



**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 5.30P.M. ON TUESDAY, 15 OCTOBER 2024**

PRESENT: Cr Gray; Cr Curran; Cr De La Torre; Cr Geard; Cr Irons; Cr McMaster; Cr Murtagh; Cr Owen and Cr Whelan

IN ATTENDANCE: Mr C Pearce-Rasmussen (Acting Chief Executive Officer); Mr D Allingham (Director Development Services); Mr L Wighton (Acting Director Asset Services); Ms J Banks (Director, Governance & Regulatory Services) and Ms G Browne (Director Corporate Services)

1. Acknowledgement of Country

2. Apologies / Applications for leave of absence

All members were present.

3. Confirmation of Minutes

3.1 Ordinary Council Meeting

The Minutes of the previous Ordinary Council Meeting held on the 17th September 2024 were submitted for confirmation.

RECOMMENDATION:

That the Minutes of the previous Ordinary Council Meeting held on 17th September 2024, be confirmed.

DECISION:

Cr Curran moved, Cr McMaster seconded that the Minutes of the previous Ordinary Council Meeting held on 17th September 2024, be confirmed.

CARRIED

VOTING RECORD

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

3.2 Audit Panel Meeting

The Minutes of the Audit Panel Meeting held on the 23rd August 2024 were submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Audit Panel Meeting held on the 23rd August 2024, be confirmed.

DECISION:

Cr Owen moved, Cr De La Torre seconded that the Minutes of the Audit Panel Meeting held on 23rd August 2024, be confirmed.

CARRIED**VOTING RECORD**

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

3.3 Planning Authority Minutes

The Minutes of the Planning Authority Meeting held on the 1st October 2024 were submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Planning Authority Meeting held on the 1st October 2024, be confirmed.

DECISION:

Cr Irons moved, Cr Geard seconded that the Minutes of the Planning Authority Meeting held on 1st October 2024, be confirmed.

CARRIED

VOTING RECORD

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

4. Declaration of Interest

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

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

There were no declarations of interest.

5. Public Question Time and Deputations

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

There was no requirement for Public Question Time.

6. Reports from Council**6.1 Mayor's Communications**

The Mayor's communications were as follows:

- 18/9 Parliament House Dinner with Anita Dow and Jen Butler MP (+CEO in attendance)
- 25/9 LGAT Performance Sub-Committee and CEO Performance Review
- 25/9 Meeting with Brighton Football Club re Thompson Oval
- 1/10 Planning Authority Meeting
- 1/10 Council Workshop
- 2/10 Meeting with Boral Head of Property (+CEO in attendance)
- 4/10 Meeting with Minister Ellis via Teams (+CEO in attendance)

9/10 Southern Tasmanian Regional Land Use Strategy Steering Committee Meeting via Teams (+CEO in attendance)

15/10 LGAT CEO Performance Review

15/10 LGAT General Management Committee Meeting

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr De La Torre moved, Cr Murtagh seconded that the Mayor's communications be received.

CARRIED

VOTING RECORD

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

6.2 Reports from Council Representatives

- Cr Geard, along with a consultant and Council staff, participated in discussions about bush fire management issues in specific parts of the municipality, such as Dromedary, focusing on aspects like water tanks and turn-off lanes.
- Cr Whelan attended the funeral of Peter Binny (Surveyor) who passed away recently.

RECOMMENDATION:

That the verbal reports from Council representatives be received.

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Whelan

7. Miscellaneous Correspondence

- Letter from Premier Rockliff MP dated 20th September 2024 regarding East Derwent Highway/Midland Highway interchange.
- Letter from the Associate Secretary, DPAC dated 24th September 2024 regarding an update on the proposed new youth justice facility at Pontville.
- Letter from Secretary, Department of State Growth dated 4th October 2024 inviting Brighton Council to participate in the Greater Hobart Committee as an adjunct Council.
- Letter from Minister for Transport, Eric Abetz MP dated 9th October 2024 regarding public transport and Bridgewater Bridge growth precinct.

8. 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 1st October 2024 at 5.45 pm to discuss the Brighton Activity Centre Strategy Project; Sorell Street Masterplan; Community Development/Youth Update and Infrastructure Contributions Policy.

Attendance: Cr Gray; Cr Curran; Cr De La Torre, Cr Geard, Cr McMaster, Cr Murtagh, Cr Owen & Cr Whelan

Apologies: Cr Irons

9. Notices of Motion

There were no Notices of Motion.

10. 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 Chief Executive Officer 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 Chief Executive Officer in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

DECISION:

The Acting Chief Executive Officer reported that there were no supplementary agenda items.

11. Reports from Committees

There were no Committee Meetings held in October 2024.

