



**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, 17 SEPTEMBER 2024**

**PRESENT:** Cr Gray; Cr Curran; Cr Geard; Cr Irons; Cr McMaster; Cr Murtagh; Cr Owen and Cr Whelan

**IN ATTENDANCE:** Mr J Dryburgh (General Manager); Mr D Allingham (Director Development Services); Ms J Banks (Director, Governance & Regulatory Services); Ms G Browne (Director Corporate Services) and Mr L Wighton (Acting Director Asset Services).

**1. Acknowledgement of Country**

**2. Apologies / Applications for leave of absence**

*Cr Owen moved, Cr Murtagh seconded that Cr De La Torre be granted leave of absence due to work commitments.*

***CARRIED***

**VOTING RECORD**

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

### 3. Confirmation of Minutes

#### 3.1 Ordinary Council Meeting

The Minutes of the previous Ordinary Council Meeting held on the 20<sup>th</sup> August 2024 are submitted for confirmation.

#### **RECOMMENDATION:**

That the Minutes of the previous Ordinary Council Meeting held on 20<sup>th</sup> August 2024, be confirmed.

#### **DECISION:**

*Cr Irons moved, Cr McMaster seconded that the Minutes of the previous Ordinary Council Meeting held on 20<sup>th</sup> August 2024, be confirmed.*

**CARRIED**

#### **VOTING RECORD**

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

#### 3.2 Community Development Committee Meeting

The Minutes of the Community Development Committee Meeting held on the 3<sup>rd</sup> September 2024 were submitted for confirmation.

#### **RECOMMENDATION:**

That the Minutes of the Community Development Committee Meeting held on the 3<sup>rd</sup> September 2024, be confirmed.

#### **DECISION:**

*Cr McMaster moved, Cr Curran seconded that the Minutes of the Community Development Committee Meeting held on 3<sup>rd</sup> September 2024, be confirmed.*

**CARRIED**

#### **VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
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.

- Mr Geoff Hull (President) of Brighton Community Food Hub provided an update to Councillors.

#### **6. Reports from Council**

##### **6.1 Mayor's Communications**

The Mayor's communications were as follows:

- 23/8 Media Event with Minister Ferguson re Back Tea Tree Road (Minister Ferguson cancelled)
- 26/8 Meeting with Tyronn Barwick (+GM in attendance)
- 27/8 Meeting with Kerry Vincent MLC for Prosser
- 27/8 Citizenship Ceremony
- 3/9 Meeting re STRLUS
- 3/9 Cultural Awareness Training
- 3/9 Community Development Committee Meeting
- 3/9 Council Workshop
- 10/9 General Managers Performance Review Meeting
- 13/9 Meeting with Minister Guy Barnett & Adviser (+ GM in attendance)
- 16/9 Meeting with Premier and Infrastructure Adviser (+GM in attendance)

16/9 Tour of the new Brighton High School with the Premier (+GM in attendance)

17/9 Council Meeting

### **RECOMMENDATION:**

That the Mayor's communications be received.

### **DECISION:**

*Cr McMaster moved, Cr Geard seconded that the Mayors Communications be received.*

**CARRIED**

#### **VOTING RECORD**

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

## **6.2 Reports from Council Representatives**

- Cr B Curran recently attended a session of the Creative Connected Communities Committee.
- Cr Curran attended a Q & A at the Brighton Primary School on the role of Local government
- Cr Curran attended the School for Seniors meeting with Kylie Murphy and Joselle Griffin

### **RECOMMENDATION:**

That the verbal reports from Council representatives be received.

### **DECISION:**

*Cr Irons moved, Cr Owen seconded that the verbal reports from Council representatives be received.*

**CARRIED**

#### **VOTING RECORD**

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

## 7. Miscellaneous Correspondence

- Letter from the Minister for Local Government dated 5<sup>th</sup> September 2024 regarding the Local Government Code of Conduct framework.
- Letter from Tasmanian Aboriginal Legal Services (TALS) invitation to be a member of the Bridgewater Youth Hub Project Team.

## 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 3<sup>rd</sup> September 2024 at 5.45 pm to discuss the Old Beach Foreshore track consultation.

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

Apologies: Cr Geard & Cr Murtagh

## 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 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:**

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

## 11. Reports from Committees

### 11.1 Community Development Committee - 3 September 2024

The recommendations of the Community Development Committee held on 3<sup>rd</sup> September 2024 were submitted to Council for adoption.

**RECOMMENDATION:**

That the recommendations of the Community Development Committee held 3<sup>rd</sup> September 2024 be adopted.

**DECISION:**

*Cr Curran moved, Cr Irons seconded that the recommendations of the Community Development Committee held on the 3<sup>rd</sup> September 2024 be adopted.*

**CARRIED**

**VOTING RECORD**

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

**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 / 00010 for Subdivision (109 lots & Associated Infrastructure Works) at 33 Elderslie Road, Brighton**

**Author:** Senior Planner (J Blackwell)

**Authorised:** Director, Development Services (D Allingham)

<b>Applicant:</b>	Housing Tasmania
<b>Subject Site:</b>	33 Elderslie Road, Brighton
<b>Proposal:</b>	Subdivision (109 lots & Associated Infrastructure Works)
<b>Planning Scheme:</b>	<i>Tasmanian Planning Scheme – Brighton</i> (the planning scheme)
<b>Zoning:</b>	8.0 General Residential Zone
<b>Codes:</b>	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code C13.0 Bushfire-Prone Areas Code C15.0 Landslip Hazard Code (Low) C12.0 Flood-Prone Areas Hazard Code

<b>Local Provisions:</b>	Nil
<b>Use Class:</b>	Residential
<b>Discretions:</b>	8.6.1 P2 – Lot Design – Frontages 8.6.1 P4 – Lot Design - Long Axis 8.6.2 P1 – Roads C3.5.1 P1 - Traffic generation at a vehicle crossing, level crossing or new junction C12.7.1 P1 – Subdivision within a flood-prone hazard area
<b>Representations:</b>	Two (2) representations were received. The representors raised the following issues: <ul style="list-style-type: none"> <li>▪ Lack of safe cycle paths and connectivity.</li> <li>▪ Stormwater runoff impact on property/infrastructure.</li> </ul>
<b>Recommendation:</b>	Approval with conditions

## 1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application SA2023 / 00010.

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

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

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

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

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

## 2. SITE ASSESSMENT

The subject site is: 33 Elderslie Road, Brighton and is contained within the land described in Certificate of Title Volume 178982 Folio 1.

The site is shaped trapezium (see Figure 1), comprising 10.73 hectares (ha), with one access from Elderslie Road. The site has been developed by an existing single dwelling and four outbuildings. The existing dwelling is to remain (lot 70).

The land has frontage to Elderslie Road which is a Council-maintained local collector road. Elderslie Road has recently been upgraded to the east of the proposed subdivision as part of the Brighton High School development.

The site is zoned General Residential (see Figure 2). The surrounding land is zoned Rural Living (Zone A), General Residential, Community Purpose, Rural, and Light Industrial. The east of the proposed site is being developed by the Brighton High School.

The site is fully affected by the Bushfire-prone areas and partially affected by the Flood-Prone Areas Hazard Code (see Figure 3). The site is exempted from the Landslip Hazard Code (Low) as it does not involve significant works.

The site is burdened by:

Easements on Schedule of Easements	<ul style="list-style-type: none"> <li>▪ Pipeline Easement 3.05 Wide</li> <li>▪ Pipeline Easement Variable Width</li> <li>▪ Southern Regional Water Supply Pipeline Easement 10.06 Wide</li> </ul>
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The land is subject to the South Brighton Specific Area Plan (SBSAP) recently approved by the Tasmanian Planning Commission. The proposed road alignment, public open space and Lot 109 is consistent with the SBSAP.



**Figure 1.** Aerial Map (Site hatched by yellow: 33 Elderslie Road, Brighton)



**Figure 2.** Zoning (Red: General Residential, Blue: Local Business; Yellow: Community Purpose, Pink: Rural Living Zone A, Brown: Rural, and Purple: Light Industrial)



**Figure 3.** Flood mapping (area bounded by red circle)

### 3. PROPOSAL

The proposal is for a 109-lot subdivision, including the balance lot (lot 70) containing the existing dwelling (see Figure 4). All lots achieved the minimum lot size required of 450m<sup>2</sup>, with lot 109 having a land area of 5189m<sup>2</sup>.

The below table shows the sizes of all proposed lots.

Lot 1	624m <sup>2</sup>	Lot 24	637m <sup>2</sup>	Lot 60	1418m <sup>2</sup>	Lot 83	625m <sup>2</sup>
Lots 2-7	560m <sup>2</sup>	Lot 25	600m <sup>2</sup>	Lots 61-64	465m <sup>2</sup>	Lots 84-85	554m <sup>2</sup>
Lot 8	571m <sup>2</sup>	Lots 26-34	476m <sup>2</sup>	Lot 65	1278m <sup>2</sup>	Lot 86	582m <sup>2</sup>
Lot 9	615m <sup>2</sup>	Lot 35	469m <sup>2</sup>	Lot 66	956m <sup>2</sup>	Lot 87	775m <sup>2</sup>
Lot 10	678m <sup>2</sup>	Lot 36	622m <sup>2</sup>	Lot 67	562m <sup>2</sup>	Lot 88	592m <sup>2</sup>
Lot 11	711m <sup>2</sup>	Lot 37	878m <sup>2</sup>	Lot 68	533m <sup>2</sup>	Lots 89-96	510m <sup>2</sup>
Lot 12	927m <sup>2</sup>	Lots 38-43	560m <sup>2</sup>	Lot 69	551m <sup>2</sup>	Lot 97	803m <sup>2</sup>
Lot 13	915m <sup>2</sup>	Lot 44	545m <sup>2</sup>	Lot 70	1530m <sup>2</sup>	Lot 98	2373m <sup>2</sup>
Lot 14	672m <sup>2</sup>	Lot 45	489m <sup>2</sup>	Lot 71	488m <sup>2</sup>	Lot 99	509m <sup>2</sup>
Lot 15	614m <sup>2</sup>	Lot 46	558m <sup>2</sup>	Lots 72-73	450m <sup>2</sup>	Lots 100-102	450m <sup>2</sup>
Lot 16	554m <sup>2</sup>	Lot 47	779m <sup>2</sup>	Lot 74	451m <sup>2</sup>	Lot 103	559m <sup>2</sup>
Lot 17	499m <sup>2</sup>	Lots 48-56	560m <sup>2</sup>	Lot 75	485m <sup>2</sup>	Lot 104	538m <sup>2</sup>
Lot 18	478m <sup>2</sup>	Lot 57	1054m <sup>2</sup>	Lot 76	961m <sup>2</sup>	Lot 105	558m <sup>2</sup>
Lots 19-22	476m <sup>2</sup>	Lot 58	789m <sup>2</sup>	Lot 77	670m <sup>2</sup>	Lots 106-107	491m <sup>2</sup>
Lot 23	1140m <sup>2</sup>	Lot 59	749m <sup>2</sup>	Lots 78-82	450m <sup>2</sup>	Lot 108	2783m <sup>2</sup>
						Lot 109	5189m <sup>2</sup>

The proposal requires works in the road reservation along Elderslie Road as it provides for two new road junctions. The proposal also includes provision for a future road connection to land to the west via Lot 24 and to the south adjacent to Lot 1, which will need to connect to the southern boundary.

