



**Brighton
Council**

ATTACHMENTS

ORDINARY COUNCIL MEETING

18 FEBRUARY 2025





**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, 21 JANUARY 2025**

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

IN ATTENDANCE: Mr J Dryburgh (Chief Executive Officer) Mr C Pearce-Rasmussen (Director, Asset Services); Ms J Banks (Director, Governance & Regulatory Services); Mr A Woodward (Director Development Services); Mrs J Blackwell (Senior Planner); Mr L Wighton (Senior Officer – Development Engineering) and Ms M Braslin (Acting Director Corporate Services)

1. Acknowledgement of Country

2. Apologies / Applications for leave of absence

All members were present.

3. Confirmation of Minutes

3.1 Ordinary Council Meeting

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

RECOMMENDATION:

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

DECISION:

Cr Owen moved, Cr McMaster seconded that the Minutes of the previous Ordinary Council Meeting held on 17TH December 2024, be confirmed.

CARRIED

VOTING RECORD

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

4. Declaration of Interest

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

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

There were no declarations of interest.

5. Public Question Time and Deputations

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

There was no requirement for Public Question Time.

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

The Mayor's communications were as follows:

- 18/12/24 Meeting with Susie Bower & CEO
- 8/1/25 STRLUS Steering Committee Meeting
- 10/1/25 Media event regarding Bridgewater Gymnastics facility
- 14/1/25 Meeting with Bridgewater Police Inspector & CEO
- 15/1/25 Media Event re \$10M Federal Grant – Brighton Council & TasWater

- 16/1/25 Meeting with Minister Kerry Vincent MP, Councillors & Senior staff
- 20/1/25 ABC Radio Interview
- 21/1/25 Triple M Radio Interview 'Mayor on the Air'
- 21/1/25 Council Meeting

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

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

CARRIED

VOTING RECORD

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

6.2 Reports from Council Representatives

There were no reports from Council representatives.

7. Miscellaneous Correspondence

Nil.

8. Notification of Council Workshops

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

No workshops have been held since the previous Ordinary Council meeting.

9. Notices of Motion

There were no Notices of Motion.

10. Consideration of Supplementary Items to the Agenda

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

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

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

11. Reports from Committees

No Committee meetings were held in January.

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 Insert Site Specific Qualification Into the Brighton Local Provision Schedules to allow Food Services Use (if for Mobile Food Vendor) as Permitted Use within the Utilities Zone on Land at CT 164049/1

Author: B White (Strategic Planner)

Authorised: J Blackwell (Acting Director Development Services)

Type of Report	Section 40D
Applicant:	Brighton Council Officers
Subject Site:	1 Strong Street, Bridgewater
Title:	CT 164049/1
Proposal:	Amend the Brighton Local Provision Schedule by inserting a site-specific qualification to the Utilities Zone Use Table, permitting Food Services (if for a mobile food vendor), as an additional Permitted Use, on land at 1 Strong Street, Bridgewater (CT 164049/1).
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	Utilities

1. Purpose

This report details how proposed draft amendment RZ 2024-04 to the Brighton Local Provision Schedules ('LPS') meets the relevant requirements of the *Land Use Planning and Approvals Act 1993* ('LUPAA').

It is recommended, pursuant to Section 40D(b) of LUPAA, that the Council, of its own motion, prepare the draft amendment to the LPS for the reasons outlined herein.

2. Executive Summary

The draft amendment will enable the Council, pending the approval of a future development application, to host food vans at the soon-to-be-upgraded heavy vehicle rest area/ town square ('Park') on the corner of Strong Street and Glenstone Road in the Brighton Hub ("the site").

A key recommendation of the Brighton Industrial Estate Brand and Place Strategy 2020 ("the Strategy") is the construction of a town square within the Hub, which would include a dedicated area for social events, such as "Food Truck Fridays."

The site was selected by Council Officers because it includes an existing heavy vehicle rest area ('truck stop') owned by the Crown (Department of State Growth) in need of upgrading. The consent of the Crown for making the application is provided as **Attachment B**.

According to the Tasmanian Heavy Vehicle Driver Rest Area Strategy¹, this area requires upgrading to meet Class 3/4 standards of the Austroads Guidelines for Heavy Vehicle Rest Area Facilities (AP-R591). Choosing this site allows Council to provide a place for truck drivers, visitors and workers Hub to socialise and relax, while also Improving overall placemaking outcomes in accordance with the Strategy.

In June 2024, Council received funding through the Commonwealth Government's Heavy Vehicle Rest Area initiative to construct the Park in alignment with the Council-endorsed Concept Plan ("the plan"), developed by Play Street. The plan is attached as **Attachment C**.

The plan's design followed an extensive consultation process with nearby landowners and businesses within the Hub, as well as with relevant infrastructure providers and state agencies with interests in the site. A summary of stakeholder feedback into the project is provided as **Attachment D**.

Overall, there was strong support from nearby businesses for the Park's design. Feedback from state agencies and infrastructure providers was addressed during the project, and no specific objections were raised regarding the inclusion of food vans at the site.

Council Officers are currently collaborating with Play Street on the detailed design for the Park, with construction anticipated to begin in early 2025.

1

https://www.transport.tas.gov.au/_data/assets/pdf_file/0005/271931/Tasmanian_Heavy_Vehicle_Driver_Rest_Area_Strategy.pdf

Currently, food services are a prohibited use class on land within the Utilities Zone. The Park is exempt from requiring planning approval. Therefore, an amendment to the Local Provisions Schedule (LPS) is required to permit this use on the site and allow the Council to issue licenses for food vans under its Mobile Food Vendors Policy ('Policy'). The Policy which will be amended once the amendment and development application processes are concluded.

3. Legislative & Policy Content

To proceed, the Planning Authority must prepare a draft amendment to the Local Provisions Schedule (LPS) and place it on statutory public notice. Once the advertising period concludes, the Planning Authority will review any representations received to determine if they justify amending or refusing the draft amendment or the planning permit. If approved by the Planning Authority, the amendment will be referred to the Tasmanian Planning Commission, which may invite representors to a public hearing.

This amendment is essential for implementing recommendations from key strategic planning documents developed with community input and endorsed by the Council.

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

This report provides detailed reasons supporting the officer's recommendation. However, the Planning Authority is not bound by this report's recommendations and may choose to: (1) adopt the recommendation; or (2) vary it by adding, modifying, or removing suggested reasons and conditions or by replacing an approval with a refusal (or vice versa). Any alternative decision must include a full statement of reasons to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2005.

4. Risk & Implications

Approval or refusal of this application will have financial implications for the Planning Authority as the Council has already allocated funds to the project.

5. Site and Surrounds

The proposal relates to crown owned land on the corner of Strong Street and Glenstone Road, Bridgewater. It is more particularly described In Certificate of Title Volume 164049 Folio 1, has an area of 2645m², and is shown in Figure 1 below.



Figure 1 Subject Site

The site is located adjacent to the Transport Hub Weighbridge to the northwest. There is an informal heavy vehicle rest area on the site which is accessed via an existing pathway from a truck parking area off Glenstone Road.



Figure 2 Existing Rest Area



Figure 3 Truck parking area adjacent to weigh bridge

The Brighton Hub is located approximately 1.5km to the southwest of the Brighton Township and approximately 1km to the northwest of Bridgewater.

Prominent land uses nearby consists of warehousing and transport depots such as Toll.

6. Roads and Infrastructure

Glenstone Road is a state-owned road, whilst Strong Street is owned by Council.

The site is burdened by several easements in favour of the following infrastructure providers/agencies:

- a) TasWater
- b) TasNetworks
- c) TasGas
- d) Tasmanian Gas Pipeline

All of these providers were consulted during the design of the concept and will not be impacted by the use of the site for food vans.

7. Planning Controls

7.1 Zoning

The subject site is zoned Utilities under the Brighton LPS. The adjoining land is zoned General Industrial. The zoning is shown in Figure 2.

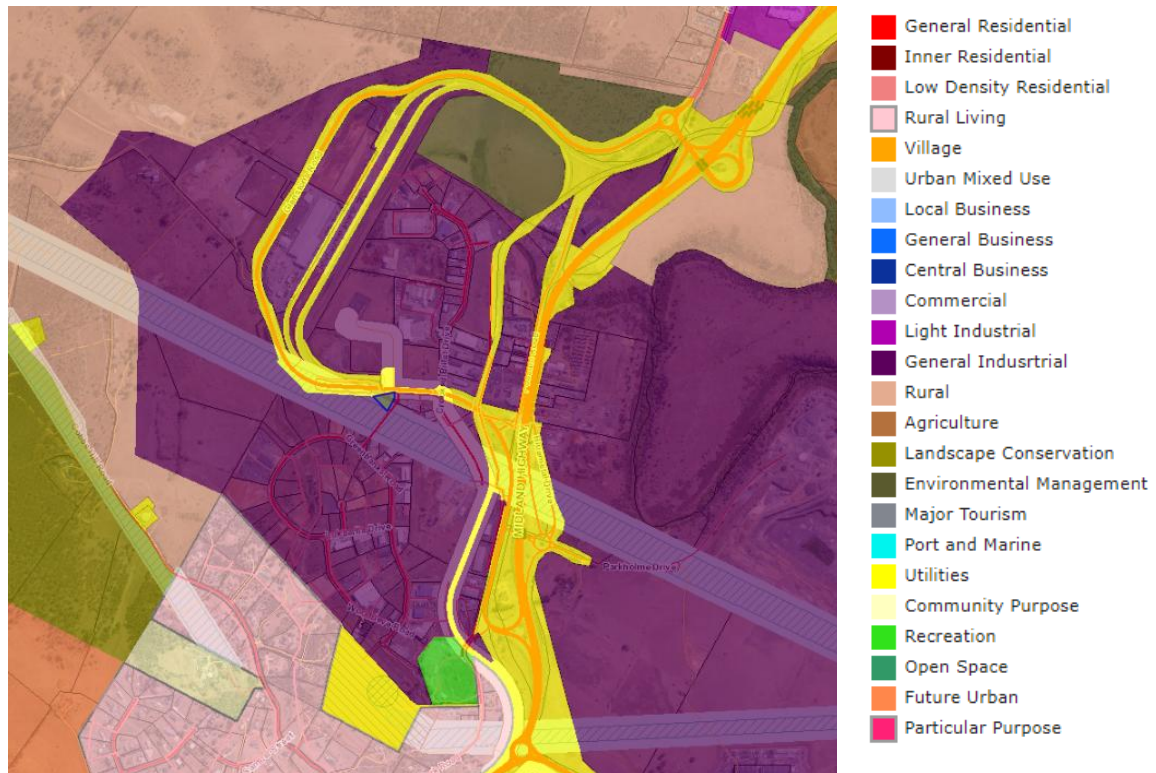


Figure 4 Zoning of the Estate and Surrounding Area

7.2 Overlays

Attenuation area (Bridgewater Quarry)

The site is located within the 'Attenuation Area' of the Bridgewater Quarry, so is subject to the Attenuation Code of the Brighton LPS. The Bridgewater Quarry Specific Area Plan provides use and development standards that are in substitution for, and are in addition to, the provisions of the Attenuation Code.

The proposal will have no impact on quarry operations.

Electricity Transmission Infrastructure Protection Code

The site is subject to the code as it is within a 'transmission corridor' and an 'Inner protection area'.

TasNetworks have been engaged extensively throughout the design of the truck stop and will be referred the draft amendment once initiated pursuant to section 40FA of LUPAA.

The proposal will have no impact on TasNetworks' operations.

7.3 Specific Area Plans

Brighton Industrial Hub

The Brighton Industrial Hub Specific Area Plan (SAP) buffer area adds an additional attenuation zone to the Attenuation Code around the Estate which covers an area of approximately 1170ha. The SAP prohibits sensitive uses from establishing within the buffer area to protect the Brighton Industrial Hub from land use conflicts. The SAP will have no impact on the proposal.

Bridgewater Quarry

Approximately half the Estate is also covered by the Bridgewater Quarry SAP which adds an additional buffer area to the Attenuation Code of the Scheme. The SAP prohibits sensitive uses and adds additional development (including subdivision) standards, in addition to the Zone standards, for any buildings (including signs) and works within the buffer area.

8. Rationale for Draft Amendment

8.1 Tasmanian Heavy Vehicle Driver Rest Area Strategy

The Tasmanian Heavy Vehicle Driver Rest Area Strategy ('THVDRAS') sets out the principles and priorities for provision of contemporary heavy vehicle driver rest area facilities in Tasmania and contribute to the efforts of all parties in the transport chain of responsibility to manage driver fatigue and provide a safer road transport environment more generally.

A recommendation of the THVDRAS is that the Glenstone Road informal rest area/ HVPA be upgraded to meet class 3/4 of the Austroads Guidelines for Heavy Vehicle Rest Area Facilities (AP-R591). Specifically, it recommends that toilets are provided on the site.

8.2 The Brighton Structure Plan & Economic Assessment

The purpose of the BSP is to manage growth and change in the Brighton Municipality over a defined planning horizon (15 years), with a focus on housing, employment, and community infrastructure. The BSP makes a series of strategies and recommendations related to each category and provides an implementation framework.

The BSP recognises the Brighton Transport Hub and Industrial Estate as a **state-significant employment node** given the Transport Hub is the only intermodal freight facility in southern Tasmania, and the industrial estate is the largest in the Hobart region.

The BSP predicts demand for industrial land in Brighton Council will increase due to limited supply in established industrial areas within Greater Hobart. The BSP specifically predicts that demand for sites within the Brighton Industrial Estate will continue to increase.

Strategy 5 of the BSP is to: "Improve the functioning and presentation of the Brighton Transport Hub and Industrial Estate".

8.3 The Brighton Industrial Estate Brand and Place Strategy

The Brighton Industrial Estate Brand and Place Making Strategy is partly the result of the findings and recommendations of the BSP to improve the functioning and presentation of the Brighton Transport Hub and Industrial Estate.

The aim of the Brighton Industrial Estate Brand and Place Strategy is to set out a new vision and pathway, supported by practical actions, to reposition the Brighton Industrial Estate as an attractive prospect for future investors and support growth.

The Brighton Industrial Estate Brand and Place Strategy is made up of the Placemaking Strategy Report as well as the Brand Guidelines.

Place Making Strategy Report

The Placemaking Strategy Report has found that the Brighton Industrial Estate is an underutilised asset in Tasmania. In consultation with stakeholders in the Brighton Industrial Estate, the Strategy produced the following common themes and issues with the Estate:

- Hostile and empty
- Unwelcoming
- Low amenity
- Disconnected.

In response to the issues raised in consultation, ten ‘aspirational themes’ were developed to represent how the Brighton Industrial Estate stakeholders envision the future of the site. The themes included matters such as:

- improving pedestrian amenity and activity and the visual aesthetics;
- creating a recognisable identity through signage and wayfinding;
- improving the visual aesthetics through landscaping and maintenance;
- adding people focussed uses and places; and creating business networks.

The Place Vision for the site was established (“Where People Matter and Business Prospers”), along with four vision themes and objectives, as shown in Figure 5 below.



OPEN & WELCOMING

- Create an immediately recognisable identity.
- Enhance entry experience through landmark entry statements, landscape and wayfinding. Attract interest from entrepreneurs, investors and new tenants.
- Provide warm welcome to new arrivals.



PEOPLE FOCUSED

- Create places for people, filled with life and activity.
- Activate vacant land through ephemeral events and use.
- Connect employees and visitors through social events to cultivate place attachment and grow social capital.



FUNCTIONALLY EVOLVING

- Maintain industrial function, complimented with amenity and diversified land use.
- Establish a recognisable brand to grow the narrative of place.
- Embrace the unique local history and highlight through creative interpretation. Celebrate local characters and share their stories.



WITH DIRECTION

- Establish new strategic networks and alliances.
- Develop skills workforces skills through partnerships between industry and educational institutions.
- Cultivate a thriving '18-hour' opportunity zone, attractive to entrepreneurs, investors and employees.

Figure 5 Vision Themes and Objectives (Source: Design Jam)

The Place Vision emphasises employees and visitors feeling welcome in a place that values pedestrian movements and social interaction, which will be achieved via activity nodes, lunchtime recreation and special events. A business network and a strong brand identity will help to attract investment and ingrain a sense of pride of place and identity.

A Strategic Action Plan was developed which sets out prioritised actions to respond to each of the vision themes and objectives, as shown in Figure 6. As can be seen, there are a number of actions which this amendment supports, such as:

- Updating Mobile Food Vendor Policy
- Food truck Fridays
- Town centre location
- Amenity and activity nodes.

	Very High Priority	High Priority	Medium Priority	Low Priority
OPEN & WELCOMING	1. Consistent Maintenance 2. Landmark entrance experience 3. Road verge landscaping	4. Business frontage guidance 5. Wayfinding	6. Art wall	7. Integrated lighting upgrade
PEOPLE FOCUSED	8. Update Mobile Food Vendor Policy	9. Food truck Fridays 10. Walking tracks 11. Social club 12. Lunchtime seating nooks	13. Amenity and activity nodes	14. Activate vacant land 15. Biodiversity zones 16. Ashburton Creek recreation zone 17. Connective footpath upgrades
FUNCTIONALLY EVOLVING	18. Implementation of new name & brand narrative		19. Truck parking	20. Define car parking 21. Embed interpretation
WITH DIRECTION	22. Workforce development 23. Specific Area Plan 24. Business network	25. A new prospectus	26. Ambassador program 27. Business network website	28. Town centre location 29. Marketable recruitment services

Figure 6 Strategic Action Plan - (Source: Design Jam)

8.4 Mobile Food Vendor Policy No 4.1

Council's Mobile Food Vendor Policy No. 4.1 provides a framework under which Council issues permits for Food Trucks within a road maintained or owned by Council, or on Council land.

It is proposed that Council will enter into a lease with the Crown to take over the management of the site for the Park. Therefore, the Policy will apply to the site as Council will maintain the land under that legal agreement.

The Policy requires that Council apply for, and hold, a permit (for Food Services) under LUPAA for an 'approved locations' to be used for Food Trucks. Once a permit is granted for an approved site, Mobile Food Vendors can then apply for a Mobile Food Vendor Permit under the Policy.

As food services is currently a prohibited use in the Utilities zone, the required planning permit under the Policy is unable to be granted and food vans are currently unable to operate out of the site.

Once the amendment is approved Council Officers will apply for a planning permit for the use and amend the Policy to add the subject site as an approved location. Mobile Food Vendors will then be able to apply for a permit under the Policy to operate out of the site.

9. The Amendment – Site Specific Qualification

The proposed amendment to the Brighton Local Provisions Schedule is to insert a site-specific qualification to add Food Services (if for a mobile food vendor) as a permitted use in the Utilities Zone if on land at CT 164049/1.

The amendment is required as food services is a prohibited use in the Utilities Zone. However, the proposed Food Services Use is considered to be in harmony with the purpose of the zone as follows:

The purpose of the Utilities Zone is:

26.1.1 *To provide land for major utilities installations and corridors.*

26.1.2 *To provide for other compatible uses where they do not adversely impact on the utility.*

It is considered that the proposed additional Food Services use on the site is in harmony with the purpose of the zone as it will not affect the infrastructure on site and will complement an exempt use (i.e., the Park).

The use has been assigned a permitted status as the relevant utility providers will be consulted during the amendment process which will avoid duplication of approvals at a later date.

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

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

40D. Preparation of draft amendments

A planning authority –

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

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

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

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

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

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

40F. Certification of draft amendments

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

(2) If a planning authority determines that –

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

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

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

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

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

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

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

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

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

Response: the amendment does not affect the provisions that must be contained in an LPS. An LPS can contain site specific qualifications.

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

Response: Section 32 of the Act sets out the contents of the LPSs. The relevant parts of the Section that relate to site-specific qualification are provided below.

32. Contents of LPSs

(3) Without limiting [subsection \(2\)](#) but subject to [subsection \(4\)](#), an LPS may, if permitted to do so by the SPPs, include –

(c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.

(4) An LPS may only include a provision referred to in [subsection \(3\)](#) in relation to an area of land if –

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or
- (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

Assessment of 4(a):

The proposed development is considered to provide significant social and economic benefits to the southern region through improving the place making of a state significant Industrial estate and providing a much-needed heavy vehicle rest area for truck drivers utilising the Hub.

The proposed site-specific qualification of the LPS is necessary to implement the findings of the BSP and the Strategy.

The Hub is recognised in the Southern Regional Industrial Land Strategy as the key location to accommodate some 40% of future demand for industrial land up to 2041. The BSP acknowledges that demand for industrial land in the Brighton municipality and the Hub is set to continue. Ensuring that the Hub is an attractive place to invest and a welcoming place for workers is critical in ensuring the Estate continues to be *the* prominent location in the Region for regionally significant industrial uses.

Future investment in the Estate will continue to provide social and economic benefits to the Municipality given the high rates of the population being employed in construction, manufacturing, transport, postal and warehousing, and the fact that existing businesses draw a significant percentage of employees from the local area.

Overall, improving the appearance and place making of the Hub by implementing the recommendations of strategic planning documents will benefit the region by creating an attractive place for investment and one which workers and visitors can enjoy.

(c) Furthers RMPS Objectives

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

Table 1 – RMPS Objective Assessment

Objective	Response
Part 1	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	The proposed amendment relates to a site with no known natural values.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water	The amendment is to implement the recommendations of local strategic planning documents which relate to the Brighton Industrial Estate. The Estate is identified as regionally significant in regional planning strategies so ensuring its success is crucial for orderly strategic planning for the region and the municipality.
(c) to encourage public involvement in resource management and planning	Landowners/ businesses in the Hub were directly involved in the design of the park. They will also be afforded an opportunity to comment during the statutory amendment process.
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The proposed amendment will improve the appearance of the Estate and the facilities for truck drivers and workers. This will assist in continuing to attract investment and maintain its role as a key industrial estate in the Region and the State.
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State	The proposed amendment relates to a site owned and managed by the State Government. The consent of the relevant minister for the making of the application has been provided.
Part 2	
(a) to require sound strategic planning and coordinated action by State and local government	The proposed amendment is to implement the recommendations of regional and local strategic planning documents and is consistent with relevant policies within the Southern Tasmanian Regional Land Use Strategy.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	<p>The proposed amendment adds an additional site-specific amendment to the LPS to allow a permit application to be made allow a food service use on the site.</p> <p>The proposed amendment has been found to be consistent with the contents of the LPS and has been drafted to achieve specific objectives and policies recommended in strategic planning documents endorsed by the Council.</p>

(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	The proposal does not allow for use and development with the potential to cause environmental harm. There are no significant natural values on the sites.
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	Revitalising the Hub through a new town square is recommended in local strategic planning documents endorsed by the Council and is consistent with regional planning documents and State Policies and legislation.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	The proposal will allow for a future permit application to be made to establish a food services use on the site.
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	The proposal is to implement findings of the Placemaking Strategy which are to improve the amenity and placemaking of the Estate for workers and visitors.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	The site is not known to contain any heritage significance.
(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community	If certified the draft amendment will be referred to all relevant Infrastructure providers and state agencies with an interest in the site. It is noted that the relevant parties have been involved in the design of the park.
(i) to provide a planning framework which fully considers land capability.	The proposed sites are zoned utilities under the LPS so are not intended to be used for agriculture.

(d) *Consistent with State Policies*

10.1.1 State Coastal Policy 1996

The *State Coastal Policy 1996* applies to land within 1 km of the high-water mark. The subject land is more than 1km from the high-water mark and this policy does not apply.

10.1.2 State Policy on the Protection of Agricultural Land 2009

The *State Policy on the Protection of Agricultural Land 2009* protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion of agricultural land to non-agricultural uses is subject to the principles of the Policy. The subject land is zoned Utilities, so the Policy is not applicable.

10.1.3 The State Policy on Water Quality Management 1997

There will be no direct impact on water quality as a result of the amendment and permit application.

10.1.4 National Environmental Protection Measures

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

The proposal does not trigger consideration under the NEPMs.

(da) *consistent with TPPs*

There are currently no Tasmanian Planning Policies in effect

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

As required under s.34(2)(e) the proposed amendment must be, as far as practicable, consistent with regional land use strategies. In southern Tasmania, the relevant regional land use strategy is the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS). The policies that are relevant to the amendment are addressed in Table 3 below.

Table 2 – STRLUS Assessment

Policy	Action
IA 1 Identify, protect and manage the supply of well-sited industrial land that will meet regional need across the 5, 15 and 30 year horizons.	IA 1.1 Ensure industrial land is relatively flat and enables easy access to major transport routes, other physical infrastructure such as water, wastewater, electricity and telecommunications IA 1.2 Locate new industrial areas away from sensitive land uses such as residentially zoned land.

	<p>IA 1.3</p> <p>Provide for a 30-year supply of industrial land, protecting such land from use and development that would preclude its future conversion to industrial land use - in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.</p> <p>IA 1.4</p> <p>Provide a 15-year supply of industrial land, zoned for industrial purposes within the new planning schemes - in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.</p> <p>IA 1.5</p> <p>Aim to ensure a minimum 5-year supply of subdivided and fully serviced industrial land.</p> <p>IA 1.6</p> <p>Take into account the impact on regional industrial land supply, using best available data, prior to rezoning existing industrial land to non-industrial purposes.</p>
<p><u>Consistent</u></p> <p>The proposed amendment is to improve the appearance and entrance experience of the Estate as recommended in the BSP and the Placemaking Strategy. The Southern Tasmania Industrial Land Strategy 2013 identifies the Brighton Estate as a key location to meet a significant amount of future demand for industrial land in the Region up until 2041. Ensuring the Estate is an attractive place for investment is therefore consistent with the Southern Tasmania Industrial Land Strategy 2013 and the above actions.</p>	
<p>IA 2</p> <p>Protect and manage existing strategically located export orientated industries.</p>	<p>IA 2.1</p> <p>Identify significant industrial sites through zoning and ensure that other industrial uses not related to its existing function do not diminish its strategic importance.</p>
<p><u>Consistent</u></p> <p>The proposed amendment allows an application to be made to utilise the subject site for a food services use. The site has been chosen due to it already containing a heavy vehicle rest area and being constrained for future industrial use due to its zoning and significant number of easements. The proposal to allow a Food Services use within the new park will improve the placemaking of the Hub and reinforce it as a regionally significant industrial area.</p>	

IA 3 Ensure industrial development occurs in a manner that minimises regional environmental impacts and protects environmental values.	IA 3.1 Take into account environmental values and the potential environmental impacts of future industrial use and the ability to manage these in the identification of future industrial land.
<u>Consistent</u> The subject site does not contain any known environmental values.	

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

(f) Brighton Council Strategic Plan 2023- 2033

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

- 1.3 - *Ensure attractive local areas that provide social, recreational and economic opportunities*
- 1.4 - *Encourage a sense of pride, local identity and engaging activities*
- 3.3 – *Community facilities are safe, accessible and meet contemporary needs*

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

The proposed amendment will add an additional site-specific qualification to the LPS which will have no impact on the LPS of adjacent municipal areas. The amendment has been assessed as being consistent with the STRLUS.

(h) Gas Pipeline safety

The subject site is affected by gas infrastructure. The relevant agencies have been consulted throughout the design of the Park. Using the site for a Food Services use will have no impact on the gas infrastructure that exists on the site as it involves no development and/or works. Both Tasgas and the Tasmanian Gas Pipeline will be referred the draft amendment once initiated.

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

11. Conclusion

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

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2024-04.

RECOMMENDATION:

- A. That, in accordance with Section 40D(b) of the *Land Use Planning and Approvals Act 1993*, Council prepares draft amendment RZ 2024-04 to the LPS.
- B. That, in accordance with Section 40F of the *Land Use Planning and Approvals Act 1993*, Council certifies draft amendment RZ 2024-04 to the LPS by instrument in writing affixed with the common seal of the planning authority.
- C. That, in accordance with Section 40F and of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2024-04 be given to the Tasmanian Planning Commission within seven (7) days.
- D. That, in accordance with Section 40FA(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment be provided to relevant agencies those State Service Agencies, or State authorities, that the planning authority considers may have an interest in the draft amendment.
- E. That in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2024-04 be placed on public exhibition.

DECISION:

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

CARRIED

VOTING RECORD

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

12.2 Subdivision (4 lots) and Boundary Adjustment at 1/221 Glenstone Road, Bridgewater, 5/221 Glenstone Road, Bridgewater, 175 Cobbs Hill Road, Bridgewater and 251 Glenstone Road, Bridgewater – SA 2024/0025

Author: J Blackwell (Acting Director Development Services)

Applicant:	Andrew Bullock
Subject Site:	1/221 Glenstone Road, Bridgewater, 5/221 Glenstone Road, Bridgewater, 175 Cobbs Hill Road, Bridgewater and 251 (Lot 2) Glenstone Road, Bridgewater
Proposal:	Subdivision (4 lots) and Boundary adjustment
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	<ul style="list-style-type: none"> • General Industrial • Rural
Codes:	<ul style="list-style-type: none"> • Bushfire Prone Areas Code • Natural Assets Code
Local Provisions:	Brighton Industrial Hub Specific Area Plan
Use Class:	N/A. Subdivision does not require classification (refer 6.2.6 of TPS)
Discretions:	<ul style="list-style-type: none"> • Subdivision - 7.10.1 • Natural Assets Code - C7.7.1 A1/P1
Representations:	<p>2 representations were received.</p> <p>The representors raised the following issues:</p> <ul style="list-style-type: none"> • Documentation advertised is not sufficient • The application is made without the agreement of the owners of Unit 5. • Lot Design • Existing strata • Stormwater management • The application documents do not clearly indicate the site as compared to the proposal. • Request for specific conditions from Tas Irrigation
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2024/0025.

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

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

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

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

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

2. BACKGROUND

DA 2021/0200 – 221 Glenstone Road, Bridgewater

Recycling and Waste Disposal – Approved 8th February 2022.

- Includes approval for Use and Development including workshop, shed, 3 bunded areas for stockpiling recyclable materials and associated access:



Figure 1 - Approved work site under DA 2021/200

DA 2022/0078 – 221 Glenstone Road, Bridgewater - Approved 30/5/2022

- Construction of Junction, Access and Associated Services/Works –

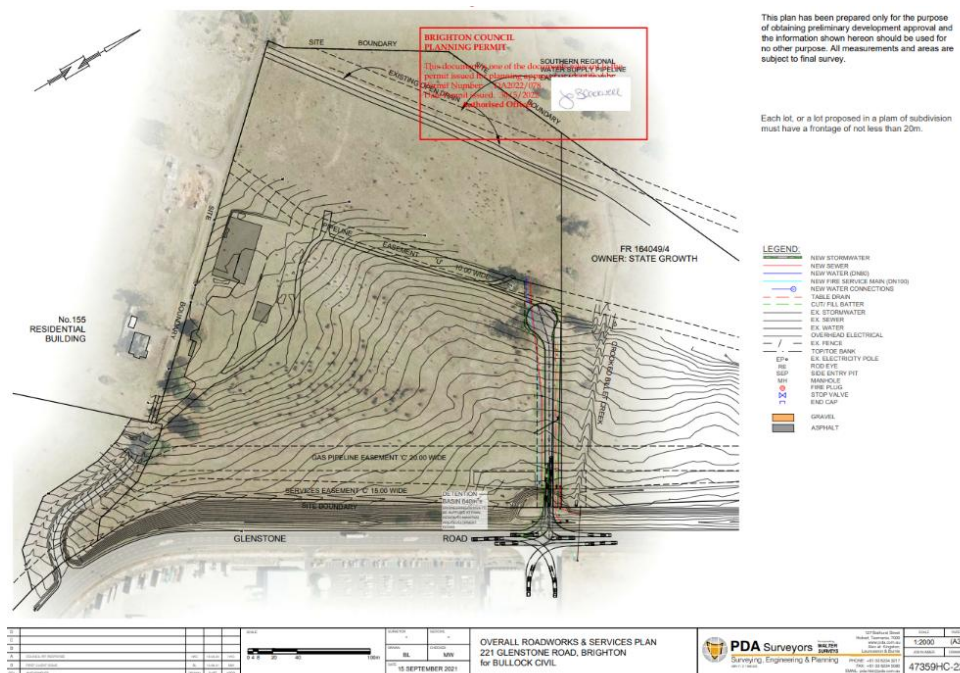


Figure 2 - Approved access under DA 2022/0078

SA 2022 /0028 Strata Plan division of 221 Glenstone Road, Bridgewater – Approved 23/6/2023

- Staged Development Scheme to create 5 lots. Masterplan, common property and Lot 5 created.

