



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, 21 NOVEMBER 2023**

1. Acknowledgement of Country

2. Attendance

Cr Gray (Mayor); Cr Curran (Deputy Mayor); Cr De La Torre, Cr Geard, 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 Murtagh seconded that Cr Irons be granted leave of absence.

CARRIED

VOTING RECORD

In favour	Against
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Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
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 17th October 2023 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the previous Ordinary Council Meeting held on the 17th October 2023, be confirmed.

DECISION:

Cr McMaster moved, Cr Geard seconded that the Minutes of the previous Ordinary Council Meeting held on the 17th October 2023, be confirmed.

CARRIED

VOTING RECORD

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

4.2 Community Development Committee

The Minutes of the Community Development Committee Meeting held on the 7th November 2023 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Community Development Committee Meeting held on the 7th November 2023, be confirmed.

DECISION:

Cr Owen moved, Cr De La Torre seconded that the Minutes of the Community Development Committee Meeting held on the 7th November 2023, be confirmed.

CARRIED

VOTING RECORD

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

Cr Owen
Cr Whelan

4.3 Finance Committee

The Minutes of the Finance Committee Meeting held on the 7th November 2023 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Finance Committee Meeting held on the 7th November 2023, be confirmed.

DECISION:

Cr De La Torre moved, Cr Curran seconded that the Minutes of the Finance Committee Meeting held on the 7th November 2023, be confirmed.

CARRIED

VOTING RECORD

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

4.4 Planning Authority

The Minutes of the Planning Authority Meeting held on the 7th November 2023 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Planning Authority Meeting held on the 7th November 2023, be confirmed.

DECISION:

Cr Geard moved, Cr De La Torre seconded that the Minutes of the Planning Authority Meeting held on the 7th November 2023, be confirmed.

CARRIED

VOTING RECORD

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

Cr Murtagh
 Cr Owen
 Cr Whelan

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 Curran declared an interest in Item 14.1

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.

- The Mayor presented framed Certificates from the Local Government Association of Tasmania (LGAT) in recognition of Councillors Barbara Curran, Peter Geard and Philip Owen for their length of service to the Brighton community. Cr Leigh Gray (Mayor) also received recognition from the LGAT for his length of service to the Brighton community.
- Cynthia & Barry Hertrick addressed Council in relation to a proposed walking track north of the Old Beach jetty.

Under Section 32(h) of the *Local Government (Meeting Procedures) Regulations 2015*, Mrs Hertrick asked the following questions:-

- #1 The planned walkway for north of the jetty, what point of the jetty is that walkway expected to start and go to given that this has been debated before years back?
- #2 There's been surveyors recently the riverside behind Morrisby Road and up Blackstone Drive (bush side) and what we're wondering is what these surveyors are doing a feasibility of? Is there any information you can give us about that?

The General Manager's response was as follows:-

- We are doing the background feasibility work on the whole area from St Anns on the EDH to the Old Beach Jetty to determine feasibility, including Fauna & Flora surveys and Aboriginal Heritage Assessments.
- This will then provide sufficient information to workshop the options with Councillors and have a reasonable idea of practical issues, rough costs, and the like.
- The workshop with councillors should provide direction on Council's appetite to progress further development of these options, including public consultation.
- Council workshop will either be next month or January.
- Community consultation, subject to the outcomes of the workshop, will occur early 2024.

7. Reports from Council

7.1 Mayor's Communications

The Mayor's communications were as follows:

18/10 Meeting regarding river transport opportunities for Brighton LGA.

19/10 Online briefing regarding Draft TFES Bill.

24/10 Meeting with Brighton Football Club.

1/11 LGAT General Meeting.

1-2/11 LGAT Conference.

3/11 Meeting regarding Greater Hobart Committee.

3/11 Meeting regarding ferries for Brighton LGA.

7/11 Community Development Committee Meeting.

7/11 Finance Committee Meeting.

7/11 Planning Authority Meeting.

7/11 Council Workshop.

13/11 Meeting with Jane Howlett MP.

20/11 STCA Mayor's Roundtable Meeting.

20/11 STCA AGM.

21/11 Citizenship Ceremony.

21/11 Council Meeting

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Geard moved, Cr Curran seconded that the Mayor's communications be received.

CARRIED

VOTING RECORD

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

7.2 Reports from Council Representatives

- Cr Geard chaired a meeting at the Dromedary Hall in relation to fire preparedness. Council’s Director Asset Services was also in attendance.
- Cr Geard – ‘Safer Place’ – meeting at Sorell
- Cr Geard – Hobart Fire Brigade meeting - re burn plans.
- Cr Geard – Jen Butler visited the SES Brighton unit recently.

RECOMMENDATION:

That the verbal reports from Council representatives be received.

DECISION:

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

CARRIED

VOTING RECORD

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

8. Miscellaneous Correspondence

- Letter from Deputy Premier Michael Ferguson MP dated 11th October 2023 regarding Back Tea Tree Road and Brighton-Cambridge freight route.
- Letter from Minister for Local Government dated 8th November 2023 regarding proposed framework for managing conflicts of interest for Councillors.

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 had been held since the previous Ordinary Council meeting.

A workshop was held on the 7th November 2023 at 6.00 pm to receive an update on Planning Reforms from the Director, Development Services.

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

10. Notices of Motion

10.1 Enhancing transparency: Audio Recording of Council Committee Meetings

Cr Aaron De La Torre has submitted the following motion:

“That Council implement audio recording of all Council committee meetings, in addition to Ordinary Council Meetings and Planning Authority meetings. Such recordings are to be made accessible to the public in the same manner as existing recordings, providing a more transparent and accountable record of our decision-making processes; and

That changes to Policy 7.11 (Audio Recording of Council & Planning Authority Meetings) be drafted so as to enact such changes across all Council committee meetings for presentation to Council at the December Ordinary Council Meeting for endorsement”.

Background comments from Cr De La Torre:

Currently, Council records audio from Ordinary Council Meetings and Planning Authority meetings. This practice demonstrates our commitment to transparency and accountability in our decision-making processes. Extending this practice to Council committee meetings aligns with these principles.

Whilst a decision was made by a previous Council to only record Ordinary Council Meetings and Planning Authority meetings, as formal decisions are not made in committee meetings, all of the debate and discussion around these decisions takes place within the committee meetings. Following this, decisions are simply formally adopted by Council at the next Ordinary Council Meeting and there is generally little to no discussion around these items.

As a result, Council committee meetings play a crucial role in the decision-making process. The recommendations coming from these committee meetings often represent the result of significant discussions and debate from Council members, as well as the detailed explanations provided by Council's Officers.

The audio recording of Council committee meetings will bridge the gap in available information for members of the public who cannot attend these meetings in person. It ensures that individuals who are unable to be physically present have access to the discussions and decisions made during these meetings, contributing to a more inclusive and transparent governance process.

Committee meetings are open to the public and do not discuss confidential information, therefore making the audio recordings available will further enhance transparency and allow the public to review the proceedings at their convenience. These recordings will also serve as a historical record that can be referred to later, providing a comprehensive view of the council's deliberations and recommendations.

Recording committee meetings will promote public engagement, foster trust in our decision-making processes, and demonstrate our commitment to open government. It will empower the public to stay informed. Adopting this motion, recording and sharing committee meetings will promote transparency, accountability, and accessibility in our decision-making processes and will support good governance.

General Manager’s Comment:

There are no operational, cost or risk issues identified by staff if the motion were to be implemented. If supported by Council, the changes can be quickly implemented.

DECISION:

Cr De La Torre moved, Cr Owen seconded that Council implement audio recording of all Council committee meetings, in addition to Ordinary Council Meetings and Planning Authority meetings. Such recordings are to be made accessible to the public in the same manner as existing recordings, providing a more transparent and accountable record of our decision making processes; and

That changes to Policy 7.11 (Audio Recording of Council & Planning Authority Meetings) be drafted so as to enact such changes across all Council committee meetings for presentation to Council at the December Ordinary Council Meeting for endorsement.

CARRIED

VOTING RECORD

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

11. Consideration of Supplementary Items to the Agenda

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

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

RECOMMENDATION:

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

DECISION:

Cr De La Torre moved, Cr Whelan seconded that Council resolve by absolute majority to deal with **Item 14.9 Bridgewater Bridge Northern Interchange Precinct Master Plan** as reported by the General Manager in accordance with the provisions of the Local Government (Meeting Procedures) Regulations 2015.

CARRIED

VOTING RECORD

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

Cr Murtagh moved, Cr Owen seconded that Item 14.6 be brought forward and discussed.

CARRIED

VOTING RECORD

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

Item 14.6 was discussed; for the purpose of these Minutes the items will remain in numerical order.

12. Reports from Committees

12.1 Community Development Committee - 7 November 2023

The recommendations of the Community Development Committee of 7 November 2023 are submitted to Council for adoption.

RECOMMENDATION:

That the recommendations of the Community Development Committee be adopted.

DECISION:

Cr De La Torre moved, Cr Geard seconded that the recommendations of the Community Development Committee be adopted.

CARRIED

VOTING RECORD

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

12.2 Finance Committee - 7 November 2023

The recommendations of the Finance Committee of 7 November 2023 are submitted to Council for adoption.

RECOMMENDATION:

That the recommendations of the Finance Committee be adopted.

DECISION:

Cr Curran moved, Cr Whelan seconded that the recommendations of the Finance Committee be adopted.

CARRIED

VOTING RECORD

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

13. 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 13 on this agenda, inclusive of any supplementary items.

Cr Whelan moved, Cr Owen seconded that Council suspending standing orders.

CARRIED

VOTING RECORD

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

13.1 Development Application DA 2023/58 - Storage (Warehouse) at 1 Letitia Grove, Bridgewater

Author: J Blackwell (Senior Planner)

Authorised: D Allingham (Director Development Services)

Applicant:	CGJ Properties Pty Ltd
Subject Site:	1 Letitia Grove, Bridgewater
Proposal:	Storage (Warehouse)
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	General Business
Codes:	Signs Code - C1.0 Parking and Sustainable Transport Code - C2.0 Road and Railway Assets Code - C3.0
Local Provisions:	BRI-15.0 - General Business Zone Local Area Objectives
Use Class:	Storage
Discretions:	15.1 Zone Purpose 15.2 Use Table

	<p>15.3.2 A1 & A2 – Discretionary Use</p> <p>15.4.2 A1 – Setback</p> <p>15.4.3 A1 – Building Design</p> <p>15.4.3 A2 – Building façade</p> <p>15.4.4. A1 - Fencing</p> <p>C1.6.1 Design and Siting of signs</p> <p>C1.6.2 Illuminated signs</p> <p>C2.6.2 Design and layout of car parking areas</p> <p>C2.6.4 Lighting of parking areas in GBZ</p> <p>C2.6.8 A1 Siting of parking and turning areas</p> <p>C3.5.1 - Traffic Generation at a vehicle crossing, level crossing or new junction</p>
Representations:	Nil
Recommendation	Refusal

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2023/58.