12. Council Acting as a Planning Authority

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

12.1 Development Application SA 2023/00038 - Subdivision (1 Lot plus balance) at 5 Glen Lea Road, Pontville

Author: Planning Officers (K Min & D Van)

Authorised: Director, Development Services (D Allingham)

Applicant:	D G J Potter
Subject Site:	5 Glen Lea Road, Pontville
Proposal:	Subdivision (one lot plus balance)
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	Rural Living
Codes:	<ul style="list-style-type: none"> • Parking and Sustainable Transport Code • Road and Railways Assets Code • Bushfire-prone Areas Code
Local Provisions:	<ul style="list-style-type: none"> • Urban Rural Interface Specific Area Plan
Use Class:	Residential
Discretions:	<ul style="list-style-type: none"> • 11.5.1 P1 Lot Design • 11.5.1 P2 Frontage • 11.5.3 P2 Services • BRI-S8.8.1 P1 Lot Design
Representations:	<p>1 representation was received. The representor raised the following issues:</p> <ul style="list-style-type: none"> • Stormwater disposal impacts on properties • Flooding of stormwater drains assuming both internal and public. • Flooding of the waste water treatment system.

	<ul style="list-style-type: none"> Dust nuisance from the proposed driveway location.
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application SA 2023/00038.

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

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

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

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

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

2. SITE ASSESSMENT

The proposal is located at 5 Glen Lea Road, Pontville (47028/14).

The site subject to a one lot plus balance subdivision is 5 Glen Lea Road, Pontville. It is sized approximately 1.029 hectares (ha) and shaped rectangular (see Figure 1).

The site is fully within the Rural Living Zone and the Urban Rural Interface Specific Area Plan (refer to figure 2). Also, the site is fully within the Bushfire-Prone Areas Code overlay (Figure 3).

The site is not burdened by any easements.

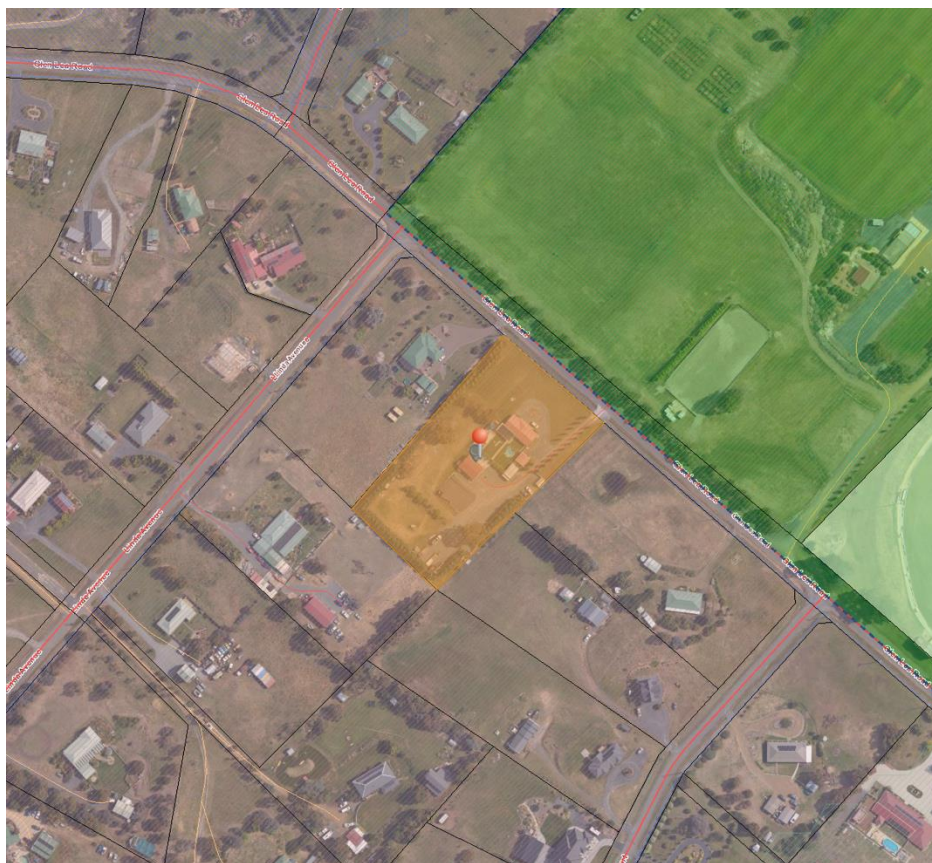


Figure 1: Site Map (source: Listmap)



Figure 2: Rural Living Zone & Urban Rural Interface Specific Area Plan (Source: Listmap)



Figure 3: Bushfire Prone Areas Code (source: Listmap)

3. PROPOSAL

- The proposal seeks to subdivide 5 Glen Lea Road, Pontville from one lot into one lot plus balance (see Figure 4).
- Lot 1 and balance are within the Rural Living Zone and are sized 5000 square metres (m2) and 5300 square metres (m2) respectively.
- The application is supported by a subdivision plan, bushfire report and hazard management plan, and on-site wastewater assessment, all prepared by suitably qualified persons.