Stormwater from much of the proposed subdivision will drain to existing infrastructure in Brighton Road via a new extension to the public stormwater system through the High School at 1 Elderslie Road. This stormwater extension was subject to separate approval and is under construction.

Stormwater will also be extended west along Elderslie Road as part of the road upgrades. A stormwater property connection will be provided to each lot with the piped system within the subdivision designed to accommodate a 5% AEP rainfall event.

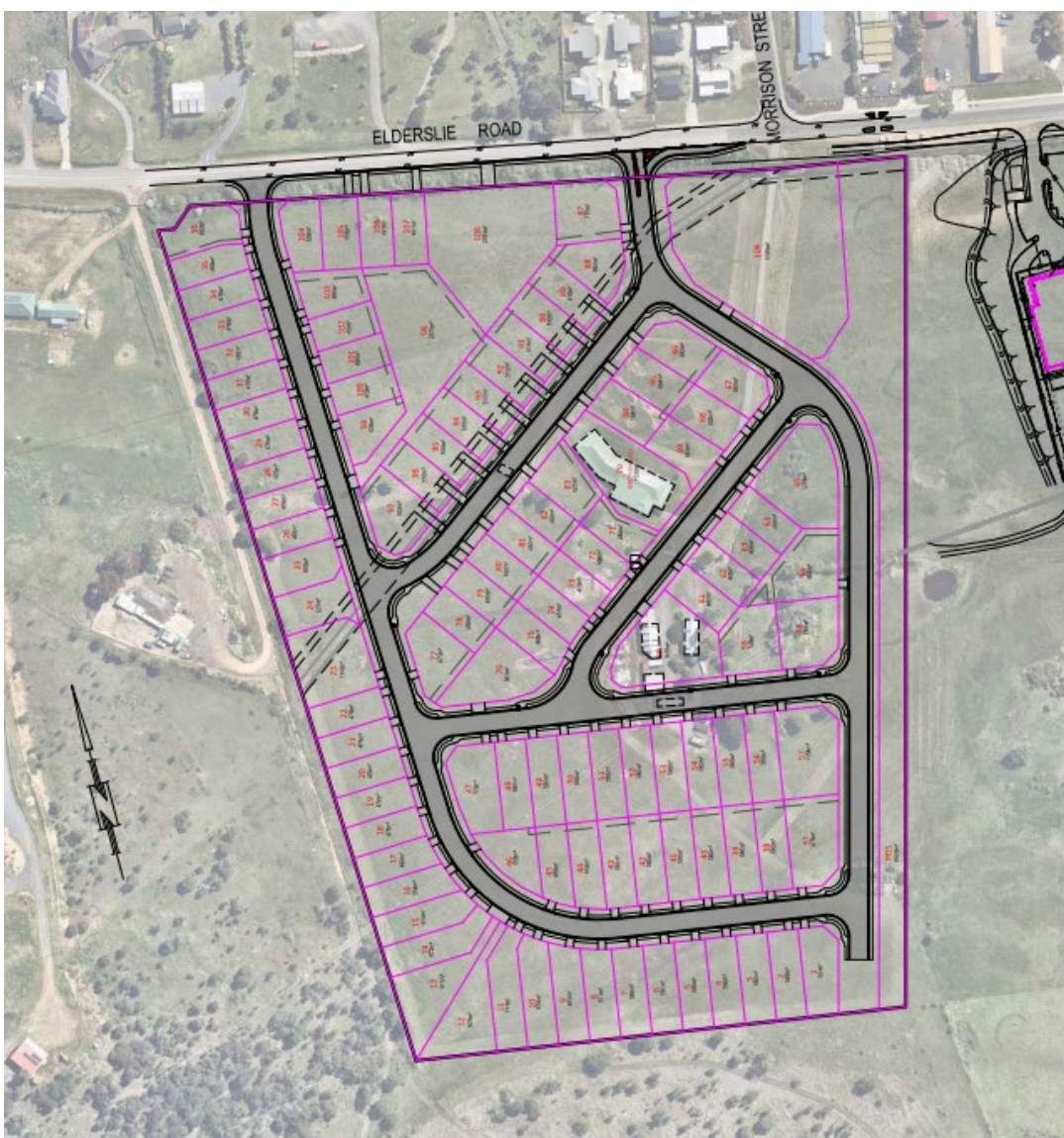
The downstream stormwater system has known capacity issues with both the minor (piped) system and the major system (overland flow). Therefore, underground detention is proposed within the subdivision to limit peak flows for the 5% AEP event prior to discharging to the new main extension through the High School.

A new sewer main has been approved and is under construction through Brighton High School at 1 Elderslie Road to provide a sewer connection at the boundary of the subject property.

A new sewer pump station is required to service the proposal. It is likely that the subdivision will be connected to a new sewerage scheme that TasWater are currently constructing to service the SBSAP area. There is also a contingency plan to connect to a new sewer pump station at 4 Dylan St approved under a separate permit (DA2023/00174) if required. There is flexibility for both options under the TasWater SPAN. A number of bulk water supply mains run through the site.

No development is proposed within the drainage and pipeline easement.

The application is supported by a Planning Report, Bushfire Hazard Management Plan Report, Traffic Impact Assessment, and Stormwater Management Report, all prepared by suitably qualified persons.



**Figure 4.** Proposed Plan of Subdivision

After public exhibition, the applicant sought to amend the layout of the subdivision lots facing Elderslie Road due to the cost of infrastructure requirements and the need for fill on the sites to create vehicle accesses along the steep embankment from the road to the land. It also removes the left-hand turn lane as this was deemed excessive for the proposed traffic volumes. An alternative proposal (attachment 3) has been submitted to council officers for consideration, which provides access to lots 104-108 by right of way, but still allowing frontage to Elderslie Road (See Table 1. ).

Planning staff determined that the amendments to the layout were minor and were generally in accordance with the advertised plans.

<p>Subdivision layout that was publicly exhibited showing access to Elderslie Road</p>	<p>Amended proposal submitted to Council after public exhibition showing access via Rights of Way from internal roads.</p>

Table 1: Proposed change to lots 87 and 104-108 and southern junction

#### 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 existing Use Class is categorised as Residential under the Scheme, with a single dwelling and outbuildings on the site. In the General Residential Zone, the Residential use is “No Permit Required” for a single dwelling. However, the application involves subdivision of land, which is deemed discretionary as the proposal cannot satisfy the provisions of Clause 7.3 of the Scheme.

## Compliance with Performance Criteria

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

### Clause 8.6.1 P2 – Lot Design – Frontages

<b>Objective:</b>	
<p>That each lot:</p> <p>(a) has an area and dimensions appropriate for use and development in the zone;</p> <p>(b) is provided with appropriate access to a road;</p> <p>(c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and (d) is orientated to provide solar access for future dwellings.</p>	
Acceptable Solution	Performance Criteria
<p><b>A2</b></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 12m.</p>	<p><b>P2</b></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 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> <p>(a) the width of frontage proposed, if any;</p> <p>(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</p> <p>(c) the topography of the site;</p> <p>(d) the functionality and useability of the frontage;</p> <p>(e) the ability to manoeuvre vehicles on the site; and</p> <p>(f) the pattern of development existing on established properties in the area,</p> <p>and is not less than 3.6m wide.</p>

The proposal plan shows that of the 109 lots proposed, lots 1, 10-15, 35 and 98, have a frontage less than 12m. Accordingly, the proposal is not able to satisfy the acceptable solution. Therefore, assessment against the performance criteria is relied upon.

The proposal provides for new internal roads which will be transferred to Council to maintain. It will be constructed to a sealed residential standard and will have a posted speed limit of 50km/h. All the above-mentioned lots will have direct access to the new internal roads. Further, lots 104-108, while maintaining frontage to Elderslie Road, will be accessed via ROW from the new roads to be constructed, caused by the topographical constraints in constructing vehicular access from Elderslie Road directly to each lot.

According to the Traffic Impact Assessment prepared by Hubble Traffic, the internal roads are estimated to have less than 350 two-way daily trips and allow vehicles to enter, circulate, and leave the site in a forward driving direction.

The slight reduction in frontage is not considered to significantly reduce the opportunity for safe vehicular use, with frontages being mostly for single dwellings, nor will it significantly reduce opportunities for passive surveillance. Moreover, the minimum 3.6m is met for all lots. Therefore, it is considered that the proposed vehicle access and frontages are sufficient for the intended use, meeting bushfire and engineering standards.

Accordingly, the PC is satisfied with conditions.

