the lowest quartile for LGAs across Australia, indicating relatively greater disadvantage within our population. SEIFA combines Census data such as income, education, employment, occupation, housing and family structure to summarise the socio-economic characteristics of an area. Each area receives a SEIFA score indicating how relatively advantaged or disadvantaged that area is compared with other areas.

### **Environmental or Climate Change Implications**

Not Applicable.

## Economic Implications

Unknown.

## Other Issues

Currently unknown.

## Assessment

In light of CfC and The Salvation Army no longer able to accept the Major Impact Grant funding to deliver a Youth Engagement Worker for our area, Council needs to consider how to move forward with the funding that is budgeted for 2023/24. Given that it is now almost half way through the current financial year, consideration should be given to funding this position for 2023/24 and 2024/25, in order to deliver a much needed service for one of our priority and most vulnerable populations. This position addresses a clear dedicated service gap in our LGA, whilst still working collaboratively with existing service providers to find place based solutions to the needs of our young people aged 12-25 years.

## Options

1. As per the recommendation.
2. Other.

## **RECOMMENDATION:**

That Council directly employ a part-time Youth Engagement Worker using the funds that have been allocated for the Major Impact Grant in 2023/24 and continue this funding into 2024/25 to allow the Youth Engagement Worker to be employed for an initial two year period; and

That quarterly progress reports are provided to Council by the Community Development team, including key performance indicators as agreed with the Youth Engagement Worker once employed.

## **DECISION**

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

**CARRIED**

## **VOTING RECORD**

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

Cr McMaster  
Cr Murtagh  
Cr Owen  
Cr Whelan

Meeting closed: 5.35pm

Confirmed: \_\_\_\_\_  
(Mayor)

Date: \_\_\_\_\_ 19 December 2023



# Brighton Council

## MINUTES OF THE FINANCE COMMITTEE MEETING OF THE BRIGHTON COUNCIL HELD IN THE COUNCIL CHAMBERS, COUNCIL OFFICES OLD BEACH AT 5.35 P.M. ON TUESDAY, 7 NOVEMBER 2023

### 1. Acknowledgement of Country

### 2. Attendance

Cr B Curran (Chairperson); Cr A De La Torre (Deputy Chairperson); Cr P Geard; Cr L Gray; Cr P Owen and Cr M Whelan.

IN ATTENDANCE: Cr G Irons; Cr J McMaster; Cr T Murtagh; Mr J Dryburgh (General Manager); Mr D Allingham (Director Development Services); Ms J Banks (Director Governance & Regulatory Services); Ms G Browne (Director Corporate Services)

### 3. Apologies

*All members were present.*

### 4. Public Question Time and Deputations

*There was no requirement for public question time.*

### 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 Whelan declared an interest in Item 6.1.*

## 6. Business

*Cr Whelan had declared an interest and left the meeting 5.35pm*

### 6.1 Request to purchase land for Town Square - Part of 162 Brighton Road, Brighton

**Author:** Executive Officer Risk & Property (Megan Braslin)

**Authorised:** Director, Corporate Services (Gillian Browne)

#### Background

The Tasmanian Independent Retailers Co-Operative is currently developing the vacant land at 162 Brighton Road, Brighton to build new premises for the existing IGA. This development has created an opportunity for Council to acquire land at the front of this property to construct a Town Square.

The land is 946m<sup>2</sup> on CT168683/2 seen in the below map:



Council has approved capital expenditure for the purpose of a town square development over the past two budget periods. It is envisioned that this space will be a multifunctional area, as per the attached plan B, that caters to diverse community needs, including but not limited to:

- Hosting cultural events, markets, and festivals
- Providing a recreational area for residents and visitors

- Stimulating local businesses and economic activities
- Fostering community cohesion and social interaction

The proposal satisfies Strategy 10 of the Brighton Structure Plan to 'investigate locations for a Brighton town square'.

Councils draft Social Infrastructure plan discusses the requirement for more areas to support creative, educational, and cultural uses.

### **Consultation**

Senior Management Team, Senior Technical Officer (Assets), Technical Officer (Assets) Senior Planner.

### **Risk Implications**

Nil

### **Financial Implications**

The purchase price for the land is \$1.00.

Tasmanian Independent Retailers Co-operative Society Limited will contribute \$25,000 towards the development of the town square.

The Council will pay for subdivision costs and legal costs.

### **Strategic Plan**

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

Goal 3: Manage infrastructure and growth effectively (3.4)

### **Social Implications**

The purchase of the land for the development of the Brighton Town Square will have positive social impacts on the Brighton Community. These impacts can affect the quality of life, sense of community and overall well-being of the residents. It will create a community gathering space, possible cultural exchange, introduce a sense of identity and pride amongst residents and improve accessibility for people with disabilities, making public spaces more welcoming and open to a diverse range of people.

### **Environmental or Climate Change Implications**

This piece of land is currently undeveloped. The Town Square will incorporate green spaces, trees and landscaping providing habitats for local fauna and preserving biodiversity. The trees and vegetation can absorb carbon dioxide helping mitigate the effects of climate change.

### **Economic Implications**

Town squares are often designed to serve as a central hub for social, cultural and economic activities in the community.

### **Other Issues**

Nil

## Assessment

The Tasmanian Independent Retailers Co-operative Society Limited have been very generous in offering the land for Council to develop as a public space. They have requested that Council acknowledge their donation by way of a plaque to be installed and maintained on the Property, along with other 'acknowledgement' options as mutually agreed between TIRCL and the Council.

The development will be a positive result of Council and the Private sector working together to create a space that provides numerous community benefits including;

- Increased community engagement and social cohesion
- Enhancement of the town's aesthetic appeal and quality of life
- Potential for increased economic activity and local business growth
- Creation of a central hub for cultural and recreational activities
- Improvement of the town's overall attractiveness for residents and tourists

This is a pivotal opportunity for the Council to enhance the town's liveability, economic vitality, and community spirit. The proposed project aligns with the Council's strategies and responds to the needs of our community.

## Options

1. Approve the recommendation.
2. Don't approve the recommendation.
3. Other

---

## **RECOMMENDATION:**

1. That Council approve the purchase of part of 162 Brighton Road, Brighton as per the attached subdivision plan A for \$1.00 and undertake development of the site as per attached plan B for the purposes of a Town Square; and
2. A plaque to be installed acknowledging the donation of the land to Brighton Council by Tasmanian Independent Retailers Co-operative Society Limited.

## **DECISION**

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

**CARRIED**

## VOTING RECORD

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

*Cr Whelan rejoined the meeting 5.39pm*

## **6.2 1 Bedford Street, Brighton - Medical Centre Lease and Rent Remission**

**Author:** Executive Officer Risk & Property (Megan Braslin)

**Authorised:** Director Corporate Services (Gillian Browne)

---

### **Background**

As a result of a recent expression of interest advertisement in the Brighton Community News for office space at 1 Bedford Street, Brighton, DJ Shepherd Psychology Pty Ltd submitted a lease proposal to Council (see attachment). This included a request for a rent remission for the first six months. Negotiations are currently underway with DJ Sheperd Psychology Pty Ltd to take on a lease of two rooms.

Having a psychologist working in the community can offer several valuable benefits. Psychologists are mental health professionals trained to assess, diagnose, and treat a wide range of psychological and emotional issues. When they work in the community, they can make a significant positive impact in various ways.

### **Consultation**

Senior Management Team, Admin and Facilities Management Officer.

### **Risk Implications**

Low risk of a possible new business failure.

### **Financial Implications**

Council have calculated the rent amount for the two office spaces in accordance with an independent market rent valuation completed in February 2023, conducted by LG Valuation Services.

The total floor space of 20.84m<sup>2</sup> representing 8.68% of the total building floor space (less the common areas) therefore the total annual rent amount is \$7,899 + GST or \$658 per month.

Remission amount calculation is:

$\$658 \times 3 \text{ months} = \$1,974.87$

$+ 3 \text{ months } 50\% \text{ discount} = \$329 \times 3 = \$987$

**Total remission request equals \$2,961**

### **Strategic Plan**

Relates to our Goal 1 to Strengthen our communities and Our Strategies S1.1 Understand/Improve Health and Wellbeing.

### **Social Implications**

As the Brighton Municipality continues to grow so does the need for medical services. Although health is not strictly a Local Government issue, it is important when the opportunity arises to increase health options within the municipality that Council supports this.

Brighton and surrounding areas are desperate for more allied health services and the municipality does not currently have a psychologist. Approving this remission is a step forward to securing the lease and potentially easing the burden on the struggling mental health system in our community.

### **Environmental or Climate Change Implications**

No significant climate or environmental-related issues.

Any tenant will be required to engage in activities to promote sustainable living behaviours.

### **Economic Implications**

Demand of medical services currently exceeds supply, this lease to the Psychologist will have a positive impact on the Brighton Community and approving the request for rent remission for the first six months will give the business a positive start.

It is important for the Brighton Council to find occupants to fully lease our buildings and maximise the revenue return.

### **Other Issues**

Nil.

### **Assessment**

The proposal from the psychologist is to lease two rooms at 1 Bedford Street in our primary medical precinct. Having a psychology business in our municipality will assist in addressing the current shortage of allied health services in the community and surrounding areas. It is also important that any new tenant complements the other medical services of the GP and Dentist that is currently operating out of the building.

The submission requests a discount of rent for the first six months, made up of a full remission for the first three months and a 50% discount for the following three months.

Having the services of a psychologist within the community makes it easier for people to access the help and support they need to lead healthier, more fulfilling lives. It contributes to the overall well-being of individuals and the community as a whole.

### **Options**

1. As per the recommendation.
2. Do not adopt the recommendation.
3. Other.

**RECOMMENDATION:**

That Council approve DJ Shepherd Psychology Pty Ltd to lease two rooms at 1 Bedford Street, Brighton and approve the proposal to remit the first three months of rent in full followed by a further three-month 50% reduction of rent upon the signing of a five (5) year lease.

**DECISION**

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

**CARRIED****VOTING RECORD**

In favour	Against
-----------	---------

Cr Curran	
-----------	--

Cr De La Torre	
----------------	--

Cr Geard	
----------	--

Cr Gray	
---------	--

Cr Owen	
---------	--

Cr Whelan	
-----------	--

Meeting closed: 5.45pm

Confirmed: \_\_\_\_\_  
(Mayor)

Date: \_\_\_\_\_ 19 December 2023

Deputy Premier  
Treasurer  
Minister for Infrastructure and Transport  
Minister for Planning

Level 10, Executive Building, 15 Murray Street, Hobart  
Public Buildings, 53 St John Street, Launceston  
GPO Box 123, Hobart TAS 7001  
Phone: (03) 6165 7701; Email: [Michael.Ferguson@dpac.tas.gov.au](mailto:Michael.Ferguson@dpac.tas.gov.au)



11 OCT 2023

Cr Leigh Gray  
Mayor  
Brighton Council  
By email: [admin@brighton.tas.gov.au](mailto:admin@brighton.tas.gov.au)

Dear Mayor *Gray Leigh*

Thank you for your letter of 21 September 2023, regarding the Back Tea Tree Road and the Brighton to Cambridge Freight Route.

The Department of State Growth apologises for any confusion or misunderstanding regarding a transfer of ownership of Back Tea Tree Road.

Before any meaningful discussions can occur regarding a possible transfer of roads, the Brighton to Cambridge Freight Route Feasibility Study needs to be completed to determine if there is a strong case for upgrading a council road (either Back Tea Tree Road or Middle Tea Tree Road) for freight traffic in the region. The department is currently finalising the scope of this study and expects to have a consultant engaged to undertake the work by early summer. The study is expected to take approximately 12 months once the consultant has commenced.

If this study identifies a strong case for upgrading one of the routes that is currently a council road, the department will then be able to start discussions with the Brighton Council regarding a possible transfer of roads.

I trust this information clarifies the matter you have raised.

Yours sincerely

*Michael Ferguson*

*cc Mr Anderson.*

Michael Ferguson MP  
Deputy Premier  
Minister for Infrastructure and Transport

*I also apologise for any confusion my earlier letter to Mr Anderson may have caused. It is an honest misunderstanding where there is no plan to change road management however, yes, we are happy to undertake the feasibility study work. Best, Michael.*

Minister for Housing and Construction  
Minister for Local Government  
Minister for Sport and Recreation  
Minister for Stadia and Events

Level 5, 4 Salamanca Place, HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Ph: +61 3 6165 7794  
Email: [nic.street@dpac.tas.gov.au](mailto:nic.street@dpac.tas.gov.au)

ATTACHMENT

AGENDA ITEM 8



8 NOV 2023

Cr Leigh Gray  
Mayor  
Brighton Council  
[cr.gray@brighton.tas.gov.au](mailto:cr.gray@brighton.tas.gov.au)

Dear Mayor

I write to you to draw your attention to the release of a discussion paper titled *Managing conflicts of interest of councillors - framework proposal* and invite you to provide feedback on a proposed draft framework to better manage local government elected officials' conflicts of interests. The Tasmanian Government is pursuing these reforms to enhance and strengthen the governance and professionalism of our local government sector.

The proposed framework has been developed by a Working Group comprising representatives from the Local Government Association of Tasmania, Tasmanian council representatives and the Office of Local Government.

The discussion paper proposes reforms to the current regulatory framework under which councillors must manage conflicts of interest in the course of their official duties.

A range of reforms are proposed for discussion, including:

- **Changes to the way conflicts of interest are classified**

It is proposed that the classification of conflicts of interests would change from the current pecuniary interests regulated through the *Local Government Act 1993*, and non-pecuniary interests which are regulated through the *Code of Conduct for Councillors*, to actual, perceived, and potential conflicts of interest, all of which would be regulated through the Act. All types of conflict of interest would include both pecuniary and non-pecuniary conflicts of interest.

- **Disclosure of interests by councillors**

It is proposed that personal interest returns are submitted by all councillors soon after they are elected and thereafter on an annual basis throughout their term. It is proposed that personal interest returns will be made publicly available to promote transparency and accountability.

As well as lodging personal interest returns, it is proposed that councillors must disclose the fact that they have an interest in a matter, and the nature of the interest, before a council meeting, workshop, agenda briefing or other forum where the matter would be discussed.

- **Management of conflicts of interest**

It is proposed that when a councillor has an actual conflict of interest (pecuniary or otherwise) they must exclude themselves from attendance of any official council forum while the matter is being discussed. Additionally, councillors with an actual conflict of interest should not have access to deliberative material and information on the matter.

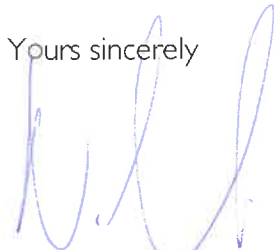
Where a councillor has a perceived or potential conflict of interest, it is proposed that they should exercise their own reasonable judgment as to whether to participate in a meeting or other forum where the matter is discussed. However, in certain circumstances it may be appropriate for the council to overturn a councillor's decision to participate.

A range of other reforms are also proposed, including: the development of proactive conflict management plans, the strengthening of penalties for breaches of the Act to bring Tasmania in line with other States, and the development of appropriate guidance material for councillors and council staff.

I strongly encourage councils, council staff, and councillors individually to engage with this important proposal.

Feedback is welcome until midnight on 22 December 2023, preferably by email, and can be submitted to [lgconsultation@dpac.tas.gov.au](mailto:lgconsultation@dpac.tas.gov.au). You may access copies of the discussion papers and further information on the Office of Local Government website: [www.dpac.tas.gov.au/council-consult](http://www.dpac.tas.gov.au/council-consult)

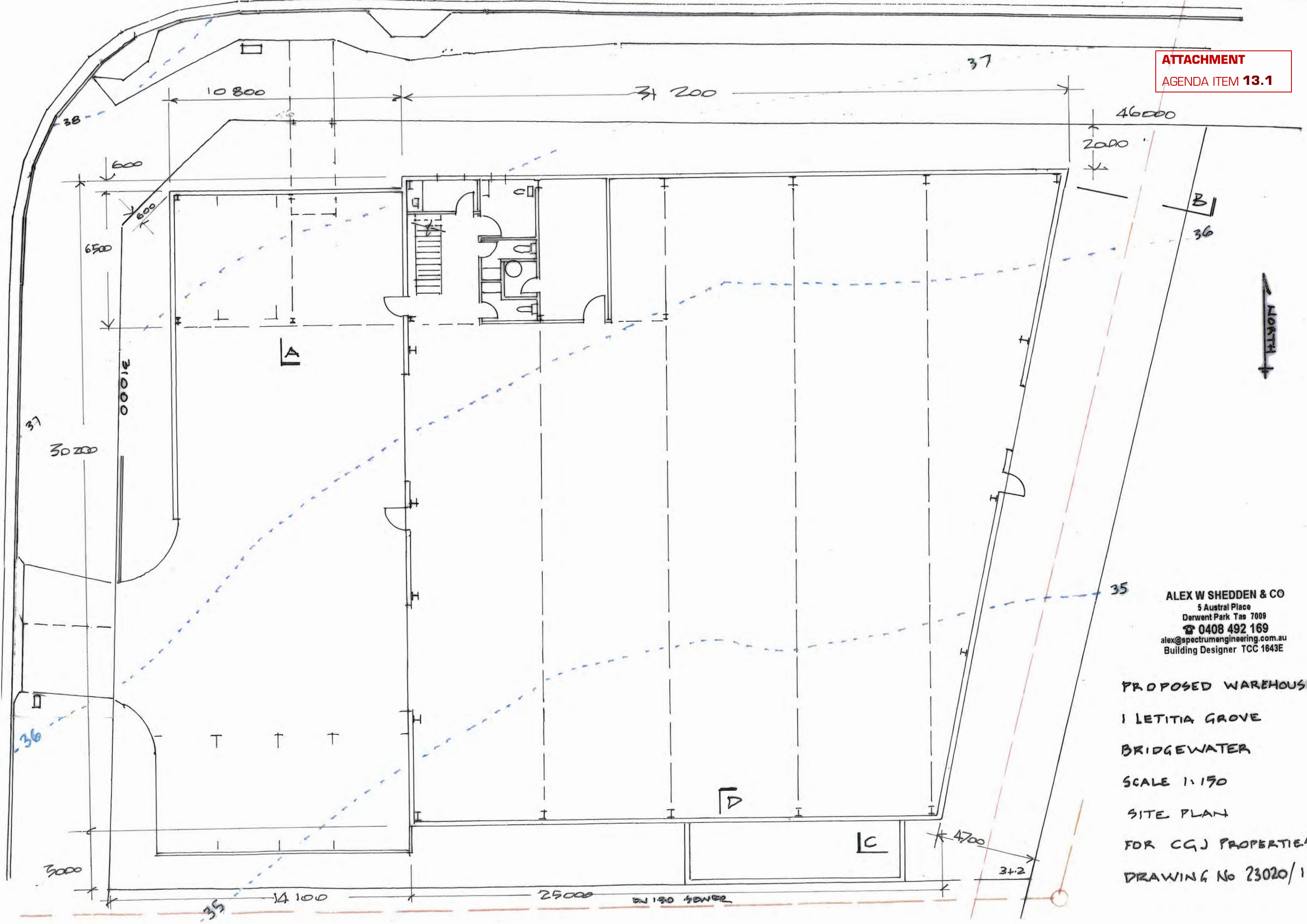
Yours sincerely



Hon Nic Street MP

**Minister Local Government**

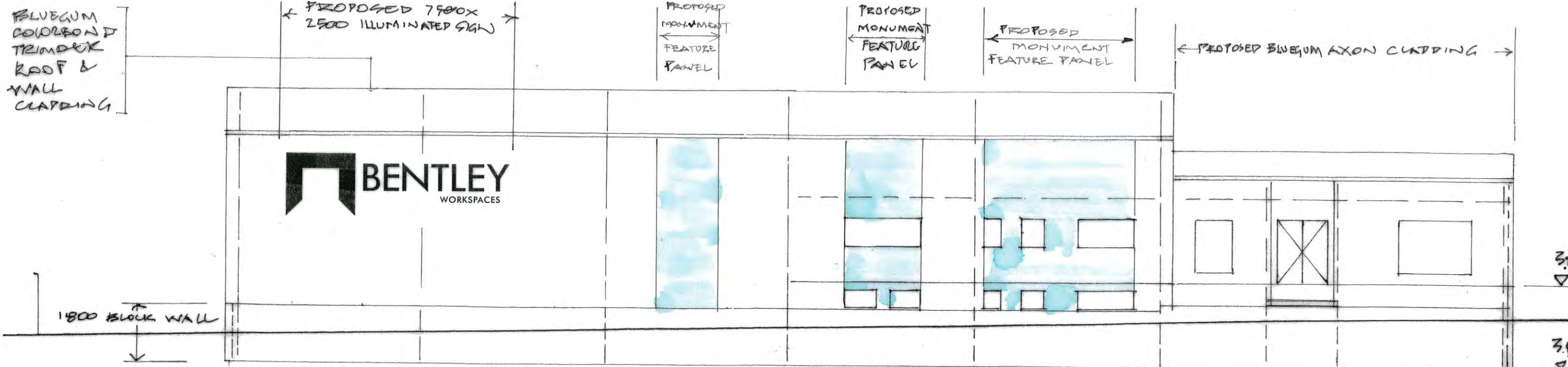
cc. James Dryburgh— [james.dryburgh@brighton.tas.gov.au](mailto:james.dryburgh@brighton.tas.gov.au)



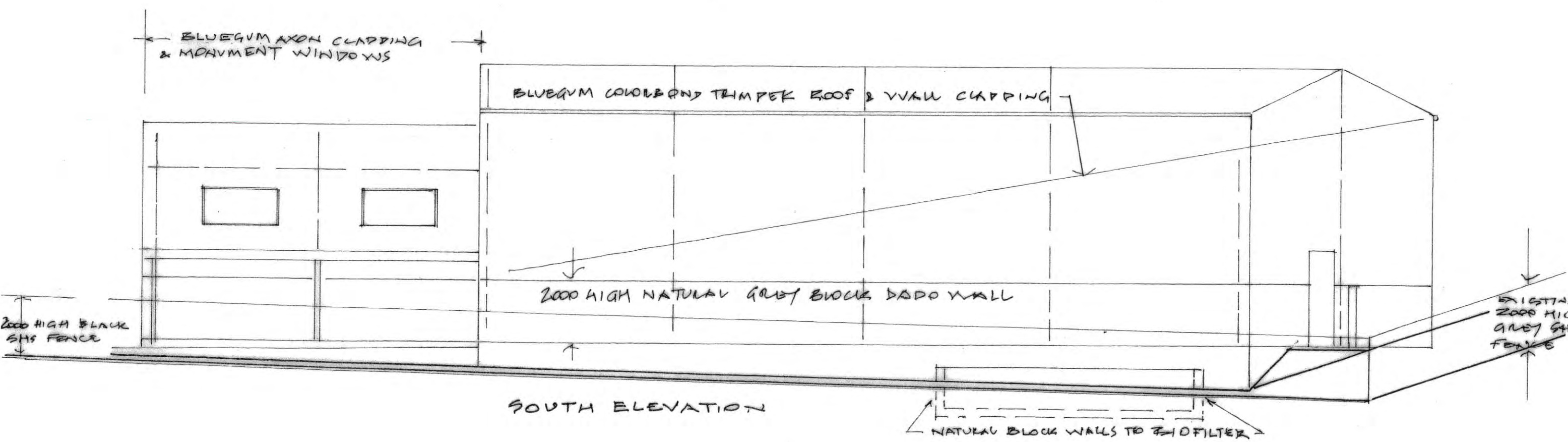
ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
SCALE 1:150  
SITE PLAN  
FOR CQJ PROPERTIES  
DRAWING No 23020/1





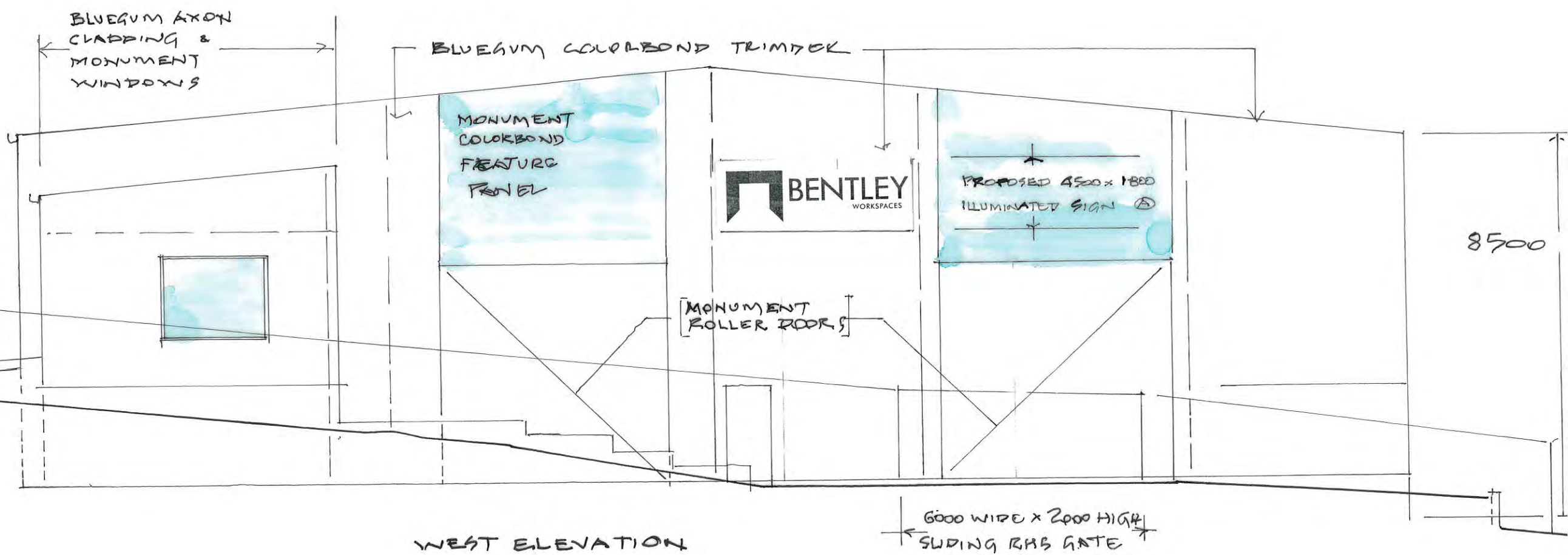
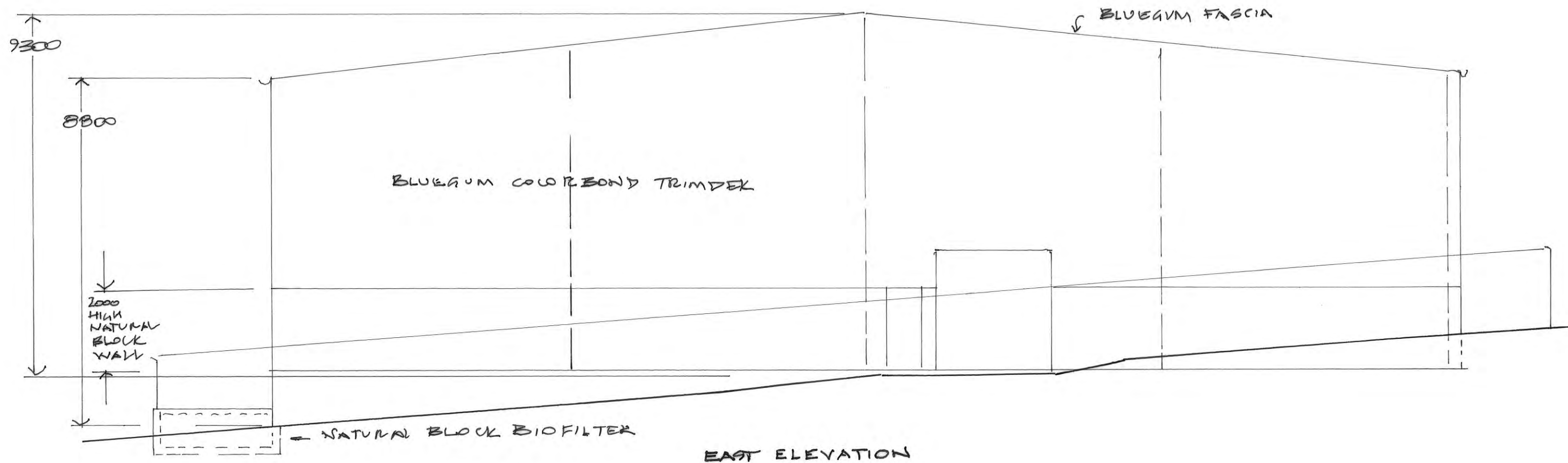
NORTH ELEVATION



SOUTH ELEVATION

ALEX W SHEDDEN & CO  
 5 Austral Place  
 Derwent Park Tas 7009  
 ☎ 0408 492 169  
 alex@spectrumengineering.com.au  
 Building Designer TCC 1643E

AMDT A 21/7/23 FEATURE PANEL  
 PROPOSED WAREHOUSE  
 1 LETITIA GROVE, BRIDGEWATER  
 FOR CQJ PROPERTIES



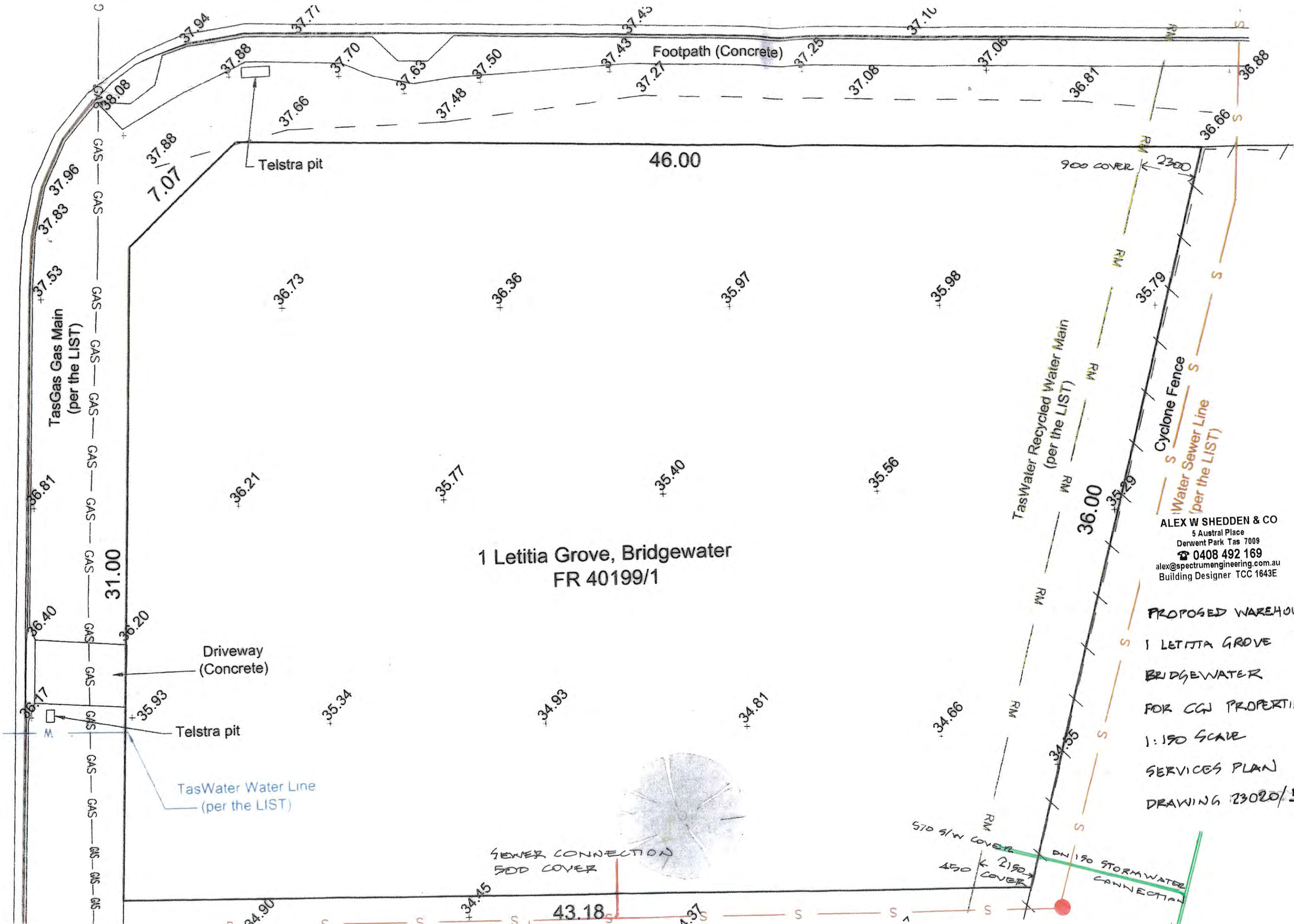
ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE FOR CGJ PROPERTIES

1 LETITIA STREET, BRIDGEWATER

1:100 EAST & WEST ELEVATIONS DRAWING 23020/4

AMDT A 21/7/23 SIGN



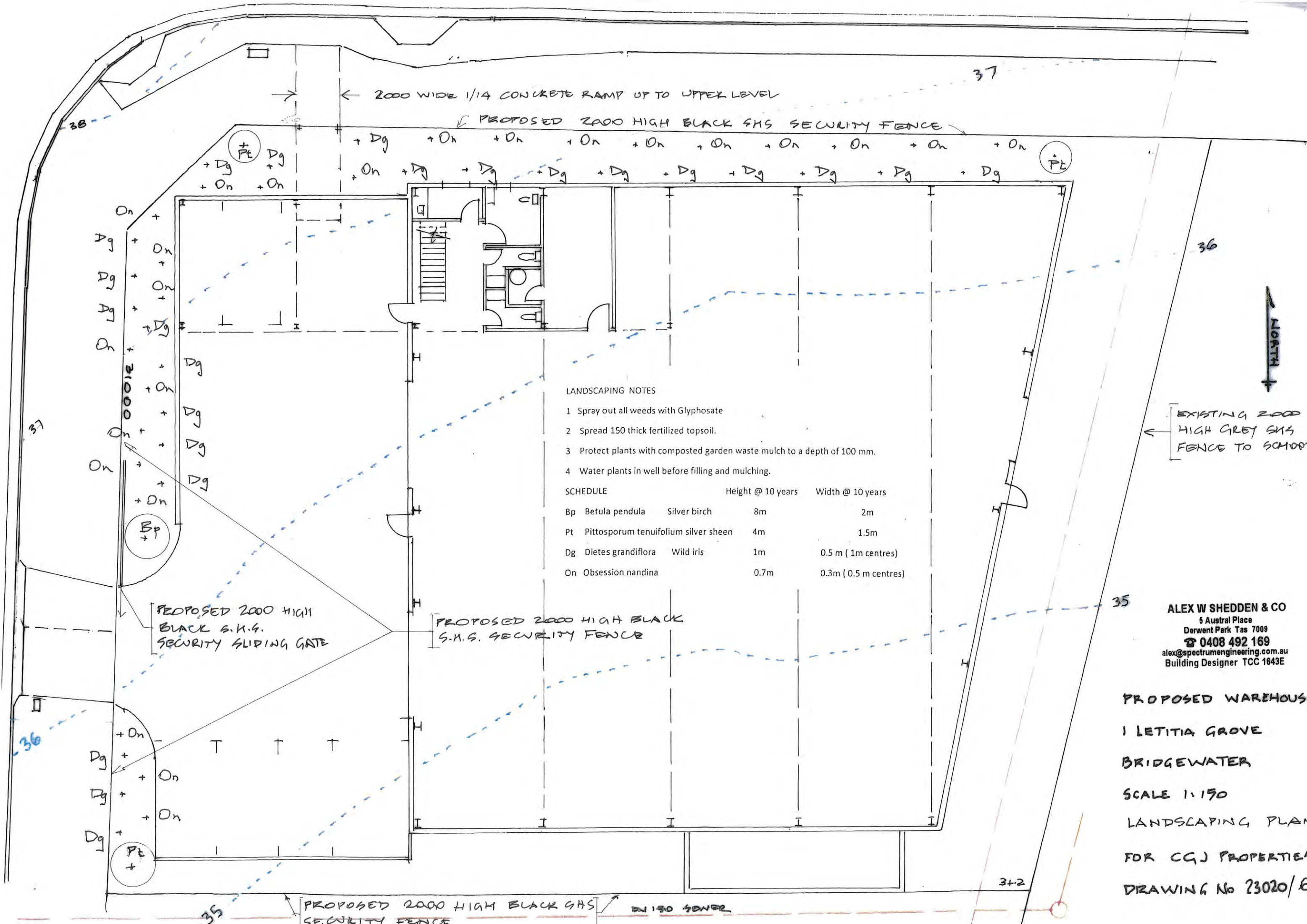
1 Letitia Grove, Bridgewater  
FR 40199/1

ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
FOR CGJ PROPERTIES  
1:150 SCALE  
SERVICES PLAN  
DRAWING 23020/5

SEWER CONNECTION  
500 COVER

570 S/W COVER  
450 COVER  
2190  
DN 150 STORMWATER  
CONNECTION



2000 WIDE 1/4 CONCRETE RAMP UP TO UPPER LEVEL  
PROPOSED 2000 HIGH BLACK S.H.S. SECURITY FENCE

LANDSCAPING NOTES

- 1 Spray out all weeds with Glyphosate
- 2 Spread 150 thick fertilized topsoil.
- 3 Protect plants with composted garden waste mulch to a depth of 100 mm.
- 4 Water plants in well before filling and mulching.