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. BACKGROUND

This report was initially presented to the Planning Authority for determination at its meeting held on 3rd October 2023. The matter was deferred at the request of the Applicant, so that additional information could be presented to the Planning Authority for its consideration.

Attachment D comprises the additional documentation provided to council officers for consideration:

1. Signed and dated planning assessment in the same terms as originally submitted.
2. Updated plans addressing the Parking and Sustainable Transport Code.
3. Report addressing stormwater management.

The officer's report has been amended to incorporate references to the amended documents received.

3. SITE ASSESSMENT

The subject site is vacant land and comprises a land area of 1660m² and is located on the corner of Hurst Street and Letitia Grove, Bridgewater (Figure 1). The land slopes to the south and has existing vehicle access from Letitia Grove. The site is serviced for reticulated water and sewer, as well as gas. There is a TasWater reuse main located along the eastern boundary (Figure 2). A metro bus stop is located adjacent to the northern boundary of the site, near an existing kerb ramp.

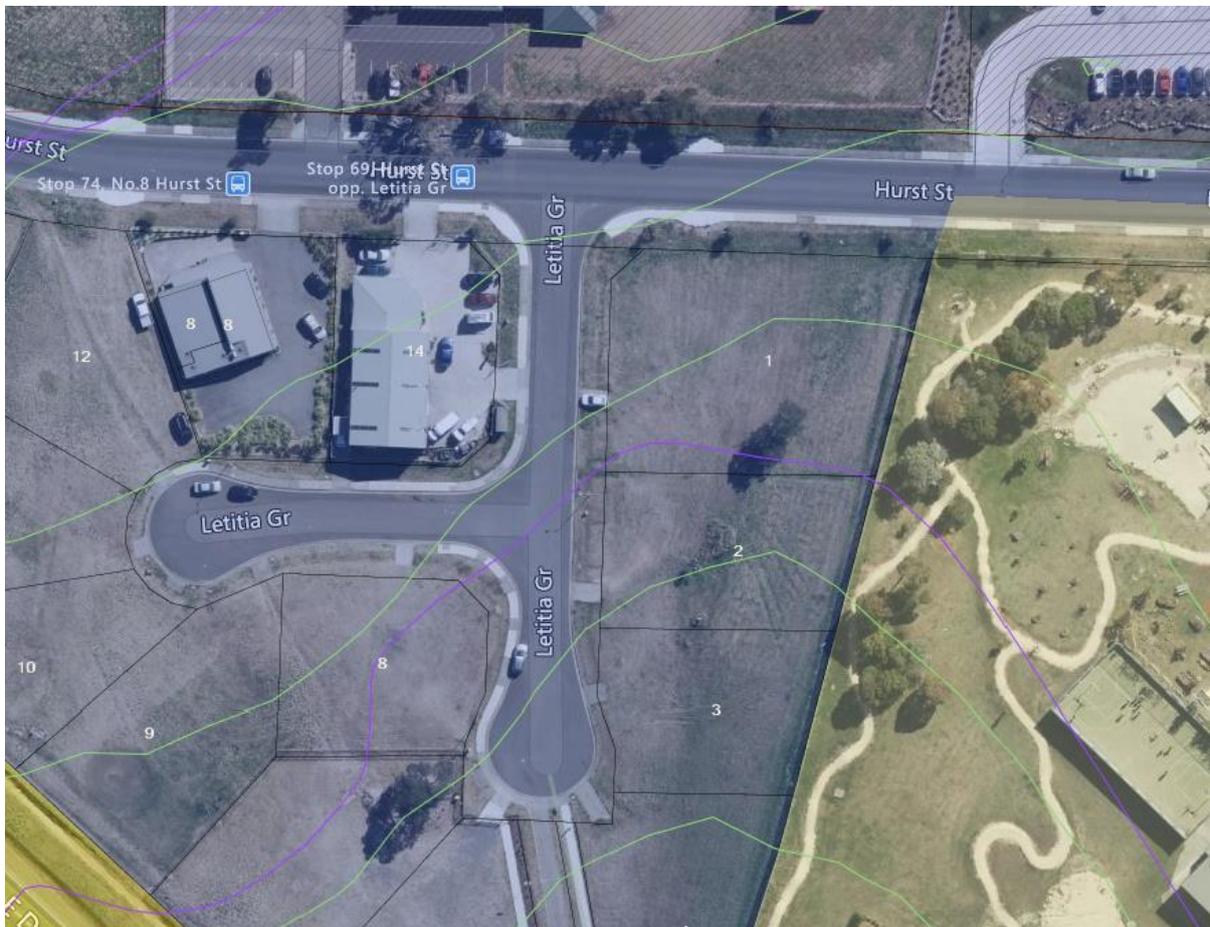


Figure 1: Aerial image of site (source: Brighton Council)

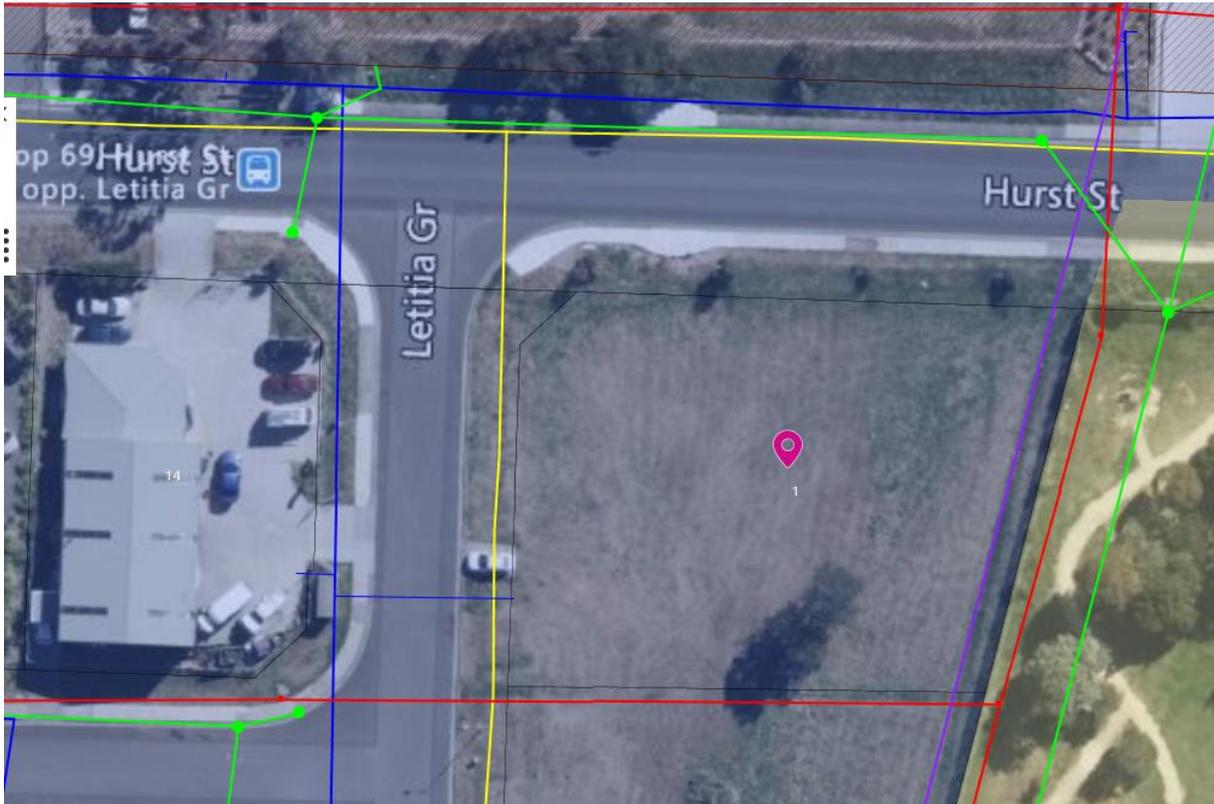


Figure 2: servicing provision (source: Spectrum Spatial Analyst (SSA), Brighton Council)

The land is zoned General Business, as shown in figure 3. The eastern boundary adjoins the St Pauls Catholic Primary School, which is zoned community purpose.



Figure 3: Zoning map (source: Listmap)

4. PROPOSAL

The proposal is for a warehouse 30.0m x 24.4m x 9.3m high with an entry annex. Vehicle access will be solely off Letitia Grove. The warehouse will provide street access to an office space from Hurst Street as shown on the northern elevation, and vehicle access from Letitia Grove (refer western elevation).

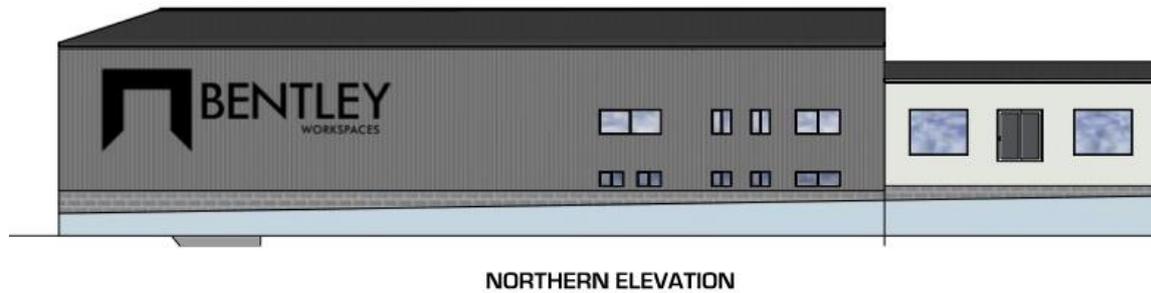


Figure 4: Proposed Northern elevation (source: Application Documents)



Figure 5: Proposed western elevation (source: application documents)

The plans shown 5 car parking spaces in the frontage between the Letitia Grove boundary and the warehouse, two of which will be located under the proposed office space.

The application is supported by the attached plans and schematic drawings, together with a supporting statement prepared by Ian Stanley.

5. 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 Storage under the Scheme. In the General Business Zone the “Storage” use class is discretionary. Further, Clause 6.2.2 of the Scheme notes that “a use or development that is directly associated with and a subservient part of another use on the same site must be categorised into the same Use Class as that other use.” Accordingly the proposed office space will also be classed as storage.

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

15.1 Zone Purpose

The purpose of the General Business Zone is:

- 15.1.1 *To provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania's main suburban and rural centres.*
- 15.1.2 *To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.*
- 15.1.3 *To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.*
- 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.*

The proposal is considered to be inconsistent with the above because the proposed storage use:

- does not provide for business, retail, administrative, professional, community and entertainment functions.
- compromises the activity centre hierarchy, and
- does not encourage activity at pedestrian levels, nor does it provide for an active street frontage.

Compliance with Performance Criteria

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

Clause 15.3.2 A1/P1 Discretionary Uses

Objective:	
That uses listed as Discretionary do not compromise or distort the activity centre hierarchy.	
Acceptable Solution	Performance Criteria
No Acceptable Solution	P1 A use listed is discretionary must: <ul style="list-style-type: none"> (a) not cause an unreasonable loss of amenity to properties in adjoining residential zones; and (b) be of an intensity that respects the character of the area.