#### Clause 8.6.1 P4 – Lot Design - Long Axis

<b>Objective:</b>	
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;	
(c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and (d) is orientated to provide solar access for future dwellings.	
Acceptable Solution	Performance Criteria
<b>A4</b>	<b>P4</b>
Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.	Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:
	(a) the size, shape and orientation of the lots;
	(b) the topography of the site;
	(c) the extent of overshadowing from adjoining properties;
	(d) any development on the site;
	(e) the location of roads and access to lots; and
	(f) the existing pattern of subdivision in the area.

As demonstrated in the site plans, the proposal provides for differing lot orientations, meaning that not all lots are able to provide the long axis facing between 30 degrees west and east of true north. Accordingly, the proposal is not able to satisfy the acceptable solution. Therefore, assessment against the performance criteria is relied upon.

As can be seen from the Lot Layout Plan (sheet 1847-P10), the proposal demonstrates that the site can accommodate the required building areas 10 x 15m, providing sufficient separation between dwellings to allow for direct access to sunlight, whilst meeting or exceeding the minimum lot size required under the subdivision standards.

The site has a east-facing slope; thus, it is considered to provide a reasonable amount of sunlight to the affected lots throughout the morning and middle of the day. Moreover, the Scheme enables the planning authority to assess future development applications against the development standards for residential development including maximum site coverage and building envelope requirements to ensure appropriate measures are in place to manage the overshadowing impacts.

Accordingly, the PC is satisfied.

#### Clause 8.6.2 P1 – Roads

<b>Objective:</b>	
<p>That the arrangement of new roads within a subdivision provides for:</p> <p>(a) safe, convenient and efficient connections to assist accessibility and mobility of the community;</p> <p>(b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and</p> <p>(c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.</p>	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>The subdivision includes no new roads.</p>	<p><b>P1</b></p> <p>The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:</p> <p>(a) any road network plan adopted by the council;</p> <p>(b) the existing and proposed road hierarchy;</p> <p>(c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential;</p>

	<p>(d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks;</p> <p>(e) minimising the travel distance between key destinations such as shops and services and public transport routes;</p> <p>(f) access to public transport;</p> <p>(g) the efficient and safe movement of pedestrians, cyclists and public transport;</p> <p>(h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016;</p> <p>(i) the topography of the site; and</p> <p>(j) the future subdivision potential of any balance lots on adjoining or adjacent land.</p>
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The proposal includes new roads. Accordingly, the proposal is not able to satisfy the acceptable solution. Therefore, assessment against the performance criteria is relied upon.

The proposal includes a Traffic Impact Assessment (TIA) report prepared by Hubble Traffic. The TIA concludes that the proposed 109 lot subdivision will have negligible impact on the operation of the internal roads connecting to the two new junctions at Elderslie Road and that the overall proposal will allow for continued safe and efficient traffic operations, accommodating future traffic growth.

Access and connectivity to the bus stops will be provided in front of Brighton High School, which is in reasonable proximity for vehicles, pedestrians, and cyclists.

The amended proposal (attachment 3) shows extension of the cycle lane and footpaths along the entirety of the northern frontage to the western most edge of the site and includes a shared path in the open space along the eastern boundary.

A condition requiring the connection of the new road adjacent to the eastern boundary to the southern boundary is included.

Accordingly, the PC is satisfied with conditions.

**Clause C3.5.1 - Traffic generation at a vehicle crossing, level crossing or new junction**

<b>Objective:</b>	
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.	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<p><b>A1.1</b> For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> <li>(a) a new junction;</li> <li>(b) a new vehicle crossing; or</li> <li>(c) a new level crossing.</li> </ul> <p><b>A1.2</b> 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><b>A1.3</b> 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><b>A1.4</b> Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> <li>(a) the amounts in Table C3.1; or</li> <li>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</li> </ul> <p><b>A1.5</b> Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p><b>P1</b></p> <p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any increase in traffic caused by the use;</li> <li>(b) the nature of the traffic generated by the use;</li> <li>(c) the nature of the road;</li> <li>(d) the speed limit and traffic flow of the road;</li> <li>(e) any alternative access to a road;</li> <li>(f) the need for the use;</li> <li>(g) any traffic impact assessment; and</li> <li>(h) any advice received from the rail or road authority.</li> </ul>

The proposal provides for 2 new junctions onto Elderslie Road, which have not received prior approval from the road authority (A1.2). Further it is expected that the proposed subdivision will create a total of 974 trips daily during the weekday (A1.4). Accordingly, the proposal is not able to satisfy the acceptable solution and assessment against the performance criteria is relied upon.

The Hubble TIA considers the anticipated increase in traffic generated by the subdivision and concludes that the increase in traffic can be accommodated within the surrounding local road network.

Council's Senior Officer – Development Engineering has advised that provided planning permit conditions are met road authority consent to construct the accesses will be provided. Further, that officer considers that the Traffic Impact Assessment prepared by Hubble Traffic satisfactorily addresses the Performance Criteria in relation to any increase in vehicle movements.

Accordingly, the PC is satisfied with conditions.

#### Clause C12.7.1 - Subdivision within a flood-prone hazard area

<b>Objective:</b>	
That subdivision within a flood-prone hazard area does not create an opportunity for use or development that cannot achieve a tolerable risk from flood.	
<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<b>A1</b>  Each lot, or a lot proposed in a plan of subdivision, within a flood-prone hazard area, must: <ul style="list-style-type: none"> <li>(a) be able to contain a building area, vehicle access, and services, that are wholly located outside a flood-prone hazard area;</li> <li>(b) be for the creation of separate lots for existing buildings;</li> <li>(c) be required for public use by the Crown, a council or a State authority; or</li> <li>(d) be required for the provision of Utilities.</li> </ul>	<b>P1</b>  Each lot, or a lot proposed in a plan of subdivision, within a flood-prone hazard area, must not create an opportunity for use or development that cannot achieve a tolerable risk from flood, having regard to: <ul style="list-style-type: none"> <li>(a) any increase in risk from flood for adjacent land;</li> <li>(b) the level of risk to use or development arising from an increased reliance on public infrastructure;</li> <li>(c) the need to minimise future remediation works;</li> <li>(d) any loss or substantial compromise by flood of access to the lot, on or off site;</li> <li>(e) the need to locate building areas outside the flood-prone hazard area;</li> <li>(f) any advice from a State authority, regulated entity or a council; and</li> <li>(g) the advice contained in a flood hazard report.</li> </ul>

The proposal consists of an overland flow path running west to east, adjacent to Elderslie Road, and it is shown on Council's flood mapping (see Figure 3). Accordingly, the proposal is not able to satisfy the acceptable solution. Therefore, assessment against the performance criteria is relied upon.

The applicant provided a memo from Burbury Consulting confirming that the overland flow was a result of runoff from Elderslie Road and the adjacent property to the west and would be controlled and redirected to the piped system and roadside drainage as part of the subdivision essentially removing the risk from flooding.

Accordingly, the PC is satisfied with conditions.

## **Referrals**

### *Senior Officer – Development Engineering*

The application was referred to Council's Senior Officer – Development Engineering, who has considered traffic and stormwater as well as responded to technical issues raised in the representations. That officer's comments are incorporated in this report.

In relation to stormwater, the officer advises that overland flow paths through the Brighton High School site were designed to accommodate 1.8029 cumecs along the northern flow path adjacent to Elderslie Rd and 2.8456 cumecs through the school site (adjacent to the oval) for a 1% AEP event. The Stormwater Management Report prepared by Burbury Consulting estimates the overflow from the detention cells for a 1% AEP to be in the order of 750l/s.

Detention prior to discharging from the site to limit flows for up to a 1% AEP event to predevelopment or a maximum of what has been considered by the High School design, whichever is lesser, is recommended. Some additional detention may be required at the time of future development of the larger lots that have been set aside for multiple dwellings or future commercial development.

Recommended permit conditions include that the new stormwater system provided as part of the subdivision must be able to accommodate stormwater flows from the adjacent land to the west. Overall, the provision of stormwater detention to the subdivision should ensure that there is no worsening effect, and downstream properties should not be adversely affected.

### *TasWater*

The application was referred to TasWater for comment. TasWater has issued a Submission to Planning Authority Notice (SPAN) with standard water provision conditions. A copy of this SPAN will be attached to any planning permit issued.

### *TasNetworks*

The application was referred to TasNetworks for comment. TasNetworks requested Council to recommend the applicant to contact TasNetworks' Early Engagement Team. TasNetworks is pending a formal application once Council approval is received.

## **5. Representations**

Two (2) representations were received during the statutory public exhibition period between 23 March 2024 and 12 April 2024.

The representors' concerns are summarised below and a planning response to these concerns is provided:

Representor's concerns	Planning Response
Lack of safe cycle paths and connectivity.	<p>A cycle lane has been provided along the newly constructed section of Elderslie Road fronting Brighton High School.</p> <p>A condition requiring the cycle lane to be extended across the frontage of the proposed subdivision is recommended.</p> <p>A condition requiring a 3m wide shared path in the open space along the eastern boundary of the subdivision is also recommended.</p>
<p><b>Stormwater Management</b></p> <p>TasRail is concerned that the proposal will increase the amount of stormwater runoff, potentially damaging its property or infrastructure in proximity.</p>	<p>The proposal included a stormwater management report by Burbury Consulting.</p> <p>The development includes detention to mitigate the impact on the adjacent Brighton High School property and other downstream properties.</p> <p>Conditions are recommended for inclusion in the permit to limit peak flows from the site for up to the 1% AEP event to predevelopment such that there is no worsening effect.</p> <p>Providing the planning conditions are complied with there will be no measurable impact from the proposed subdivision on the TasRail property or infrastructure.</p>

## 6. Conclusion

The proposal for Subdivision (109 lots & Associated Infrastructure Works) at 33 Elderslie Road, Brighton, satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

### **RECOMMENDATION:**

That pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approve application SA 2023 / 00010 for Subdivision (109 lots & Associated Infrastructure Works) at 33 Elderslie Road, Brighton, 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, amended plans received 6<sup>th</sup> September 2024 and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) 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.
- (3) Prior to Council sealing the final plan of survey for any stage the developer must provide certification from a suitably qualified person that all works required by the approved Bushfire Hazard Management Plan has been complied with.