SCHEDULE		Height @ 10 years	Width @ 10 years
Bp	Betula pendula Silver birch	8m	2m
Pt	Pittosporum tenuifolium silver sheen	4m	1.5m
Dg	Diets grandiflora Wild iris	1m	0.5 m ( 1m centres)
On	Obsession nandina	0.7m	0.3m ( 0.5 m centres)

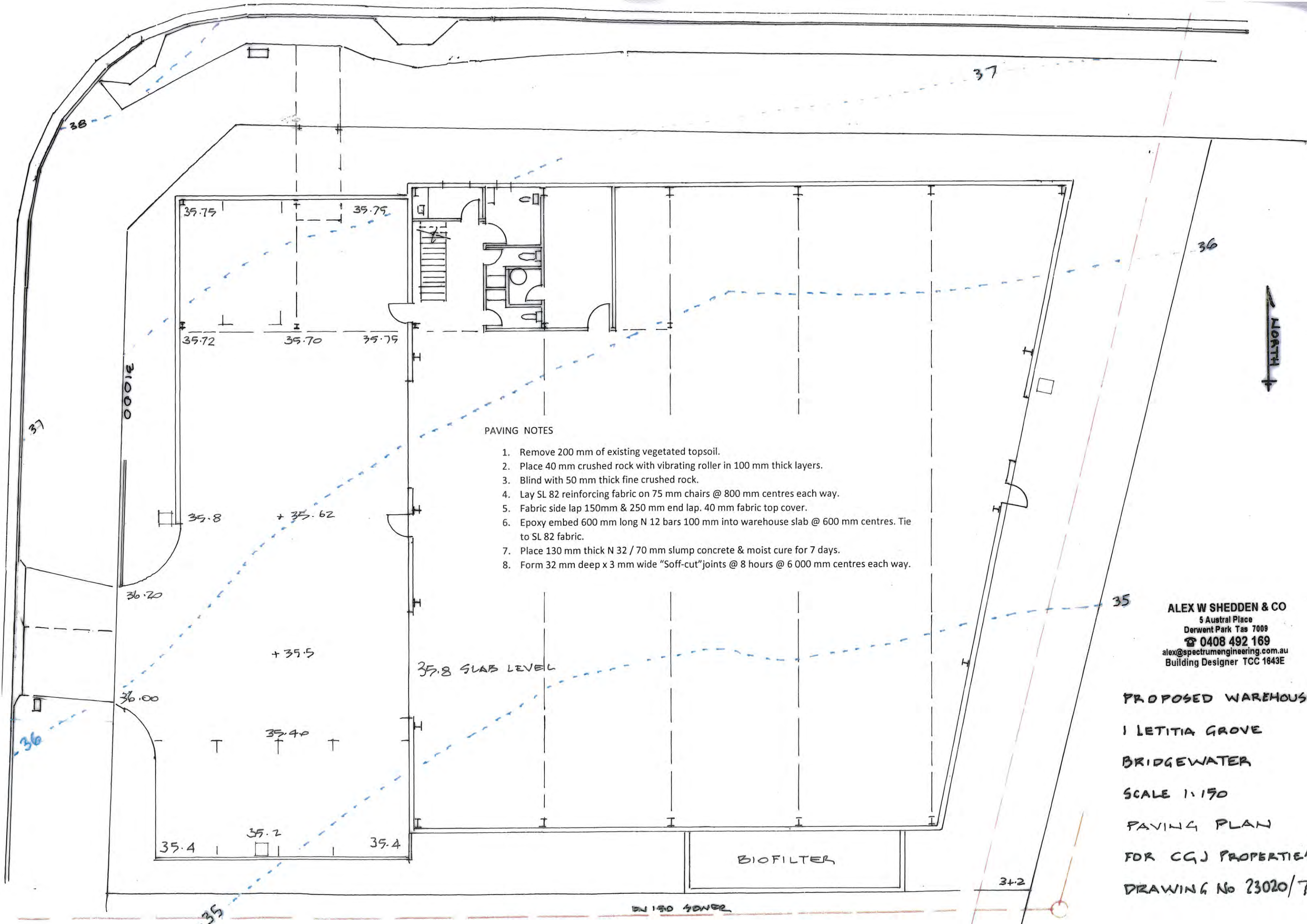
PROPOSED 2000 HIGH BLACK S.H.S. SECURITY SLIDING GATE

PROPOSED 2000 HIGH BLACK S.H.S. SECURITY FENCE

ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
SCALE 1:150  
LANDSCAPING PLAN  
FOR CQJ PROPERTIES  
DRAWING No 23020/6





PAVING NOTES

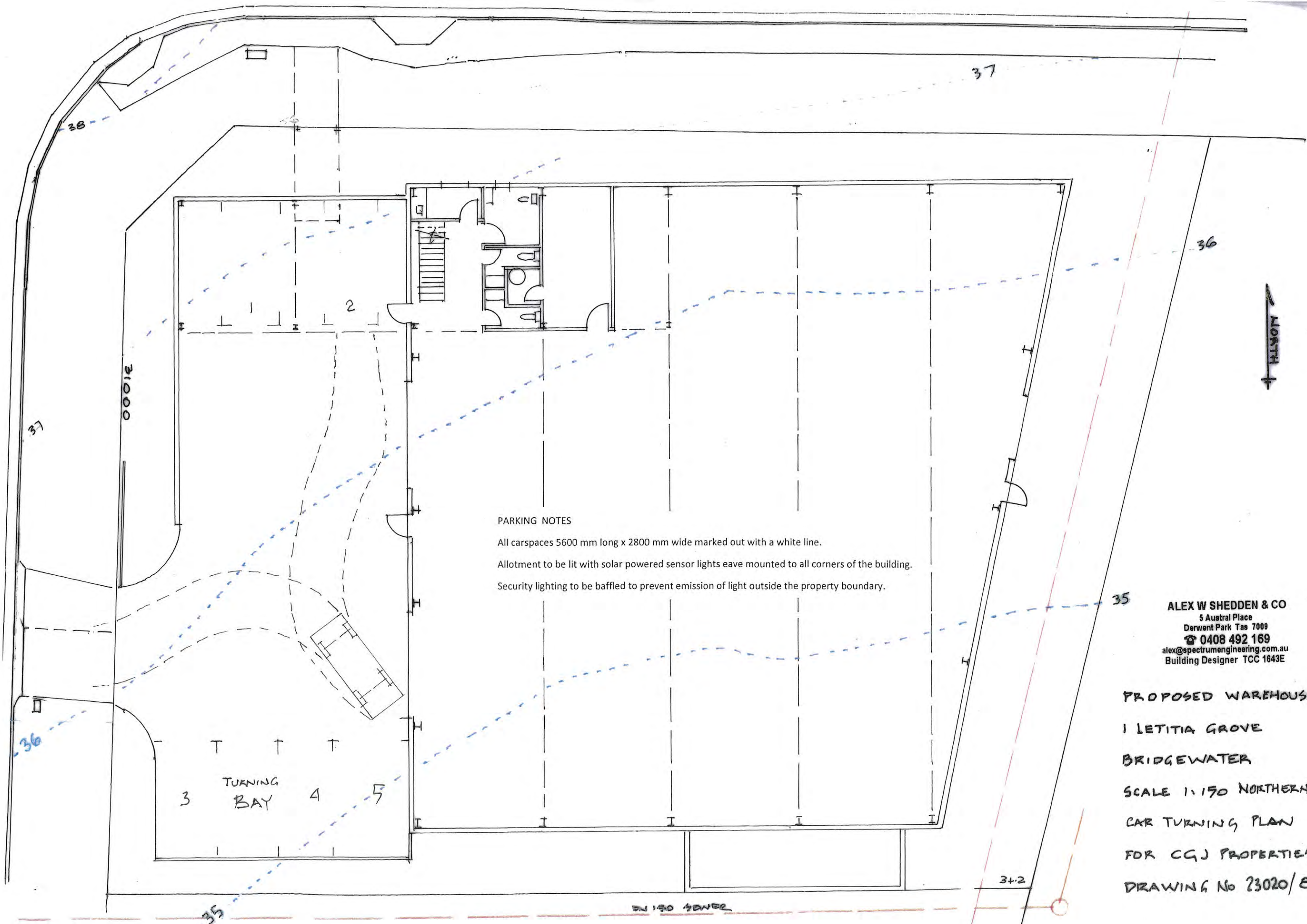
1. Remove 200 mm of existing vegetated topsoil.
2. Place 40 mm crushed rock with vibrating roller in 100 mm thick layers.
3. Blind with 50 mm thick fine crushed rock.
4. Lay SL 82 reinforcing fabric on 75 mm chairs @ 800 mm centres each way.
5. Fabric side lap 150mm & 250 mm end lap. 40 mm fabric top cover.
6. Epoxy embed 600 mm long N 12 bars 100 mm into warehouse slab @ 600 mm centres. Tie to SL 82 fabric.
7. Place 130 mm thick N 32 / 70 mm slump concrete & moist cure for 7 days.
8. Form 32 mm deep x 3 mm wide "Soff-cut" joints @ 8 hours @ 6 000 mm centres each way.

ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
SCALE 1:150  
PAVING PLAN  
FOR CGJ PROPERTIES  
DRAWING No 23020/7

BIOFILTER

DN 150 GROUND



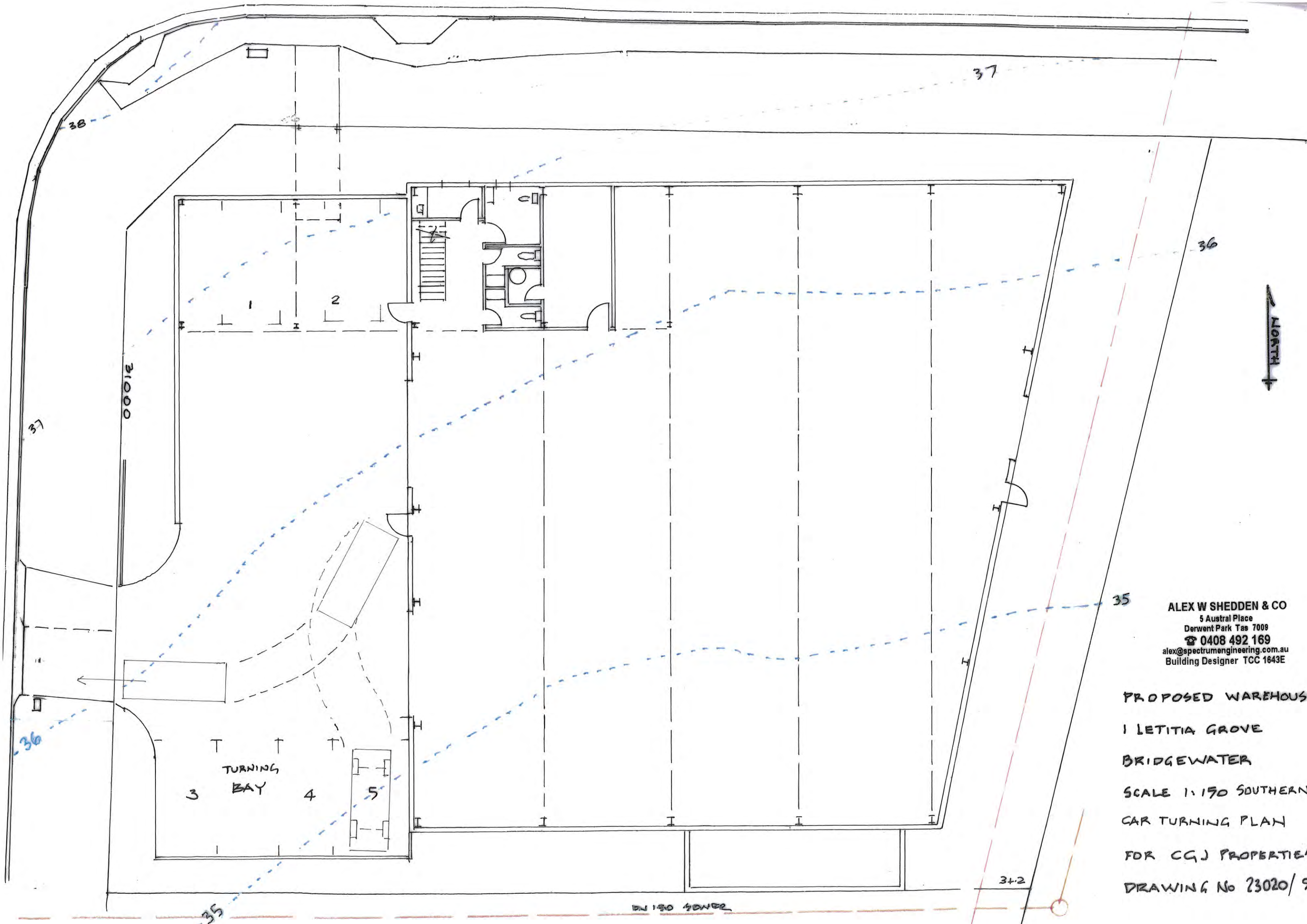
PARKING NOTES

All carspaces 5600 mm long x 2800 mm wide marked out with a white line.  
Allotment to be lit with solar powered sensor lights eave mounted to all corners of the building.  
Security lighting to be baffled to prevent emission of light outside the property boundary.

ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
SCALE 1:150 NORTHERN  
CAR TURNING PLAN  
FOR CGJ PROPERTIES  
DRAWING No 23020/8

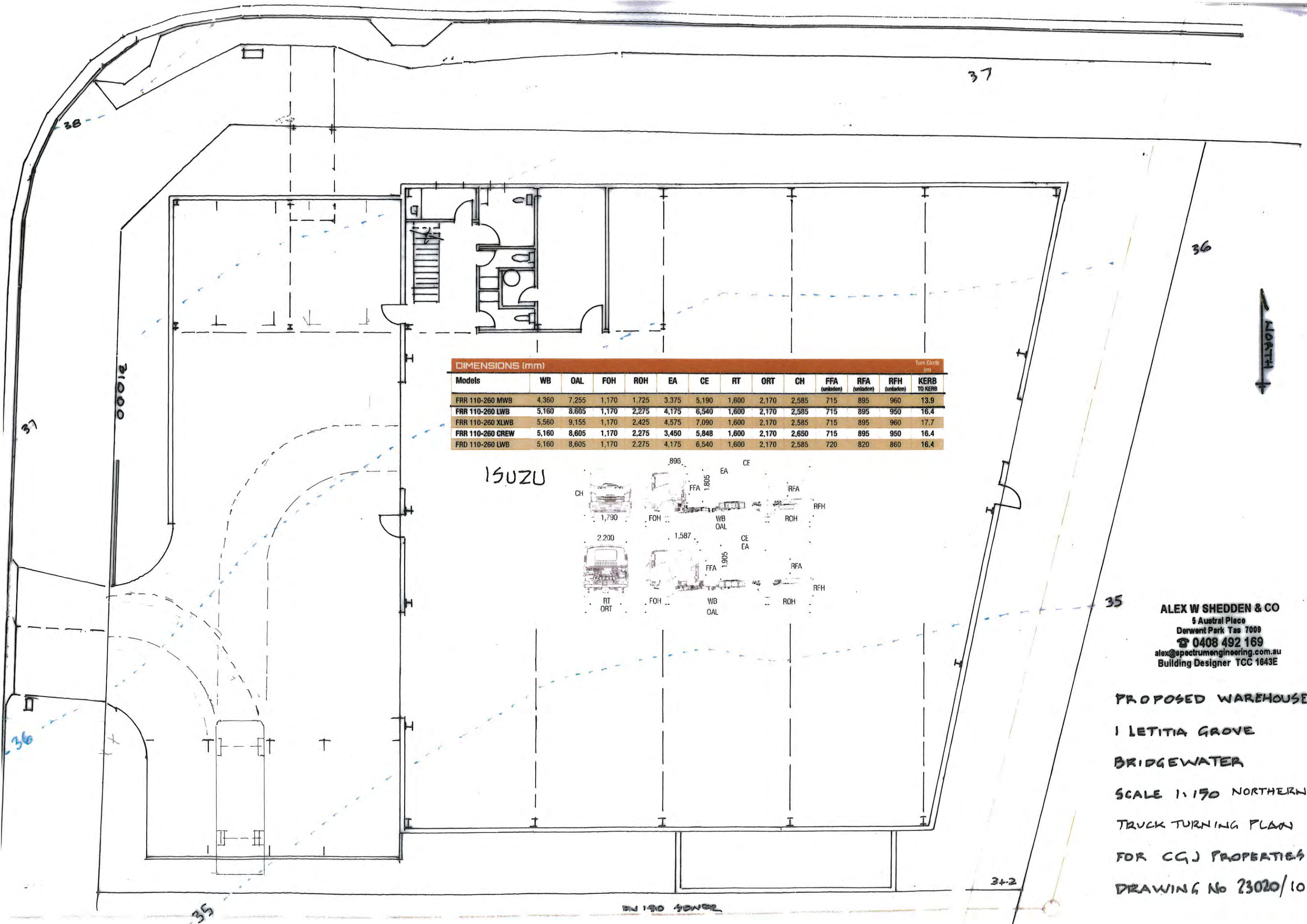
DN 150 POWER



ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

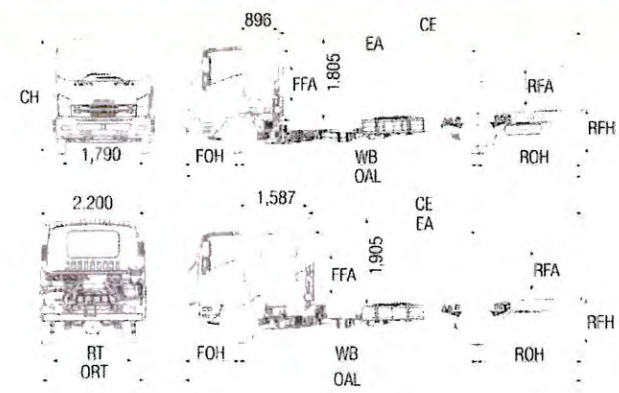
PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
SCALE 1:150 SOUTHERN  
CAR TURNING PLAN  
FOR CQJ PROPERTIES  
DRAWING No 23020/9

DN 150 FENDER



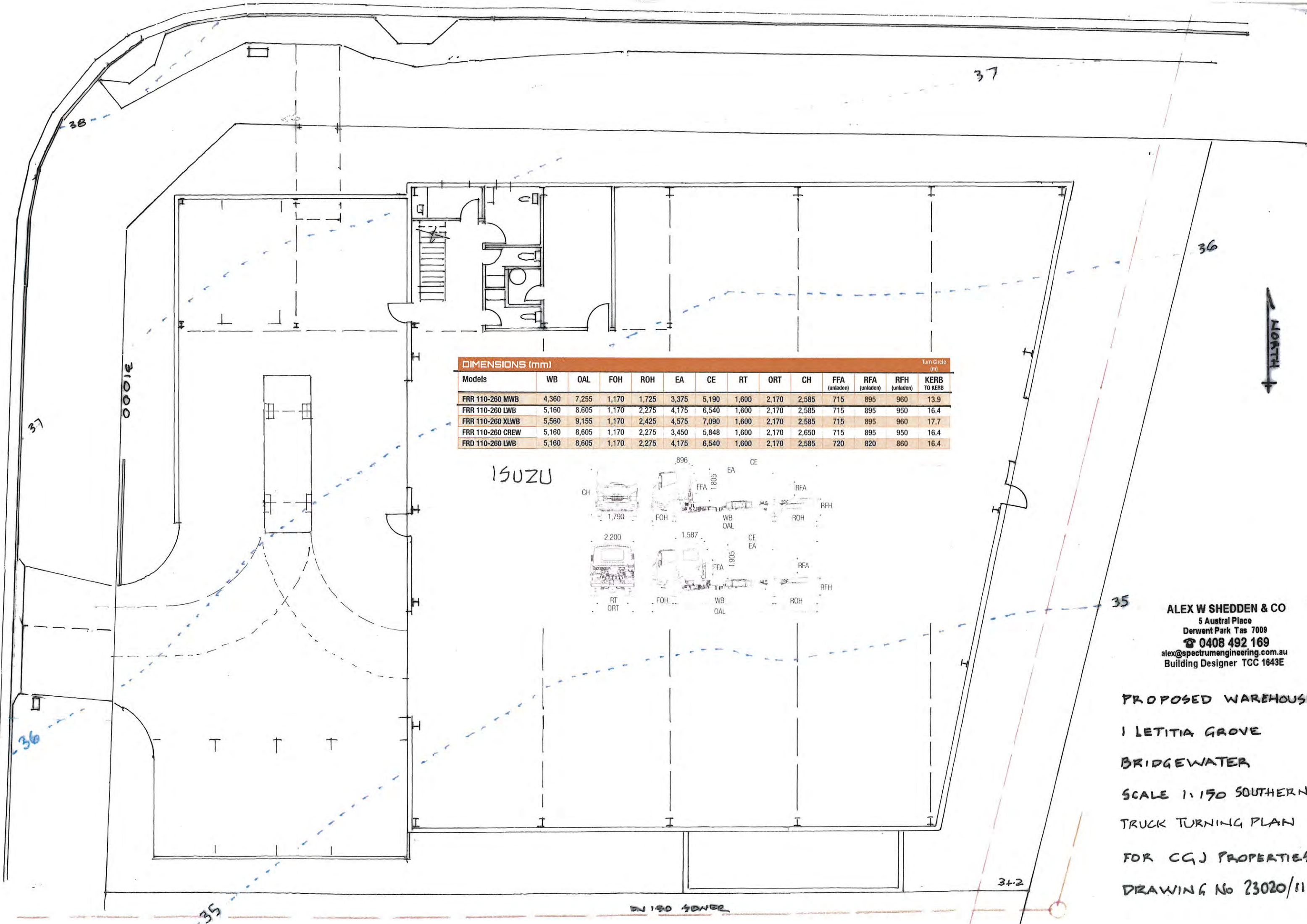
DIMENSIONS (mm)														Turn Circle (m)
Models	WB	OAL	FOH	ROH	EA	CE	RT	ORT	CH	FFA (unladen)	RFA (unladen)	RFH (unladen)	KERB TO KERB	
FRR 110-260 MWB	4,360	7,255	1,170	1,725	3,375	5,190	1,600	2,170	2,585	715	895	960	13.9	
FRR 110-260 LWB	5,160	8,605	1,170	2,275	4,175	6,540	1,600	2,170	2,585	715	895	950	16.4	
FRR 110-260 XLWB	5,560	9,155	1,170	2,425	4,575	7,090	1,600	2,170	2,585	715	895	960	17.7	
FRR 110-260 CREW	5,160	8,605	1,170	2,275	3,450	5,848	1,600	2,170	2,650	715	895	950	16.4	
FRD 110-260 LWB	5,160	8,605	1,170	2,275	4,175	6,540	1,600	2,170	2,585	720	820	860	16.4	

ISUZU



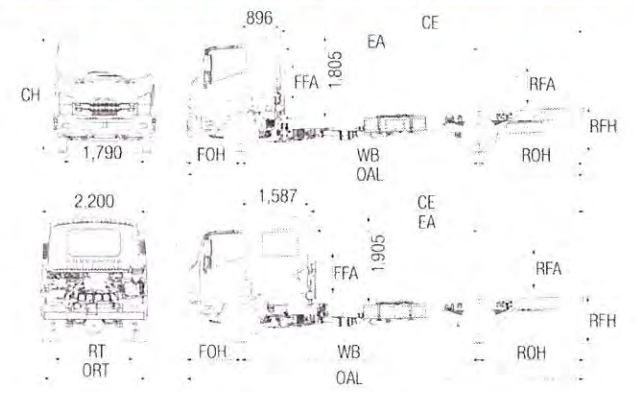
ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
SCALE 1:150 NORTHERN  
TRUCK TURNING PLAN  
FOR CQJ PROPERTIES  
DRAWING No 23020/10



DIMENSIONS (mm)														Turn Circle (m)
Models	WB	OAL	FOH	ROH	EA	CE	RT	ORT	CH	FFA (unladen)	RFA (unladen)	RFH (unladen)	KERB TO KERB	
FRR 110-260 MWB	4,360	7,255	1,170	1,725	3,375	5,190	1,600	2,170	2,585	715	895	960	13.9	
FRR 110-260 LWB	5,160	8,605	1,170	2,275	4,175	6,540	1,600	2,170	2,585	715	895	950	16.4	
FRR 110-260 XLWB	5,560	9,155	1,170	2,425	4,575	7,090	1,600	2,170	2,585	715	895	960	17.7	
FRR 110-260 CREW	5,160	8,605	1,170	2,275	3,450	5,848	1,600	2,170	2,650	715	895	950	16.4	
FRD 110-260 LWB	5,160	8,605	1,170	2,275	4,175	6,540	1,600	2,170	2,585	720	820	860	16.4	

ISUZU



ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

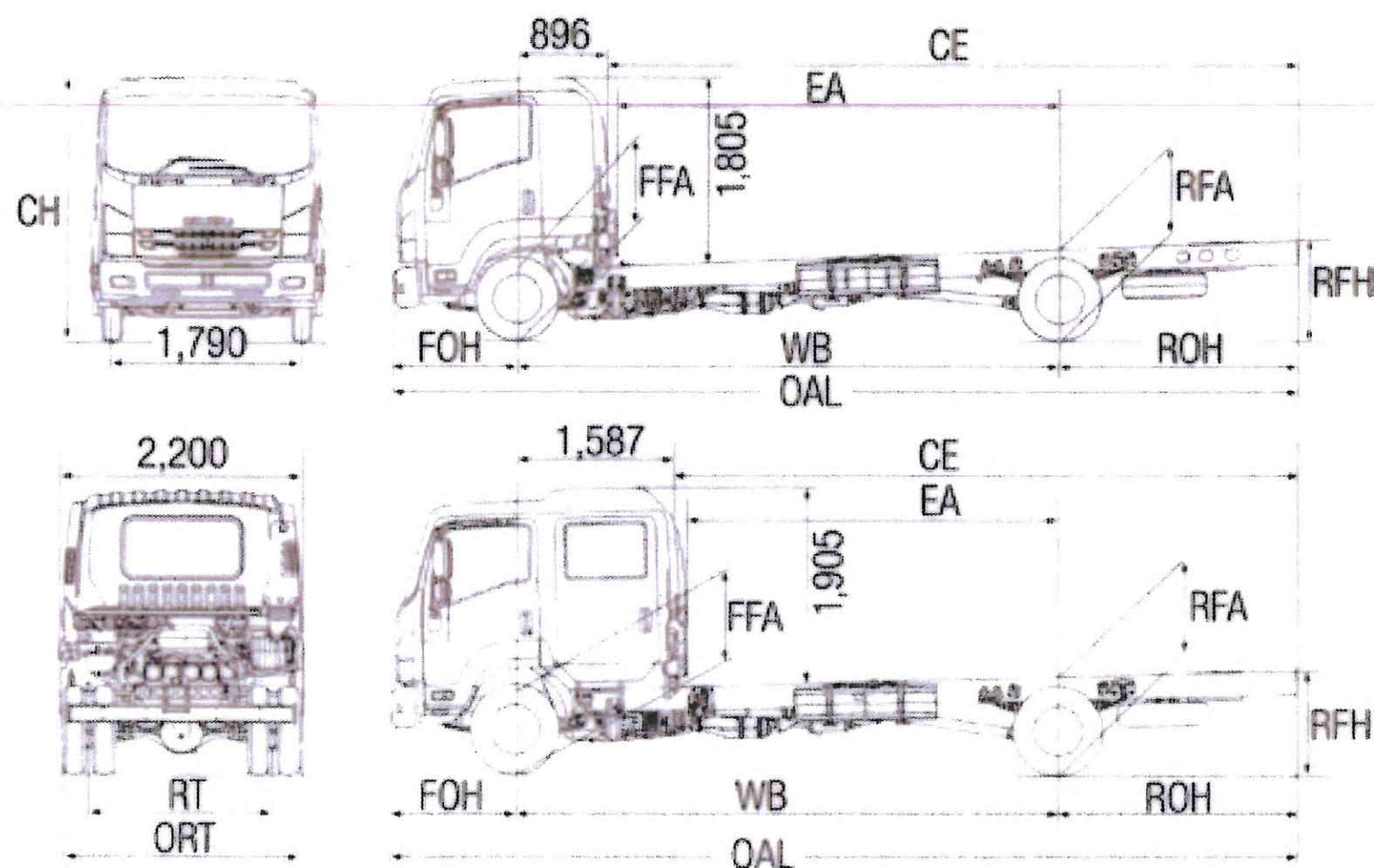
PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
SCALE 1:150 SOUTHERN  
TRUCK TURNING PLAN  
FOR CQJ PROPERTIES  
DRAWING No 23020/11

EN 150 POWER

# DIMENSIONS (mm)

Turn Circle  
(m)

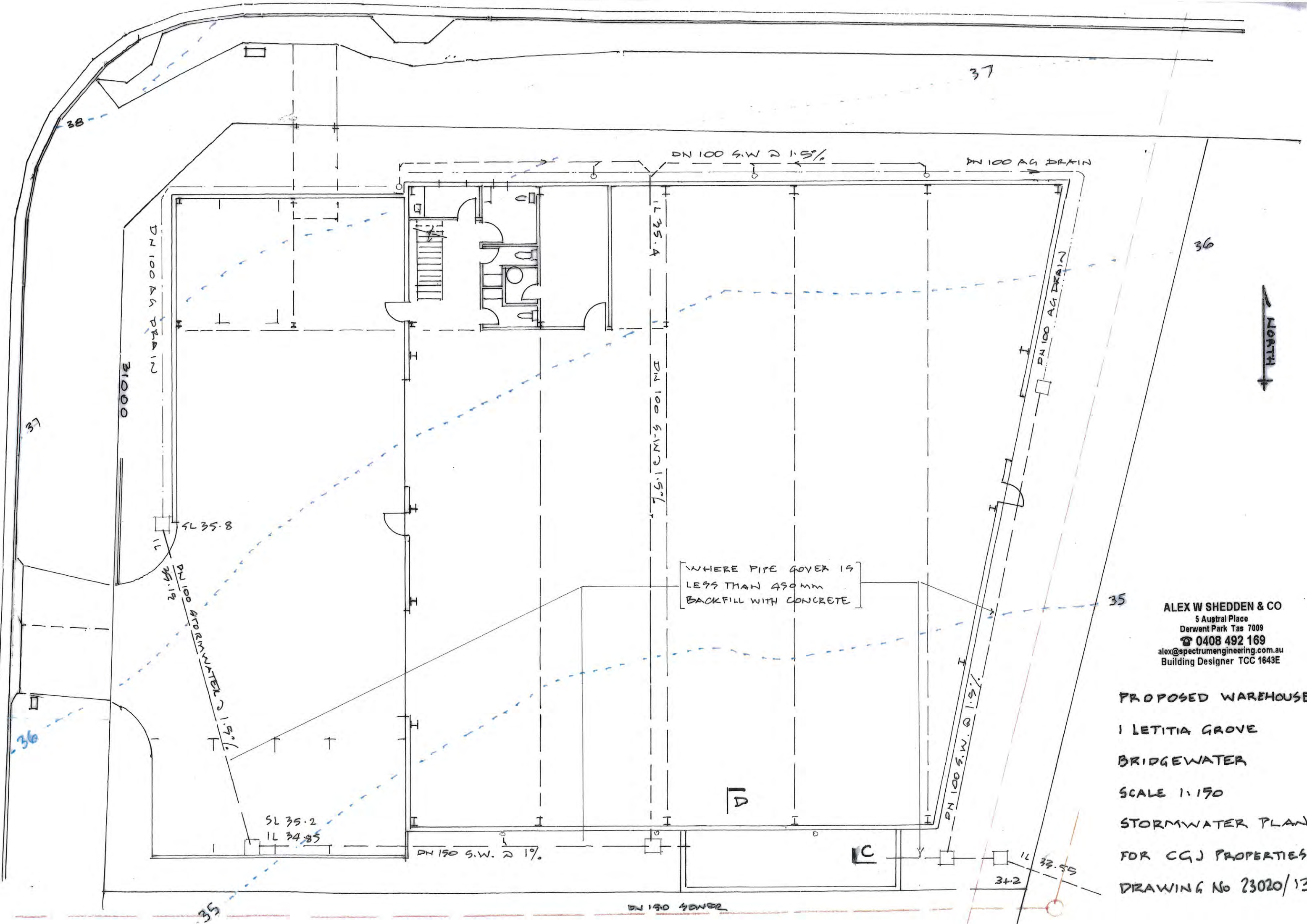
Models	WB	OAL	FOH	ROH	EA	CE	RT	ORT	CH	FFA (unladen)	RFA (unladen)	RFH (unladen)	KERB TO KERB
FRR 110-260 MWB	4,360	7,255	1,170	1,725	3,375	5,190	1,600	2,170	2,585	715	895	960	13.9
FRR 110-260 LWB	5,160	8,605	1,170	2,275	4,175	6,540	1,600	2,170	2,585	715	895	950	16.4
FRR 110-260 XLWB	5,560	9,155	1,170	2,425	4,575	7,090	1,600	2,170	2,585	715	895	960	17.7
FRR 110-260 CREW	5,160	8,605	1,170	2,275	3,450	5,848	1,600	2,170	2,650	715	895	950	16.4
FRD 110-260 LWB	5,160	8,605	1,170	2,275	4,175	6,540	1,600	2,170	2,585	720	820	860	16.4



ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

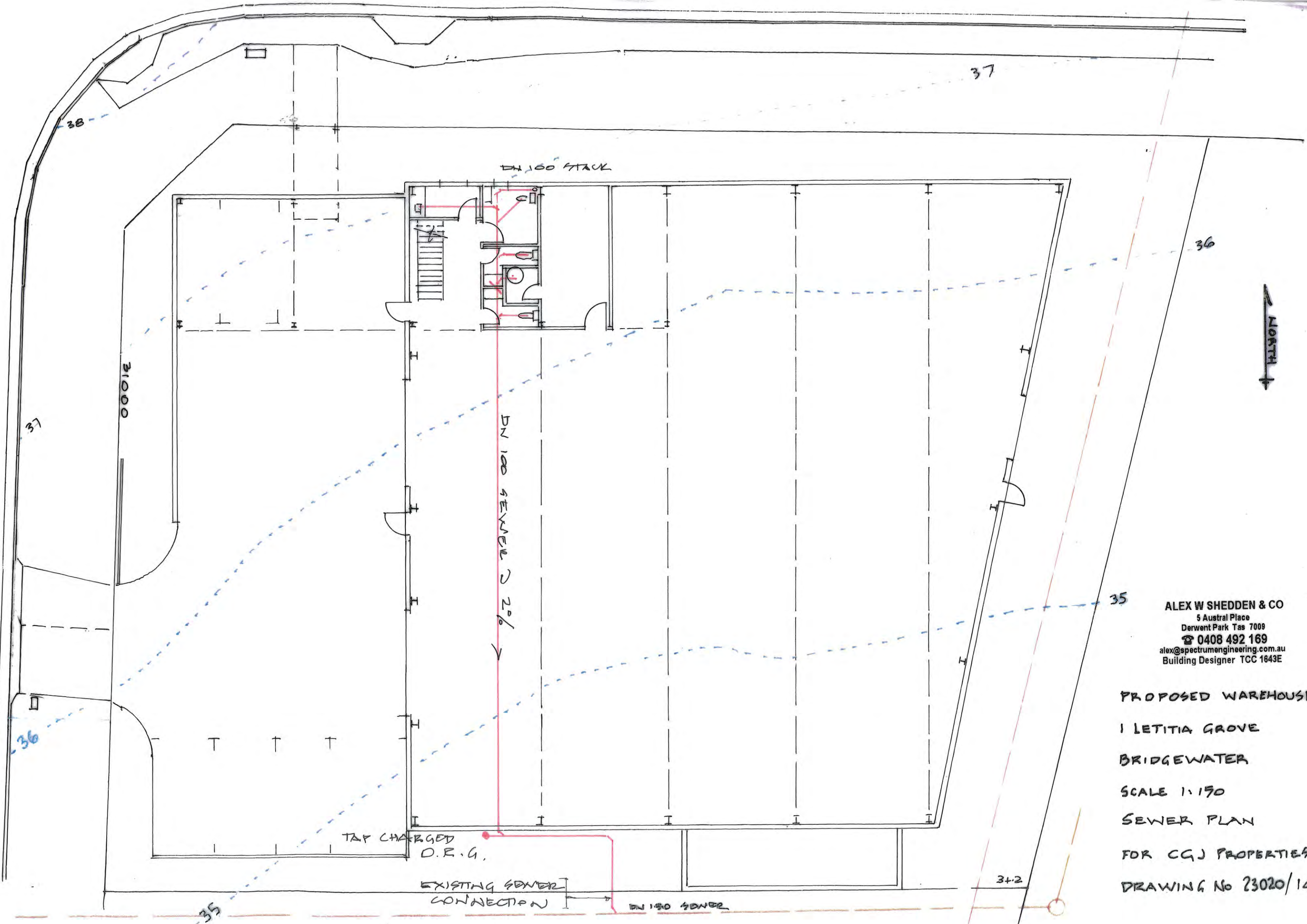
PROPOSED WAREHOUSE  
1 LETITIA GROVE, BRIDGEWATER  
FOR C.G.J. PROPERTIES  
DRAWING No 23 020/12

ISUZU FRR 110-260 MWB DATA



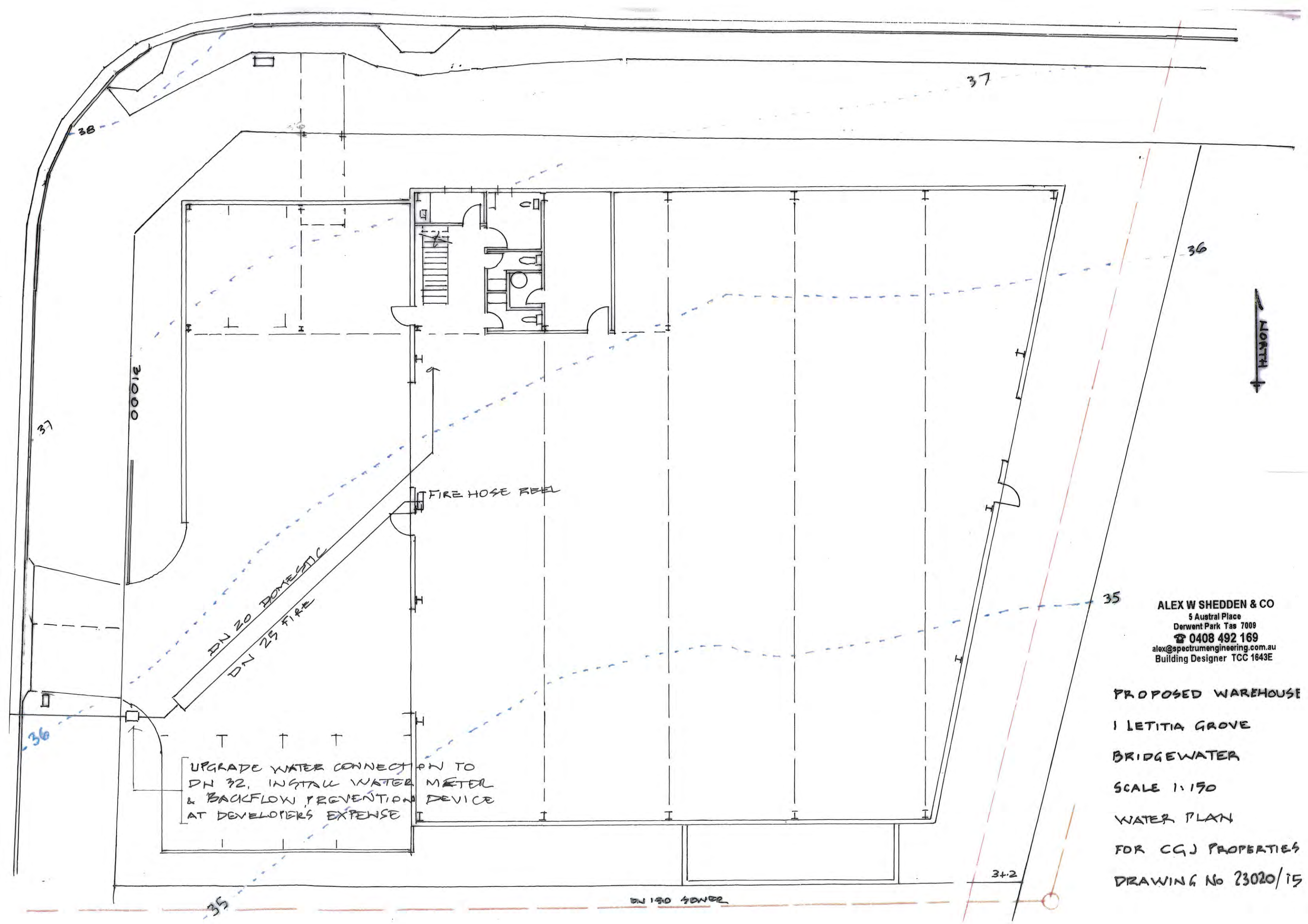
ALEX W SHEDDEN & CO  
 5 Austral Place  
 Derwent Park Tas 7009  
 ☎ 0408 492 169  
 alex@spectrumengineering.com.au  
 Building Designer TCC 1643E

PROPOSED WAREHOUSE  
 1 LETITIA GROVE  
 BRIDGEWATER  
 SCALE 1:150  
 STORMWATER PLAN  
 FOR CGJ PROPERTIES  
 DRAWING No 23020/13



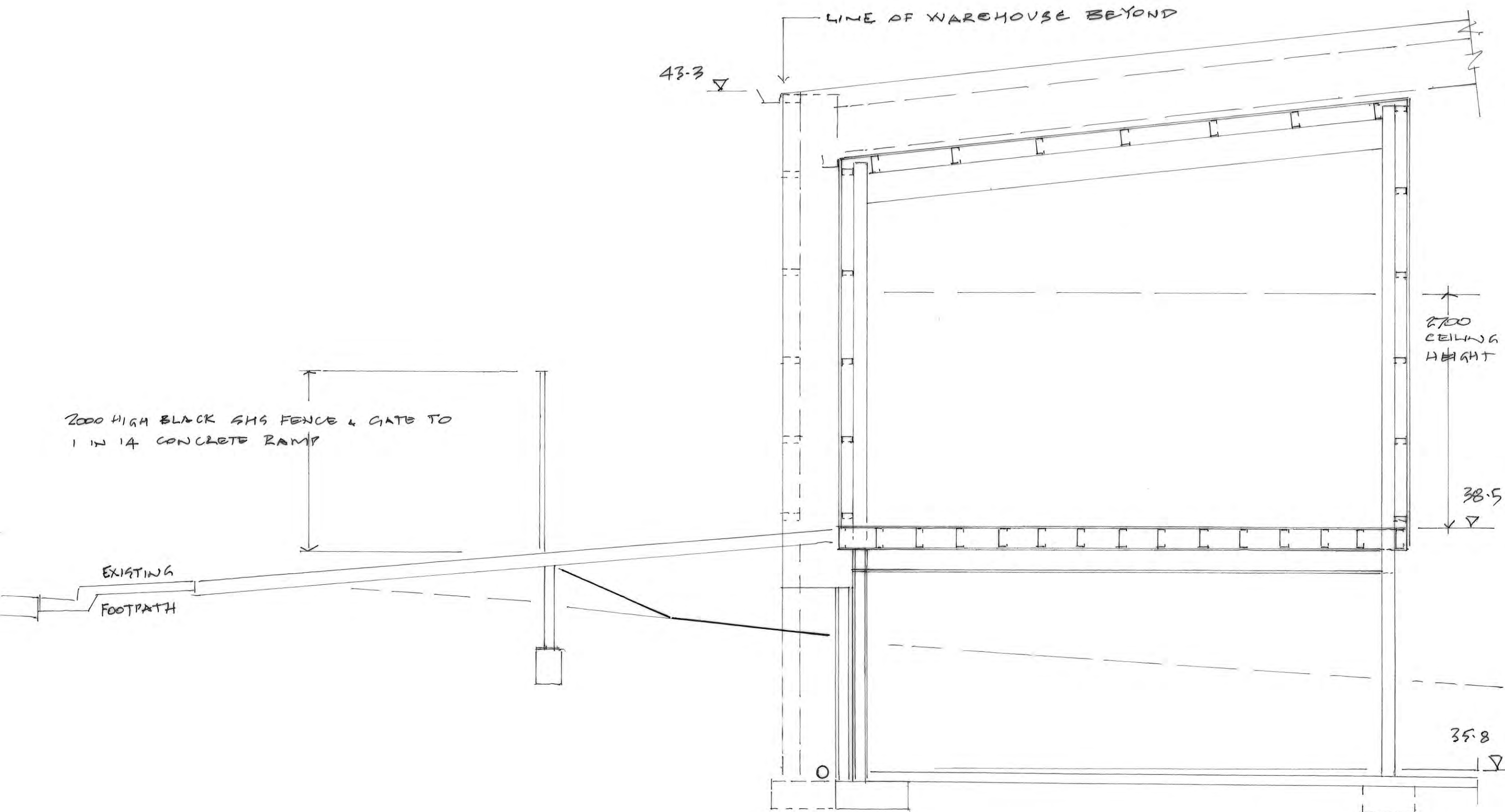
ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
SCALE 1:150  
SEWER PLAN  
FOR CGJ PROPERTIES  
DRAWING No 23020/14



ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
SCALE 1:150  
WATER PLAN  
FOR CGJ PROPERTIES  
DRAWING No 23020/15



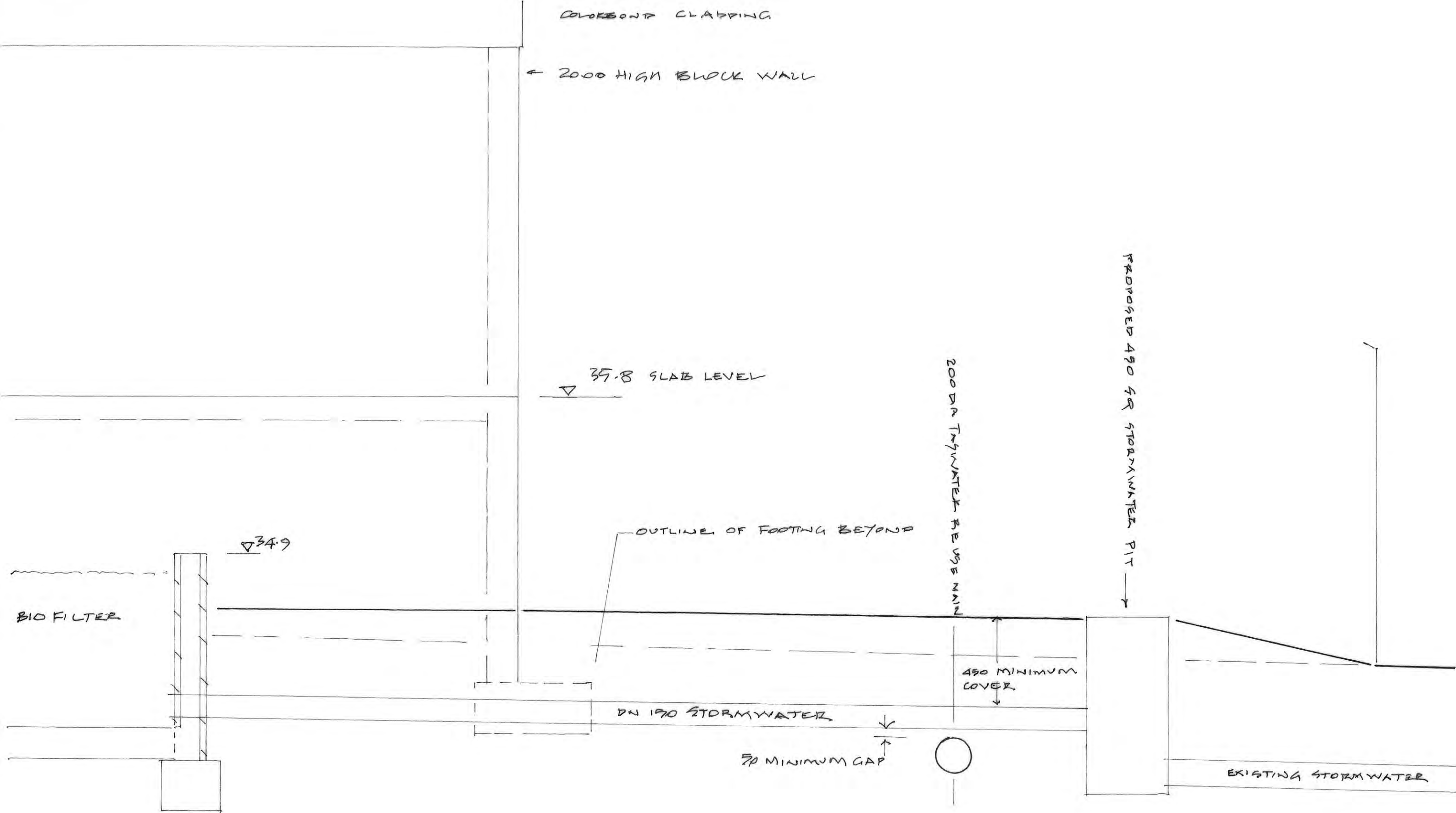
ALEX W SHEDDEN & CO  
 5 Austral Place  
 Derwent Park Tas 7009  
 ☎ 0408 492 169  
 alex@spectrumengineering.com.au  
 Building Designer TCC 1643E

PROPOSED WAREHOUSE  
 1 LETITIA GROVE, BRIDGEWATER  
 FOR CGJ PROPERTIES

1:40 SECTION A

DRAWING No 23020/18

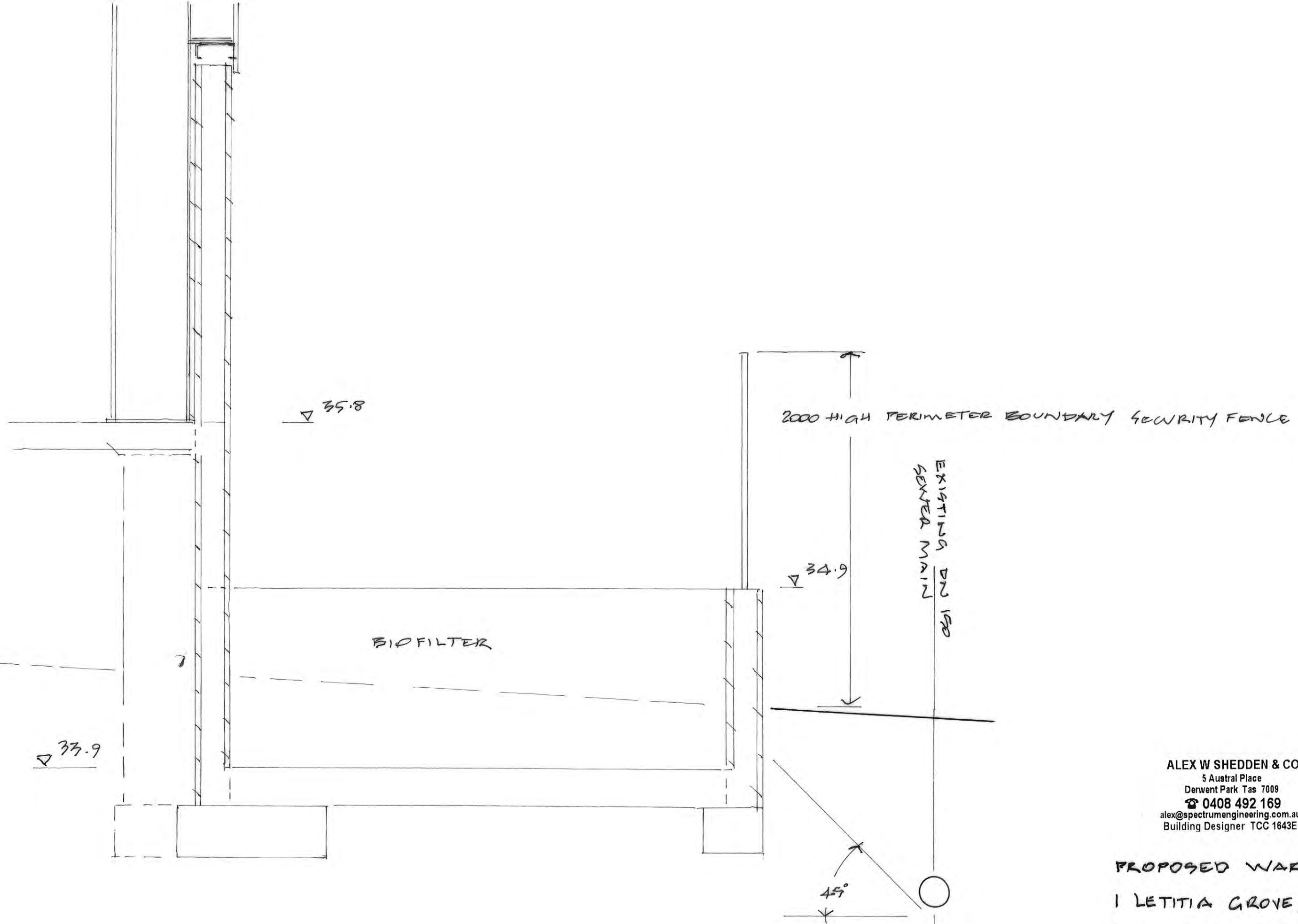




ALEX W SHEDDEN & CO  
 5 Austral Place  
 Derwent Park Tas 7009  
 ☎ 0408 492 169  
 alex@spectrumengineering.com.au  
 Building Designer TCC 1643E

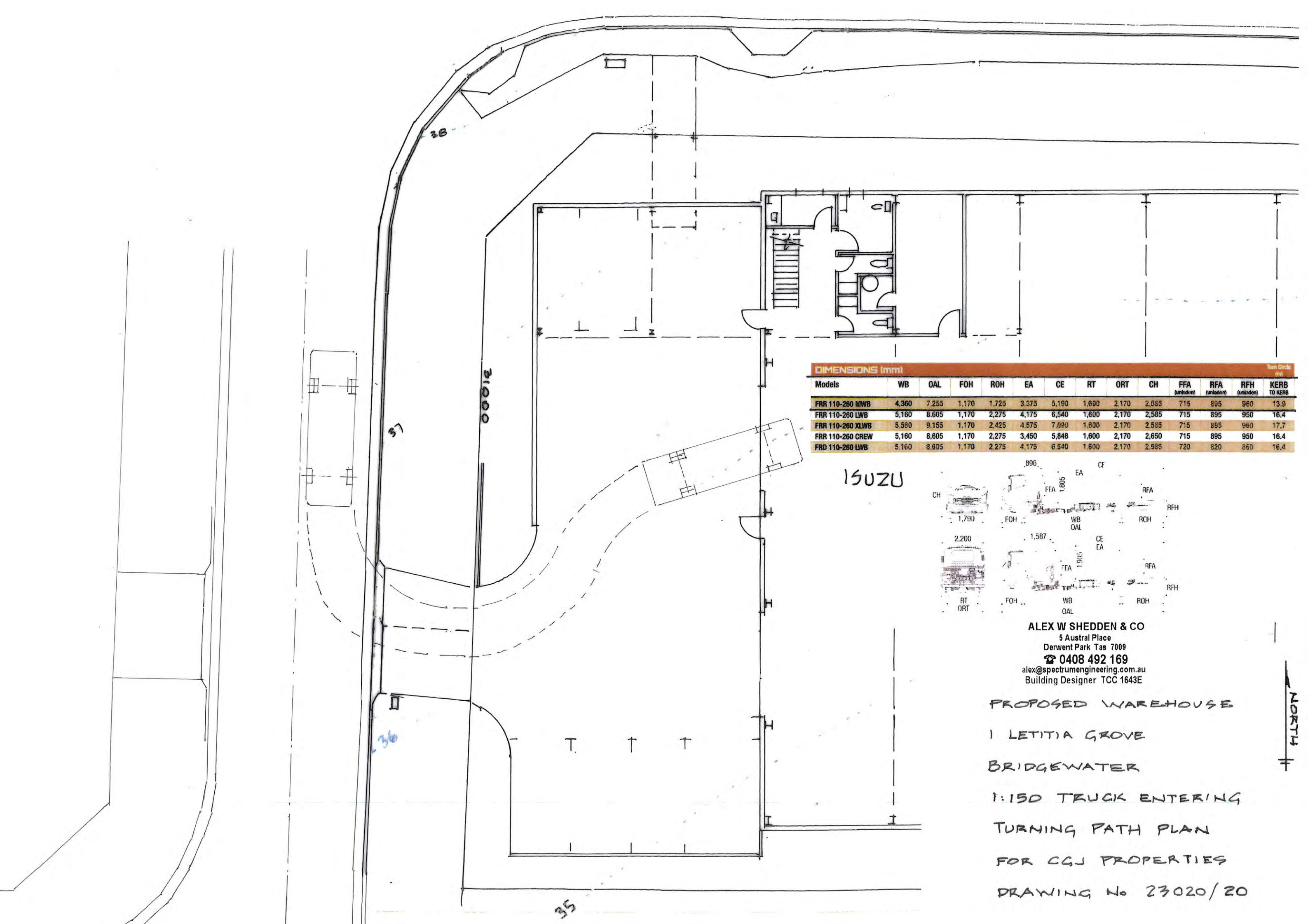
1:20 SECTION C

PROPOSED WAREHOUSE  
 1 LETITIA GROVE, BRIDGEWATER  
 FOR CGJ PROPERTIES  
 DRAWING No 23 020/18



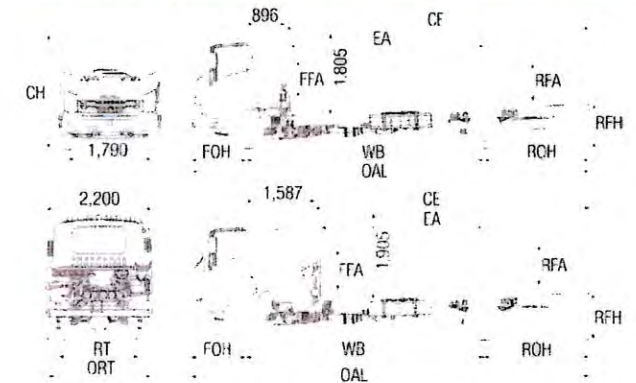
ALEX W SHEDDEN & CO  
 5 Austral Place  
 Derwent Park Tas 7009  
 ☎ 0408 492 169  
 alex@spectrumengineering.com.au  
 Building Designer TCC 1643E

PROPOSED WAREHOUSE  
 1 LETITIA GROVE, BRIDGEWATER  
 FOR C.G.J. PROPERTIES  
 1:20 SECTION D  
 DRAWING No 23020/19



DIMENSIONS (mm)													Turn Circle (m)
Models	WB	OAL	FOH	ROH	EA	CE	RT	ORT	CH	FFA (unladen)	RFA (unladen)	RFH (unladen)	KERB TO KERB
FRR 110-260 MWB	4,360	7,255	1,170	1,725	3,375	5,190	1,600	2,170	2,585	715	895	960	13.9
FRR 110-260 LWB	5,160	8,605	1,170	2,275	4,175	6,540	1,600	2,170	2,585	715	895	950	16.4
FRR 110-260 XLWB	5,580	9,155	1,170	2,425	4,575	7,090	1,600	2,170	2,585	715	895	960	17.7
FRR 110-260 CREW	5,160	8,605	1,170	2,275	3,450	5,848	1,600	2,170	2,650	715	895	950	16.4
FRD 110-260 LWB	5,160	8,605	1,170	2,275	4,175	6,540	1,600	2,170	2,585	720	820	860	16.4

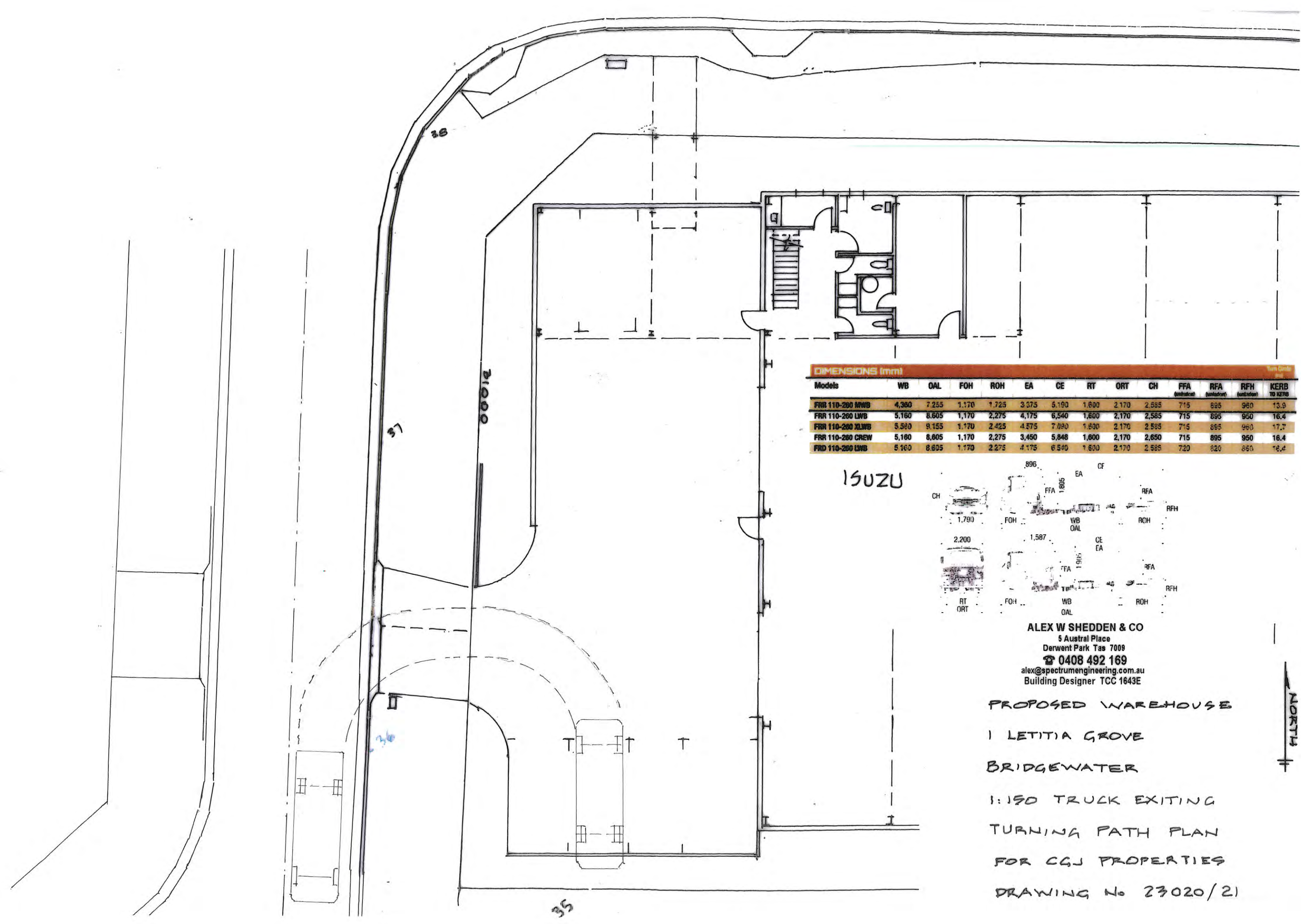
ISUZU



ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

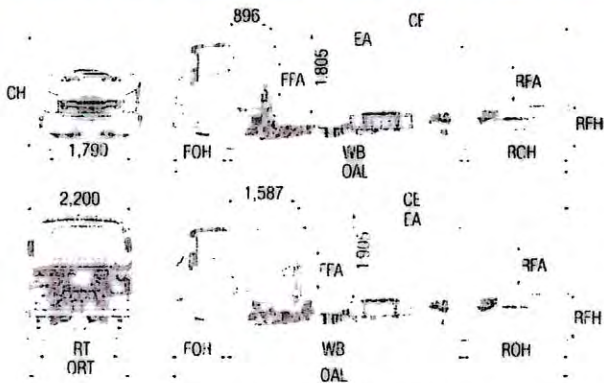
PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
1:150 TRUCK ENTERING  
TURNING PATH PLAN  
FOR CGJ PROPERTIES  
DRAWING No 23020/20

NORTH



DIMENSIONS (mm)														Turn Circle
Models	WB	OAL	FOH	ROH	EA	CE	RT	ORT	CH	FFA (unladen)	RFA (unladen)	RFH (unladen)	KERB TO KERB	mm
FRR 110-200 MWB	4,360	7,255	1,170	1,725	3,375	5,190	1,600	2,170	2,585	715	895	950	10.9	
FRR 110-200 LWB	5,160	8,605	1,170	2,275	4,175	6,540	1,600	2,170	2,585	715	895	950	16.4	
FRR 110-200 XLWB	5,560	9,155	1,170	2,425	4,575	7,090	1,600	2,170	2,585	715	895	950	17.7	
FRR 110-200 CREW	5,160	8,605	1,170	2,275	3,450	5,848	1,600	2,170	2,650	715	895	950	16.4	
FRD 110-200 LWB	5,160	8,605	1,170	2,275	4,175	6,540	1,600	2,170	2,585	720	820	850	16.4	

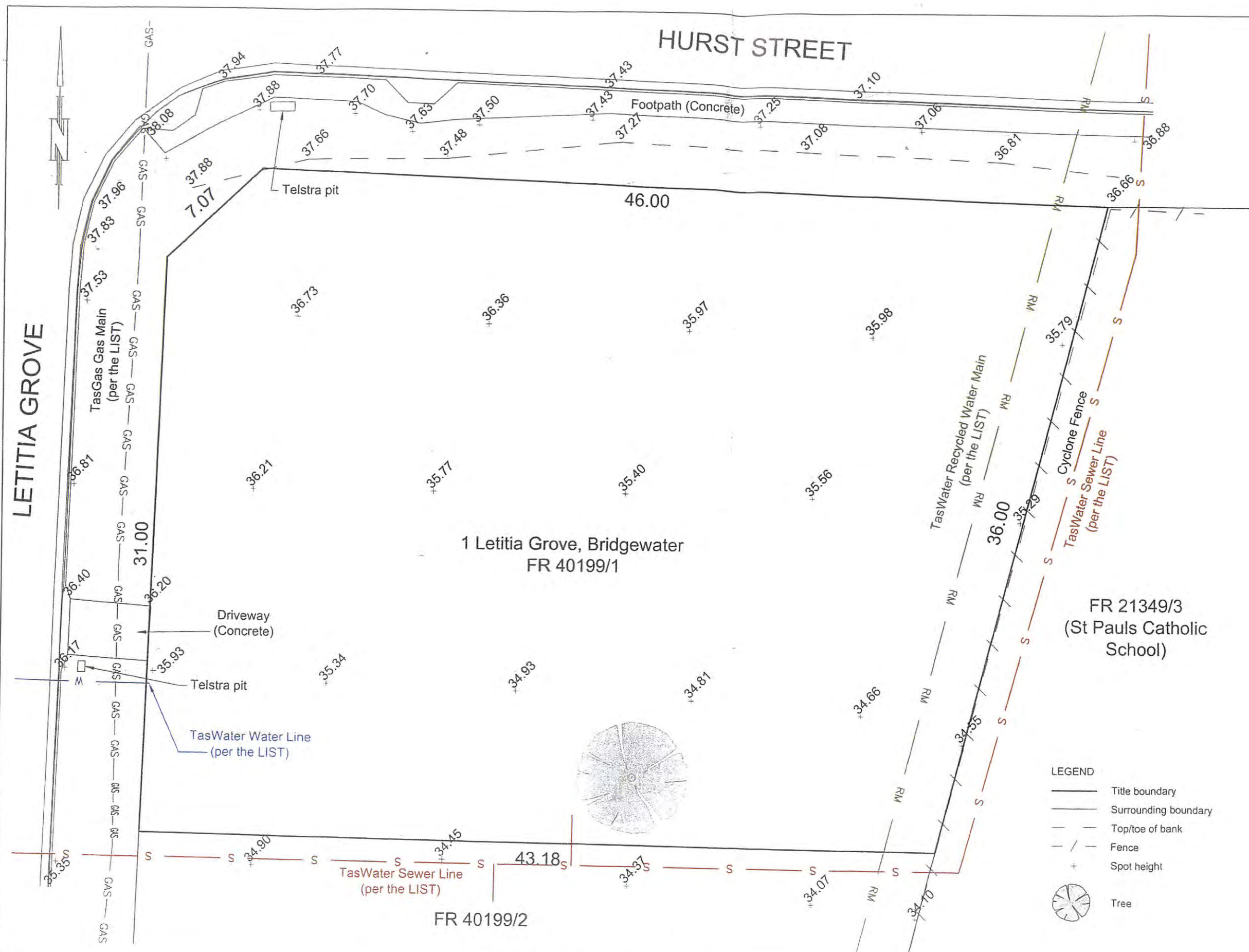
ISUZU



ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
1:150 TRUCK EXITING  
TURNING PATH PLAN  
FOR CGJ PROPERTIES  
DRAWING No 23020/21

NORTH



**NOTES**

Date of Survey: 8 October 2003

Bearing datum is GDA2020.