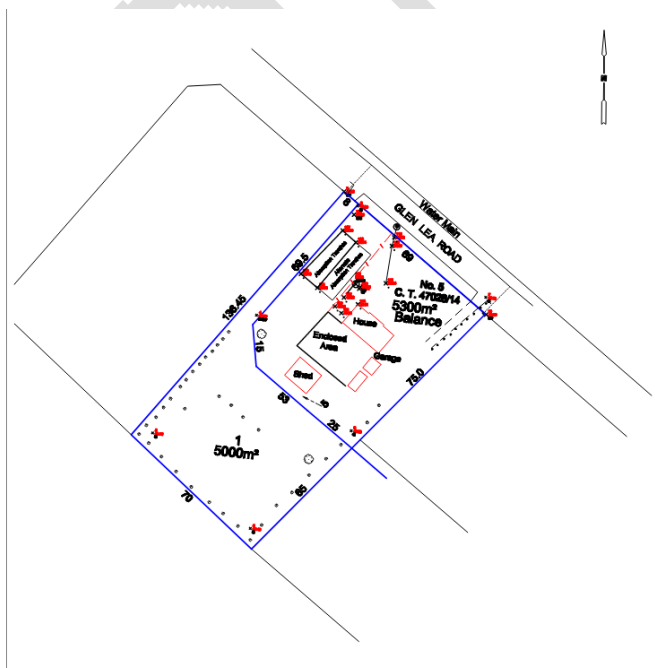


Figure 4. Proposed plan of subdivision

4. PLANNING SCHEME ASSESSMENT

Compliance with Applicable Standards:

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

5.6.2 A standard is an applicable standard if:

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

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

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

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

Determining applications (clause 6.10.1):

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

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

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

Use Class

The proposed development is for subdivision, which, pursuant to clause 6.2.6 of the Scheme, is not required to be categorised into a use class:

6.2.6 *Notwithstanding sub-clause 6.2.1 of this planning scheme, development which is for subdivision, a sign, land filling, retaining walls or coastal protection works does not need to be categorised into one of the Use Classes.*

Notwithstanding this, the site is within the Rural Living Zone, and future development of the sites will be assessed against the provisions of this zone.

Compliance with Performance Criteria

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

- 11.5.1 A1/P1 Lot Design
- 11.5.1 A2/P2 Frontage
- 11.5.3 A2/P2 Services

BRI-S8.8.1 P1 Lot Design

Clause 11.5.1 A1/P1 Lot Design – Lot Size/Building Area

Objective:
That each lot: (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; and (c) contains areas which are suitable for residential development.

Acceptable Solution	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have an area not less than specified in Table 11.1 and: (i) be able to contain a minimum area of 15m x 20m clear of: a. all setbacks required by clause 11.4.2 A2 and A3; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 11.4.2 A2 and A3;	P1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to: (a) the relevant requirements for development of existing buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) any natural or landscape values; (e) adequate provision of private open space; and

<p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>(f) the pattern of development existing on established properties in the area,</p> <p>and must be no more than 20% smaller than the applicable lot size required by clause 11.5.1 A1.</p>
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The subject site is within the Urban-Rural Interface Specific Area Plan. Clause BRI-S8.8.1 of the Urban-Rural Interface Specific Area Plan substitutes Clause 11.5.1 A1 and P1. Therefore, assessment against BRI-S8.8.1 will be provided below.

BRI-S8.3.1.1 - Local Area Objectives	
Urban-Rural Interface Specific Area Plan, shown on an overlay map as BRIS8.3.1.1	<p>Objectives:</p> <p>The land must develop at a higher density than other Rural Living Zone areas, capitalising on their proximity to settlements, whilst still providing for rural values and a high level of residential amenity and privacy.</p>
BRI-S8.8 Development standards for subdivision - Lot Design	
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) have an area not less than 5,000m²; and (b) comply with the lot design standards required by Rural Living Zone – clause 11.5.1 Lot design A1, excluding lot area specified in Table 11.1. 	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the relevant requirements for development of existing buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) any natural or landscape values; (e) adequate provision of private open space; and (f) the pattern of development existing on established properties in the area, (g) and must be not less than 5,000m².

The proposed subdivision creates one new lot and a balance lot. Both lots meet the 5000 sqm minimum lot size requirement within the Urban-Rural Interface Special Area Plan. However, the existing outbuilding of the balance lot does not satisfy the acceptable solution, being a 10m setback from the rear boundary. Therefore, assessment against the performance criteria is relied upon.

The balance lot is relatively flat and proposed to be 5300 square metres (m²). It has an existing residential use (single dwelling with associated outbuildings) on the site.

To determine whether the existing buildings on the Balance Lot can meet any relevant requirements for development, an onsite wastewater report was submitted to support the proposed subdivision. The report shows existing onsite wastewater and its absorption trenches to the northwest of the site adjoining the proposed vehicular driveway of Lot 1. The report concludes there is enough space between the current wastewater system and the proposed new lot boundaries. Therefore, it is considered to contain sufficient area for private open space and future developments suitable for the residential use and character of the Rural Living Zone.