The proposal is for a discretionary use (storage). As there is no acceptable solution to address, assessment against the performance criteria is relied upon.

The proposal is for a warehouse, which is not intended to be open to the public (pers. communication, A Shedden, 2023). It provides for a small office space accessible from Hurst Street, with vehicle access located from Letitia Grove. Preliminary documents provided to council but not formally submitted suggest that there will be one full-time employee at the site and no sales available from the site.

The applicant provided an undated and unsigned submission prepared by Ian Stanley to address the activity centre hierarchy. That statement is included as part of the application documents (pp 30-32). Subsequent to the deferral of this application at the Planning Authority meeting on 3rd October, a signed and dated copy of Mr Stanley’s statement has been received. There have been no other changes to the statement provided.

In considering the performance criteria and Mr Stanley’s submission, it is considered that P1(a) can be satisfied given the proximity to the nearest residential development.

In relation to P1(b), the scale of the proposed development is similar to existing structures in Hurst Street, such 9-11 Hurst Street (medical centre) and 13 Hurst Street (Childcare Centre), albeit with much smaller site coverages than that proposed with this application. As noted by Mr Stanley, there is an eclectic mixture of uses within the Cove Hill general business zone. However, each of the existing uses within close proximity of the proposed development are businesses which provide a service to the community, whether for mechanical repairs, beauty services, multicultural services, general retail, food services, medical services or child care services. The same can be applied to other approved uses in Bridgewater’s General Business Zone. In contrast, the proposed use will not be available to the public and is to be used for the sole purpose of storing office furniture, and the assembly of same as required.

The proposal must also be in alignment with the Local Area Objectives as set out in the Brighton Local Provisions Schedule of the Planning Scheme. Clause BRI-15.0 provides LAO’s for Cove Hill as shown on an overlay map BRI-15.2 as follows:

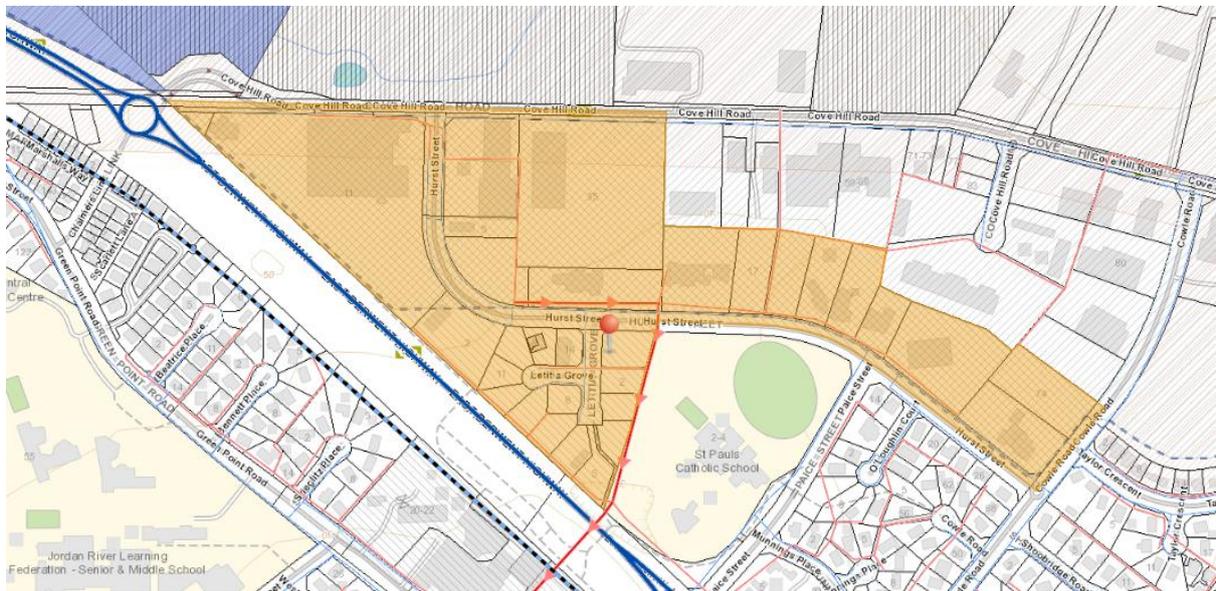


Figure 6: Overlay Map – BRI 15.2 - General Business Zone Local Area Objectives (source: Listmap)

The Local Area Objectives for the Cove Hill area are:

BRI-15.0 General Business Zone Local Area Objectives

<p>Bri-15.2</p>	<p>Cove Hill, shown on an overlay Map as BRI-15.2</p>	<p>To develop Cove Hill as a bulky goods and larger format retailing focal point. Larger speciality format retailing and support services to include supermarkets, hardware, discount department stores, camping, disposals, clothing, furniture, lighting, cafes, restaurants and entertainment facilities are to be concentrated at Cove Hill</p>
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As the proposed use is not for any of the uses outlined in the LAO, and existing uses are ones that provide a service to the community, it is considered that the proposal is in conflict with the intensity of the character of the area.

Accordingly, the PC is not satisfied as the proposed use is not of an intensity that respects the character of the area.

Clause 15.3.2 A2/P2 Discretionary Uses

Objective:	
That uses listed as Discretionary do not compromise or distort the activity centre hierarchy.	
Acceptable Solution	Performance Criteria
No Acceptable Solution	<p>P1 A use listed as discretionary must not compromise or distort the activity centre hierarchy, having regard to:</p> <ul style="list-style-type: none"> (a) The characteristics of the site; (b) The need to encourage activity at pedestrian levels; (c) The size and scale of the proposed use; (d) The functions of the activity centre and surrounding activity centres; and (e) the extent that the proposed use impacts other activity centres.

The proposal is for a discretionary use (storage) under Table 15.2 of the Scheme. As there is no acceptable solution, assessment against the performance criteria is relied upon.

The applicant relies on the submission prepared by Ian Stanley to address the activity centre hierarchy. That statement is included as part of the application documents (pp 30-32) and Attachment D.

The planning scheme includes the following definitions:

Term	Definition
<i>Activity Centre</i>	means a place that provides a focus for retail, commercial, services, employment and social interaction in cities and towns;
<i>Activity Centre Hierarchy</i>	Means the activity centre network or hierarchy referred to in a relevant regional land use strategy

Business and Professional Services	<i>Use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, residential support services, travel agency and veterinary centre.</i>
General Retail and Hire	<i>use of land for selling goods or services, or hiring goods. Examples include an adult sex product shop, amusement parlour, beauty salon, betting agency, bottle shop, cellar door sales, commercial art gallery, department store, hairdresser, market, primary produce sales, local shop, shop, shop front dry cleaner and supermarket</i>
Storage	<i>use of land for storage or wholesale of goods, and may incorporate distribution. Examples include boat and caravan storage, self storage, contractors yard, freezing and cool storage, liquid fuel depot, solid fuel depot, vehicle storage, warehouse and woodyard.</i>

Whilst the use of the area is comprised of mixed uses, those uses are predominantly characterised by retail, commercial and service providers, which are permitted uses within the zone and address the Local Area Objectives for the Cove Hill area. Generally speaking, the Cove Hill shopping area provides tenancies relating to general retail and hire including newsagent, supermarket, butcher, fast food outlets, discount department stores, newsagency, op-shops, beauty services, as well as medical care, child care, and religious services.

Objectives for Discretionary Uses (15.3.2 A2/P2)

The objective of the standards relating to Discretionary uses is to ensure that "uses listed as Discretionary do not compromise or distort the activity centre hierarchy". As noted above, the activity centre hierarchy is defined by the network or hierarchy referred to in a relevant regional land use strategy. The Southern Tasmanian Regional Land Use Strategy (STRLUS) is the relevant regional land use strategy.

STRLUS

STRLUS is a broad policy document that has been implemented to facilitate and manage change, growth and development within Southern Tasmania for the period 2010-2035. It is a document which provides comprehensive land use policies and strategies for the southern region. Page 85 of STRLUS defines the role and functions of activity centres:

“Activity Centres provide the focus for services, employment and social interaction in cities and towns. They provide a broader function than just retail and commercial centres, they are also community meeting places, centres of community and government services, locations for education and employment, settings for recreation, leisure and entertainment activities, and places for living through new forms of higher density housing with good levels of amenity...”

STRLUS (p88) has identified Bridgewater as a major activity centre, which has the various roles and functions as shown in figure 6 below.

MAJOR ACTIVITY CENTRE		
Role	To serve the surrounding district and provide a range of convenience goods and services as well as some community services and facilities.	Moonah Bridgewater (Greenpoint)
Employment	Provides a focus for employment at the LGA level, primarily in retailing, but complemented by a range of office based employment mainly in professional and personal services	
Commercial including retail	At least 1 major supermarket, a range of speciality shops and secondary retailing. May contain small discount department store. Office spaces are limited to small-scale finance, banking, insurance, property, and professional services.	
Government Services & Community infrastructure	Community Hall, Community Health Centres, some urban community space, Private Medical Centre, may include some social services such as Service Tasmania or Centrelink Customer Service Centre. Educational facilities either within or in close proximity are highly desirable. Should be centre of Local Government services within the relevant LGA, if no primary or principal activity centre exists in that LGA.	
Residential	Some shop-top residential and increased density of surrounding residential area should be encouraged if located in an inner urban environment.	
Entertainment	Includes some night-time activities, focussed on dining.	
Access	High quality bus services linking from residential catchment. If locationally possible, should be linked with other public transport modes.	
Catchment	Complements the Primary and Principal Activity Centres. Generally an LGA wide catchment, although may attract people from adjacent LGAs.	

Figure 7: Roles and functions of a Major Activity Centre, STRLUS, p. 88

In contrast, Industrial land use (STRLUS p.81) is defined as relating to

“the manufacturing, assembling, processing, storage and distribution of products and goods. It can include wholesaling and retailing of goods...”

which is more akin to the use proposed for this site.

STRLUS also requires the amenity of activity centres to be protected from the utilisation of land in the activity centre for industrial purposes which may then compromise the mixed use objectives of an Activity Centre.

More specifically, the relevant regional policies identified in STRLUS, applicable to this proposal are:

AC1 Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible, regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.

AC1.1 Implement the Activity Centre Network through the delivery of retail, commercial, business, administration, social and community and passenger transport facilities.

- AC 1.2 Utilise the Central Business, General Business, Local Business Zones to deliver the activity centre network through planning schemes, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.
- AC 1.8 Ensure that new development and redevelopment in established urban areas reinforce the strengths and individual character of the urban area in which the development occurs.
- AC 1.11 Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within planning schemes.

The applicant has submitted that the proposal is a commercial use, however in accordance with the scheme, and based on the information provided that the intended use is for the storage of goods, with no sales to occur from the site, the proposed use cannot satisfy the definition for ***Business and Professional Services*** as defined above. In this case, the business (office) component of the proposal is subservient to the dominant storage use, as it would not exist without the storage use (refer clause 6.2.2 of the Scheme, previously outlined).