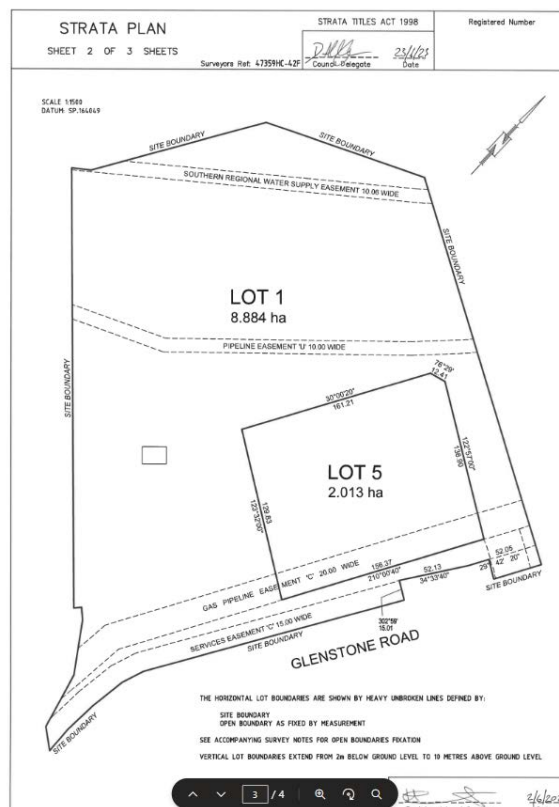


Figure 3: Page 3 of approved Strata Plan 185369 showing lot division to date

DA 2022/0085 – Lot 5/221 Glenstone Road, Bridgewater - Approved 12/7/2022

- Manufacturing and Processing – (alternative owner and applicant)

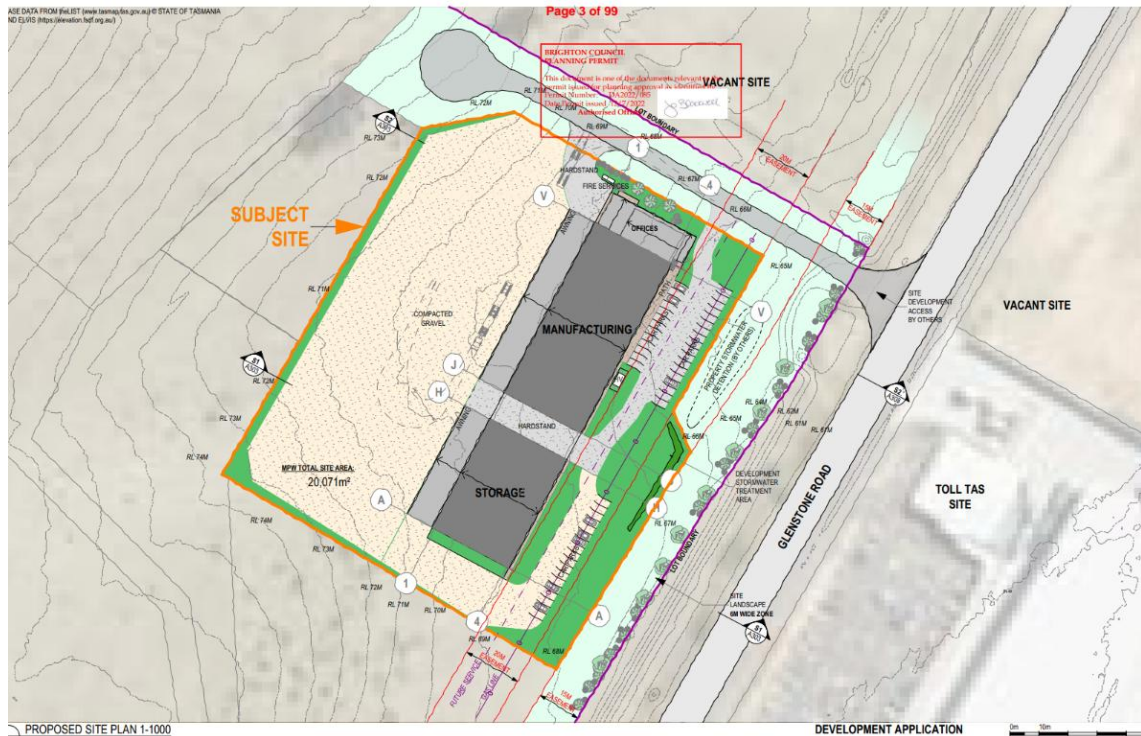


Figure 4: Approved site Plan 5/221 Glenstone Road, Bridgewater

SA 2024/0026 – Application to cancel Strata Plan 185369

- Not yet determined, pending determination of SA 2024/25

DA 2024/241 – 221 and 251 Glenstone Road and 175 Cobbs Hill Road, Bridgewater

- Relocation of Recycling and Waste Disposal Use and Storage (Retrospective)
- Not yet determined

3. SITE ASSESSMENT

The subject site is located at 221 and 251 (Lot 2) Glenstone Road, Bridgewater and 175 Cobbs Hill Road Bridgewater as shown in figure 5.



Figure 5: Site Location (Source: Listmap)

The Glenstone Road lots are both zoned General Industrial, with 175 Cobbs Hill Road being dual zoned General Industrial and Rural (Refer figure 6).

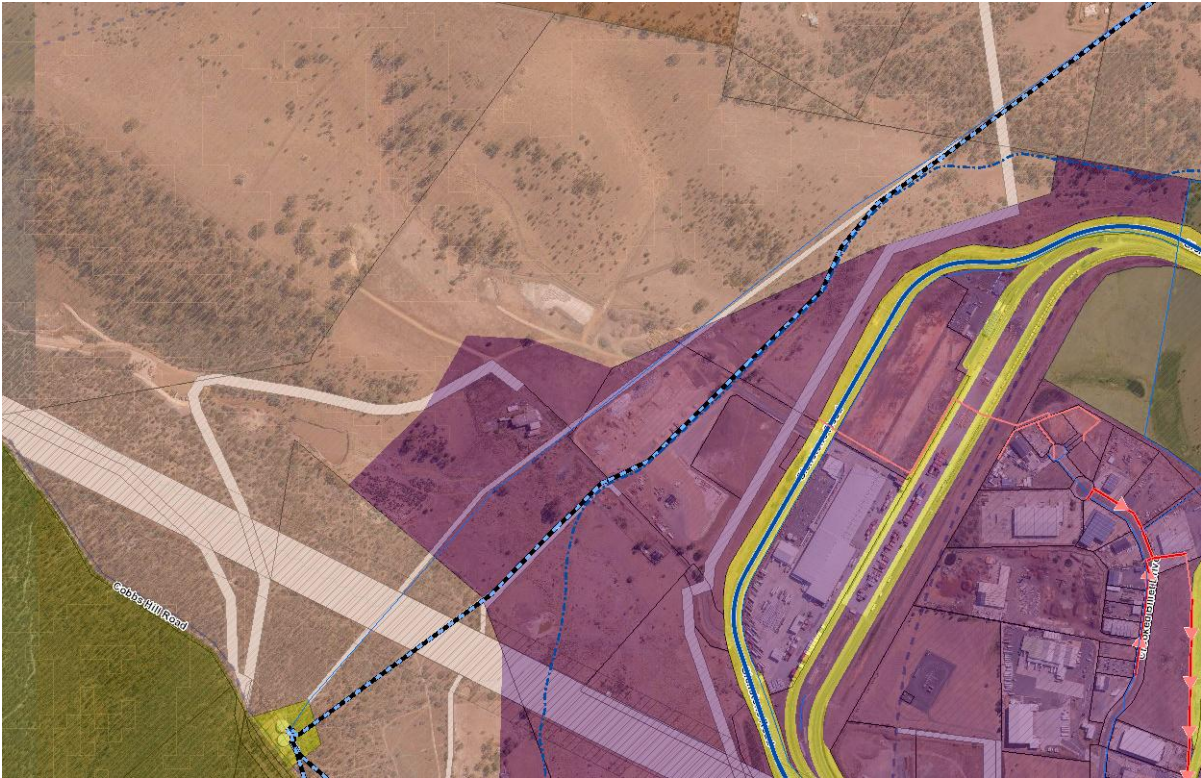


Figure 6: Zoning and Easements Map (Purple = General Industrial, Beige = Rural) (Source: Listmap)

As shown in Figure 6, the site is dissected by a number of easements:

- a) Right of Carriageway which provides access to the northern corner of the adjoining site from Cobbs Hill Road to 155 Cobbs Hill Road
- b) TasWater Reticulation main
- c) TasWater Bulk Transfer Main
- d) Tasmanian Irrigation – Pipeline
- e) Gas Pipeline.

A section of 221 Glenstone Road has been approved for Recycling and Waste Disposal Use relating to the approved use under DA 2021/200 (refer Figure 1) which use has expanded across the entirety of Lot 1 as shown in figure 7.



Figure 7: Current expanse of use on site (source: Listmap)

These works and additional works on 175 Cobbs Hill Road and 251 Glenstone Road are the subject of the retrospective DA 2024/241 currently under assessment. DA 2024/241 is reliant on the approval of the boundary adjustment [lot 3] under this application for the proposed development in the southern corner of 175 Cobbs Hill Road to occur.

221 Glenstone Road has access to reticulated water via the common property included in the Strata Plan 185369 and 251 (lot 2) Glenstone Road has access to sewer (Refer Figure 8.) 175 Cobbs Hill Road is currently unserviced.



Figure 8: Access to Infrastructure servicing (reticulated water – blue line; reticulated sewer – red line)

Access to all lots, other than lot 2, will be via the northern access from Glenstone Road. Lot 2 will be accessed via the established southern access,

4. PROPOSAL

The proposed subdivision is to divide 221 Glenstone Road into 4 lots (including a road lot and balance lot) (refer Lots 1, 2, 4 and 100 on the proposal plan shown in Figure 9). The application also seeks approval to undertake a boundary adjustment between 221 Glenstone Road with both 175 Cobbs Hill Road (refer lot 3) and 251 Glenstone Road, Bridgewater (refer lot 5). It is the applicant's intention that the proposed subdivision, once approved will replace the existing strata plan for 221 Glenstone Road, Bridgewater.

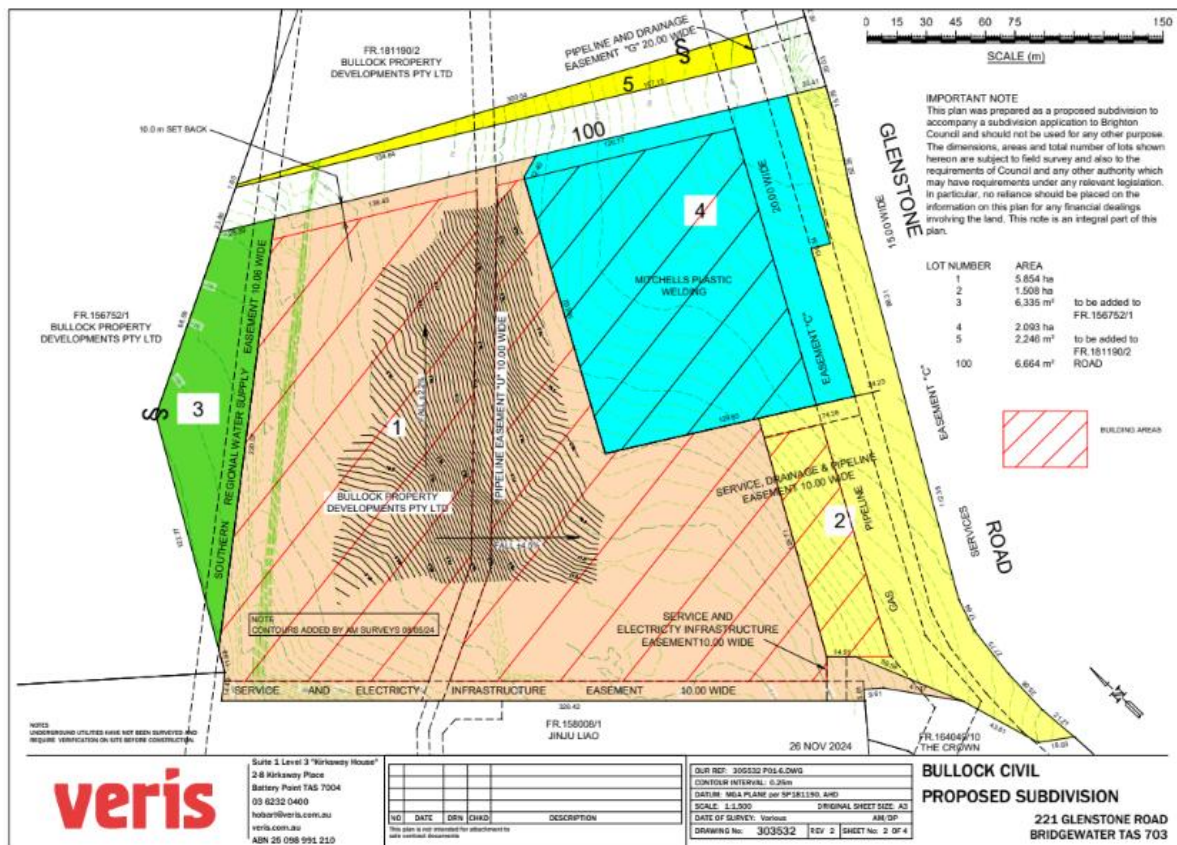


Figure 9: Proposed Subdivision layout

The application is supported by the attached plans, Traffic Impact Assessment, Natural Values Assessment, and Bushfire Hazard Management Plan.

5. PLANNING SCHEME ASSESSMENT

Compliance with Applicable Standards:

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

5.6.2 A standard is an applicable standard if:

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

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

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

Determining applications (clause 6.10.1):

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

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

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

Use Class

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

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

Notwithstanding this, the site is within the General Industrial Zone and the Rural Zone, and future development of the site will be assessed against the provisions of the relevant zones.

Compliance with Performance Criteria

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

Clause C7.7.1 A1 /P1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

Objective:
<p>That:</p> <ul style="list-style-type: none"> (a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and

(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must:</p> <ul style="list-style-type: none"> (a) be for the creation of separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area. 	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and (b) future development likely to be facilitated by the subdivision.

The proposal seeks approval for works within an existing mapped waterway to extend the access approved by DA 2022/0078. The waterway and coastal protection overlay crosses the norther corner of 221 Glenstone Road (CT185369/1), (Lot 1 on the proposed plan of survey), which does not satisfy the acceptable solution in (e) above, therefore assessment against the performance criteria is relied upon.

Historical satellite imagery shows that Crooked Billet Creek, through 251 (Lot 2) Glenstone Road was heavily modified and converted to an open drain as part of the earlier Transport Hub development (refer figures 10-13).



Figure 10 (April 2009) (Source: Google Earth Pro)

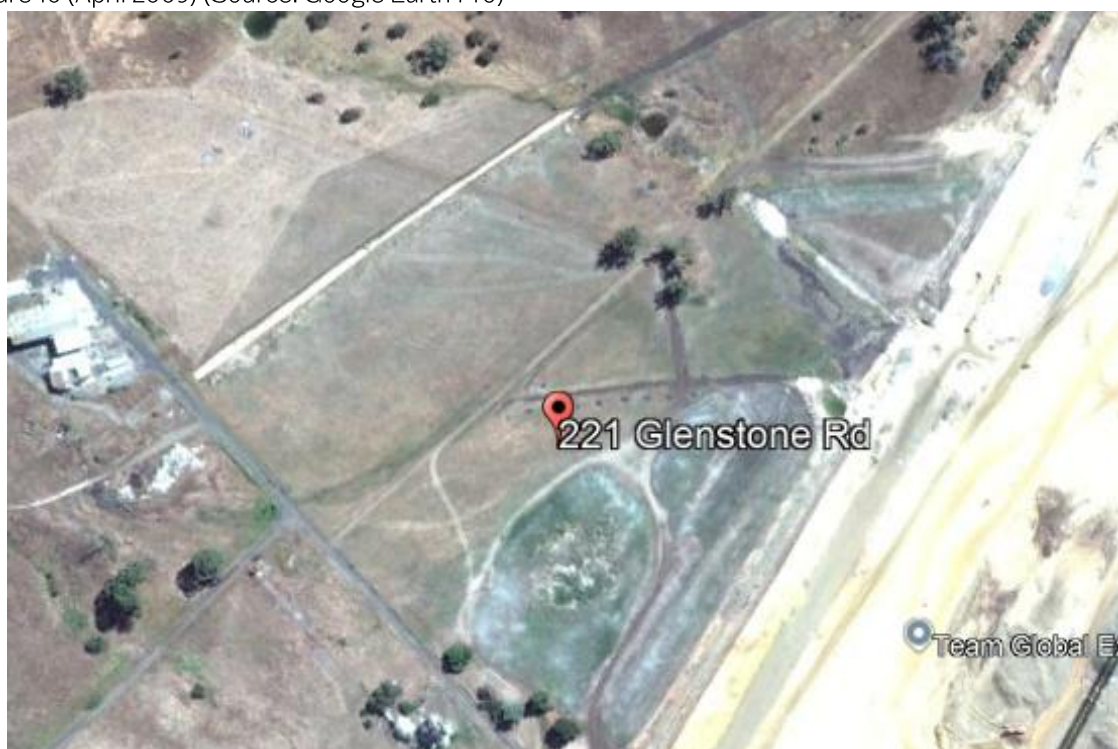


Figure 11 February 2010 (Source: Google Earth Pro)



Figure 12: June 2011 (source: Google Earth Pro)



Figure 13: Existing watercourse.

In addressing the performance criteria, the building areas shown on the proposal plan are located clear of the waterway and are separated from the waterway by the proposed road. The extension of the road construction will require the implementation of stormwater management measures addressed above (clause 19.5.1 A3/P3), which will be required to mitigate any impact on the diverted watercourse.

Accordingly, the PC is satisfied with conditions

6. Referrals

Senior Technical Officer

The application was referred to council's Senior Technical Officer, whose comments are included throughout this assessment.

TasWater

The application was referred to TasWater, who have issued a Submission to Planning Authority Notice dated 3rd December 2024, reference number TWDA 2024/01389-BTN, which includes conditions for inclusion on any permit approved.

Department of State Growth

The application was referred to the Department of State Growth who advised:

1. That Department of State Growth Consent was not required for the making of the subdivision application
2. That advice from the Applicant confirming that the southern access will only service Lot 2 did not raise any concerns.

Department of Natural Resources and Environment Tasmania (NRE)

The application included consent issued by NRE on behalf of the Crown insofar as the proposed development relates to Crown Land managed by NRE, for the lodgement of this application only. That consent also requires that all fire buffer areas (Hazard Management Areas and Fuel Modified Areas) are maintained wholly within freehold title boundaries and not on neighbouring Crown or Reserved land. The Bushfire Hazard Management Plan submitted identifies that the proposed subdivision is able to provide a Hazard Management Area to BAL-19 within the proposed lot boundaries.

NRE's correspondence also states that the consent does not constitute or imply, any approval to undertake works, or that any other approvals required under the Crown Lands Act 1976 have been granted. If planning approval is given for the proposed development, the applicant will be required to obtain separate and distinct consent from the Crown before commencing any works on Crown land.

Advice to this effect will be included in any permit approved.

TasNetworks

The proposal was referred to TasNetworks for consideration, who replied in the following terms:

Thank you for your email on 25/10/2024 referring to the above development.

Currently there is one point of supply for the title, but with the proposed subdivision provision will need to be made for a separate point of supply of electricity to each lot.

TasNetworks currently have a project on behalf of the developer that is at the design stage, with an estimated completion of late 2025. Reference number CN24-257619.

This date is an estimated date for completion and is subject to change due to conditions such as weather, materials availability and other unforeseen circumstances.

Supply to the new lots is not available until TasNetworks achieve completion of this project and the final commissioning of new assets installed has been carried out.

Tas Gas Network (TGN)

The application was referred to TGN, who provided advice that they have no objection to the proposed subdivision.

Tasmanian Gas Pipeline

The proposal was referred to The Tasmanian Gas Pipeline. That authority has advised that they have no objection to the proposed subdivision.

Tasmanian Irrigation

Tasmanian Irrigation made a representation to the proposal during the public exhibition period, which is addressed in section 8 below. That authority has requested additional conditions and pipeline specifications be included in any permit granted.

TasRail

TasRail provided a response during the public exhibition period. TasRail do not raise any objections in relation to the proposed subdivision. However, it does request being kept informed of any future development of the lots. TasRail also requested a copy of the TasRail Standard Notes (attached) be included with any council permits, in order to inform all parties relevant to developing land adjoining the rail corridor.

Aboriginal Heritage Tasmania

The applicant provided search results from Aboriginal Heritage Tasmania which confirms there is no risk in terms of Aboriginal heritage on 221 Glenstone Road. Advice advising how to manage the discovery of any potential artefact through an Unanticipated Discovery Plan (attached) is to be included in any permit issued.

7. Other

7.1 Public Open Space Requirements

Public Open Space Requirements for public open space no longer sit in the planning scheme. However, Council has powers and responsibilities under Sections 116 and 117 of the Local Government (Buildings and Miscellaneous) Act 1993 in relation to public open space. Further guidance is provided by Council's Public Open Space Policy. These provisions enable Council to:

- a) Require a subdivider to provide to Council up to 5% of land being subdivided; or

b) Require a subdivider to make a contribution cash-in-lieu of the provision of land, either in part or in whole.

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

8. Representations

Two (2) representations were received during the statutory public exhibition period between 7th December 2024 and 23rd December 2024. Following site inspection by one of the representors, a supplementary response was received on 10th January 2025.

The concerns of the representors are summarised below:

Representor 1	Response
The development as advertised should not be approved. The documentation is not sufficient. From what is indicated it is clear the drainage servicing is unsuitable. The proposed lot layout is inappropriate and will lead to bad outcomes for the site, for authorities and specifically for Unit 5 of the Strata.	See below
<p>The proponent makes application over land subject to strata title but does so without our agreement.</p> <p>The subject site is a staged strata title and currently required to be developed in accordance with the Strata Master Plan. Whilst transitioning to free-hold titles from the strata is required, and is desired by us, a suitable industrial subdivision plan cannot be a copy/paste of the Strata Master Plan. The strata plan has obligations over the development lot to provide and maintain access and services for unit 5 including stormwater detention, however the proposal provides no information regarding the design and capacity of proposed new services.</p>	<p>The land owner of Lot 5 was notified in writing of the making of the application by Gray Planning in correspondence dated 19th September 2024, in accordance with s52(1) of the Land Use Planning and Approvals Act 1993.</p> <p>Further, the subdivision cannot be undertaken without the owners of Unit 5 (future Lot 4) releasing the strata. Contractual obligations between owners is not a planning consideration.</p> <p>The existing strata relies on a shared stormwater management system for treatment and detention. It is proposed each lot of the new subdivision manage stormwater treatment and detention within their own lot. A portion of the land proposed for SW management under the proposed strata has been added to Unit 5 of the strata to create proposed Lot 4.</p> <p>A condition requiring a Part 5 Agreement be placed on each lot to provide stormwater treatment and detention is recommended.</p>

<p>An important aspect of the strata master plan pertains to the land between unit 5 and Glenstone Road. The area cannot be developed or used by a future owner, it is designated for the establishment and maintenance of the stormwater management for the site, this is appropriate in the frontage to Glenstone road. The existing strata holds common ground that provides connection from easements to Glenstone road this is vital for future services to unit 5. The proposal to pass this area over to lot 2 will be a poor outcome, the land can't be built on, the very long and narrow strip will become a basket case, either as a fire hazard or a junk yard. Neither the objective of the lot design provision nor the purpose for the zone can support the proposed arrangement.</p>	<p>Council officers do not disagree that the lot layout for Lot 2 is a poor outcome. However, the proposed subdivision satisfies the acceptable solutions provided in the Development Standards for Subdivision contained in Clause 19.5.1 of the Tasmanian Planning Scheme – Brighton.</p>
<p>This area currently identified for stormwater management plus common area is effectively remnant land under any proposal for subdivision. This remnant land should be apportioned to the 3 interests, to authority land, to lot 4, and then to lot 2 in a fair and sensible arrangement. A suitable arrangement is one that prioritises connections from public land, divides the area evenly for lot 2 and 4 stormwater detention and maintains a lot design that is suitable for the area. The only fair design that does that is what is sketched and provided by this representation.</p>	<p>Council officers are obliged to assess the proposal submitted for assessment.</p> <p>Lot arrangement is a separate matter for the owner/s of Lots 1, 2 and 4 to discuss.</p>
<p>The documentation of the application is not suitable for assessment. Even from what be interpreted in the drawings it is clear that the proposed service connections to proposed lot 4 would be limited. Stormwater and sewer connections must be provided at a suitable depth and to a suitable location that can service the whole site. In this area the constraints of the high-pressure gas main are especially pertinent, the</p>	<p>Sewer and Stormwater connections are required to be installed to each as part of the subdivision. The servicing arrangement for Lot 4 as shown on the proposal plan is consistent with what was approved under the previous Strata.</p> <p>The application was referred to TasWater who have provided a SPAN.</p>

<p>sewer and SW connection should be at the lowest point of the site.</p>	<p>A condition requiring each lot be connected to a reticulated sewerage system is recommended.</p> <p>A condition requiring the development be in accordance with TasWater's SPAN is recommended.</p> <p>A condition requiring each lot be provided with a stormwater property connection capable of servicing the entirety of the lot by gravity is recommended.</p> <p>Detailed engineering design plans will need to be submitted for further approvals. The location of the proposed services for Lot 4 may need to be relocated subject to depth of other services and this can and will be assessed at the time of submission.</p>
<p>The application documents do not clearly indicate the site as compared to the proposal. Proposed lot 1 has significant earthworks including a large fill area directly above land of Unit 5. There is no suitable cutoff drainage or overland flow considerations noted in the plans, all of lot 4 is graded to overflow directly to unit 5. No information is provided to indicate how the subdivision manages overland flow from beyond the site, nor within the proposed subdivision. Without due consideration of the waterways code, and without consideration of discharge characteristics, the proposal is not suitable for assessment. As the owner most effected we insist this detail should be provided as part of the proposal.</p>	<p>The earthworks on Lot 1 are subject to a separate development application.</p> <p>The stormwater management plan for the strata indicated a cutoff drain above Lot 4.</p> <p>A condition requiring a Stormwater Management Plan that also considers overland flow is recommended.</p>
<p>Considering the shortcomings of the application it is not suitable for the current drawings to be part of any permit for subdivision, even with conditions of permit. When the design is improved along the lines of our sketches below, and when a suitable response to the overland flow risk is design, new drawings may be</p>	<p>Council officers are obliged to assess the application submitted to it.</p>

suitable to achieve a planning permit that delivers a sound result for all owners.	
Representor 2	Response
<p>A representation was received in relation to protection of Tasmanian Irrigation infrastructure, seeking conditions to be contained in any permit issued:</p> <p>1. Prohibition of Permanent Structures: No permanent structures are to be constructed over the TI pipeline. As the TI pipeline is located adjacent to the TasWater easement, the no-build zone must be extended to include the TI pipeline.</p> <p>2. Pipeline Cover and Vehicle Loading: The TI pipeline must maintain a minimum cover of 700 mm. Any additional vehicle loading designed to traverse the pipeline must be reviewed and approved by TI. Road crossings will need to be re-engineered, if necessary, to ensure the pipeline can safely bear the proposed vehicle loads.</p> <p>3. Pipeline Exposure: Any exposure of the TI pipeline must be conducted under the supervision of a TI representative.</p> <p>4. Air Valve Relocation or Redesign: Above-ground air valves associated with the TI pipeline must be confirmed onsite as part of the final design. Any relocation or redesign of these valves will be at the developer's expense.</p> <p>5. Easement and Legislative Protection: TI assets are installed under the provisions of the Irrigation Clauses Act and may not always be covered by a registered easement.</p>	<p>Conditions for compliance with Tasmanian Irrigation requirements are recommended.</p>
Representor 2 – Supplementary Representation	Response
Tasmanian Irrigation (TI) submits this written representation regarding the abovementioned planning permit application in addition to previous correspondence on the same matter	The conditions and specifications requested by the representor have been included in the recommended permit conditions.

dated 11th December 2024 (letter) covering the standard conditions and 20th December 2024 (email) requesting that all works cease over the TI pipeline until further notice. TI representatives re-attended site on the 9th of January 2025 to find works had continued.

TI maintains that no works should be continued until the following criteria is met:

1. The Brighton Council Development Application (DA) has been approved and Tasmanian Irrigation is notified accordingly by the Contractor (Developer) that works are commencing.
2. To facilitate the completion of the DA for acceptance by TI:
 - a. Detailed site plans showing location of the TI pipeline in respect to the subdivision infrastructure.
 - b. Detailed trench design drawing, showing the road layer works above the TI pipeline trench in the road crossing and the services installation below the TI pipeline.
 - c. Proposed relocation of the air valve with existing and new co-ordinates and levels.
3. TI will require the following information for the construction works in the absence of having the TI Supervisor on site during the excavation works:
 - a. Detailed photographs of the in-situ pipeline as exposed condition
 - b. Pipe Embedment and Backfill Material source and specification.
 - c. Method statement for the compaction over the pipeline, type and size of compaction equipment used.
 - d. Field and Laboratory Test results for compaction method.

Note that TI reserves the right to not accept the works due to non-compliance(s) to the Tasmanian Irrigation pipe trench specification (TI-TS-008 provided) for both of the design and construction phases of the Development and request the

<p>Developer to remedy the Works at his cost to ensure that the integrity of TI assets are maintained.</p> <p>Upon completion of the Works, the Developer is to provide the As-Constructed drawings to Tasmanian Irrigation (in particular):</p> <ol style="list-style-type: none"> 1. Layout, alignment and co-ordinates of relocated assets, 2. Pipe cover depths (minimum and maximum) in the road corridor. <p>We appreciate your attention to these requirements and request that they be reflected in the assessment and conditions of the planning permit.</p>	
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9. Conclusion

The proposal for Subdivision (4 Lots) and Boundary Adjustment at 1/221 Glenstone Road, Bridgewater, 5/221 Glenstone Road, Bridgewater, 175 Cobbs Hill Road, Bridgewater and 251 Glenstone Road, Bridgewater – SA 2024/0025 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 2024/0025 for Subdivision (4 Lots) and Boundary Adjustment at 1/221 Glenstone Road, Bridgewater, 5/221 Glenstone Road, Bridgewater, 175 Cobbs Hill Road, Bridgewater and 251 Glenstone Road, Bridgewater for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

- (1) The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) Prior to Council sealing the final plan of survey for any stage the developer must provide certification from a suitably qualified person that all requirements of the approved Bushfire Hazard Management Plan has been complied with.
- (3) Prior to the approval of engineering design plans the developer must submit and amended proposal plan showing:
 - (i) splayed boundaries at the intersection of the proposed road (Lot 100) and Glenstone Road. The splays must be sufficient to accommodate existing and potential future services and maintain minimum sight lines.

- (ii) a widened road reservation to accommodate a cul de sac with a minimum 31m radius to the boundary.
- (iii) The boundary for lot 3 clear of the TasWater easement (refer condition 21 TasWater SPAN)

Once approved the amended proposal plan will form part of the endorsed documents.

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

- (4) Where a conflict between the application for planning approval, endorsed drawing and conditions of this permit, the latter prevails.
- (5) 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*.

Agreements

- (6) Agreements made pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be prepared by the applicant on a blank instrument form to the satisfaction of the Council and registered with the Recorder of Titles. The subdivider must meet all costs associated with the preparation and registration of the Part 5 Agreement.
- (7) Prior to the sealing of the Final Plan of Survey for any stage an agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be entered into for the proposed lot, to the effect that the owner covenants and agrees with the Brighton Council that:
 - (a) Prior to connecting to the public stormwater system each lot must provide on site treatment of stormwater to meet the following:
 - 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.
 - Runoff from the developments must be 'visually free' of hydrocarbons prior to entering the public stormwater system.
 - (b) Refer to Stormwater condition 46 for requirement relating to Part 5 Agreement.

Staged development

- (8) The subdivision development must not be carried out in stages except in accordance with a staged development plan submitted to and approved by Council's Director - Development Services.

Transfer of reserves

- (9) 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.

Public open space

- (10) In accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey. The cash contribution amount is to be equal to 5% of the value of the land being subdivided, described as lots 1, 2 and 4 in the plan of subdivision at the date of lodgement of the Final Plan of Survey.

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

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

Easements

- (12) 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.

Final plan

- (13) 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.
- (14) 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 to be less than \$5,000.
- (15) 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.
- (16) The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Landscaping

- (17) The road reserves and public open space must be landscaped by trees or plants in accordance with a detailed landscape plan prepared by a landscape architect or other person approved by Council.

The landscaping plan must be submitted to Council for approval with the engineering drawings. The landscape 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. Landscaping must generally be in accordance with Council Policy 6.5 LANDSCAPING.

- (18) Unless approved otherwise by Council's Director Development Services, street trees must be a minimum of 2 metres in height at the time of planting.

Advice: *Planting shall be equivalent to a minimum of 1 tree per lot or 20 metres frontage, whichever is greater, using advanced plants that suit the character of the locality. No plants listed as noxious weeds within Tasmania or displaying invasive characteristics shall be used in the landscaping of the road.*

Engineering

- (19) 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.

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

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

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

- (21) 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.
- (22) Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
- (23) 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

- (24) 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.
- (25) Any existing services shared between lots are to be separated to the satisfaction of Council's Municipal Engineer.
- (26) Property services must be contained wholly within each lot served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.

Tasmanian Irrigation

- (27) Prohibition of Permanent Structures: No permanent structures are to be constructed over the Tasmanian Irrigation (TI) pipeline. As the TI pipeline is located adjacent to the TasWater easement, the no-build zone must be extended to include the TI pipeline.
- (28) Pipeline Cover and Vehicle Loading: The Tasmanian Irrigation (TI) pipeline must maintain a minimum cover of 700 mm. Any additional vehicle loading designed to traverse the pipeline must be reviewed and approved by TI. Road crossings will need to be re-engineered, if necessary, to ensure the pipeline can safely bear the proposed vehicle loads.
- (29) Pipeline Exposure: Any exposure of the Tasmanian Irrigation (TI) pipeline must be conducted under the supervision of a TI representative.
- (30) Air Valve Relocation or Redesign: Above-ground air valves associated with the Tasmanian Irrigation (TI) pipeline must be confirmed onsite as part of the final design. Any relocation or redesign of these valves will be at the developer's expense.
- (31) Prior to undertaking any works over or adjacent the Tasmanian Irrigation (TI) pipeline the developer must submit detailed engineering plans to TI for approval. The plans must include:

- (i) Detailed site plans showing location of the TI pipeline in respect to the subdivision infrastructure.
 - (ii) Detailed trench design drawing, showing the road layer works above the TI pipeline trench in the road crossing and the services installation below the TI pipeline.
 - (iii) Proposed relocation of the air valve with existing and new co-ordinates and levels.
- (32) The Contractor (Developer) must notify Tasmanian Irrigation (TI) prior to any works over or adjacent the TI pipeline commencing.