Horizontal datum is plane with MGA2020 coordinate adopted at SPM8659, with coordinates of E 520006.376 N 5268492.739 per the LIST.

Vertical datum is AHD per SPM8659 with reputed RL 42.882m.

Contour Interval:  
Major: 1.000m  
Minor: 0.200m

While reasonable effort has been made to locate all visible above ground services, there may be other services which were not located during survey.

Only those features/points specifically requested by Tim Young of Godfrey Rd, Claremont have been located and subsequently shown on this plan.

Some services have been plotted from council and the LIST GIS records, and as such are **approximate only**.

Prior to any demolition, excavation, final design or construction on this site, a comprehensive site investigation should be undertaken to locate all above and below ground service infrastructure.

All coordinates within this file, although stated to the nearest 0.001 metre, are approximate only and are only within 0.025m of the stated coordinate (horizontally and vertically).

The boundaries shown on this plan are compiled from SP40199 and, as such, are **approximate only**.

If any works are to be conducted on or near the boundary a re-establishment survey will be required.

Any DTM modeling that is to be done from the accompanying 3D digital file must be done using only the layer 'TRIANGLE\_1 SURFACE' to ensure that surface matches that verified by PDA Surveyors. No responsibility is taken for the use or interpretation of this data in any other format.

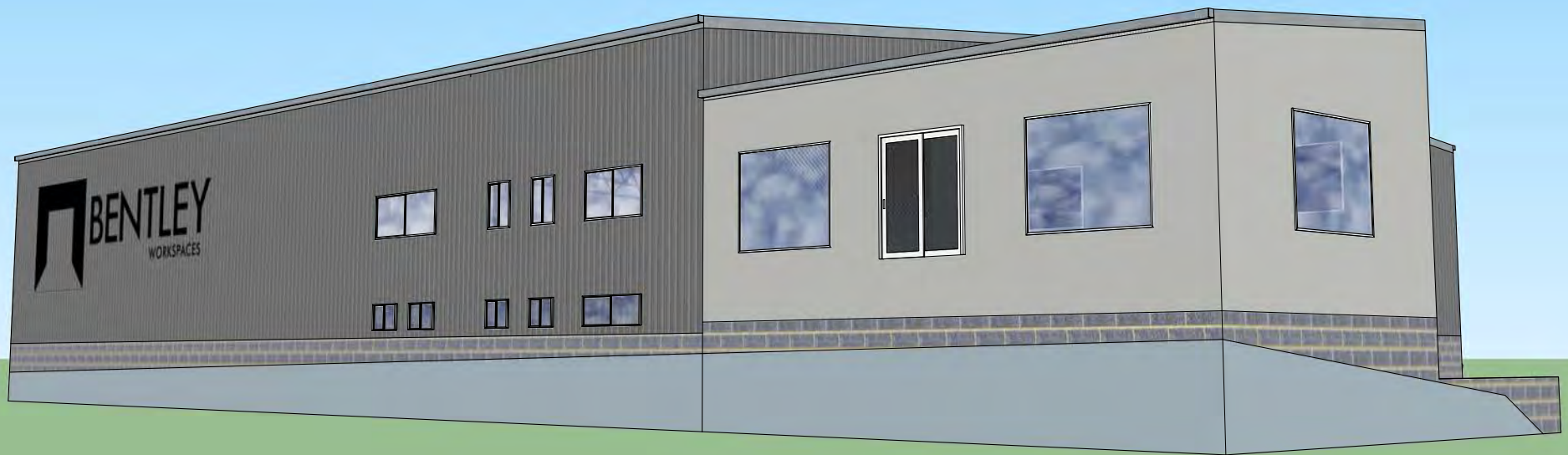
Some feature levels are not shown on this plan for clarity. These can be found turned on in model space or on the OFF Levels layer.

- LEGEND**
- Title boundary
  - Surrounding boundary
  - Top/toe of bank
  - / - Fence
  - + Spot height
  - Tree

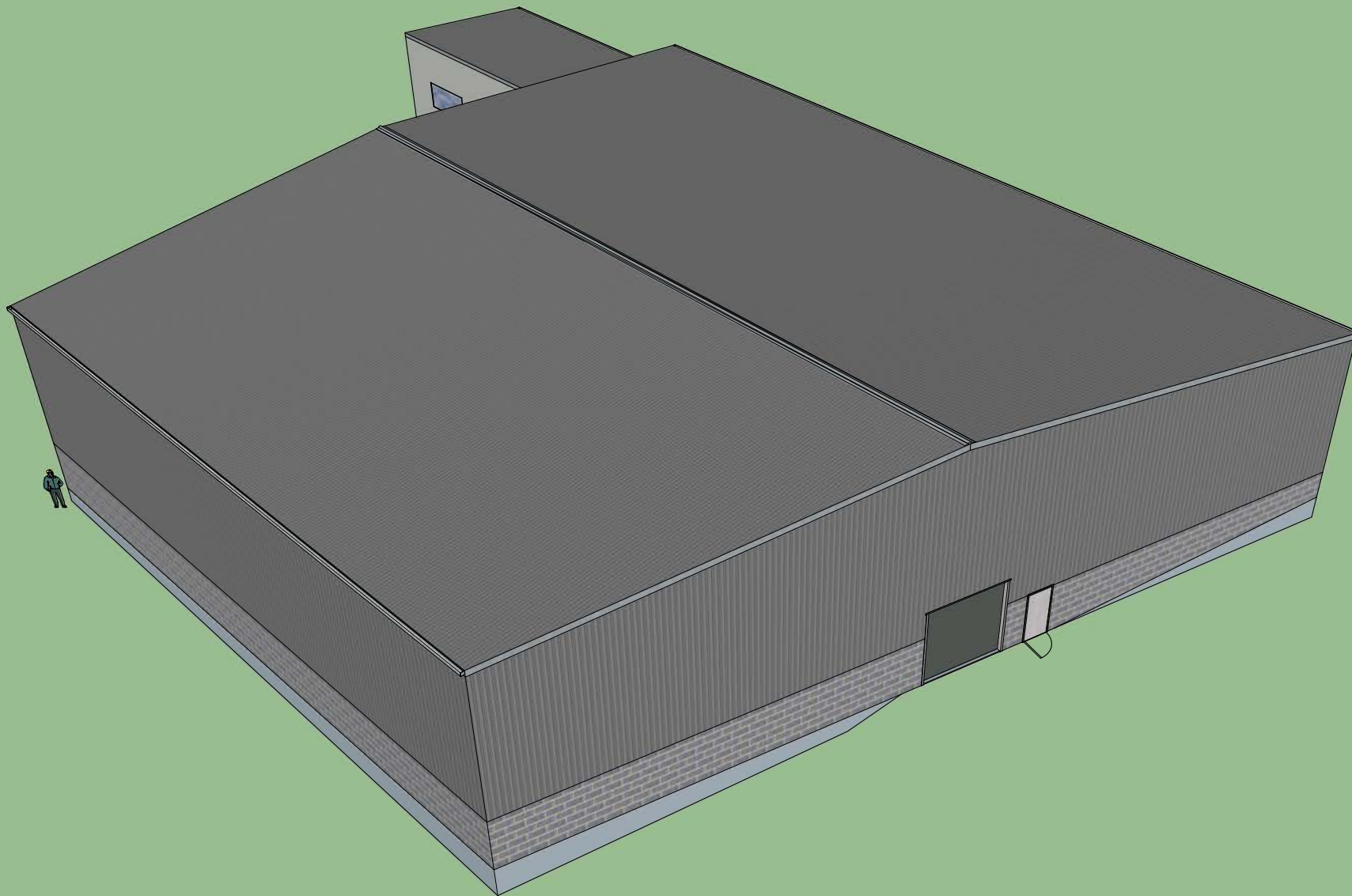
E					S. SURV. NO. JT	S. PROJ. NO. JT001	DETAIL SURVEY PLAN 1 LETITIA GROVE, BRIDGEWATER, 7030 for Timothy Young	Eamon Quaggin B.SurvSpSc (Tas) New Norfolk, Tasmania E: eamonquaggin@gmail.com M: 0488 137 086	SCALE	PAPER
D									1:200	(A3)
C									JOB NUMBER	DRAWING
B									JT001	- 1
A										
REV	AMENDMENTS	ORIGIN	DATE	25/03/2021						



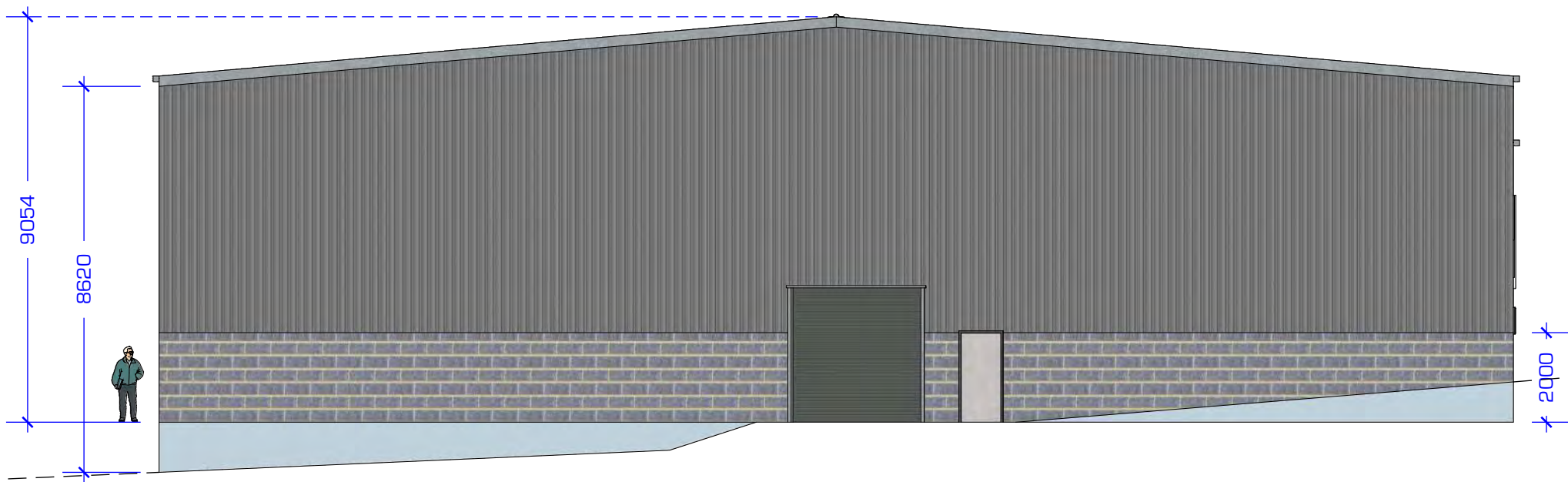
30m W x 24.4m L x 7.5m H - Industrial Warehouse



**30m W x 24.4m L x 7.5m H - Industrial Warehouse**



**30m W x 24.4m L x 7.5m H - Industrial Warehouse**



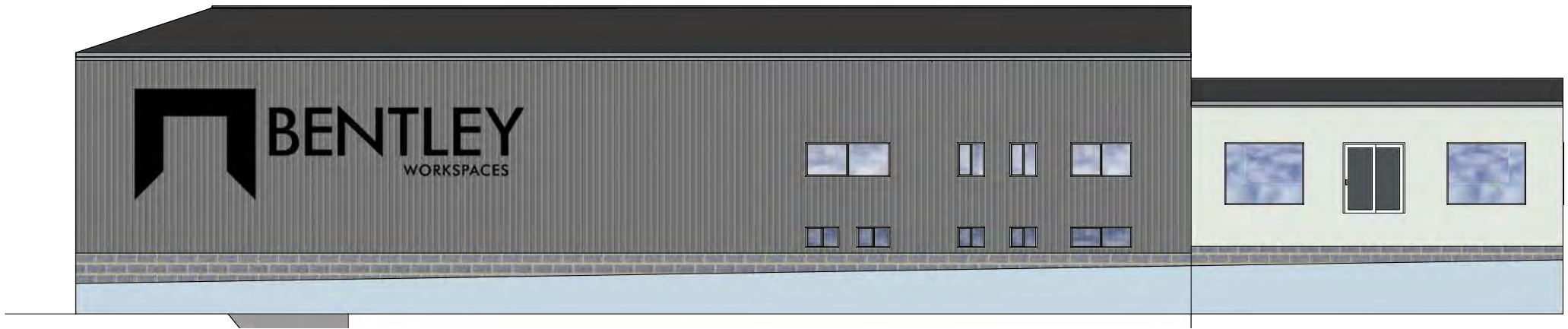
**EASTERN ELEVATION**

**30m W x 24.4m L x 7.5m H - Industrial Warehouse**

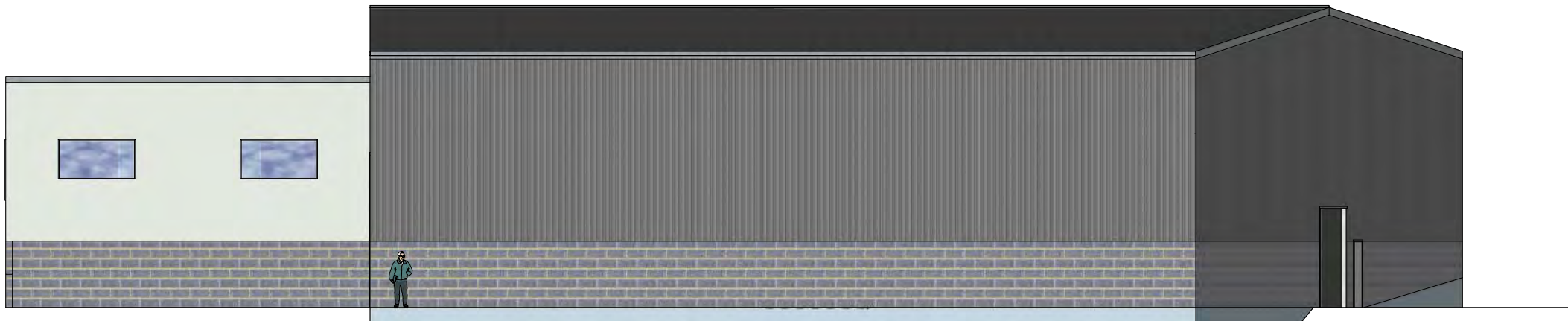


**WESTERN ELEVATION**

**30m W x 24.4m L x 7.5m H - Industrial Warehouse**



**NORTHERN ELEVATION**



**SOUTHERN ELEVATION**

**30m W x 24.4m L x 7.5m H - Industrial Warehouse**

In reference to the Council's letter of the 28<sup>th</sup> July 2023 the following provides a written statement to address the clauses referred to in that letter:

The relevant standards for the proposed use in the General Business Zone in the Scheme are:

#### 15.3.2 Discretionary uses

Objective:	That uses listed as Discretionary do not compromise or distort the activity centre hierarchy.	
Acceptable Solutions		Performance Criteria
<b>A1</b> No Acceptable Solution.		<b>P1</b> A use listed as Discretionary must: <ul style="list-style-type: none"> <li>(a) not cause an unreasonable loss of amenity to properties in adjoining residential zones; and</li> <li>(b) be of an intensity that respects the character of the area.</li> </ul>
<b>A2</b> No Acceptable Solution.		<b>P2</b> A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to: <ul style="list-style-type: none"> <li>(a) the characteristics of the site;</li> <li>(b) the need to encourage activity at pedestrian levels;</li> <li>(c) the size and scale of the proposed use;</li> <li>(d) the functions of the activity centre and the surrounding activity centres; and</li> <li>(e) the extent that the proposed use impacts on other activity centres.</li> </ul>

Clause 15.3.2 A1 and A2 are not applicable as there are no acceptable solutions.

In respect to the performance criteria the following is provided

P1 (a) – The subject site is adequately **separated** from the nearest residential properties to ensure that there is “no unreasonable loss of amenity”. Regardless the use proposed for the site in itself unlikely to result in unreasonable loss of amenity. Clause P1 (a) is met.

P1 (b) – The character of the area has evolved from the mixture of uses and is not homogenous. Given the variety and nature of use and development in the area the intensity of the proposal does not disrespect the existing character. Clause P1 (b) is met.

P2 – The activity centre hierarchy is difficult to determine given the eclectic mixture of uses. It could be identified as having the higher activity shopping centre at Cove Hill at the apex of

the hierarchy then the smaller commercial uses and professional services to the less intense Church, Temple and Pet Crematorium.

P2 (a) The character of the site is currently vacant land. The development for a commercial use will contribute to the hierarchy rather than distort or compromise. Clause P2(a) is met.

P2 (b)- The activity centre as it has developed will not be enhanced by encouraging activity at pedestrian level. The centre is dominated by the Cove Hill Shopping Centre that presents as an internal mall. Other existing developments and uses are dominated with large vehicular parking areas that do not encourage activity at pedestrian level. If the design of the proposed develop was to encourage activity at pedestrian level, it would not, given the way the activity centre currently functions, result in any better hierarchical structure to the activity centre than what the proposal will achieve.

P2 (c) – The size and scale are not inconsistent with other developments in the “activity centre” (i.e. the “big box” shopping centre, and other commercial developments on Cove Hill Road). Clause P2 (c) is met.

P2 (d) – The function of the activity centre nor that of the surrounding activity centre will be distorted or compromised. The development will not compete with the hierarchy structure but will complement it. Clause P2 (d) is met.

P2 (e) – The use is neither of an intensity nor nature that will impact on other activity areas. Clause P2 (e) is met.

The Zone purpose statements for the General Business Zone are:

1. *15.1.1 To provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania’s main suburban and rural centres.*
2. *15.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.*
3. *15.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.*
4. *15.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.*

In respect to the zone purpose the following is provided to justify the proposed use and development.

15.1.1 - The proposed use and development is for a business. The purpose is met.

15.1.2 – As stated in reference to Clause 15.3.2 P2 (c) above the proposed use does not compromise or distort the activity centre hierarchy.

15.1.3 – The clause is otiose as is cannot be applied to a proposal within an activity area where there is little pedestrian activity, very few active frontages and shop windows. The area is dominated by vehicular movements where access to the commercial uses and

professional services is by car. To apply the clause to the proposed use and development will not result in the area developing into one where pedestrians will become “the norm”.

15.1.4 – This clause is not applicable.

Ian Stanley  
BA, MTP, RPIA (Fellow)

## Submission to Planning Authority Notice

<b>Council Planning Permit No.</b>	DA 2023 / 00058	<b>Council notice date</b>	27/03/2023
<b>TasWater details</b>			
<b>TasWater Reference No.</b>	TWDA 2023/00393-BTN	<b>Date of response</b>	18/07/2023
<b>TasWater Contact</b>	Shaun Verdouw	<b>Phone No.</b>	0467 901 425
<b>Response issued to</b>			
<b>Council name</b>	BRIGHTON COUNCIL		
<b>Contact details</b>	development@brighton.tas.gov.au		
<b>Development details</b>			
<b>Address</b>	1 LETITIA GR, BRIDGEWATER	<b>Property ID (PID)</b>	7497806
<b>Description of development</b>	Warehouse and Office Storage		
<b>Schedule of drawings/documents</b>			
<b>Prepared by</b>	<b>Drawing/document No.</b>	<b>Revision No.</b>	<b>Date of Issue</b>
Alex W Shedden & Co	23020/1-19	-	-
Bison Constructions	5198/0704 A.01-A.06	1	4/7/23
<b>Conditions</b>			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:</p> <p><b>CONNECTIONS, METERING &amp; BACKFLOW</b></p> <ol style="list-style-type: none"> <li>1. A suitably sized water supply with metered connections and sewerage system and connections to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.</li> <li>2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.</li> <li>3. Prior to commencing use of the development, any water connection utilised for the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.</li> <li>4. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.</li> <li>5. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.</li> </ol> <p><b>56W CONSENT</b></p> <ol style="list-style-type: none"> <li>6. Prior to the issue of the Certificate for Certifiable Work (Building) and/or (Plumbing) by TasWater the applicant or landowner as the case may be must make application to TasWater pursuant to section 56W of the <i>Water and Sewerage Industry Act 2008</i> for its consent in respect of that part of the development which is built within a TasWater easement or over or within two metres of TasWater infrastructure.</li> </ol> <p><b>DEVELOPMENT ASSESSMENT FEES</b></p> <ol style="list-style-type: none"> <li>7. The applicant or landowner as the case may be, must pay a development assessment fee of</li> </ol>			

\$389.86, to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.

The payment is required within 30 days of the issue of an invoice by TasWater.

## Advice

### General

For information on TasWater development standards, please visit <https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit <https://www.taswater.com.au/building-and-development/development-application-form>

### Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

- (a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.
- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit [www.taswater.com.au/Development/Service-location](http://www.taswater.com.au/Development/Service-location) for a list of companies.
- (c) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

**NOTE:** In accordance with the WATER AND SEWERAGE INDUSTRY ACT 2008 - SECT 56ZB A regulated entity may charge a person for the reasonable cost of –

- (a) a meter; and
- (b) installing a meter.

### 56W Consent

The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) will need to show footings of proposed buildings located over or within 2.0m from TasWater pipes and will need to be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans will need to also include a cross sectional view through the footings which clearly shows;

- (a) Existing pipe depth and proposed finished surface levels over the pipe;
- (b) The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
- (c) A note on the plan indicating how the pipe location and depth were ascertained.
- (d) The location of the property service connection and sewer inspection opening (IO).

## Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

## TasWater Contact Details

Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au



## SEARCH OF TORRENS TITLE

VOLUME 40199	FOLIO 1
EDITION 6	DATE OF ISSUE 07-Dec-2022

SEARCH DATE : 22-Mar-2023

SEARCH TIME : 10.29 AM

DESCRIPTION OF LAND

Town of BRIDGEWATER

Lot 1 on Sealed Plan 40199

Derivation : Part of 370A-2R-25Ps. Gtd. to C.G. Piesse and  
Part of 43A-0R-21Ps. Gtd. to D.M. Marshall

Prior CT 4587/72

SCHEDULE 1N104874 TRANSFER to CGJ PROPERTIES PTY LTD Registered  
07-Dec-2022 at 12.01 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 40199 FENCING COVENANT in Schedule of Easements

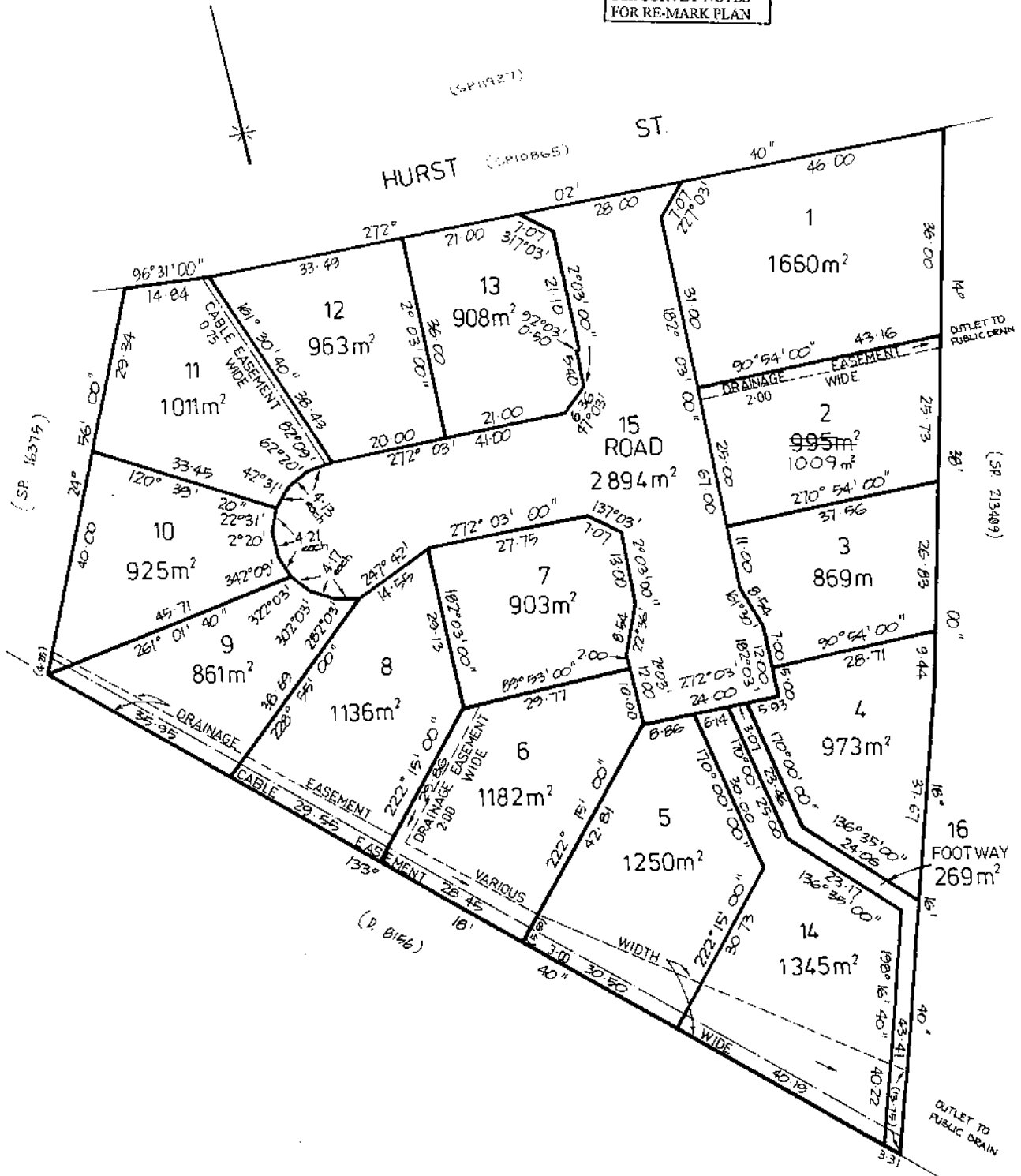
SP 40199 EASEMENTS in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

Owner: <b>BRIDGEWATER INVESTMENTS P/L</b>	<b>PLAN OF SURVEY</b> by Surveyor: <b>D. J. M. AVOY</b> of land situated in the	Registered Number: <b>SP40199</b>
Title Reference: <b>C.T. 1151/76</b>	<b>TOWN OF BRIDGEWATER</b>	Approved Effective from: <b>9-AUG-1989</b>
Grantee: PART OF 370.2.25 GTD TO C. G. PIESSE PART OF 430.0.21 GTD TO D. M. MARSHALL & ANR.	SCALE 1:600 MEASUREMENTS IN METRES	<i>Michael R. Jones</i> Recorder of Titles

SEE SURVEY NOTES  
FOR RE-MARK PLAN





### SCHEDULE OF EASEMENTS

PLAN NO.

**SP40199**

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

### EASEMENTS AND PROFITS

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits à prendre described hereunder.

Each lot on the plan is subject to:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits à prendre described hereunder.

The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows.

Lots 5, 6, 8, 9, <sup>10</sup>14 & 16 are each SUBJECT TO the full right and liberty for the Hydro Electric Commission to enter such part of the strip of land marked "Cable Easement 3.00 wide" hereon/ and to lay repair replace cleanse and maintain pipes valves wires cables and junctions therein and the said Hydro Electric Commission making good any damage to the surface occasioned thereby.

Lots 5, 6, 8, 9, <sup>10</sup>14 & 16 are each SUBJECT TO a Right of Drainage for the balance land remaining in Certificate of Title volume 4399 4451 folio 978 1598 ~~at the date of acceptance of this plan excluding the lots on this plan~~ over such portion of the Drainage Easement of various width shown passing through such lot.

Lot 11 is SUBJECT TO the full right and liberty for the Hydro-Electric Commission to enter such part of the strip of land marked "Cable Easement 0.75 wide" hereon/ and to lay repair replace cleanse and maintain pipes valves wires cables and junctions therein and the said Hydro-Electric Commission making good any damage to the surface occasioned thereby.

### COVENANTS

The owner of each Lot on the plan covenants with Bridgewater Investments Pty. Ltd. (the Vendor) that the Vendor shall not be required to fence.

THE COMMON SEAL of BRIDGEWATER )  
INVESTMENTS PTY. LTD. was here- )  
unto affixed in the presence of:)

Director

Secretary



This is the schedule of easements attached to the plan of BRIDGEWATER INVESTMENTS  
(Insert Subdivider's Full Name)

PTY. LTD. affecting land in

(Insert Title Reference)

Sealed by THE MUNICIPALITY OF BRIGHTON on 8TH JUNE 1989

Solicitor's Reference \_\_\_\_\_  
Council Clerk/Town Clerk

OS-K 3134

21/8/23

# 1 Letita Grove – Bridgewater – Proposed Development

In reference to the Council's letter of the 28<sup>th</sup> July 2023 the following provides a written statement to address the clauses referred to in that letter:

The relevant standards for the proposed use in the General Business Zone in the Scheme are:

## 15.3.2 Discretionary uses

Objective:	That uses listed as Discretionary do not compromise or distort the activity centre hierarchy.	
Acceptable Solutions		Performance Criteria
<b>A1</b> No Acceptable Solution.		<b>P1</b> A use listed as Discretionary must: <ul style="list-style-type: none"> <li>(a) not cause an unreasonable loss of amenity to properties in adjoining residential zones; and</li> <li>(b) be of an intensity that respects the character of the area.</li> </ul>
<b>A2</b> No Acceptable Solution.		<b>P2</b> A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to: <ul style="list-style-type: none"> <li>(a) the characteristics of the site;</li> <li>(b) the need to encourage activity at pedestrian levels;</li> <li>(c) the size and scale of the proposed use;</li> <li>(d) the functions of the activity centre and the surrounding activity centres; and</li> <li>(e) the extent that the proposed use impacts on other activity centres.</li> </ul>

Clause 15.3.2 A1 and A2 are not applicable as there are no acceptable solutions.

In respect to the performance criteria the following is provided

P1 (a) – The subject site is adequately **separated** from the nearest residential properties to ensure that there is “no unreasonable loss of amenity”. Regardless the use proposed for the site in itself unlikely to result in unreasonable loss of amenity. Clause P1 (a) is met.

P1 (b) – The character of the area has evolved from the mixture of uses and is not homogenous. Given the variety and nature of use and development in the area the intensity of the proposal does not disrespect the existing character. Clause P1 (b) is met.

P2 – The activity centre hierarchy is difficult to determine given the eclectic mixture of uses. It could be identified as having the higher activity shopping centre at Cove Hill at the apex of the hierarchy then the smaller commercial uses and professional services to the less intense Church, Temple and Pet Crematorium.

P2 (a) The character of the site is currently vacant land. The development for a commercial use will contribute to the hierarchy rather than distort or compromise. Clause P2(a) is met.

P2 (b)- The activity centre as it has developed will not be enhanced by encouraging activity at pedestrian level. The centre is dominated by the Cove Hill Shopping Centre that presents as an internal mall. Other existing developments and uses are dominated with large vehicular parking areas that do not encourage activity at pedestrian level. If the design of the proposed develop was to encourage activity at pedestrian level, it would not, given the way the activity centre currently functions, result in any better hierarchical structure to the activity centre than what the proposal will achieve.

P2 (c) – The size and scale are not inconsistent with other developments in the “activity centre” (i.e. the “big box” shopping centre, and other commercial developments on Cove Hill Road). Clause P2 (c) is met.

P2 (d) – The function of the activity centre nor that of the surrounding activity centre will be distorted or compromised. The development will not compete with the hierarchy structure but will complement it. Clause P2 (d) is met.

P2 (e) – The use is neither of an intensity nor nature that will impact on other activity areas. Clause P2 (e) is met.

The Zone purpose statements for the General Business Zone are:

1. *15.1.1 To provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania’s main suburban and rural centres.*
2. *15.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.*
3. *15.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.*
4. *15.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.*

In respect to the zone purpose the following is provided to justify the proposed use and development.

15.1.1 - The proposed use and development is for a business. The purpose is met.

15.1.2 – As stated in reference to Clause 15.3.2 P2 (c) above the proposed use does not compromise or distort the activity centre hierarchy.

15.1.3 – The clause is otiose as is cannot be applied to a proposal within an activity area where there is little pedestrian activity, very few active frontages and shop windows. The area is dominated by vehicular movements where access to the commercial uses and professional services is by car. To apply the clause to the proposed use and development will not result in the area developing into one where pedestrians will become “the norm”.

15.1.4 – This clause is not applicable.

*Ian Stanley*

Ian Stanley  
BA, MTP, RPIA (Fellow)



11/10/2023

**Alex Shedden**

alex@spectrumengineering.com.au

Dear Alex,

## **1 LETITIA AVENUE BRIDGEWATER – ENGINEERS CERTIFICATION OF STORMWATER TREATMENT AND DETENTION**

### **Introduction**

A warehouse and associated access, parking and landscaping is proposed at a light industrial subdivision at Bridgewater. The developer had a preference for a biofilter to provide stormwater treatment and detention. Sand filters are ideal for sealed environments with low amounts of contaminated sediment and dust.