## Staging

- (4) The subdivision must only be carried out in stages in accordance with the endorsed documents or a staged development plan submitted to and approved by Council's Director Development Services.

## Transfer of reserves

- (5) Public open space, as indicated on the endorsed plan, must be shown on the final plan of survey and must be transferred to the Brighton Council by Memorandum of Transfer submitted with the final plan of survey.
- (6) All roads or footways must be shown as "Road" or "Footway" on the Final Plan of Survey and transferred to the Council by Memorandum of Transfer submitted with the Final Plan of Survey.

## Easements

- (7) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

## Covenants

- (8) Covenants or other similar 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 to the 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 the Council's Director Development Services.

## Final plan

- (9) A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- (10) 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.
- (11) 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.
- (12) The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

## Landscaping

- (13) A detailed landscape plan prepared by a suitably qualified landscape architect or other person approved by Council must be submitted to Council for approval with the engineering drawings. The detailed landscape plan must be generally in accordance with the Landscape Concept Plan and Landscape Surfaces Plan approved as part of this permit and must include landscaping in the road reserves and public open space, clear of underground infrastructure.

The landscaping plan must show the areas to be landscaped, the form of landscaping, and the species of plants and estimates of the cost of the works.

**Advice:** The landscaping plan submitted with the application is considered to be a concept plan and may require alterations prior to consideration for approval.

- (14) Unless approved otherwise by Council's Director Development Services, street trees must be a minimum of 1.5 metres in height at the time of planting.

## Engineering

- (15) The subdivision must be carried out and constructed in accordance with the:
  - (a) *Tasmanian Subdivision Guidelines*
  - (b) *Tasmanian Municipal Standard – Specifications*
  - (c) *Tasmanian Municipal Standard – Drawings*as published by the Local Government Association of Tasmania and to the satisfaction of Council's Municipal Engineer.

- (16) Engineering design drawings, to the satisfaction of the Council's Municipal Engineer, must be submitted to and approved by Council before any works associated with development of the land commence.

**Advice:** The engineering drawings submitted with the application are considered to be concept plans and may require alterations prior to consideration for approval.

- (17) Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, in accordance with the *Tasmanian Subdivision Guidelines October 2013*, and must show:
- a) all existing and proposed services required by this permit;
  - b) all existing and proposed roadwork required by this permit;
  - c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - d) measures to be taken to limit or control erosion and sedimentation;
  - e) any other work required by this permit.
- (18) Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
- (19) The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

## Services

- (20) The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.
- (21) Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.
- (22) Unless approved otherwise by Council's Municipal Engineer all services must be extended to the lot proper.

## Existing Dwelling

- (23) The existing dwelling on Lot 70 must be reconnected to new services provided as part of the subdivision including power, sewer, water, and stormwater to the satisfaction of Council's Municipal Engineer and the relevant authority.

**Advice:** Separate approvals may be required under the Building Act 2016.

- (24) The existing dwelling on Lot 70 must be provided with 2 sealed car parking spaces on the site in accordance with AS2890 and to the satisfaction of Council's Municipal Engineer.

### Roadworks

- (25) Roadworks and drainage must be constructed in accordance with the standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's Municipal Engineer or as otherwise required by this permit.
- (26) Elderslie Road must be upgraded/reconstructed across the entire frontage of the subdivision. The design and construction is to be consistent with the newly constructed section of Elderslie Road to the east of the subdivision. Unless approved otherwise by Council's Municipal Engineer upgrade works must include:
- a. new kerb and channel on the southern side
  - b. 3.5m traffic lanes on the southern side (whilst maintaining a through lane on the northern side)
  - c. 1.5m bicycle lane on the southern side
  - d. 1.5m minimum width concrete footpath on the southern side, fronting lots 36, 104 to 108, and 87.25m minimum width concrete shared use path on the southern side, fronting lot 109 and fronting lot 109 and the Public Open Space lot.
  - e. piped stormwater drainage
  - f. underground power
  - g. future provision of a pedestrian crossings/refuges to be considered in engineering design.
  - h. street trees
- (27) New roads must, unless approved otherwise by Council's Municipal Engineer, include: -
- a. New Subdivision Roads
    - i. 8.9 metre minimum carriageway width;
    - ii. Kerb and channel;
    - iii. 1.5 metre minimum width concrete footpath on both sides;
    - iv. Underground stormwater drainage.
- (28) The proposed road running north south adjacent the public open space lot must be constructed such that it meets the boundary of the neighbouring property to the south.
- (29) All carriageway surface courses must be constructed with a 10 mm nominal size hotmix asphalt with a minimum compacted depth of 35 mm, or 40mm where bus traffic is expected, in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's General Manager.

- (30) A reinforced concrete vehicle access must be provided from the road carriageway to each Lot.
- (31) Vehicle accesses must be located and constructed generally in accordance with the standards shown on standard drawings TSD-R09 Urban Roads Driveways and TSD-RF01 Guide to Intersection and Domestic Access Sight Distance Requirements prepared by the IPWE Aust. (Tasmania Division) and the satisfaction of Council's Municipal Engineer.
- (32) Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's Municipal Engineer.

### Stormwater management

- (33) The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's Municipal Engineer.
- (34) The developer is to provide a stormwater drainage system designed to comply with all of the following:
  - a) The piped system within the subdivision must be able to accommodate a storm with a 5% AEP when the land serviced by the system is fully developed;
  - b) Underground stormwater detention must be provided such that peak flows for a 5% AEP event, to the piped public stormwater system in Brighton Road, are limited to pre-existing or no greater than that which can be accommodated in the existing piped system, whichever is the lesser;

**Advice:** The stormwater system in Brighton Road is estimated to have a maximum spare capacity of 240 litres per second where the new main extension through 1 Elderslie Road connects.

- c) The subdivision must incorporate an overland flow paths to accommodate a 1% AEP (plus climate change) rainfall event;
- d) Stormwater detention must be provided on the site such that peak overland flows exiting the site for up to a 1% AEP (plus climate change) rainfall event are limited to pre-existing, or 1.8029 cumecs along the northern flow path adjacent Elderslie Road, and 2.8456 cumecs through the school site (adjacent the proposed oval), whichever is the lesser;

**Advice:** The stormwater system downstream of the development has limited capacity and cannot accommodate any increase in flows.

- e) Stormwater from the proposed subdivision must be treated prior to entering the public stormwater system to:
  - i) Standard Stormwater Treatment Requirements specified in Table 3 Water Quality Treatment Targets in DEP AND LGAT TASMANIAN STORMWATER POLICY GUIDANCE AND STANDARDS FOR DEVELOPMENT 2021 V1.

- f) Stormwater Quality Improvement Devices installed as part of the subdivision must be consistent with other systems adopted by Council and approved by Council's Municipal Engineer; and
  - g) Water Sensitive Urban Design Principles (where incorporated) must be in accordance with the *Water Sensitive Urban Design Procedures for Stormwater Management in Tasmania*, and to the satisfaction of the Council's Municipal Engineer.
- (35) An updated Stormwater Management Report must be submitted to Council's Municipal Engineer in conjunction with the engineering design plans for approval. The Stormwater Management Report must be prepared and certified by a suitably qualified person, in accordance with section 2.6.2 of *DEP & LGAT (2021). Tasmanian Stormwater Policy Guidance and Standards for Development. Derwent Estuary Program and Local Government Association of Tasmania (Hobart, Australia)* and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The report must clearly demonstrate that the requirements of this permit are met, and that adjacent and downstream properties will not be adversely impacted by the stormwater system. Once approved the updated Stormwater Management Report will form part of this permit.

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

## **Sewer & Water**

- (36) Each lot must be connected to a reticulated potable water supply.
- (37) Each lot must be connected to a reticulated sewerage system.

## **TasWater**

- (38) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice TWDA 2023/00828-BTN, dated 19/02/2024.

## **Telecommunications and Electrical Reticulation**

- (39) Electrical and telecommunications services must be provided underground to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's Municipal Engineer.
- (40) Prior to the work being carried out a drawing of the electrical reticulation and street lighting, and telecommunications reticulation in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's Municipal Engineer.
- (41) Prior to sealing the final plan of survey, the developer must submit to Council:

- a) A “Provisioning of Telecommunications Infrastructure – Confirmation of final payment” or “Certificate of Practical Completion of Developer’s Activities” from NBN Co.
- b) Written advice from TasNetworks confirming that all conditions of any Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections (basic connection) at the time each lot is further developed.

### **Erosion and Sediment Control**

- (42) An Erosion and Sediment Control Plan (here referred to as a ‘ESCP’) prepared in accordance with the guidelines Erosion and Sediment Control, The fundamentals for development in Tasmania, by the Derwent Estuary Program and Tamar Estuary and Esk Rivers Program, must be approved by Council’s Director Development Services before development of the land commences. The ESCP shall form part of this permit when approved.
- (43) Temporary run-off, erosion and sediment controls must be installed in accordance with the approved ESCP and must be maintained at full operational capacity to the satisfaction of Council’s Director Development Services until the land is effectively rehabilitated and stabilised after completion of the development.
- (44) The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed ESCP for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council’s Municipal Engineer.
- (45) All disturbed surfaces on the land, except those set aside for roadways, footways, and driveways, must be covered with topsoil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council’s Municipal Engineer.

### **Construction Amenity**

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

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

- (47) The development must only be carried out between the following hours unless otherwise approved by the Council's Director Development Services.
- 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
- (48) All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- a) emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
  - b) transport of materials, goods or commodities to or from the land; and/or
  - c) appearance of any building, works or materials.
- (49) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. No burning of such materials on-site will be permitted unless approved in writing by the Council's Director Development Services.
- (50) 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.

### **Survey Pegs**

- (51) Survey pegs are to be stamped with lot numbers and marked for ease of identification.
- (52) Prior to the works being taken over by Council, evidence must be provided from a registered surveyor that the subdivision has been re-pegged following completion of substantial subdivision construction work. The cost of the re-peg survey must be included in the value of any security.

