



**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, 18 MARCH 2025**

PRESENT: Cr Gray; Cr Curran; Cr De La Torre; 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); Ms G Browne (Director Corporate Services) and Ms A Turvey (Manager Community Development & Engagement)

1. Acknowledgement of Country

2. Apologies / Applications for leave of absence

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

CARRIED

VOTING RECORD

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

3. Confirmation of Minutes

3.1 Ordinary Council Meeting

The Minutes of the previous Ordinary Council Meeting held on the 18th February 2025 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the previous Ordinary Council Meeting held on 18th February 2025, be confirmed.

DECISION:

Cr Owen moved, Cr Curran seconded that the Minutes of the previous Ordinary Council Meeting held on 18th February 2025, be confirmed.

CARRIED

VOTING RECORD

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

- Moira Davidson addressed Council in relation to Item 14.1

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

The Mayor's communications were as follows:

19/2 TasWaste South Special Local Government Forum

19/2 Meeting with Brighton Football Club

- 20/2 LGAT GMC Meeting
- 25/2 Council Workshop
- 26/2 Forum re targeted amendments to the LGA 1993
- 27/2 TasWaste South Board Meeting
- 4/3 Council Workshop
- 13/3 Meeting with Minister Ellis at Parliament House
- 14/3 Meeting with CEO
- 18/3 Media event – TasWater, CEO & Federal government – new TasWater pump station
- 18/3 Council Workshop
- 18/3 Council Meeting

RECOMMENDATION:

That the Mayor’s communications be received.

DECISION:

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

CARRIED

VOTING RECORD

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

6.2 Reports from Council Representatives

In Cr Irons absence he requested the following be included in the Minutes:-

12/3 - **Climate Change conference.** A very worthwhile day with some really alarming figures hot of the press showing 2024 to be the worst year in history - and irreversible damage done on a global scale. A really excellent focus and debate on where councils responsibility lies in terms of not only prevention, but also preparation for changes to come. It also really did highlight the opportunities to be leaders in this field, through getting our own back yard in order and sharing those wins/hopefully inspiring others in our municipality to follow. You leave these events feeling rather hopeless sometimes at the scale of what needs to be done, but bite size chunks will make a difference and I hope to bring some ideas to the table in the near future.

13/3 - **Greater Hobart Homeless Alliance Meeting.** A big focus of this meeting was along the lines of "street counts" and how that may be done, as well as what their value actually is and whether money and time is better spent in other ways. Heard some great speakers from NSW to hear their experiences and how they delivered their research. It was decided next meeting to bring some experts in that have done other types of research that may be of more value to Greater Hobart. Certainly worthy of mention as our municipality would be included in that research. For our municipality, I felt personally a street count didn't really highlight our challenges locally, as we do not have a history of rough sleepers, more overcrowding of residences and couch surfing - though this may also be that those struggling head to the city region, and does not mean they don't start out in our municipality. Also to hear of all the support facilities at capacity in many instances is concerning and shows more needs to be done.

15/3 - **Meeting with the Jordan River Community Shed managers,** and stage 1 of the overhaul. Very productive progress so far in planning for the future. We have bought a local marketer online and have some funding to kick off the basics. This will include some logo and branding work, as well as really solidifying the direction and focus and how to best market and target potential members. It will also include a new website and the ability to sign up online, as well as experience a taster day before committing. We will be looking for more mentors and supervisors to volunteer their time. We have begun exploring some other income-generating activities as well as planned events to attract people to attend for the first time and see what it is about. We can't charge in too fast until we have the back end set up - so this will be the priority first up and certainly councillors interested in helping the cause there will be plenty of opportunities as it unrolls.

RECOMMENDATION:

That the reports from Council representatives be received.

DECISION:

Cr Curran moved, Cr McMaster seconded that the reports from Cr Irons be received.

CARRIED

VOTING RECORD

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

7. Miscellaneous Correspondence

- Letter to the State Planning Office dated 6 March 2025 regarding Southern Tasmania Regional Land Use Strategy – Urban Growth Boundary Proposed Update.
- Letter from the Chair of TasWaste South dated 6 March 2025 regarding the appointment of Cr Leigh Gray as a new Chief Member Representative of TasWaste South.

8. Notification of Council Workshops

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

Two (2) Council workshops have been held since the previous Ordinary Council meeting.

- A workshop was held on the 25th February 2025 at 5.15pm in relation to the Boyer Road Precinct Structure Plan.

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

Apologies: Cr Curran; Cr Irons & Cr Murtagh

- A workshop was held on the 4th March 2025 at 4.15pm in relation to Brighton Activity Centre Strategy; Open Space Strategy and the Brighton/Dromedary Bushfire Mitigation Strategy and Plan.

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

Apologies: Cr Geard

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:

- the reason it was not possible to include the matter on the agenda, and
- that the matter is urgent, and
- 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

Nil.

12. Council Acting as a Planning Authority

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

12.1 Planning Scheme Amendment - Site Specific Qualification for Mobile Food Vendor - Strong Street, Bridgewater

Author: Strategic Planner (B White)

Authorised: Director Development Services (A Woodward)

Type of Report:	Section 40K of <i>Land Use Planning and Approvals Act 1993</i>
Application No:	RZ 2024-04
Owner/s:	The Crown (Department of State Growth)
Requested by:	Brighton Council
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).