Advice: Tasmanian Irrigation (TI) assets are installed under the provisions of the Irrigation Clauses Act and may not always be covered by a registered easement.

- (33) Prior to accepting any works already completed over or adjacent the Tasmanian Irrigation (TI) pipeline TI will require the following information:
- (i) Detailed photographs of the in-situ pipeline as exposed condition
 - (ii) Pipe Embedment and Backfill Material source and specification.
 - (iii) Method statement for the compaction over the pipeline, type and size of compaction equipment used.
 - (iv) Field and Laboratory Test results for compaction method.
- (34) Note that Tasmanian Irrigation (TI) reserves the right to not accept the works due to non-compliance(s) to the Tasmanian Irrigation pipe trench specification (TI-TS-008 provided) for both of the design and construction phases of the Development and request the Developer to remedy the Works at his cost to ensure that the integrity of TI assets are maintained.
- (35) Upon completion of the Works, the Developer is to provide the As-Constructed drawings to Tasmanian Irrigation (in particular):
- (i) Layout, alignment and co-ordinates of relocated assets,
 - (ii) Pipe cover depths (minimum and maximum) in the road corridor.

Roadworks

- (36) 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.
- (37) Roadworks must, unless approved otherwise by Council's Municipal Engineer, include: -
- a. New Subdivision Road
 - i. 20m min. reservation width generally and 31m min. at the cul de sac head;
 - ii. 11.0m min. carriageway width;

- iii. 25.0m min. dia. (carriageway) cul de sac
 - iv. Kerb and channel;
 - v. 1.5m min. width concrete footpath on one side;
 - vi. Formation for future 1.5m wide footpath on the opposite side of the road to the constructed footpath; and
 - vii. Piped stormwater drainage.
- (38) A temporary turning head with a minimum radius of 12.5 metres is to be provided at the termination of the public road for stage 1. Unless approved otherwise by Council's Municipal Engineer, temporary turning heads are to be surfaced with hotmix asphalt within 12 months of the plan of survey being sealed for the relevant stage.
- (39) All carriageway surface courses must be constructed with a hotmix asphalt with a minimum compacted depth of 50mm, in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's Municipal Engineer.
- (40) An industrial standard (heavy vehicle) concrete vehicle access must be provided to the property boundary of each lot.
- (41) Vehicle accesses must be in accordance with Council's standard drawings, Australian Standard AS 2890.2, Parking facilities - Part 2: Off-Street, commercial vehicle facilities, for the types of vehicles likely to use the site and to the satisfaction of Council's Municipal Engineer.
- (42) 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

- (43) 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.

Stormwater Capacity

- (44) The piped system within the subdivision must be able to accommodate a storm with a 2% AEP when the land serviced by the system is fully developed;
- (45) Stormwater detention must be provided such that peak flows for up to a 2% AEP event, to the existing public stormwater system, are limited to pre-existing or no greater than that which can be accommodated in the downstream system, whichever is the lesser;
- (46) Prior to the sealing of the Final Plan of Survey an agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be entered into for each lot, to the effect that the owner covenants and agrees with the Brighton Council that:

- (i) Prior to connecting to the public stormwater system on site stormwater detention must be provided such that peak flows from the site to the public stormwater system for up to a 2% AEP event are limited to pre-existing;
- (47) Alternatively to condition 46 above; the public stormwater system downstream of the development must be upgraded to accommodate any increase in peak flows from the subdivision once the land is fully developed for up to a 2% AEP rainfall event.
- (48) The subdivision must incorporate overland flow paths to accommodate a 1% AEP (plus climate change) rainfall event.

Advice: *Overland flow paths are to be contained wherever possible to roads or reserves. Where overland flow paths run through lots easements are to be provided.*

Stormwater Treatment

- (49) Stormwater from the proposed subdivision must be treated prior to entering the existing 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.

Alternatively, Council may consider a financial contribution towards the provision of stormwater treatment for the road component (Lot 100).

- (50) 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.
- (51) 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.
- (52) A Stormwater Management Report and Plan 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 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.*

Access to Road

- (53) Prior to undertaking any works in the State road reservation, a Works permit is required from the department of State Growth in accordance with Section 16 of the Roads and Jetties Act 1935.
- (54) Prior to the concentration and discharge of stormwater to the State road reservation, consent is required under Section 17B(1) of the Roads and Jetties Act 1935.

Advice: *The proposed subdivision road will result in an increase in stormwater runoff from the previously approved development.*

Sewer & Water

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

Tas Water

- (57) The development must meet all required Conditions of approval specified by Tas Water Amended Submission to Planning Authority Notice TWDA 2024/01389-BTN, dated 05/12/2024.

Telecommunications and electrical reticulation

- (58) 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.
- (59) Street lighting must be provided to the satisfaction of Council's Municipal Engineer.
- (60) 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.
 - (a) Prior to sealing the final plan of survey the developer must submit to Council: 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 the 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

- (61) 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 Programme 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.

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

- (62) 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.
- (63) 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.
- (64) All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

Construction Amenity

- (65) The developer must make good any damage to the road frontage of the development site including road, kerb and channel, footpath, and nature strip to the satisfaction of Council's Municipal Engineer.
- (66) Prior to commencement of any works, the road frontage of the development site including road, kerb and channel, footpath, and nature strip, should be:
- (i) 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.
 - (ii) Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.

In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion, existing or otherwise, may be deemed a result of construction activity and require replacement or repair to the satisfaction of Council's Municipal Engineer.

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

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

Survey pegs

- (71) Survey pegs are to be stamped with lot numbers and marked for ease of identification.
- (72) 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

- (73) 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.
- (74) Water Sensitive Urban Design elements provided as part of the subdivision are to be placed and an extended maintenance and defects liability period to be determined at the detailed design stage, but not less than twenty four (24) months.

- (75) 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

- (76) 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. All fire buffer areas (Hazard Management Areas and Fuel Modified Areas) are to be maintained wholly within freehold title boundaries and not on neighbouring Crown or Reserved land.
- E. Crown Consent (NRE) does not constitute or imply, any approval to undertake works, or that any other approvals required under the Crown Lands Act 1976 have been granted. The applicant is required to obtain separate and distinct consent from the Crown before commencing any works on Crown land.
- F. Any works or development adjacent to TasRail infrastructure must comply with the TasRail Standard Notes (attached).
- G. Any works or development within proximity to the Tasmanian Irrigation pipeline is to be in accordance with Tasmanian Irrigation Pipeline Specification (attached)
- H. The issue of this permit does not ensure compliance with the provisions of the Aboriginal Heritage Act 1975. If any potential artefact is uncovered as part of any physical works on the site, action must be undertaken in accordance with the Unanticipated Discovery Plan (attached).
- I. 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 Irons moved, Cr Owen seconded that the recommendation be endorsed.

CARRIED

VOTING RECORD

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

13. Officers Reports**13.1 December Quarterly Financial Report**

Author: Director, Corporate Services (G Browne)

Background

The finance Quarterly report was submitted for consideration.

It contained the year-to-date Comprehensive Income Statement to 31st December 2024.

Consultation

Nil

Risk Implications

Nil

Financial Implications

Not Applicable

Strategic Plan

Goal 4 – S4.4 – Ensure Financial & Risk Sustainability

Social Implications

Not Applicable

Environmental or Climate Change Implications

Not Applicable

Economic Implications

Not Applicable

Other Issues

Nil

Assessment

Not Applicable

Options

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

RECOMMENDATION:

That the December Quarterly Report be received.

DECISION:

Cr De La Torre moved, Cr Murtagh seconded that the December Quarterly Report be received.

CARRIED

VOTING RECORD

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

13.2 New Policy - Dispute Resolution Policy

Authorised: Chief Executive Officer (J Dryburgh)

Background

In accordance with the *Local Government Act 1993* (Section 28JA) and the *Local Government (General) Regulations 2015*, all Councils are required to have their own dispute resolution policy in place no later than 10 September 2025.

This new policy supports the resolution of disputes with, and between, councillors before a Code of Conduct complaint is lodged.

The dispute resolution approach is now embedded in legislation with the *Local Government Act 1993* (Section 28V) requirement that a Code of Conduct complainant detail why the outcome from a council's dispute resolution process was not satisfactory or where the process was not used, why the dispute resolution process was not appropriate for the circumstances.

LGAT have supported Council's by providing a model policy for adoption as well as providing a register of various dispute resolution advisers to support our requirements under the Code of Conduct framework.

Consultation

SMT; Executive Officer, Governance

Risk Implications

Council is required to comply with the requirements of the *Local Government Act 1993* when adopting this policy. Non-compliance may expose Council to risk.

Financial Implications

Not applicable.

Strategic Plan

S4.2: Be well-governed, providing quality service and accountability to our community.

Social Implications

Not applicable.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Council adopt the Dispute Resolution Policy (Policy 2.8) with a copy to be made publicly available on Council's website.

DECISION:

Cr De La Torre moved, Cr Geard seconded that Council adopt the Dispute Resolution Policy (Policy 2.8) with a copy to be made publicly available on Council's website.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	

Cr Gray
 Cr Irons
 Cr McMaster
 Cr Murtagh
 Cr Owen
 Cr Whelan

13.3 Council Policy Reviews

Author: Director, Governance & Regulatory Services (J Banks)

Background

A comprehensive review of all Council endorsed policies is in progress.

Below is a summary of the policies that are submitted to Council for either adoption or rescindment.

No:	Policy Name:	Comments:
2.1	Gifts & Donations	<ul style="list-style-type: none"> Policy reviewed. Included in attachment with tracked changes.
2.2	Councillor Expenses, Entitlements & Professional Development	<ul style="list-style-type: none"> Policy reviewed and name changed. Included in attachment with tracked changes.
2.5	Attendance at Conferences & Seminars	<ul style="list-style-type: none"> Rescind Policy. Consolidated into policy 2.2. Attached for reference.
3.2	Staff – Industrial Relations	<ul style="list-style-type: none"> Rescind Policy. Attached for reference.
4.3	Dogs – Kennel Licences	<ul style="list-style-type: none"> Policy reviewed. Included in attachment with tracked changes.
6.16	Tasmanian Municipal Standards	<ul style="list-style-type: none"> Rescind Policy. Attached for reference.
7.1	Donations & Community Support	<ul style="list-style-type: none"> Policy reviewed, name changed and included in attachment with tracked changes. Policy previously named ‘Education Bursary Jordan River Learning Federation’. Policy 7.1 now consolidates policy 7.1, 7.2 & 7.9.
7.2	Citizenship Prize – Local Schools	<ul style="list-style-type: none"> Rescind Policy. Consolidated into policy 7.1 Attached for reference.
7.7	Donation Brighton Agricultural Show Society	<ul style="list-style-type: none"> Rescind Policy.

No:	Policy Name:	Comments:
		<ul style="list-style-type: none"> • MoU in place. • Attached for reference.
7.9	Application for Sporting Achiever Grants	<ul style="list-style-type: none"> • Rescind Policy. • Consolidated into policy 7.1. • Attached for reference.
7.6	Welcome to Country & Acknowledgement of Country	<ul style="list-style-type: none"> • Policy reviewed. • Included in attachment with tracked changes.
7.8	Media Releases	<ul style="list-style-type: none"> • Policy reviewed. • Included in attachment with tracked changes.
7.10	Australian Citizenship Ceremony Dress Code	<ul style="list-style-type: none"> • Policy reviewed. • Included in attachment with tracked changes.
7.14	Financial Request from Council	<ul style="list-style-type: none"> • Rescind Policy. • Attached for reference.

Policies that have been recommended to be rescinded are either outdated and no longer relevant or have been incorporated into other policies.

There will also be a range of administrative measures taken in addition to the adoption of these policies including all policies being made publicly available on council's website (or removed if a rescinded policy).

The remaining policy reviews will be submitted to the February Ordinary Council Meeting.

Consultation

SMT; Executive Officer, Governance

Risk Implications

Regular review and monitoring of council policies will be undertaken to ensure compliance with relevant legislation.

Financial Implications

Not applicable.

Strategic Plan

S4.2: Be well-governed, providing quality service and accountability to our community.

Social Implications

Not applicable.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Council

1. **adopt** the following policies:
 - 2.1 Gifts & Donations Policy
 - 2.2 Councillor Expenses and Entitlements/Professional Development Policy
 - 4.3 Dogs – Kennel Licences Policy
 - 7.1 Donations & Community Support Policy
 - 7.6 Welcome to Country & Acknowledgement of Country
 - 7.8 Media Releases
 - 7.10 Australian Citizenship Ceremony Dress Code
2. **rescind** the following policies:
 - 2.5 Attendance at Conferences & Seminars
 - 3.2 Staff – Industrial Relations
 - 6.16 Tasmanian Municipal Standards
 - 7.2 Citizenship Prize – Local Schools
 - 7.7 Donation Brighton Agricultural Society
 - 7.9 Application for Sporting Achiever Grants
 - 7.14 Financial Requests from Council

DECISION:

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

CARRIED

VOTING RECORD

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

Cr Irons
Cr McMaster
Cr Murtagh
Cr Owen
Cr Whelan

14. Questions on Notice

There were no Questions on Notice for the January meeting.

Meeting closed: 6.16pm

Confirmed: _____
(Mayor)

Date: _____
18 February 2025



**Brighton
Council**

**MINUTES OF THE PLANNING AUTHORITY MEETING
OF THE BRIGHTON COUNCIL, HELD IN THE COUNCIL CHAMBERS,
COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH
AT 5.35P.M. ON TUESDAY, 4 FEBRUARY 2025**

PRESENT: Cr Gray (Chairperson); Cr Curran; Cr De La Torre; Cr Geard; Cr Irons, Cr Owen & Cr Whelan.

IN ATTENDANCE: Cr McMaster; Cr Murtagh; Mr J Dryburgh (Chief Executive Officer); Mr C Pearce-Rasmussen (Director Asset Services); Ms J Banks (Director, Governance & Regulatory Services); Mr A Woodward (Director, Development Services); Ms J Blackwell (Senior Planner) and Mr L Wighton (Senior Officer – Development Engineering).

1. Acknowledgement of Country

2. Apologies

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

CARRIED

VOTING RECORD

In favour	Against
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Cr Curran	
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Cr De La Torre	
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Cr Gray	
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Cr Irons	
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Cr Owen	
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Cr Whelan	
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3. Public Question Time and Deputations

There was no requirement for Public Question Time.

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. Council Acting as Planning Authority

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

5.1 Development Application - 1 Radius Drive and 28 Stanfield Drive, Old Beach - Multiple Dwellings (27) as part of St Ann's Retirement Village - DA 2024/52

Author: Senior Planner (J Blackwell)

Authorised: Director Development Services (A Woodward)

Applicant:	Ireneinc Planning and Urban Design
Subject Site:	1 Radius Drive, Old Beach 28 Stanfield Drive, Old Beach
Proposal:	Multiple Dwellings (27) as part of St Ann's Retirement Village
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	Particular Purpose – BRI-P1.0 St Ann's Precinct
Codes:	Parking and Sustainable Transport Code – C2.0 Road and Railways Asset Code – C3.0 Bushfire Prone Areas Code - C13.0
Local Provisions:	Particular Purpose – BRI-P1.0 St Ann's Precinct
Use Class:	Residential

Discretions:	<ul style="list-style-type: none"> • BRI-P1.6.3 Design and Site Coverage (Exterior Building Finishes) • Parking and Sustainable Transport Code • C2.5.1 Car Parking Numbers • C2.5.3 Motorcycle Parking Numbers • C2.6.2 Design and layout of Parking Areas • C2.6.2 Number of accesses for vehicles • C2.6.5 Pedestrian access • C3.6.1 Habitable buildings for sensitive use within a road or railway attenuation area. • C13.5.1 Bushfire Prone Areas Code – Vulnerable use
Representations:	<p>118 representations were received. The representors raised the following issues:</p> <ul style="list-style-type: none"> • Loss of public open space • Traffic issues • Location of earth berm • Loss of motor home parking area
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2024/52.

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

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

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

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

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

2. SITE ASSESSMENT

The site comprises approximately 11.69ha and is currently used as the St Ann's Living Retirement Village. The site is located at the eastern end of Stanfield Drive in Old Beach and is bounded by the East Derwent Highway to the east, Clarries Creek to the south west and low density residential uses to the north and north west. The site contains individual houses (on strata lots), multiple dwellings and community facilities (Clubhouse, hairdresser and offices).

The primary frontage is Stanfield Drive, which is also the primary access to the retirement village.

The property is contained in the following titles:

Title Reference	Area	Address	Description
CT 174199/2	9.58ha	28 Stanfield Drive	21 Units - retirement village and 98 retirement living (land lease)
174199/3	7621m ²	28 Stanfield Drive	Community facilities including clubhouse, hairdresser and administrative offices.



Figure 1: Site plan showing existing development. The proposed development will be sited along the eastern boundary, as shown in Figure 2.



Figure 2: Proposed location for development.

The site is subject to BRI-P1.0 Particular Purpose Zone – St Ann’s Precinct. Nearby land is zoned Low Density Residential and General Residential (see Figure 3).

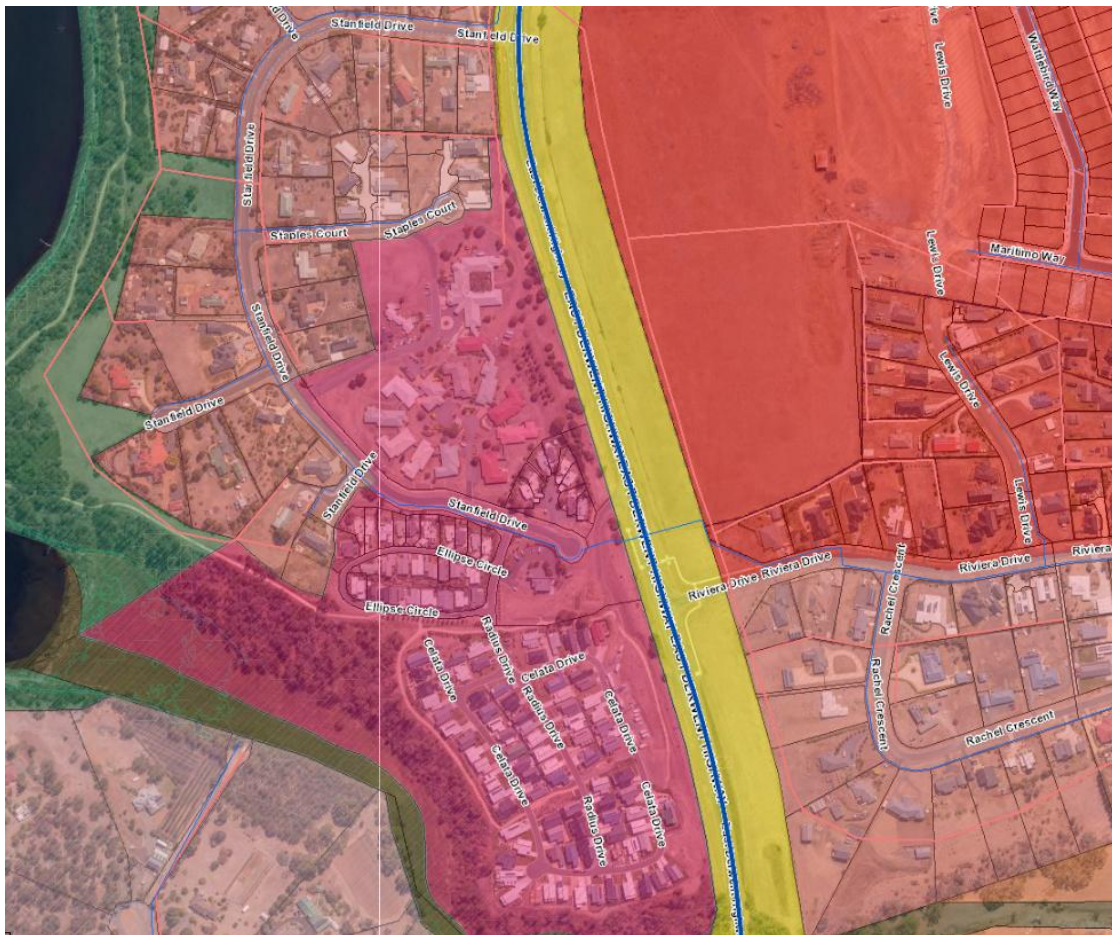


Figure 2: Zoning. PPZ (pink), low density residential (light pink) and general residential (red). The East Derwent Highway is zoned Utilities (yellow). (Source: Listmap (NRE), www.thelist.tas.gov.au)

The whole of the site is subject to the Bushfire Prone Areas Code, whilst the Natural Assets Code (waterway and coastal protection area, priority vegetation and future refugia) overlays land outside the proposed development area.

The Parking and Sustainable Transport Code and the Road and Railways Asset Code also applies.

PROPOSAL

The proposal seeks approval for the construction of 26 dwellings on the site predominantly adjacent to the eastern boundary and the East Derwent Highway (reduced from 27 in the initial submission to 26 dwellings). The dwellings will provide between 1 and 3 bedrooms, outdoor space and a carport for one vehicle. The Applicant notes that the dwellings will be offered as land lease, and accordingly, there is no proposal for future strata or subdivision.

Additional access to the site is provided from Stanfield Drive which loops around to connect with Radius Dr to provide access to dwellings 1 – 11 inclusive. Units 12 – 26 will be accessible from Celata Drive. Pedestrian access from the site to the nearby bus stop will be provided. The new access off Stanfield Drive will need to be constructed to Council standards within the road reservation and will require a separate permit for works within the road reservation.

Initially twenty-six (26) car parking spaces were proposed (i.e. one for each dwelling). No visitor car parking spaces were proposed. Following public exhibition and consultation with the applicant, an amended parking layout has been provided, together with an addendum to the TIA which demonstrates that additional parking can be accommodated on the site, without altering the proposal.

The proposal includes connection to sewer, water and stormwater.

The proposal includes the continuation of an acoustic berm along the eastern boundary, to provide noise attenuation from the East Derwent Highway.

The application is supported by the attached plans, Traffic Impact Assessment (TIA), Emergency Management Strategy relating to bushfire management, noise assessment and civil drawings.

3. PLANNING SCHEME ASSESSMENT

Compliance with Applicable Standards:

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

5.6.2 A standard is an applicable standard if:

- (a) the proposed use or development will be on a site within:*
 - (i) a zone;*
 - (ii) an area to which a specific area plan relates; or*

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

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

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

Determining applications (clause 6.10.1):

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

Use Class

The Use Class is categorised as Residential under the Tasmanian Planning Scheme – Brighton (the Scheme). In the Particular Purpose Zone – St Ann’s Precinct Residential Use is permitted.

The purpose of the Particular Purpose Zone - St Ann’s Precinct is to:

- | | |
|----------------|--|
| BRI-
P1.1.1 | Promote the development of aged care facilities that is compatible with the character of the area, which includes low density living, high levels of privacy and residential amenity, including views. |
| BRI-
P1.1.2 | Encourage a diversity of local services and facilities including health care providers, local shops and food services to meet the needs of the complex. |
| BRI-
P1.1.3 | That development is surrounded by high quality public spaces throughout the complex by way of provision of landscaping, recreation facilities and pedestrian linkages. |

- BRI- P1.1.4 Encourage development that has a positive relationship to the East Derwent Highway through provision of landscaping buffers and screening.

The proposal is considered to be consistent with the zone purpose by virtue of being a permitted use in the zone.

Compliance with Performance Criteria

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

Clause BRI-P1.6.3 A1/P1 – Design and Site Coverage

Objective:	
That buildings are designed to blend in with the surrounding landscape.	
Acceptable Solution	Performance Criteria
A1 Exterior building finishes must not be reflective and be of natural colours such as black, grey, brown and green and of a hue that is unobtrusive.	P1 Exterior building finishes must: <ul style="list-style-type: none"> (a) minimise the visual obtrusion within the surrounding landscape; and (b) offset the visual prominence of bright colours and scale of the building

The proposal does not specify exterior building finishes and therefore does not satisfy the acceptable solution. Assessment against the performance criteria is relied upon.

The performance criteria can be satisfied through the inclusion of a condition requiring a schedule of colours and materials to be submitted for approval prior to commencement of works, which provides a palette of colours and materials for residents to choose from, a similar approach to the assessment of DA 2017/119 (multiple dwellings x 83).

Accordingly, the performance criteria is satisfied with conditions.

Clause C2.5.1 A1 /P1 - Car Parking Numbers

Objective:	
That an appropriate level of car parking spaces are provided to meet the needs of the use.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, less the number of car parking spaces that cannot be provided due to the site including container refund scheme space, excluding if:</p> <ul style="list-style-type: none"> (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or (ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: <p>$N = A + (C - B)$</p> <p>N = Number of on-site car parking spaces required</p>	<p>P1.1</p> <p>The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (g) the effect on streetscape; and (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.

<p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> <p>C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area.
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Table C2.1 requires 1 space per bedroom or 2 spaces per 3 bedroom and 1 visitor space for every 5 multiple dwellings or for every 10 bedrooms of a non-dwelling residential use.

Therefore a total of 58 car parking spaces are required to be provided, made up as follows:

26 x 2 bedroom and 3 bedroom dwellings = 52 car parking spaces

26 dwellings / 5 = 6 visitor parking spaces.

The initial proposal includes one (1) car parking space per dwelling in an attached carport, being a total of 26.

A number of representations raised issues with the parking shortfall and also loss of large vehicle (i.e. campervan) parking.

Following public consultation, the applicant has provided an updated master plan and supporting addendum to the TIA demonstrating that a total of 54 car parking spaces can be accommodated on site. Most of these were existing in the original application as jockey parking for the proposed dwellings, but not clarified in the masterplan.

There remains a shortfall in parking spaces, and the acceptable solution is not satisfied. Therefore assessment against the performance criteria is relied upon.

The wording of clause P1.1 excludes residential use from assessment, therefore this criterion is met.

However, P1.2 must be considered.

The performance criteria requires that the planning authority consider whether the number of car parking spaces for dwellings meets the reasonable needs of the use, having regard to:

- (a) *the nature and intensity of the use and car parking required;*
- (b) *the size of the dwelling and the number of bedrooms; and*
- (c) *the pattern of parking in the surrounding area.*

The TIA suggests that based on current demand for on-street parking and the length of driveways for many of the dwellings, that one car parking space is sufficient. However, the amended parking plan demonstrates that two car parking spaces (via jockey parking) can be accommodated for most dwellings. The amended plan also includes indented visitor parking bays across the site (6 within the proposed site area, 5 within the existing development).

The representors concerns regarding provision of car parking for large vehicles (as currently exists) have been considered and are noted. However, the planning scheme does not require the provision of large vehicle parking spaces, and this is a matter to be resolved between the owners of St Anns and the residents.

Accordingly the performance criteria can be satisfied with conditions.

Clause C2.5.3 A1/P1 Motorcycle parking numbers

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

Based on the required number of car parking spaces (58), two (2) motorcycle parking spaces are required. The proposal does not provide for motorcycle parking, therefore assessment against the performance criteria is relied upon.

The TIA submitted by the applicant notes *“it is more appropriate to assess the motorcycle parking requirements for each unit separately as opposed to applying the motorcycle parking requirement to the total number of car parking spaces. As such, the proposal does not have a requirement to provide any motorcycle parking since no individual dwelling has a statutory requirement to provide more than 20 car parking spaces”, i.e.* that it is more appropriate for motorcycle parking to be calculated as if each unit is an individual single dwelling development and should be assessed separately.

The updated parking plan shows that 54 car parking spaces can be provided across the site. Given the residential nature of the use, that there is no centralised communal parking, and most dwellings will have adequate space to accommodate a motorcycle as well as a car, if required, the performance criteria can be satisfied.

Clause C2.6.2 A1.1 and A1.2 / P1 Design and Layout of Parking Areas

Objective:	
That parking areas are designed and laid out to provide convenient, safe and efficient parking.	
Acceptable Solution	Performance Criteria
<p>A1.1 Parking, access ways, manoeuvring and circulation spaces must either:</p> <ul style="list-style-type: none"> (a) comply with the following: <ul style="list-style-type: none"> (i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; (v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; (vi) have a vertical clearance of not less than 2.1m above the parking surface level; and 	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety; (e) the nature and use of the development; (f) the expected number and type of vehicles; (g) the likely use of the parking areas by persons with a disability; (h) the nature of traffic in the surrounding area; (i) the proposed means of parking delineation; and (j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002

<p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.³⁵</p>	<p>Parking facilities, Part 2: Off-street commercial vehicle facilities.</p>
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The proposal meets AS 2890- Parking facilities, Parts 1-6 (A1.1(b)) other than the access for dwellings 13, 13a, and 15 being greater than 30m in length and not being provided with a passing bay. Accordingly, the proposal does not meet the acceptable solution and assessment against the performance criteria is relied upon.

The TIA considers that the anticipated maximum peak hour traffic generation rate of the proposal is 0.31 vehicle trips per dwelling, which equates to, on average, 0.93 vehicle trips along this accessway during the peak hour. The TIA notes that this represents an insignificant amount of traffic and as such, the probability of two vehicles meeting on the access way is very low, and therefore a passing area is not required.

The performance criteria requires that the Australian Standard is satisfied which includes the provision of passing opportunities every 30m on long driveways (cl 3.2.2. of AS2890.1). It is considered that compliance with the acceptable solution is easily achievable in this proposed development.

It is therefore recommended that a condition requiring passing to be provided on the long access for dwellings 13, 13a and 15 be included, which will meet the acceptable solution.

Accordingly, the performance criteria is satisfied with conditions.

Clause C2.6.3 A1/P1 Number of accesses for vehicles

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

The proposal seeks approval for an additional access from Stanfield Drive, which does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

An additional access to the site is proposed for the eastern end of the Stanfield Drive cul-de-sac. This access may also be utilised by pedestrians within the Village to access the pedestrian connection to the East Derwent Highway, and nearby Metro bus stops. The access will be screened by the continuation of the earth berm to the northern boundary.

The proposed access will prevent Stanfield Drive from being able to ever connect to a future roundabout at Riveria Drive/East Derwent Highway. However, whilst this has been raised in communication with the Department of State Growth and the applicant, and it would be desirable to maintain the option of connectivity, to do so would likely require the compulsory acquisition of land by Council. Given the corridor study being undertaken by DSG has not been completed and no clear guidance from DSG forthcoming there remains considerable uncertainty as to whether access and roundabout will be required.

The proposed access does not conflict with the performance criteria, and is located in a low traffic area which has access to pedestrian paths and low-speed shared driveways.

It is recommended that a condition be included requiring construction of the new access to council standards.

Accordingly, the performance criteria is satisfied with conditions.

Clause C2.6.5 A1.1 & A1.2 / P1 Pedestrian Access

Objective:	
That pedestrian access within parking areas is provided in a safe and convenient manner.	
Acceptable Solution	Performance Criteria
<p>A1.1 Uses that require 10 or more car parking spaces must:</p> <ul style="list-style-type: none"> (a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by: <ul style="list-style-type: none"> (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles. <p>A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	<p>P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the nature of the use; (c) the number of parking spaces; (d) the frequency of vehicle movements; (e) the needs of persons with a disability; (f) the location and number of footpath crossings; (g) vehicle and pedestrian traffic safety; (h) the location of any access ways or parking aisles; and (i) any protective devices proposed for pedestrian safety.

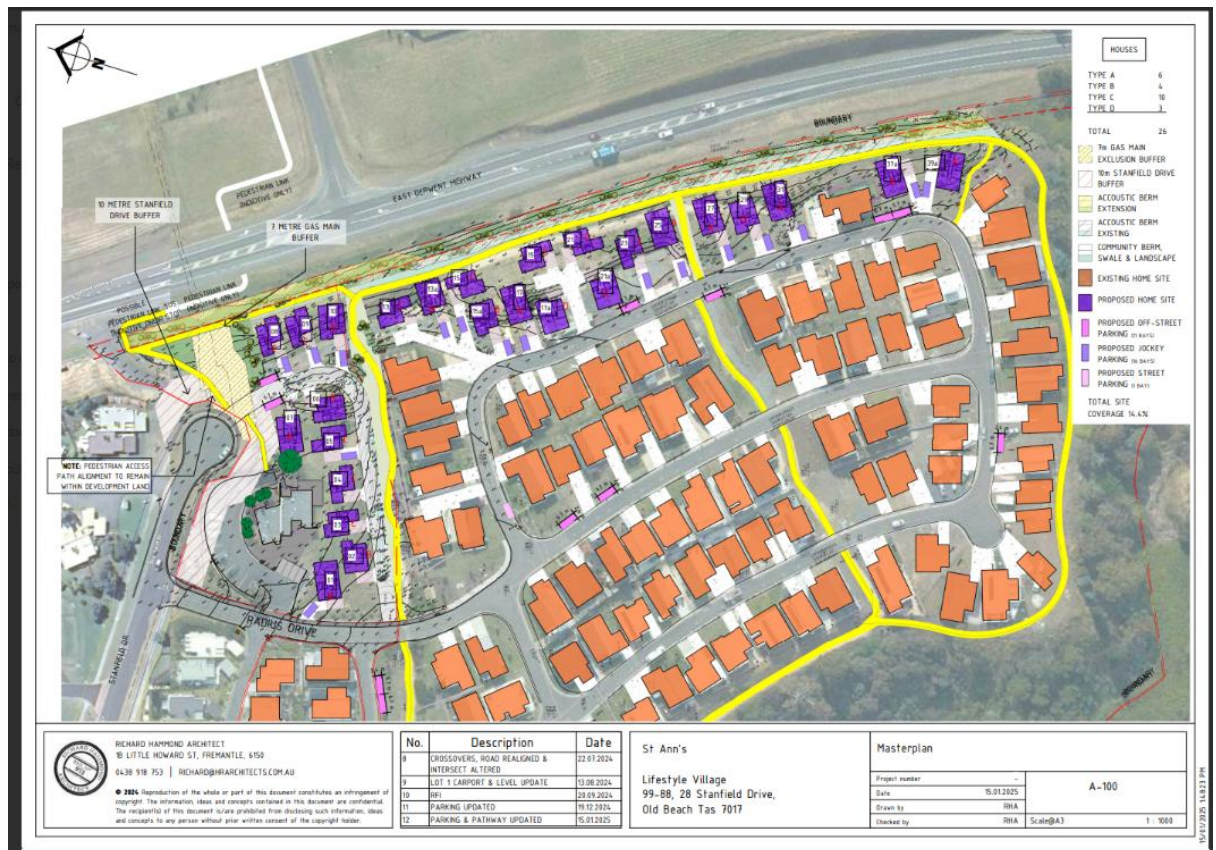
Under the acceptable solution, the proposal requires a total of 58 car parking spaces. The amended master plan shows pedestrian paths throughout the village, but relies on the shared driveway to reach those paths.