### **Maintenance and Defects Liability Period**

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

**As constructed drawings**

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

**THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:**

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

**DECISION:**

*Cr Owen moved, Cr Geard seconded that the recommendation be adopted with minor amendments as tabled.*

**CARRIED**

**VOTING RECORD**

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

## 13. Officers Reports

### 13.1 Community Leasing and Licencing Policy

**Author:** Executive Officer (M Braslin)

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

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#### Background

In April 2023 Council endorsed the Brighton Social Infrastructure Plan. This plan recommended 14 priority actions one of which was to 'Develop and implement a community hiring and leasing policy'.

The community leasing policy establishes set guidelines for leasing public or council-owned properties to the community.

The policy is to ensure equitable access and to maximise the utilisation of existing Council facilities by community groups.

#### Consultation

Senior Management Team, Council Community Facilities officer, Community Development and Engagement department.

#### Risk Implications

- Reputational risk can be perceived favouritism of a community group or tenant misconduct.
- Lease agreement violations like failing to maintain the property as agreed.
- Regulatory non-compliance risk if the property is not used in accordance with local laws, zoning and safety standards.
- Revenue loss for offering reduced rates for leases.
- Financial viability where tenants fall into arrears with rent. This could result in increased costs to Council if legal action is required or for finding new tenants.

#### Financial Implications

The revenue from the lease amounts will be put towards lease administration costs and building insurance costs.

#### Strategic Plan

Relates to our Goal 1 to:

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

*1.1 Engage with and enable our community.*

## Social Implications

A community policy can impact the community socially in various ways such as:

- Community groups gain access to spaces where they can host activities, provide services and engage with local residents. This helps to foster community spirit and encourages participation.
- The leasing policy can promote inclusivity and ensure that various community needs are met.

## Environmental or Climate Change Implications

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

## Economic Implications

The leasing policy offers reduced rates or favourable terms for community groups, helping them sustain their operations without the burden of high rents.

By implementing a community leasing policy the Council is able to support local business indirectly. By leasing spaces to Community groups this may result in economic stimulation in these areas that were previously a potentially unused space. Events, programs, and activities hosted by these organisations can attract visitors and may generate economic activity as well as increase membership numbers.

Helping to create successful Community organisations can increase job creation as this can then flow onto employment of staff or increased volunteers, which will then contribute to local employment and skill development.

Other Issues

Nil

## Assessment

The policy can enhance transparency in how public resources are allocated, ensuring that decisions are made in a clear and transparent way.

A council community leasing policy can be a powerful tool for enhancing social capital, promoting inclusivity, and supporting the local economy.

## Options

1. Council approves the Community Leasing and Licencing Policy.
  2. Do not approve the Community Leasing and Licencing Policy.
  3. Other
-

**RECOMMENDATION:**

That Council approves the Community Leasing and Licencing Policy and approves the update of Councils fees and charges register for 2024/25 to include the community leasing fees.

**DECISION:**

*Cr Geard moved, Cr Whelan seconded that Council approves the Community Leasing and Licencing Policy and approves the update of Councils fees and charges register for 2024/25 to include the community leasing fees.*

**CARRIED****VOTING RECORD**

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

**13.2 Request for funding - Pony Club, Pontville Park**

**Author:** Executive Officer (M Braslin)

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

**Background**

The working Group for Pontville Equestrian Centre have been working together to progress the rebuild of the wooden horse holding yards at Pontville Equestrian Grounds at 325 Brighton Road Pontville. Mrs Blackwell has written to Council on behalf of the working group requesting \$15,000 funding to match funding granted by Kerry Vincent on behalf of the Liberal Party during the election campaign. Unfortunately, this request came into Council after the closure of the Councils Community Grants program.

There are 60 existing timber yards (6 groups of 10) that have served their purpose for many years but are now in disrepair.

The clubs are fundraising together to upgrade further yards.

We have been advised that other than Pontville Park's normal horse club use Pontville will host two State Championship shows in March 2025 and they would like to have upgraded 30 hold yards by then.



### Consultation

Senior Management Team, Council Community Facilities officer, Community Development and Engagement department.

### Risk Implications

Many of the wooden structures are presently in quite poor condition. This may pose a reputational risk and increases the risk of damage to the structures or injuries.

Updating these wooded horse yards is important for mitigating these risks and ensuring the usability of the horse holding yards on council property.

### Financial Implications

Unbudgeted funds for this project could be allocated from 'Promotion of Municipality' 2024/25 Budget and reported as a Donation.

The equine users will be responsible for the upkeep and maintenance of the horse holding yards.

### Strategic Plan

Relates to our Goal 1 to:

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

*1.1 Engage with and enable our community.*

### Social Implications

Forming a bond with a horse helps develop empathy and communication skills. Horses can improve your mental health while giving a sense of purpose and belonging as well as the opportunity to connect with an animal.

As the Brighton Municipality continues to grow so does the need for community activities.

### Environmental or Climate Change Implications

No significant climate or environmental-related issues.

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

## Economic Implications

The National event will bring many people to Tasmanian specifically the Brighton area and increase the business for the area. Other events bring people to the facilities from surrounding regions.

## Other Issues

Nil.

## Assessment

The wooden horse holding yards at the Council owned facility in Pontville Park are in poor condition and would benefit from an upgrade.

Horse Riding is beneficial for mental, emotional, and physical health. It teaches valuable life lesson and skills. Learning to ride a horse required patience, mindfulness and resilience as well as using every muscle group in the body.

Given that Pontville Park will be hosting Nationals next year where participants come for all over the State and Country, we will be show-casing our equine venue, it seems timely to assist in the improvement of the facilities, especially as there is some co-funding secured.

The working Group would be able to apply for Councils Community Grants program next year for possible further assistance.

## Options

1. Council approves funding of \$15,000 towards the repair of horse holding yards.
2. Council approves \$7,500 towards the repair of horse holding yards.
3. Do not approve funding.

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## **RECOMMENDATION:**

That Council approves \$7,500 towards the repair of horse holding yards from the Promotion of Municipality budget 2024/25.

## **DECISION:**

*Cr Geard moved, Cr Curran seconded that Council approves \$7,500 towards the repair of horse holding yards from the Promotion of Municipality budget 2024/25.*

**CARRIED**

## VOTING RECORD

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

### 13.3 Old Beach Foreshore Track Feasibility Consultation

**Author:** Project Manager (D Cundall)

**Authorised:** A/Director, Asset Services (L Wighton)

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#### Purpose

This report is to provide the Council and the broader community with the details and recommendations regarding the recent consultation with landowners and stakeholders on the feasibility of a new walking track between Riviera Drive, Old Beach and Jetty Road, Old Beach.

The report includes detailed responses to the issues raised in the submissions received during the consultation period (July – August 2024).

#### Background

The Council have commenced a project to determine the feasibility of a new foreshore track in the Old Beach area between Riviera Drive/St Ann's Living and the Jetty in Jetty Road. The land is mostly coastal or riparian reserve (creeks and waterways) with the exception of some land within St Ann's Living and the East Derwent Highway (road reserve). The area is shown in Figure 1 and the Attachment B.

Council had previously allocated a budget of \$120,000 in the 2022-2023 financial year for the "Old Beach Foreshore Walkway – Blackstone to Morrisby – 950m" project. However, this was never progressed, and the amount was carried forward subject to further studies and consultation.

In 2023, the Council under Part 1.3 of the *Brighton Council Annual Plan 2023 – 2024* (June 2023) the Council included the following:

*Plan, design and undertake community consultation for an additional section of gravel walkway along the Old Beach Foreshore from Morrisby Road to Blackstone Drive*

In 2024, under Part 1.3 of the *Brighton Council Annual Plan 2024-2025* the Council included the following objective:

*Consider community feedback for additional sections of gravel walkway along the Old Beach Foreshore from Morrisby Road to Blackstone Drive.*

The Annual Plan and budget item builds upon Council's *Brighton Council 2050 Vision* to provide a foreshore track "... Similar to that provided in Rosetta" together with better connectivity between walking tracks and natural assets in the area.

The Council had previously undertaken a more limited investigation on the potential for a new track in this area (in the past 10 years). However, it was determined that careful planning, design, landowner and stakeholder consultation was much needed to get a better understanding of the issues and scope of works.



Figure 1: Project Investigation Area (Source: theLIST mapping services)

The first stage of the project was to determine the overarching objectives of the project. These are provided as follows:

- a) To investigate and provide options for a new walking track between Compton Road and Jetty Road based on risk assessment, feasibility of options, cost, stakeholder and community feedback and approvals; and
- b) To investigate connections to Riviera Drive and subdivision on eastern side of the Derwent Highway.
- c) To provide additional walking tracks in the Old Beach area
- d) To enhance amenity and liveability of Old Beach foreshore and Old Beach area
- e) To provide safer public access to foreshore
- f) To eradicate declared weeds, better manage erosion and long-term native plantings for habitat, biodiversity and site stability along the track route

A site constraints and opportunities analysis was undertaken by Council Officers to map a planning corridor area suitable for public consultation. This map was based on the following studies and assessment:

- Land tenure assessment and boundary checks
- Aboriginal Heritage Assessment
- Natural Values Assessment
- Assessment of natural hazards such as coastal erosion, flood, steep slopes, bushfire hazards etc
- Assessment of impact on local amenity, privacy, accessibility etc

The investigation area shown in Attachment B is the same map that was used in the recent stakeholder and landowner consultation (July – August 2024). The track investigation area is located entirely within public land, with the exception of a small section of land within the St Ann's Living precinct located at Stanfield Drive, Old Beach. The track area is otherwise within land owned by the Brighton Council or land leased to the Brighton Council by Crown Land Services or other public reserve (i.e. riparian reserve). Part of the track may also be within the land owned by State Growth along the East Derwent Highway.