Poortenaar Consulting were engaged to certify the system.

The property is connected to a large stormwater main in St Pauls Catholic School next door. This stormwater main serves the light industrial Cove Hill Area. The stormwater main passes under the highway through Green Point retail centre, through the community centre to the watercourse, through a dam, to the Derwent River. It is not known whether the stormwater system is under capacity but as the site is in the upper half of the catchment any detention is useful. The critical storm length for the catchment is 10 minutes.

### **Design Inputs**

- Total area	1673m <sup>2</sup>
- Roof area	912m <sup>2</sup>
- Carpark area	256m <sup>2</sup>
- Landscaping	504m <sup>2</sup>
- Design storm	50year ARI
- Predevelopment peak flow	16.3L/s
- Post development peak flow	32.6L/s
- Detention required	5.2m <sup>2</sup>

### **Biofilter/Detention Particulars**

- Dimensions	10m x 2.8m
- Filter area	28m <sup>2</sup>
- Total depth	1m

POORTENAAR CONSULTING PTY LTD ACN 152 224 372

77 BANKSIA ROAD, MOUNTAIN RIVER, TAS 7109 M 0448 440 346

hein@poortenaarconsulting.com.au

[www.poortenaarconsulting.com.au](http://www.poortenaarconsulting.com.au)



- Drainage layer	0.2m
- Filter thickness	0.3m
- Freeboard	0.1m
- Detention depth	0.4m
- Storage volume	11.2m <sup>3</sup> (>5.2m <sup>3</sup> required)
- TSS reduction	98.2% (target 80%)
- TP reduction	60.6% (target 45%)
- TN reduction	70.8% (target 45%)

The MUSIC output is attached.

### Conclusion

The Tasmanian Planning Scheme unlike the Interim Planning Scheme does not have a stormwater code.

It is marginal whether stormwater treatment is actually required as the carpark area is less than half the previous threshold of 600m<sup>2</sup> or 6 car spaces. Roof water is generally considered clean. Never the less the sand filter provides the required degree of treatment.

It is not clear if on-site detention is required or whether the stormwater system would have been designed for the expected development. Never the less there is sufficient capacity in the biofilter /detention to provide detention which is effective because the site is in the upper half of the catchment.

This is to certify the biofilter meets and exceeds the requirements of the Stormwater Code.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Hein Poortenaar', is written over a light blue horizontal line.

**Hein Poortenaar**  
**Poortenaar Consulting Pty Ltd**

### Attachments

- SW calcs for flows and detention
- MUSIC output for SW treatment

Receiving Node

11/10/2023 2:19:00 PM

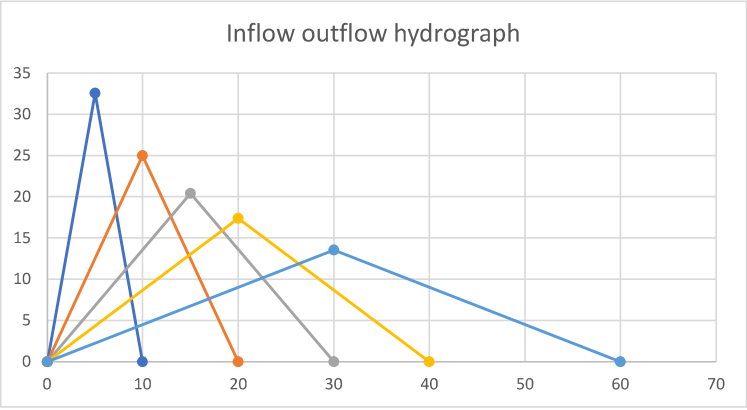
Treatment Train Effectiveness

	Flow (ML/yr)	TSS (kg/yr)	TP (kg/yr)	TN (kg/yr)	Gross Pollutants (kg/yr)
Sources	0.463	84.0	0.137	1.00	17.6
Residual Load	0.417	1.53	54.1E-3	0.293	0.00
% Reduction	10.0	98.2	60.6	70.8	100.0

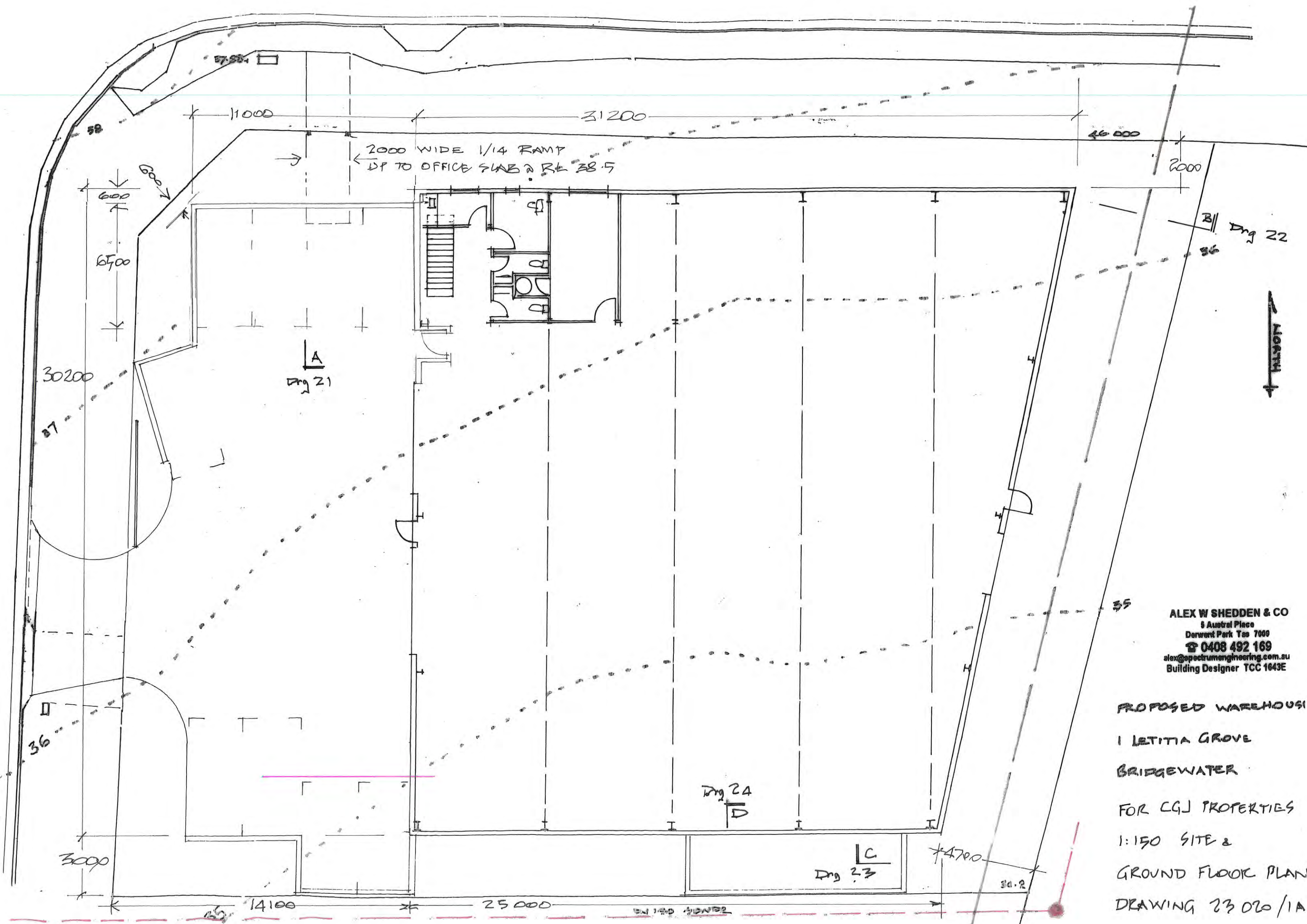
**CGJ PROPERTIES**  
**1 LETITIA GROVE, BRIDGEWATER**  
**STORMWATER MANAGEMENT**

<b>Design storm</b>	50yr ARI	2%
Critical storm for site	5min	
Critical storm for catchment	15min	
<b>Peak intensity</b>	130	
<b>Catchment</b>		
Total area	1673 m2	
Roof	913 m2	
Concrete carpark	256 m2	
Total Impervious	1169 m2	
balance landscaping	504	
Post development F	0.70	
Post development C	0.70	
Predevelopment C	0.35	
CA predevelopment	586	
CA post development	1171	
<b>Existing pipe capacity</b>		
Diameter	150mm	
Grade	1.00%	
Capacity	30 L/s	
<b>Predevelopment peak flow</b>		
I50 5min	100.1 mm/hr	
Q50 5min	16.3 L/s	
<b>Post development peak flow</b>		
I50 5min	100.1 mm/hr	
Q50 5min	32.6 L/s	

Rainfall intensity	Duration (min)	Intensity mm	Intensity mm/hr	Qpre L/S	Qpost L/S	Vol in m3	Vol out m3	Detention Actual
	5	8.34	100.1	16.3	32.6	9.8	4.9	4.9
	10	12.8	76.8	12.5	25.0	15.0	9.8	5.2
	15	15.7	62.8	10.2	20.4	18.4	14.7	3.7
	20	17.8	53.4	8.7	17.4	20.8	19.5	1.3
	30	20.8	41.6	6.8	13.5	24.4	29.3	-4.9

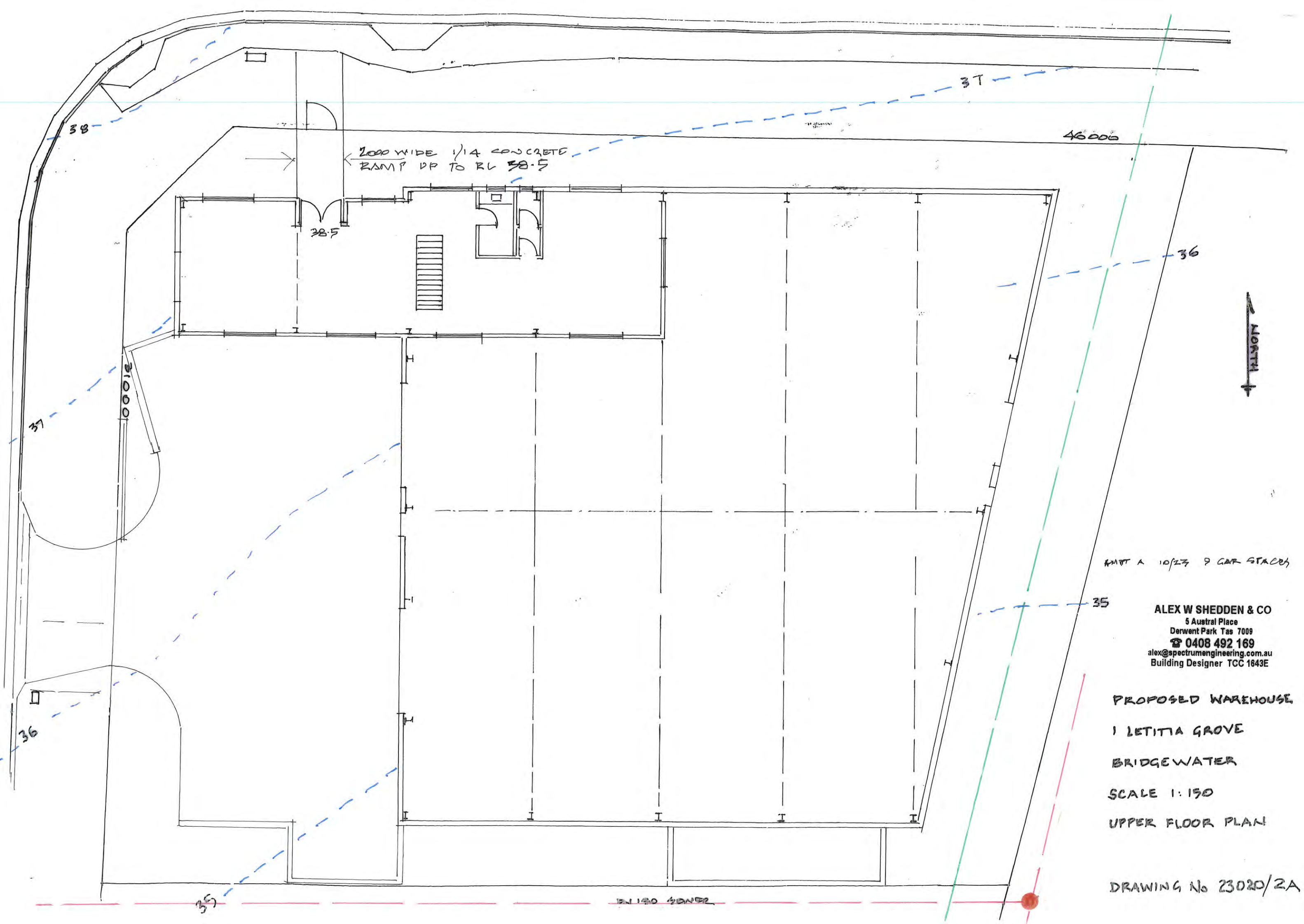






ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7000  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
FOR CGJ PROPERTIES  
1:150 SITE &  
GROUND FLOOR PLAN  
DRAWING 23 020 / 1A



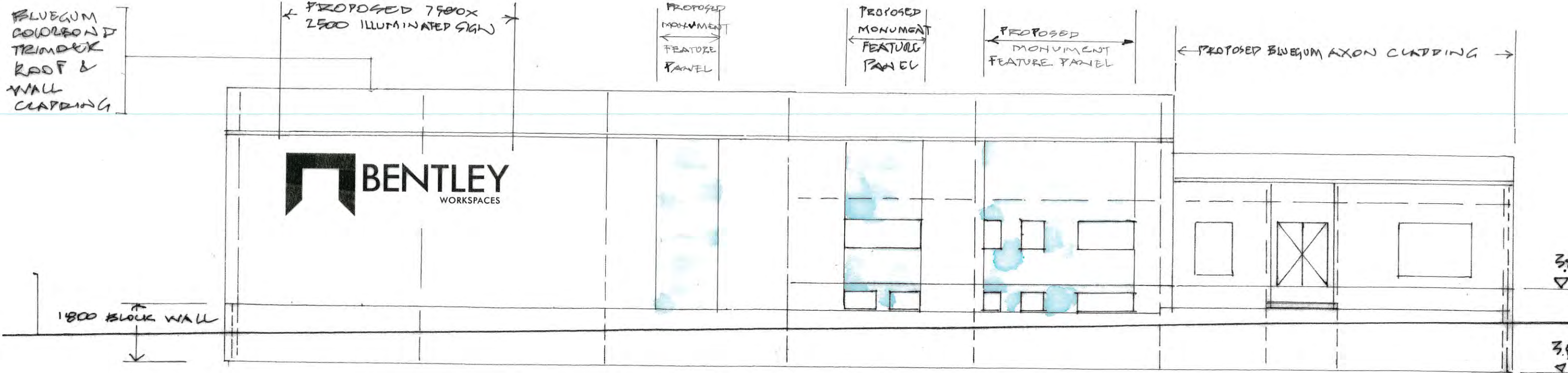
2000 WIDE 1/4 CONCRETE  
RAMP UP TO RL 38.5

AMT A 10/23 9 CAR SPACES

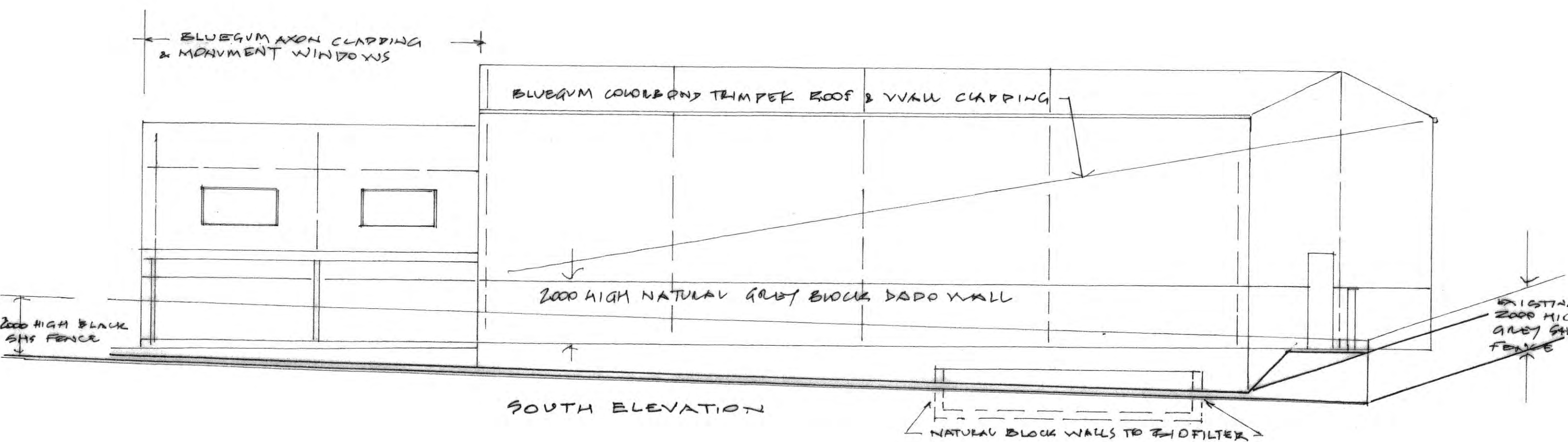
ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
SCALE 1:150  
UPPER FLOOR PLAN

DRAWING No 23020/2A



NORTH ELEVATION



SOUTH ELEVATION

ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park, Tas 7009  
0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

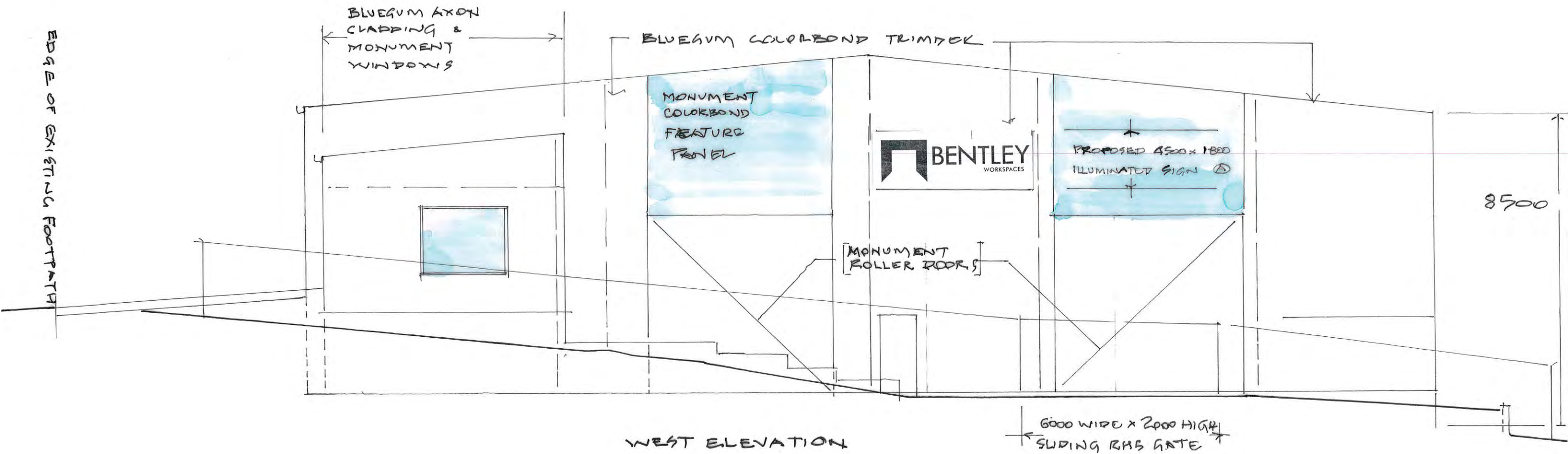
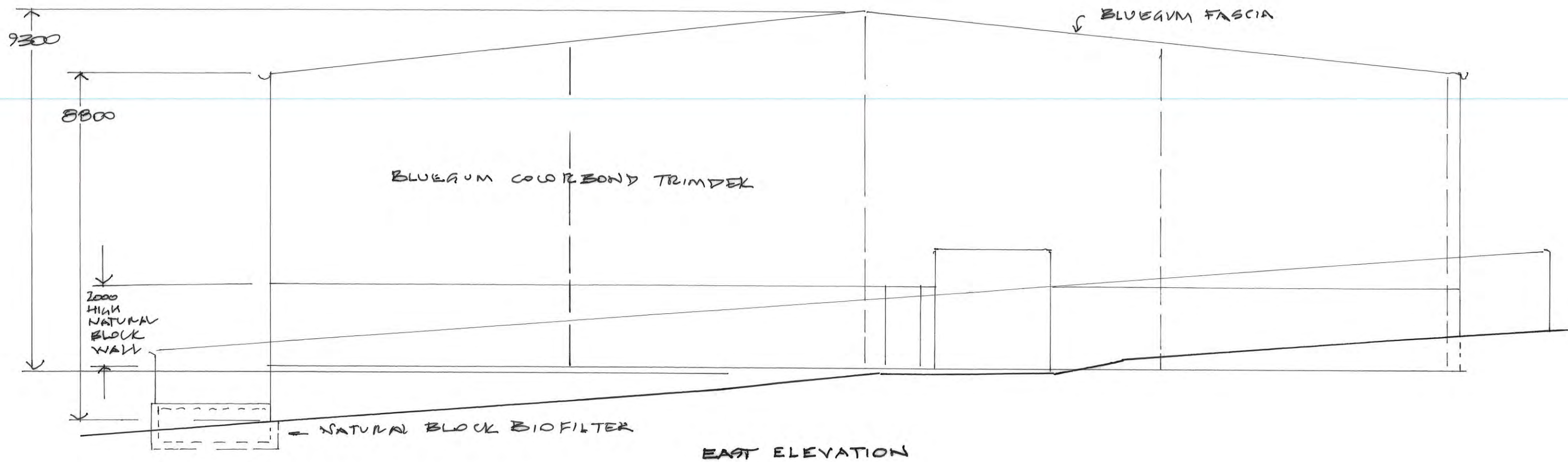
AMDT A 21/7/23 FEATURE PANEL

PROPOSED WAREHOUSE

1 LETITIA GROVE, BRIDGEWATER

FOR CQJ PROPERTIES

1:125 NORTH & SOUTH ELEVATIONS DRAWING No 23020/3A



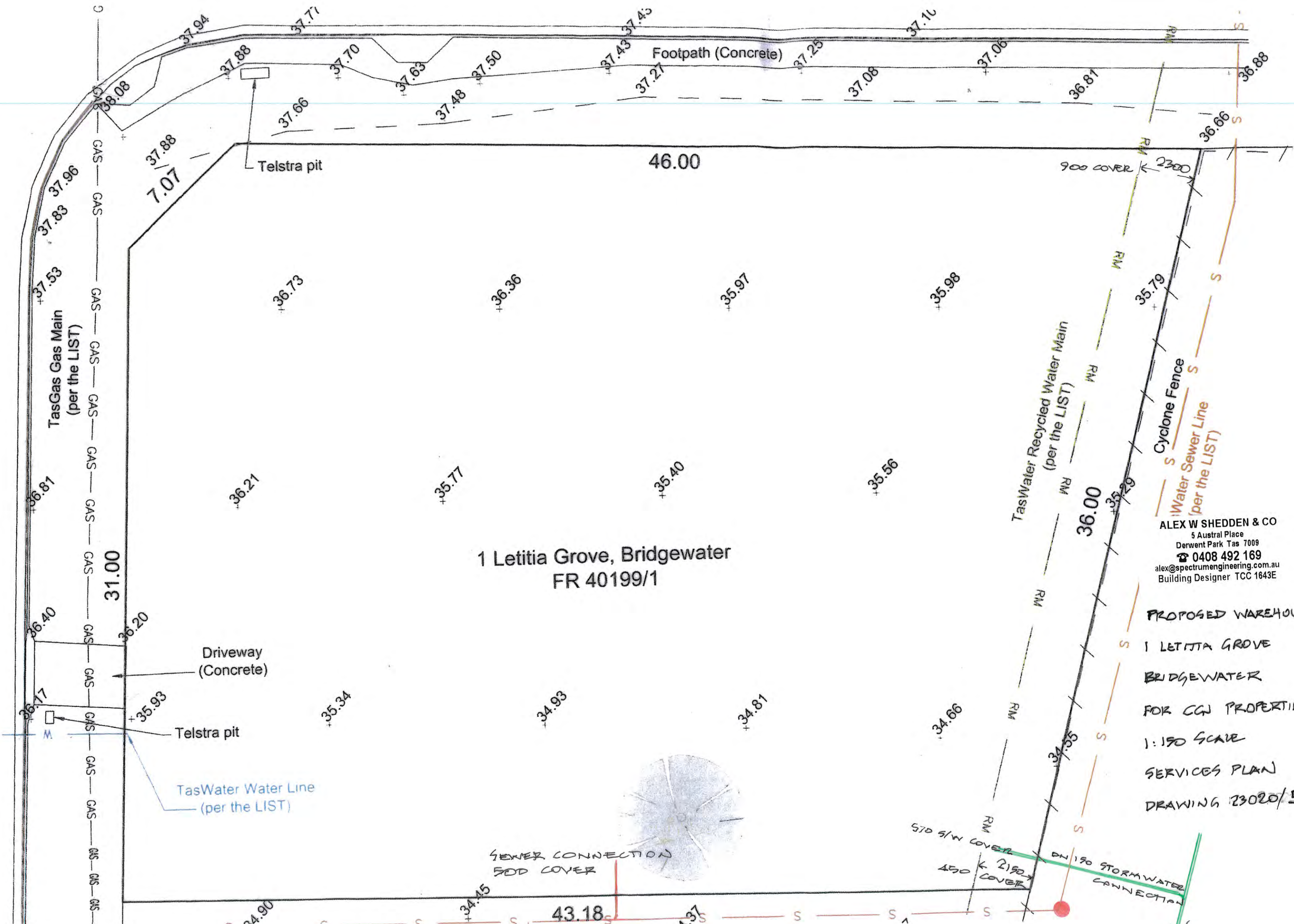
ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE FOR CGJ PROPERTIES

1 LETITIA STREET, BRIDGEWATER

1:100 EAST & WEST ELEVATIONS DRAWING 23020/4

AMET A 21/7/23 SIGN

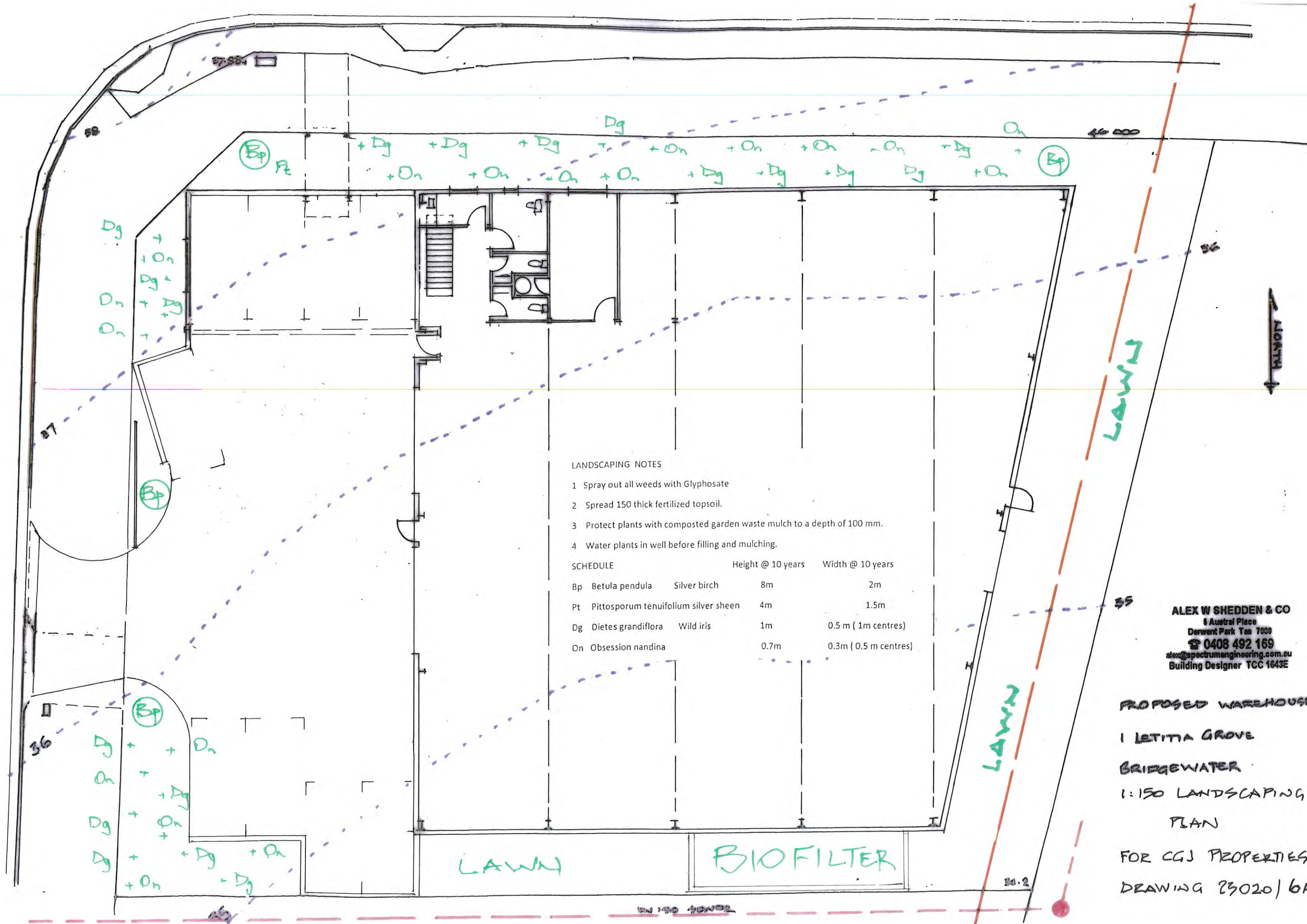


1 Letitia Grove, Bridgewater  
FR 40199/1

ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
FOR CGJ PROPERTIES  
1:150 SCALE  
SERVICES PLAN  
DRAWING 23020/5

570 S/W COVER  
1570 COVER  
DN 150 STORMWATER CONNECTION



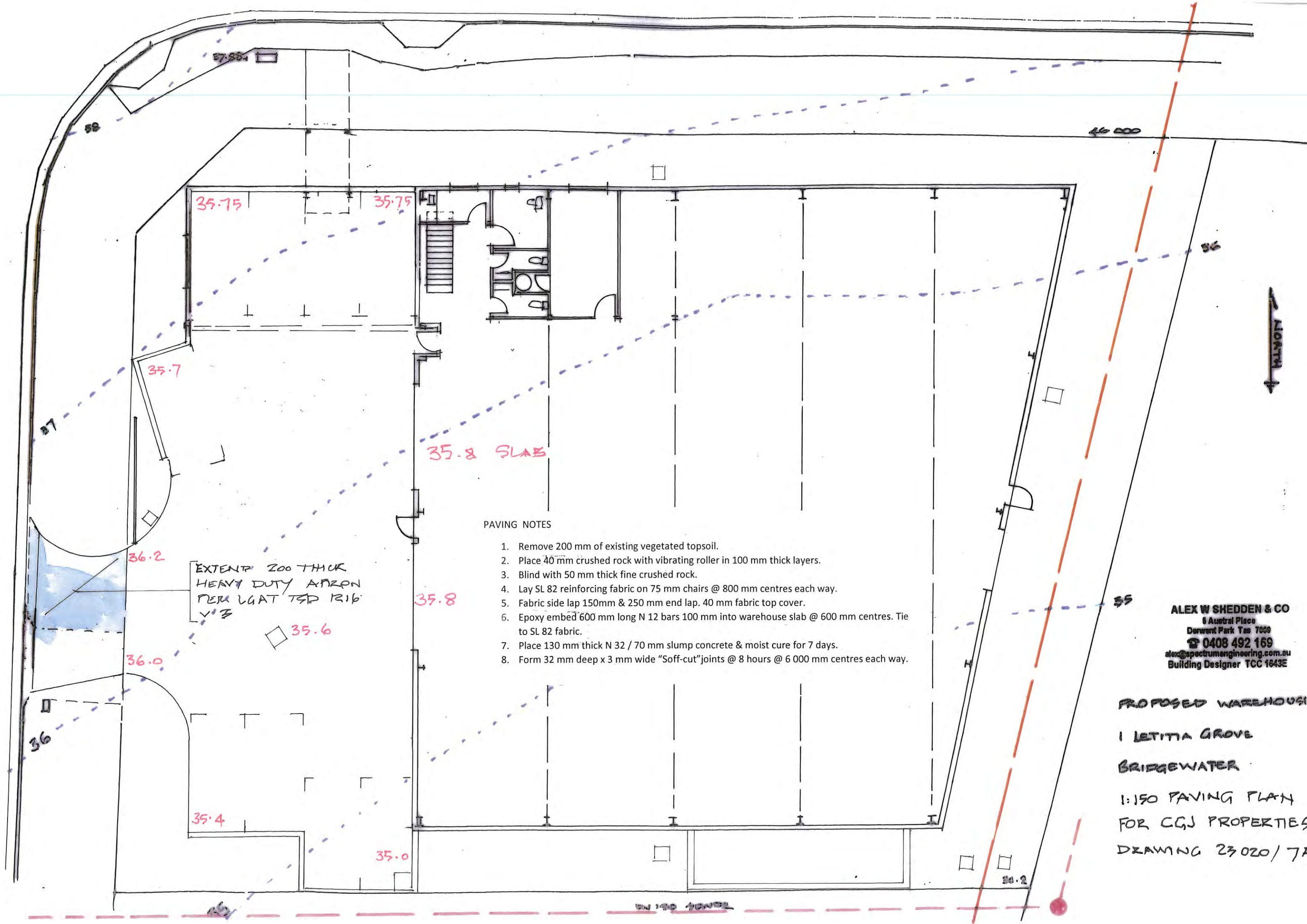
LANDSCAPING NOTES

- 1 Spray out all weeds with Glyphosate
- 2 Spread 150 thick fertilized topsoil.
- 3 Protect plants with composted garden waste mulch to a depth of 100 mm.
- 4 Water plants in well before filling and mulching.