Accordingly, the acceptable solution cannot be satisfied, and assessment against the performance criteria is relied upon.

By way of background, pedestrian access was not required under the Brighton Interim Planning Scheme 2015 when the most recent residential development of 83 multiple dwellings was approved for the retirement village. As part of the approved landscaping plan for that permit, the site has been landscaped to provide a walking track around the perimeter of the site, and to date, unfinished, pedestrian connection which dissects the site east to west.

The Applicant's initial TIA addressed the performance criteria and notes that "walking and cycling generally occur as shared transport modes on carriageways".

Subsequent to public exhibition, the amended master plan discussed earlier in this report has been amended to show pedestrian paths (yellow) throughout the site, which are to be continued around the outside of the site. A pedestrian path required under DA 2017/119 dissects the site and is to be continued across Celata Drive eastwards towards the EDH boundary. The pathway also provides for access to the EDH and the nearby bus stops and road crossing.



The performance criteria requires the applicant to demonstrate that:

P.1 Safe and convenient pedestrian access must be provided within parking areas, having regard to:

- (a) *the characteristics of the site;*
- (b) *the nature of the use;*
- (c) *the number of parking spaces;*
- (d) *the frequency of vehicle movements;*

- (e) *the needs of persons with a disability;*
- (f) *the location and number of footpath crossings;*
- (g) *vehicle and pedestrian traffic safety;*
- (h) *the location of any access ways or parking aisles; and*
- (i) *any protective devices proposed for pedestrian safety*

The proposal does not provide designated parking areas as such, with parking to be located adjacent to each dwelling, and the provision of visitor parking spaces dotted around the site.

The TIA addresses the performance criteria, noting that the site is characterised by a low posted speed limit of 10 km/h, as well as good sight distances and street lighting. This low vehicle speed environment and maximisation of visibility contributes to safe and efficient pedestrian access throughout the site.

Of relevance is that the proposed use is an expansion of an existing development, which already provide shared zones without delineated/segregated footpaths along the private roads/access ways – the proposal therefore intends to be a continuation of these existing arrangements. As the proposal is not anticipated to generate significant volumes of traffic, the low speed, ‘quiet’ (in terms of vehicular traffic) environment of the shared zones is considered appropriate for facilitating safe and convenient pedestrian access.

Further, each dwelling will be provided with its own car parking space, meaning the car parking provision will be spread out across the entire site instead of being concentrated within a single smaller area. This arrangement avoids ‘high traffic’ areas by distributing the traffic demand over a large area, which improves the safety and convenience of pedestrian access,

It is considered that the risks to pedestrians within the site can be mitigated by including conditions that require the formalisation and construction in concrete of the proposed path at the rear of dwellings 13-39a, between dwellings 25 and 27, south of dwellings 1 to 10 and from Stanfield Drive to the existing path and bus stop on the East Derwent Highway.

This condition takes into consideration the existing walking paths approved within the site under the previous permit, which provide an alternative form of pedestrian connectivity, albeit needing either completion and maintenance at this time.

It is also recommended that a condition prohibiting parking along common accessways be included.

The proposal plans show that the path will meander between the rear fences for dwellings, being 1.8m high Colorbond (refer to sheets Type A floor Plan – Type D Floor Plan (inclusive) and the 2m high acoustic earth berm required by the noise assessment report. The Pedestrian Footpath Detail (Annexure E) shows indicative layout and landscaping.

However, it is considered reduced use of the paths between the proposed dwellings and the acoustic berm is likely to occur due to a feeling of insecurity by residents. After discussions with the applicant, in order to increase passive surveillance along the eastern section of the pedestrian path, it has been agreed that a condition be included requiring fencing along the eastern boundary to be of a similar standard to that required by the exemption provided for in clause 4.6.3 of the Scheme for the residential zones.

The performance criteria can be satisfied with conditions.

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

Objective:	
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
Acceptable Solution	Performance Criteria
<p>A1.1</p> <p>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"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. <p>A1.2</p> <p>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3</p> <p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4</p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p>	<p>P1.1</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"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.

<p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</p> <p>A1.5</p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	
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The proposal provides for a new junction at the southern end of Stanfield Drive, from the existing cul-de-sac. Whilst General Manager consent has been issued for the making of the application, the junction does not have the written consent of the road authority (A1.2). Therefore the acceptable solution cannot be satisfied, and assessment against the performance criteria is relied upon.

The proposed junction provides access to a new internal road which will connect between Stanfield Drive and Radius Drive, which serves an additional 9 dwellings under the proposal.

The new access will service 9 units, in a low speed, low traffic environment. The road authority has not identified any issues relating to the location of the proposed new access of the Stanfield Drive cul-de-sac other than the development prohibiting Stanfield Drive being able to ever connect to a future roundabout at Riviera Drive/East Derwent Highway. As noted earlier in this assessment, the matter was raised in communication with the Department of State Growth and the applicant

Accordingly, the performance criteria is satisfied with a condition for the new access to be constructed to Council standards.

Clause C3.6.1 A1/P1 – Habitable buildings for sensitive uses within a road or railway attenuation area.

Objective:	
To minimise the effects of noise, vibration, light and air emissions on sensitive uses within a road or railway attenuation area, from existing and future major roads and the rail network.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Unless within a building area on a sealed plan approved under this planning scheme, habitable buildings for a sensitive use within a road or railway attenuation area, must be:</p> <p>(a) within a row of existing habitable buildings for sensitive uses and no closer to the existing or future major</p>	<p>P1</p> <p>Habitable buildings for sensitive uses within a road or railway attenuation area, must be sited, designed or screened to minimise adverse effects of noise, vibration, light and air emissions from the existing or future major road or rail network, having regard to:</p>

<p>road or rail network than the adjoining habitable building;</p> <p>(b) an extension which extends no closer to the existing or future major road or rail network than:</p> <p>(i) the existing habitable building; or</p> <p>(ii) an adjoining habitable building for a sensitive use; or</p> <p>(c) located or designed so that external noise levels are not more than the level in Table C3.2 measured in accordance with Part D of the Noise Measurement Procedures Manual, 2nd edition, July 2008.</p>	<p>(a) the topography of the site;</p> <p>(b) the proposed setback;</p> <p>(c) any buffers created by natural or other features;</p> <p>(d) the location of existing or proposed buildings on the site;</p> <p>(e) the frequency of use of the rail network;</p> <p>(f) the speed limit and traffic volume of the road;</p> <p>(g) any noise, vibration, light and air emissions from the rail network or road;</p> <p>(h) the nature of the road;</p> <p>(i) the nature of the development;</p> <p>(j) the need for the development;</p> <p>(k) any traffic impact assessment;</p> <p>(l) any mitigating measures proposed;</p> <p>(m) any recommendations from a suitably qualified person for mitigation of noise; and</p> <p>(n) any advice received from the rail or road authority.</p>
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The East Derwent Highway is a major road (category 3) with a speed limit above 60kmh (80kmh), as defined by the Code. Therefore, the proposed residential use is within a road attenuation area; the proposed dwelling setback to the property boundary to the EDH is approximately 12m (including the proposed acoustic berm); and there are no habitable buildings sited closer to the highway.

Accordingly the acceptable solution is not satisfied and assessment against the performance criteria is relied upon.

The applicant has provided a noise assessment prepared by Noise Vibration Consulting (NVC) which addresses the performance criteria. That report identifies that with specific mitigation measures relating to the design of the acoustic barrier (eg min. 2m in height) and building specifications such as minimum sound isolation of Rw30, and solid core doors fitted with acoustic seals, the proposal is able to meet the performance criteria.

The report was referred to the Department of State Growth as the relevant road authority, who did not make any submission regarding noise attenuation.

Accordingly, the performance criteria is satisfied with a condition that all the construction requirements contained in section 4 of the NVC report are implemented, and that certification is provided to that effect, prior to commencement of use.

Clause C13.5.1 Vulnerable Uses

Objective:	
That vulnerable uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the vulnerable use and the bushfire hazard.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1</p> <p>A vulnerable use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to:</p> <ul style="list-style-type: none"> (a) the location, characteristics, nature and scale of the use; (b) whether there is an overriding benefit to the community; (c) whether there is no suitable alternative lower-risk site; (d) the emergency management strategy (vulnerable use) and bushfire hazard management plan; and (e) other advice, if any, from the TFS.

There is no criterion for an acceptable solution therefore assessment against the performance criteria is relied upon.

The proposal seeks approval for an additional 26 dwellings as part of an existing retirement village, on the last remaining area of the site available for development, at a similar scale to what has previously been approved. The additional dwellings are located to the north and east of the site and are buffered by existing dwellings to south and west, the East Derwent Highway to the east, and Stanfield Drive to the north.

Population statistics continue to identify an ageing population, with the Retirement Living Council noting that the percentage of over 75's will increase from 9.5% of the population to 14.3% of the population by 2040. Accordingly, there is a continuing need to provide retirement living options for our older cohorts, and utilisation of an existing site is considered appropriate.

The application documents submitted include an Emergency Management Strategy prepared by an accredited person pursuant to the requirements of the Bushfire Prone Areas Code, and subsequently endorsed by the Tasmanian Fire Service.

Accordingly, the performance criteria is satisfied.

Referrals

Senior Officer – Development Engineering

The proposal has been considered by Council's Senior Officer – Development Engineering. Where appropriate, that officer's comments have been included within this report. The officer has also made comment regarding any representations made relating to engineering matters.

TasWater

TasWater have provided a Submission to Planning Authority Notice (SPAN) dated 19th June 2024, reference number TWDA 2024/00659-BTN. The SPAN imposes conditions in relation to the proposed development and will form part of any permit issued.

Department of State Growth

The application included a Noise Attenuation Report to address the provisions of the Road and Railway Assets Code. The report was forwarded to the Department of State Growth, as road authority for the East Derwent Highway. A condition requiring all works to be undertaken in accordance with the recommendations of the report will form part of any permit issued.

In relation to the East Derwent Highway Traffic Study presently being undertaken the parties were involved in discussions regarding whether direct access to the EDH from the southern end of Stansfield Drive would be required. The applicant, as part of its application, has demonstrated that there is sufficient land area in the road reserve to accommodate a future roundabout at the Riveria Drive intersection, should it be required by the forthcoming report.

TasNetworks

The application was referred to TasNetworks who advised that the proposed development is not likely to adversely affect TasNetworks' operations, but that, as with any multiple dwelling development of this magnitude, the proponent should give consideration to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development.

Advice to this effect will form part of any permit issued.

Tasmanian Gas Pipeline

The application was referred to TasGas for assessment, who requested further information which was supplied on 15th August 2024. TasGas have advised that they are content with the amended information and do not require any conditions to be included in the permit.

4. Other

The application was originally submitted for 27 additional dwellings. During the course of the assessment process, one dwelling was removed from the northern end of the proposed development site, therefore reducing the proposal to 26 dwellings. The application was incorrectly advertised for 27 additional dwellings, however, it is not considered that the application should be re-advertised, as the reduction in dwellings numbers does not increase any detriment to any person, nor significantly alter the proposal. Further, as a result of councils concerns in relation to the Parking and Sustainable Transport Code, council officers have had ongoing communication with the Applicant in an effort to mitigate the issues raised, where it relates to planning scheme assessment. This mediation has resulted in the amended parking plan and addendum to the TIA which form annexures E and F of this report.

6.1 Public Open Space Requirements

There are no requirements in the *Local Government (Buildings and Miscellaneous) Act 1993* in relation to public open space for multiple dwelling developments.

There is no requirement under the Particular Purpose – St Ann's Precinct which requires a minimum area of open space to be provided for the use of residents and their families.

5. Representations

A total of 118 representors made a varying number of submissions during the statutory public exhibition period which ran between 13th November 2024 and 27th November 2024, which included

- Three (3) x different group representations / submissions. Some residents signed all 3 group submissions.
- 33 individual or joint representations, two (2) of which submitted 2 alternate submissions. Some of the individual representors also signed one or more of the group submissions.
- 49 people signed only 1 of the documents, either individual or group submission.

Given the shared concerns of the representors, those are summarised below. As is usual practice with a development of this magnitude, the applicant was given the opportunity to respond to the representations. Attachment C is the response from the applicant, and Attachment D is a response from the traffic engineer in relation to the concerns raised in relation to traffic matters.

Submission received	Planning Response
<p>Loss of parking on site for large vehicles (such as campervans, trailers, etc)</p> <p>Decision to move into the village was made solely on the promise of a parking spot for motorhome. This area is currently an overgrown disgusting area</p>	<p><i>There is no requirement under the planning scheme for large vehicle parking to be provided. Discretions related to the Parking and Sustainable Transport Code are discussed earlier in this assessment.</i></p>

Submission received	Planning Response
<p>where management have not taken to improve the state of the parking for over 4 years</p>	<p><i>The provision of such parking is a civil matter between the resident and the Retirement Village owner.</i></p> <p><i>Residents should refer to Retirement Villages Act 2004 (Tas) for clarification on contractual matters, rights of residents, village rules, etc.</i></p>
<p>Loss of existing landscaping, completion of works such as pedestrian paths.</p>	<p><i>This is a separate matter relating to compliance with the previous planning permit. Council officers are investigating and will action as required.</i></p>
<p>There will be no green spaces within the development. Currently several residents have planted and maintained (at their own expense) vegetable boxes which benefit health and well-being. No plans for these to be relocated.</p> <p>Lack of common open spaces, with dwellings to be built in front of the village's club house, which will also impact mountain views</p> <p>There is a major lack of greenspaces left in the new proposed plan.</p>	<p><i>The application is assessed against the Tasmanian Planning Scheme – Brighton and more particularly the St Ann's Precinct Particular Purpose Zone. There is no requirement for provision of open space, however, there is a requirement for landscaping relating to individual dwellings.</i></p> <p><i>The application includes indicative landscaping for each unit type. A condition will be included in any permit requiring an amended landscaping plan to be submitted prior to commencement of works or issue of building approvals.</i></p>
<p>Property management concerns including site upkeep, condition of walkways and grassed areas; capacity of existing infrastructure (water, electrical and sewer).</p>	<p><i>This is a separate matter between the site owner and residents.</i></p> <p><i>In relation to infrastructure services, the proposal for the additional dwellings has been referred to the external agencies for comment, and where required, conditions for inclusion in any permit.</i></p>
<p>Potential future roundabout from Stanfield Drive to the East Derwent Highway.</p>	<p><i>The Department of State Growth is currently undertaking a corridor study on the East Derwent Highway. To date DSG have not been able to provide any guidance or direction on whether a roundabout will be required at Riviera Drive or elsewhere along the East Derwent Highway. The TIA submitted with the application demonstrates that the existing Stanfield Drive will still function and during peak period following further growth there are</i></p>

Submission received	Planning Response
	<p><i>options for vehicles wishing to turn right out of Stanfield Drive to turn left and do a U-turn at the Gage Road roundabout. Due to low traffic generation the proposed development should have no material impact on operation of the existing Stanfield Drive intersection compared with existing conditions. The deterioration of the existing Stanfield Drive intersection is a result of traffic growth on the East Derwent Highway.</i></p>
<p>Shared zone speed limit / walking on roads,</p> <p>Pedestrian linkages.</p> <p>There are no designated pedestrian footpaths, which creates concern for people entering and egressing driveways, especially when someone is parked on the road, creating a danger for pedestrians walking to and from the public areas.</p>	<p><i>Refer to assessment</i></p>
<p>Legal implications of a person falling on a neighbour's property.</p>	<p><i>This is not an issue considered by the Planning Scheme. If it were to occur, it would be a civil matter between landowner and the injured person.</i></p>
<p>Impact on Residential amenity – loss of character, greenspace, etc.</p>	<p><i>The proposal satisfies the Acceptable Solutions of the Particular Purpose Zone – St Ann's Precinct. Accordingly, there is no discretion to be considered. Refer to Attachment C for a more detailed response from the applicant, of which council officers have reached the same determination.</i></p>
<p>Applicant requests a condition requiring a landscaping plan to be submitted for assessment prior to seeking any approvals under the Building Act. It would be prudent to provide a landscaping plan to demonstrate how the 27 additional units and the site are to be landscaped.</p>	<p><i>The application includes indicative landscaping for each unit type.</i></p> <p><i>A condition will be included in any permit requiring a formal landscaping plan for the site to be submitted for the approval prior to commencement of works or issue of building approvals.</i></p>

Submission received	Planning Response
	<p><i>The amended landscaping plan must be designed, taking into account the location of and impact on, any above or below ground infrastructure services.</i></p> <p><i>It is not unusual for an amended landscaping plan to be submitted with engineering plans, following issue of a permit, to ensure that infrastructure is not affected by the proposed landscaping.</i></p>
<p>Proposal as submitted goes way beyond what is acceptable to the present lease owners.</p>	<p><i>The planning authority must consider the proposal submitted to it for determination against the requirements of the Tasmanian Planning Scheme – Brighton and its local provisions schedule.</i></p>
<p>The current residents purchased their homes under a plan and now that plan will be invalid. Did we choose to live cramped in.</p>	<p><i>This is not a planning consideration.</i></p> <p><i>Residents should refer to Retirement Villages Act 2004 (Tas) for clarification on contractual matters, rights of residents, village rules, etc.</i></p>
<p>The proposed houses on the green space being higher than the current houses, they will now lose sunlight, especially in the winter months.</p>	<p><i>The proposed dwellings meet the acceptable solutions in relation to building height and setbacks.</i></p>
<p>Due to new dwellings being constructed, motorhomes will be parked on streets, creating issues with sight lines, and safety while walking or driving, especially as there are no footpaths.</p>	<p><i>Refer to assessment.</i></p>
<p>The plan shows a lot of proposed houses opposite us both within the said parking area and beyond. For access to and from those houses puts at least 2 of the large vehicles at extreme risk of damages due to miscalculations whilst driving despite any or all care taken.</p>	<p><i>Refer to assessment.</i></p>
<p>Page 17 of the advertised documents show where Council expressed concern regarding the current parking area for large vehicles, page 20 is the engineer's</p>	<p><i>The Planning scheme does not require provision of car parking spaces for large vehicles.</i></p>

Submission received	Planning Response
response which clearly confirms there is no consideration for current residents requiring parking for motor homes, caravans etc.	
The point of a retirement village ... is for older people to live safely in a community environment. As we get older our abilities to safely walk or drive within the village becomes more of a safety, security and stressless importance	<i>Refer to assessment.</i>
To allow any development within this village whilst in the current state of disrepair in relation to the common areas and basic garden care causes extreme stress and fears for safety.	<i>Site maintenance is not a planning consideration.</i>
There is no privacy between the homes.	<i>There are no provisions within the Particular Purpose Zone – St Ann's Precinct that requires minimum setbacks between dwellings. The proposal plans show that each unit is to be enclosed with a 1.8m high Colourbond fence on 3 sides.</i>
27 dwellings is too many, understood it would be 6-7 dwellings.	<i>Site coverage is less than the 50% permitted under the acceptable solution</i>
Current infrastructure cannot handle the additional 27 dwellings.	<i>The proposal has been referred to external agencies responsible for underground infrastructure, such as TasNetworks and TasWater. Those agencies have provided conditions and/or advice in relation to the development.</i>
Not enough parking at the Office/Beauty Salon/Club House, especially when residents drive vehicles to the clubhouse. The capacity of the existing community room can only hold 30-40 people which means residents are isolated from mixing at social gatherings.	<i>There is no proposal to alter the existing arrangements at the Club house.</i>

Submission received	Planning Response
There was a promise of a gym, café, bbq area, men's shed (operating from a donated container on site). We are still waiting for these promises but have not been included on the new plan.	<i>This is not a planning consideration.</i>
Does the inclusion of proposed houses 3 and 4 on the plan prevent the extension to the community building to be completed, which would most likely facilitate the expected growth to 200 residents. In any event we believe provision should be made for any further expansion of the community centre.	<i>Any future extension to facilities is a matter for the property owner.</i>
Street parking is limited and restricted due to driveway access to existing properties. Congestion occurs on regularly, due to visitors, delivery trucks, emergency vehicle responses, health care providers, and service vehicles. On garbage collection day, residents are forced to park in the limited car park or on Stanfield Drive.	<i>Refer to report for assessment of traffic matters.</i>
The TIA does not consider the near misses, the real number of touches, the safety of the residents walking their dogs and the grandchildren.	<i>Refer to report for assessment of traffic matters.</i>
Current walkways are rarely used as they offer significant trip hazards and are unsuitable for walking aids.	<i>This is not a planning consideration. Site maintenance is the responsibility of the property owner.</i>
I am concerned about the indicative walkway to the bus stop.	<i>The amended master plan includes an alteration to the pedestrian path which will create a safer route to the bus stop. Any permit will include conditions requiring the pathway between Stanfield Drive and the Bus stop on the East Derwent Highway to be constructed to an appropriate standard.</i>
Large number of drive-throughs especially late at night.	<i>This is not a planning consideration.</i>

Submission received	Planning Response
<p>The sewage system with the current number of houses constantly needs pumper trucks and active intervention. We have constant written warnings from Wayne Rogers threatening that he will have to upgrade and therefore will be charged more in service fees.</p> <p>Electricity distribution is at max and that is why free solar was introduced to some houses to offset the shortage. We also suffer power outage due to load issues. Therefore I question an ability to easily add 27 houses.</p> <p>There has been a drop in water pressure since the last houses were built.</p> <p>Existing infrastructure power, sewer and water is unable to provide existing residents levels of service comparable to other residents in Tasmania. Increasing the load on this infrastructure to service new dwellings will worsen service levels.</p>	<p><i>This is not a planning consideration for the current proposal. Site maintenance is a matter for the property owner.</i></p> <p><i>As noted above, the proposal has been referred to external agencies responsible for underground infrastructure, such as TasNetworks and TasWater. Those agencies have provided conditions and/or advice in relation to the development.</i></p>
<p>The proposed addition of a roundabout has been a talking point for 8 years and still the proposal does not include access to Stanfield Drive. I understand that it was about who pays, not the benefit for the residents As an ambulance officer and resident, the current entry into Stanfield Drive is both difficult and dangerous especially between 7am and 9am weekdays.</p>	<p><i>The Department of State Growth is currently undertaking a corridor study on the East Derwent Highway. To date DSG have not been able to provide any guidance or direction on whether a roundabout will be required at Riviera Drive or elsewhere along the East Derwent Highway. The TIA submitted with the application demonstrates that the existing Stanfield Drive will still function and during peak period following further growth there are options for vehicles wishing to turn right out of Stanfield Drive to turn left and do a U-turn at the Gage Road roundabout. Due to low traffic generation the proposed development should have no material impact on operation of the existing Stanfield Drive intersection compared with existing conditions. The deterioration of the existing Stanfield Drive intersection is a</i></p>

Submission received	Planning Response
	<i>result of traffic growth on the east Derwent Highway.</i>
<p>In the current village there is a significant earth barrier that offers security for the residents, but also provides a noise barrier from the busy road. Why is there no proposal of a wall or noise barrier in the proposal?</p> <p>The proposed planning reduces the existing noise reduction barrier between the homes and the highway. My concern is that the developers will push this to the limits at the expense of the residents.</p>	<p><i>Sheet A101 Masterplan – Full Site shows the proposed extension to the existing acoustic berm for the extent of the development.</i></p> <p><i>The Applicant has provided a noise attenuation report which demonstrates that the acoustic berm is sufficient to mitigate road noise to residents. A condition is included in the permit requiring the recommendations of the noise attenuation to be implemented.</i></p>
<p>Acoustic berm extends beyond the property boundary. So there are issues relating to maintenance and whether Council can approve works on third party land.</p>	<p><i>The extension to the acoustic berm is contained within the property boundaries.</i></p>
<p>Plans show a vegetated swale at the base of the acoustic berm (proponents land). Historically St Ann's living has not maintained similar swales so an alternative method to manage run-off is required.</p>	<p><i>Council's Development Engineer has assessed the stormwater requirements of the proposal and recommended conditions for approval. The internal stormwater drainage is private and the responsibility of the owner to maintain.</i></p>
<p>Plans show a path between the acoustic berm and a fence at the rear of the properties. There is no lighting or passive observance of this area. This can be expected to lead to anti-social and criminal behaviour which will impact resident safety.</p>	<p><i>Annexure E provides an amended master plan and an indicative layout which includes lighting. The applicant has agreed to a condition to increase the transparency of the fencing which will positively impact passive surveillance.</i></p> <p><i>Refer to clause C2.6.5 for discussion.</i></p>
<p>A concrete footpath from Stanfield Drive to the Metro bus stop is required. Concrete is preferred at St Ann's Living has not demonstrated an ability to undertake adequate maintenance and it provides a stable surface for aged residents. Construction of this path</p>	<p><i>This has been included. Refer Annexure E.</i></p> <p><i>Site maintenance is a matter for the property owner. However the proposed path between Stanfield Drive and the bus stop will be required to meet relevant standards.</i></p>

Submission received	Planning Response
should be required before construction of any dwellings.	
Increasing the number of dwellings will increase demand for public transport. The proponent has not assessed how pedestrians can safely and conveniently access public transport on both sides of the East Derwent Highway.	<i>Pedestrians will be able to access the existing bus stops via the proposed pedestrian connection including pedestrian refuge on the East Derwent Highway.</i>
The proponent has completed previous development which require landscaping to be completed. These works have not been completed and recently St Ann's Living informed residents that all landscaping is complete. Consequently, there are concerns that the proponent will complete any landscaping required as part of this development.	<i>This is not a planning consideration for this proposal. Compliance with previous approvals will be dealt with as a separate matter.</i>
Proponent says there will be no impact to underground infrastructure resulting from landscaping but does not address any impact on above ground infrastructure such as stormwater swales i.e. weeds, leaf litter.	<i>A permit condition requiring an amended landscaping plan is included. The amended plan will need to consider both underground and above ground infrastructure.</i>
The proponent has provided council with stormwater plans etc, but these are not available, online, for residents in the village to comment on.	<i>It is considered that the information advertised was sufficient to enable an understanding of the proposed development.</i>
The proponent has not shown the impact of parking large vehicles (motorhomes, caravans, camper vans and boats) on the road. The TIA did not consider that these vehicles would be parked on the road.	<i>Refer to assessment.</i>
In the proponents application there is some talk of implementing parking restrictions. St Ann's living does not have the head of power to impose parking restrictions and Council does not have that power, as the roads are private. Similarly, no-one can enforce the proposed no stopping sign	<i>Residents should refer to Retirement Villages Act 2004 (Tas) for clarification on contractual matters, rights of residents, village rules, etc.</i>

Submission received	Planning Response
discussed in the proponents application.	
The development of 27 new dwellings is a 22% increase in the number of homes in the area. This will impact on amenity for existing residents. This will show up in increased on road parking, greater traffic volumes and noise.	<i>The proposal has been assessed as complying with the provisions of the Particular Purpose Zone and relevant code standards that deal matters such as amenity, traffic and noise.</i>
The density of the proposed dwellings along the eastern side of Celata Drive is of a higher density than any other dwelling in the village, which does not enhance the streetscape.	<i>The proposal has been assessed as complying with the provisions of the Particular Purpose Zone that deal with issues regarding streetscape.</i>
It could be argued that the proposal cannot satisfy the acceptable solution in relation to [BRI-P1.6.4 A2] as the higher density of smaller dwellings makes the landscaping and driveways similar to that of multiple residences, rather than singular, well defined housing.	<p><i>The proposal plans include an indicative landscaping plan, and is in accordance with the acceptable solution.</i></p> <p><i>A condition will be included for a more comprehensive landscaping plan which demonstrates that landscaping does not interfere with underground services.</i></p>
The proposal cannot satisfy the objective [BRI-P1.6.4] "That private open space must provide for: (a) the reasonable recreation and service needs of residents; and (b) adequate and efficient provision of parking." (emphasis added). Where these houses are proposed, St Ann's currently provides caravan parking for the residents.	<i>As noted in the Applicant's response, although residential amenity is specifically referred to in the zone purpose statements, section 6.10 of the scheme stipulates that the purpose statements should not inform the Planning Authority's determination unless discretion is invoked with respect to use.</i>
St Ann's website states that "The estate will be developed into the most beautifully designed, environmentally friendly, affordable senior lifestyle estate in Tasmania". This planning application negates this as the proposed design does not meet the current planning scheme. The appearance and character of the low-	<i>As noted in the Applicant's response, although residential amenity is specifically referred to in the zone purpose statements, section 6.10 of the scheme stipulates that the purpose statements should not inform the Planning Authority's determination unless discretion is invoked with respect to use.</i>

Submission received	Planning Response
density, community focused retirement village will be compromised.	<i>The proposal satisfies the development standards for the Particular Purpose Zone - St Ann's Precinct relating to amenity.</i>
<p>The proposed link road and buildings 1-10 will not meet the zone purpose BRI-P1.1.1 or BRI-P1.1.3. as the proposed land use of housing is not appropriate as its current land use is already providing amenity to the site. Currently in that location is the "village green", an area of purposeful landscaping around the community building. The proposed housing is only 2.5 metres from the recreational space – Refer to attached rep for comment</p> <p>Building setbacks do not meet the required setbacks nor the objective of [BRI-P1.6.2]</p>	<p><i>As noted in the Applicant's response (p2 of Attachment C), section 6.10 of the scheme stipulates that the purpose zone purpose should not inform the Planning Authority's determination unless discretion is invoked with respect to use.</i></p> <p><i>Further, there are no applicable development standards within the Particular Purpose Zone - St Ann's Precinct requiring the provision of public open space.</i></p>
Increased flow of traffic through the village is of concern.	<i>Refer to assessment.</i>
Villagers are disappointed that they were not giving the opportunity to discuss the proposed development. They do not believe that the owners have a "social licence" as such to proceed with this development in its current form.	<p><i>This is a matter for discussion between residents and the property owner.</i></p> <p><i>Residents should refer to Retirement Villages Act 2004 (Tas) for clarification on contractual matters, rights of residents, village rules, etc</i></p>
As a resident of Stanfield Drive, I am concerned about the increase in traffic to the cul-de-sac. There are no footpaths on either side of the road until after number 22, making foot traffic challenging. I acknowledge the excellent walking track provided to encourage a healthy lifestyle, but without footpaths, this track doesn't link up and it is currently a matter of dodging traffic, particularly during shift changes at the Nursing home. I have been looking forward to the possibility	<i>Refer to assessment.</i>

Submission received	Planning Response
of the current entrance to Stanfield Drive being closed in the future.	
My concern is getting in and out of the village onto the highway with so many more cars here.	<i>Due to low traffic generation the proposed development should have no material impact on operation of the Stanfield Drive intersection compared with existing conditions. Councils Development Engineer is satisfied that the proposal satisfies the relevant sections of the Road and Railway Assets Code and the Parking and Sustainable Transport Code which deal with traffic safety related matters.</i>
As with many other residents, we bought here because we were told that only 120 homes would be built, there would be parking for vans and cars, the estate would include an outside gym area, outdoor exercises classes in warmer months, community garden, safe walking areas, links to lifestyle activities, a library and free access to the recently completed club house which includes a hair and beauty salon. Of these we have a club room which struggles to hold 40 people comfortably, a hairdresser and some books in the club room.	<i>This is not a planning consideration.</i>
The walking track has not been kept in good condition and is now covered in long grass.	<i>Site maintenance is a matter for the property owner.</i>
27 homes and only 26 car parks when it should be 58.	<i>The proposal has been reduced to 26 dwellings. The applicant has submitted a revised masterplan demonstrating 54 car parking spaces can be accommodated.</i> <i>Refer to assessment.</i>
With all the underground work that will be required, I'm wondering who will pay for all of this if it does eventuate?	<i>The developer is required to pay for the installation of services.</i>
The reduction in the number of required car parking spaces for new dwellings is inadequate as the current layout and	<i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan</i>