The applicant submits that *"the activity centre will not be enhanced by encouraging activity at pedestrian level"*. This assertion is not accepted. The City of Sydney¹ defines an active frontage as

"a continuous business or retail use that open directly to the footpath. These uses provide activity on the streets, they enhance public security and passive surveillance and improve the amenity of the public domain by pedestrian activity. They also assist in supporting the economic viability of the street".

Heffernan et al² expand that definition to identify that an active frontage can significantly affect people's perceptions of a public space in terms of its safety, comfort, sociability and liveliness.

In relation to P2(c), the applicant submits that the size and scale of the proposed development is consistent with other developments (ie the big box shopping centre). There is a mix of size and scale provided in the Cove Hill shopping area. However in contrast, the other developments have a lesser site coverage overall and are approved for permitted uses such as those outlined above or, in some cases, approved under previous planning scheme/s.

Accordingly, it is considered that the proposal cannot satisfy the performance criteria as it is considered to compromise the activity centre hierarchy.

¹ <https://www.cityofsydney.nsw.gov.au/>

² Heffernan, E; Heffernan T and Pan, W (2014) "The relationship between the quality of active frontages and public perceptions of public spaces", *Urban Design International*, 19 (1), 92-102.

Clause 15.4.2 A1/P1 Setback

Objective:	
That building setback: <ul style="list-style-type: none"> (a) is compatible with the streetscape; (b) does not cause an unreasonable loss of residential amenity to adjoining residential zones; and (c) minimises opportunities for crime and anti-social behaviour through setback of buildings. 	
Acceptable Solution	Performance Criteria
A1 Buildings must be: <ul style="list-style-type: none"> (a) built to the frontage at ground level; or (b) have a setback of not more or less than the maximum and minimum setbacks of the buildings on adjoining properties. 	P1 Buildings must have a setback from a frontage that is compatible with the streetscape and minimises opportunities for crime and anti-social behaviour, having regard to: <ul style="list-style-type: none"> (a) providing small variations in building alignments to break up long facades; (b) providing variations in building alignment appropriate to provide a forecourt or space for public use such as outdoor dining or landscaping; (c) the avoidance of concealment spaces; (d) the ability to achieve passive surveillance; and (e) the availability of lighting.

The proposal provides for a northern setback of 2m increasing to 3.3m on the western end of the site, disregarding the corner truncation. The setback to the western boundary from the office is approximately 2.5m and 13m+/- from the warehouse. Adjoining land to the south is vacant.

The land to the east is used for St Pauls Catholic Primary School (SPCPS) and is zoned Community Purpose. The sports fields for the school are adjacent to the subject site. The entrance to the school is from Paice Street, which has a 0m setback to the frontage.

Accordingly, the proposal does not satisfy the Acceptable Solution and the performance criteria must be satisfied.

In addressing the performance criteria, it is considered that the proposal addresses crime prevention through environmental design (CPTED) by providing a slight variation in the building where the warehouse meets the office space but limiting concealment spaces on each façade. The low height of the proposed retaining walls along Letitia Grove also minimise any concealment spaces.

The area provided for landscaping (2 – 3m deep) will restrict the type of landscaping that can be provided on the site. However, trees have been established in the road reserve by Council, which will assist in enhancing the visual appeal of the building, should the proposal be approved. Further, the elevations show windows from the office space, which could provide opportunities to achieve passive surveillance, should the office be in use. Solar security lighting is proposed for each corner of the proposed building.

Accordingly, the PC is satisfied with conditions.

Clause 15.4.3 A2/P2 Design (Façade)

Objective:	
That building façades promote and maintain high levels of pedestrian interaction, amenity and safety and are compatible with the streetscape.	
Acceptable Solution	Performance Criteria
<p>A1 New buildings or alterations to an existing façade must be designed to satisfy all of the following:</p> <ul style="list-style-type: none"> (a) provide a pedestrian entrance to the building that is visible from the road or publicly accessible areas of the site; (b) if for a ground floor level façade facing a frontage: <ul style="list-style-type: none"> (i) not have less than 40% of the total surface area consisting of windows or doorways; or (ii) not reduce the surface area of windows or doorways of an existing building, if the surface area is already less than 40% (c) if for a ground floor façade facing a frontage, must 	<p>P1 New buildings or alterations to an existing façade must be designed to be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> (a) how the main pedestrian access to the building addresses the street or other public places; (b) windows on the façade facing the frontage for visual interest and passive surveillance of public spaces; (c) architectural detail or public art on large expanses of blank walls on the façade facing the frontage and other public spaces so as to contribute positively to the streetscape and public spaces. (d) Installing security shutters or grilles over windows or doors on a façade facing the frontage or other public spaces only if essential for the security of the premises and any other alternatives are not practical; and

<ul style="list-style-type: none"> (i) not include a single length of blank wall greater than 30% of the length of façade on that frontage; or (ii) not increase the length of an existing blank wall, if already greater than 30% of the length of the façade on that frontage; and (d) provide awnings over a public footpath if existing on the site or on adjoining properties. 	<ul style="list-style-type: none"> (e) The need for provision of awnings over a public footpath.
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The plans show less than 40% of the total surface area for the proposal comprises windows or doorways, at ground level, with less than 10% of the surface area being shown for the northern (Hurst Street) façade, and a lesser amount for the Letitia Grove façade. Therefore assessment against the performance criteria is relied upon.

The PC requires that new buildings must be designed to be compatible with the existing streetscape. The nearby businesses appear to have been designed to provide their entrances as a focal point for their customers, with car parking close to the main pedestrian accesses (see Figure 9).

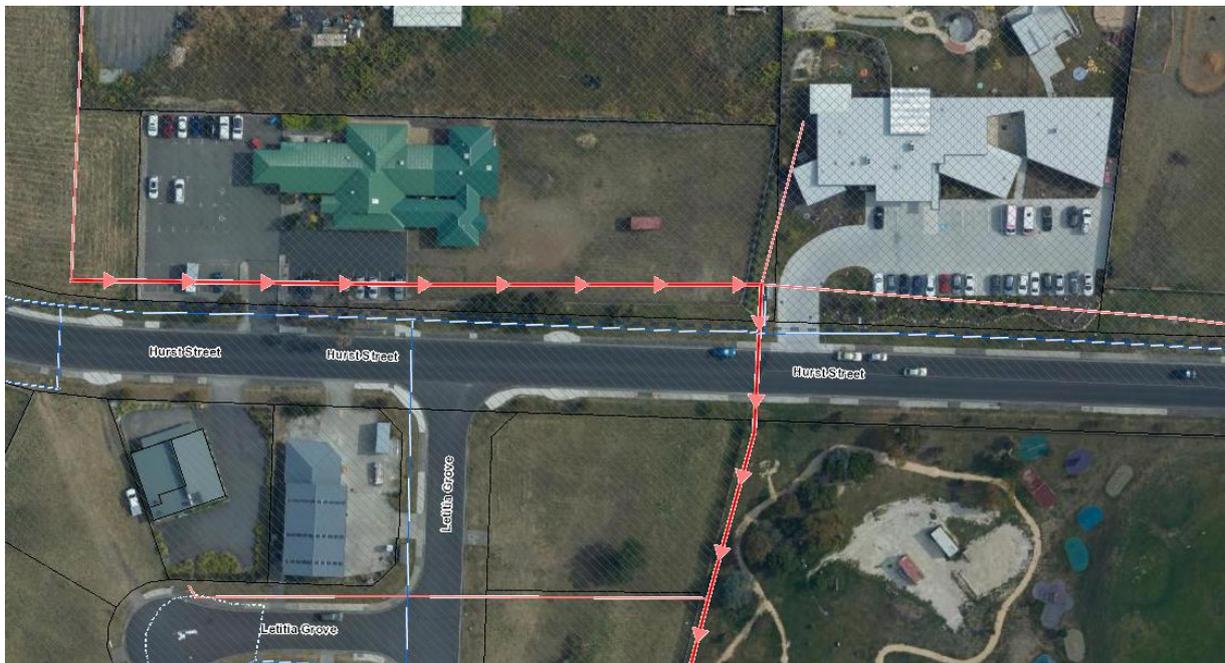


Figure 8: - Existing businesses with close proximity to the subject site (Source: Listmap)

The main pedestrian access for the proposed building is located at the western end of the building, accessible from Hurst Street, with the windows provided in the office space providing opportunities for passive surveillance. There appears to be an additional entrance to the office space from the sub-floor area adjacent to car parking space number 2 (refer drawing no: 23020/8). However, no internal footways for pedestrians are shown on the plan.

The applicant has included signage on both sides of the building to break up the expanse of surface area on each elevation, as shown in figures with both signs to be illuminated. The plans also show the surface area of the northern elevation broken up with the installation of alternate coloured Colorbond “Monument”, with the main of the warehouse to be Colorbond “Bluegum” and use of alternate cladding; the office space is to be clad in Axon cladding, again in “Bluegum”.

There is no requirement for an awning over public land, given the 2m+/- building setback to the Hurst Street frontage.

It is considered that the proposal can satisfy the PC.

Clause 15.4.4. A1/P1 Fencing

Objective:	
That fencing:	
(a) is compatible with the streetscape; and	
(b) does not cause an unreasonable loss of residential amenity to adjoining residential zones	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1 a fence (including a free-standing wall) within 4.5m of a frontage must contribute positively to the streetscape, having regard to: (a) its height, design, location and extent; (b) its degree of transparency; and (c) the proposed materials and construction

The proposal provides for a 2.0m high, black SHS (square hollow section) boundary fence, as shown on the landscaping plan. Whilst there is no acceptable solution to address, there is an exemption provided in the planning scheme which allows for:

“4.6.3 Fences (including free-standing walls) within 4.5m of a frontage, if located in:

- (a) the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General*

Business Zone, Central Business Zone, Commercial Zone or any particular purpose zone, and if not more than a height of:

- (i) 1.2m above existing ground level if the fence is solid; or*
- (ii) 1.8m above existing ground level, if the fence has opening above the height of 1.2m, which provide a uniform transparency of at least 30% excluding any posts or uprights) ...”*

The proposal for a 2.0m high SHS security fence exceeds the height provided by the exemption in clause 4.6.3 of the Scheme, so the performance criteria must be considered.

As outlined above, the applicant proposes a black 2.0m high SHS security fence and sliding gate. The applicant has not specified the minimum transparency to be applied to the fence. However, it is considered that a condition could be included in any permit approved that requires details of the proposed fencing, not less than 30% transparency and able to support passive surveillance of the public realm, is to be provided to the Director Development Services for approval prior to commencement of any works.

Accordingly, the PC is satisfied with conditions.