SCHEDULE		Height @ 10 years	Width @ 10 years
Bp	Betula pendula Silver birch	8m	2m
Pt	Pittosporum tenuifolium silver sheen	4m	1.5m
Dg	Diets grandiflora Wild iris	1m	0.5 m ( 1m centres)
On	Obsession nandina	0.7m	0.3m ( 0.5 m centres)

ALEX W SHEDDEN & CO  
8 Austral Place  
Derwent Park Tas 7000  
P 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
1:150 LANDSCAPING  
PLAN  
FOR CGJ PROPERTIES  
DRAWING 23020/6A



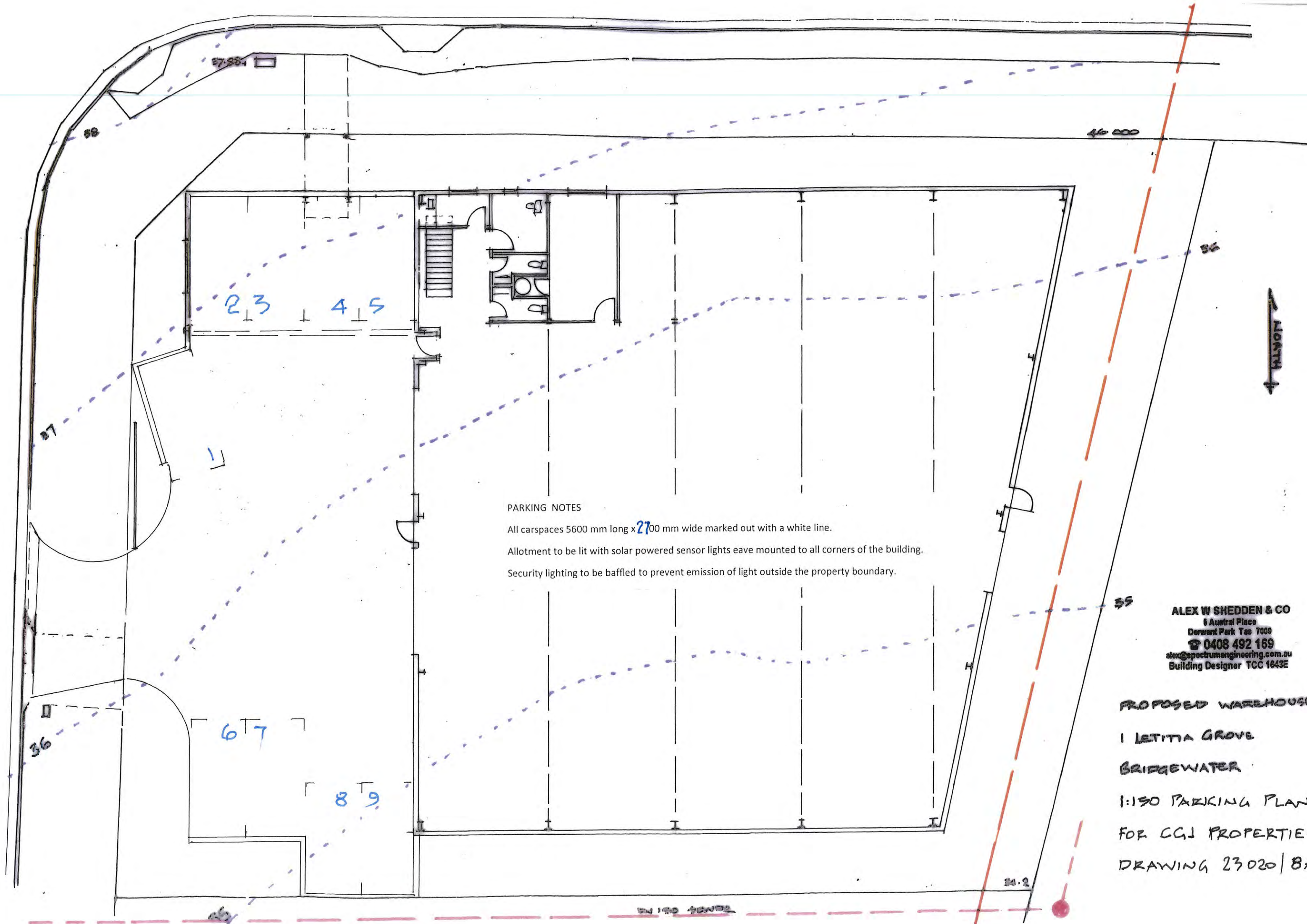
PAVING NOTES

1. Remove 200 mm of existing vegetated topsoil.
2. Place 40 mm crushed rock with vibrating roller in 100 mm thick layers.
3. Blind with 50 mm thick fine crushed rock.
4. Lay SL 82 reinforcing fabric on 75 mm chairs @ 800 mm centres each way.
5. Fabric side lap 150mm & 250 mm end lap. 40 mm fabric top cover.
6. Epoxy embed 600 mm long N 12 bars 100 mm into warehouse slab @ 600 mm centres. Tie to SL 82 fabric.
7. Place 130 mm thick N 32 / 70 mm slump concrete & moist cure for 7 days.
8. Form 32 mm deep x 3 mm wide "Soff-cut" joints @ 8 hours @ 6 000 mm centres each way.

EXTEND 200 THICK  
HEAVY DUTY ASPHALT  
PER LGAT TSP 1216  
V 3

ALEX W SHEDDEN & CO  
8 Austral Place  
Derwent Park Tas 7009  
0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
1:150 PAVING PLAN  
FOR CGJ PROPERTIES  
DRAWING 23020/7A



PARKING NOTES

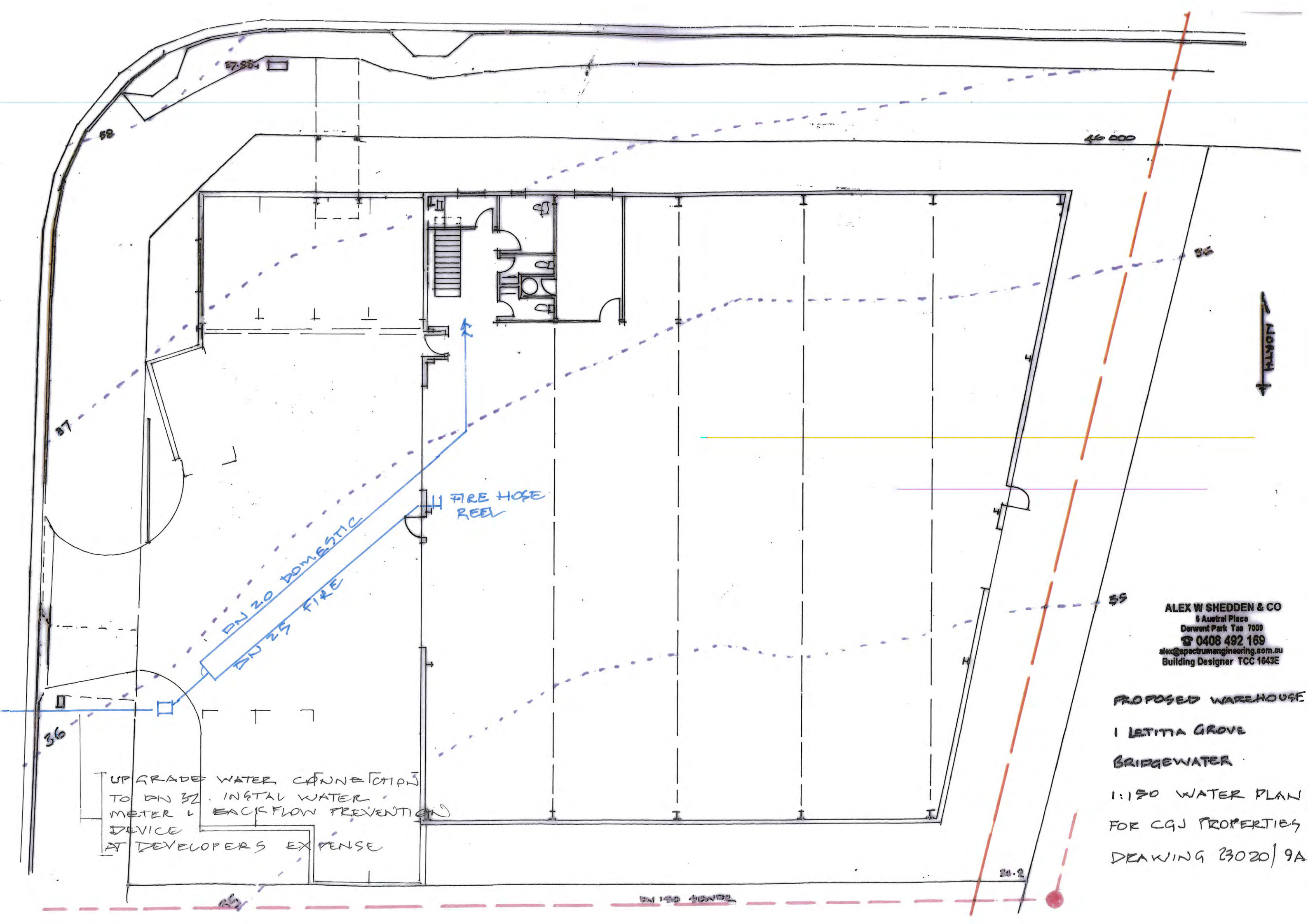
All carspaces 5600 mm long x 2700 mm wide marked out with a white line.

Allotment to be lit with solar powered sensor lights eave mounted to all corners of the building.

Security lighting to be baffled to prevent emission of light outside the property boundary.

ALEX W SHEDDEN & CO  
8 Austral Place  
Derwent Park Tas 7009  
0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
1:150 PARKING PLAN  
FOR CGJ PROPERTIES  
DRAWING 23020/8A



ALEX W SHEDDEN & CO  
6 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

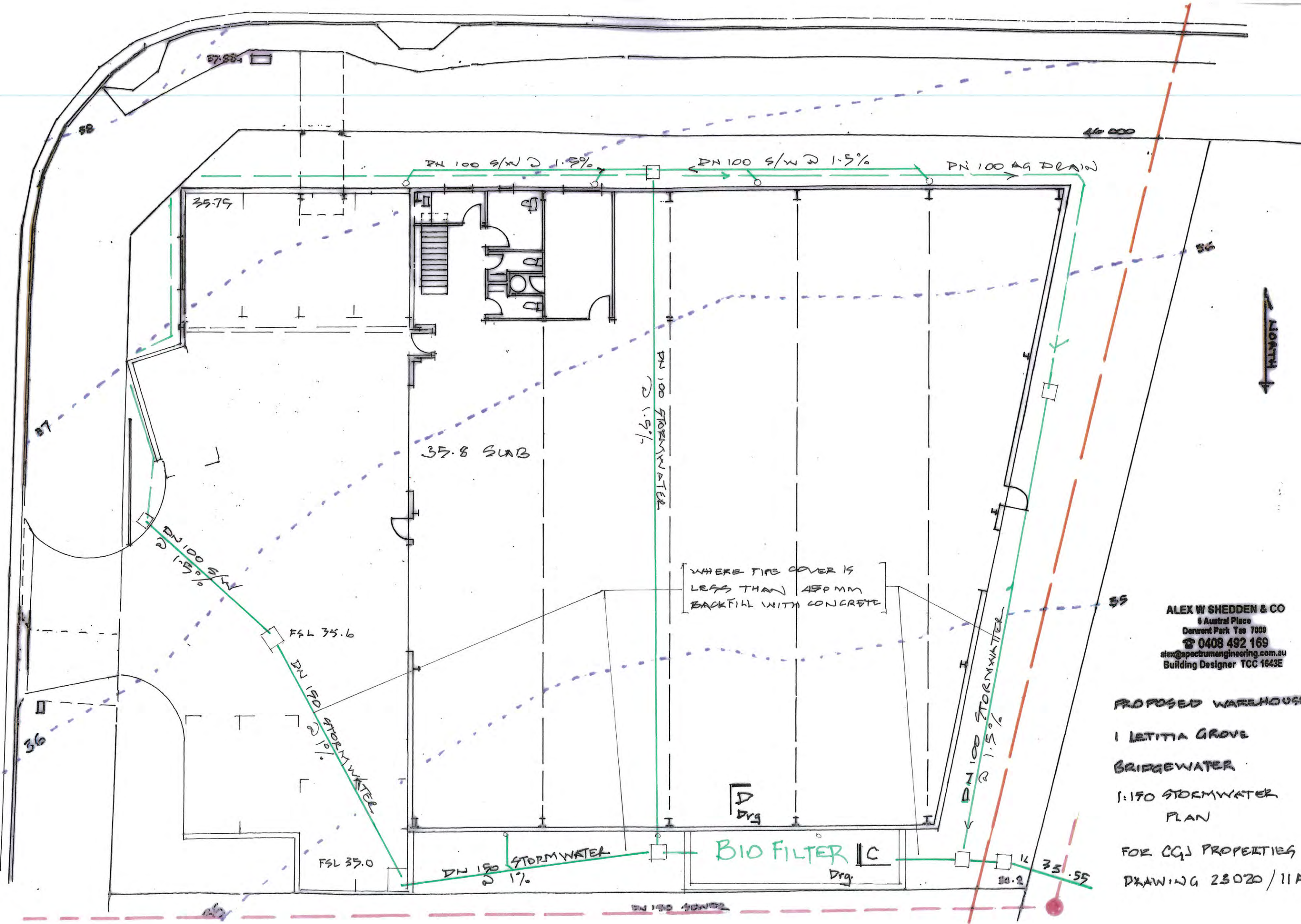
PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
1:150 WATER PLAN  
FOR CGJ PROPERTIES  
DRAWING 23020/ 9A

UPGRADE WATER CONNECTION  
TO DN 32. INSTAL WATER  
METER & BACKFLOW PREVENTION  
DEVICE  
AT DEVELOPERS EXPENSE

FIRE HOSE  
REEL

DN 20 DOMESTIC  
DN 25 FIRE





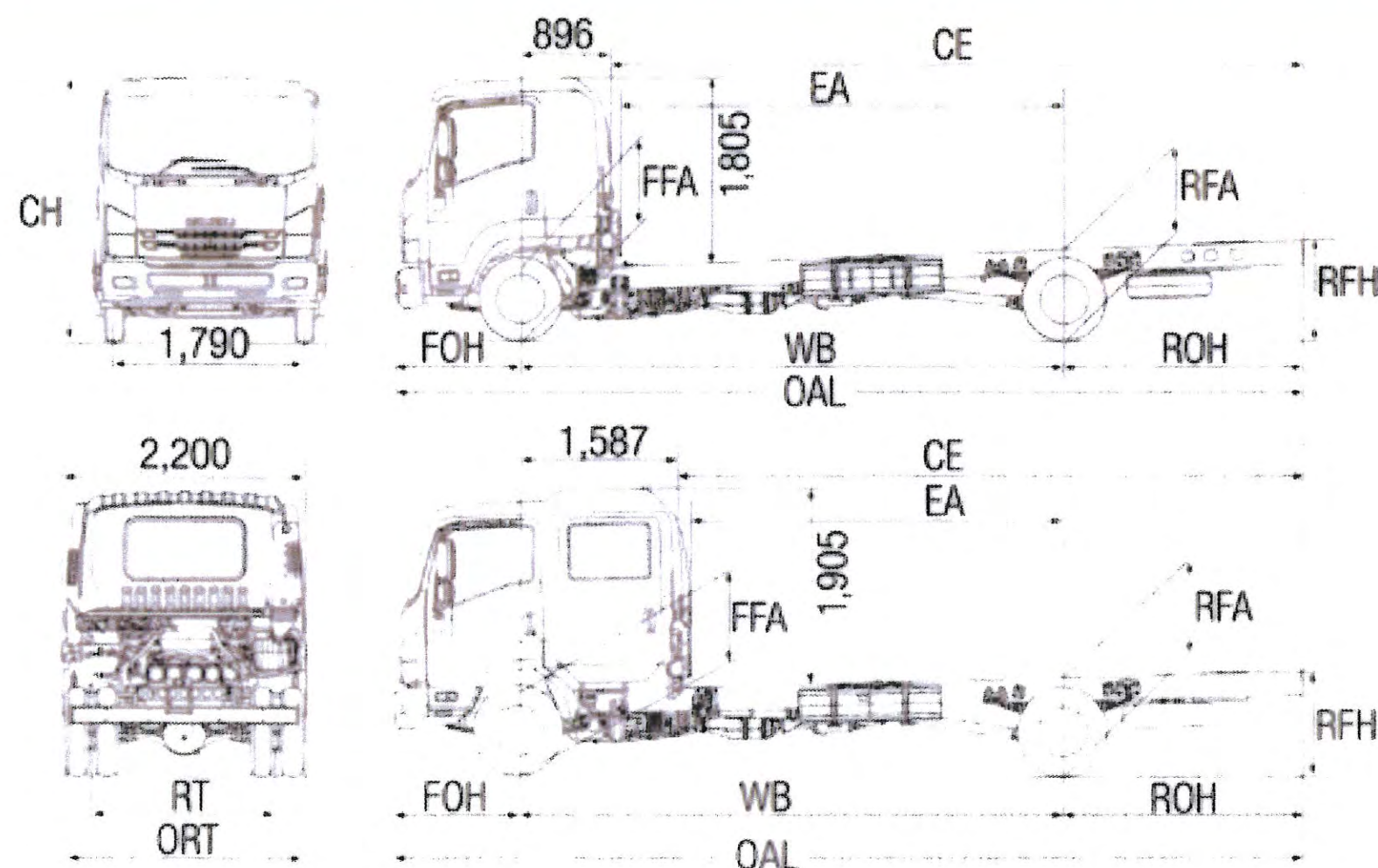
ALEX W SHEDDEN & CO  
8 Austral Place  
Derwent Park Tas 7009  
P 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
1:150 STORMWATER  
PLAN  
FOR CQJ PROPERTIES  
DRAWING 23020/11A

# DIMENSIONS (mm)

Turn Circle  
(m)

Models	WB	OAL	FOH	ROH	EA	CE	RT	ORT	CH	FFA (unladen)	RFA (unladen)	RFH (unladen)	KERB TO KERB
FRR 110-260 MWB	4,360	7,255	1,170	1,725	3,375	5,190	1,600	2,170	2,585	715	895	960	13.9
FRR 110-260 LWB	5,160	8,605	1,170	2,275	4,175	6,540	1,600	2,170	2,585	715	895	950	16.4
FRR 110-260 XLWB	5,560	9,155	1,170	2,425	4,575	7,090	1,600	2,170	2,585	715	895	960	17.7
FRR 110-260 CREW	5,160	8,605	1,170	2,275	3,450	5,848	1,600	2,170	2,650	715	895	950	16.4
FRD 110-260 LWB	5,160	8,605	1,170	2,275	4,175	6,540	1,600	2,170	2,585	720	820	860	16.4

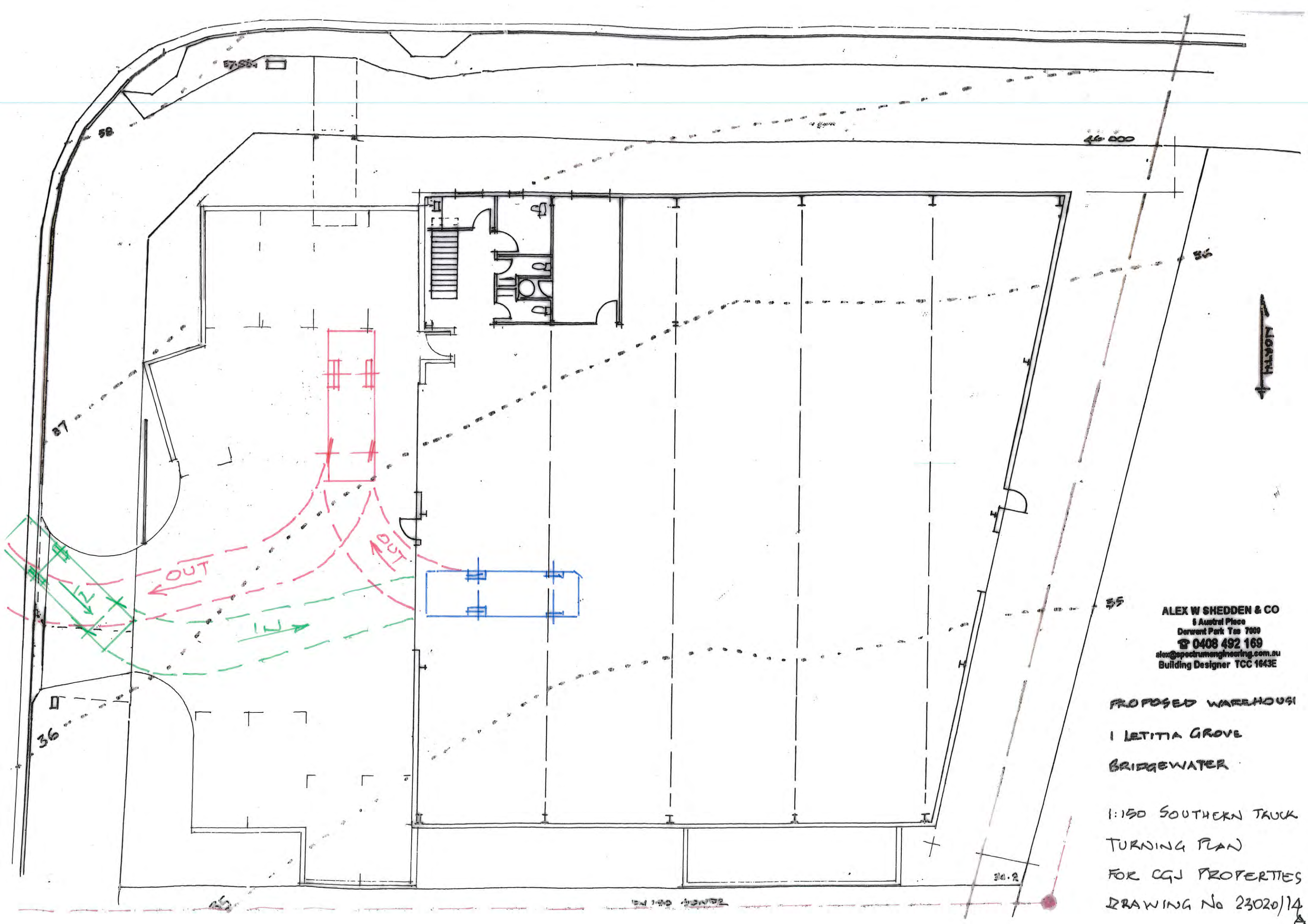


ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE, BRIDGEWATER  
FOR C.G.J. PROPERTIES  
DRAWING No 23 020/12

ISUZU FRR 110-260 MWB DATA





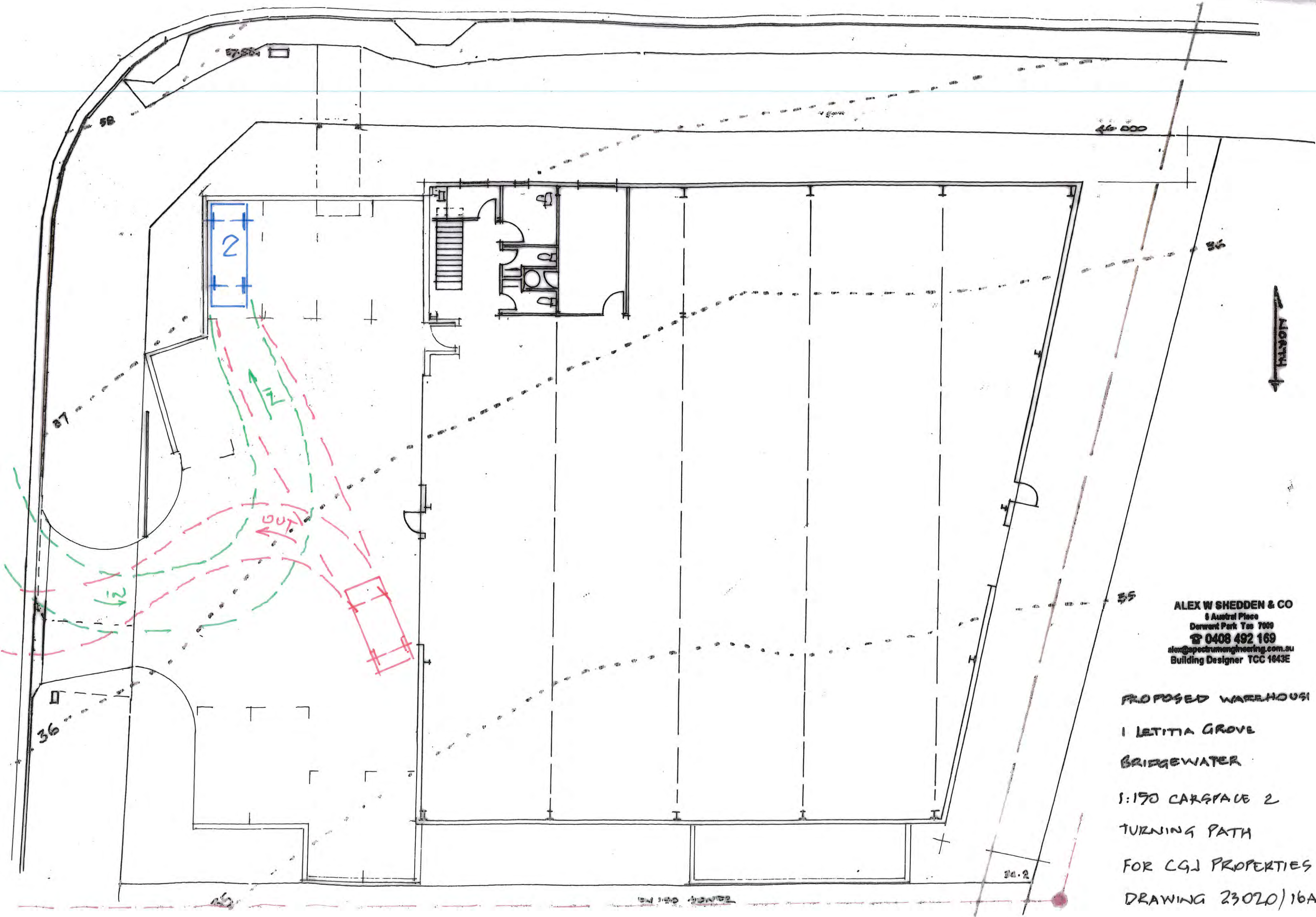
ALEX W SHEDDEN & CO  
8 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER



ALEX W SHEDDEN & CO  
8 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
1:150 CARSPACE 1  
TURNING PATH  
FOR CGL PROPERTIES  
DRAWING 23020/15A



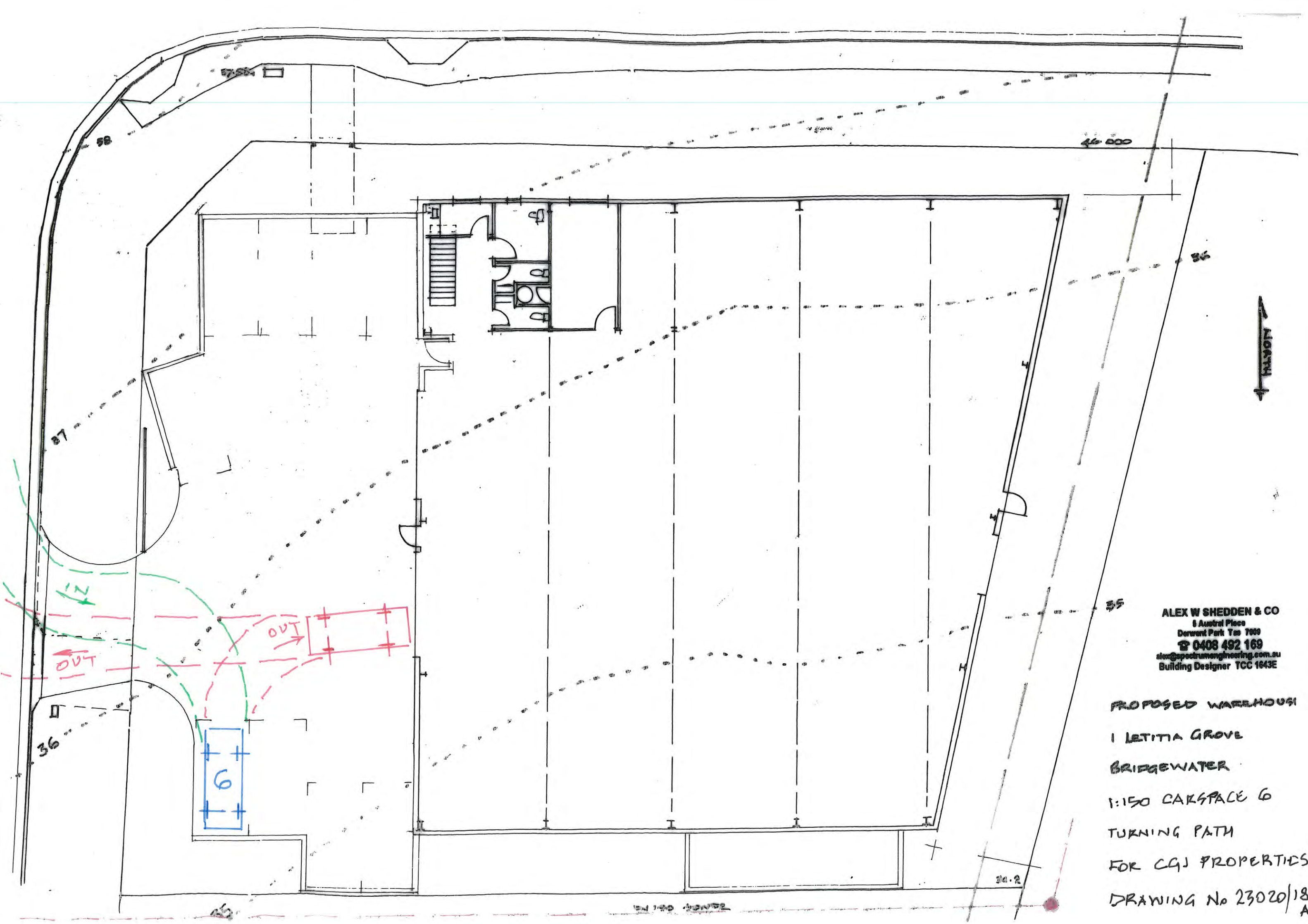
ALEX W SHEDDEN & CO  
8 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
1:150 CARSPACE 2  
TURNING PATH  
FOR CGJ PROPERTIES  
DRAWING 23020/16A



ALEX W SHEDDEN & CO  
6 Austral Place  
Derwent Park Tas 7000  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
1:150 CARSPACE 5  
TURNING PATH  
FOR CGJ PROPERTIES  
DRAWING 23020/17A



ALEX W SHEDDEN & CO  
8 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

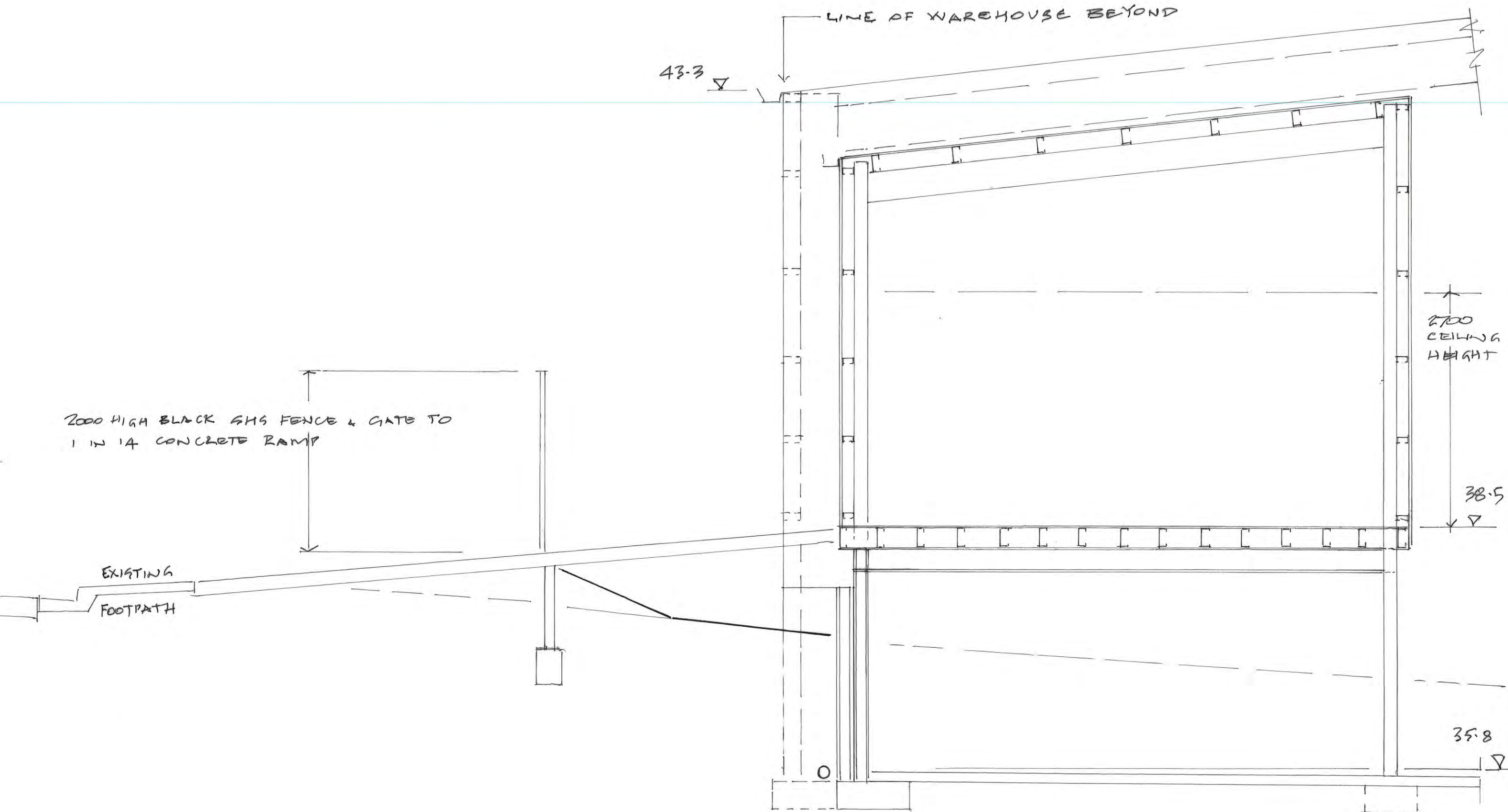
PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
1:150 CARSPACE 6  
TURNING PATH  
FOR CQJ PROPERTIES  
DRAWING No 23020/18  
A





ALEX W SHEDDEN & CO  
8 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE  
BRIDGEWATER  
1:150 CAR SPACE 9  
TURNING PATH  
FOR CGJ PROPERTIES  
DRAWING 23020/20A  
5/10/23