Based on the preliminary investigations the area can be divided into four (4) distinct stages:

1. Riviera Drive to Compton Road
2. Compton Road to Blackstone Drive
3. Blackstone Drive to Morrisby Road
4. Morrisby Road to Jetty Road/Old Beach pontoon "Ferry Point"

The total length of the investigation area is 3.2km. This includes areas of partly formed existing track.

Council Officers sent letters to residents that adjoin the track investigation area in early 2024 to advise them of the project and to advise that Council Officers were undertaking site investigations in the area.

Between July – August 2024 Officers again contacted the local residents and provided a consultation page on the Council website seeking feedback on the track investigation area.

## **Consultation**

Stakeholder engagement and consultation on the track investigation area is summarised as follows:

1. Landowners were notified of the project in January 2024.
2. Meetings between Council Officers and the owners of St Ann's Living to seek in principle agreement to use part of their land for a public walkway subject to design and further consultation.
3. Landowners in vicinity of boundary survey work were again notified.
4. Meetings between Council Officers and the Department of State Growth for in principle agreement to use East Derwent Highway Road reserve subject to design, approvals and further consultation.

5. Mail-out to all adjoining residents and all stakeholders in July 2024 seeking feedback on the Track Investigation Area and feedback on a new track on the public land between St Ann's and Jetty Road.
6. Website "Have your Say" page was formed with an information sheet and investigation area map (Attachment A and Attachment B)
7. Emails and communications with Project Manager from residents 10<sup>th</sup> July – 9<sup>th</sup> August 2024
8. Follow up and site visits with landowners (yet to be completed)

Following a decision of Council on this consultation then a more detailed plan will be prepared and further discussions with stakeholders and landowners will be undertaken in late 2024.

This design would be separated into one (1) or more of the four (4) stages i.e. "Riviera Drive to Compton Road" and consultation on a design for each stage may be for feasible than a complete design for the entire 3.2km which may take significant time to complete and unnecessarily extend the design process.

### Discussion of Consultation

A total of 38 submissions were received. These are categorised as follows:

- 29 landowner/resident submissions were received via email and mail during the July – August 2024 period
  - 12 submissions had stated they were opposed to a new walking track and provided written comments.
  - 11 submissions provided comments, feedback and raised concerns about particular matters.
  - 6 submissions were letters of support and provided comments and feedback.
- 9 stakeholders including Department of State Growth, St Ann's Living, Tas Police, Tas Fire Service, Inland Fisheries etc provided letters of support or no objection with comments and feedback.

A break-down the submissions is provided below in Figure 2.

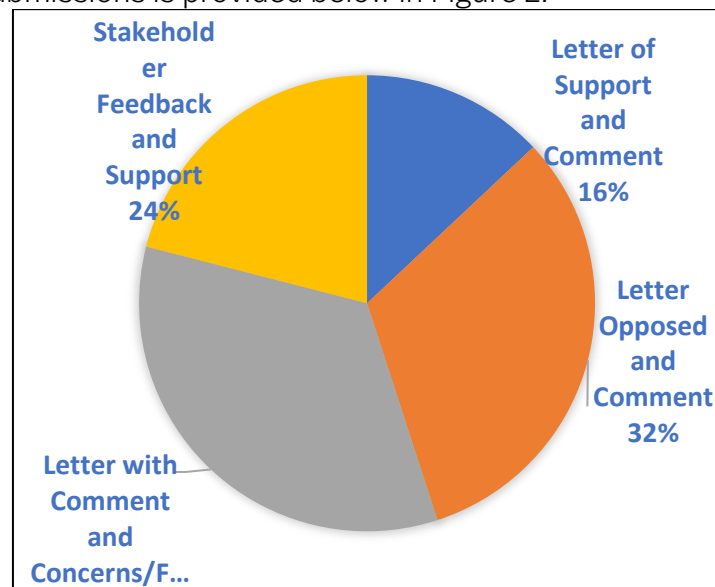


Figure 2: Summary of submissions on Old Beach Foreshore Track Project

The issues raised can be summarised as the following categories:

- A. Track Surfacing, Safety and Construction
- B. Privacy and Loss of Amenity
- C. Crime or Anti-Social or Nuisance Behaviour
- D. Natural Values and Wildlife
- E. Costs, Maintenance and Council Spending
- F. Property Values
- G. Other Matters

Most questions, concerns or feedback were on the track surfacing, safety and construction.

Over 70% of respondents had particular questions or concerns/feedback on the design of a foreshore track in the area. Many of these questions cannot be addressed as they are subject to completion of a design that will be provided to residents.

The second issue was concerns about privacy and loss of residential amenity. Over 40% had raised this as an issue or reason to oppose a new track in this area.

A percentage summary of the issues raised is provided below in Figure 3.

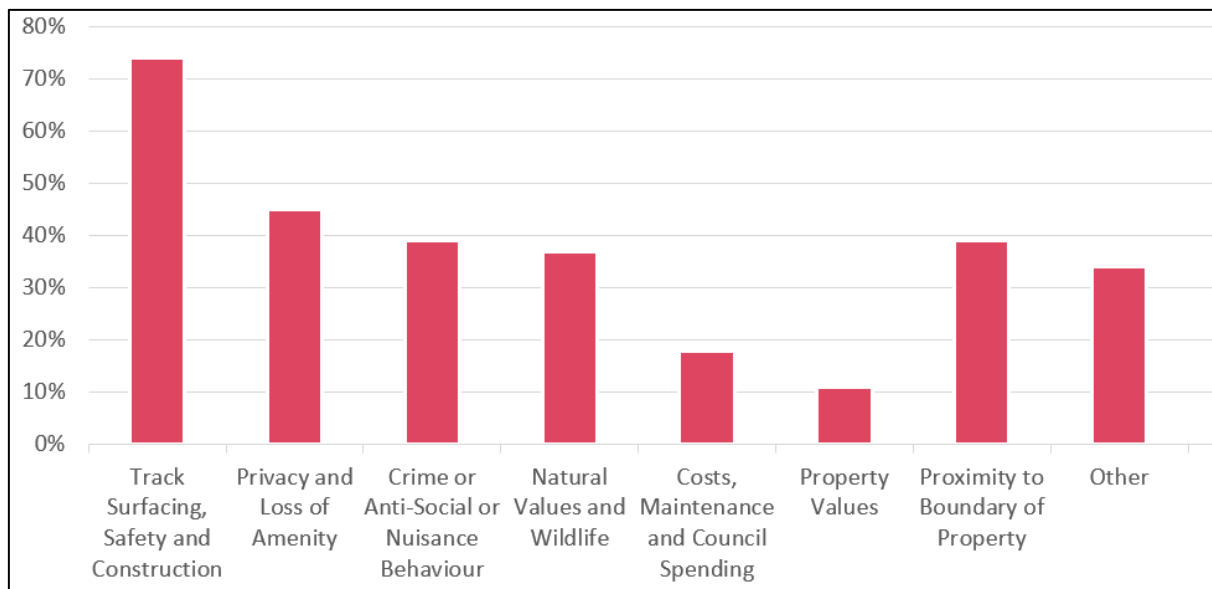


Figure 3: Percentage of Issues Raised in Submissions

A response to the issues raised by landowners and residents is provided together with a response in the tables below:

TRACK SURFACING, SAFETY AND CONSTRUCTION	
ISSUE	DESIGN RESPONSE and COMMENT
Suitable track grade for all abilities	Design will make every effort, as far as practicable, to provide a track suitable for all abilities and to be DDA compliant.

<p><b>Erosion, land instability, water management and surfacing</b></p>	<p>Design is to minimise erosion and washouts through avoiding natural drainage lines, installation of culverts, pipes and drains.</p> <p>Tracks within Clarries Creek will need to be concreted to reduce maintenance costs. This is similar to other tracks that may be subject to waterways.</p>
<p><b>Distance and separation from private property boundaries</b></p>	<p>Design to locate track as far as practicable from private boundaries and make use of existing vegetation to create a sense of separation.</p> <p>Additional landscaping with shrubs may be suitable in some places to provide a more natural feeling walkway.</p> <p>There are however some sections which are more difficult to manage due to narrow access ways or existing access to the foreshore between houses (fences).</p>
<p><b>Safety due to steep slopes and fencing</b></p>	<p>Parts of the track corridor along Morrisby Road are adjacent to very steep slopes. Design will need to include fencing in places or a raised or cantilevered platform with fence to be reasonably safe.</p> <p>Signage warning of steep slope or cliff edge will be needed in some places along with additional landscaping to deter persons from entering. This is common practice for tracks in such areas.</p>
<p><b>DDA compliance</b></p>	<p>Design will make every effort as far as practicable to provide a track suitable for all abilities and to be DDA compliant.</p>
<p><b>Fencing along private property</b></p>	<p>Council or Crown Land Services are not legally required to construct new fencing per the <i>Boundary Fences Act 1908</i> however there are sections where a fence may be required for safety reasons or conflict between vehicles and pedestrians. This is yet to be determined and subject to further site assessment.</p> <p>Plantings, garden beds and other landscaping is suitable to create a separation between what is private property and the public land may be needed. Landowners are free to put up their own signs or fence if that is what they want.</p>
<p><b>Odour from sewer pump station</b></p>	<p>Meeting places or park benches should not be located adjacent to a sewer pump station. These pump stations are commonly found in public spaces and people tend to walk past or through such areas and not spend time in the vicinity of bad odour.</p>
<p><b>Construction in Coastal Hazard Area</b></p>	<p>Part of the track corridor area is within the Coastal Hazard Area for coastal erosion and coastal inundation. The coastal inundation area is around the low-lying areas of Jetty Road and Clarries Creek. Both are short sections of track. The design corridor and previous feasibility studies had already identified these areas and avoided as far as practicable.</p> <p>The Brighton Council <i>Coastal Hazards Report</i> (June 2024) identifies human safety as paramount in works and development in a Coastal Hazard Area. This must be factored in any design solution.</p>