The proposed Balance Lot still retains more than 2900 sqm of private open space. The site coverage is already above 400sqm of acceptable solution within the Rural Living Zone. Any future developments that increase the site coverage will be subjected to discretion approvals of Council.

There are no constraints for development regarding natural and landscape values.

The pattern of development on the balance lot is consistent with the existing developments on adjoining properties, such as 1 Linda Av, Pontville, 17 Linda Av, Pontville, and 11 Florence Ct, Pontville, which consist of outbuildings that have setbacks from side and rear boundaries of less than 10m.

The proposed subdivision aligns with the local area objectives of BRI-S8.3.1.1, allowing for higher density than other rural living zone areas. The minimum lot size of 5000 sqm is achievable with the proposal, and the proposed new lot is within the existing settlement area of Pontville.

On that basis, the proposed subdivision can meet this performance criteria and Specific Area Plan's objective.

Clause 11.5.1 A2/P2 Lot Design – Frontage

Objective:
That each lot:
(a) has an area and dimensions appropriate for use and development in the zone;
(b) is provided with appropriate access to a road; and
(c) contains areas which are suitable for residential development.

Acceptable Solution	Performance Criteria
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 40m.</p>	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the width of frontage proposed, if any; (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (c) the topography of the site; (d) the functionality and useability of the frontage; (e) the ability to manoeuvre vehicles on the site; and (f) the pattern of development existing on established properties in the area, <p>and is not less than 3.6m wide.</p>

Lot 1 is proposed to have an 8m frontage to Glen Lea Road. Therefore, assessment against the performance criteria is relied upon.

The proposed access will most likely accommodate a single dwelling. An 8-metre access strip is considered satisfactory for vehicular access. Turning and manoeuvring are available on the lot proper. The proposed vehicular access is for the private use of the proposed lot 1; there is no other right of the carriageway over.

The proposed 8 m-wide vehicular access is sufficient to comply with the Bushfire Prone Area Code, as detailed in the Bushfire Hazard Report.

The site is generally flat, falling to the northwestern corner adjacent to Glen Lea Rd, a council-maintained road constructed to a sealed rural standard. Glen Lea Rd has a posted speed limit of 50km/h.

The proposal was referred to Council's Development Officer/Engineer, who considers that the proposed access/frontage arrangements are suitable.

There are examples of an internal lot in the area. They are at 12A & 17 Linda Ave, 2 Florence Ct, and 13A Blackburn Av. Hence, the proposed subdivision will not change the pattern of development established in the area.

On that basis, the proposed subdivision can meet this standard's objectives and performance criteria.

Clause 11.5.3 A2/P2 Services

Objective:	
That each lot: (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; and (c) contains areas which are suitable for residential development.	
Acceptable Solution	Performance Criteria
A2 Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must: (a) be connected to a reticulated sewerage system; or (b) be connected to a reticulated sewerage system if the frontage of each lot is within 30m of a reticulated sewerage system and can be connected by gravity feed.	P2 Each lot, or a lot proposed in a plan of subdivision, excluding within Rural Living Zone C or Rural Living Zone D or for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.

The proposed Lot 1 and balance lot are outside the sewerage serviced area. Therefore, an assessment against P2 is required.

An onsite wastewater report, prepared by a suitably qualified individual, has been submitted to support the proposed subdivision.

According to the report, the proposed Lot 1, with the assumption that a future typical dwelling of 200-250sqm can be developed, has sufficient space to accommodate an onsite wastewater system.

For the Balance Lot, there is enough space between the current wastewater system and the proposed new lot boundaries.

On that basis, the proposed subdivision can meet this standard's objective and performance criteria.

5. Other Matters

5.1. Referrals

Development Officer/Engineer

The proposal was referred to Council's Development Officer/Engineer for assessment. The officers' comments are included in this report where applicable.

DRAFT

Environmental Health Officer

The representor raised concerns about the failure of the existing onsite wastewater system on the site. The proposal was referred to the Council's Senior Environmental Health Officer for comments. His comments were:

The wastewater system on the parent block needs to be repaired and there are issues with stormwater flooding this area during times of heavy rainfall, any 'reshaping' of this area will also need a new wastewater design to be submitted and approved prior to any works being undertaken.

Council's Senior Environmental Health Officer will serve a notice on the property owners over the coming weeks for the damaged system to be repaired. This matter will be dealt with outside the planning process.

However, once the wastewater system is repaired, there are no issues with the subdivision proceeding.

TasWater

TasWater have reviewed the proposal and have issued a Submission to Planning Authority Notice reference number TWDA 2023-01631-BTN dated 29th November 2023, which is to form part of any permit issued.

TasNetworks

The proposal was referred to TasNetworks, who have advised that based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

5.2. Public Open Space

Requirements for public open space no longer sit in the planning scheme.

However, Council has powers and responsibilities under Sections 116 and 117 of the *Local Government (Buildings and Miscellaneous) Act 1993* in relation to public open space. Further guidance is provided by Council's Public Open Space Policy.