Clause C1.6.1 A1/P1 Design and Siting of Signs

Objective:	
That	
(a) signage is well designed and sited; and	
(b) signs do not contribute to visual clutter or cause an unreasonable loss of visual amenity to the surrounding area	
Acceptable Solution	Performance Criteria
A1 A sign must:	P1.1
(a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and	A sign must:
(b) meet the sign standards for the relevant sign type set out in Table C1.6,	(a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and
excluding for the following sign types for which there is no Acceptable Solution:	(b) be compatible with the streetscape or landscape having regard to:
(i) roof sign;	(i) the size and dimensions of the sign;
(ii) sky sign; and	(ii) the size and scale of the building upon which the sign is proposed;
(iii) billboard	(iii) the amenity of the surrounding properties;
	(iv) the repetition of messages or information;

	<p>(v) the number and density of signs on the site and on adjacent properties; and</p> <p>(vi) the impact on the safe and efficient movement of vehicles and pedestrians.</p> <p>P1.2 – Not applicable as the proposed sign is not a roof sign, sky sign or billboard</p>
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The Signs Code allow wall signs as permitted in the General Business Zone if they meet the following criteria:

- (a) *Must not extend beyond the wall or above the top of the wall to which it is attached;*
- (b) *Have a maximum area of 4.5m²*
- (c) *Must not occupy more than 25% of the wall area*

The proposal is for two (2) illuminated wall signs, one measuring 7.5m x 2.5m (18.75m²) and the other being 4.5m x 1.8m (8.1m²), as shown in the application documents, which does not satisfy the acceptable solution. Therefore assessment against the performance criteria is relied upon.

There is only one sign proposed for each wall, in a general business zone which does not adjoin a residential area. It is not considered that the proposed signage will impact on the save and efficient movement of vehicles and pedestrians nor does it conflict with existing signage in the area.

Accordingly, the PC is satisfied.

Clause C1.6.2 A1/P1 Illuminated Signs

<p>Objective:</p> <p>That:</p> <ul style="list-style-type: none"> (a) illuminated signs are compatible with the streetscape; (b) the cumulative impact of illuminated signs on the character of the area is managed, including the need to avoid visual disorder or clutter of signs; and (c) any potential negative impacts of illuminated signs on road safety and pedestrian movement are minimised.

Acceptable Solution	Performance Criteria
A1 No Acceptable solution	<p>P1 An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> (a) the location of the sign (b) the size of the sign; (c) the intensity of the lighting; (d) the hours of operation of the sign; (e) the purpose of the sign; (f) the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity; (g) the intended purpose of the changing message of the sign; (h) the percentage of the sign that is illuminated with changing messages; (i) the proposed dwell time; and (j) whether the sign is visible from the road and the proximity to and impact on an electronic traffic control device.

There is no acceptable solution, so the performance criteria must be addressed.

The proposal provides for two illuminated wall signs (18.75m² and 8.1m²), one for each street frontage. There is no impact on residential amenity given the orientation and separation distances to the nearest residential uses, and limited impact on any view corridors or the natural environment given the existing zoning and uses.

The applicant has not proposed operating hours for the proposed signs. As the separation distance to residential uses is in excess of 200m to the east and south, and the proposed signage is facing north and west, this is not considered to be an issue. There nearest electronic traffic control devices is located on the East Derwent Highway near the school crossing, approximately 500 away, which will not be affected.

Accordingly, the PC is satisfied.

Clause C2.5.1 A1/P1 Car Parking Numbers

The original proposal plans, as advertised, showed five (5) car parking spaces. The site area is 1660m², and the parking requirement in Table C2.1 requires 1 car parking space for each 200m² of site area. Accordingly, to satisfy the acceptable solution, nine (9) car parking spaces would be required. Therefore, assessment against the performance criteria was relied upon in the initial assessment.

Subsequent to the deferral of the application, the applicant submitted amended plans which showed that the required 9 car parking spaces could be provided on the site, in compliance with the acceptable solution.

Accordingly, the performance criteria can be satisfied.

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

Objective:	
That parking areas are designed and laid out to provide convenient, safe and efficient parking.	
Acceptable Solution	Performance Criteria
<p>A1.1 Parking, access ways, manoeuvring and circulation spaces must either:</p> <p>(a) comply with the following:</p> <p>(i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;</p> <p>(ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces;</p> <p>(iii) have an access width not less than the requirements in Table C2.2;</p> <p>(iv) have car parking space dimensions which satisfy the requirements in Table C2.3;</p> <p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in</p>	<p>P1</p> <p>All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <p>(a) the characteristics of the site;</p> <p>(b) the proposed slope, dimensions and layout;</p> <p>(c) useability in all weather conditions;</p> <p>(d) vehicle and pedestrian traffic safety;</p> <p>(e) the nature and use of the development;</p> <p>(f) the expected number and type of vehicles;</p> <p>(g) the likely use of the parking areas by persons with a disability;</p> <p>(h) the nature of traffic in the surrounding area;</p> <p>(i) the proposed means of parking delineation; and</p> <p>(j) the provisions of Australian Standard AS2890.1:2004 - Parking facilities, Part</p>

<p>Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.¹</p>	<p>1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities</p>
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By virtue of the amended plans submitted by the Applicant following the deferment of the application at the October planning authority meeting, this clause becomes discretionary due to the design and layout of the proposed additional parking spaces, access ways, manoeuvring and circulation spaces.

The application was referred to Council's development engineer. That officer has advised that it is "unclear from the information provided whether the turning of all car parking spaces and delivery vehicles complies with the Acceptable Solution." However, that officer considers that given the available space, the proposal can satisfy the performance criteria with conditions.

Accordingly the PC can be satisfied.

Clause C2.6.4 A1/P1 Lighting within General Business Zone and Central Business Zone

Objective:	
<p>That parking and vehicle circulation roads and pedestrian paths within the General Business Zone and Central Business Zone, which are used outside daylight hours, are provided with lighting to a standard which:</p> <ul style="list-style-type: none"> (a) enables easy and efficient use; (b) promotes the safety of users; (c) minimises opportunities for crime or anti-social behaviour; and (d) prevents unreasonable light overspill impacts. 	
Acceptable Solution	Performance Criteria
<p>A1 In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with Clause 3.1 “Basis of Design” and Clause 3.6 “Car Parks” in Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements.</p>	<p>P1 In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roadways and pedestrian paths, which are used outside daylight hours must be provided with lighting, having regard to:</p> <ul style="list-style-type: none"> (a) enabling easy and efficient use of the area; (b) minimising potential for conflicts involving pedestrians, cyclists and vehicles; (c) minimising opportunities for crime or anti-social behaviour through the creation of concealment spaces; (d) any unreasonable impact on the amenity of adjoining properties through light overspill; and (e) the hours of operation of the use.

The proposal provides for solar security lighting on each corner of the building, which is not considered to satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The proposal was referred to council’s development engineer who notes that the parking areas will be overshadowed by the entry annex above and will require adequate lighting to meet the standard.

It is considered that including a condition can be included in any permit approved for the lighting to meet AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements*.

Accordingly, the PC is satisfied with conditions.

Clause C2.6.8 A1/P1 Siting of Parking and Turning Areas

Objective:	
That the siting of vehicle parking and access facilities in an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone does not cause an unreasonable visual impact on streetscape character or loss of amenity to adjoining properties	
Acceptable Solution	Performance Criteria
A1 Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.	<p>P1 Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas, may be located in front of the building line where this is the only practical solution and does not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <ul style="list-style-type: none"> (a) topographical or other site constraints; (b) availability of space behind the building line; (c) availability of space for vehicle access to the side or rear of the property; (d) the gradient between the front and the rear of existing or proposed buildings; (e) the length of access or shared access required to service the car parking; (f) the location of the access driveway at least 2.5m from a window of a habitable room of a dwelling; (g) the visual impact of the vehicle parking and access on the site; (h) the streetscape character and amenity; (i) the nature of the zone in which the site is located and its preferred uses; and

	(j) opportunities for passive surveillance of the road.
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The proposal provides for parking forward of the building for the primary frontage (Letitia Grove), which does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The subject site is a corner site with the pedestrian access to the building facing the secondary frontage (Hurst Street). There is a TasWater reuse main located along the eastern (rear) boundary.

Given the corner siting, location and wall length of the proposed warehouse, it would be difficult for the applicant to provide sufficient car parking at the rear of the site. Similarly, nearby businesses have all provided parking forward of the building line (Figure 8), which has been offset by landscaping.

The visual impact of the proposed parking area can be mitigated through the requirement for a low height retaining wall that is needed to address the slight slope of the site, in conjunction with the landscaping shown on the landscaping plan. It is recommended that a condition for an amended landscaping plan detailing some larger species trees to be planted along the Letitia Grove frontage be included in any permit approved, to mitigate the visual impact of the parking areas and the scale of the building.

Accordingly, the PC is satisfied with conditions.

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

Objective:	
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction	
Acceptable Solution	Performance Criteria
A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing.	P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to: (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use;

<p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</p> <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p>(c) the nature of the road;</p> <p>(d) the speed limit and traffic flow of the road;</p> <p>(e) any alternative access to a road;</p> <p>(f) the need for the use;</p> <p>(g) any traffic impact assessment; and</p> <p>(h) any advice received from the rail or road authority.</p>
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The proposal will require the widening of the existing vehicle access, for which road authority consent has not been provided pursuant to A1.2. Specific vehicle movements have not been provided with the application to address A1.4. Therefore the proposal does not satisfy the acceptable solution and must be assessed against the performance criteria.

Clause A1.2 requires road authority consent. The application was referred to council's development engineer for assessment. That officer advises that *"consent has not been applied for or granted prior. The applicant has not demonstrated conclusively that entry and exit can occur safely over a double width crossing in accordance with the standard"* and that if road authority consent was applied for based on the current design, it would not be supported.

In relation A1.4, in a preliminary planning submission not formally submitted with the application, the applicant has stated that there will no increase in vehicle movements per day (vmpd), the number of vehicle movements expected to occur has not been identified. It is considered that the number of vehicles under 5.5m in length will be able to satisfy the acceptable solution of 20% or 40 vmpd (whichever is the greater).

However, movements for vehicles exceeding 5.5m are limited to 20% or 5vmpd (whichever is the greater). Given the low thresholds for increased movements for larger vehicles, and the proposal use for storage, the applicant has not demonstrated that it can satisfy the performance criteria.

The amended application is not supported by a traffic impact assessment.

Accordingly, the PC is not satisfied as the proposal:

- (a) will not be granted road authority consent for the cross-over to be widened as currently shown;
- (b) has not demonstrated the required number of vehicle movements per day and any impact on the road network.

6. Referrals

Development Engineer

The proposal was referred to council's development engineer, who has considered the proposal. That officer's comments have been incorporated into this assessment where necessary.

The officer has also considered stormwater management as proposed in the application. That officer notes that there is an intention to develop an impervious surface of 1239m² or 75% of the site and that Council's stormwater network in this vicinity is at capacity, placing a high importance on appropriate detention.

In accordance with a request to demonstrate how treatment and detention was to occur in accordance with the Tasmanian Stormwater Policy Guidance and Standards for Development, the applicant proposes treatment and detention by way of a treatment and detention train model, including a Biofilter treatment and tank detention onsite. However, the applicant has not provided sufficient detail to demonstrate that it can meet the treatment targets, as well as be maintained and operate accordingly.