	<p>The track design will need to factor in the two hazards through suitable track surfacing that is unlikely to erode or cause unplanned or undue maintenance. This can be achieved through engineered drainage solutions, concrete paths or raised platforms. Signs warning of wave actions may also be required together with fencing.</p> <p>Council would also be introducing an asset into these areas and will need to factor in the life of the asset and that future works may be needed to either protect or replace the asset due to coastal inundation. For instance, a raised platform may last for 50 years however the height of the platform may need to be increased in 50 years time to allow for sea level rise.</p> <p>Council Officer's initial assessment is that a design can be created that factors:</p> <ul style="list-style-type: none"> <li>- Public safety</li> <li>- Design and type of asset suitable for a coastal hazard area</li> <li>- Does not increase the hazard for private landowners or infrastructure providers, natural assets or cultural places or items.</li> <li>- Overall design to minimise risk to the public and to the Council.</li> <li>- Future protection of the asset from sea level rise or erosion.</li> </ul>
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PRIVACY AND LOSS OF AMENITY	
ISSUE	DESIGN RESPONSE and COMMENT
Dogs barking at track users	<p>The comments are that dogs will bark at people or other dogs using a new walkway as dogs are not used to people in that part of the land.</p> <p>A design solution is to keep the track at a maximum distance from property boundaries to avoid direct interaction between dogs at fences and dogs or people using the walkway.</p> <p>It is also Officers recommendation that people keep their dog(s) on a leash at all times and that signage is introduced and rules enforced. This is also a requirement of the <i>Dog Control Act 2000</i>.</p> <p>Design for additional landscaping buffers or existing landscaping buffers will also create a distance and screen between the track and property boundaries. Park benches should not be placed close to property boundaries where people will stop, rest or gather and potentially stress or excite dogs on private property (or vice versa).</p>

	<p>Council Officer experience of walking this area multiple times is that dogs bark at first but then stop once you walk away. It is the opinion of Council Officers, based on experience, that dogs typically get accustomed to change and new people and other dogs over time. Owners may need to train their dogs to deter them from barking so they do not become a nuisance or disturb the amenity of the entire area.</p> <p>It is also likely that new dogs at properties will be aware of a walking track (i.e. post construction) and unlikely to react the same as dogs that have lived on the property without a walking track.</p>
<b>Loss of privacy</b>	<p>It is agreed that a formed walking track will attract more people to use these public reserves or access the River Derwent. Over 40% of respondents had raised privacy and increased people/activity in the area as a concern. This was raised by both people that were for or against a walking track in the area.</p> <p>People were concerned that they could no longer enjoy their private open space and treated the land that backs onto the reserve like a private backyard.</p> <p>Firstly, Council respect people's opinions on this matter and that privacy can be subjective.</p> <p>A design solution is to locate a track that maintains a distance from boundaries, as far as practicable, and makes use of existing tracks and vegetation. Further landscaping can be introduced to create a buffer between the track and property boundaries.</p> <p>However, it is important that such landscaping does not unreasonably block people's views or create places that entirely obscure track users when viewed from the private properties. An element of passive surveillance between the reserve and private property is important for safety and security and a natural deterrence of anti-social behaviour.</p> <p>Further discussions with some landowners is needed to discuss some particular sites.</p>

<b>Lack of fencing between property and foreshore reserve</b>	Landowners are not required to fence this boundary and Council is not required to construct fencing per the <i>Boundary Fences Act 1908</i> . Again, the design solution is to maintain a distance from the property boundary and make use of existing vegetation. Further landscaping ought to be included to create a natural feeling buffer between the reserve and private property.
<b>Noise from people using the track and other loud behaviour</b>	A walking track may increase noise from people or dogs using the track however Council has very minimal complaints about track users from existing tracks in the Brighton area. A walking track is not a land use that is known to cause noise issues. A design solution however is to avoid constructing park benches or gathering places that are close to boundaries or people's windows etc.
<b>Vegetation removal</b>	A design solution is to avoid vegetation removal other than weed removal. Coastal vegetation is critical habitat and is needed to control erosion, wind and also privacy and amenity.

<b>CRIME OR ANTI-SOCIAL OR NUISANCE BEHAVIOUR</b>	
<b>ISSUE</b>	<b>DESIGN RESPONSE and COMMENT</b>
<b>People hooning on motorbikes or motorised bikes</b>	A design solution is to ensure there is passive surveillance between track users and local residents, signage that prohibits motor bikes, fencing and gates to restrict access for these types of vehicles but still allow wheel chairs, prams and cycling. Residents are typically very pro-active to discourage this type of behaviour through reports to the Tasmania Police.
<b>Trespass onto private property</b>	Though a police matter there is still scope to delineate between what is the public land and the private land through landscaping and designing a track that is not located directly against a boundary. Further assessment and design solutions may be presented to the community for feedback on this matter.
<b>Anti-social behaviour</b>	It is expected that track users will be mostly local residents or people simply enjoying nature or exercise. A design solution is again to allow for passive surveillance where possible, to not create hiding spaces or gathering spaces behind fences or vegetation.
<b>Burglary and access to private property</b>	The Tasmania Police were contacted as part of the consultation process. Tasmania Police said that creating a track may create additional access points to property. However, they could not comment on potential crimes that have not happened. From an urban design perspective passive surveillance and a high quality amenity are good deterrents for anti-social or criminal behaviour.

	<p>People that witness suspicious behaviour or criminal activity typically contact the police.</p> <p>Council are also reminded that the project area is mostly existing reserve land with the exception of the small amount of land within the St Ann's precinct. Council would not be creating the reserve through land acquisition or the like.</p> <p>Use of cameras in the area may be a deterrent particularly around likely meeting or gathering spots such as the Jetty Road carpark. It is noted that many residents have cameras on their properties that would be a deterrence or pickup criminal or suspicious activity.</p>
<b>How will Police and Council manage anti-social behaviours</b>	A well-designed trail that includes passive surveillance, encourages people to get outdoors and exercise or go fishing and enjoy nature is one of the best ways to deter anti-social behaviour. The more people that use the track and are present in the area the less likely people will be to cause a nuisance or act in an anti-social manner as such behaviour can be reported to the Tasmania Police.
<b>Houses and private open spaces were built before the track and not designed for a track</b>	<p>Again, Council respect people's opinions on this matter and that it can be subjective.</p> <p>Foreshore reserves are great places for foreshore tracks and access to a river for fishing or to enjoy the outdoors. Council has already constructed many foreshore tracks in the nearby areas which are frequently used by people to get exercise and enjoy nature.</p> <p>A design solution is to design a track that is respectful of people's privacy and to maintain a distance from boundaries and buffer with landscaping.</p>
<b>Access for emergency services</b>	There are multiple access points for emergency services either through existing vehicle accesses, walkways or through private property in the event of an emergency.

NATURAL VALUES AND WILDLIFE	
ISSUE	DESIGN RESPONSE and COMMENT
<b>Loss of habitat and vegetation removal</b>	A design solution is to avoid vegetation removal as far as practicable and plant further vegetation that is suitable coastal habitat. A walking track would also enable and encourage better weed management of the area.
<b>Dogs and wildlife</b>	It is recommended that dogs strictly kept on a leash. The natural values survey identified bandicoot habitat and other wildlife. A clearly marked track would also delineate between natural bushland and the track and deter people and dogs from straying from the path into the vegetation.
<b>Impact on threatened species</b>	Per above the design would provide that clearly delineates a pathway and that dogs must be kept on a leash or prohibited.

	The Natural Values Assessment has provided recommendations for design and construction and to avoid unnecessary removal of vegetation including dead vegetation or piles of vegetation that are bandicoot or other fauna habitat.
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COSTS, MAINTENANCE AND COUNCIL SPENDING	
ISSUE	DESIGN RESPONSE and COMMENT
Council should be spending funds on more play equipment in Old Beach	These comments are noted and have been directed to the Asset Services team.
A track will require ongoing maintenance at ratepayer expense	A solution is to design a track to an affordable best practice principle that requires minimal or inexpensive maintenance such as well drained gravel tracks. Also to construct sections out of concrete with a long design life, where necessary, such as Clarries Creek.
Do not agree with spending funds on a track in this area as opposed to a track in the area	<p>Council has identified further tracks and connectivity between places as part of Council's <i>Brighton Council 2050 Vision</i>. This forms part of Council's role to deliver community infrastructure.</p> <p>Council has included consultation on the walkway in this area in their current <i>Annual Plan 2024-2025</i>.</p> <p>Funding and final costs are not yet known and could be funded through state or federal grant funds or as budget allows.</p>

PROPERTY VALUES	
ISSUE	DESIGN RESPONSE and COMMENT
That a walking track would decrease property values in the area	There is no evidence to support that public facilities and amenities reduce property values and the design measures to reduce anti-social behaviour and create a high quality and high amenity foreshore track will likely make Old Beach an even more attractive place to live and visit.

OTHER ISSUES RAISED	
ISSUE	DESIGN RESPONSE and COMMENT
That the crown reserve was gifted to some residents	The track corridor does not include land in private ownership other than land within the St Ann's Living precinct which the owner's have agreed to include subject to further design and community consultation.
That Council did not contact some residents about the project	Adjoining owners were contacted and information was provided on Council's website inviting comment on the track investigation area. Council has retained the records and contact details.
Impact on TasWater underground pipes	TasWater were contacted as part of the consultation and have no objections to works in the area. Works such as excavations or drainage can be designed to avoid underground assets.
Council would be liable for damages to private property from criminal activity or liable if persons are injured	<p>There is no evidence to support this claim.</p> <p>The track can be designed per best practice and to a high standard and with professional advice. Council can seek advice from their insurer on measures to make the track safe and discourage people taking risks. Such measures would likely include public safety through signage, fencing and landscaping.</p> <p>Also the track would be continually inspected to ensure track works are kept to a reasonable standard. Members of the public can report maintenance issues to Council.</p>

The table below provides a summary of the responses from the Stakeholders.