Submission received	Planning Response
<p>infrastructure already presents significant challenges to traffic flow and manoeuvrability.</p>	<p><i>and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays. A condition requiring "on street" parking spaces to be delineated is recommended.</i></p>
<p>The swept path diagrams do not accurately reflect the reality of reversing trailers and cars into carports with visitor vehicles parked parallel to the driveway. Additionally the lack of clear street markings to designate visitor street parking areas often leads to obstructions at driveway entrances, further complicating access due to inadequate signage and absence of dedicated car parking bays.</p>	<p><i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays. A condition requiring "on street" parking spaces to be delineated is recommended.</i></p>
<p>I contest section 2.76 Parking Availability in the TIA, and believe that for this assessment to be accurate, it should be measured on either a weekend when there is an influx of visitors or on a Monday when the bins are out for collection and obstructing the said "available street parking" along the shared roads.</p>	<p><i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i></p>
<p>Visitors are frequently required to park on the grass of neighbouring properties due to a fear of not wanting to block the narrow access ways, leading to damage and deterioration of residents' gardens. There is a clear need for dedicated visitor parking spaces that are not obstructed by bins or other obstructions.</p>	<p><i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i></p>
<p>The current village is a good size to support community activities and social interaction. The whole idea of village life is to keep it small and enable the elderly residents to have room to socialise and</p>	<p><i>The proposal must be assessed against the provisions of the Tasmanian Planning Scheme – Brighton and its Local Provisions Schedule, including the Particular Purpose Zone – St Ann's Precinct.</i></p>

Submission received	Planning Response
<p>walk easily around the grounds. Please consider the application carefully with regard to the well being of the residents of St Anns Village and the circumstances outlined when residents agreed to live at St Anns.</p>	
<p>The proposed addition of a roundabout has been a talking point for 8 years and still the proposal does not include access to Stanfield Drive. I understand that it was about who pays, not the benefit for the residents As an ambulance officer and resident, the current entry into Stanfield Drive is both difficult and dangerous especially between 7am and 9am weekdays.</p>	<p><i>The Department of State Growth is currently undertaking a corridor study on the East Derwent Highway. To date DSG have not been able to provide any guidance or direction on whether a roundabout will be required at Riviera Drive or elsewhere along the East Derwent Highway. The TIA submitted with the application demonstrates that the existing Stanfield Drive will still function and during peak period following further growth there are options for vehicles wishing to turn right out of Stanfield Drive to turn left and do a U-turn at the Gage Road roundabout. Due to low traffic generation the proposed development should have no material impact on operation of the existing Stanfield Drive intersection compared with existing conditions. The deterioration of the existing Stanfield Drive intersection is a result of traffic growth on the east Derwent Highway.</i></p>
<p>In the proponents application there is some talk of implementing parking restrictions. St Ann's living does not have the head of power to impose parking restrictions and Council does not have that power, as the roads are private. Similarly, no-one can enforce the proposed no stopping sign discussed in the proponents application.</p>	<p><i>Council has no powers to enforce parking restrictions on private property. Any parking restrictions would need to be applied and enforced by St Anne's Living as the owner.</i></p>
<p>The proponent has provided several diagrams showing the swept path of a B85 vehicle. Since the proponent has proposed that large vehicles could be stored at residences then they should show the swept path for large vehicles.</p>	<p><i>There is no requirement in the Planning Scheme to provide parking for larger vehicles, however the representation is considered to have relevance to the shortfall in parking originally proposed. The amended master plan has provided increased designated off street</i></p>

<p>This is not an unreasonable request given the, relatively, high housing density and narrow streets. The proponent should also show the swept path of vehicles assuming other large vehicles (caravans, motorhomes etc) are parked in the street.</p>	<p><i>parking which will reduce ad hoc on street parking. It is accepted that not all units will have provision for larger vehicles to park off street and some of those that do may require multiple turning movements for larger vehicles. This is no different to general residential streets.</i></p>
<p>The proponent has demonstrated that the Stanfield St/ E Derwent Highway junction level of service will deteriorate to an unacceptable level F within 10 years. The proponent claims this is due to increases in traffic on E Derwent Highway rather than their development. They claim that the new development will only have a minor impact of the number of users entering/ leaving Stanfield Drive. This ignores an important point, a junction operating at level F is more likely to see an increase in the accident rate as drivers (entering/ leaving Stanfield Drive) become impatient and consequently undertake unsafe traffic movements. The proponent has not demonstrated that there will be sufficient queuing distance on E Derwent Highway for vehicles turning right into Stanfield Drive when the intersection operates at level of service F. It is worth noting that the proponent has only looked 10 years ahead. They should be required to show traffic modelling for longer periods of time, particularly since the State Government is unlikely to fund a new roundabout within 10 years.</p>	<p><i>Due to low traffic generation the proposed development should have no material impact on operation of the existing Stanfield Drive intersection compared with existing conditions.</i></p>
<p>The TIA mentions that there is a posted speed limit of 10km/hr. This sign is only a suggestion and cannot be enforced.</p>	<p><i>Council has no powers to enforce parking restrictions or speed limits on private property. Any restrictions or limits would need to be applied and enforced by St Anne's Living as the owner.</i></p>
<p>The proponent used DSG traffic data that did not include vehicles turning</p>	<p><i>The DSG traffic data reviewed was relating to through traffic and not turning traffic. Through</i></p>

right out of Riviera Drive or vehicles turning left into Riviera Drive. Consequently, their raw data underestimates actual traffic flows.	<i>traffic is the key item of this review as it shows a trend on whether traffic volumes are increase or decreasing over time, and at what rate.</i>
The TIA identified that the queue length of right turning vehicles from E Derwent Highway was 2-3 vehicles. With increased traffic volumes predicted in the TIA there is no explanation as how much this queue will grow and what impact it has on other road users.	<i>Due to low traffic generation the proposed development should have no material impact on operation of the existing Stanfield Drive intersection compared with existing conditions.</i>
Traffic counts used for the E Derwent/ Stanfield junction do not consider growth due to new homes being constructed in the area i.e. Staples Court.	<i>Due to low traffic generation the proposed development should have no material impact on operation of the existing Stanfield Drive intersection compared with existing conditions.</i>
Traffic surveys were carried out during July when residents often stay home due to the cold and many residents travel to the mainland or overseas. Whilst this would happen in many communities in Tasmania. The narrow demographic in St Ann's means that the error in measuring traffic in July is much higher than other communities.	<i>As noted by Applicant, traffic counts were undertaken outside of any public holidays and/or school term breaks which is common practice when trying to establish typical existing road volumes.</i>
The reported traffic volumes are expressed as average values but the 90th percentile would make more sense as we want to understand the worst impacts of the development	<i>As noted by Applicant, AM and PM peak hour traffic volumes were collected, and the intersection analysis considers the impacts during the critical peak periods, being the AM and PM commuter peak hours.</i>
The TIA excluded some crash data prior to June 2019 but the proponent did not explain why they took did this. If the data was favourable to the development then I would have thought it would be include.	<i>As noted by Applicant, Crash data was analysed for the most recent 5-year period which is common and acceptable traffic engineering practice.</i>
When reviewing parking availability, the TIA showed data for a short period aligning with peak periods on the E Derwent Highway. The TIA does not explain the logic of doing this. It is the same as going to a shopping centre at 8am to count spaces and later stating	<i>Following the representation being received the applicant has provided an amended master plan significantly increasing the number of designated parking spaces.</i>

<p>this proves there is a surplus of parking spaces.</p> <p>Within St Ann's peak parking will occur at different times. Parking will be higher, later in the day, due to service vehicles, residents parking second vehicles (including caravans etc) on the road, visitors and organisations providing care to residents.</p>	
<p>The TIA states there is abundant parking spaces, but this is more a function of flawed data than actual supply/ demand.</p>	<p><i>Following the representation being received the applicant has provided an amended master plan significantly increasing the number of designated parking spaces.</i></p>
<p>As discussed above, the parking survey is based on flawed data and therefore should be ignored. The parking survey only looked at on street parking and did not assess the number of on-site parking spaces. It's not logical to compare on street parking in an area where housing can have multiple on-site car parks (i.e. I park 4 vehicles at my home) to an area with a single on-site car park.</p>	<p><i>Following the representation being received the applicant has provided an amended master plan significantly increasing the number of designated parking spaces.</i></p>
<p>At one point the TIA refers to an access way serving 3 properties and claims that the probability of 2 vehicles meeting on the access way is very low. Whilst it is true that the probability of 2 vehicles meeting in one hour is low, the proponent has failed to recognise that there are many hours in a year. We can model this situation using the proponents estimate of 0.93 trips per hour, a Poisson probability mass function, assuming the driveway could be used for 12 hours a day and assuming if 2 vehicles use the driveway at any single time within a one-minute timeframe there is a clash. Then there will be 31 clashes a year, hardly an insignificant number.</p>	<p><i>The driveway in question could easily be provided with a passing bay. A condition requiring a passing bay be provided is recommended.</i></p>

<p>The TIA proposes not to provide footpaths. In justifying this the proponent says that there is a posted speed limit of 10km/hr. At best this sign is a suggestion and can not be enforced. They refer to the existing development relying on shared paths. This is true but that doesn't make it safe. For example, some residents who use walkers have trouble with vehicle traffic that can travel legally at 50km/hr. This is especially the case when people with walkers move out from behind parked motorhomes (reduced sight distance). This will become more of an issue when large vehicles that are currently parked off road will be moved to on road parking. The TIA refers to there being good sight distances, but they ignore that a parked motorhome or caravan reduces this distance.</p>	<p><i>The representation is considered to have merit. Council has no powers to enforce parking restrictions or speed limits on private property. Any restrictions or limits would need to be applied and enforced by St Anne's Living as the owner. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i></p>
<p>The TIA says that retirement homes generate less traffic, but they have not provided any information or reasoning to support this.</p>	<p><i>As noted by the TIA, the traffic generation levels were estimated based on the existing volumes associated with the existing development on the site. The traffic count provides a representation of existing traffic generation. The proposed development is an extension of the existing and as such it is reasonable to expect similar traffic generation.</i></p>
<p>The TIA provides swept path diagrams to show that the new development can be serviced by Council waste vehicles. However, the swept path diagrams do not show the impact of on street parking, particularly if some of those vehicles are caravans, motorhomes etc.</p>	<p><i>The representation has merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i></p>
<p>The draft concept plan doesn't take into consideration traffic entering the East Derwent Highway from Stanfield Drive. Residents of Stanfield drive has been previously advised of a potential plan to close the existing entrance to Stanfield Drive and open up the</p>	<p><i>Whilst the proposal under consideration has a small traffic generation it will, prohibit any future connection of Stanfield Drive through to a potential roundabout at Riviera Drive/East Derwent Highway. The Department of State Growth has been unable to provide any</i></p>

<p>southern end aligning this to a proposed roundabout coming off Riviera Drive. From Traffic Impact Assessment Report 23.1 it is apparent that the Dept of State Growth are still considering this option in the corridor study currently being undertaken. I notice that if units 8, 9 & 10 proceed within the proposed development it would render this proposal unviable. I disagree with the finding of 9th October by Ireneinc Design regarding delays caused by a potential roundabout, a precedent has been set at Clives/Fouche Avenues which in my opinion provides great traffic flow. If developments are to continue in our municipality it is important that fair and safe access is given to the East Derwent Highway, I also find it absolutely ludicrous the suggestion that motorists exiting Stanfield Drive would proceed north to the Gage Road roundabout, in another suburb, in order to drive south on the East Derwent Highway. Can council provide assurance from the Dept of State Growth that no “no turn restrictions” will be enforced in the future?</p>	<p><i>guidance as to whether a roundabout will be required at Riviera Dr or elsewhere along the East Derwent Highway.</i></p> <p><i>Council cannot provide any assurance that the Department of State Growth won't impose turn restrictions on the existing Stanfield Drive in the future.</i></p>
<p>I am unable to find any reference to Respect Aged Care Nursing Home staff/visitor movements in the Traffic Impact Assessment report. I have checked with Respect and the main shift changes occur at 7am and 3pm. This doesn't line up with Figures 13 & 14 of the Traffic Impact Assessment Report, which states the peak movements are between 7.15 – 8.15am and 3.30 – 4.30pm. As you would be aware the demographic in this area is mainly retired people so traffic movement is not determined by school hours, but, mainly I believe by the Nursing Home. From looking at the location of the Tube Counter, Traffic Impact Assessment 25.2, Figure 15, it was placed south of the exit for staff</p>	<p><i>The peak times in the Traffic Impact Assessment represent peak time on the East Derwent Highway, not necessarily peak times for traffic generation from the proposed development or the Nursing Home. It is the traffic volumes on the East Derwent Highway which have a greater impact on the operation of the Stanfield Drive / East Derwent Highway intersection. As such these times are considered appropriate to use.</i></p>

leaving work or visitors to the Nursing Home, therefore not capturing this traffic or movement of residents of Stanfield Drive, I don't believe this gives an accurate picture of traffic numbers.	
This development isn't just about the retirement village, proposals in this application have the potential to have a detrimental effect on the residents of Stanfield Drive and residents, staff and visitors of the Nursing Home.	<i>Traffic generation from the proposed development is relatively low and will result in a minimal increase in traffic on Stanfield Drive and surrounding areas.</i>
The swept path diagrams do not accurately reflect the reality of reversing trailers and cars into carports with visitor vehicles parked parallel to the driveway. Additionally the lack of clear street markings to designate visitor street parking areas often leads to obstructions at driveway entrances, further complicating access due to inadequate signage and absence of dedicated car parking bays.	<i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i>
I contest section 2.76 Parking Availability in the TIA, and believe that for this assessment to be accurate, it should be measured on either a weekend when there is an influx of visitors or on a Monday when the bins are out for collection and obstructing the said "available street parking" along the shared roads.	<i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i>
Visitors are frequently required to park on the grass of neighbouring properties due to a fear of not wanting to block the narrow access ways, leading to damage and deterioration of residents' gardens. There is a clear need for dedicated visitor parking spaces that are not obstructed by bins or other obstructions.	<i>The representation is considered to have merit. Following the representation being received the applicant has provided an amended master plan and addendum to the TIA significantly increasing the number of designated parking spaces. This reduces the need for vehicles to be parked on the street, outside of designated (indented) parking bays.</i>

6. Conclusion

The proposal for Multiple Dwellings (26) as part of St Ann's Retirement Village, satisfies the relevant provisions of the Tasmanian Planning Scheme – Brighton including the Local Provisions Schedule, and as such is recommended for approval.

RECOMMENDATION:

That pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approve application DA 2024/52 for Multiple Dwellings (26) as part of St Ann's Retirement Village at 28 Stanfield Drive, Old Beach and 1 Radius Drive, Old Beach for the reasons outline in the officer's report and a permit containing the following conditions be issued:

General

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings, including amended masterplan dated 15th January 2025, pedestrian footpath detail dated 11th December 2024 and addendum to TIA from Salt3 dated 16th January 2025 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) The development must be constructed in accordance with the recommendations contained in Section 4 of the St Anns Lifestyle – Noise Assessment prepared by Noise Vibration Consulting dated 8 October 2024.
- (4) Prior to occupancy of any of the dwellings approved under this permit, certification from a suitably qualified noise engineer must be submitted to Council demonstrating that all requirements of the Noise Assessment have been implemented.

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

Landscaping

- (5) Prior to commencement of works or issue of building approvals pursuant to the *Building Act 2016*, submit an amended landscape plan prepared by a suitably qualified person for approval by Council's Director Development Services. The landscape plan must include:
 - (a) A survey of all existing vegetation to be retained and/or removed.
 - (b) All areas to be landscaped, including:

- i. the acoustic berm,
 - ii. each dwelling as if for a single dwelling
- (c) Details of surface finishes of paths and driveways.
- (d) Details of fencing.
- (e) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
- (f) Landscaping and planting within all open areas of the site.
- (g) Be clear of all underground and above ground infrastructure.

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

- (6) Planting must bear a suitable relationship to the proposed height of the buildings and must not use species listed as noxious weeds within Tasmania, displaying invasive characteristics or unsuitable for fire prone areas. If considered satisfactory, the landscape plan will be endorsed and will form part of this permit.
- (7) Prior to commencement of first use of any dwelling approved by this permit, all trees and landscaping must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Director Development Services. Evidence showing compliance with this condition must be submitted to and approved by the Director Development Services within 30 days of planting.
- (8) Replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.

Fencing

- (9) Prior to commencement of works or issue of building approvals pursuant to the *Building Act 2016*, submit a fencing plan for approval by Council's Director Development Services. Unless otherwise agreed by Council's Director Development Services, the plan must show fencing to the rear of the units adjacent to the pathway along the eastern boundary to be no greater height than:
 - (i) 1.2m above existing ground level if the fence is solid; or
 - (ii) 1.8m above existing ground level, if the fence has openings above the height of 1.2m which provide a uniform transparency of at least 30% (excluding any posts or uprights);

Amenity

- (10) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Director Development Services.
- (11) Prior to commencement of works or issue of building approvals pursuant to the *Building Act 2016*, a schedule specifying the finish and colours of all external surfaces and samples must be submitted to and approved by Council's Director Development Services. The schedule must provide for finished colours that are not reflective, and are of natural colours such as black, grey, brown and green and be in a hue that is unobtrusive.

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

TasWater

- (12) The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA 2024-00659-BTN dated 19/6/2024, as attached to this permit.

Services

- (13) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed development. Any work required is to be specified or undertaken by the authority concerned.
- (14) Services located under the proposed driveway are to be relocated or provided with trafficable covers to the requirements of the relevant authority and to the satisfaction of Council's Municipal Engineer.

Parking and Access

- (15) The proposed vehicle access from the Stanfield Drive cul de sac (within the road reservation) must be constructed in accordance with the following;
 - a) Reinforced concrete in accordance with Council's Standard Drawings and Specification;
 - b) Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - c) Allow for 2 way traffic with a minimum width of 6.0 metres; and
 - d) to the satisfaction of Council's Municipal Engineer.
- (16) Unless required otherwise by the Department of State Growth, the Stanfield Drive intersection must be upgraded generally in accordance with the recommendations of the approved Traffic Impact Assessment (TIA) and a works permit issued by the Department of State Growth.

- (17) At least fifty-four (54) new car parking spaces, including at least one (1) parking spaces per dwelling and six (6) dedicated visitor car parking spaces, must be provided on site at all times for the use of the development.
- (18) A 1.5m minimum width reinforced concrete pedestrian path must be provided from the Stanfield Drive cul de sac to the existing bus stop and path on the East Derwent Highway to the satisfaction of Council's Municipal Engineer and the requirements of the Department of State Growth.
- (19) Pedestrian paths must be provided in accordance with the endorsed plans (Revised Master Plan A-100 Rev.12) and:
 - (a) Unless approved otherwise by Council's Director – Development Services, be constructed in reinforced concrete.
 - (b) Be a minimum width of 1m
- (20) All parking, access ways, manoeuvring and circulation spaces must be provided in accordance with the endorsed drawings (Revised Master Plan A-100 Rev.12), Australian Standard AS 2890 - Parking facilities, Parts 1-6, or as otherwise required by this permit, and include all of the following;
 - (a) be constructed with a durable all weather pavement;
 - (b) be drained to the public stormwater system;
 - (c) be surfaced by concrete, asphalt or approved equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
 - (d) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;
 - (e) provide for vehicles to enter and exit the site in a forward direction;
 - (f) the new private access road from the Stanfield Drive cul de sac to Radius Drive must have an internal access width not less than 6.0 metres and **accommodate a garbage collection vehicle (minimum Medium Rigid Vehicle);**
 - (g) a 10km/h shared zone speed limit sign is to be provided at the entrance to the development at the proposed new entry off the Stanfield Drive cul de sac;
 - (h) A minimum 5.5m wide (total) by 6.0m long passing bay must be provided on the shared access to units 13, 13a and 15;
 - (i) signed parking restrictions on common (shared) accessways;
 - (j) have a vertical clearance of not less than 2.1m above the parking surface level;
 - (k) be delineated by line marking or other clear physical means (including all "on street" spaces).

- (21) Prior to the development commencing, or application for building or plumbing permits, the developer must submit to Council a parking plan including:
- (a) pavement details,
 - (b) design surface levels and gradients,
 - (c) drainage,
 - (d) turning and travel paths (where required to demonstrate compliance with AS2890),
 - (e) dimensions (including clearances),
 - (f) line marking,
 - (g) lighting (where provided),
 - (h) pedestrian paths (including any signage, line marking, protective devices such as bollards, guard rails or planters),
 - (i) signage
 - (j) waste (garbage & recycling) bin collection locations for each dwelling

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

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

- (22) Prior to commencement of use of any dwelling, the completed parking and associated turning areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council.

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

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

Access to Public Road

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

Advice: Prior to undertaking any works in the State road reservation, a Works permit is required from the department of State Growth in accordance with Section 16 of the Roads and Jetties Act 1935.

Stormwater

- (24) Unless approved otherwise by Council's Municipal Engineer the stormwater system for the proposed development must be substantially in accordance with Engineering Advice 241023 EA 23E99-88, prepared by Aldanmark Engineering.
- (25) Stormwater from the proposed development must drain to the public stormwater system to the satisfaction of Council's Municipal Engineer and in accordance with the *Building Act 2016*.
- (26) The stormwater drainage system for the proposed development must be designed to comply with all of the following:
 - a) be able to accommodate a storm with a 5% AEP, when the land serviced by the system is fully developed;
 - b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.

Advice: The stormwater main on the western side of Radius Drive from Stanfield drive to the pit at the open drain south of Ellipse Circle is public infrastructure.

- c) Stormwater from the proposed development must be treated prior to entering the public stormwater system to:
 - i. achieve that the quality targets in accordance with the State Stormwater Strategy 2010.
- (27) The development must incorporate overland flow paths through the site to accommodate a 1% AEP (plus climate change) rainfall event.
- (28) The stormwater system within the development must continue to be maintained to ensure the quality targets, in accordance with the State Stormwater Strategy 2010, and flow rates discharging to the public stormwater system are maintained as per the approved design and water is conveyed so as not to create any nuisance to adjacent or downstream properties.
- (29) The driveway must be drained to minimise surface runoff over adjoining land (including road reservation) in accordance with the requirements of the Municipal Engineer and the *Building Act 2016*.
- (30) Prior to the lodgement of building or plumbing applications the developer must submit a revised (for construction) Stormwater Management Report to Council's Municipal Engineer. The Stormwater Management Report must be prepared and certified by a suitably qualified person, in accordance with section 2.6.2 of *DEP & LGAT (2021). Tasmanian Stormwater Policy Guidance and Standards for Development. Derwent Estuary Program and Local Government Association of Tasmania (Hobart, Australia)* and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The report must clearly demonstrate that the requirements of this permit are met and that adjacent and downstream properties will not be adversely impacted by the

stormwater system. Once approved the Stormwater Management Report will form part of this permit.

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

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

Erosion and Sediment Control

- (31) 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 Programme 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.
- (32) 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.

Construction Amenity

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

In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion, existing or otherwise, may be deemed a result of construction activity and require replacement or repair to the satisfaction of Council's Municipal Engineer.

- (35) Works associated with the development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
 - Monday to Friday 7:00 am to 6:00 pm
 - Saturday 8:00 am to 6:00 pm
 - Sunday and State-wide public holidays 10:00 am to 6:00 pm

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

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. If any condition in this permit requires that further documents are to be submitted and approved, you will need to submit the relevant documentation to development@brighton.tas.gov.au for assessment pursuant to s60 of the *Land Use Planning and Approvals Act 1993*.
- Where building approval is also required, it is recommended that documentation is submitted well before submitting documentation for building approval to avoid unexpected delays.
- B. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- C. This 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.
- D. The Applicant is recommended to submit an application via the TasNetworks portal if they need to upgrade the electricity supply connection to support this strata title development.

DECISION:

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

CARRIED**VOTING RECORD**

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

Meeting closed: 6.25pm

Confirmed:

(Mayor)

Date:

18 February 2025



Brighton Council

**MINUTES OF THE PARKS & RECREATION COMMITTEE MEETING
OF THE BRIGHTON COUNCIL, HELD IN THE COUNCIL CHAMBERS,
COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH
AT 5.15P.M. ON TUESDAY, 4 FEBRUARY 2025**

PRESENT: Cr Geard (Chairperson); Cr De La Torre; Cr Gray; Cr McMaster; Cr Murtagh; Cr Owen and Cr Whelan

IN ATTENDANCE: Cr Curran; Cr Irons; Mr J Dryburgh (Chief Executive Officer); Mr C Pearce-Rasmussen (Director Asset Services); Ms J Banks (Director, Governance & Regulatory Services); Mr A Woodward (Director, Development Services); Ms M Braslin (Acting Director Corporate Services) and Ms J Blackwell (Senior Planner).

1. Acknowledgement of Country

2. Apologies

All members were present.

3. Public Question Time and Deputations

There was no requirement for Public Question Time.

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 Chief Executive Officer, 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. Business

5.1 Thompson Oval Cricket Pitch, Pontville

Author: Director Asset Services (C Pearce-Rasmussen)

Background

AFL Tas have approached council with an opportunity to host a Men's and Women's double header with the Tasmanian AFL teams playing against VFL and VFLW opponents in late March. For Thompson Oval, Pontville, to be selected as a venue for this event, the synthetic cricket wicket would need to be removed.

Council had previously agreed to remove the synthetic wicket following advice that this was a requirement of the Brighton Football Club entering the premier league. It was later clarified however, that this was not a specific requirement of entry into the premier league competition. The AFL Preferred Facility Guidelines do not require for the synthetic pitch to be removed, although removal of the pitch is strongly supported by AFL Tas and this has been communicated to council on several occasions.

There will be no pitch option for youth cricket at Pontville if the synthetic pitch is removed. Council currently has synthetic wickets on Cloak Oval in Old Beach and on Weily Park in Bridgewater, with these facilities being heavily utilised at present.

Cricket Tas and Southern Cricket Association (SCA) have been utilising the synthetic pitch on Thompson Oval this summer through weekday training sessions as well as weekend games. Council have also been approached by several out of area cricket clubs seeking to assist in re-establishing cricket in Pontville, with one of these meeting with the Pontville user groups to understand the needs of current users of the site.

Removal of the pitch would allow the Brighton Football Club to access the ground year-round for training and would provide a higher quality playing surface as the team enters the premier league and develops their club. Hosting the proposed AFL matches in late March will also likely provide a significant economic boost for the Brighton Football Club.

If the ground is to be prepared in time for the proposed AFL matches, works to remove the cricket pitch would need to commence immediately.

Consultation

Chief Executive Officer, Director Asset Services, Works Manager

Risk Implications

N/A

Financial Implications

Brighton Football Club have offered to cover the cost of removal of the pitch.

If removed, council lose the ability to hire the grounds for cricket games and training. However, there is strong potential for increased use by the Brighton Football Club.

Strategic Plan

S1.3 ensure attractive local areas that provide social, recreational and economic opportunities

S3.3 community facilities are safe, accessible and meet contemporary needs

Social Implications

Removal of the synthetic pitch will mean there is no pitch option at Pontville for junior cricket to be played upon. This would reduce local access to cricket during the summer period.

Conversely, the football club pre-season training may be extended throughout the summer period due to increased access to the ground.

Environmental or Climate Change Implications

N/A

Economic Implications

N/A

Assessment

There are a number of pros and cons to consider in determining whether to remove the pitch as outlined above. Electing to remove or retain the cricket pitch will unfortunately result in the detriment of one sporting code to the benefit of another.

In making a determination it is recommended that councillors consider the opportunities for both the Brighton Football Club and community in hosting the games in late March and the benefits that pitch removal will bring, whilst balancing the longer-term impacts on the availability of playable surfaces for school-aged cricketers.

Options

1. Remove the synthetic wicket from Thompson Oval.
2. Retain the synthetic wicket on Thompson Oval.
3. Decline the request from AFL Tas and hold over a decision on pitch removal until a later date.
4. An alternative option as determined by council.

RECOMMENDATION:

Councillors endorse staff actioning the preferred option as determined through deliberations.

DECISION:

Cr Whelan moved, Cr Owen seconded that this matter be held over until the Pontville Park master plan has been decided.

CARRIED

VOTING RECORD

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

Meeting closed: 5.33pm

Confirmed: _____
(Mayor)

Date: _____
18 February 2025



January 23rd 2025

To Whom It May Concern:

I am writing to explore the possibilities around the Brighton Football Club venue for an upcoming event. AFL Tasmania is in the process of sounding out and considering potential host venues for our senior and under 18 state programs for 2025 and beyond.

There is a unique opportunity for a Men's and Women's Tasmanian double header against VFL and VFLW opposition in late March this year, where we are still to confirm a suitable venue. There are several prospective venues interested, but with Brighton's ascension to the Premier League competition, AFL Tasmania would strongly consider the venue provided it is suitable for play.

To be eligible for consideration, however, we would need an update on the timelines around the removal of the concrete cricket pitch on Thompson Oval. If the concrete cricket pitch remains, the venue unfortunately would not be considered appropriate for this event or opportunities like it at senior or under 18 level when they arise in the future.

The excellent amenities and change facilities built at Brighton make it an attractive option for football events – e.g. gala days, carnival events and one-off events like this one. Unfortunately, the concrete pitch will stand in the way of the venue being preferred against other suitable venues and won't enable it to be considered for higher level football.

As we have previously expressed, we have a strong desire for the concrete pitch to be removed from Thompson Oval to ensure Brighton can flourish within the Premier League and enable growth through the club. Currently the Brighton Football Club are the only SFL Premier League club with a concrete pitch on their ground.

Please advise if Brighton is interested in hosting the upcoming State Game double header event. If you can confirm it is suitable for consideration, we will welcome a meeting to discuss further.

Regards,

A handwritten signature in black ink, appearing to read 'Damian Gill'.

Damian Gill
Head of AFL Tasmania



6 February 2025

ATTACHMENT

AGENDA ITEM 7

Office of Local Government
lg.consultation@dpac.tas.gov.au

LOCAL GOVERNMENT PRIORITY REFORM PROGRAM 2024-26

During a recent Brighton Council Workshop, elected members reviewed the discussion paper that proposes a number of reforms to support the delivery of the Local Government Priority Reform Program 2024-26.

Brighton Council are broadly supportive of the proposed reforms. However, we would like to offer some comments and feedback from the workshop on this matter, in addition to our previous submission regarding Local Government reform.

1. Legislating the Good Governance Principles

Brighton Council are broadly supportive of this reform.

2. Introducing serious misconduct provisions for Councillors

Brighton Council are broadly supportive of this reform.

3. Broadening Performance Improvement Direction provisions

Brighton Council are broadly supportive of this reform.

4. Introducing Temporary Advisors for Councils

Brighton Council are broadly supportive of this reform.

5. Clarifying Work Health and Safety obligations

Brighton Council are broadly supportive of this reform.

6. Mandating council learning and development obligations

Brighton Council elected members have a diversity of opinions on this reform; including:-

- The quality and accessibility of training material is essential for this system to be effective and complied with. Councillors have experienced difficulties with the existing system.*
- Some councillors believe in the absence of similar requirements for other tiers of government, this requirement is discriminatory.*
- For experienced councillors there should be recognition of prior knowledge and experience.*
- Some councillors believe relevant training prior to being allowed to run / being elected should be mandatory.*

- *The application of relevant learning is noted by some elected members as the key issue, rather than the training itself.*

7. Introducing a contemporary role statement and a Charter for local government

Brighton Council is very supportive of this reform as it will assist to provide clarity of Local Government's role in Tasmania and help to harmonise services across municipal boundaries. However, genuine consultation (and listening) to councils is critical. There is concern this could lead to the transfer of further State responsibilities to councils without requisite funding or resourcing.

Council has noted previously that the Charter should make explicit, that both climate adaptation and mitigation is a core role of local government.

8. Improving the strategic planning and reporting frameworks

Brighton Council are generally supportive of this reform, however, concern regarding expanding the role of Local Government in community wellbeing matters that are traditionally the role of other tiers of government without appropriate funding and/or genuine partnership between tiers of government, is strong.

9. Improving consistency in data collection and reporting methodologies

Brighton Council are strongly supportive of this reform.

10. Enhancing transparency of information in council rates notices

Brighton Council are broadly supportive of this reform.

11. Mandating internal audit for councils.

Brighton Council are broadly supportive of this reform.

Yours sincerely



James Dryburgh
CHIEF EXECUTIVE OFFICER

Stanfield Drive Old Beach Dual Access

To the Mayor and Councillors of Brighton Council.

We the electors of the Brighton Council petition the Councillors in accordance with the Local Government Act 1993; to act in their capacity as a road authority and refuse approval for a second access to St Ann's Retirement Village located at 1 Radius Drive.

Reasoning for petition

A recent Traffic Impact Assessment for a development at 1 Radius Drive identified that the service level of the Stanfield/ East Derwent Highway intersection will deteriorate to level F. This will result in delays for residents, and we expect there to be an increase in accidents as drivers leaving the area try to merge with traffic on East Derwent Highway. Given the 80km/hr speed limit on East Derwent Highway it is not unreasonable to expect some accidents to result in fatalities.

A possible solution, that has been discussed in the past, is to construct a roundabout at the junction of Stanfield/ Riviera/ East Derwent Highway.

Allowing a second access onto Stanfield Drive from 1 Radius drive will complicate or make impossible the construction of a roundabout.




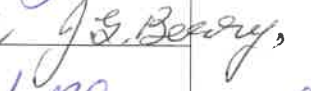









The Department of State Growth are undertaking a traffic study for East Derwent Highway and we should await the outcome of this work before ruling out the option of constructing the roundabout.