These provisions enable Council to

- a) Require a subdivider to provide to Council up to 5% of land being subdivided; or
- b) Require a subdivider to make a contribution cash-in-lieu of the provision of land, either in part or in whole.

In this instance, there is no land that is suitable for quality open space and a cash-in-lieu contribution is required for 5% of the unimproved value of the land contained in lot 1.

6. Representations

One (1) representation was received during the statutory public exhibition period between 10th August 2024 and 26th August 2024. The representation items are summarised in Table 1.

TABLE 1: SUMMARY OF A REPRESENTATION	
Issue Raised	Officer's Response
Stormwater flowing from proposed development site onto the adjacent property.	<p>Engineering comments:</p> <ul style="list-style-type: none"> - The land in the vicinity of the proposed subdivision is generally quite flat with gentle fall to the north west. In periods of heavy rainfall surface runoff will migrate in a north westerly direction and, given the minimal fall, will pond in low lying areas. The subdivision itself does not alter the existing situation and there is no requirement under the Tasmanian Planning Scheme for stormwater infrastructure to be provided as part of the subdivision. - Further development of Lot 1 will require the construction of a vehicular access along the length of the access strip. This driveway and associated drainage should intercept much of the overland flow currently coming from 5 Glen Lea Road onto 7 Glean Lea Road and redirect it to the roadside drain in Glen Lea Road. <p>Planning comments:</p> <ul style="list-style-type: none"> - The proposed subdivision does not trigger any assessment standards under the Tasmanian Planning Scheme – Brighton. This issue will be followed up by different legislation.
Flooding of the wastewater treatment system	<p>Engineering comments: Refer to Environmental Health Offices comments.</p> <p>Planning comments;</p> <ul style="list-style-type: none"> - The proposed subdivision does not trigger any assessment standards under the Tasmanian Planning Scheme – Brighton. This issue will be followed up with the investigation and enforcement by Council's Senior Environmental Health Officer.
Dust and noise nuisance from the proposed driveway location	<p>Engineering comments:</p> <ul style="list-style-type: none"> - No vehicular access is proposed to be constructed within the access strip to Lot 1 as part of the subdivision. - Further development of Lot 1 will be subject to further approvals and the provision of the driveway will be assessed at that time. - The acceptable solution is that the driveway would be sealed and provided with drainage. - There is no requirement under the Planning Scheme for lots to be fenced

Safety of the proposed driveway location for Lot 1	<p>Engineering comments:</p> <ul style="list-style-type: none"> - The location of the Lot 1 access complies with relevant sight distance standards. Given the low traffic volumes there are no restrictions to the proposed access being located opposite the access to the Pontville Equestrian area. - A Works in Road Reservation Permit will be required prior to undertaking any works in the road reservation including the construction of the vehicular access.
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7. Conclusion

The proposal for Subdivision (one lot plus balance) at 5 Glen Lea Road, Pontville in Tasmania, satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

RECOMMENDATION:

That pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approve application SA 2023/00038 for **Subdivision (one lot plus balance) at 5 Glen Lea Road, Pontville** in Tasmania, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

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

Bushfire Hazard Management

- (4) Prior to Council sealing the final plan of survey, the Bushfire Hazard Report and Bushfire Hazard Management Plan prepared by North Barker Ecosystem Services dated 27th March 2024 must be amended by a suitably qualified person in accordance with the approved subdivision plan. Alternatively, a statement from a suitably qualified person must demonstrate that the Bushfire Hazard Report and Bushfire Hazard Management Plan do not need to be amended.
- (5) Prior to Council sealing the final plan of survey the developer is to provide to Council certification from a suitably qualified person that all the requirements of the bushfire hazard management plan have been complied with.

Advice: This condition requires further information to be submitted and approved by Council's Municipal Engineer pursuant to s60(2) of the Land Use Planning and Approvals Act 1993.

Public Open Space

- (6) In accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey. The cash contribution amount is to be equal to 5% of the value of the land being subdivided [i.e., Lot 1] in the plan of subdivision at the date of lodgement of the Final Plan of Survey.

The value is to be determined by a Land Valuer within the meaning of the Land Valuers Act 2001 at the developers' expense.

- (7) The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey.

Easements

- (8) Easements must be created over all drains, pipelines, wayleaves, and services in accordance with the requirements of the relevant authority and Councils Municipal Engineer. The cost of locating and creating such easements shall be at the developer's full cost.

Endorsements

- (9) The final plan of survey must be noted that Council cannot and or will not provide a means of stormwater drainage to all lots on the plan of survey.

Covenants

- (10) Covenants or other restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles or lots created by this permit either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of Councils Director Development Services.

Final plan

- (11) A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision including minimum lot size of not less than 5,000 square metres and must be prepared in accordance with the requirements of the Recorder of Titles.