The applicant has submitted, as part of its amended documentation (refer Attachment D) a statement from Poortenaar Consulting dated 11th October 2023, which proposes a gravity fed Biofilter tank structure to provide treatment and detention. Council's development engineer considers that treatment proposed is lacking detail and the certainty that it can meet the treatment targets, be maintained and operate effectively. The provided Model for Urban Stormwater Improvement Conceptualisation (MUSIC) does not consider hydrocarbon removal therefore specifying a system with specific targets is difficult with the absence of laboratory data that comes with proprietary devices.

The system will rely on gravity to receive stormwater and detain. There is no confidence that the system will accept, detain, and release the volumes required. Further, there is a risk that the system will not deliver the detention required and flood to the neighbouring property.

Accordingly, it is considered that the application should be refused as the applicant is unable to demonstrate that the stormwater management proposed is able to meet that required under the Tasmanian Stormwater Policy Guidance and Standards for Development.

TasWater

The proposal was referred to TasWater for comment. TasWater have issued a Submission to Planning Authority Notice, dated 18th July 2023, reference number TWDA 2023/00393-BTN, which is to be attached to any permit issued by the Planning Authority.

7. Conclusion

The proposal for Storage (Warehouse) at 1 Letitia Grove, Bridgewater in Tasmania, is not considered to satisfy all relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for refusal.

RECOMMENDATION:

That: Pursuant to the *Tasmanian Planning Scheme - Brighton*, Council refuse application DA2023/0058 for Storage (Warehouse) at 1 Letitia Grove, Bridgewater in Tasmania for the following reasons as outlined in the officer's report:

1. That application DA 2023/0058 for Storage (Warehouse):
 - a. is inconsistent with the Zone Purpose in that the proposed use:
 - i. does not provide for business, retail, administrative, professional, community or entertainment functions
 - ii. compromises the activity centre hierarchy; and
 - iii. does not encourage activity at pedestrian levels, nor does it provide for an active street frontage.
 - b. The use does not satisfy the Local Area Objectives for the General Business Zone (Cove Hill) as shown on overlay map BRI-15.2.
 - c. does not satisfy the performance criteria in clause 15.3.2 P1 in that it has not demonstrated that the proposed use is of an intensity that respects the character of the area.
 - d. does not satisfy the performance criteria in clause 15.3.2 P2 in that the proposed use will compromise the activity centre hierarchy.
 - e. does not satisfy the performance criteria in clause C3.5.1 P1 in that it has not demonstrated that the proposal will minimise any adverse effects on the safety of the vehicle crossing or efficiency of the road network.
 - f. does not demonstrate that the stormwater management satisfies the requirements for stormwater treatment and detention in accordance with the Tasmanian Stormwater Policy Guidance and Standards for Development.

Cr Owen moved, Cr De La Torre seconded that Council resume Standing Orders.

CARRIED

VOTING RECORD

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

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

DECISION:

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

MOTION LOST

VOTING RECORD

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

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

Cr Geard moved, Cr Murtagh seconded that the Planning Authority meeting be adjourned to 7.05pm.

CARRIED

VOTING RECORD

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

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

The Planning Authority Meeting resumed at 7.25pm.

DECISION:

Cr Whelan moved, Cr Owen seconded that Council's General Manager engage an external Planner or another Council to prepared/review a draft planning permit for DA2023/0058 for consideration at the 5 December 2023 Planning Authority meeting.

CARRIED

VOTING RECORD

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

Cr Curran had declared an interest in the following item and left the room at 7.25pm

14. Officers Reports

14.1 Request for Donation - Brighton Football Club - Community Movie Night

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

Approved by: General Manager (J Dryburgh)

Background

The Brighton Football Club is organising a community movie night aimed at children aged 8-15 years. It will be held on Friday 1 December as an outdoor event, screened on the electronic scoreboard at the Pontville Park facility. The tickets will be priced at \$10 per child for both movies.

There will be two movies screened that evening: The Grinch and The Elf. The evening will commence at 6pm and finish at 10pm.

The club have secured in kind sponsorship from TFH hire for VMS boards, picket fencing and security bollards.

The club will have approximately 20 volunteers to help with traffic management and security. The movies and sound equipment hire is costing approximately \$1,200 and the club will aim to recover this from the ticket sales.

The Brighton Football Club would like to hire 200 bean bags from the City of Hobart for the event and have asked Brighton Council to consider donating the funds to make this possible. The City of Hobart charge a hire fee of \$12.64 per bean bag (excl. GST), which equates to a total cost of **\$2,780.80 including GST**.

Consultation

General Manager, Director Corporate Services, Community Development Officer.

Risk Implications

Should weather conditions not be favourable on the night, the event may need to be cancelled and the bean bags would not be able to be utilised, resulting in a loss of funds.

Financial Implications

A donation to the Brighton Football Club towards the hire of bean bags for the movie night will need to be accessed from the Community Grants Budget 2023/24.

Strategic Plan

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

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

Social Implications

A community Christmas movie night put on by the Brighton Football Club provides an opportunity to bring the community together to enjoy a recreational space that is being utilised in a different way to day-to-day usage. Provides local entertainment for families and a relatively unique experience in our area, that could be extended to further movie nights throughout the summer/autumn months.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

Not Applicable.

Other Issues

Nil.

Assessment

This is a very worthwhile community event being held by the Brighton Football to bring the community and families together at Christmas time for an evening of entertainment. It provides an opportunity for people to connect with each other and to connect with the Football Club during the festive season. However, it must be noted that the hire of bean bags is not fundamental to the event going ahead. A lower cost alternative that is frequently deployed for outdoor events or performances such as this, is to ask families to bring their own rugs, folding chairs or cushions for the evening. This approach is often taken by not for profit and community organisations wishing to optimise the amount of funds available to run the critical elements of the event.

Options

1. As per the recommendation to approve a small grant of \$500 towards the event.
 2. Approve funding for the full amount requested of \$2,780.80 including GST.
 3. Do not approve any grant funding.
-

RECOMMENDATION:

That Council approve a contribution of \$500 from the Community Grants Budget 2023/24 towards the running of the Brighton Football Club’s family movie night on Friday 1 December, considering the hire of bean bags is not a critical element for the success of the event.

DECISION:

Cr Owen moved, Cr Geard seconded that Council approve a contribution of \$500 from the Community Grants Budget 2023/24 towards the running of the Brighton Football Club’s family movie night on Friday 1 December, considering the hire of bean bags is not a critical element for the success of the event.

CARRIED

VOTING RECORD

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

Cr Curran rejoined the meeting at 7.27pm

14.2 Learnings from the Tas Community Landcare Conference-October 2023

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

Approved by: General Manager (J Dryburgh)

Background

In July 2023, Council approved the funding of two (2) tickets for Landcare Members from the Brighton municipality to attend the Tasmanian Community Landcare Conference, *Building Momentum, turning knowledge into action*, 13-15 October 2023 at the Spring Bay Mill in Triabunna. The cost for 2x full tickets as a bursary purchase was \$1,020.

The two attendees were:

- Michael Casey – local resident and recent graduate of Centacare Evolve Housing’s - Inspiring Future Leaders Program. Michael’s leadership project is ‘Fruit Trees for Brighton’, a small scale, publicly accessible community orchard to be planted in one of our public spaces.
- Malcolm McArthur - Co-ordinator of Friends of Old Beach Foreshore Landcare Group.

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

Part of the bursary requirement was that each attendee provide a short report to Council on their key learnings and take-out from the conference.

Consultation

Derwent Catchment Project – Mel Fazackerley, Community Development & Engagement, Michael Casey and Malcolm McArthur.

Risk Implications

Nil.

Financial Implications

Nil.

Strategic Plan

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

Goal 2: Ensure a sustainable environment.

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

Social Implications

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

Environmental or Climate Change Implications

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

Economic Implications

Not Applicable.

Other Issues

Nil.

Assessment

Attendance at the conference by these two passionate volunteers and community members allowed them to connect, network and learn new ideas based on what is happening within the Landcare community in Tasmania and beyond. It is hoped that these learnings can be utilised within their work here in our communities.

Options

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

RECOMMENDATION:

That Council receives and notes the feedback provided by the two bursary recipients/attendees at the 2023 Tasmanian Community Landcare Conference.

DECISION:

Cr Owen moved, Cr De La Torre seconded Council receives and notes the feedback provided by the two bursary recipients/attendees at the 2023 Tasmanian Community Landcare Conference.

CARRIED

VOTING RECORD

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

14.3 New kennel area and show shed fees - Pontville Park

Author: Director Corporate Services (G Browne)

Background

The show shed at Pontville will soon be completed and available for hire. Due to the shed not being completed in time to be considered in Council’s 2023/24 budget process for the setting of the fees and charges, a hire fee is required for use of the facility.

Given that the dog arena and the show shed are in close proximity to each other, the main users of this area being Tas dogs and Tassie Flying Paws have requested that the areas be hired out as a package.

Consultation

Admin & Facilities Management Officer, Tas Dogs and Tassie Flying Paws

Risk Implications

Nil

Financial Implications

Nil

Strategic Plan

Goal 3 – S3.3 – Community facilities are safe, accessible, and meet contemporary needs.

Social Implications

Nil

Environmental or Climate Change Implications

Nil

Economic Implications

Nil

Other Issues

Nil

Assessment

On completion of the show shed, the area that will be available to users will be doubled. Due to the extra space available to users it would be reasonable to increase the hire fees to account for this. It is proposed that the new fee for the Kennel Area be adjusted from \$45 per hour to \$55 per hour and that the day rate for the space be altered from \$299.00 per day to \$350.00 per day.

Options

1. As per the recommendation.
2. Not accept the recommendation and propose a new fee.

RECOMMENDATION:

That the description in the fees and charges listing be changed from kennel area to kennel area and show shed. That the hire rates be adjusted for kennel area and show shed per hour to \$55.00 and that a new day rate be set for this facility of \$350.00.

DECISION:

Cr Geard moved, Cr Curran seconded that the description in the fees and charges listing be changed from kennel area to kennel area and show shed. That the hire rates be adjusted for kennel area and show shed per hour to \$55.00 and that a new day rate be set for this facility of \$350.00.

CARRIED

VOTING RECORD

In favour	Against
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Cr Curran	
Cr De La Torre	

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

14.4 Development Assessment Panel Framework

Author: Director Development Services (D Allingham)

Background

On 21 July 2023, the Premier announced the development of new legislation to allow certain development applications to be determined by an independent Development Assessment Panel (DAP) appointed by the Tasmanian Planning Commission. The introduction of a DAP framework will provide an alternate approval pathway outside of Councils' decision-making functions with the intent to 'take the politics out of planning' for more complex or contentious development applications.

The Government has prepared the "Development Assessment Panel (DAP) Framework - Position Paper" (see Attachment 1) and are seeking submissions by 30 November 2023.