STAKEHOLDER FEEDBACK	
STAKEHOLDER and COMMENT	DESIGN RESPONSE and COMMENT
<b>Tasmania Fire Service (TFS)</b> <i>TFS have no significant concerns with respect to the concept foreshore track. I note it does not appear likely to have any material impact on our ability to access properties or firefighting resource in the area.</i>	No further comment or design response other than the expected vegetation management that would be associated with track maintenance may further reduce bushfire hazards.
<b>Inland Fisheries Services</b> <i>Thanks for contacting the Inland Fisheries Service in respect of the proposal to extend the walking tracks in Old Beach.</i>	The comments are noted and can be included in the design response to provide signage and further consultation will be undertaken with IFS to refine design drawings.

<p><i>The IFS, through our Anglers Access programme have already identified a number of access points to the River Derwent for anglers in the Old Beach area including existing walking tracks. I have attached a copy of the River Derwent Anglers Access brochure.</i></p> <p><i>The project outline, if implemented, will enhance access to the river for angling and any new access points will be added to the IFS map.</i></p> <p><i>We suggest that the angling symbol be included in any new signage for the walking track as a permissible activity.</i></p> <p><i>In respect of the alternate creek crossing we support the safest and most cost effective option as close as practical to the River Derwent.</i></p> <p><i>I would be happy to discuss any aspect of this very worthwhile project.</i></p>	
<p><b>Aboriginal Heritage Tasmania</b>  <i>That the assessment process under the Aboriginal Heritage Act 1976 is required and that further consultation is required once a design is finalised.</i></p>	<p>The comments are noted and the assessment report by CHMA provides a series of recommendations to avoid or manage Aboriginal Heritage sites such as middens. Further consultation will be undertaken should Council proceed to the design stage.</p>
<p><b>Crown Land Services</b>  <i>Property Services appreciates Council engaging with us and keeping us informed.</i></p> <p><i>As mentioned, when the investigative matters outlined in the Stakeholder Consultation paper dated 10 July, 2024, are substantially progressed, please contact Property Services to check if approvals are needed prior to commencing any works on the Crown land.</i></p>	<p>The comments are noted and further engagement with Crown Land Services can be undertaken should the project proceed to a design.</p>
<p><b>St Ann's Living</b>  <i>The Owners of St Ann's living have provided in principle support to further foreshore tracks in the area including within their land.</i></p>	<p>The comments are noted. Should further design documentation be prepared then further consultation with the owners of St Ann's Living will be undertaken.</p>
<p><b>Department of State Growth</b>  <i>The department is committed to encouraging people to walk, wheel, or ride as part of their everyday travel. Walking, wheeling, and riding play an important role in making the Tasmanian transport</i></p>	<p>The comments are noted and demonstrate that design and construction of such tracks are part of a much broader strategy for Tasmanians. Further consultation is required should Council proceed to a design.</p>

*network more resilient, safe, and equitable. This increases the use and efficiency of our transport corridors and delivers health, environmental, and economic benefits.*

*In turn, the department supports Brighton Council's goal of extending the River Derwent foreshore track within Old Beach and beyond. This aligns with the intent of the Hobart Regional Arterial Bicycle Network Plan and Greater Hobart Cycling Plan of providing loops of cycleways across Greater Hobart that transverse the River Derwent.*

*If Council's on-going planning and consultation work determines that the proposed foreshore track extension is a viable development, and if the track is ultimately proposed to use the State road reservation, further consultation with the department will be required to ensure the design in the reservation meets the department's safety expectations, and to ensure the final proposed alignment of the track does not conflict with future improvements envisioned for the East Derwent Highway. In addition, Brighton Council would need to enter a Crown land licence and ensure all surface maintenance and other improvements, such as plantings, are maintained by the licensee.*

*The Department is working towards providing a suite of state-wide guidance for walking, wheeling and riding, which may assist with your project. Drafts will be provided to councils and other key stakeholders for review and comment as they are ready.*

*In the meantime, thank you again for the opportunity to review the potential route. We appreciate Council's efforts in promoting walking, wheeling and riding and look forward to continued collaboration.*

**Old Beach Landcare Group**

*Generally supportive of further walking tracks in the area and improved access.*

<p><b>Tasmania Police*</b></p> <p><i>*Tasmanian Police were contacted specifically by Council Officers in response to feedback from the public about potential crime caused by a new track.</i></p> <p><i>That further consultation ought to be undertaken with Tasmania Police. That new walking tracks can provide additional points of access to properties and that Tasmania Police cannot provide specific comment on potential for crime.</i></p>	<p>The project is not to create a new public reserve as this already exists in most locations.</p>
<p><b>Old Beach Foreshore group</b></p> <p><i>Thank you for considering Friends of Old Beach Foreshore group in the consultation process.</i></p> <p><i>The idea of an extended walking track is welcomed by our group. It gives so much more opportunity for our group to extend our work along the river to ensure the area is looked after for generations to come.</i></p> <p><i>As discussed this morning the only concern for us, which council is already onto is the identification and preservation of any endangered species of plant/wildlife or aboriginal significant sites of interest along the proposed track.</i></p> <p><i>In terms of access for individuals with criminal intent we don't see the track as a conduit for an increase in crime within the area.</i></p> <p><i>We look forward to hearing the track will go ahead, which will open the area up for residents to enjoy a longer walk/ride/run along the banks of the River Derwent. Enabling them to take advantage of new and alternate views the river has to offer from these vantage points.</i></p>	<p>The comments are noted and further consultation will be undertaken should Council proceed to design.</p>
<p><b>TasWater</b></p> <p>That further consultation ought to be undertaken if works may impact TasWater's asset. This would include service locations or use of Before You Dig asset services.</p>	<p>The Comments are noted.</p>

**Next Steps**

The next steps should Council decide to proceed with the design stage of the project and further consultation are listed as follows:

- September 2024 - Meet with those property owners and any others identified by Council to discuss design particulars of where safety between vehicles and pedestrians may be compromised.
- September 2024 - Further site investigations around boundaries and cliff top access and incidental discussions with property owners
- September – November 2024 Prepare design plans in response to issues raised in the consultation and present to Council
- December 2024 - 2025 Undertake consultation on the design plans and refine as needed
- Further report to Council.

**Risk Implications**

Stakeholder and community consultation is critical to progressing a project such as this.

There is practically nil risk to Council in proceeding to a more detailed design and further consultation on a track in this area per the recommendations and per the feedback received from stakeholders and the community.

The project will continue to be managed carefully by Council Officers per the project management plan which includes fit for purpose consultation and preparation of design documentation.

**Financial Implications**

A costing of the design documentation, per the recommendations of this report, can be achieved within the current budget allocation towards track works in the area and in Brighton. Some of this design work will be undertaken by external consultants such as engineered solutions or graphic design. The remaining design and consultation elements will be carefully managed by Asset Services.

**Strategic Plan**

1.1: Understand/Improve Health and Wellbeing

S1.3: Provide Public Facilities/Amenities

S1.4: Support Connected Communities

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

S3.2: Implement Strategic Asset Management Plan (Existing and New)

S3.3: Enabling Infrastructure

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

## Social Implications

Council have based this project on the success of other foreshore trails in the Brighton area. These public spaces are very popular places to exercise, connect with nature, socialise or connect between areas. They also improve the general amenity of residential areas through improved infrastructure and further maintenance/management of public land (i.e. mowing, weed management etc) and a general sense of community well-being.

## Economic Implications

High-quality trails and improved open spaces, including access to the foreshore, make Brighton a better place to work, live, play and invest.

## Options

1. As per the recommendation
2. Other

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## **RECOMMENDATION:**

1. That Council Officers further investigate issues raised in the public consultation process and prepare a design plan for one (1) or more stages of the Old Beach foreshore track investigation area (as shown in Attachment B); and
2. Council Officers commence further stakeholder and community engagement on the design plan via the same communications methods used for the July – August 2024 consultation; and
3. Council Officers report on the outcomes of the design consultation to the Council at an Ordinary Council Meeting.

## **DECISION:**

*Cr Irons moved, Cr Curran seconded that*

1. *Council Officers further investigate issues raised in the public consultation process and prepare a design plan for one (1) or more stages of the Old Beach foreshore track investigation area (as shown in Attachment B); and*
2. *Council Officers commence further stakeholder and community engagement on the design plan via the same communications methods used for the July – August 2024 consultation; and*
3. *Council Officers report on the outcomes of the design consultation to the Council at an Ordinary Council Meeting.*

**CARRIED**

**VOTING RECORD**

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

**14. Questions on Notice**

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

**15. Closed Meeting**

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

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

**RECOMMENDATION:**

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

Item:	Closed under:
15.1 – Employment Contract – General Manager	15(2)(a)
15.2 – Draft Policy 3.3 – CEO Exercise of Powers	15(2)(a)

**DECISION:**

*Cr Curran moved, Cr Whelan seconded that in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015, Council move into Closed Session and the meeting be closed to members of the public to deal with the following items:*

*15.1 – Employment Contract – General Manager 15(2)(a)*

*15.2 – Draft Policy 3.3 – CEO Exercise of Powers 15(2)(a)*

**CARRIED**

**VOTING RECORD**

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

## 15.1 Employment Contract – General Manager

Author: Director Governance & Regulatory Services (J Banks)

## 15.2 Draft Policy 3.3 – Chief Executive Officer – Exercise of Powers

Author: Director Governance & Regulatory Services (J Banks)

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

### **RECOMMENDATION:**

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

Agenda item	Matter	Outcome
15.1	Employment Contract – General Manager	Council have resolved to renew the General Manager's contract for a further 5 years from July 1, 2025 once the current contract expires. They have also resolved to change the title from GM to CEO to better reflect contemporary local government.
15.2	Draft Policy 3.3 – CEO Exercise of Powers	Policy approved and to be made publicly available on Council's website.

### **DECISION:**

*Cr McMaster moved, Cr Curran seconded that Council move out of closed session and the decisions made while in closed session be ratified.*

**CARRIED**

### **VOTING RECORD**

**In favour**                      **Against**

Cr Curran

Cr Geard

Cr Gray

Cr Irons

Cr McMaster

Cr Murtagh

Cr Owen

Cr Whelan

Meeting closed: 6.45 pm

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

Date: 15 October 2024  
\_\_\_\_\_