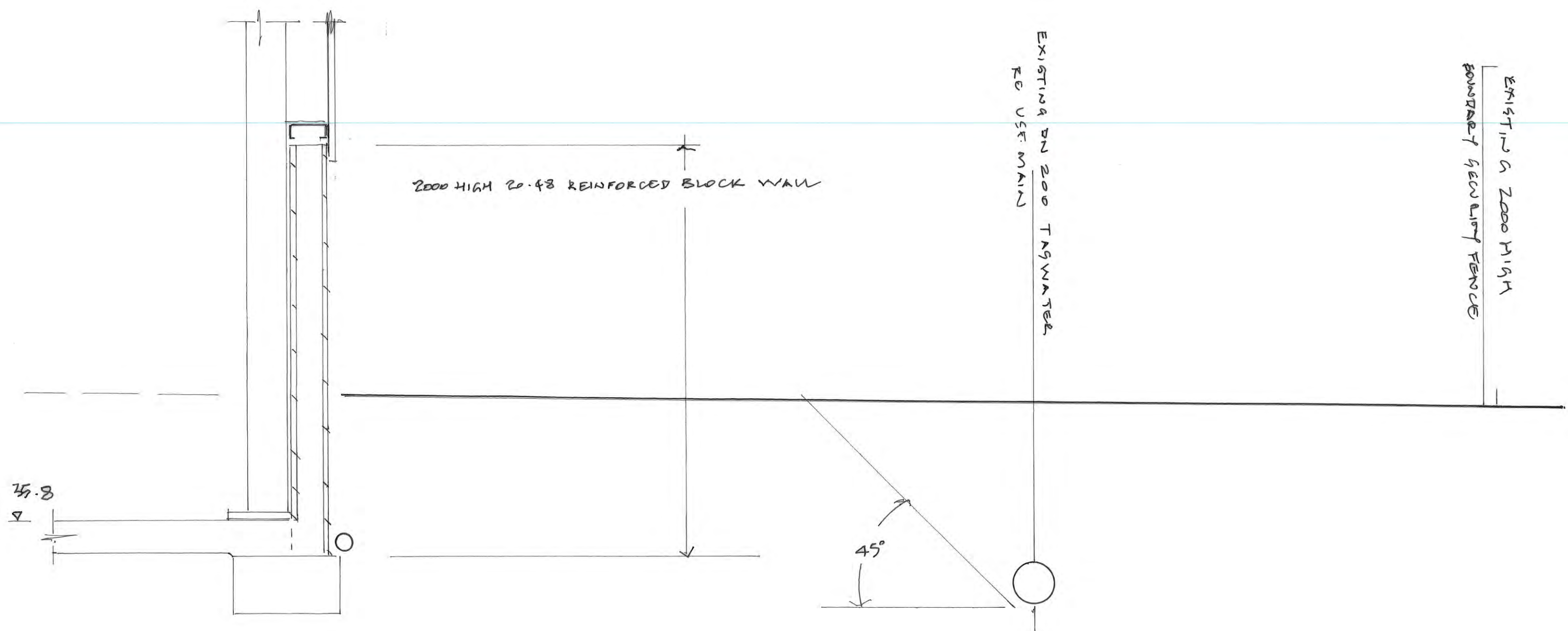


ALEX W SHEDDEN & CO  
 5 Austral Place  
 Derwent Park Tas 7009  
 ☎ 0408 492 169  
 alex@spectrumengineering.com.au  
 Building Designer TCC 1643E

PROPOSED WAREHOUSE  
 1 LETITIA GROVE, BRIDGEWATER  
 FOR CGJ PROPERTIES

1:40 SECTION A

DRAWING No 23020/21

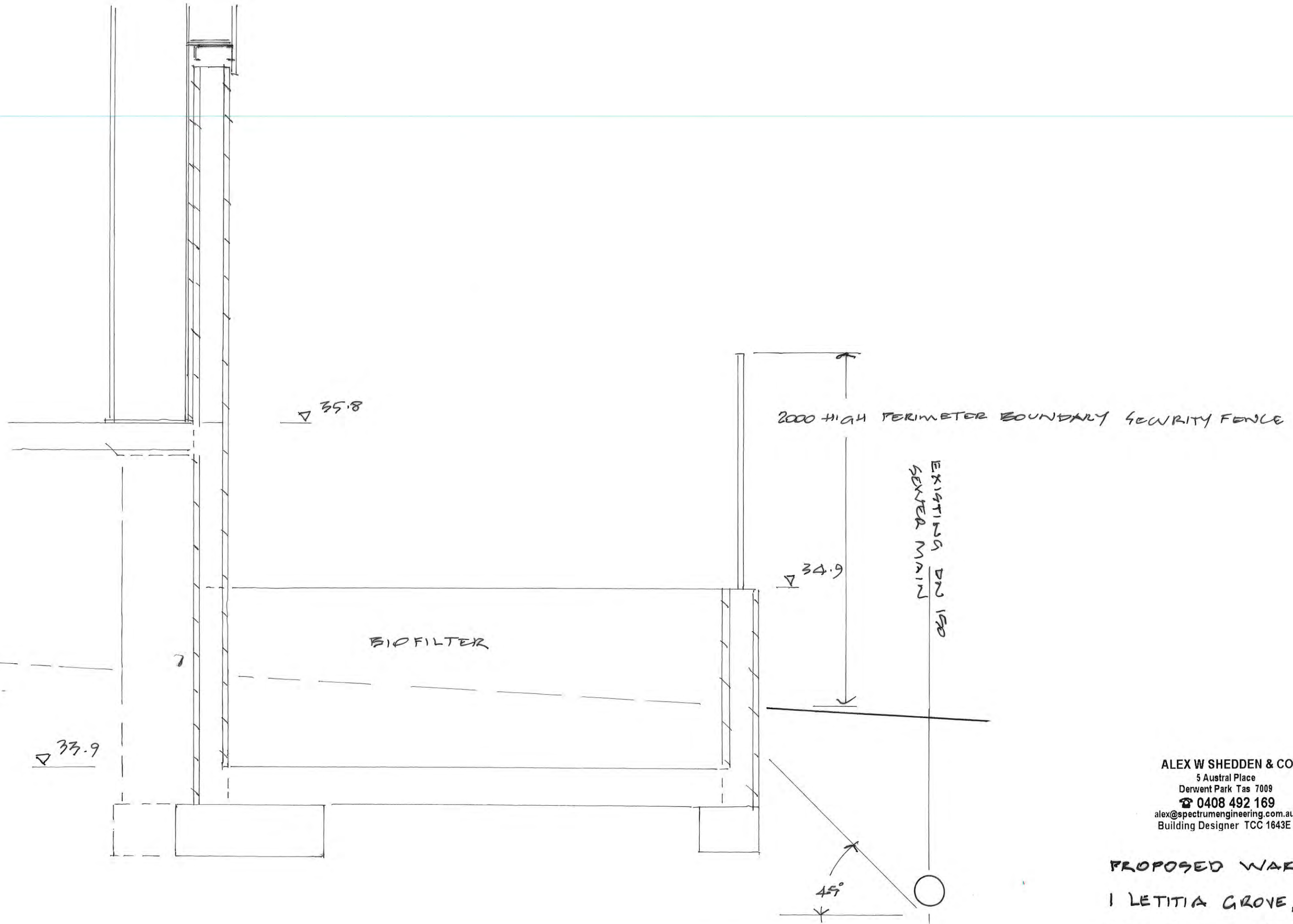


ALEX W SHEDDEN & CO  
 5 Austral Place  
 Derwent Park Tas 7009  
 ☎ 0408 492 169  
 alex@spectrumengineering.com.au  
 Building Designer TCC 1643E

PROPOSED WAREHOUSE  
 1 LETITIA GROVE, BRIDGEWATER  
 FOR CGJ PROPERTIES

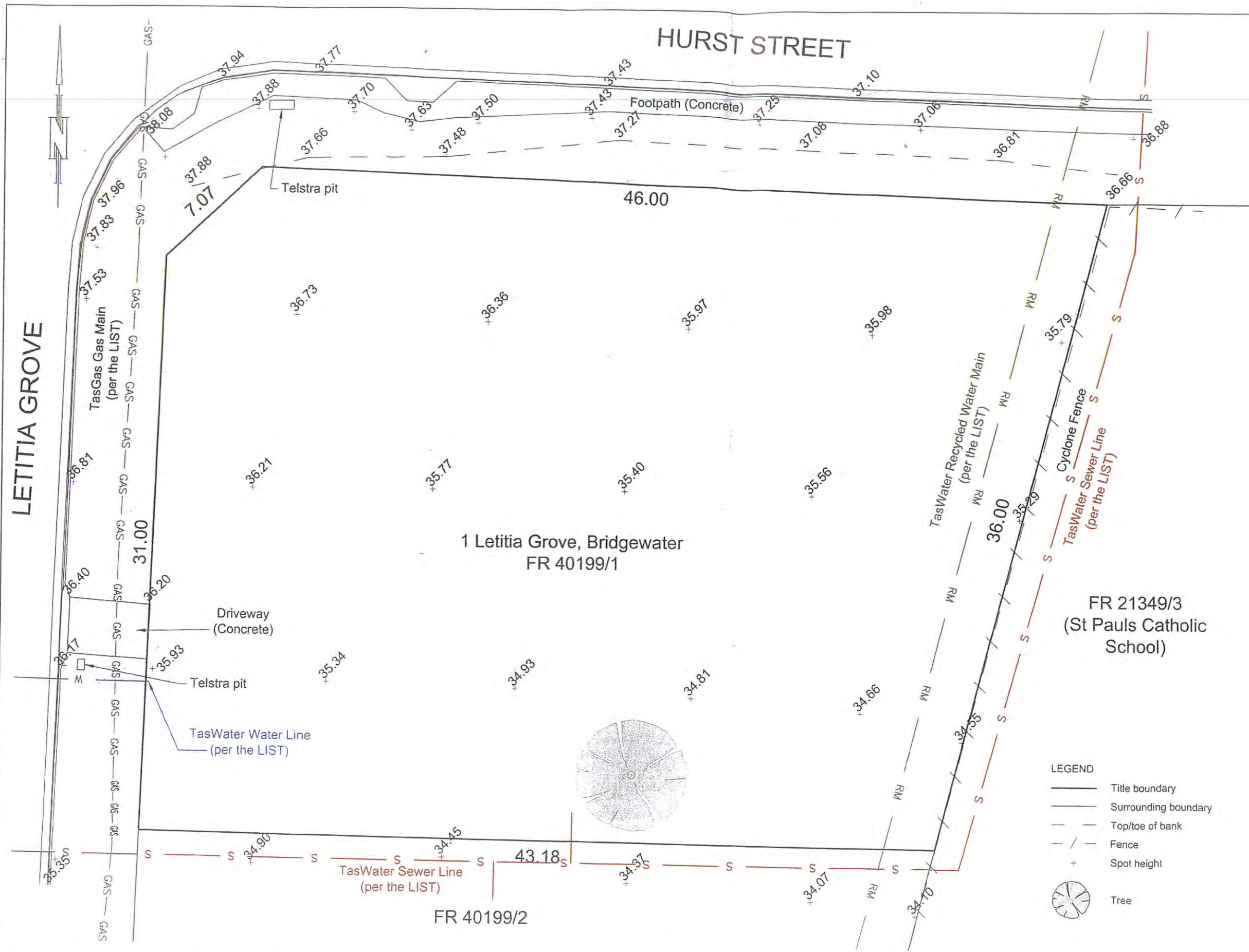
1:20 SECTION B DRAWING No 23020/22





ALEX W SHEDDEN & CO  
5 Austral Place  
Derwent Park Tas 7009  
☎ 0408 492 169  
alex@spectrumengineering.com.au  
Building Designer TCC 1643E

PROPOSED WAREHOUSE  
1 LETITIA GROVE, BRIDGEWATER  
FOR C.G.J. PROPERTIES  
1:20 SECTION D  
DRAWING No 23020/24



NOTES

Date of Survey: 8 October 2003

Bearing datum is GDA2020.

Horizontal datum is plane with MGA2020 coordinate adopted at SPM8659, with coordinates of E 520006.376 N 5268492.739 per the LIST.

Vertical datum is AHD per SPM8659 with reputed RL 42.882m.

Contour Interval:  
Major: 1.000m  
Minor: 0.200m

While reasonable effort has been made to locate all visible above ground services, there may be other services which were not located during survey.

Only those features/points specifically requested by Tim Young of Godfrey Rd, Claremont have been located and subsequently shown on this plan.

Some services have been plotted from council and the LIST GIS records, and as such are approximate only.

Prior to any demolition, excavation, final design or construction on this site, a comprehensive site investigation should be undertaken to locate all above and below ground service infrastructure.

All coordinates within this file, although stated to the nearest 0.001 metre, are approximate only and are only within 0.025m of the stated coordinate (horizontally and vertically).

The boundaries shown on this plan are compiled from SP40199 and, as such, are approximate only.

If any works are to be conducted on or near the boundary a re-establishment survey will be required.

Any DTM modeling that is to be done from the accompanying 3D digital file must be done using only the layer 'TRIANGLE\_1 SURFACE' to ensure that surface matches that verified by PDA Surveyors. No responsibility is taken for the use or interpretation of this data in any other format.

Some feature levels are not shown on this plan for clarity. These can be found turned on in model space or on the OFF Levels layer.

- LEGEND
- Title boundary
  - Surrounding boundary
  - Top/toe of bank
  - Fence
  - Spot height
  - Tree



## Brighton Football Club

Brighton Football Club  
PO Box 61  
Brighton 7030  
ABN 24498 390 660

President  
Darren Clark  
Mobile 0408 128 003

Secretary  
Kelly Penman  
Email:  
[brightonrobinsfc@gmail.com](mailto:brightonrobinsfc@gmail.com)

Treasurer  
Phil Dodge  
Mobile 0408 136 774

Premierships  
1954, 1955, 1956, 1957, 1959,  
1965, 1968, 1970, 1971, 1972,  
1977, 1979, 1985, 1998

EST 1885-1996 Mangalore FC 1996 –  
current Brighton FC

Never forgetting the past but  
embracing the future.

Brighton Council

Attention : Kylie Murphy

Community Development Office

The Brighton football club is organising a community movie night, on Saturday 2<sup>nd</sup> December, this is aimed at the 8-15 years olds and will be an outdoor event screened on our electronic scoreboard.

We have secured in kind sponsorship from TFH hire for VMS boards, picket fencing and security bollards, the football club will have a round 20 volunteers to help with traffic management and security.

Bridgewater PCYC are supplying a 21 seat bus to shuttle kids from Bridgewater / Gagebrook areas if there is enough support

The movies and sound equipment is costing us around \$1200 and will try and recoup this from ticket sales

We ask that the Brighton Council together with the Hobart City council may be kind enough to support this by assisting with the cost of hiring the 200 bean bags from the Hobart City Council ( total cost \$2780.80 including gst )

Kind Regards

President Darren Clark

*Darren Clark*

Mobile 0408 128 003

BRIGHTON ROBINS  
**MOVIE NIGHT**

FRIDAY 1ST DECEMBER 6PM

6.15PM THE GRINCH - 8PM ELF



**THE GRINCH & ELF**

**\$10 PER CHILD FOR BOTH MOVIES**

CANTEEN WILL BE OPEN WITH POPCORN AVAILABLE  
BAR OPEN UPSTAIRS WITH FOOD AVAILABLE FOR PARENTS

BRIGHTON FOOTBALL OVAL

325 BRIGHTON ROAD, BRIGHTON

**EARLY BIRDS PURCHASE YOUR TICKETS BEFORE  
FRIDAY 24TH NOVEMBER TO BE IN THE DRAW FOR  
2X\$50 VOUCHERS**

# BEAN BAGS



A selection of our vinyl bean bags.



12 bean bags under a cargo net in a large ute tray.

<b>Minimum Hire</b>	20 bags minimum per hire, minimum 7-day hire	
<b>Hire Fee</b>	Community/Not-for-Profit: • \$12.64 (ex GST) per unit, per week	Commercial: • \$13.64 (ex GST) per unit, per week
<b>Transport</b>	<ul style="list-style-type: none"> <li>• Transport of 60 or more bean bags in a shipping container is done by the City of Hobart transport team.</li> <li>• Transport of less than 60 bean bags is done by the Hirer.</li> <li>• A 3-tonne box truck can take approximately 60 bean bags.</li> <li>• A van can take 15 to 20 bean bags, depending on the size.</li> <li>• A ute can take 10 to 12 bean bags, depending on the tray size.</li> <li>• All bean bags collected must be secured appropriately with a cargo net or straps before leaving the storage area.</li> </ul>	
<b>Other Notes</b>	<ul style="list-style-type: none"> <li>• Bean bags must be returned in the same condition as at collection/delivery. Additional charges will result if bean bags require repair or cleaning.</li> <li>• Bean bags measure 120cm high and 100cm wide at the base. Approximately 180 litres in volume.</li> <li>• If hire includes the shipping container, enough space is required at the event site to place and pick up a 6m shipping container. The Hirer is to supply a padlock to secure the container.</li> <li>• Maximum number of bean bags is 200, subject to availability.</li> </ul>	

**Sent:** Thursday, October 26, 2023 9:41 AM  
**To:** Kylie Murphy <[Kylie.Murphy@brighton.tas.gov.au](mailto:Kylie.Murphy@brighton.tas.gov.au)>  
**Subject:** Re: Landcare Conference

**Feedback from Michael Casey**

I did enjoy the Landcare conference, I found it very interesting with lots of useful information. The best part of the conference was actually the people who attended and hearing their stories/what they are doing. Had a great chat with some people from the Huon Valley Council as well as people from Triabunna, Launceston and Burnie. I guess the best way to answer your questions is to actually take you through the weekend.

Friday night had a wonderful welcome to country/smoking ceremony. Good food, general chat and then went to do star gazing but there were too many clouds so we listened to cultural stories instead - very interesting and enjoyable - left at about 10pm.

Saturday started at 8am.

I attended the birds of prey workshop they were explaining how to use the app called 'Where where wedgie'. It was interesting they were explaining that if a human walks within 1km of an eagle nest, the eagle will leave the area for a long time so the babies will often die and eagles have multiple nests so they might not use a nest for a few years. I listened to a speaker from Japan talking about projects they're doing over there, followed by a speaker on practical bush fire management - good speaker and had some useful tips to help in our community.

There was also a presentation on bridging the gap between ecological perspectives and land manager experiences. They spoke about new and old ways of doing things like cultural burning but also using new technology to manage feral cats.

Sunday started at 7:30am

I attended the coastal field trip. First was a demonstration of a weed detection dog and how they're trained to find them as the area may look clear to us but the dog can find the last 2 or 3 left behind.

Next we attended a property overlooking Okehampton Bay to look at cool burning verses hot burning (destructive burning), experiments in sheep grazing to minimise damage to the environment and land recovery time. Was designed to be during drought but as the experiment started, they had record rain fall.

We also viewed a project where they're planting endangered trees to try and improve numbers, genetic diversity and restore habits etc.

Then we went to the Orford bird sanctuary to learn what is working well and what is not to protect shore birds from humans, dogs etc— very interesting.

Last was a stop at Wind Song where the property owners have handed back 100 hectares of land to Tasmanian Aboriginal people. They talked to us about how they are improving the environment and what the Aboriginal people are doing to improve their land, teaching kids etc.

So was a good weekend. Not sure if I answered everything you asked, so if you have any more questions, please feel free to contact me.

Kind regards

Michael

**From:** Old Beach Neighbourhood Watch <oldbeachnhw@gmail.com>  
**Sent:** Wednesday, November 15, 2023 10:44 PM  
**To:** Melanie Fazackerley <mel.fazackerley@derwentcatchment.org>  
**Cc:** Angela Turvey <Angela.Turvey@brighton.tas.gov.au>  
**Subject:** Re: Landcare Conference / Ideas

**Feedback from Malcolm McArthur**

Firstly, I would like to express my appreciation to the Brighton Council for sponsoring me to attend the 2023 Landcare Conference, and for their continued support of the Friends of Old Beach Foreshore Landcare Group. It truly was a memorable experience and I came away feeling positive about the work our group is doing, or could focus on in the future to preserve/conservate the patch we share here in Old Beach.

The Conference was held at the Spring Bay Mill, Triabunna. There are many things I could share of my experience at the conference, but I'll focus on the highlights.

I love learning about Aboriginal Culture, and was tickled pink when members of the Tasmanian Aboriginal Community openly shared their knowledge of country, and how to look after it, throughout the weekend. On Friday evening, conference participants attended a Welcome BBQ - where a Welcome to Country was hosted by Trish Hodge from NITA Education, and Linton Burgess. We learnt about their connection to the sky, sea and landmarks/areas along the North East and South East Coasts of Tasmania.

Later in the evening participants were taken on a skywalk, and sat in the amphitheatre. We sat mesmerised and literally glued to our seats, as we learned about how stars play an important role in Aboriginal culture to share stories, or to guide travel from place to place. Trish Hodge shared the Creation of Trowenna story, pointing out how the sun, moon and stars played an important part in the creation of Trowenna or now commonly referred to as 'lutrawita'. Although the sky was blanketed in cloud, Trish had a unique gift to spark our imaginations and brought the stars to life in our minds' eyes, as she spoke about them. We also were enlightened as to how certain Tasmanian animals acquired their unique characteristics such as the black cockatoo's yellow spots on its face, or the black swan with its red lips.

The following day we attended key note speakers from around Australia, and from Japan, who spoke about various projects underway around the world to combat the effects of climate change, particularly conserving water and restoration of wetlands. We also heard about social research initiatives, which help prevent or reduce the impacts of dementia. The research showed that connecting with nature had a wide range of health benefits, connected people socially, and in some cases provided a conduit for employment. In some of the workshops we heard how Cultural practices, such as Cultural burning assists with landscape restoration and fire management, without the harsh effects of mainstream practices that have detrimental effects on the environment. We also heard about how Asparagopsis (seaweed) is being used in stock feed to reduce methane gas production in cattle. The seaweed is farmed in the sea off Triabunna, and processed in a facility nearby. The product has the capacity to produce zero methane gas production in cattle, and has been trialled on dairy cattle to see the effects on milk production, which to date all trials have shown no effects on milk production or flavour of the milk.

On the final day of the conference I had the opportunity to attend an excursion about Coastal Habitats. On the excursion we met Fonz the detection dog who is trained to sniff out serrated tussock and various other noxious weeds. We also visited the Okehampton property to observe trials on pasture rotations and resting periods. We walked around and noted the quality of pasture rested for periods of 3, 6, 9, 12 and 15 months, and it was noted pasture rested for about 9 months fared better after grazing. Whilst on the Okehampton property it was great to see another Saltmarsh being cared for, similar to that within Old Beach (ours is much nicer), and we visited a plantation of endangered eucalypt *Eucalyptus Morrisbyi*, which is found in restricted areas in Southern Tasmania such as Sandford. After travelling from Okehampton we visited the Orford Bird Sanctuary along the foreshore at Orford and learnt about the endangered bird species, and the efforts to educate locals and conserve the area. Our final destination for the day was to a property *Windsong*, which has handed back a parcel of land to the Tasmanian Aboriginal Community between Triabunna and Swansea.

I'm grateful for being able to attend the conference as I made connections within the Landcare network, and have gained knowledge about how we can make better decisions, and make sure our patch can be conserved and enjoyed by future generations.

Once again thank you to the Brighton Council for providing this great opportunity to attend the Landcare Conference, an experience that I hope will be extended to others within our community in the future.

Malcolm McArthur.  
Friends of Old Beach Foreshore Landcare.





# Development Assessment Panel (DAP) Framework

## Position Paper



Author:  
State Planning Officer

Publisher:  
Department of Premier and Cabinet

Date:  
October 2023

© Crown in Right of the State of Tasmania December 2019



# Contents

<b>1.</b>	<b>Introduction</b>	<b>4</b>
<b>2.</b>	<b>Background</b>	<b>4</b>
2.1	Role of planning authorities	4
2.2	Planning system	5
<b>3.</b>	<b>Identification of Issues</b>	<b>8</b>
3.1	Conflicting role of Councillors	8
3.2	Retaining local input	10
3.3	Request for further information	11
3.4	Timeframes for assessment and appeal rights	12
3.5	Post determination roles of Council	14
<b>4.</b>	<b>Draft DAP framework</b>	<b>15</b>
<b>5.</b>	<b>Next Steps</b>	<b>15</b>

## **ATTACHMENT I - Draft DAP Framework**



# 1. Introduction

The Tasmanian Government has announced the preparation of new legislation to introduce independent Development Assessment Panels (DAPs) to take over some of councils' decision-making functions on certain development applications.

The stated intent for introducing DAPs is 'to take the politics out of planning' by providing an alternate approval pathway for more complex or contentious development applications.

Any DAP determined applications will still be assessed against the current planning rules and use and development standards in existing planning schemes. It is intended that, where possible, the DAP framework will utilise existing processes and incorporate local knowledge into the decision-making process.

The project also consider whether there should be an enhanced role for the Minister to direct a council to initiate a planning scheme amendment under certain circumstances.

The purpose of this Position Paper is to explore these matters by providing some background context on the role of council, identifying the current issues associated with determining development applications, seeking input on what applications might be suitable to be determined by a DAP, options for what a DAP framework might look like and how it might be integrated into the planning system.

Throughout the Position Paper 'Consultation issues' are identified and followed by text boxes containing specific questions that are intended initiate conversations for the purpose of consultation. In addition, to help explain what a DAP framework might look like, an outline of a draft framework is provided in **Attachment I** for comment.

## 2. Background

### 2.1 Role of planning authorities

In Tasmania, councils are 'planning authorities' with defined responsibilities to determine development applications in accordance with the *Land Use Planning and Approvals Act 1993* (LUPAA). Section 48 of the LUPAA requires that:

*'where a planning scheme is in force, the planning authority must, within the ambit of its power, observe, and enforce the observance of, that planning scheme in respect of all use and development undertaken within the areas to which the planning scheme relates.'*

A council is required to act as a planning authority when it is determining development applications, irrespective of the personal or political views of individual Councillors and the constituents they represent. This presents a degree of conflict for those elected to represent their constituents under the *Local Government Act 1993* and perform the planning authority function. This conflicted role of Councillors has been identified in the Future of Local Government Review Stage 2 Interim Report (the Interim Report) (released in May 2023).

The Interim Report identified that there was strong division between those who believe Councillors have a legitimate role in making planning decisions on development applications,



and those who believe the role should relate primarily to strategic land use planning where they can legitimately represent community views in planning processes leaving decisions on applications to local professional planners, or in the case of complex applications, by independent planning panels. Indeed, some councils specifically requested that planning decisions be totally removed from elected councils.

Following the publication of the Interim Report, the Minister for Local Government amended the terms of reference for the Future of Local Government Review by removing councils' development assessment role, and referred this to the Minister for Planning for further consideration.

The Interim Report identified eight reform outcomes with some applicable reform options to consider. Of relevance to the Planning portfolio, Reform outcome 5 – “Regulatory frameworks, systems and processes are streamlined, simplified, and standardised” identifies the following options:

- *Deconflict the role of councillors and planning authorities*
  - *Refer complex planning development applications to independent assessment panels appointed by the Tasmanian Government*
  - *Remove councillors' responsibility for determining development applications*
  - *Develop guidelines for the consistent delegation of development applications to council staff.*

Typically, planning authorities don't consider many amendments to planning schemes, however they still have the potential to raise similar issues of conflict between planning considerations and the preferences of some constituents, to those experienced when determining development applications. Although the initiation process only signifies the commencement of the assessment of the planning scheme amendment, refusing to initiate is effectively a refusal of the application to amend the planning scheme and it does not progress to exhibition and assessment by the Council and final determination by the Commission.

As part of seeking feedback on a legislative framework for DAPs, the scope of this Position Paper has been broadened so that where Councillors are, or perceived to be, conflicted or compromised, or making a decision based not on planning considerations, whether it may be appropriate for the Minister to have the power to direct a Council to initiate in certain circumstances.

If there is support for an alternate planning scheme amendment initiation pathway, it would seem logical to include it as part of this project and incorporate any amendments to the Act in a single draft Bill. Any recommendations to include an alternate initiation pathway that is informed by the outcomes of this consultation process will be further consulted on early next year.

## 2.2 Planning system

Since 2014, the Government has been implementing significant reforms to the Tasmanian planning system, including delivery of the Tasmanian Planning Scheme, the development of



the Tasmanian Planning Policies and a comprehensive review of the three regional land use strategies.

The results of these reforms are now becoming apparent. The Tasmanian Planning Scheme is in effect in 23 local government areas and the most recent consolidated data from 2021-22 shows that discretionary applications are being determined in a median timeframe of 38 days (40 average) and permitted in 21 days (21 average). Where the 'clock is stopped' to request further information, discretionary applications are being determined across the State in a median of 46 days (53 average) including those 'clock stopped' days.

By way of comparison, noting the differences in assessment processes and classifications, in the June 2023 'Improving the Performance of Land Zoning, Planning and Land Release System' report prepared for the Australian Government Treasury, average approval times in South Australia were around 46 days, Northern Territory 55 days, Australian Capital Territory 61 days, New South Wales 83 days, Queensland 86 days and Victoria a median of 81 days and an average of 129 days. There were no figures for Western Australia, but the statutory time frame for the equivalent of permitted developments is 60 days and for discretionary is 90 days (as opposed to 28 days and 42 days in Tasmania).

Tasmanian councils are also determining more applications than ever before, with annual totals rising from around 6,500 in 2016-17 to over 12,000 in 2021-22. In 2021-22 there were also over 1,750 single dwellings signed off in a matter of days as no permit required.

These statistics indicate that overall, our planning system is already among the fastest, if not the fastest, in the country when it comes to determining development applications.

However, the broad rights of appeal provided under Tasmanian legislation mean that these very timely outcomes are sometimes extended by an appeal process by many months resulting in an overall approval timeframe of perhaps 9-12 months. The appeal process provides a very important check and review of the initial decision of the planning authority by an independent panel of experts with the opportunity for all parties including those that made representations, to speak to their issues and test the evidence of other parties.

A review of the use of panels to determine development applications in other planning jurisdiction reveals that most States have an alternate pathway to local councils for determining certain developments. Although the nature of each DAP framework differs according to the underlying planning system, typically each model relies on meeting certain application criteria to be suitable for referring an application to a panel for determination with the assessment and determination functions of other development applications remaining with local government. Additionally, many of these other jurisdictions do not have the broad third party appeal rights that apply in Tasmania, meaning the DAP process and decision is more aligned to the appeal or review process.

Development Assessment Panels, or their equivalent, are already used in the determination of certain developments in the Tasmanian planning system including major and state significant projects and those which are dependent on a concurrent planning scheme amendment.



The Tasmanian Planning Commission (the Commission) is an independent statutory authority that reviews, advises on, and determines a range of land use planning matters. In performing these functions, it delegates tasks to expert panels.

The current proposal to develop a DAP framework is based on the principle of utilising existing parts of the planning system that are working well, including the existing and highly regarded independence and expertise of the Commission, in establishing DAPs to determine applications.

With respect to the proposal to introduce a role for the Minister to direct that a planning scheme amendment should be initiated, this too will retain the current process with Panels established by the Commission determining planning scheme amendments.

The table below identifies where Panels are currently used to determine development applications in the State's planning system<sup>1</sup>. While these types of developments are not determined by the planning authority, they are informed by, and rely heavily on, the information and understanding of local issues received from it through submission, reporting or recommendations including a draft permit and conditions.

<b>Legislation</b>	<b>Type of Assessment</b>	<b>Panel established by:</b>
LUPAA	Major Project	Tasmanian Planning Commission
LUPAA	Combined planning scheme amendment and permit application	Tasmanian Planning Commission
<i>Major Infrastructure Development Approval Act 1999</i>	Linear infrastructure proposals across multiple municipalities	Tasmanian Planning Commission or decision made by a Combined Planning Authority
<i>State Policies and Projects Act 1993 -</i>	Projects of State Significance	Tasmanian Planning Commission

**Table 1.** *Types of applications determined by independent expert panels.*

The types of developments that are currently determined by a Panel are often complex, large in scale, time consuming, expensive and resource intensive assessment processes or involve changes to the planning scheme rules. To be eligible for these alternate assessment pathways, applications are required to meet eligibility requirements specified in the respective Acts.

---

<sup>1</sup> Expert DAPs are also used to determine discretionary development applications where the decision has been appealed to TasCAT



### 3. Identification of Issues

#### 3.1 Conflicting role of Councillors

Despite the statistical evidence, there remains a perception that some Councils are less supportive of new development than others and that on occasion the personal views of elected councillors in relation to a proposed development, such as large-scale apartments, or social housing, may influence their decision-making despite being outside of the relevant planning scheme considerations they are bound to administer as part of the obligations of a planning authority.

The State Government has committed to delivering 10,000 new social and affordable houses by 2032. As identified in the Interim Report, where a development is controversial, there can be a tension between councillors' role as community advocates and as members of a statutory planning authority. The proposed DAP framework is intended to remove this tension and to deliver appropriate and timely assessments of housing projects undertaken by Homes Tasmania and registered Community Housing Providers.

Currently, only a small proportion of all development applications actually come before the elected members for decision with between 85 and 90 percent being routinely determined under delegation by council officers. These development applications are assessed by council planners against the requirements of the relevant planning scheme in accordance with the established processes defined in LUPAA. Many planning authorities delegate the determination of development applications to senior officers, and to sub committees. While only a small percentage of applications are determined by the full elected council, these applications typically involve a significant number of representations and are therefore subject to higher levels of local political interest. In some circumstances the full elected council will determine any application that has been recommended by council planners for refusal or where the application is actually proposed by council.

Because the evidence is that the inappropriate political determination of applications is limited to isolated, but well publicised, cases, the response should be proportional, so it does not undermine the integrity and success of the existing reforms, or the planning system itself. Changes should only be proposed where an issue has been identified. Additionally, any proposed changes should seek to utilise those parts of the assessment process that are operating efficiently.

Based on the discussion so far the following issues have been identified for feedback:



## Consultation issue I – Types of development applications suitable for referral to a DAP for determination

- a) What types of development applications are problematic, or perceived to be problematic, for Councils to determine and would therefore benefit from being determined by a DAP?

### Options

- i. Applications for social and affordable housing which often attract considerable opposition within the local community based on social stigma rather than planning matters;
- ii. Critical infrastructure;
- iii. Applications where the Council is the applicant and the decision maker;
- iv. Applications where Councillors express a conflict of interest in a matter and a quorum to make a decision cannot be reached;
- v. Contentious applications where Councillors may wish to act as elected representatives supporting the views of their constituents which might be at odds with their role as a member of a planning authority;
- vi. Where an applicant considers there is bias, or perceived bias, on the part of a Council or Councillors;
- vii. Complex applications where the Council may not have access to appropriate skills or resources;
- viii. Application over a certain value;
- ix. Other?

- b) Who should be allowed to nominate referral of a development application to a DAP for determination?

### Options

- i. Applicant
- ii. Applicant with consent of the planning authority;
- iii. Planning authority
- iv. Planning authority with consent of the applicant
- v. Minister

- c) Given the need for a referral of an application to a DAP might not be known until an application has progressed through certain stages of consideration (such as those set out in a) above) have been carried out, is it reasonable to have a range of referral points?

### Options

- i. At the beginning for prescribed proposals;
- ii. Following consultation where it is identified that the proposal is especially contentious;
- iii. At the approval stage, where it is identified that Councillors are conflicted.