The proposed framework provides a range of options for both applicants and the planning authority to refer an application to a DAP throughout the assessment process. It also suggests a range of mandatory referral options as well as "discretionary" referral criteria.

The Position Paper puts forward an enhanced role for Ministerial "call-in" powers and the intent for DAP decisions to not have appeal rights at the Tasmanian Civil and Administrative Tribunal (TasCAT).

Council staff supports the concept of a DAP in principle but has several concerns with the proposed DAP framework as outlined in the submission provided at Attachment 2. Key points from the submission are as follows:

- DAP referral trigger should be based on number of representations and where Council has a clear conflict (e.g. Council applications) as these are the most contentious.
- The "choose your own adventure" approach which allows applicants and the planning authority to opt into the DAP process at various stages is not supported.
- DAPs process should mirror the current process, whereby Council officers undertake the entire assessment and then put forward a recommendation to the DAP, rather than the PA.
- Perceived issues with the current process should rely on data rather than anecdotal evidence.
- Ministerial involvement should be avoided if the intent is to depoliticise the planning system.

- The resourcing implications of establishing DAPs need to be further considered in the context of existing shortages in planning and engineering expertise.

Consultation

A workshop with Council on the DAP Framework was held on 7th November 2023. General Manager and Senior Planner have been consulted.

Risk Implications

Providing a submission on the DAP Framework reduces the risk of the Government adopting a framework which has the potential for making the planning system more complex.

Establishment of DAPs have the risk of the need for increased resources, additional costs to Council and the community and impacting on natural justice.

A DAP Framework may help Council and Councillors manage conflicts of interest.

Financial Implications

Nil

Strategic Plan

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

4.2 Be well-governed, providing quality service and accountability

4.3 Ensure strong engagements and relationships to shape the agenda and advocate for our community

Social Implications

Nil

Environmental or Climate Change Implications

Nil

Economic Implications

Nil

Other Issues

Nil

Assessment

The proposed DAP Framework provides for unnecessary complexity in the planning system through a 'choose your own adventure' approach with multiple opportunities to be referred to a DAP through ambiguous criteria.

Council's submission is based on keeping the system simple and generally mirroring what already exists, with DAP referrals only occurring at the end of Council's assessment.

The submission also requests the Government provide further evidence about perceived issues before it makes potentially unnecessary changes to the system.

The recommendation is for Council to endorse the submission provided at Attachment 2.

Options

1. As per the recommendation.
2. As per the recommendation with amendments.
3. Other.

RECOMMENDATION:

That Council endorse the submission on the “Development Assessment Panel (DAP) Framework - Position Paper” as provided in Attachment 2.

DECISION:

Cr De La Torre moved, Cr Curran seconded that Council endorse the submission on the “Development Assessment Panel (DAP) Framework – Position Paper”.

CARRIED

VOTING RECORD

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

14.5 Development Services Budget reallocation

Author: Director Development Services (David Allingham)

Background

In the 2023/24 approved budget, Council approved a Development Services line item of \$150,000 for a Strategic Transport Plan. It was intended that a large component of the Strategic Transport Plan was to investigate the need for key upgrades to the East Derwent Highway and Back Tea Tree Road. The State Government has since announced that they are undertaking corridor studies for these key routes. Other key parts of the Strategic Transport Plan are also now being investigated through other processes, such as Master

Plans (e.g. Old Main Rd/Boyer Rd intersection) and ferry terminals (e.g. Derwent River Master Plan).

Given that a large portion of the intended work is already progressing, Council staff are seeking Council's support to reallocate the funds as follows:

Walking & Cycling Strategy – Approximately \$50K.

A walking & cycling strategy was going to be a key part of the Strategic Transport Plan and is still a critical piece of strategic planning work that is required.

Settlement Strategy – Approximately \$75K

Council will soon have high quality forecast data available from the Outer Hobart Residential Demand and Supply Study which is likely to forecast significant population growth and dwelling demand. A review of the Southern Tasmania Regional Land Use Strategy (STRLUS) is also underway. Preparation of a Settlement Strategy for the Brighton Council area will assist in ensuring Council set the right land use planning strategies to accommodate growth and provide informed input into STRLUS.

Activity Centre Strategy - \$45K (Additional \$15K)

There is currently a \$30K budget allocation for a Commercial Supply & Demand Strategy, however staff would like to increase this to \$45K to prepare an Activity Centre strategy. The Activity Centre Strategy will provide an over-arching framework to inform planning, economic development and decision-making about activity centres in Brighton. This will include direction on existing activity centres as well as the need for new activity centres based on population growth.

Greening Brighton Strategy - \$10K

The existing Greening Brighton Strategy 2016-2021 is due for an update. The Greening Brighton Strategy will set new priorities for street tree planting and other greening projects in the urban environment. It also needs to have greater consideration of climate resilience, biodiversity and ongoing maintenance.

Consultation

The budget reallocation was presented at the Council workshop on 7 November 2023.

Risk implications

There is no risk to Council to reallocate the funds.

Financial Implications

The proposed budget reallocation will avoid duplication of studies undertaken by external entities or through other internal projects.

Strategic plan

This proposal aligns with the following strategies:

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

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

4.4 Ensure financial and risk sustainability

Social implications

Nil

Economic implications

Nil

Environmental or climate change implications

Nil

Other Issues

Nil

Assessment

The proposed budget reallocation will fund much needed strategies to help manage the growth of the municipality and avoids duplication with other external and internal projects.

Options

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

RECOMMENDATION:

It is recommended that Council endorses the reallocation of the \$150,000 budget for a Strategic Transport Plan as outlined in this report.

DECISION:

Cr Owen moved, Cr Murtagh seconded that Council endorses the reallocation of the \$150,000 budget for a Strategic Transport Plan as outlined in this report.

CARRIED

VOTING RECORD

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

Cr Murtagh
Cr Owen
Cr Whelan

14.6 Representatives - Planning Authority & Finance Committee

Author: General Manager (J Dryburgh)

Background

Representatives (as listed below) for each of Council's committees were appointed on the 20th December 2022, in addition to Cr M Whelan being appointed to the Community Development Committee on the 18th July 2023.

Cr T Murtagh has requested that she be formally appointed to both the Planning Authority and Finance Committee.

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

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

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

Consultation:

SMT; Cr L Gray (Planning Authority Chairperson); Cr B Curran (Finance Committee Chairperson)

Risk Implications:

Nil.

Financial Implications:

Nil.

Strategic Plan

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

Social Implications

Not applicable.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Cr T Murtagh be appointed to the Planning Authority and Finance Committee.

DECISION:

Cr Geard moved, Cr Owen seconded that Cr T Murtagh be appointed to the Planning Authority and Finance Committee.

CARRIED

VOTING RECORD

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

14.7 Membership - Committee for Greater Hobart (Enterprise Member)

Author: General Manager (J Dryburgh)

Background

The Committee for Greater Hobart has an opportunity for small and medium-sized local government organisations to participate in the work of the Committee by joining under the 'Enterprise' membership category (\$5,000 per annum).

As per their purpose statement, the Committee for Greater Hobart is a community-funded think tank working with the Greater Hobart community to create a better future for all. The Committee's vision is to work with communities in the region to collectively define the challenges and shared opportunities and find ways to strategically address them. The aim of the Committee is to make the Greater Hobart region a vital, inclusive, progressive and sustainable place to live for all.

Membership to this Committee will allow Council to become part of an active network of leaders, experts and citizens and develop relationships that help our communities and organisations to thrive. Members collaborate and shape the Committee's priorities, as well as work together to benefit everyone in the Greater Hobart region.

Issues that Council are specifically looking to address and that have already been identified by the Committee's current members as areas for attention, include:-

- Improvements to transport systems and options to improve the connectivity for people across the region;
- Housing and the need for a more holistic design of urban areas incorporating key lifestyle and liveability factors;
- An engagement around environmental improvements including the facilitation of a more circular economy;
- An inclusive and supported regional vision which captures the identity and future focus for the region; and
- Creating a more inclusive, progressive, engaging and evidence based approach to the future development of the region.

As a member, Council would be provided with the opportunity to participate and contribute to this work and gain access to a number of Committee for Greater Hobart benefits including access to research and learnings.

The Committee for Greater Hobart is also a part of the Committees for Capital Cities Network and a network of Committees for Cities and Regions. The Committees for Cities and Regions is an influential network of independent, like-minded organisations each operating within their particular city or regional area to enhance their economic, social, cultural and environmental development. The network represents Committees for Adelaide, Auckland (NZ), Ballarat, Brisbane, Broome, Canterbury (NZ), Cairns, Echuca/Moama, Geelong, Gippsland, Gold Coast, Greater Frankston, Greater Hobart, Greater Shepparton, The Hunter, Melbourne, Mornington Peninsula, Perth, Portland, Sydney, Wagga and Wyndham.

These networks provide forums for national issues, research and relevant networks on a wide range of subjects that impact their cities and regions.

The exclusion of Brighton from the core City Deal Members and the Greater Hobart Act is often to the detriment of Council, and more importantly, the Brighton community. The establishment of the Committee for Greater Hobart is seen as a useful mechanism for undertaking strategic work and hearing from communities relevant to the true economic, social and environmental catchments of Greater Hobart, rather than the narrower area defined by the boundaries of the four metro councils.

The Committee represents another opportunity for Brighton to ensure its voice is heard on regional issues and opportunities.

Consultation:

SMT; Mayor L Gray; CEO Danny Sutton.

Risk Implications:

Nil.

Financial Implications:

'Enterprise' membership is \$5,000 per annum.

Strategic Plan

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

4.3 Ensure strong engagements and relationships to shape the agenda and advocate for our community.

Social Implications

Not applicable.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Options

1. That Council endorse the application for membership to the Committee for Greater Hobart ('Enterprise' membership category).
2. Other.

RECOMMENDATION:

That Council endorse the application for membership to the Committee for Greater Hobart ('Enterprise' membership category).

DECISION:

Cr McMaster moved, Cr De La Torre seconded that Council endorse the application for membership to the Committee for Greater Hobart ('Enterprise' membership category).

CARRIED

VOTING RECORD

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

14.8 Fire Levy Reform Update (Tasmania Fire and Emergency Services Bill 2023)

Author: General Manager (J Dryburgh)

Background

The State Government recently released the *Tasmania Fire and Emergency Services Bill 2023* (The Bill) calling for submissions. This included the exposure to two potential new funding models for collecting the Fire Levy via Council rates notices. All options proposed removing a fire levy component from Insurance.

Funding Models

The two funding models that are proposed are summarised below, with the main difference being to the residential charges. Option 1 proposes that all residential properties across the State pay a fixed amount of 1%, no matter where you live within the state.

Option 2 proposes that there will be a residential rate for Urban areas and another for regional areas. The reasoning behind this option is that Urban areas will pay similar rates but the rate will be standardised amongst the cities with the same methodology used for equity also amongst the rural areas.