Print Name	Print Address	Signature
Denise Bouwman	6 Ellipse Circle	Denise Bouwman
BARBARA RIENITS	7 ELLIPSE CIRCLE	B. Riënits
JILL SPLAWN	13 ELLIPSE CIRCLE	Jill Splawn
Pat Nuttelhoe	91 Celata Dr.	Pat Nuttelhoe
TONY & CHRIS BUTTERWORTH	32 CELATA DR.	Tony & Chris Butterworth
Hauveen Sadewasser	2 Celata Drive OB	Hauveen Sadewasser
Jan Harris	17 Radius Dr. Old Beach	Jan Harris
Anne Tanner	28 Celata Dr Old Beach	Anne Tanner

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Print Name	Print Address	Signature
Susan Talbot	75 Celata Dr.	
Nancy Talbot	75 CELATA DR	
Jane Walsh	6 Radius Drive, Old Beach	
Janet Berry	23 Radius Drive Old Beach	
MAIRIN CAMPBELL	85 Celata Drive, Old Beach	
LINDA COLE	36 Celata Drive old Beach.	
Dale Burn	65 celata Drive	
Tania Burn	65 celata Drive	
John Green	18 RADIUS DRIVE	
GRAEME JAMES	13 RADIUS DRIVE	
CHARLES JAMES	17 RADIUS DR.	
RICHARD HARRIS	38 CELATA DR.	
Cherie Burdon	14 Celata Drive	

IRENE JAMES 16 CELATA DRIVE
Christine Bailey 19 RADIUS DR.




Stanfield Drive Old Beach Dual Access

To the Mayor and Councillors of Brighton Council.

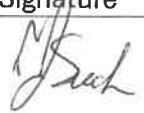



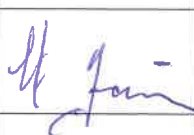
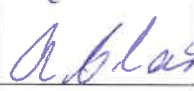









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Print Name	Print Address	Signature
Elizabeth	53 Celata Drive	Elizabeth
Ruth	22 Celata Drive	Ruth
RENATE	20 CELATA DRIVE	R. Boroghy
DAVID BUTCHER	25 RADIUS DRIVE	David Butcher
ELAINE ^{NASH}	18 CELATA DRIVE	Elaine Nash
DARRYL ^{NASH}	18 CELATA DRIVE	Darryl Nash
GRAEME ALLEN	79 CELATA DRIVE OLD BEACH	Graeme Allen
GLADYS ALLEN	79 CELATA DRIVE OLD BEACH	Gladys Allen
Patsy CORRICK	20 ELLIPSE CIRCLE	Patsy Corrick
NOREEN HE MOTTEE	22 RADIUS DRIVE OLD BEACH	Noreen He Mottee
BARRY SHACKLADY	1 CELATA DRIVE	Barry Shacklady
Gay Bates	Unit 5, 28 Stanfield	Gay Bates
WAYNE BORDON	14 CELATA DRIVE	Wayne Bordon
STEWART CORRICK	20 ELLIPSE CIRCLE	Stewart Corrick
ADRIAN TANNER	28 CELATA DRIVE OLD BEACH	Adrian Tanner

Stanfield Drive Old Beach Dual Access

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Print Name	Print Address	Signature
Lam Such	21 RADIUS DRIVE	
IAN Such	21 RADIUS DRIVE	
M. Pattinson	16 ELLIPSE C.	
P. Bone	" "	
HELEN JAMIESON	52 CELATA	
A. Clarke	24 Radius Dr.	
Bill Hodge	7 RADIUS DRIVE	
PAULINE HODGE	7 RADIUS DRIVE	
Maryand O'Sullivan	9 Radius Drive	
Steryl Triffitt	22 ELLIPSE Circle	
	" "	
Roseanne CHAYTON	3 CELATA DRIVE	
Maria Butcher	25 Radius Drive	
ANNE FAILES	9 ELLIPSE CIRCLE	

Stanfield Drive Old Beach Dual Access

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Declaration

We, the proposers of the petition, being electors of the Brighton Council, declare;

There are 52 signatories to the petition.

To the knowledge of the proposers, the signatories, are electors of the Brighton Council.

The petition was signed on 2 February 2025.

The Petition is proposed by;



Adrian Tanner, 28 Celata Drive, Old Beach



Maria Butcher, 25 Radius Drive, Old Beach



Sonja Kateski, 12 Radius Drive, Old Beach

Anne Tanner 28 CELATA DRIVE OLD BEACH

Please send any notices regarding this petition to, Adrian Tanner, 28 Celata Drive, Old Beach or, by email to, adrian@tanner.id.au or contact him directly on 0400 698 935.

QUOTE

MARGARET WOODWARD DESIGN

ABN NO: 337 8757 0782

DATE: 07 February 2025 QUOTE #: 202501

FROM: Margaret Woodward

EMAIL: mwoodwar@iinet.net.au

POSTAL

ADDRESS: 18 Hazell Street
Blackmans Bay
TAS 7052

MOBILE: 0409 8055 84

TO: Brighton Council

ATTENTION: Angela Turvey

Angela.Turvey@brighton.tas.gov.au

FOR: Restoration of the sculpture *Jerry* (2007) by Tony Woodward

Materials:

Tiles	1X box Grace Bisazza tiles:	\$612.00.
	1X box Emanuela Bisazza tiles:	\$582.00
Shipping:		\$200.00

Laticrete multimastic premium adhesive	\$150.00
# 100 Bianco Flexible grout 10kg	\$60.00
Cleaning materials and solutions	\$150.00

Bronze repair, cleaning and installation: \$2,000.00 (estimate)
Curtis Hore

Dobsons Monumental Stonemasons. Replace, engrave and and install all polished black granite panels and setting. Install on existing concrete base. Will require inspection prior to confirm

Estimate only: \$ 9,352.00 incl. GST.

Labour (remove old grout, replace tiles, grout, clean)

Margaret Woodward and assistant	100 hours @ \$75.00 per hour
Project management	20 Hours @ 75.00 per hour

\$9,000.00

TOTAL \$22,106.00



Original installation shot 2007



2021





2021





2021





**Brighton
Council**

CUSTOMER SERVICE CHARTER

Brighton Council is committed to ~~the provision of timely~~delivering prompt, efficient, consistent and quality services provided by polite and helpful Council Officers, who meet our customers' expectations.

Who is a Customer?

A customer is any person or organisation seeking services or information from Brighton Council.

Our Customer Service Commitment

On a personal level we will:

- Treat customers courteously and with respect.
- Deal with you in a polite and helpful manner.
- Listen to you and take your views into account.
- Treat you fairly and take account of your ~~particular needs~~needs.
- Provide you with appropriate information.
- Explain what customers need to do.
- Be punctual for meetings and appointments.
- Constantly look for ways in which our service can be improved.
- Follow through with any commitment we make; and
- Value customers privacy by treating personal information confidentially.

For enquiries we will:

- Attend the counter, answer the telephone promptly and courteously and assist with an enquiry directly without unnecessary referrals or transfers.
- If we cannot deal with your ~~enquiry~~enquiry, then we will give you the name of the person it will be referred to.
- Acknowledge receipt of your correspondence.

What is a Customer Request, Enquiry or Complaint?

It is important to make the distinction between a customer request, complaint and enquiry.

A request is:

- ~~an appeal for assistance to inspect, remove, replace, repair or reinstate Council activities or amenities which may be damaged or missing as a result of~~because of a number of circumstances i.e. repair to street sign, pothole in the road that needs repair or missed waste collection. When you would like action taken on an issue within our area.

This could be a request for a replacement bin, to report a pothole or to let us know about a barking dog.

An enquiry is:

- an appeal for information. An answer to be provided to a specific question or a decision to be made in relation to a specific matter. e.g. zoning of a particular parcel of land in municipality.
- ~~In some instances, due to the Privacy Act and Policy, p~~Personal information such as will not be given out i.e. ratepayer details will not be disclosed. Refer to Council's Privacy Policy.

A Customer Complaint is:

- an expression of dissatisfaction with a level or quality of service or product offered or provided, or an appeal for action to be taken in respect of a nuisance.

Customer Service

Brighton Council places ~~great~~ emphasis on the prompt and efficient handling of requests and enquiries.

What we expect of our customers

Help us to help you by:

- **treating our staff with courtesy and respect;**
- respecting the privacy and rights of other customers and staff;
- being honest with us and providing us with all relevant information at the time of the initial contact;
- making an appointment where your enquiry is of a complex nature or when you need to meet with a specific officer.

Requests and Enquiries

All written correspondence to Council should be marked to the attention of the ~~General Manager~~Chief Executive Officer. We will acknowledge receipt of all written requests, enquiries or complaints within five (5) working days.

We will respond to your written correspondence within fifteen (15) working days. If your request is more complex and requires greater attention, we will contact you and explain the reason for any delay. If prolonged investigations are needed, we will keep you informed on the progress.

Complaints*Where do I make my complaint?*

Each Department of Council is responsible for the handling of its own complaints.

Complaints in relation to services provide by Council may be made in the following manner:-

- by telephone – (03) 6268 7000;
- in person at the Council Offices, Old Beach;
- in writing to the ~~General Manager~~Chief Executive Officer, 1 Tivoli Road, Old Beach; or
- by email to admin@brighton.tas.gov.au

Your complaint will then be directed to the appropriate Department for investigation and response.

We normally require a complainant to provide their name, address and telephone contact details however we may accept anonymous complaints at our discretion if there is a potential risk to persons or property. In all circumstances we require sufficient details for the complaint to be investigated.

What is not a complaint?

- A request for service (unless there was no response to a first request for service).
- A request for information or an explanation of a policy or procedure.
- A complaint for which a statutory review process exists, such as an appeal against a planning decision which is dealt with under the *Land Use Planning and Approvals Act 1993*.
- Disagreement with a policy, decision or direction of the Council.
- An expression of dissatisfaction with the behaviour of a Councillor (refer [to Council's Code of Conduct for Councillors](#) [Dispute Resolution](#) Policy).
- Reports of damaged or faulty infrastructure.
- Reports of nuisances, dogs, neighbours, noise, unauthorised building work or similar issues.
- A complaint against a staff member (dealt with by Human Resources).

While many people think of at least some of the matters above as “complaints”, ~~to us they are we view them as~~ “requests” that ~~are a major part of what we do every day~~ form a significant part of our daily operations. ~~These R~~requests are ~~mentioned~~ addressed within this Charter.

Complaints Management Process

The ~~Manager~~ Director of each Department of the Council is responsible for handling complaints relevant to that Department.

While most situations can usually be resolved at an early stage, ~~there are times when they~~ some may require a detailed investigation. If a complaint is of a very serious nature, it will be referred to the ~~General Manager~~ Chief Executive Officer.

~~Irrespective~~ Regardless of ~~how~~ the ~~manner in which the~~ complaint ~~was is~~ received, a response ~~to the complaint~~ can be expected within twenty (20) working days. When this is not possible ~~e.g. such as when the your~~ complaint is complex and requires ~~extensive thorough~~ investigation, ~~in this instance~~ you will be kept informed on the progress on the matter.

Personal Information - Privacy

Customers can expect their privacy to be respected and personal information treated confidentially throughout the complaint management process.

What if I am not satisfied with the response to a complaint?

~~Experience has shown that the majority of~~ Most complaints ~~will be satisfactorily are~~ resolved satisfactorily, however if you are not satisfied ~~with the outcome you may ask for can request~~ a review ~~of your complaint~~ by the ~~General Manager~~ Chief Executive Officer, who will reinvestigate ~~your complaint~~ and inform you of the findings.

Abusive Customers

~~Council employees do not have to tolerate threatening, abusive, or insulting conduct from customers. No Council employees are not obligated to tolerate any form of is required to accept threatening, abusive or insulting conduct from customers.~~

~~For any interaction with members of the community~~ If where ~~personal~~ abuse or vulgar language is used, the ~~Council Officer may end the interaction communication may be terminated immediately by the Officer.~~ If face to face, the Officer may walk away. If on a telephone, the Council Officer will terminate the call. If ~~in via~~ email, the address may be blocked.

Habitual and Vexatious Complaints

Habitual or vexatious complaints are defined as:

- repetitive and burdensome complaints that have been considered resolved or responded to in previous communication with the complainant;
- unreasonable complaints and/or unrealistic outcomes;
- placing unreasonable demands on Council where resources are substantially and unreasonably diverted away from its other core functions and priorities.

Whilst Council ~~endeavours aims~~ to respond to the needs of all complainants, there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem. Where complaints continue and have been identified as habitual or vexatious, the ~~General Manager~~ Chief Executive Officer, in discussion with the Senior Management Team, will seek agreement to treat the complainant as a habitual or vexatious complainant.

In such cases, the ~~General Manager~~ Chief Executive Officer will write to the complainant to inform them of the determination and consider their response, should they provide one. If the determination ~~remains stands~~, no further action will be taken. ~~on these complaints.~~

If a customer wishes to dispute this determination they may make a complaint to the Ombudsman.

What to do if I am still not satisfied?

~~The Ombudsman can review Council's actions and decisions. Although you may contact the Ombudsman directly at any time, we recommend first allowing the Council to investigate the complaint. The Ombudsman may can review actions and decisions taken by Council. While you are entitled to refer your complaint directly to the Ombudsman at any time, we would encourage you to allow Council to investigate your the complaint initially first.~~

Complaints of Non-Compliance or Offence

A customer may make a complaint to the Director of Local Government that a Council, Councillor or General Manager has failed to comply with the *Local Government Act 1993*, or any other Act, or they may have committed an offence under the *Local Government Act 1993*.

Such complaints must be made in writing; identify the complainant and the person against whom the complaint is made; give particulars of the grounds of the complaint; be verified by statutory declaration; and be lodged with the Director. Complaints should be sent to Director of Local Government, Local Government Office, Department of Premier & Cabinet, GPO Box 123, Hobart.

Reporting of Complaints

In accordance with Section 339F of the *Local Government Act 1993*, the General Manager will provide a report to the Council annually on the number and nature of complaints received.

Review

The Council will review this Charter within twelve (12) months of an election and every two years after that.

Personal Information Protection

Council has a commitment to protect Personal Information provided by a customer to Council in accordance with the requirements of the *Personal Information Protection Act 2004* and the *Right to Information Act 2009*. Council's Privacy Policy is available for inspection at the Council Offices and on Council's website.

If we can improve our level of service to you, please contact
our Customer Service Officers on (03) 6268 7000 or email admin@brighton.tas.gov.au



POLICY NAME: FINANCIAL HARDSHIP ASSISTANCE

POLICY No: 1.3

1.1 PURPOSE:

The purpose of this policy is to enable Council to provide assistance to community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates, fee's and charges.

1.2 SCOPE:

This policy applies to ratepayers experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rate payment obligations to Council. It is not intended to be used to maintain financial positions for those who do not need it and are not genuinely impacted by serious financial hardship.

This policy applies only to Council rates and charges levied in accordance with Part 9 – Rates and Charges of the *Local Government Act 1993*. This policy does not apply to rates or fees collected on behalf of other authorities in accordance with section 88 of the *Local Government Act 1993*, such as fire service contributions collected pursuant to section 79B of the *Fire Service Act 1973*.

1.3 KEY PRINCIPLES:BACKGROUND:

~~This policy was developed and implemented during the 2020 COVID-19 coronavirus pandemic that is spreading across the world. To respond to the disease, governments around the world are shutting down social activities and interaction to prevent transmission, which is necessarily causing significant impacts on many economic activities and transactions. As a result, many people have lost jobs, their clients or their business, destroying incomes and spending. Council is determined to assist those most critically impacted by the economic slowdown caused by the pandemic with a robust and fair hardship policy.~~

~~Despite this, serious financial hardship can occur at any time, so this policy is designed to address a range of circumstances.~~

~~1.1 Principles~~ This policy will be applied in accordance with the following principles:

- (1) Consistent, equitable and respectful treatment of all residents and ratepayers that is sensitive to their specific circumstances.
- (2) Maintaining Council's ability to provide essential services to our community through appropriately applied rating.
- (3) Assisting ratepayers who are suffering serious financial hardship, so that they may overcome these circumstances and return to financial stability and contributing equitably to local services.
- (4) Ensuring that those able to contribute to local services, continue to do so.

- (5) Minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by sufficient evidence.
- (6) Maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.

2 POLICY:

2.11.2 Genuine Financial Hardship

According to the Australian Taxation Office (ATO)¹, individuals are considered to be in serious hardship when they are unable to provide the following for themselves, their family or other dependants:

- Food;
- Accommodation;
- Clothing;
- Medical treatment;
- Education;
- Other basic necessities.

A number of factors can contribute to or trigger serious financial hardship, including:

- Loss of employment of the property owner, family member or household primary income earner;
- Serious illness, including physical incapacity, hospitalization, or mental illness of the property owner or family member;
- A natural disaster;
- A public health emergency or declared state of emergency;
- Family tragedy;
- Family breakdown;
- Financial misfortune;
- Other serious or complicating circumstances.

Community wide issues and circumstances, ~~such as a public health emergency~~the COVID-19 pandemic, may impact financial hardship, but hardship is always assessed at an individual level, and requires reviewing personal circumstances.

Serious financial hardship involves both low income/cash flow and a low asset base. Personal property portfolios beyond a primary residence or a business's primary operating space can be employed to improve an applicant's cash flow and financial sustainability. Applications for assistance on residential investment properties will not be considered.

2.21.3 Evidence of Financial Hardship

Applicants will need to provide evidence of their circumstances of financial hardship to justify Council's special consideration of their case. The type of evidence required will

¹ See: <https://www.ato.gov.au/General/Financial-difficulties-and-serious-hardship/Individuals-with-serious-hardship/Evidence-of-serious-hardship> | Australian Taxation Office

depend on your circumstances and may include, for example, one or more of the following:

- ~~•~~ Assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment;
- ~~•~~ A statutory declaration from an appropriate and independent professional, familiar with the applicant's circumstances (e.g. a family doctor for health-related evidence, a bank official, insurance policy manager, etc.);
- ~~•~~ Pending disconnection of essential services, like water, electricity, gas (does not include mobile phone or internet bills);
- ~~•~~ Notice of impending legal action, for non-payment of essential bills;
- ~~•~~ Letter from charitable organisation regarding loss of employment or inability to provide for basic necessities;
- ~~•~~ Bank notice for example, overdraft call or mortgaged property repossession;
- ~~•~~ Unplanned Employer notice of redundancy or termination of employment;
- ~~•~~ Overdue medical bills;
- ~~•~~ Letter from doctor verifying the inability to earn an income due to illness or caring for a sick family member;
- ~~•~~ Final notice from school regarding payment of mandatory fees;
- ~~•~~ Funeral expenses;
- ~~•~~ Repossession notice of essential items, like a car or motorcycle.

2.31.4 How Council can help

Eligible ratepayers in genuine financial hardship will be provided with assistance of their entitlements to rates and charges payment options.

2.3.11.4.1 Payment Plan

Customer can request a payment plan and agree to make smaller and more frequent payments. A customer can request a payment plan over the phone or in writing. Council staff will monitor payment plans and will continue to follow the normal debt collection process if the payment plan is not maintained.

~~The Local Government Act 1993 provides Council with three methods of rate relief:~~

- ~~(1)——Postponing rate payments (sections 125-127)~~
- ~~(2)——Remission of late payment penalties or interest (section 128)~~
- ~~(3)——Remission of rates (section 129)~~

2.3.21.4.1 Postponing Rate Payments – Deferral Arrangements

In confirmed cases of financial hardship, Council may ~~offer temporary~~choose deferral of individual rates payments within a defined period, in whole or in part, to be paid back at a later date, subject to any conditions Council determines. The deferral arrangement applies to specified payments and other rate payments are not affected and continue to accrue as normal.

The terms of rate deferral arrangements will be proportionate to the applicant's demonstrated financial hardship circumstances, so supplying sufficient evidence of these circumstances is important for developing the appropriate terms.

Rate payment deferrals approved under this section are typically deferred by 3 months. However, rate deferral arrangements can only defer individual payments up to a maximum of two (2) years and only in the most serious circumstances.

All deferred payments must be repaid as specified in accordance with the deferral arrangement, otherwise regular late payment penalties and/or interest will apply.

Ratepayers who are subject to a deferral arrangement who overcome their financial hardship circumstances are encouraged to begin repaying their deferred rates payments as early as they are able.

Note that Council may revoke any postponement of rates payments at any time, in accordance with section 127 of the *Local Government Act 1993*, by giving 60 days notice in writing to the ratepayer.

2.3.31.4.2 *Remitting Late Payment Penalties and Interest*

For typical circumstances that are not of financial hardship, rates must be paid by the due date and Councils may charge a penalty or daily interest or both for each late payment. However, for confirmed cases of financial hardship, Council may waive either the applicable late payment penalties, or the interest accumulated, or both, for a specified period that relates to the period of financial hardship.

~~Council will not charge any late payment penalties or interest for late rate payments during the 2020 COVID-19 state of emergency until 30 June 2020.~~

2.3.41.4.3 *Remitting Rates*

Remission of any rates, late payment penalties or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases. Even in these cases, deferral of rate payments must be applied for and granted first, before an application for rates remission can be considered.

After the applicant has entered into a deferral arrangement with Council, the applicant may apply for remission of rates. The application must demonstrate:

- (1) Financial hardship;
- (2) Exceptional and serious circumstances;
- (3) How the applicant's exceptional financial hardship circumstances make the maximum term deferral arrangement under section 0 unfeasible and unreasonable to fulfil; and
- (4) How enforcing fulfilment of the maximum term deferral arrangement would only deepen the seriousness of applicant's financial hardship and critically impact their ability to provide for the basic living necessities (food, accommodation, clothing, medical treatment) of the applicant and dependents.

In the interests of community fairness and equity, wherever possible and appropriate in determining rates remission applications:

- (1) Deferral arrangements are preferable to rates remission;
- (2) Amounts or proportions of rates to be remitted are to be minimised, for example, below \$1000 or 50%; the remainder subject to payment arrangements;
- (3) Instances of rates remission are to be minimised to no more than one rates remission per applicant.

32. APPLICATIONS:

32.1 *Applying for Financial Hardship Assistance*

Any rate payer who cannot pay their rates due to genuine financial hardship may apply for assistance.

To seek financial hardship assistance from Council, an application (refer to Appendix 1) must be made in writing, addressed to the ~~Chief Executive Officer~~~~General Manager~~, and submitted as follows:

- Emailed to admin@brighton.tas.gov.au; or
- Mailed to 1 Tivoli Road Old Beach.

Applications must:

- Demonstrate and provide evidence for financial hardship and circumstances (see section 2.2 Evidence of Financial Hardship);
- Describe the type of assistance sought, being:
 - ☐ Postponing rate payments (a deferral arrangement);
 - ☐ Postponing or waiving late payment penalties or interest;
 - ☐ Remitting rates, late payment penalties or interest, in part or in full;
- Address the requirements of the relevant subsections of section 2.3 How Council can help.

3.22.2 Assessing Applications

Applications for deferral arrangements must be decided by:

- (1) For amounts less than \$2,500 – ~~Director of Corporate Services~~~~Deputy General Manager~~; or
- (2) For amounts of \$2,500 or greater – ~~Chief Executive Officer~~~~General Manager~~.

Applications for remission of any rates or late payment penalties or interest charges must be decided by Council and require absolute majority to be approved

4 REFERENCES:

This policy relates to and depends on other Council policies, as well as Tasmanian Government legislation, including:

- Local Government Act 1993, Part 9 – Rates and Charges², particularly:
 - Section 86A – General principles in relation to making or varying rates
 - Sections 125-127 – Postponement of payment
 - Section 128 – Late payments
 - Section 129 – Remission of rates
- Rates and Charges Policy No. 1.6

— ~~COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020~~³

ADMINISTRATIVE DETAILS:

Policy compiled: ~~December~~~~April~~ 2024⁰

Adopted by Council: 21/04/2020

Reviewed: February 2025

To be reviewed: February 2029

² See: <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095#HP9@EN>

³ See: <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2020-011>

Responsibility: Director of Corporate Services~~Deputy General Manager~~

A handwritten signature in black ink, appearing to be 'J. Smith', written over a horizontal line.

CHIEF EXECUTIVE OFFICER~~GENERAL MANAGER~~

Being the General Manager as appointed by Brighton Council
pursuant to Section 61 of the *Local Government Act 1993*

Appendix 1



APPLICATION FOR FINANCIAL HARDSHIP ASSISTANCE

If you are a Brighton Council ratepayer, you may be eligible for hardship assistance in the payment of overdue rates and charges¹ where you are experiencing genuine and serious financial hardship. Ratepayers are encouraged to apply for assistance as soon as possible². For further information, see Brighton Council Financial Hardship Assistance Policy 1.3.

APPLICANT INFORMATION

This application is to apply the following assistance on the basis of financial hardship (please select at least one):

- ☐ Postponing rate payments (extension of time)
- ☐ Waiver of late payment penalties or interest for the period of financial hardship
- ☐ Rates remission.

Remission of any rates, late payment penalties or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases. Even in these cases, postponement of rate payments must be applied for and granted first before an application for rates remission can be considered.

Note: If you are applying for assistance for more than one property you must complete an application for each property, as the nature, type, and ownership of each may differ.

Name of the Property Owner(s):	
Name of Applicant:	
Are you the owner of the property?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Type of property applying for ?	<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Other
If 'Other' (please provide details):	
Is the property a rental property?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Property Address:	
Street Address:	
Address Line 2:	
Suburb:	
Postcode:	

¹ This application applies only to Council rates and charges levied in accordance with Part 9 – Rates and Charges of the *Local Government Act 1993*.

² Applications for assistance on residential investment properties will not be considered.



Please provide details of how we can contact you:

Postal Address:	
Phone Number:	
Email address:	

Please tell us why you are applying for financial hardship assistance?

.....

.....

.....

.....

To assist with the assessment process, please attach documentary evidence to assist us to review and assess your hardship application.

Please include one or more of the following:

- ☐ Assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment
- ☐ A statutory declaration from an independent professional, familiar with the applicant's circumstances (e.g a family doctor for health related evidence, a bank official, insurance policy manager)
- ☐ Pending disconnection of essential services like water, electricity, gas (does not include mobile or internet bills)
- ☐ Notice of impending legal action for essential services
- ☐ Letter from charitable organization regarding loss of employment or inability to provide for basic necessities
- ☐ Bank statements or notice, for example, an overdraft call or mortgaged property repossession
- ☐ Unplanned termination of employment
- ☐ Letter from Dr verifying the inability to earn an income due to illness or caring for a sick family member
- ☐ Other documentation demonstrating that you are experiencing financial hardship



Please provide details of how we can contact you:

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Phone Number:	
Email address:	

Please tell us why you are applying for financial hardship assistance?

.....

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.....

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- ☐ Pending disconnection of essential services like water, electricity, gas (does not include mobile or internet bills)
- ☐ Notice of impending legal action
- ☐ Letter from charitable organization regarding loss of employment or inability to provide for basic necessities
- ☐ Bank statements or notice, for example, an overdraft call or mortgaged property repossession
- ☐ Employer notice of redundancy or termination of employment
- ☐ Overdue medical bills
- ☐ Letter from Dr verifying the inability to earn an income due to illness or caring for a sick family member
- ☐ Final notice from school regarding payment of mandatory fees
- ☐ Funeral expenses
- ☐ Repossession notice of essential items, like a car or motorcycle
- ☐ Other documentation demonstrating that you are experiencing financial hardship



Please make sure your application and documentary evidence is addressed to the Chief Executive Officer and submitted as follows:

Emailed to: admin@brighton.tas.gov.au
Mailed or delivered in person to: 1 Tivoli Road, Old Beach 7017

Please use the subject 'Financial Hardship Assistance Application' if emailing this form to assist our staff to identify your application quickly. We will be in contact with you as soon as possible to acknowledge your application and provide advice regarding the assessment process.

DECLARATION AND SIGNATURE

I confirm that the information provided within this Application for Financial Hardship is accurate, and there have been no misrepresentations or omissions of fact that would otherwise influence the review and decision of Brighton Council.

Signature:

Name:

Date:



Brighton Council

POLICY NAME: RATES & CHARGES POLICY

POLICY No: 1.6

BACKGROUND:

To comply with the requirements of Section 86b(1) of the *Local Government Act 1993* (LGA) each Council must prepare and adopt a Rates and Charges Policy. This policy must contain 'a statement of the policy that the council intends to apply in exercising its powers or performing its functions'.

This policy formalises the information already available to ratepayers.

PURPOSE:

To increase community awareness of Council's decision making processes in setting and collecting rates.

1. KEY PRINCIPLES:

1. In accordance with Section 86A of the LGA, General Principles in relation to making or varying rates, a Council, in adopting policies and making decisions concerning the making or varying rates must take into account the principles that
 - a. Rates constitute taxation for the purposes of local government, rather than a fee for service; and
 - b. The value of rateable land is an indicator of the capacity of ratepayers to pay rates.

These principles have been taken into account in Brighton Council's Rating Model, see below:-

- Annual Assessed Value (AAV), potential rental valued, as determined by the Valuer-General, is used as the basis for determining rates within the Council area.
- Brighton Council is committed to fairness and equity in the raising of rates revenue across all properties.
- A general rate, with a differential (varied) rate applying to commercial, industrial, primary production and recreation properties, non-use land rated on the planning zones, with minimums, will be applied as a means of raising revenue within the municipal area.
- Averaged area rates (AAR's) will be applied to residential properties based on the locality and use or non-use of the land as a means of raising revenue within the municipal area.
- Brighton Council will administer, on behalf of the State Revenue Office, concessions to eligible ratepayers.
- Brighton Council will continue to accept the payment of rates in full or by four (4) instalments on or before the due date shown on the rates notice.

- Brighton Council will impose interest on overdue amounts in accordance with the LGA and according to [Council Policy 1.10 the Debt Collection section within this policy](#).
- Brighton Council may endorse the sale of land by public auction for non-payment of rates after three years, in accordance with the LGA.

2. RATES & CHARGES POLICY:

This policy includes:

- The relationship between the Rates Model, the Budget and Council's Strategic Plan;
- Pensioner concessions;
- Payment of rates;
- Late payment of rates;
- Recovery of rates;
- Sale of land for non-payment of rates;
- Waste management service charges;
- Failure to comply.

Strategic Emphasis

Brighton Council's major source of revenue is from rates. In setting rates for the financial year, Brighton Council give principal consideration to strategic guidelines, budget requirements and the probable impact on the community.

Brighton Council must provide a suitable level of service, taking into account its roles and responsibilities and the needs and expectations of the community.

The resources needed to provide this level of service are outlined in the annual budget and prepared in consultation with each of Brighton Council's service delivery departments.

External economic pressures impact on Brighton Council's finances and therefore put pressure on rates. Examples of these external forces are:-

- A reduction in funds to Council via grants from State & Federal governments;
- Increases in fuel and power costs;
- Pressure on Council to minimise rate increases, taking into account the other large increases in costs to households e.g power & water.

Brighton Council has developed a Financial Long Term Plan and Asset Management Plan to ensure the medium to long term sustainability of Brighton Council. Council fully funds its asset depreciation over the long term and aligns its revenue collection with medium to long term planning.

The Rates Model

Differential General Rates

The LGA allows Councils to set different rates based on the use, or non-use of the land and/or the locality or zoning of the land. Brighton Council applies differential rates on the predominant use of the land and by locality and zoning.

In setting the differential rates Brighton Council takes into account:-

- Growth in properties of the same use; and
- The varying impact of a particular use, such as commercial, on core council services such as road maintenance and stormwater.

A ratepayer may object to a variation in a rate based on a particular use of land, if they believe the use of the land is not the use of land on which the variation is based, by following the processes outlined in Section 109 of the LGA. However, rates must continue to be paid in accordance with the rates notice until otherwise notified by the Council.

Minimum Rate

According to the LGA Council may impose a minimum to the general rate to properties within the Council area and that where that rate is varied the minimum must not apply to more than 35% of properties.

A minimum rate is set so that all rateable properties make a minimum contribution to the costs of:-

- The provision of the physical infrastructure that is available for use by all ratepayers;
- Services provided that are available for use by all ratepayers e.g halls and walkways;
- The fulfillment of Council's administrative responsibilities.

Averaged Area Rate (AAR)

According to the LGA Section 109A Council may make an averaged area rate for residential properties grouped by locality, for example, suburb and by the use or non-use of the land.

When this option is used the general rate, and any minimums, for those residential properties does not apply, instead the averaged area rate applies.

The AAR achieves a similar outcome for ratepayers as using the current varied rate and minimums for developed residential properties, with a lower AAR applied to the lower socio-economic areas.

Use of the AAR's removes any distortions caused by a sudden rise or fall in property valuations.

Waste Collection Service Charge

Brighton Council sets a service charge for waste management for each financial year for each premises, tenement, flat, unit, apartment, single stratum section or portion of land set aside for separate occupation to which a regular garbage and recycling removal service is supplied by the Council.

Brighton Council [sets a service charge for introduced Food Organics, Garden Organics \(FOGO\) each financial year for all in 2021. All residential properties. This service can be an opt-in or opt-out service, contact our Rates Officer to discuss options available to you. are provided with the FOGO service for ea](#)

Churches

Churches and Rectories are not to be charged service or general rates but vacant land and properties rented are to be fully rated.

Charitable Organisations

Confirmed charitable organisations who have provided the necessary documentation, may be eligible for a rebate equal to 100% of their general rate on the signing of a statutory declaration each financial year.

Ratepayer Concession

An eligible ratepayer must hold a Pension Concession Card, Health Concession Card or a Department of Veteran's Affairs Card marked TIP Gold, in order to be entitled to a concession on Council rates, as provided by the Tasmanian State Government.

Pensioner Rates Remissions- Application of Penalty and/or Interest

~~Council will apply penalty and/or interest to pensioner properties on any balances remaining unpaid from prior years as at the date current rates are due. No penalty and/or interest will be applied to current instalments.~~

Remissions

At the time Council may identify a need to apply a remission to a class of ratepayers. No such remissions are currently proposed.