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

Engineering

- (15) The subdivision must be designed and constructed in accordance with the:
 - (a) Tasmanian Subdivision Guidelines October 2013.
 - (b) Tasmanian Standard Drawings by IPWEA Tas Division.
 - (C) Tasmanian Municipal Standard Specification by IPWEA Tas Division.as published by the Local Government Association of Tasmania (LGAT) and to the satisfaction of Councils Municipal Engineer.

Services

- (16) The subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision or development. Any work required is to be specified or undertaken by the authority concerned.
- (17) Any existing services shared between lots are to be separated to the satisfaction of Councils Municipal Engineer.
- (18) Property services must be contained wholly within each lot served or an easement provided in accordance with the requirements of the responsible authority and to the satisfaction of Councils Municipal Engineer.

Water

- (19) Each lot must be connected to a reticulated potable water supply.
- (20) The development must meet all the required conditions of approval specified by TasWater Amended Submission to Planning Authority notice TWDA 2023-01631-BTN dated 29/11/2023.

Telecommunication and Electrical Reticulation

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

Vehicular Access

- (23) A sealed vehicular access must be provided from the road carriageway to the property boundary of each lot.
- (24) The vehicular access to Lot 1 must be provided in accordance with Council standards and have a minimum trafficable width of 4 metres at the property boundary.
- (25) The existing vehicular access to the Balance Lot must be upgraded to comply with Council standards including
 - 1. a sealed surface for the full trafficable width, from the edge of the road to the property boundary
 - 2. Endwalls on both sides of the culvert

Access to Public Road

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

Soil and Water Management

- (26) Before any work commences install temporary run-off, erosion and sediment controls and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.
- (27) All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

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Construction Amenity

- (28) The developer must make good any damage to the road frontage of the development site including road, kerb and channel, footpath, and nature strip to the satisfaction of Council's Municipal Engineer.
- (29) The road frontage of the development site including road, kerb and channel, footpath, and nature strip, should be:
1. Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
 2. Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.
- In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion, existing or otherwise, may be deemed a result of construction activity and require replacement or repair to the satisfaction of Council's Municipal Engineer.
- (30) Works associated with the development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
- Monday to Friday 7:00 am to 6:00 pm
 - Saturday 8:00 am to 6:00 pm
 - Sunday and State-wide public holidays 10:00 am to 6:00 pm
- (31) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function, and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, wastewater, waste products, grit or otherwise.
 - (b) The transportation of materials, goods and commodities to and from the land.
 - (c) Appearance of any building, works or materials.
- (32) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's General Manager.
- (33) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the subdivision during the construction period without written approval from Council's Municipal Engineer.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. If any condition in this permit requires that further documents are to be submitted and approved, you will need to submit the relevant documentation to development@brighton.tas.gov.au for assessment pursuant to s60 of the *Land Use Planning and Approvals Act 1993*.

Where building approval is also required, it is recommended that documentation is submitted well before submitting documentation for building approval to avoid unexpected delays.

- B. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- C. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- D. No works on or affecting any Council road reservation are to be commenced until the Brighton Council has issued a WORKS IN ROAD RESERVATION PERMIT. Application for the issue of the necessary works permit is to be made to the Brighton Council Asset Services Department prior to the proposed date of commencement of any works.
- E. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

DECISION:

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

CARRIED

VOTING RECORD

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

13. Officers Reports

13.1 Update to Investments Policy (Policy AP09)

Author: Director, Development Services (G Browne)

Background

The Audit Panel had recently reviewed and updated Council's Investment Policy.

This policy outlines the framework for the investment of Council's surplus funds, focusing on maximising returns while managing risks and ensuring liquidity.

The revised policy comprises investment guidelines, prohibited investments as well as risk management and liquidity provisions.

Consultation

Audit Panel, Senior Management Team

Risk Implications

Risk Management Guidelines are included in the policy.

Financial Implications

The policy includes maximising returns on Council's surplus funds while considering risk and security, ensuring that investments are made in a way that optimises financial returns.

Strategic Plan

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

4.4 ensure financial and risk sustainability

Social Implications

Nil

Other Issues

Nil.

Assessment

The Audit Panel has reviewed and updated the Policy. Additionally, a Quarterly Report will be submitted to Council, outlining the investment portfolio's performance, total exposure, and maturity dates.

Options

1. Council approves the recommendation.
2. Other.

RECOMMENDATION:

That Council endorse the revised Investments Policy (Policy AP09).

DECISION:

Cr Geard moved, Cr Irons seconded that Council endorse the revised Investments Policy (Policy AP09).

CARRIED

VOTING RECORD

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

13.2 Update to Infrastructure Contributions Policy (Policy 1.7)

Author: Director, Development Services (D Allingham)

Background

The recently approved Burrows Avenue and South Brighton Specific Area Plans (SAPs) refer to Council's 'Key Infrastructure Investments and Defined Infrastructure Charges Policy' (the Policy). Through the development of these two SAPs it was identified that the Policy needs to be updated. The objective is to also change the existing Policy's name to 'Infrastructure Contributions Policy'.

The current Policy refers to Council funding infrastructure that are the responsibility of other authorities, such as TasWater.