## **Consultation issue 2 – Provision of an enhanced role for the Minister to direct a council to initiate a planning scheme amendment under certain circumstances.**

- a) Under what circumstances should the Minister have a power to direct the initiation of a planning scheme amendment by a Council?
- b) Is it appropriate for the Minister to exercise that power where the Council has refused a request from an applicant and its decision has been reviewed by the Tasmanian Planning Commission?

For example:

Section 40B allows for the Commission to review the planning authority's decision to refuse to initiate a planning scheme amendment and can direct the planning authority to reconsider the request. Where that has occurred, and the planning authority still does not agree to initiate an amendment, is that sufficient reason to allow Ministerial intervention to direct the planning authority to initiate the planning scheme amendment, subject to the Minister being satisfied that the LPS criteria is met?

- c) Are there other threshold tests or criteria that might justify a direction being given, such as it aligns to a changed regional land use strategy, it is identified to support a key growth strategy, or it would maximise available or planned infrastructure provision?

### **3.2 Retaining local input**

One of the concerns of a DAP framework is that it relies on decisions being made by experts that do not necessarily have the local knowledge that would otherwise be available within a local council and considered and applied when determining a development application.

The proposed DAP framework can utilise and benefit from this local knowledge. By way of example the current assessment process for a combined planning scheme amendment and permit application (s. 40T of LUPAA or s.43A under the former provisions of LUPAA) is undertaken by both the planning authority and the Commission, with the Commission being the final decision maker. For the development application component of a s43A or s40T application, it is the planning authority that assesses the proposal against the amended provisions of the planning scheme, issues a draft permit, undertakes the notification procedures in accordance with the LUPAA, it receives representations and addresses the issues raised by the representations. All these matters are presented in a report prepared by the council officers and provided to the Commission. Then all parties including those that made representations are invited to attend a hearing and present their issues before the final determination is made by the panel.



This is a tried and tested process that ensures valuable local input into the assessment and allows all parties to present their case and be heard directly by the decision maker. Being an established process that is understood by planners it has been identified as the preferred basis for the preliminary draft DAP framework as presented in Attachment I.

### **Consultation issue 3 –**

- i. **Incorporating local knowledge in DAP decision making.**
- ii. **DAP framework to complement existing processes and avoid duplication of administrative processes.**

- a) To allow DAP determined applications to be informed by local knowledge, should a Council continue to be:
  - the primary contact for applicants;
  - engage in pre-lodgement discussions;
  - receive applications and check for validity;
  - review application and request additional information if required;
  - assess the application against the planning scheme requirements and make recommendations to the DAP.
- b) Is the current s43A (former provisions of the Act) and s40T of the Act processes for referral of a development application to the Commission, initial assessment by Council and hearing procedures suitable for being adapted and used in the proposed DAP framework?

## **3.3 Request for further information**

There have also been concerns raised by both Council and the development industry regarding request for further information stalling the determination of development applications.

Application requirements are specified under clause 6.1 of the State Planning Provisions. The application requirements are intended to give applicants certainty as to the range of matters and level of detail needed in their application to allow the planning authority to undertake its assessment against the provisions of the planning scheme.

Once the planning authority receives a valid application the assessment 'clock' commences against either the timeframe of 28 days for the assessment of a permitted application or 42 days for a discretionary application. Section 54 of LUPAA allows the planning authority to request additional information from the applicant where the application lacks the necessary information for the planning authority to undertake an assessment. The time taken for the



applicant to respond to the planning authority's request does not count towards the assessment timeframe as the 'clock is stopped'. The assessment clock recommences once the planning authority is satisfied that the information provided addresses the matters raised in the request for additional information.

There is anecdotal evidence that with some contentious proposals (particularly social housing) the additional information process is being used to delay or frustrate the timely assessment of a proposal. While a request for further information can be appealed to the Tasmanian Civil and Administrative Tribunal (TasCAT) the associated costs and uncertainty regarding the timeframe for resolution is a deterrent.

Sections 40A and 40V allows an applicant to request the Commission to review the planning authority's request for additional information for an amendment to an LPS and a combined amendment and planning permit (respectively). Similar provisions, sections 33B and 43EA, apply under the former provisions of LUPAA.

These sections of LUPAA provide an opportunity for the applicant to test the requirement for, and content of, requests for further information from the planning authority. The Commission can direct the planning authority to revoke the request for additional information, issue a new notice requesting additional information or determine that the request for additional information was appropriate.

This raises questions around what the appropriate process is for resolving contested additional information requests where the proposed DAP process is being used.

#### **Consultation issue 4 – Resolving issues associated with requests for, and responses to, further information.**

- a) Should a framework for DAP determined development applications adopt a process to review further information requests similar to the requirements of section 40A and 40V of LUPAA?
- b) Are there any changes that could be made to the Act or planning scheme to improve requests for, and responses to, additional information?

### **3.4 Timeframes for assessment and appeal rights**

The proposed DAP framework incorporates both the review of the application by the council (in forming advice) and the DAP (as the decision-maker) and the coordination of hearings into representations to provide representors with the opportunity to address the panel and final determination by a DAP. This, in effect, combines the initial stage of the current process (consideration by the Planning Authority) and a possible subsequent appeals process (currently unconstrained by time). The existing statutory 42 day timeframe for determining discretionary applications is, therefore, not adequate for this process.



A DAP framework, utilising the Commission to establish the panel, would be subject to the requirements of the *Tasmanian Planning Commission Act 1997*. A panel established by the Commission is required to determine matters following the rules of natural justice and providing for procedural fairness similar to other LUPAA processes that are undertaken by the Commission. This involves hearings where the parties can make submissions and be heard by the decision maker in much the same way as a TasCAT appeal hearing.

The purpose of appealing a planning authority's decision to TasCAT is to provide for an independent review of the process, in a public forum and without political interference. By using the Commission to establish the DAP, the independent review function will be built into the DAP framework. This removes uncertainty, delays and costs associated with determining contested applications through TasCAT.

<b>Legislation</b>	<b>Type of Assessment</b>	<b>Decision maker</b>	<b>Subject to merit Review</b>	<b>Judicial Review</b>
LUPAA	S 58 development application (permitted)	Planning authority	Yes (applicant on permit conditions only)	Yes
LUPAA	S 57 development application (discretionary)	Planning authority	Yes	Yes
LUPAA	Major Project	TPC	No	Yes
LUPAA	Combined planning scheme amendment and permit application	TPC	No	Yes
<i>Major Infrastructure Development Approval Act 1999</i>	Linear infrastructure proposals across multiple municipalities	Combined Planning Authority or TPC panel	Yes	Yes
<i>State Policies and Projects Act 1993 -</i>	Projects of State Significance	TPC	No	Yes

**Table 2.** Development application processes that are subject to appeal

Table 2 shows that the only process that allows a TPC decision to be subject to a merit appeal to TasCAT is under the *Major Infrastructure Development Approval Act 1999* (MIDA). An application under MIDA is considered a section 57 application under LUPAA. The application is determined by a panel established by the TPC or a Combined Planning Authority. In determining the application there is no requirement under MIDA for the decision maker to hold a public hearing before making a decision. The appeal rights for



MIDA applications are a consequence of not being guaranteed a public hearing in the initial determination of the application.

### **Consultation issue 5 – Appeal rights and assessment timeframes for DAP determined applications.**

- a) Is it reasonable that decisions on DAP determined applications are not subject to TasCAT appeals where the TPC holds hearings and provides all parties the opportunity to make submissions and test evidence?
- b) Given the integrated nature of the assessment, what are reasonable timeframes for DAP determined applications?

#### **OPTIONS**

Lodging and referrals, including referral to DAP	7 days	Running total
DAP confirms referral	7	14
Further information period (can occur within the timeframes above, commencing from time of lodgement)	7	21
Council assesses development application and makes recommendation whether or not to grant a permit	14	35
Development application, draft assessment report and recommendation on permit exhibited for consultation	14	49
Council provide documents to DAP, including a statement of its opinion on the merits of representations and whether there are any modifications to its original recommendation	14	63
DAP hold hearing, determine application and give notice to Council of decision	35	98
If directed by the DAP, Council to issue a permit to the applicant	7	105 max

## **3.5 Post determination roles of Council**

Planning authorities are responsible for enforcing permit conditions and considering any proposed amendments to permits that have been issued by them.

It is necessary to explore how these roles and functions might be impacted by the development application being determined by a DAP.



It is anticipated that the DAP will engage extensively with the planning authority in preparing the permit and conditions of approval. Any legislative framework for a DAP model will be required to establish the post determination functions of the planning authority.

Under both State significant and major project processes, there is a role for the planning authority as the normal compliance body for administering the permit. Consistent with the principle of the DAP framework utilising current parts of the planning system that are operating effectively, it is proposed to parallel the process of TasCAT determinations whereby the planning authority is required to administer the planning permit.

#### **Consultation issue 6 – Roles of the planning authority post DAP determination of a development application.**

- a) Should the planning authority remain the custodian of planning permits and be required to issue permits in accordance with a direction from a DAP?
- b) Is it appropriate for planning permits associated with a DAP determined application to be enforced the Council?
- c) Is it appropriate for minor amendments (in accordance with s56 of LUPAA) to DAP determined permits to be made by the planning authority?

## **4. Draft DAP framework**

Based on initial consultation with key stakeholders, commitments made in the Premier's announcement and the identification of issues as discussed above, the following DAP framework has been drafted as a starting point for discussion.

The draft DAP framework is provided in **Attachment I**. The draft framework is cross referenced with the Consultation Issues that have been raised in the text boxes in the body of this Position Paper. Comments are invited on any other matter that the draft DAP framework raises.

## **5. Next Steps**

Following the consultation period on the Position Paper the submissions received will be reviewed and inform modifications to the DAP framework. Based on the revised framework, the Government will prepare a draft amendment to the Act which will be further consulted early next year.

It is proposed that the Bill will be tabled in Parliament in early 2024.



## **ATTACHMENT I - Draft DAP Framework**



## Draft Development Assessment Panel (DAP) Framework

Ref	Stage of assessment process	Responsible person/ authority	Proposed Framework	Comments and additional Questions for consultation
1	Pre-lodgement discussion between applicant and planning authority	Planning Authority and applicant	No change to current process.	Existing informal processes undertaken on an as needs basis.  Discussions may include whether or not the development application is eligible for DAP referral.
2	Lodge Development Application	Applicant lodges with Planning Authority	No change to current process	Existing process for the lodgement of development applications.
3	Determination of valid application and referral to other entities	Planning Authority	Planning Authority reviews application and determines if the application is valid in accordance with the existing provisions of the Act.  Refers application to TasWater, Tasmanian Heritage Council or EPA as required.	Existing process for determining that a development application is valid <sup>2</sup> .  See section 24 and 25 of this section for information regarding application fees.

---

<sup>2</sup> must comply with 51(IAC) and (IAB) and 51A;

*(IAC) For the purpose of subsection (IAB), a valid application is an application that contains all relevant information required by the planning scheme applying to the land that is the subject of the application.*

*(IAB) A planning authority must not refuse to accept a valid application for a permit, unless the application does not include a declaration that the applicant has-*

- a) notified the owner of the intention to make the application; or*
- b) obtained the written permission of the owner under section 52.*

Section 51A refers to the payment of application fee.

4A	<p>Planning Authority reviews Development Application and decides if it is to be determined by a DAP.</p> <p><b>Discretionary referral</b></p>	<p>Planning Authority</p>	<p>Planning Authority to determine if the Development Application should be referred to a DAP for determination.</p> <p>The Planning Authority <b>may</b> determine that the development application meets the criteria for DAP referral and, if so, notifies, and seeks endorsement from the applicant, to refer the development application to the DAP for determination, within 7 days of the Planning Authority receiving a valid application.</p> <p>The applicant <b>may</b> also make a request to the Planning Authority for it to consider referring the application to a DAP for determination subject to the Planning Authority being satisfied that the application meets the criteria for DAP referral.</p> <p><b>DAP Criteria</b></p> <p>An application <b>may</b> be suitable for referring to a DAP if it is a discretionary application and the referral is endorsed by both the Planning Authority and the applicant, provided one or more of the following criteria for DAP referral is satisfied:</p> <ul style="list-style-type: none"> <li>• where the council is the proponent and the planning authority;</li> <li>• the application is for a development over \$10 million in value, or \$5 million in value and proposed in a non-metropolitan municipality;</li> </ul>	<p>Refer to Consultation issue 1 in the Position Paper.</p> <p>Additional considerations:</p> <p><i>Is 7 days a reasonable timeframe for this function to be undertaken by the Planning Authority? Could it be delegated to senior planning staff?</i></p> <p><i>Where a dispute arises between the Applicant and the Planning Authority over a development application being referred to a DAP for determination, is it appropriate for the Minister to have a role in resolving, subject to being satisfied that the development application meets the DAP criteria?</i></p> <p><i>If not the Minister, who should be responsible for resolving the matter?</i></p> <p><i>Is it appropriate to consider the value of a development as a criteria for referral to a DAP for determination? If so, what should the stated value be?</i></p> <p>Note:</p> <p>See sections 21 and 22 of this table which provides options for development applications to be referred at later stages of the assessment process as issues become apparent, such as after exhibition.</p>
----	--	---------------------------	---	--

			<ul style="list-style-type: none"> <li>the application is of a complex nature and council supports the application being determined by a DAP;</li> <li></li> <li>the application is potentially contentious, where Councillors may wish to act politically, representing the views of their constituents, rather than as a planning authority; or</li> <li>Where there is a case of bias, or perceived bias, established on the part of the Planning Authority.</li> </ul>	
4B	Planning Authority reviews Development Application and decides if it is to be referred to DAP <b>Mandatory Referral</b>		<p>The Planning Authority <b>must</b> determine to refer the development application to a DAP for determination, within 7 days of the Planning Authority receiving a valid application, if the development application is a discretionary application and for a prescribed purpose:</p> <p><b>Prescribed purpose:</b></p> <ul style="list-style-type: none"> <li>An application over \$1 million where the council is the proponent and the planning authority;</li> <li>An application from Homes Tas for subdivision for social or affordable housing or development of dwellings for social and affordable;</li> <li>An application for critical infrastructure;</li> <li>Other(?)</li> </ul>	<p>Refer to Consultation issue 1 in the Position Paper.</p> <p>Additional considerations:</p> <p><i>Is 7 days a reasonable timeframe for this function to be undertaken by the Planning Authority? Could it be delegated to senior planning staff?</i></p> <p><i>Are there any other examples of development applications under the prescribed purposes that might be suitable for referral to a DAP for determination?</i></p> <p><i>Is it appropriate to consider the value of a development for DAP referral where council is the applicant? If so, what value is reasonable?</i></p> <p><i>What might be considered as 'critical infrastructure'?</i></p>

5	PA requests referral of DA to DAP for determination.	Planning Authority and DAP	<p>Planning Authority requests referral of the development application to the DAP within 7 days of the Planning Authority determining that the development application is suitable for DAP referral in accordance with section 4A and 4B above.</p> <p>The Planning Authority's written referral request includes all the material that comprises the development application (at this stage).</p> <p>If the DAP does not agree that the development application meets the DAP criteria or is for a prescribed purpose, the DAP must give notice to the Planning Authority and applicant of its decision.</p> <p>If the DAP does not agree that the development application meets the DAP criteria, the assessment of the development application continues in accordance with the existing LUPAA provisions.</p> <p>If the DAP accepts the Planning Authority's request that the development application meets the criteria for DAP referral or is for a prescribed purpose, the DAP must give notice, within 7 days of receiving the Planning Authority's request, to the Planning Authority and applicant of its decision.</p>	<p><i>Should the time taken for an application that has been referred to a DAP for determination that, in the opinion of the DAP, does not satisfy the relevant referral criteria or is not for a prescribed purpose, count towards the relevant period referred to in s57(6)(b) of the Act given the assessment will continue in accordance with a s57 application if it is not eligible for DAP referral?</i></p>
6	Review of DA to determine if further information is required to	Planning Authority	Where the DAP has accepted the Planning Authority's request to refer the development application to the DAP for determination, the Planning Authority reviews the development application to determine if additional information is	Additional information request can occur simultaneously with the Planning Authority's request for DAP determination. Regardless of the outcome of the request to refer the development application to the DAP, the Planning Authority is required to ensure it has the

	undertake the assessment		<p>required and, if so, must make a request within 21 days of receiving a valid application.</p> <p>Clock stops while waiting for the applicant to provide additional information to the satisfaction of the Planning Authority.</p>	<p>necessary information it needs to undertake the assessment.</p> <p>The 21 day timeframe and ‘stopping the clock’ is consistent with section 54 of the Act.</p>
7	Review of further information requests	Applicant	<p>Within 14 days after being served a request for further information in accordance with 6 above, the applicant may request the DAP to review the Planning Authority’s additional information request.</p> <p>The DAP, within 14 days of receiving a request to review the PA’s additional information requirement must:</p> <ul style="list-style-type: none"> <li>• Support the Planning Authority’s request for additional information;</li> <li>• Revoke the Planning Authority’s request for additional information; or</li> <li>• Issue a new notice to the applicant requesting additional information.</li> </ul> <p>The DAP must give notice of its decision to the Planning Authority and applicant.</p>	<p>Refer to Consultation issue 4 in the Position Paper.</p> <p>Because the DAP has agreed that the DA will be DAP determined, it already has a copy of the development application.</p> <p>The review of a Planning Authority’s request for additional information is similar to the existing provisions under s40V of the Act.</p>
8	Provision and review of additional information.	Applicant and Planning Authority	<p>Once the applicant provides the additional information and, in the opinion of the planning authority, it satisfies either the original request or one that has been modified by the DAP, the assessment clock recommences.</p> <p>If the additional information does not satisfy the original request or one that has been modified by</p>	<p>This part of the framework is similar to existing processes.</p>

			the DAP, the Planning Authority advises the applicant of the outstanding matters and the clock remains stopped.	
9	Planning Authority assesses DA	Planning Authority	<p>Planning Authority assesses the application against the requirements of the planning scheme and recommends either:</p> <ul style="list-style-type: none"> <li>• granting a permit; or</li> <li>• refusing to grant a permit.</li> </ul>	<p>Refer to Consultation Issue 3 in the Position Paper.</p> <p>Note:</p> <p>The proposed framework has adopted a process that is similar to the section 40T of the Act process where council assesses the application and then places the application and the Planning Authority's report on exhibition (as below).</p>
10	Public notification of application and Planning Authority recommendations	Planning Authority	Planning Authority to advertise the development application, its assessment report and recommendations, including a draft permit (if recommended for approval), for a period of 14 days (and in accordance with section 9 of the LUPAA Regulations) during which time representations are received.	
11	Planning Authority to review representations	Planning Authority	Planning Authority to review representations and prepare a statement of its opinion as to the merits of each representation and the need for any modification to its recommendation on the development application, including the draft permit and conditions.	This part of the proposed framework is similar to the existing provisions of section 42 of the Act.
12	Provision of all documents to the DAP	Planning Authority	<p>The Planning Authority provides DAP with:</p> <ul style="list-style-type: none"> <li>• a copy of the application (although they should already have it) and any further information received;</li> <li>• a copy of the recommendation report and any draft permit;</li> </ul>	This part of the proposed framework is similar to existing processes for a section 40T(1) application

			<ul style="list-style-type: none"> <li>• a copy of all the representations; and</li> <li>• a statement of its opinion as to the merits of each representation and any modifications to its original recommendations on the DA as a consequence of reviewing the representations;</li> <li>• DAP fee (refer to section 25)</li> </ul> <p>within 14 days of the completion of the exhibition period.</p>	
13	DAP review and publication of information and hearing determination	DAP	<p>DAP reviews and publishes all the information provided by the Planning Authority (as listed in 12 above) and notifies all parties advising that they have received the relevant documents from the Planning Authority, where those documents can be viewed and requesting advice regarding which parties would like to attend a hearing.</p> <p>If there are no representations or no parties that wish to attend a hearing, the DAP may dispense with the requirement to hold a hearing.</p> <p>The DAP must notify the Planning Authority, applicant and representors of their determination to hold, or dispense with holding, a hearing.</p>	An option is given to dispense with the requirement for a DAP to hold a hearing in situation where there are no representations, all representations are in support, representations have been revoked or there are no representations that want to attend a hearing.
14	DAP hearing into representations	DAP	<p>Representors, applicant and Planning Authority invited to attend hearing and make submissions to the DAP on the development application.</p> <p>Parties to the proceedings must be given at least one weeks' notice before the hearing is scheduled.</p>	The draft permit conditions are subject to contemplation by the parties at the hearing. It is anticipated that this will resolve issues around the future enforcement of those conditions by council or other issues that would otherwise arise and be subject to appeal through TasCAT.

			<p>Natural justice and procedural fairness for conduct of hearings consistent with <i>Tasmanian Planning Commission Act 1997</i>.</p> <p>DAP hearings are encouraged to be held locally.</p>	
15	DAP determination	DAP	<p>DAP undertakes the assessment considering all the information and evidence presented at the hearing and determines the development application.</p> <p>DAP must determine application within 35 days from receiving documents from Planning Authority (under section 12 above)</p> <p>DAP may request an extension of time from the Minister.</p>	Refer to Consultation Issue 5 in the Position Paper for questions regarding assessment timeframes.
16	Notification of DAP decision	DAP	<p>Within 7 days of the DAP determining the development application it must give notice of its decision to the Planning Authority, applicant and representors.</p>	Similar to existing notification provisions under section 57(7).
17	Issuing of Permit	DAP/ Planning Authority	<p>If the decision of the DAP is to grant a permit, the DAP must, in its notice to the Planning Authority (under section 16 above), direct it to issue a permit in accordance with its decision within 7 days from receiving the notice from the DAP.</p> <p>The permit becomes effective 1 week from the day it is issued by the Planning Authority.</p>	
18	Enforcement	Planning Authority	<p>The Planning Authority is responsible for enforcing the permit.</p>	Refer to Consultation Issue 6 in the Position Paper. This is the same process for permits issued by TasCAT.

19	Appeal rights	All parties	There is no right of appeal on the grounds of planning merit as the decision has been made by an independent panel with all parties engaged in the process.	Refer to Consultation Issue 5 in the Position Paper for questions regarding appeal rights. While the draft framework proposes that DAP determined development applications are not subject to a merit appeal, the decision of the DAP is subject to judicial review by virtue of the <i>Judicial Review Act 1997</i> .
20	Minor amendment to permits	Planning Authority	A Planning Authority can receive a request for a minor amendment to a permit involving an application that has been determined by a DAP.	Refer to Consultation Issue 6 in the Position Paper. Minor amendments to permits are assessed by the Planning Authority against the existing provisions of section 56 of the Act.

### Other opportunities for a development application to be referred to a DAP

Ref	Stage of assessment process	Responsible person/ authority	Proposed Framework	Comment
21	Ministerial Call in Powers	Planning Authority or applicant	At any stage of the assessment process the applicant or Planning Authority may make a request to the Minister that a development application be referred to a DAP for determination.  The Minister may refer the application to a DAP provided the Minister is satisfied that the development application meets the DAP criteria.	This provides an opportunity for referral when issues only become apparent at the later stages of the assessment process.  <i>Is it appropriate for the Minister to have the power to call in a development application in these circumstances?</i>  <i>In this scenario, is it necessary for the applicant and Planning Authority to agree to the request?</i>
22	Ministerial referral of DA to DAP	Minister	Where the Minister refers the DA to a DAP for determination (in accordance with 21 above), the Minister must, by notice to the DAP and Planning Authority (if required), direct the DAP and Planning Authority (if required) to	Because this type of referral can occur at any stage, there needs to be a direction to specify those parts of the assessment process that still needs to be completed. These processes will include elements that need to be undertaken by the DAP and may include

			undertake an assessment of the development application and specify the process and timeframes for the DAP and Planning Authority (if required) to follow. The Minister can also specify that the Planning Authority must provide all relevant documents relating to the application and its assessment to the DAP within a timeframe.	elements that need to be undertaken by the Planning Authority. The Planning Authority is required to provide all relevant documents to the DAP
--	--	--	---	---

#### DAP membership

Ref	Stage of assessment process	Responsible person/ authority	Proposed Framework	Comment
23	Establishment of Panel	Tasmanian Planning Commission (Commission)	No change to existing Commission processes.	The framework adopts the Commission's well established processes for delegating assessment functions to panels.

#### Development application fees

Ref	Stage of assessment process	Responsible person/ authority	Proposed Framework	Comment
24	Lodging DA	Planning Authority	Planning Authority charges applicant normal application fees.	Planning Authority doing the same amount of work, just not making the determination so is entitled to the application fee.
25	DAs referred to DAP for determination	Planning Authority and DAP	A DAP determined development application will incur an additional application fee.  The Planning Authority is to charge the applicant an additional fee at the time the DAP	Additional fee is to cover some of the costs incurred by the Commission.

			<p>notifies the Planning Authority that they have accepted the Planning Authority's request to refer the development application.</p> <p>The DAP application fee is to be included in the information provided to the DAP following the exhibition of the development application (section 12 above).</p> <p>No order for costs can be awarded by the DAP.</p>	<p>The additional application fee is going to be cheaper than the cost of going to a full tribunal hearing.</p>
--	--	--	--	---



Tasmanian  
Government

**Department of Premier and Cabinet**  
State Planning Office

**Phone:**  
1300 703 977

**Email:**  
[stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au)

**[www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au)**



**DATE**

**ATTACHMENT 2**

**AGENDA ITEM 14.4**

Hon Michael Ferguson MP  
Minister for Planning  
State Planning Office  
Department of Premier and Cabinet  
GPO Box 123  
HOBART TAS 7001

Dear Minister Ferguson

### **DEVELOPMENT ASSESSMENT PANEL (DAP) FRAMEWORK**

Thank you for the opportunity to provide comment on the DAP Framework Position Paper. Brighton Council supports the concept of a DAP in principle but has a number of concerns with the framework proposed in the Position Paper.

Council believes that the proposed Framework does not meet the stated intent of introducing DAPs, which is 'to take the politics out of planning' and deconflict the role of councillors and planning authorities.

Council also does not support the "choose your own adventure" approach which allows applicants and the planning authority to opt into the DAP process at various stages. The proposed Framework will make the planning system unnecessarily more complex than it currently is.

Council's position is that the DAPs process should mirror the current process, but a DAP determines an application rather than Council. That is, Council officers undertake the entire assessment and then put forward a recommendation to the DAP, rather than the PA, when a DAP referral is required based on certain criteria. Any other model will result in a convoluted assessment process with unnecessary delays.

The proposed Framework will also likely require DAPs to rely on significant technical expertise. Whether these be employed directly by the Commission or consultant it will put a significant strain on the existing shortage of planners and development engineers currently facing the industry.

Councils' detailed response to the consultation issues are below to support Councils submission.

#### **Consultation issue 1 – Types of development applications suitable for referral to a DAP for determination**

Firstly, the Position Paper refers to models similar to DAPs operating in other jurisdictions. A high-level review of how these models operate and how well they work should be developed to inform the Tasmanian DAP framework. Particularly, an understanding of the 'call-in' criteria in other jurisdictions would be useful.

*a) What types of development applications are problematic, or perceived to be problematic, for Councils to determine and would therefore benefit from being determined by a DAP?*

Generally, Council perceives applications with a significant amount of community interest being the ones that are most problematic. These are most likely to be applications that receive a large amount of representations and where representors and developers are both lobbying Councillors with opposing views.

Most, if not all, Tasmanian Councils will send applications which receive over a certain number of representations to the PA for determination. Council submits that this is a better criterion than a pre-determined criteria for when DAPs are used. For example, applications that receive five or more representations may be referred to a DAP for final assessment.

This would have the added benefit of the planning assessment being undertaken by Council officers and keep the process simple and timeframes to a minimum.

i. Social Housing

It is disappointing that there is a reliance on anecdotal evidence rather than real data and evidence for the inclusion of social housing in the mandatory referral list. In the last 10 years Brighton Council has approved 192 applications from Housing Tasmania or community housing providers (CHPs) and approved over 532 dwellings. Not one of these have been refused by the PA or been appealed to TASCAT.

For example, in 2022, Council approved 19 developments on HT or CHP land. All but one, was approved well within the statutory timeframe. The only one that could be considered complex and that had to be assessed by the PA was a 40-unit application which was approved.

Council does not support mandatory social housing referrals.

ii. Critical infrastructure

The majority of critical infrastructure applications that Council receive are uncontroversial and managed in a reasonable timeframe. Council does not support mandatory critical infrastructure referrals.

iii. Council applications

Council supports referrals to the DAP for its own applications.

iv. No quorum

Council supports referrals to DAP where there is no quorum.

v. Contentious applications

This criteria is extremely ambiguous and raises all kinds of issues about when an application should be referred and how Council comes to the decision to determine whether an application is contentious. This is why referral to DAPs should be based on representation numbers.

Another option may be for a PA to refer the application to a DAP rather than determine the application if they consider it to be too contentious for them to make a decision. Again, this would be best done at the end of the process. Whilst this option may seem like it would create unnecessary time delays, it would be the same timeframe as proposed in the Position Paper if an application was referred to a DAP at the start of the process.

vi. Applicant perceives bias

Again, this is an ambiguous criterion and provides uncertainty in the system. Council does not support this criteria.

viii. Applications over a certain value

Setting mandatory referrals based on a certain value or certain types of development (e.g. social housing) may cause delays for developments that are not controversial.

For example, in 2022 Council approved two developments with a value of works over \$10M. These included the Brighton High School and the lay down yard for the Bridgewater Bridge. Neither application received a representation, and both were approved within a reasonable timeframe under officer delegation. Putting these applications through a DAP process would have significantly increased the assessment timeframe and added another layer of unnecessary assessment to the process.

*b) Who should be allowed to nominate referral of a development application to a DAP for determination?*

Council does not support the 'choose your own adventure' approach for use of the DAP process, particularly for applicants. As noted above, referral to a DAP should be based on clear and unambiguous criteria (e.g. number of representations, applications where Council has a direct conflict, such as Council applications & no quorum) to increase certainty of process in the planning system. There may be an option for a PA to move a motion to refer an application to a DAP if it cannot make a determination at a PA meeting.

If the intent of the DAPs is to 'take the politics out of planning' the Minister should not have a role in the planning system.

*c) Given the need for a referral of an application to a DAP might not be known until an application has progressed through certain stages of consideration (such as those set out in a) above) have been carried out, is it reasonable to have a range of referral points?*

As noted above, Council's position is that DAP referrals should only be at the approval stage.

Trying to determine whether an application is contentious within the first seven days would be difficult and unreasonable. For example, an initial application may be contentious when it is first

submitted but may not be compliant with the scheme at all. Through the assessment process the contentious elements may be amended.

Another example is if an application is perceived as contentious but turns out to have little community interest or Council bias and could be assessed under delegation. An early referral would add an extra layer of assessment, complexity and cost to the process.

### **Consultation issue 2 – Provision of an enhanced role for the Minister to direct a council to initiate a planning scheme amendment under certain circumstances.**

Council notes that this section has nothing to do with DAPs and questions why it is part of the Position Paper.

Council firmly believes that strategic land use planning should remain a matter for Councils.

If the purpose of DAPs is to depoliticise the system, Ministerial involvement should be avoided at all costs.

Perhaps a DAP could replace the Minister in regard to intervention under s.40B.

### **Consultation issue 3 –**

- i. **Incorporating local knowledge in DAP decision making.**
- ii. **DAP framework to complement existing processes and avoid duplication of administrative processes.**

As noted above, Council's position is that Council officers should continue to carry out the entire assessment process as it currently does, with a DAP referral coming at the end of an application. This ensures that local input and expertise are maintained throughout the process without duplication and unnecessary resource burden.

Duplicating the planning scheme amendment process for DAs puts additional and unnecessary pressure on Council officers to complete its full assessment within 21 days without any community input.

### **Consultation issue 4 – Resolving issues associated with requests for, and responses to, further information.**

It is disappointing that the basis for requiring a review of further information requests is "anecdotal" evidence. Brighton Council suggests a proper independent review of further information requests before a knee-jerk reaction to change legislation. Brighton Council would willingly participate in a review of its own further information requests to see if they are unreasonable.

As noted above, Council only received one large social housing application in 2022. A quick review of this application shows that the initial application was missing critical information such as:

- A planning report that demonstrates how the proposal meets the relevant planning scheme requirements.
- A traffic impact assessment; and
- A landscaping plan.

This is basic information required of any DA of this scale. Council believes that it is the quality of applications being provided for social housing developments that are largely responsible for assessment delays. This same information would undoubtedly be required by a DAP.

Brighton Council would be more than happy to provide additional data about social housing applications if required.

Brighton Council does not support further information review by DAPs.

### **Consultation issue 5 – Appeal rights and assessment timeframes for DAP determined applications.**

#### Appeal rights

Before Council come to a firm position on appeal rights, it would be good to get an understanding of whether similar models in other jurisdictions have appeal rights and whether they are working.

One of the key issues with the creation of DAPs, particularly if they are not subject to appeals, is that they are likely to end up operating like TasCAT appeals where parties are required to call on technical experts and lawyers. This would potentially add significant cost for developers and Councils and be intimidating for representors, particularly if they just wanted to put forward their view without publicly facing a hearing.

#### DAP Assessment timeframes

As noted previously, Council does not believe it is necessary to refer applications to a DAP until the end of the assessment process. Under Council's preferred scenario, Council officers would provide a report with its recommendation at the end of the 42 days. The DAP could then hold a hearing and determine the application within 35 days. This would reduce the timeframe put forward in the Position Paper by at least 30 days.

### **Consultation issue 6 – Roles of the planning authority post DAP determination of a development application.**

This becomes an issue of practicality for Councils, as it is unlikely that the Government will entertain any "after permit care".

Issues with DAPs creating permits and Councils issuing them include:

- The DAP need to be available to field questions or clarification required by the applicant, for conditions it imposes.

- Will DAPs have the expertise for their conditions to include compliance considerations or is it preferable that conditions are specified by the authority responsible for their enforcement? Otherwise, issues of practicality and resourcing may come into play.
- How will minor amendments be assessed? Currently permits issued by the Tribunal, or the Commission under a combined amendment and permit, do not provide a pathway for minor amendments to be considered by the planning authority.

### **Other matters - Resourcing**

There does not appear to be any analysis of how many applications are likely to need to be referred to a DAP.

Based on a very conservative scenario of two applications from each Council per year, that would be an additional 58 hearings that would need to be scheduled by the Commission.

In addition to planners, Councils rely heavily on internal advice from their development engineers, environmental health officers, natural resource management officers, etc. to assess an application. How will a DAP resource technical expertise, particularly if it intends to review further information requests? There is already a significant shortage of planners and engineers across the state and the creation of DAP is likely to exacerbate this issue.

If you wish to discuss the matter further please contact David Allingham on 6268 7021 or [david.allingham@brighton.tas.gov.au](mailto:david.allingham@brighton.tas.gov.au).

Yours sincerely

James Dryburgh  
**GENERAL MANAGER**