Penalty and Interest

~~Property owners holding a Concession Card or those that have entered into a Direct Debit arrangement will have a penalty and/or interest applied to any outstanding balances that remain unpaid from previous years as at the date current rates are due, and that no penalty and/or interest will be applied to current instalments.~~

Multi-Service Rates

Where a property has more than one occupancy or capable of having more than one occupancy then multi-service rates shall apply with the exception of a place providing a

public utility attached to a residence and staffed by the owner or occupier of that residence.

3. PAYMENT:

Payment of Rates

Brighton Council rates are payable in full by the first instalment date or by four instalments on or before the due date shown on the rates notice. Payment options include in person at the Council offices, by phone, via the Council website, Direct Debit, Bpay or at Australia Post offices. Full details are displayed on the rates notice.

Any ratepayer who is experiencing difficulty paying rates by the due dates should contact Council's Rates Officer on 03 6268 7025 to discuss alternative payment arrangements. These enquiries are treated confidentially.

Late Payment of Rates

Rates will be overdue if they have not been paid by the due date shown on the notice. After this date interest will be applied, according to Section 128 of the LGA.

Recovery of Rates

In accordance with thorough financial management and Section 133 of the LGA, and with reference to Brighton Council's [Policy 1.10 the Debt Collection section within this policy](#), the Council's Rates Officer will apply timely debt recovery practice. This includes that where rates are two instalments overdue the ratepayer will be subject to recovery action.

Sale of Land for Non-payment of Rates

Section 137 of the LGA provides that a Council may sell any property where rates have been in arrears for three years or more. [According to Brighton Council Policy 1.10](#) After rates are overdue by twelve instalments (3 years), the Senior Rates Officer will recommend to Council the sale of land by public auction.

Failure to Comply

The LGA states that a rate cannot be challenged even if it is found not to comply with this policy and must be paid on the due date/s.

Where a ratepayer believes that Brighton Council has failed to correctly apply this policy, they should raise the matter by contacting the Council's Rates Officer on 03 6268 7025 to discuss the matter. If the ratepayer is still dissatisfied, they should write to the Chief Executive Officer at 1 Tivoli Road, Old Beach, Tas 7017.

Penalty and Interest

Property owners holding a Concession Card or those that have entered into a Direct Debit arrangement will have a penalty and/or interest applied to any outstanding balances that remain unpaid from previous years as at the date current rates are due, and that no penalty and/or interest will be applied to current instalments.

Interest

The LGA states that a rate cannot be challenged even if it is found not to comply with this policy and must be paid on the due date/s.

Debt Collection

Rates notices are to be issued as soon as practicable by 1st July each financial year, with a due date at least 30 days from when the notice will be received (usually the first Friday or second Monday of August). Subsequent instalment due dates will be the last business day of October, January and April.

The original notice will serve as a reminder for Instalment 1. Reminder notices will be sent for Instalment 2, 3 & 4 to be received no later than 2 weeks prior to the Instalment due date.

Daily interest will apply to all outstanding rates based on the following formula;

$$\text{DIR} = \frac{\text{LTB} + 6\%}{365}$$

where - DIR is the Daily Interest Rate
LTB is the official long-term bond rate as determined by the Reserve Bank
as at the close of business preceding 1st March.

Rates overdue

Overdue/Final Notices are to be issued for all properties, with rates overdue greater than \$20.00, within two weeks after the instalment due date. Arrangements can be made for payment. Where there are two instalments overdue and satisfactory arrangements for payment are not made, or made and not kept, then all rates due to the end of the current financial year, for that property, are to be lodged with the Council's collection agency for recovery.

Rates overdue by twelve instalments (36 months)

The Senior Rates Officer will recommend to Council the sale of land by public auction for unpaid rates in accordance with section 137 of the Local Government Act 1993.

REFERENCES:

Local Government Act 1993

Policy 1.10 Debt Collection – Rates

Policy 1.3 Financial Hardship Assistance - Rates

ADMINISTRATIVE DETAILS:

Policy compiled: ~~November 2024~~ August 2012

Adopted by Council: ~~14/08/2012 (Finance); 21/08/2012 (OCM); 13/10/2015 (Finance); 12/07/2016 (Finance)~~

Reviewed: February 2025

To be reviewed: ~~November 2028~~ February 2029



CHIEF EXECUTIVE OFFICER

Being the General Manager as appointed by Brighton Council
pursuant to Section 61 of the *Local Government Act 1993*

~~{Note: This policy consolidates Policy 1.1, 1.4, 1.5 & 1.6}~~



Brighton Council

POLICY NAME: RELATED PARTY DISCLOSURES

POLICY No: 2.6

PURPOSE:

To ensure compliance with the Australian Accounting Standard AASB 124 *Related Party Disclosures* and the *Australian Implementation Guidance for Not-For-Profit Public Sector Entities* (AASB 124) and the *Local Government Act 1993* to prepare financial accountability documents, including general purpose financial statements.

To provide a framework for the identification of related party relationships and the disclosure of related party transactions with Council.

SCOPE:

This policy applies to all persons having authority and responsibility for planning, directing and controlling the activities of Council or Council entities - directly or indirectly. This includes Councillors, the General ManagerChief Executive Officer and Senior Executives Management Team of Council.

DEFINITIONS:

1. Definitions:

To assist in interpretation the following definitions shall apply:

"Councillor" shall mean the Mayor and Councillors of Brighton Council.

"Close family members of a person" shall mean those family members who may be expected to influence, or be influenced by, that person in their dealings with the Council.

"Control" shall mean the ability to direct the business' activities of an entity through rights or exposure to returns from its involvement with the entity.

"Council" shall mean Brighton Council.

"Joint Control" shall mean the contractually agreed sharing of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

"Key Management Personnel" (KMP) shall mean those persons having authority and responsibility for planning, directing and controlling the activities of Council or Council entities, directly or indirectly. This shall include Councillors, the General ManagerChief Executive Officer and Senior Executives Management Team.

"Ordinary Citizen Transactions" shall mean transactions with a related party that are made on terms that are considered reasonable if the parties were dealing at 'arm's length'.

"Related Party Transaction" shall mean the transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

"Senior Executives Management Team" shall mean an employee of the local government,

(a) who reports directly to the General ManagerChief Executive Officer and (b) whose position would be considered to be a senior position in the local government's corporate structure.

“Significant Influence” shall mean the power to participate in the financial and operating policy decisions of the investee but it is not in control or joint control of the policy decision.

POLICY:

2. Related Parties

A related party is a person or entity that is related to the Council. The following are related parties of Council:

- Key Management Personnel (KMP) (including the Mayor, Councillor, ~~General Manager~~Chief Executive Officer and Senior ~~Executives~~Management Team);
- Close family members of KMP;
- Any entities controlled or jointly controlled by KMP or their close family members;
- A subsidiary, associate or joint venture of Council.

The ~~General Manager~~Chief Executive Officer will establish, review and maintain a list of Key Management Personnel for Council.

KMPs (or those acting in such positions) are required to complete an annual declaration outlining entities, if any, that are controlled or jointly controlled by the KMP or their close family member/s, between which transactions are probable. Close family member/s include:

- The person's children, parents, grandparents, siblings, spouse or domestic partner;
- Children of that person's spouse or domestic partner;
- Dependents of that person or that person's spouse or domestic partner.

Other parties may be assessed from time to time as being related parties due to changes to Council's structure or in accordance with legislative or accounting standard changes.

Declarations must be provided by 1 July annually to cover the upcoming financial year. An updated declaration is required if there are changes, errors or omissions identified at any time during the financial year.

It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission.

3. Council entities and Subsidiaries:

For the purpose of this policy, entities controlled by Council, jointly controlled by Council or which Council has significant influence over, are considered related parties of Council. Transactions with these entities must be identified and may require disclosure in Council's financial statements.

Consideration of AASB 10 Consolidated Financial Statements and AASB 11 Joint Arrangements, must be factored when assessing whether Council has control or joint control over an entity. In determining if Council has a significant influence over an entity, AASB 128 *Investments in Associates and Joint Ventures* details assessment criteria.

4. Entities controlled (or jointly controlled) by KMP or close family members:

KMP will exercise their best judgement in identifying related parties.

KMPs, including Councillor's, must diligently assess the information before declaring, or not declaring, an entity over which they, or a close member of the family, have control or joint control. Entities include trusts, companies, joint ventures, partnerships and not for profit organisations, such as sporting clubs. In assessing if a KMP or close member of their family controls or jointly controls an entity or not, Council must refer to AASB 10 *Consolidated Financial Statements* and AASB 11 *Investments in Associates and Joint Ventures*.

5. Identifying and Disclosing Related Party Transactions:

In accordance with AASB 124, Councils are required to disclose in their general purpose financial statements information pertaining to related party transactions, with, amongst others, the following personnel during the period covered by the financial statement:

- Key Management Personnel;
- Other related parties, including:
 - A close family member of a KMP;
 - entities controlled or jointly controlled by a KMP; and
 - entities controlled or jointly controlled by a close family member of a KMP.

All transactions between Council and related parties, monetary and non-monetary, must be identified.

The following related party transactions must be declared annually:

- Transactions with Council subsidiaries, by transaction type.
- KMP compensation, including:
 - short-term employee benefits;
 - post-employment benefits;
 - long-term benefits; and
 - termination benefits.
- Transactions with other related parties, including:
 - purchases or sales of goods (finished or unfinished);
 - purchases or sales of property and other assets;
 - rendering or receiving of services;
 - leases;
 - transfers of research and development;
 - transfers under licence agreements;
 - transfers under finance agreements (including loans and equity contributions in cash or in kind);
 - provision of guarantees or collateral;
 - commitments to do something if a particular event occurs or does not occur in the future, including executory contracts (recognised and unrecognised); and
 - settlement of liabilities on behalf of the entity, or by the entity on behalf of that related party.
- Transactions of a similar nature will be disclosed in aggregate except when separate disclosure is necessary for an understanding of the effects of a related party transaction on the financial statements of Council, having regard to the following criteria:
 - the nature of the related party transaction;
 - the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council);

- whether the transaction is carried out on arms-length terms;
- whether the nature of the transaction is outside normal day to day business operations.
- Outstanding balances in relation to transactions with related parties, including:
 - entities controlled by KMPs; and
 - ~~bad~~ bad or doubtful debts in respect of amounts owed by related parties.
- Non-monetary transactions such as use of facilities, peppercorn rents.
- Other transactions as required by legislation or AASB124.

6. Register of Related Party Transactions:

The ~~General Manager~~Chief Executive Officer is responsible for maintaining and keeping up to date a register of related party transactions – capturing and recording information for each existing or potential related party transaction during a financial year.

The contents of the Register must include details for each related party transaction, including:

- the description of the related party transaction
- the name of the related party
- the nature of the related party's relationship with Council
- whether the notified related party is existing or potential
- a description of the transactional documents that are the subject of the related party transaction.

Disclosure of this information in Council's Financial Statements is the responsibility of the ~~General Manager~~Chief Executive Officer and must be disclosed in accordance with AASB124.

7. Ordinary Citizen Transaction:

Transactions, considered to be ordinary citizen transactions are excluded from disclosure requirements. These include:

- Valid discounts and fee waivers that are available to the party as an ordinary citizen and is available to any other ordinary citizen;
- Any service or benefit provided as part of standard Council business operation to the party as an ordinary citizen and is available to any ordinary citizen in the same circumstance;

Transactions that are assessed non-material, which may include parking at rates available to the general public; attending Council functions that are open to the public; payment of rates and charges.

8. Information Privacy and Right to Information status:

Council will comply with the requirements of the *Archives Act 1983* (Tasmania), *Privacy Act 1988* (Commonwealth), *Personal Information Protection Act 2004* (Tasmania) and the *Right to Information Act 2009* (Tasmania) when dealing with the identification, retention, storage, disclosure and reporting of related party transactions.

A declaration statement from the KMP is included in the Declaration of Related Party Transactions Form (Attachment 1) to enable disclosure and reporting of information that is in accordance with AASB 124.

A Related Party Information Collection Notice will be provided to KMP and included in their Declarations (Attachment 2).

The following documents are not accessible or required to be released under the provisions of the *Right to Information Act 2009*:

- A document or information (including personal information) provided by a KMP in a RPT Notification; or
- Personal information contained in a Register of Related Party Transactions.

LEGISLATION AND RELATED DOCUMENTS:

Local Government Act 1993

Archives Act 1983 (Tas)

Privacy Act 1988 (Comm)

Personal Information Protection Act 2004 (Tas)

Right to Information Act 2009 (Tas)

Australian Accounting Standard AASB 124 *Related Party Disclosures and the Australian Implementation Guidance for Not-for-Profit Public Sector Entities*

AASB10 *Consolidated Financial Statements*

AASB 11 *Joint Arrangements*

AASB 128 *Investments in Associates and Joint Ventures*

ATTACHMENTS

Attachment 1 – Declaration of Related Party Transactions

Attachment 2 – Related Party Information Collection Notice

ADMINISTRATIVE DETAILS:

Policy compiled: 2017

Adopted by Council: 16/5/2017

Reviewed: February 2025

To be reviewed: February 2029



GENERAL MANAGER/CHIEF EXECUTIVE OFFICER

Being the General Manager as appointed by Brighton Council
pursuant to Section 61 of the *Local Government Act 1993*

Attachment 1:

Declaration of Related Party Transactions and Consent Form

Private and Confidential

Related Party Declaration by Key Management Personnel

Name of Key Management Person:

Position of Key Management Person:

Close Family Member Name	Relationship with KMP	Entities over which the close family member has sole or joint control	Nature of likely transactions with Council or Council entities

Name of Entity over which the KMP has control	Relationship with KMP	Nature of likely transactions with Council or Council Entities

I, _____, declare that the above list includes all my close family members and the entities controlled, or jointly controlled, by myself or my close family members having had, or likely to have, transactions with Council. I make this declaration after reading Council's policy which details the meaning of the words "close family members" and "entities controlled, or jointly controlled, by myself or my close family members".

I permit the ~~General Manager~~ **Chief Executive Officer** to access the register of interests of me and the persons related to me and to use the information for the purposes specified in Council's Related Party Disclosures Policy.

Declared at _____ on the _____

Signature of KMP:

Name of KMP:

Attachment 2:

Related Party Information Collection Notice**Collection Notice****Related party transactions disclosure by Key Management Personnel**

From 1 July 2016, Council must disclose related party relationships, transactions and outstanding balances, including commitments, in its annual financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures*.

Purpose of collection, use and disclosure of related party information

The reason for disclosure of related party transactions is to ensure that Council's financial statements contain the information necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties and by transactions and outstanding balances, including commitments, with such parties.

Council's related parties are likely to include the Mayor, AldermenCouncillors, General ManagerChief Executive Officer, Senior Management Teamssenior executives, their close family members and any entities that they control or jointly control. Any transactions between Council and these parties, whether monetary or not, may need to be identified and disclosed.

A related party transaction is a transfer of resources, services or obligations between Council and a related party, regardless of whether a price is charged.

A related party transaction must be disclosed in Council's financial statements if the transaction is material. Information is material when, if omitted or misstated, it could influence decisions that users make on the basis of financial information about a specific reporting entity.

Prior to disclosure, the General ManagerChief Executive Officer will assess the materiality of related party transactions that have been captured, and, if deemed material, will disclose in its financial statements the nature of the related party relationship and information about the transaction. Disclosure in the financial statements may be in aggregate form and/or may be made separately, depending on the nature and materiality of the transaction.

Related Party Transactions Declaration by Key Management Personnel

Key management personnel (KMP) are the persons who have authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly and include the Mayor, AldermenCouncillors, General ManagerChief Executive Officer and senior executivesSenior Management Team. In order to comply with AASB 124, Council has adopted a policy that requires all KMP to declare any existing or potential related party transactions between Council and any of their related parties during a financial year.

Each KMP must provide an annual *Related Party Declaration* in the approved form, by 1 July each year, and update the Declaration should they become aware of any change, error or omission. KMPs must exercise their best judgement in identifying related parties when declaring, or not declaring, entities over which they, or a close member of their family, have control or joint control.

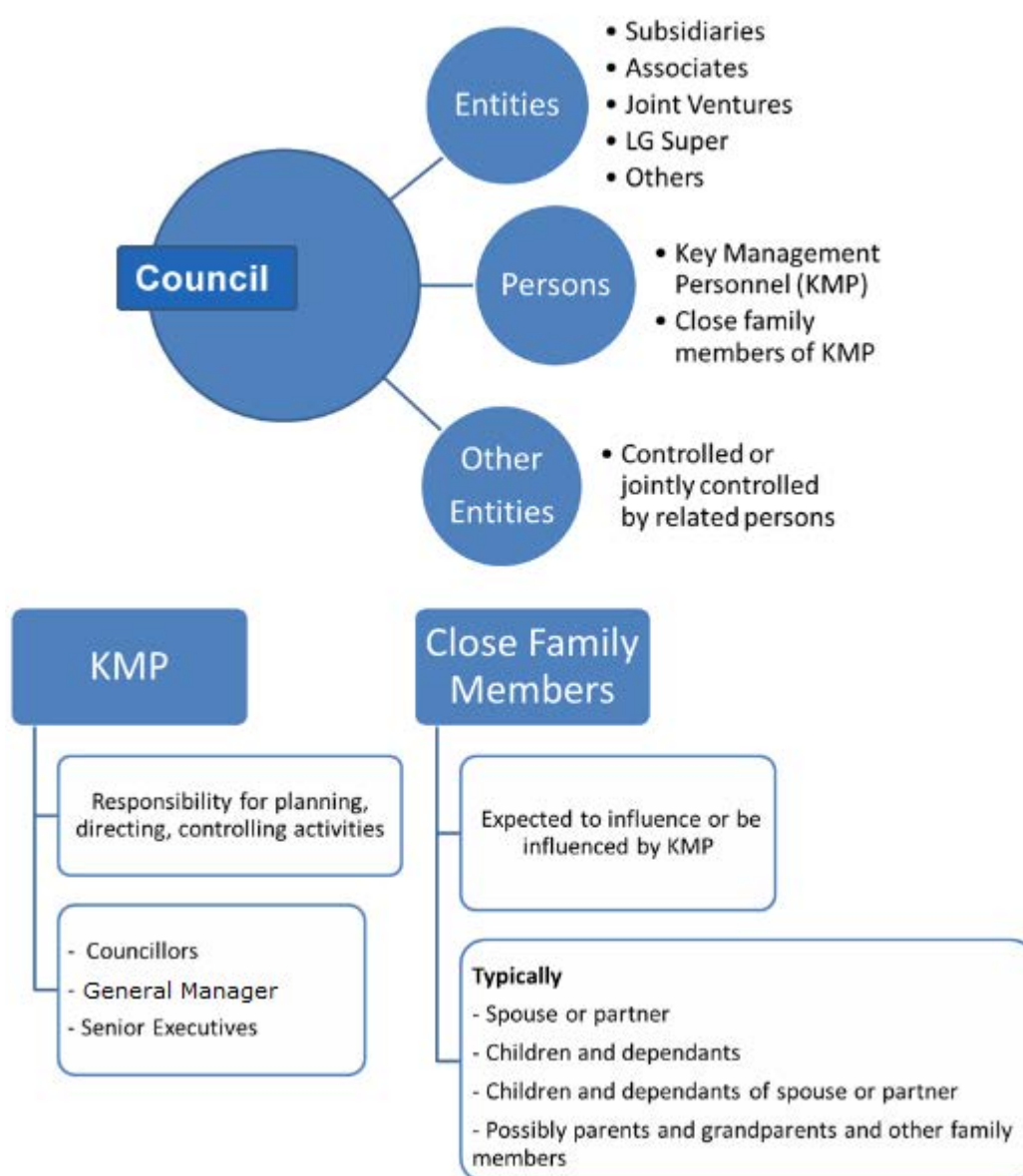
How will the information captured in the Declaration be used?

Council will use the declarations of KMPs to establish a list of related parties of Council for the purposes of identifying transactions and reporting under AASB 124. If a KMP or close family member is named individually in disclosure reports, the KMP will be given a copy of the intended disclosure for review and information purposes.

Who are related parties?

People and entities, such as companies, trusts and associations, can be related parties of Council.

The following diagram gives an overview of common related parties that a council will have.



For related party transaction disclosures under AASB 124, the related party relationship must be disclosed for both the KMP and their close family members, even if the same related party entity is held jointly or in common by them. This is separate and in addition to Council's register of interests which is required under the *Local Government Act 1993*. Under AASB 124, those persons who are prescribed as definitely being close family members of a KMP include:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependents of that person or that person's spouse or domestic partner

Council may determine other family members, such as a parent, grandparent, sibling, cousin, etc, who may be expected to influence, or be influenced by, that person in their dealings with Council or a Council entity.

What is an entity that I, or my close family members, control or jointly control?

Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs.

You control an entity if you have:

- power over the entity;
- exposure, or rights, to variable returns from involvement with the entity; and
- the ability to use your power over the entity to affect the amount of your returns.

You jointly control an entity if there is a contractually agreed sharing of control of the entity. Joint control exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

In some instances, it may not be easy to determine whether or not you, or your close family members, control or jointly control an entity. If you are unsure and require further clarification, you should contact the General Manager for a confidential discussion.

For more information about Council's disclosure requirements under AASB 124 Related Party Transactions, please refer to the Council's Related Party Disclosures Policy.

All information collected by Council is in accordance with Council's Personal Information Protection Policy and is protected by law, including the Privacy Act 1988 and the Personal Information Act 2004.



**Brighton
Council**

POLICY NAME: BOND POLICY

POLICY No: 6.3

PURPOSE:

The objective of this policy is to provide for the adequate provision of services and infrastructure.

SCOPE:

This policy relates to all applications for development and subdivision determined by or on behalf of the Brighton Council.

DEFINITIONS:

In this policy:

"Council" means the Brighton Council;

"Defects Liability Period" means the period of time during which a developer shall be responsible for the rectification of defects associated with civil works that will become assets owned and maintainable by Council;

"Developer" means the holder of a permit for use and/or development issued by Council pursuant to the *Land Use Planning and Approvals Act 1993* (Tas);

"Early Title" means the early endorsement of the Final Plan of Survey prior to all relevant works being completed on site by the developer/contractor, assuming substantial commencement has occurred.

"Final Plan of Survey" means the final plan submitted to Council for sealing and lodgement with the Recorder of Titles pursuant to s. 89 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas);

"CEO" means the person occupying the position of Chief Executive Officer of the Brighton Council appointed in accordance with the *Local Government Act 1993* (Tas);

"Policy" is a reference to this policy; and

"Total Value" means the value of road, stormwater, public open space, footpath, lighting, vehicular crossing, fencing, landscaping, soil and water management or other infrastructure to be adopted by council, as set out in a contract or estimated by a suitably qualified person associated with a particular development or subdivision.

1. CIVIL WORKS - DEFECTS LIABILITY PERIOD

- 1.1. Where private civil works become Council assets, the Developer will be responsible for the rectification of any defects in those works which become apparent within a Defects Liability Period of twelve (12) months commencing on the date that all relevant civil works are certified by Council's CEO as being complete. Council may require an extension of the Defects Liability Period if defects with the works are identified during the initial Defects Liability Period. If there is a delay between completion and title issue, the twelve (12) month period may be varied to commence from the date that titles were issued.

- 1.2. Where private civil works become Council assets, the Developer will be wholly responsible for:
 - (a) maintaining those assets for the duration of the Defects Liability Period or as otherwise conditioned; and
 - (b) the costs of such maintenance; and
 - (c) documenting the necessary ongoing maintenance schedule and requirements as needed.
- 1.3. Where private civil works become Council assets, Council will require the Developer to provide security to Council for the duration of the Defects Liability Period. Such security may be in the form of either:
 - (a) a cash bond; or
 - (b) an unconditional bank guarantee from a reputable financial institution carrying on business in Australia;

The value of the security provided by the Developer pursuant to paragraph 1.3 must be equal to ten percent (10%) of the **Total Value** of the relevant works plus a contingency sum of 10%.

- 1.4. Council will not pay interest to a Developer with respect to any security held in the form of a cash bond.
- 1.5. Where a Defects Liability Period applies, the developer must enter into a Defects Liability Bond Agreement with Council to ensure compliance with the requirements of this Policy.
- 1.6. Notwithstanding clause 1.3 of this Policy, the minimum value of any security provided pursuant to paragraph 1.3 of this Policy will be equal to the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)**.

2. EARLY ENDORSEMENT OF FINAL PLAN OF SURVEY

- 2.1. Council may permit the endorsement of a Final Plan of Survey prior to the completion of all relevant works on the following basis:
 - (a) subdivision works must be substantially completed, with only minor works outstanding (e.g. final course of road surfacing, street signs and footpaths);
 - (b) drainage and access works must be operational;
 - (c) ordinarily, deferred completion of subdivision works will only be permitted for works that subsequently become owned by the Council. For works that subsequently become owned by an authority other than Council the developer must submit a letter of release to Council from the relevant authority;
 - (d) as-constructed plans for completed works must be submitted to Council prior to endorsement of the final plan;
 - (e) all outstanding works must be completed within six (6) months of the endorsement of the Final Plan of Survey;
 - (f) a schedule of costs of works completed and outstanding by the Developer's engineer must be provided to Council;

- (g) security for outstanding works must be provided to Council prior to endorsement of the Final Plan of Survey in the form of:
 - a cash bond; or
 - an unconditional bank guarantee from a reputable financial institution carrying on business in Australia;
 - (h) the amount of the security referred to in paragraph 2.1(g) of this Policy shall be not less than:
 - 1.5 times the agreed Total Value of outstanding works for the value up to \$50,000; and
 - 1.25 times the agreed Total Value of outstanding works for the value greater than \$50,000;
 - Plus a 10% contingency
- 2.2. Where Council permits the endorsement of a Final Plan of Survey prior to the completion of all relevant works, the developer must enter into an Outstanding Works Bond Agreement with Council to ensure compliance with the requirements of this Policy.
- 2.3. Notwithstanding clause 2.1(i) of this Policy, the minimum value of any security provided pursuant to paragraph 2.1(h) of this Policy will be equal to the amount of **FIVE THOUSAND DOLLARS (\$5000.00)**.
- 3. PROTECTION OF COUNCIL SERVICES AND INFRASTRUCTURE**
- 3.1. Where the CEO reasonably believes that any subdivision or development works pose a risk of causing injury or damage to any existing council services or infrastructure (e.g. kerb, guttering, footpaths, grass verges, service lines and the like), Council may require payment by the Developer of a security bond against any such damage.
- 3.2. If required by Council, the security bond may be in the form of either:
- (a) a cash bond in an amount to be determined by the CEO; or
 - (b) an unconditional bank guarantee from a reputable financial institution carrying on business in Australia in an amount to be determined by the CEO;
- 3.3. The security bond will not be released by Council until:
- (a) the CEO is satisfied that the relevant works have been completed and no damage has been caused to any Council services or infrastructure; or
 - (b) any damage occasioned to Council services or infrastructure has been remedied to the satisfaction of the CEO.
- 3.4. In the event that Council services or infrastructure are damaged and not repaired within a reasonable timeframe (but not exceeding sixty (60) days) the CEO may, without giving notice to the Developer, apply the security bond towards repairing the relevant damage.
- 3.5. Where Council requires a security bond pursuant to clause 3.1 of this Policy, the developer must enter into a Protection of Council Infrastructure Bond Agreement with Council to ensure compliance with the requirements of this Policy.
- 3.6. The minimum value of any security provided pursuant to paragraph 2.1(g) of this Policy will be equal to the amount of **TWO THOUSAND DOLLARS (\$2000.00)**.

4. ADMINISTRATION FEE

- 4.1. Council may charge administration fees for the establishment and/or variation of any of the security bonds and/or guarantee set out in this Policy. This includes only one request for reducing the amount of the guarantee. Further requests may incur additional fees. The fee amount shall be in accordance with a fee prescribed in the Brighton Council Fees and Charges document.
- 4.2. Council may reduce or waive the requirements of paragraph 4.1 of this Policy where deemed appropriate by the CEO or where works are deemed by the CEO to be minor in nature.

5. OTHER MATTERS

- 5.1. All conditions of approval for subdivisions must be satisfied prior to the endorsement and sealing of the Final Plan of Survey by Council.
- 5.2. The CEO (or their duly authorised nominee) is authorised to determine the amount of security deposits for outstanding works and to release security upon satisfactory completion and to vary the time periods for completion of works as deemed necessary.
- 5.3. The CEO (or their duly authorised nominee) is authorised to decline to allow bonding of outstanding works where the deferred completion of works would not be in the best interests of Council or the community.
- 5.4. All requests for security (e.g. a bond or a bank guarantee) must be made to the CEO in writing by the Developer or their duly authorised representative and must be accompanied by a schedule of costs of works completed by the Developer's engineer.
- 5.5. All requests for reduction of guarantee are to be made in writing and are to include the value of all outstanding work prepared by the Developer's engineer.

REFERENCES:

This policy is developed in association with:

- Tasmanian Planning Scheme - Brighton
- Tasmanian Subdivision Guidelines (LGAT)
- *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas)
- *Land Use Planning and Approvals Act 1993* (Tas); and
- Other prescribed legislation, as required.

ADMINISTRATIVE DETAILS:

Policy compiled: February 2025

Adopted by Council:

To be reviewed: February 2029

Responsibility: Director Asset Services



CHIEF EXECUTIVE OFFICER

Being the General Manager as appointed by Brighton Council pursuant to Section 61 of the *Local Government Act 1993*



Brighton Council

POLICY NAME: ~~Planning Appeals~~ **PLANNING APPEALS**

POLICY No: 7.5

PURPOSE:

Part 8, clause 7(1)(b) of the *Tasmanian Civil and Administrative Tribunal Act 2020* provides that Council, as the body who made the decision, is automatically a party to an appeal to the Tasmanian Civil and Administrative Tribunal – Resource and Planning Stream.

This policy serves to clarify the roles and responsibilities of Council staff, Council and external contractors during a planning appeal.

DEFINITIONS:

In this policy:

<i>Planning Authority</i>	means Council acting as a Planning Authority under the <i>Land Use Planning and Approvals Act 1993</i> .
<i>TASCAT</i>	means Tasmanian Civil and Administrative Tribunal – Resource and Planning Stream.
<i>Planning Appeal</i>	means an appeal lodged pursuant to Section 61 of the <i>Land and Use Planning and Approvals Act 1993</i> .

SCOPE:

The Policy applies to:

- all appeal proceedings against a decision of the Council under the provisions of the *Land Use Planning and Approvals Act 1993* ('the Act').
- the Planning Authority and Council officers who may, from time to time, be required to represent the Council or present evidence to or otherwise appear before the Resource and Planning Stream
- external expertise engaged to represent the Council before TASCAT.

POLICY:

Where Council decision is the same as officer recommendation

- Where a Planning Appeal is lodged against an officer's decision under delegation, or a decision of the Planning Authority in accordance with an officer's recommendation, the ~~General Manager~~ **Chief Executive Officer** will appoint legal representatives.
- Council's planning staff will provide planning advice to the appointed legal representatives and assist to defend Council's decision at TASCAT.

- The ~~General Manager~~ Chief Executive Officer may appoint other external consultants as required.

Where Council decision is contrary to officer recommendation

For the purposes of this policy, the Planning Authority's decision will be 'contrary to' an officer's report and recommendation where:

- the recommendation is for a refusal and the Planning Authority decides to grant a permit;
- the recommendation is to grant a permit and the Planning Authority refuses to grant a permit; or
- the recommendation is to grant a permit subject to certain conditions, and the Planning Authority decides to grant a permit subject to different conditions.

Where the Planning Authority passes a motion relating to land-use planning which is contrary to the report and recommendation prepared by Council's Officers:

- the Planning Authority must include within the motion all reasons for its action. 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*.
- the ~~General Manager~~Chief Executive Officer will appoint legal representation, and any external consultants as recommended by the legal representative.
- The Planning Authority will not require the Planning Officer who made the recommendation to represent the Planning Authority at a full appeal hearing.
- Council's ~~Manager~~Director Development Services will be included in all communication relating to the Planning Appeal for the purposes of good record keeping.

Mediation

- Mediation is considered the most appropriate way to achieve timely and cost effective resolution of matters. In all Planning Appeals, the Planning Authority and/or Council officers will actively seek to engage in mediation, prior to progressing to a hearing.
- The Planning Authority delegates to ~~GM~~CEO/Council officers as appropriate to mediate an appeal on its behalf.
- Final approval to enter a consent agreement sits with ~~GM~~the Chief Executive Officer.

Provision of Information

- Council's ~~Manager~~Director Development Services will be responsible to prepare and lodge initial documentation required by TASCAT and provide copies to all parties on its behalf.
- The Planning Authority recognises that in a Planning Appeal a copy of the application documentation, council reports, internal and external referrals and other information relevant to the application must be circulated to the Planning Appeal Tribunal and all relevant parties to the appeal.

REFERENCES:

Land Use Planning and Approvals Act 1993

Tasmanian Civil and Administrative Tribunal Act 2020

Tasmanian Planning Scheme – Brighton

Judicial Review Act 2000

Local Government (Meeting Procedures) Regulations 2015

ADMINISTRATIVE DETAILS:

Policy compiled: May 1993

Adopted by Council: 03/05/1993; 21/02/2023

Reviewed: February 2025³

To be reviewed: February 2029⁷⁵

Responsibility: [Manager-Director](#) Development Services



GENERAL MANAGER/CHIEF EXECUTIVE OFFICER
Being the General Manager as appointed by Brighton Council
pursuant to Section 61 of the *Local Government Act 1993*



**Brighton
Council**

POLICY NAME: Rates - Multi-Service

POLICY No: 1.1

POLICY:

Where a property has more than one occupancy or capable of having more than one occupancy then multi-service rates shall apply with the exception of a place providing a public utility attached to a residence and staffed by the owner or occupier of that residence.