Through the development of the two SAPs it was clear that this was no longer desirable for Council and that the Policy should be updated to clarify that the focus of the Policy relates to infrastructure that is the responsibility of Council, such as roads, bridges, stormwater, open space and the like.

The Policy has also been updated to have a greater emphasis on resolving the "first-move" problem which has been identified as a barrier to strategic development outcomes.

Consultation

Senior Management Team, Council Workshop

Risk Implications

The current wording in the policy carries the risk that there is an expectation that Council will fund infrastructure that is not the responsibility of Council. The update mitigates this risk and clarifies expectations.

Financial Implications

There are no financial implications with updating the Policy. There will obviously be financial implications if Council choose to utilise the policy that will need to be considered and approved by Council at the time.

Strategic Plan

The Policy further the following strategies from the Brighton Council Strategy 2023–2033.

- 1.1 *Engage with and enable our community.*
- 1.2 *Build resilience and opportunity*
- 3.1 *Implement strategic long-term asset management plan aligned to long-term financial plan*
- 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

Other Issues

Nil.

Assessment

The update to the Policy clarifies that it is to be used for Council infrastructure and is for the purpose of facilitating development where the first-move principle exists.

The update of the Policy reduces risk to Council and is better aligned with Council's approach to infrastructure management.

Options

1. Council approves the recommendation.
2. Council does not approve the recommendation.
3. Other.

RECOMMENDATION:

That Council endorse the revised Infrastructure Contributions Policy (Policy 1.7).

DECISION:

Cr De La Torre moved, Cr Whelan seconded that Council endorse the revised Infrastructure Contributions Policy (Policy 1.7).

CARRIED

VOTING RECORD

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

13.3 Sorell Street Masterplan - Community Consultation

Author: Senior Planner (J Blackwell)

Authorised: Director Development Services (D Allingham)

Purpose

This report aims to seek the endorsement of the Sorell Street Masterplan for community consultation.

Background

The draft Sorell Street Masterplan is the result of recommendations within the Brighton Structure Plan 2018 ('BSP') and forms part of precinct (Site 2 Serenity Drive) in the BSP. The site is located within the Urban Growth Boundary ('UGB') of the Southern Tasmanian Regional Land Use Strategy ('STRLUS'). The Bridgewater Waterfront Masterplan endorsed by Council at its meeting on 21st November 2023, further supports the rezoning of the project area.

Realm Studios have been engaged to prepare a Masterplan for the Sorell Street project area (See Figure 1). Preparation of the draft Masterplan has been informed by a Traffic Assessment (Attachment B), Aboriginal Heritage Assessment, Natural Values Assessment (Attachment D), flood modelling and constraints mapping using planning scheme overlays. As outlined in the section below, consultation on three options has also been carried out.

Using the above information, the draft Sorell Masterplan has been prepared for further consultation (see Attachment A). The purpose of this report is to obtain Council's endorsement to move to the next consultation phase.

If Council choose to endorse the Masterplan following the next round of consultation, it is intended that the Masterplan will form the basis to prepare a draft planning scheme amendment to insert a Specific Area Plan into the Tasmanian Planning Scheme – Brighton.



Figure 1: Sorell Street Masterplan study area

Consultation

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

- through a public workshop held on 31st July 2024.
- Written submissions were invited through Council's Have Your Say page.
- Individual correspondence was forwarded via Australia Post to all land owners in the study area, Serenity Drive, Tranquillity Crescent, Riverside Drive, Wallace Street, Sorell Street and Old Main Road, Bridgewater.
- State agencies such as TasNetworks, TasWater, TasRail and Department of State Growth were also contacted.
- Council officers.

There was mixed feedback from the first round of consultation, which is summarised on page 7 of the draft Sorell Street Masterplan.

The next round of consultation will be conducted using a similar methodology. However, the “public workshop” will be run as a drop-in session between 4 and 6 p.m. as it was suggested by stakeholders that there needed to be an opportunity for people that have work commitments to attend.

Risk implications

There is a risk that there will be strong community opposition to the draft Masterplan. However, the purpose of community consultation is to seek the views of the community.

Financial implications

Nil

Strategic plan

This project aligns with the following strategies:

- Goal 1: Inspire a community that enjoys a comfortable life at every age,
 - 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
- Goal 2: Ensure a sustainable environment
 - 2.1 Acknowledge and respond to the climate change and biodiversity emergency
 - 2.2 Encourage respect and enjoyment of the natural environment
 - 2.3 Demonstrate strong environmental stewardship and leadership
 - 2.4 Ensure strategic planning and management of assets has a long term-sustainability and evidence-based approach
- Goal 3 Manage infrastructure and growth effectively
 - 3.2 Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population

Social implications

Engaging with the community will allow members to provide valuable insight into how the use of the project area can be developed in a positive way to enhance liveability.

Economic implications

Nil.

Environmental or climate change implications

Future development will be undertaken with best practice models, to protect the heritage and biodiversity associated with Ashburton Creek.