Option 1

Land Classification	Rate
Commercial	2.4%
Community Services	0.5%
Industrial	3.2%
Other	0.5%
Primary Production	2.4%

Residential	1.0%
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Option 2

Land Classification	Rate
Commercial	2.6%
Community Services	0.6%
Industrial	3.4%
Other	0.6%
Primary Production	1.2%
Residential (Urban)	1.2%
Residential (Rural)	0.6%

Sample properties with Option 2 applied to them, showing some major increases.

Current Fire Levy	Rating Classification	Fire Levy Zone	\$ change	% change
\$244.77	Commercial	Brighton Rural District	\$1,814.33	741
\$344.60	Commercial	Brighton Rural District	\$2,554.30	741
\$17,543.06	Commercial	Urban District	\$22,263.82	127
\$3,743.02	Commercial	Urban District	\$4,750.24	127
\$843.13	Community Services	Brighton Rural District	\$793.67	94
\$2,218.33	Community Services	Urban District	-\$1,056.73	-48
\$123.11	Industrial	Brighton Rural District	\$1,231.18	1000
\$398.67	Industrial	Urban District	\$784.29	197
\$85.96	Primary Production	Rural District	\$263.24	306
\$333.44	Primary Production	Urban District	\$15.76	5
\$48.00	Residential - Brighton	Brighton Rural District	\$41.86	87
\$55.76	Residential - Old Beach	Rural District	\$57.50	103
\$161.47	Residential - Bridgewater	Urban District	\$7.63	5
\$163.85	Residential - Gagebrook	Urban District	\$7.75	5

The above table shows exponential increases to some properties, with others more modest.

Currently, the fire levy is applied/classified in the following areas – Brighton Rural, Rural and Urban. Shown more simply, the increases across existing land classifications can be shown as follows:

Land Classification	Option 1	Option 2
Brighton Rural Commercial	increase of 676%	increase of 741%
Urban Commercial	increase of 109%	increase of 127%
Rural Community services	increase of 61%	increase of 94%
Urban Community services	<i>decrease</i> of 56%	<i>decrease</i> of 48%
Rural Industrial	increase 935%	increase 1000%
Urban Industrial	increase of 179%	increase of 197%
Rural Primary Production	increase of 712%	increase of 306%
Urban Primary Production	increase of 109%	increase of 5%
Brighton Rural Residential	increase of 212%	increase of 87%
Rural Residential	increase of 238%	increase of 103%
Urban Residential	decrease 12%	increase of 5%

It is broadly agreed that the existing system is not as simple or equitable as it should be. However, the proposed two options don't seem to be solving this issue. Based on our AAV's at July Option 2 is collecting \$226k more than the current model based on all residential properties being urban with Option 1 collecting \$664k more. Clearly there is a huge revenue difference between the two options, which suggests there is not a clear view of the total revenue required and the system required to fairly levy it.

There would be huge increases for many of our rate payers, especially the commercial and industrial sector. We have seen significant angst towards the changes already and could expect a lot more if the government were to progress the existing models.

Communication

The process to date has been poorly communicated or consulted. The current indication is that government now recognise this and that the proposed models have not been adequately considered or modelled in real world scenarios. We can now expect a new process in which council's critical expertise and role in this matter will be better utilised.

If and when significant reforms do occur in the coming years, a strong communication strategy for community education should occur in parallel to ensure the community understand what the levy is, why it is needed and that it is not a council charge.

Committee Membership

Under section 17 there is no reference to what the membership of the State Fire and Emergency Service Committee will be. It is noted that the current membership of the State Fire Commission includes a Local Government representative. It is essential that a Local Government representative is on this committee.

Some Unknowns

- There is no information on what is proposed for vacant land. This could potentially add an additional rating option.
- It is unclear whether minimums still be included.
- It is not clear whether updated mapping of “Rural” and “Urban” zones would be provided for Residential classifications.
- It is unclear if councils would be retaining the 4% administration fee to administer the Levy. Council would not support any proposed reduction in this fee due to the significant and increased workload to implement and manage these changes.

Impacts on Council

- Upgrades would be required to be applied to the software that Council's use to apply the levy; for example Brighton software is only set up to apply the fire levy as a rate in the \$ multiplied by AAV. This would need to be negotiated with the software developer and Council would require sufficient timeframes to implement and test these changes. This could be a significant cost to councils.
- Any change will place a significant workload on staff in adding rating options to each property. For example under *Option 2* there could be a minimum of 7 rating options to be correctly assigned to each property (x 9,000 + properties).
- Due to the identified complexities to implement any of these proposed changes, it would be practical for sufficient lead time to be given to all Councils. A minimum of 12 months from the adoption of the legislation would be ideal.

Current Status & Future Actions

Council officers will continue to monitor and provide input into this Bill to advocate in the best interests of our community. Officers and the Mayor will continue to engage with LGAT who are leading on this issue on behalf of the sector.

As of 11th November 2023, the Government has responded to local government (and other sector's) advocacy and have stated that they are going to work up some other options for the fire levy and broader Bill.

The LGAT CEO and President have been invited to the first working group meeting in early December and they will advocate for the working group process to be expanded beyond just peak bodies for subsequent activities.

The understanding of LGAT is that the current funding options are not going to be progressed, but that there is still value in councils providing a submission in addition to that prepared by LGAT. Assuming the government 'goes back to the drawing board' Council should play a positive and proactive role in assisting the formation of a reform to the Fire Levy system that helps to ensure adequate funding whilst being equitably and easily applied across the Tasmanian community.

Consultation:

SMT, Mayor, LGAT CEO, Minister, other Council CEOs.

Risk Implications:

Nil.

Financial Implications:

Nil.

Strategic Plan

4.4 Ensure financial and risk sustainability

4.3 Ensure strong engagements and relationships to shape the agenda and advocate for our community.

Social Implications

The Fire Levy system has a direct impact on economic fairness and equity an impact on fire management for our communities.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

The Fire Levy currently affects different rate payers quite differently in terms of costs. For example, people pay substantially more in Bridgewater for the Fire Levy than people in Brighton. Both proposed models presented by Government created a high degree of price volatility and some wild increases across various categories.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Council receive the report and endorse it being the basis for a Council submission to Government.

DECISION:

Cr De La Torre moved, Cr Geard seconded that Council receive the report and endorse it being the basis for a Council submission to Government.

CARRIED

VOTING RECORD

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

Cr McMaster
Cr Murtagh
Cr Owen
Cr Whelan

14.9 Bridgewater Bridge Northern Interchange Precinct Master Plan

Author: B White (Planning Officer)

Authorised: D Allingham (Director Development Services)

Purpose

This purpose of this report is to consider the submissions received during the public exhibition of the *Bridgewater Bridge Northern Interchange Precinct Masterplan* ('the Master Plan) and associated documents and to endorse a final version of the Master Plan.

Background

The Bridgewater Bridge Project will result in profound changes to the urban environments on the Bridgewater side of the river nearby to the Bridge. This brings with it both challenges and opportunities for the Council. Council and the Department of State Growth therefore engaged Realm Consultants ('Realm') to prepare a Masterplan of the area in response to these challenges and opportunities.

Consultation

Exhibition of Masterplan

At its ordinary meeting of the 15th of August, Council endorsed the Masterplan for public exhibition for a period of one (1) month. The consultation period was from 28th August to 25th September.

The Masterplan was uploaded to the 'Have Your Say' page on Council's website and letters were sent to all landowners/ rate payers in the project area as well as all relevant state agencies that may have an interest in the project. A post was also uploaded onto Council's Facebook page.

The exhibition period was extended for one (1) week until the 2nd of October after Council Officers were made aware that a link to the Masterplan on the website was not working properly. Council's Facebook page was used to notify the public of this extension.

Submissions Received

Fifteen (15) submissions were received during the exhibition period.

The most common theme in submissions received was regarding possible future land use change, including proposed public open space and recreation infrastructure, within or nearby to non-operational and operational rail infrastructure. Other matters related to future road geometries, cycling infrastructure and the potential for the area to be a future rail district.

In response to the submissions received some changes have been made to the Master Plan. However, there is nothing within the submissions that warrants significant changes to the Master Plan as exhibited.

Attachment A to this report provides a summary of the submissions and Council Officers' comment and whether changes to the Master Plan were required. Attachment B contains the final Master Plan as a result of these changes.

Risk implications

The uncertainty of whether approval will be granted by the Minister (and Parliament) under the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016* for use of the non-operational rail line for recreational use does pose risks to the full realisation of the Master Plan's aspirations.

The Master Plan clearly states that the use of rail land for alternative uses requires such approval so readers would be fully informed of this risk.

Using non-operational rail land for recreational purposes happens in numerous locations across the State. There is nothing controversial about the Master Plan identifying this as a possibility within the project area. This approval is no different to any future approval required to implement other recommendations within the Master Plan. Council Officers will pursue these approvals further after the Master Plan is endorsed.

Financial Implications

Many actions will require investment from Council and implementation will likely also rely heavily on grants funding. These actions will need to be considered in Council's budget processes.

Strategic plan

This Master Plan is in keeping with Council's values, goals and strategies to create a thriving place with opportunities for all as provided in the Brighton Council Strategy 2023-2033 including:

- 1.1 Engage with and enable our community.
- 1.2 Build resilience and opportunity.
- 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.
- 2.2 Encourage respect and enjoyment of the natural environment.
- 3.3 Community facilities are safe, accessible and meet contemporary needs.
- 3.4 Advocate and facilitate investment in our region.
- 4.1 Be big picture, long term and evidence-based in our thinking.
- 4.3 Ensure strong engagements and relationships to shape the agenda and advocate for our community.

Social implications

The actions within the Masterplan will improve this part of Bridgewater for the benefit of the community. Improved recreational opportunities, a distinctive public realm and improved social and community infrastructure have obvious potential social benefits.

Economic implications

The Masterplan has the potential to stimulate economic activity and attract private investment within the municipality. The Masterplan provides a revitalised and re-imagined neighbourhood centre with additional retail and commercial offerings and increased housing.

Environmental or climate change implications

The Masterplan has a genuine focus on protecting and enhancing the estuary and foreshore ecology for the benefit of people and wildlife.

Other Issues

Nil

Assessment

The consultation period resulted in fifteen submissions being received. The most prominent issue raised was regarding the use of Tasrail land, and the uncertainty around getting approval for some of the actions under the *Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016*.

The Master Plan has been amended in response to the submissions received. No significant changes have been made.

Options

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

RECOMMENDATION:

It is recommended that Council:

- a) Notes the submissions received and Council Officers' responses.
- b) Endorses the amended Bridgewater Bridge Northern Interchange Precinct Masterplan and associated documents.

DECISION:

Cr De La Torre moved, Cr Whelan seconded that Council:

- a) *Notes the submissions received and Council Officers' responses; and*
- b) *Endorses the amended Bridgewater Bridge Northern Interchange Precinct Masterplan and associated documents.*

CARRIED

VOTING RECORD

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

15. Questions on Notice

There were no Questions on Notice for the November meeting.

Meeting closed: 7.50pm

Confirmed: _____
(Mayor)

Date: 19 December 2023