ADMINISTRATIVE DETAILS:

Policy compiled: May 1993

Adopted by Council: 3/5/1993

To be reviewed:

GENERAL MANAGER

consolidated into Policy 1.6
Rates & Charges

RESCIND



**Brighton
Council**

POLICY NAME: Rates - Churches

POLICY No: 1.4

POLICY:

That Churches and Rectories not be charged service or general rates but vacant land and properties rented be charged service rates.

ADMINISTRATIVE DETAILS:

Policy compiled: October 2004

Adopted by Council: 19/6/1995

Review date: 15/3/2016 (OCM)

To be reviewed:

GENERAL MANAGER

consolidated into Policy 1.6
Rates & Charges

RESCIND



**Brighton
Council**

POLICY NAME: Pensioner Rates Remissions Application of Penalty and/or Interest

POLICY No: 1.5

POLICY:

That Council apply penalty and/or interest to pensioner properties on any balances remaining unpaid from prior years as at the date current rates are due, and that no penalty and/or interest will be applied to current instalments.

ADMINISTRATIVE DETAILS:

Policy compiled: August 1995

Adopted by Council: 21/8/1995 & 20/4/1998

Review date: 15/3/2016 (OCM)

GENERAL MANAGER

consolidated into Policy 1.6
Rates & Charges



Brighton Council

POLICY NAME: Debt Collection - Rates

POLICY No: 1.10

POLICY:

Rates notices are to be issued as soon as practicable by 1st July each financial year, with a due date at least 30 days from when the notices will be received [usually the first Friday or second Monday of August]. Subsequent instalment due dates will be the last business day of October, January, and April.

The original notice will serve as a reminder for Instalment 1. Reminder notices will be sent for Instalments 2, 3 & 4 to be received no later than 2 weeks prior to the Instalment due date.

Daily interest will apply to all outstanding rates based on the following formula.

$$\text{DIR} = \frac{\text{LTB} + 6\%}{365}$$

where – DIR the Daily Interest Rate

LTB is the official long-term bond rate as determined by the Reserve Bank as at the close of business on the last day of business preceding 1 March.

consolidated into Policy 1.6
Rates & Charges

Rates overdue

Overdue/Final notices are to be issued for all properties, with rates overdue greater than \$20.00, two weeks after the instalment due date. Arrangements can be made for payment. Where there are two instalments overdue and satisfactory arrangements for payment are not made, or made and not kept, then all rates due to the end of the current financial year, for that property, are to be lodged with our collection agency for recovery.

Rates overdue by twelve instalments (36 months)

The Senior Rates Officer will recommend to Council the sale of land by public auction for unpaid rates in accordance with section 137 of the *Local Government Act 1993*.

ADMINISTRATIVE DETAILS:

Policy compiled: July 1999

Adopted by Council: 19/7/99; 21/2/00; 28/1/03; 8/4/03 (Finance); 8/7/03 (Finance);
13/9/05 (Finance); 15/11/11; 20/12/22 (OCM)

Reviewed: 15/3/2016 (OCM); 20/12/2022 (OCM)

GENERAL MANAGER



**Brighton
Council**

POLICY NAME: Debt Collection - Water

POLICY No: 1.11

POLICY:

Daily interest will apply to all outstanding water charges based on the following formula.

$$\text{DIR} = \frac{\text{LTB} + 6\%}{365}$$

365

where – DIR is the Daily Interest Rate and LTB is the official long-term bond rate as determined by the Reserve Bank as at the close of business on the first day of business preceding 1 March.

ADMINISTRATIVE DETAILS:

Policy compiled: July 1999

Adopted by Council: 19/7/99; 21/2/00; 28/1/03; 8/7/03 (Finance); 8/7/03 (Finance);
13/9/05 (Finance); 14/7/09

Reviewed: 15/3/2016 (OCM)

GENERAL MANAGER



POLICY NAME: Subdivision, Building Estate Bonds & Guarantees **POLICY No:** 6.4

POLICY:

- 1.00 A bond and guarantee will be required for all construction work for building estates and subdivisions for which the owner requires to be sealed prior to practical completion. The guarantee shall be:-

Value of Work (\$)	Value of Guarantee
0 - 10,000	No bonds accepted - all works to be completed before Final Survey Plan is sealed.
10,000 - 50,000	1.5 x the total value of works.
50,000 +	\$75,000 plus 1.25 x the excess over \$50,000.

- 2.00. Bonds and guarantees are to be called in automatically by the Municipal Engineer at the expiration of the time allowed for completion under the relevant Act.
- 3.00 When works are at the stage of practical completion, in accordance with plans, specification and Council conditions, the guarantee may be reduced to 10% of the total value of the approved works. Minimum amount to be \$5,000.
- 4.00 The total value of work to include the agreed estimated cost of works as per approved engineering drawings, plus a 10% contingency sum, plus 5% Council engineering fees.
- 5.00 The cost of establishing the bond and guarantee to be the sole responsibility of the Developer.
- 6.00 Council's administration cost for the establishment of the bond and guarantee is \$100.00. There is only one request for reducing the amount of the guarantee. Additional request for reduction will cost \$30.00.

ADMINISTRATION:

- 1.00 A request for a bond and guarantee to be in writing from the Developer or representative and requiring fee paid.
- 2.00 In order to initiate a bond and guarantee, the following procedure is recommended.
- Approved engineering drawings.
 - A full schedule of cost to be provided by the Developer.
 - Estimated cost of work completed to be provided by the Developer's engineer.
 - Site visit by Council Officer to determine accuracy of Item (c).
 - Agree with Developer on value of works.
 - Determine total value of works which includes agreed value, 10% contingency to include "works as executed" drawings and 5% Council engineering fees.
 - Calculate guarantee amount.
 - Advise Developer or representative of the amount; including with letter, bond and guarantee forms and a copy of Council's policy.

3.00 Request for reduction.

- a) All requests for reduction of guarantee to be in writing and to include value of outstanding work prepared by Developer's engineer.
- b) Site visit by Council Officers to determine accuracy of (a).
- c) Same as (e), (f) and (g) above.
- d) Advise Developer and Finance Officer who will in turn advise the financial institution providing the guarantee.

ADMINISTRATIVE DETAILS:

Policy compiled: August 1993

Adopted by Council: 16/08/1993

To be reviewed:











GENERAL MANAGER








consolidated in 6.3
Bond Policy









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

Status: Actions & Initiatives:		Comments:
1.1 Engage with and enable our community		
	Establish an overarching Community Development Strategy, that incorporates a Youth Engagement Strategy.	<i>In progress (in consultation with Brighton Alive).</i>
	Implement a Community Engagement Framework.	<i>In progress.</i>
	Continue to support Brighton Alive administration and coordination, including the Brighton Alive Youth Network, with a focus on education, training and personal/professional development.	<i>Brighton Alive and Brighton Alive Youth Network is active in supporting actions where the community energy is focussed, including providing input to the Youth Justice Reform Taskforce and Bridgewater Youth Hub. The networks continue to work together in a participatory way based on Asset Based Community Development (ABCD) principles.</i>
	Support Council's Youth Engagement Officer to build relationships with and empower our young people to be change makers now and into the future.	<i>Ongoing (quarterly work in progress updates provided to Council).</i>
	Continue to support and grow the Brighton Youth Action Group (BYAG).	<i>Ongoing.</i>
	Implement the new Brighton Volunteering Strategy in conjunction with Volunteering Tasmania.	<i>Ongoing.</i>
	Continue the publication of the Brighton Community News and provision of information via Council's website and social media platforms.	<i>Ongoing (2025 has seen the introduction of a dedicated youth section within the BCN to share the success and achievements of our young people with the broader community).</i>
	Engage with community on the use of public open space, to ensure best possible health and wellbeing outcomes for residents e.g. Bridgewater West Public Open Space Community Consultation project.	<i>Bridgewater West engagement process has been completed. Report for noting to be presented to Council shortly. Brighton Open Space Strategy review has commenced, with Form Planning and Projects engaged to finalise this work, which will include community engagement. The Open Space Strategy will also consider outcomes from Bridgewater West project.</i>



Status:	Actions & Initiatives:	Comments:
	Continue to work with the Department of Education and schools, including to seek opportunities for young people and to share social capital and infrastructure, including the development of the Community Creators Program in primary and secondary schools within our Brighton Council area.	<i>Ongoing. Currently undertaking the process of applying to the Tasmanian Community Fund for major funding to roll the Community Creators project out across other schools in our area and to make the program self-sustaining for years to come.</i>
1.2 Build resilience and opportunity		
	Continue to progress Council's reconciliation work with our local Aboriginal communities.	<i>Ongoing (our partnership with TALS through the Youth Hub project and support of Kutalayna Collective deliver support to our Aboriginal communities and actions where they are most wanted and needed.</i>
	Conduct community consultation with the LGBTIQA+ community in order to develop an LGBTIQA+ Action Plan for Brighton.	<i>In progress (community survey to be completed by end of February with reporting back to Council in April/May.</i>
	In partnership with the Tasmanian Aboriginal Legal Service (TALS) progress the establishment of a Community Youth Hub in Bridgewater for young people 12-25 years, to deliver much needed justice diversion services and other wrap around services to be available for all young people in our communities.	<i>Ongoing (focussed community consultation with the focus on young people continues). Co-creation activities, reflection on learnings so far and updates on progress to be shared at a Youth Forum on 27 February 2025.</i>
	Continue to advocate for and facilitate greater investment in local health services and long-term community health well-being solutions.	<i>The new medical centre at Brighton is up and running. Bedford St medical centre has 3 tenants including a Psychologist, Dentist and GP. Council has signed a long-term lease for Child and Adolescent Mental Health Services within the same precinct. Council has also regularly raised health issues with government.</i>
	Continue prioritising and implementing recommendations from Council's Social Infrastructure Plan.	<i>This work has been furthered so far this year with the progression of planning, master planning and construction for a range of key open space areas, sporting facilities including for soccer, gymnastics and court sports and the progress towards developing a Youth Hub.</i>
	Continue ongoing roll out of new disabled access kerb ramps and continue improving disability access and aged friendly community infrastructure more generally.	<i>DDA access improvements identified through consultation will be implemented as part of footpath replacement works.</i>

Status: Actions & Initiatives:		Comments:
	Engage with Government and sporting bodies to support the ongoing and increasing presence of sporting opportunities and infrastructure across the region.	<i>Council officers have been working closely with State Government representatives and the HGA to design and fund a new regional gymnastics facility. Council have also committed to undertaking a Greater Hobart Sport and Recreation Infrastructure Strategy for the 6 greater Hobart councils. Initial discussions have also occurred regarding the potential for netball and other court sports at Pontville, and Council have committed to undertaking a new master plan for Pontville Park to explore these, and other, opportunities.</i>
	Conduct immunisation clinics, annual school immunisations and promote the need for immunisation.	<i>Brighton Council runs a monthly immunisation clinic on the second Tuesday of every month at the Brighton Council Chambers between 2 and 3pm, this is one of the few clinics statewide that offers a walk in service and does not require clients to prebook in advance. Client feedback has indicated that this is a primary reason while the attendance at the clinic has grown and continues to grow, this also promotes the user friendly status of the clinics and the service is regularly advertised in the local Community Newspaper. Council also undertakes vaccination of the Grade 7 and 10 students in the local schools within the municipality, during the 2023/24 period there was only one school that was eligible for this service, the Jordan River Learning Federation Senior School. February 2025 however marks the first year that the new Brighton High School has been open and Council will expand our existing program to facilitate their needs. During the 2023/24 period the total number of vaccines given was 306. This financial year at time of writing the total number of vaccines administered is 121.</i>
1.3 Ensure attractive local areas that provide social, recreational and economic opportunities		
	Implement Ted Jeffries Memorial Park upgrades, including new soccer pitches and clubrooms, play, car parking and street upgrades.	<i>The new carpark works are nearing completion with soccer clubrooms, pitch renovations and Seymour Street reconstruction works soon to commence.</i>
	Finalise an update of Council's Open Space Strategy.	<i>The Open Space Strategy review is currently being undertaken and will be presented to Council in the coming months.</i>
	Construct spine pathway and associated upgrades, including a basketball half-court in the Bridgewater Parkland.	<i>Scoping and design works for parklands upgrades has been completed with the civil works expected to commence in March.</i>
	Consider community feedback for additional sections of gravel walkway along the Old Beach Foreshore from Morrisby Road to Blackstone Drive.	<i>Design of the footpath has been revised. Directly affected landowners will be further consulted in March prior to construction commencing.</i>











COMPLETED / ON TRACK



IN PROGRESS / ONGOING



ON HOLD / CARRIED FORWARD

Status:	Actions & Initiatives:	Comments:
	Renew master plan for the Lennox Park precinct, Old Beach.	<i>A request for quote has been produced and distributed to a number of consultants. This project is expected to commence in March and be delivered by August 2025.</i>
	Prepare a concept plan for a new playground in the open space area of Tivoli Green Estate.	<i>A request for quote has been produced and distributed to a number of consultants. This project is expected to commence in March and be delivered by August 2025.</i>
	Commence construction on new soccer clubrooms for the Ted Jeffries Memorial Park reserve.	<i>Tender for the clubrooms build has been awarded. Construction will commence in February with completion expected in August 2025.</i>
	Construct a new town square to create a civic heart for Brighton.	<i>Town square works effectively complete with the exception of the catenary lighting which will be installed in early March.</i>
	Complete the construction of a truck stop rest area and 'pocket park' in the Brighton Hub.	<i>Design works complete. Working with service providers to reach agreement for construction near critical infrastructure. Completion now expected late 2025.</i>
1.4 Encourage a sense of pride, local identity and engaging activities		
	Continue implementing actions from Council's Public Art Strategy.	<i>Restoration of Jerry sculpture proposed priority for this year with process underway.</i>
	Continue to support the Material Institute's community development work, including at Bond Place, Gagebrook and Eddington Street, Bridgewater.	<i>Community Development team and BYAG are supporting events on a regular basis and Council's youth worker attends Bond Place to engage with families on a weekly basis.</i>
	Foster cultural, social, environmental and educative partnerships, activities and events	<i>Ongoing and numerous across all of these themes.</i>



COMPLETED / ON TRACK





















IN PROGRESS / ONGOING



ON HOLD / CARRIED FORWARD

Goal 2: Ensure a sustainable environment

Status: Actions & Initiatives:		Comments:
2.1 Acknowledge and respond to the climate change and biodiversity emergency		
	Continue to implement the Climate Resilience Strategy.	<i>Work is progressing across each of the five focus areas of the Strategy.</i>
	Continue progress towards Council's Climate Change targets: <ul style="list-style-type: none"> • corporate emission reduction target of 85% below 2021 levels by 2030 on the pathway to zero emissions by 2035 based on 2021 levels, • 100% corporate renewable electricity generation by 2030, based on 2022 levels. 	<i>A draft corporate emissions inventory for the FY2023/24 has been completed and is waiting on peer review. At this stage, emissions appear to have gone down since the FY21/22. A corporate emissions reduction plan is currently being drafted, which will identify a pathway to reaching Council's climate action targets.</i>
	Continue transitioning Council's vehicle fleet and plant to low emissions options, hybrid and electric.	<i>No new work has been done on this action so far this FY. Fleet and plant fuel is the second largest source of corporate emissions after waste so further work in this space, including a fleet transition plan, is a priority in 2025.</i>
	Continue implementing Council's Weed Management Strategy, Natural Resource Management, Strategy and the Brighton Council Foreshore Management Plan.	<i>Council continues to work with the Derwent Catchment Project to implement initiatives in the natural resource management space. Projects along the Bridgewater Parklands foreshore and New Bridgewater Bridge are ongoing.</i>
	Complete the review of the Greening Brighton Strategy and begin implementing the new Strategy.	<i>The Strategy has been reviewed and the new version endorsed by Council. Implementation is underway via our regular investment and improvements in this space.</i>
	Endorse the Brighton Council Climate Change Adaptation Plan 2024 and commence implementing key actions.	<i>The Adaptation Plan was endorsed by Council in July 2024. The risk statements have been entered into Pulse and reviewed by the risk owner. Various adaptation actions identified in the plan are in progress.</i>
	Prepare a Corporate Climate Change Mitigation Policy.	<i>On hold until there is a better understanding of the purpose and objectives of this policy.</i>
2.2 Encourage respect and enjoyment of the natural environment		
 	Foster strategic partnerships with environmental and social organisations to enhance environmental management outcomes and build greater community engagement in local environmental and social activities.	<i>Strong and productive relationships continue to be developed with the Derwent Catchment Project, Kutalayna Collective and Material Institute and relevant officers have attended several events organised by the Kutalayna Collective that have been well attended by the community. A joint community climate change action grant application with DCP and Kutalayna Collective has also been funded.</i>

Status: Actions & Initiatives:		Comments:
	Seek opportunities to educate the community about the region's significant natural values, such as interpretive signage, the BCN, online publications and other means.	<i>Ongoing in partnership with Derwent Catchment Project Officer.</i>
2.3 Demonstrate strong environmental stewardship and leadership		
	Continue Council's waste and sustainability education program and collaborate regionally and sector-wide when possible.	<i>Council's waste education program continues in schools across the community with strong relationships being forged with staff at the new high school. Council staff continue to collaborate on a regional level through Tas Waste South initiatives which currently include a review of Hard Waste Collection practices.</i>
	Continue Council's ongoing greening program in accordance with the updated Greening Brighton Strategy.	<i>Council's Greening Brighton Strategy continues, feeding into landscaping and green infrastructure works within council's capital program.</i>
	Respond to, and make publicly available, the findings of the Brighton Derwent River Foreshore Coastal Hazards Project.	<i>A formal response to the Derwent River Foreshore Coastal Hazards Report was developed and adopted by Council in July 2024. The Coastal Hazards report was also noted by Council in July 2024 and is publicly available on the Brighton Council website.</i>
 	Prepare a municipal wide Bushfire Mitigation Strategy and Dromedary Bushfire Management Plan.	<i>Fire Risk Consultants have been engaged to develop both of these documents. They are in the final review stage and will be presented to council at the March 2025 workshop.</i>
	Continue to support schools through collaboration and engagement, including with Council's waste, community development and sustainability education programs.	<i>Ongoing work with Council's Waste Education Officer, including introduction of FOGO service into schools and working with students to assist with implementing soft waste education initiatives at community events e.g. Bridgewater Community Christmas.</i>
2.4 Ensure strategic planning and management of assets has a long-term sustainability and evidence-based approach		
	Prepare options for the long-term upgrading of council's waste management system and transfer station, with a focus on improving sustainability and reducing emissions, benefits to the community and financial outcomes.	<i>Works continue on the business case for a new Regional Transfer Station. Materials flow analysis has been undertaken and stakeholder consultation to commence shortly.</i>
	Continue to pursue energy saving measures and lowering emissions from council assets, especially when there are favourable payback periods.	<i>Applied for \$100,000 grant through the Community Energy Upgrade Fund for solar + battery and to electrify the hot water system at Pontville Pavilion but the funders have not announced the outcome of this grant yet. This action will be a key consideration in planning for necessary building upgrades at Council Offices and the Depot, and for a new WTS.</i>

Status:	Actions & Initiatives:	Comments:
	Promote opportunities for circular economy, renewable energy and general investment within the Brighton Hub and continue place-making improvements within the precinct.	<p><i>Signage in the Hub has continued to be upgraded, landscaping improved and the new truck stop / pocket park is due to begin construction soon.</i></p> <p><i>Work towards a new WTS and its role within the region is ongoing and will be presented to Council later in the FY.</i></p>



COMPLETED / ON TRACK





















IN PROGRESS / ONGOING










ON HOLD / CARRIED FORWARD

Goal 3: Manage infrastructure and growth effectively

Status:	Actions & Initiatives:	Comments:
3.1 Implement strategic long-term asset management plan aligned to long-term financial plan		
	Embed new Long-term Financial Plan and 10 Year Asset Plans into council decision making and keep budget processes and general rate increases consistent with these.	<i>10 Year Capital Works plan updates are being finalised with these changes to be presented to council in the coming months.</i>
	Pursue grant opportunities that clearly align with Council's 10 Year Infrastructure Plans and other endorsed strategies.	<i>Council officers have made applications to all significant grant opportunities that align with our endorsed strategies and plans, with significant success already this year. We have also submitted our key federal election priorities to both major candidates and provide them with regular local updates.</i>
	Review Council's Key Infrastructure Investments and Defined Infrastructure Charges Policy.	<i>This policy has been reviewed and a new version endorsed by Council.</i>
	Reconstruct sections of Glen Lea Road, Seymour Street, Andrew Street, Baskerville Road and Back Tea Tree Road.	<i>Glen Lea Road pavement design is complete. Seymour Street design complete with works to commence in February. Andrew Street works currently underway with completion expected in April. Baskerville property title issues now resolved. Back Tea Tree Road freight corridor study expected to be received in March.</i>
	Reseal sections of Rifle Range Road	<i>Sealing works on the initial section of rifle range road now complete.</i>
	Construct footpath linking the new Brighton High School to the south.	<i>Works initially held in consideration of South Brighton Masterplan Grant. Early scoping complete with design to be undertaken as part of South Brighton Masterplan Grant works. Now awaiting grant deed to commence.</i>
	Commence upgrades to Council Offices to accommodate our growing workforce.	<i>Background work on this has commenced. Architects will be engaged shortly to provide further options analysis and costings.</i>
3.2 Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population		
	Continue implementing the priority actions from the Brighton Industrial Estate Brand & Place Strategy, including the construction of the new driver rest area / pocket park, reface old entry signage and associated landscaping.	<i>The signage and landscaping are complete. The rest area project is due to commence construction soon.</i>

Status:	Actions & Initiatives:	Comments:
	Continue optimising use of council land for community benefit and long-term council sustainability, including exploring potential sales and purchases.	<i>This action is now well-embedded and become part of business-as-usual.</i>
	Prepare a Local Area Plan for the Brighton township.	<i>Council have held a workshop to help determine the brief for this project. An RFQ will be sent out to consultants this month.</i>
	Gain State and Federal support to create a Master Plan for the growth precinct west of the new Bridgewater Bridge.	<i>A Federal grant was secured to prepare this master plan, which is now well-progressed. Efforts to get more involvement and collaboration from the State Government to plan and develop this critical precinct is ongoing.</i>
	Prepare a Master Plan and planning scheme amendment for infill development around Sorell Street and Samuel Street Bridgewater.	<i>This Masterplan has now been endorsed by Council. Council will need to consider the next steps and how big a priority they are over the next year, which include potential efforts to rezone and to better coordinate this area into the master planning of the wider precinct to the east and west of this area.</i>
	Continue implementing the recommendations of the Old Beach Zoning Review.	<i>Precinct A Land has now been rezoned to Future Urban. The next step is to undertake investigations and master planning to support a General Residential Zoning in future.</i>
	Represent Brighton's interests in the preparation of the new Southern Tasmania Regional Land Use Strategy, including regarding the Urban Growth Boundary, residential growth, industrial analysis and all other land use matters.	<i>Brighton's Mayor and CEO are both on the Steering Committee for this project. The project has been made extremely difficult due to consistent delays and non-provision of information from the State Planning Office and DSG. The project has now been thrown into further difficulties by the recent intervention from the Planning Minister.</i>
	Prepare an Activity Centre Strategy to better understand the needs of our growing community.	<i>The Activity Centre Strategy is well underway and will be used to inform the Brighton Local Area Plan. A Councillor Workshop scheduled for 4th March</i>
	Prepare an Active Transport Strategy.	<i>The Active Transport Strategy is underway. The team is currently exploring options as to how we can engage the community through interactive mapping.</i>
3.3 Community facilities are safe, accessible and meet contemporary needs		
	Continue footpath network improvements, with specific attention to age and disability access improvements.	<i>Council capital footpath program continues to undertake replacements on a risk/priority basis with DDA improvements being led by previous consultation.</i>
	Continue upgrades and service levels of community park, sporting and accessibility facilities.	<i>A number of new parks have come online this year with improvements continuing in Seymour Street reserve and Pontville Park.</i>

Status: Actions & Initiatives:		Comments:
	Improve access to Bridgewater Parkland and foreshore precinct through construction of a new roundabout at the intersection of Eddington Street and Thompson Crescent and the construction of the pedestrian spine.	<i>Works on the safety improvement at the Thompson Street/Eddington Street intersection are well underway with completion expected by April.</i>
3.4 Advocate and facilitate investment in our region		
	Lobby and build relationships for a more holistic approach to public and affordable housing projects that have greater consideration and investment in design, quality, integration with surrounding infrastructure, community building and harmony and with a clear eye on the long-term legacy of single and collective projects.	<i>Council's CEO and Director of Development Services regularly meets with relevant entities to pursue this action, including most recently with the CEO of Homes Tasmania. There is now a broader understanding of Council's concerns and priorities, and change have been made to the Housing approach within the area, relating to tenure, design and density.</i>
	Advocate and lobby for greater State and Federal investment in the infrastructure and services required to support important growth areas such as Brighton.	<i>This action occurs at every opportunity. Council have seen unprecedented success in both grants and state and federal investment in the municipality this year.</i>
	Lobby for and prepare grant applications for external funding for projects within Council's 10 Year Infrastructure Plans and key strategies.	<i>Council officers have made applications to all significant grant opportunities that align with our endorsed strategies and plans, with significant success already this year. We have also submitted our key federal election priorities to both major candidates and provide them with regular local updates.</i>
	Investigate mechanisms to minimize negative social and infrastructure impacts created by large numbers of multiple dwelling developments in close proximity, including lobbying for more equitable infrastructure and open space charging mechanisms.	<i>Council's CEO and Director of Development Services regularly meets with relevant entities to pursue this action, including most recently with the CEO of Homes Tasmania. There is now a broader understanding of Council's concerns and priorities, and change have been made to the Housing approach within the area, relating to tenure, design and density.</i> <i>Council has undertaken a lot of its own work to tackle this action, with plans, grants and infrastructure investments recently often tackling mobility, open space and facilities within close proximity to large numbers of multiple dwellings.</i>
	Advocate for improved public and active transport, including bus and ferry infrastructure and services.	<i>Council's mayor and CEO undertake this action at every relevant opportunity Council's BYAG has also managed to be involved and be heard on this important issue.</i>
	Continue to advocate for the significant freight route between Brighton and Cambridge to be taken over as a State Road and upgraded accordingly to meet current future needs for the State's economic growth.	<i>Council has advocated strongly for this project at all levels. This has helped to lead to an options study, which is due to be completed shortly. However, it is looking increasingly unlikely that the State Government will embrace this opportunity in the short-term.</i>



COMPLETED / ON TRACK








IN PROGRESS / ONGOING



ON HOLD / CARRIED FORWARD

Goal 4: Ensure a progressive, efficient and caring Council

Status:	Actions & Initiatives:	Comments:
4.1 Be big picture, long-term and evidenced based in our thinking		
	Continue implementing Brighton's 2050 Vision and Strategy 2023 – 2033.	<i>Council continues to be in a phase of significantly larger investments in capital projects, both new and existing. This strongly aligns with our 2050 Vision of building for the future and aiming to ensure that our communities have everything they deserve.</i> <i>Council has also steadily increased its community development and environmental improvement efforts in line with our Vision and strategy.</i> <i>Recent successes, such as the \$10 million grant, show our ongoing ability to be a trusted partner with other entities.</i>
	Continue to participate actively in regional and sectoral activities, including via the STCA, SCS, Committee for Greater Hobart, City Deal/Greater Hobart activities, LGAT and the Office of Local Government.	<i>In the past year, Brighton has successfully made its case to be more involved in Greater Hobart activities and this entity has now been expanded to include Brighton and Sorell. This is a major step forward for Brighton and should increase our influence.</i> <i>Brighton has also played a key role in efforts to establish a structure for joint initiatives across the Southern Region and a revision to the STCA model.</i>
	Continue to actively seek funding opportunities, in line with Council's 10 Year Infrastructure Plan, Master Plans and strategies.	<i>Over recent years Council staff have upskilled and become a well-oiled machine with regard to grant applications. Any significant grant opportunity that aligns with Council's 10 Year Plan and core strategies is applied for. We have had some major successes recently in highly competitive national grant rounds, including the Housing Support \$10million and the \$320k for master planning at Boyer Road.</i>
	Continue to participate fully in any relevant activities coming out of the Future of Local Government Review and ensure that the views of our council and our community are heard.	<i>Council has been a positive participant of the LG Review process. Our latest submission was made after a Council workshop this month.</i>
	Pursue opportunities to partner with State and Federal Government on the master planning and development of the growth precinct west of the new Bridgewater Bridge.	<i>Council has been very successful on this action, receiving \$320k in Federal funding to master plan a section of this precinct.</i> <i>Council has now been invited to partner on a grant application to undertake another phase of this work.</i>








COMPLETED / ON TRACK










IN PROGRESS / ONGOING



ON HOLD / CARRIED FORWARD

Status: Actions & Initiatives:		Comments:
4.2 Be well governed, providing quality service and accountability to our community		
	Continue to embed Council's endorsed values, strategies and policies at all levels throughout the organization.	<i>This action has been significantly furthered this year, predominantly through the reviews and updates of a number of key strategies and the complete review of all policies, which will be complete this month. This means the consistency between all relevant strategies, plans, policies and initiatives has been improved.</i>
	Continue the smooth and successful running of the 'Regional Jobs Hub' (Southcentral Workforce Network) on behalf of the region and support its on-going expansion of services and programs.	<i>Our Regional Jobs Hub continues to excel and was this year rewarded with a further 3 year grant to continue operating and to expand activities.</i>
	Continue to improve processes and efficiency to carry out Council's statutory obligations such as planning, building, plumbing, animal control, environmental health and an increased focus on improving compliance.	<i>Council constantly considers improvements to processes and efficiency gains. In the past year, Council has brought on an additional dedicated compliance role and has significantly increased its compliance efforts.</i>
4.3 Ensure strong engagements and relationships to shape the agenda and advocate for our community		
	Engage with, and where possible collaborate with, all levels of government, regional bodies and with other councils to help realise the opportunities to ensure good outcomes for our community within a regional context.	<p><i>Brighton is a strong collaborator and is actively involved (and often takes a lead role) in all relevant regional bodies and initiatives, including across planning, waste, asset management, climate change, community initiatives and infrastructure planning.</i></p> <p><i>Council's Mayor and CEO ensure regular meeting and briefing to both State and Federal members, and recently with Federal candidates, to ensure Brighton's issues and opportunities are well understood.</i></p> <p><i>In the past year, Brighton has successfully made its case to be more involved in Greater Hobart activities and this entity has now been expanded to include Brighton and Sorell. The first joint projects with this group have commenced, being a joint anti-racism campaign and a sport and recreation infrastructure strategy. This involvement is a significant achievement for Brighton, after many years of frustration at being excluded.</i></p>
	Collaborate with Government to ensure best possible outcomes for our community.	<i>Significant effort from relevant staff is put into trying to collaborate and coordinate efforts with State Government. This has been successful with the precinct around the new high school, with some strategic planning matters, with community sector initiatives and with our Jobs Hub. It has proven much more difficult with matters dealt with by DSG, such as the Bridgewater Bridge Precinct, public transport, State Road maintenance regimes and the regional planning project.</i>

Status: Actions & Initiatives:		Comments:
	Continue to build relationships with critical infrastructure authorities such as TasWater, TasNetworks, TasGas, Metro Tas, etc. to deliver community outcomes.	<i>Brighton Council works hard to achieve strong relationships with the key authorities. This can be evidenced by being the first council to partner with TasWater on a major Federal grant and succeed, by successfully working with TasNetworks on their community battery project and in the close communications with Metro regarding disruptions to bus services in addition to all of our regular interactions around projects and development. It should also be noted that Homes Tasmania have made significant adjustments to their priorities and approach, in response to Council's respectful communications with them.</i>
4.4 Ensure financial and risk sustainability		
	Closely monitor the local economic and social impacts of external circumstances and events, such as COVID-19, high inflation and geo-political instability.	<i>Senior Council staff keep abreast of wider events and conditions that may impact Brighton, at the State, National and International level. Economic and geo-political instability have effects on the local economy and changing trends in the way people consume information and levels of trust in institutions all have impacts locally.</i>
	Ensure integrated and active risk management.	<i>We continue to review and update the risk register with key staff as well as enforcing risk in employee induction process. As well as producing a Risk quarterly report to SMT and Audit panel.</i>
	Integrate climate change risks into key strategic documentation.	<i>To be completed in 2025.</i>
4.5 Ensure Council is a desirable place to work with exceptional workplace culture, attracting and retaining high performing, committed and fulfilled staff		
	Investigate and plan for potential Council Chambers and Depot renovation and expansion.	<i>Council officers have been investigating the most cost-effective options for maintenance and renovations to the Council Chambers and Depot facilities to ensure they are fit for purpose, meet contemporary standards and can accommodate the growth Council has and is seeing. This includes advice from architects and consultation with staff. Options will be workshopped with Councillors in the first half of 2025.</i>
	Ensure Brighton remains a desirable place to work with a reputation for being a progressive, caring, fulfilling place to work with a strong culture.	<i>Brighton's reputation as a desirable place to work, with a proactive and fulfilling vision and work program and a positive and supportive culture is considered strong. This has been well-evidenced in the past year by the strength of applications received and their comments regarding why they wanted to work for Brighton across a range of roles that council has recruited for.</i>
	Provide relevant training and professional development to all staff	<i>Council ensures there is adequate budget and managerial support for relevant training and professional development for all staff. We recognise that to be most effective, training and development needs to be regular and ongoing. A wide range of training and development has taken place this year, with more scheduled in the coming months.</i>