Other Issues

Nil.

Assessment

The Sorell Street Masterplan is a complex document which considers how the project area may be developed in line with the recommendations of the Brighton Structure Plan 2018 and the Southern Tasmanian Regional Land Use Strategy. The Masterplan demonstrates how the site can be developed for residential infill, and how opportunities for passive recreation can be created, whilst maintaining and protecting the natural values created by Ashburton Creek.

Seeking the communities input is a critical part of the development of the Masterplan.

Options

1. As per the recommendation; or
2. Do not endorse the Sorell Street Masterplan and associated attachments for community consultation; or
3. Other.

RECOMMENDATION:

That Council endorse the Sorell Street Masterplan and attachments for community consultation.

DECISION:

Cr De La Torre moved, Cr Murtagh seconded that Council endorse the Sorell Street Masterplan and attachments for community consultation.

CARRIED

VOTING RECORD

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

13.4 Review - Appointment of Council Representatives on Committees

Author: Chief Executive Officer (J Dryburgh)

Background

After the most recent Council election in 2022, representatives for each Council Committee were appointed on the 20th December 2022. Additional representatives have also been appointed since this time.

As it is approaching two years since the initial appointments, it is now an appropriate time to review each committee and update memberships (if required).

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.*

Current committee memberships are listed below:-

Committee:	Council Representative(s):
Planning Authority	Cr Gray (Chair); Cr Owen (Deputy Chair); Crs Curran; De La Torre; Geard; Irons; Murtagh and Whelan
Finance	Cr Curran (Chair); Cr De La Torre (Deputy Chair); Crs Gray; Geard; McMaster; Murtagh, Owen & Whelan
Parks & Recreation	Cr Geard (Chair); Cr De La Torre (Deputy Chair); Crs Gray; McMaster; Murtagh; Owen & Whelan
Environment & Climate	Cr Curran (Chair); Cr Irons (Deputy Chair); Crs Gray; De La Torre; Murtagh & Owen
Waste Management	Cr Owen (Chair); Cr Geard (Deputy Chair); Crs Gray; Curran; McMaster; Murtagh & Whelan
Community Development	Cr De La Torre (Chair); Cr Curran (Deputy Chair); Crs Gray; Geard; Irons; McMaster; Murtagh; Owen & Whelan
Emergency Management Advisory	Cr Geard (Chair); Cr Owen (Deputy Chair)
General Managers Performance Review	Cr Gray (Chair); Cr Curran (Deputy Chair); Crs Geard & Whelan
Audit Panel	Crs Geard & Owen

Consultation:

Senior Management Team

Risk Implications:

Nil.

Financial Implications:

Nil.

Strategic Plan

S4.2: 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. To review and appoint Council representatives to each Council Committee.
2. Other.

RECOMMENDATION:

To review and appoint Council representatives to each of the Committee's listed below:

- Planning Authority
- Finance Committee
- Parks & Recreation Committee
- Environment & Climate Committee
- Waste Management Committee
- Community Development Committee
- Emergency Management Advisory Committee
- General Manager's Performance Review Committee
- Audit Panel

DECISION:

Cr Geard moved, Cr Irons seconded that the following Council representatives be appointed to each Council Committee:-

Planning Authority – Cr L Gray (Chair); Cr P Owen (Deputy Chair); Cr B Curran; Cr A De La Torre; Cr P Geard, Cr G Irons and Cr M Whelan.

Finance Committee – Cr B Curran (Chair); Cr A De La Torre (Deputy Chair); Cr L Gray; Cr P Geard; Cr J McMaster; Cr P Owen and Cr M Whelan.

Parks & Recreation Committee – Cr P Geard (Chair); Cr A De La Torre (Deputy Chair); Cr L Gray; Cr J McMaster; Cr T Murtagh; Cr P Owen & Cr M Whelan.

Environment & Climate Committee – Cr B Curran (Chair); Cr G Irons (Deputy Chair); Cr P Geard; Cr L Gray; Cr A De La Torre; Cr P Owen.

Waste Management Committee – Cr P Owen (Chair); Cr P Geard (Deputy Chair); Cr A De La Torre; Cr L Gray; Cr B Curran; Cr J McMaster and Cr M Whelan.

Community Development Committee – Cr A De La Torre (Chair); Cr B Curran (Deputy Chair); Cr L Gray; Cr P Geard; Cr G Irons; Cr J McMaster; Cr T Murtagh; Cr P Owen and Cr M Whelan.

Emergency Management Advisory Committee – Cr P Geard (Chair); Cr P Owen (Deputy Chair)

CEO's Performance Review Committee – Cr L Gray (Chair); Cr B Curran (Deputy Chair) Cr P Geard and Cr M Whelan.

Audit Panel – Cr P Geard and Cr P Owen

CARRIED

VOTING RECORD

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

14. Questions on Notice

There were no Questions on Notice for the October meeting.

Meeting closed: 6.00pm

Confirmed:

(Mayor)

Date:

19 November 2024