1. Purpose

The purpose of this report is for Council (Planning Authority), pursuant to section 40K of the *Land Use Planning and Approvals Act 1993* ('the Act'), to consider the representations received (s.40J) during the exhibition period (s. 40H) of draft amendment of RZ 2024 -04 to the Brighton Local Provision Schedule ('LPS') ('the draft amendment').

2. Background - Initiation of Draft Amendment

At its meeting of the 21st January 2025, the Council, of its own motion, initiated draft amendment RZ 2024 -04 to the Brighton LPS.

The draft amendment relates to a site within the Brighton Hub on the corner of Strong Street and Glenstone Road.

The address of the site is 2 Strong Street, Bridgewater, and more formally known as CT 164049/1.

The draft amendment proposes to:

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).

This draft amendment is to implement the recommendations of the Brighton Industrial Estate Brand & Place Strategy.

It is noted that the address of the property has changed from 1 Strong Street to 2 Strong Street in recent times. The title reference has not changed so Council Officers are confident the Tasmanian Planning Commission can determine the amendment based on this.

3. Public Exhibition of Draft Amendment

In accordance with sections 40G and 40H of the Act and section 7 of the *Land Use Planning and Approvals Regulations 2014*, the draft amendment was exhibited for a period of 28 days from 1st February until 3rd March (2025).

The draft amendment was exhibited in the Mercury twice and made available for viewing at the Council during this period. Council officers sent letters to the owner of the site, all adjoining properties to be affected by the draft amendment, as well as potentially interested stage agencies/ infrastructure providers.

Council received two (2) representations, which were from TasWater and TasGas.

4. Legislative & Policy Content

Section 40K of the Act requires that the Council provides to the Tasmanian Planning Commission a report regarding the representations received during the exhibition period of a draft amendment to the Local Provision Schedule.

Section 40K(2) of the Act requires, among other things, that the report includes Council's opinion of the merit of each of the representations and:

- i. Whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representations; and
- ii. The effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendations.

Should the Council be satisfied that the representations received do not warrant changes to the draft amendment, the draft amendment, as exhibited, will be forwarded to the TPC who will make determine it accordingly.

Those people who made a representation regarding the draft amendment would be invited to attend public hearings before the TPC pursuant to section 40L of the Act and the relevant provisions of the *Tasmanian Planning Commission Act 1997*.

5. Risk & Implications

The amendment proposes no significant risks or implications for Council.

6. Consideration of Representations

TasWater

Taswater provided a submission saying they have no interest in the draft amendment and do not wish to attend a hearing.

Tas Gas

TasGas have provided the following comment in an email response.

Tas Gas Network (TGN) holds no objections to application CT 164049/1 at 1 Strong Street, Brighton.

However, please note that a TasGas network valve is in close proximity to the property boundary and requires unrestricted access at all times.

We request that any food trucks be kept at least 5 metres away from the valve to ensure safe and clear access.

Council Officer Comment

The representations received do not raise any matters that warrant changes to the draft amendment and does not affect the draft amendment meeting the LPS criteria.

The future food truck location on the site is located well away from property boundaries. The exact location of the food trucks on the site will be determined through Council's food truck policy approval process.

Conclusion

The representations received do not raise any matters that warrant changes to the draft amendment and does not affect the draft amendment meeting the LPS criteria.

On this basis, it is recommended that Council, pursuant to section 40K of the Act, provides to the TPC this report and the representations so the draft amendment can be determined accordingly.

Options:

1. To adopt the recommendation; or
2. To adopt an alternative recommendation satisfying the provisions of section 40K of the Act, with a full statement of reasons as determined by Council.

RECOMMENDATION:

That Council resolves to:

- a) Pursuant to Section 40K(1) of the *Land Use Planning and Approvals Act 1993*, provide this report and the representations provided as attachment A regarding draft amendment RZ 2024/ 004 to the Tasmanian Planning Commission.
- b) Pursuant to section 40K(2)(a) of the *Land Use Planning and Approvals Act 1993*, provide to the Tasmanian Planning Commission a copy of each of the representations that were received during the advertising of draft amendment RZ 2024/ 004.
- c) Pursuant to section 40K(2)(c) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmanian Planning Commission that the representations received during advertising do not warrant modifications to draft amendment RZ 2024/ 004 as detailed in this report.
- d) Pursuant to section 40(K)(2)(d) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the planning authority is satisfied that draft amendment RZ 2024/ 004 of the LPS meets the LPS Criteria.

DECISION:

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

CARRIED

VOTING RECORD

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

12.2 Back Tea Tree Road, Tea Tree (CT 121954/1 - Subdivision (11 Lots) including construction of road and accesses over 39, 40 & 41 Rosewood Lane and vegetation clearance SA 2021/42

Author: Strategic Planner (B White)

Authorised: Director Development Services (A Woodward)

Applicant:	D G J Potter
Subject Site:	Back Tea Tree Road, Tea Tree (CT 121954/1) & part of 39, 40 & 41 Rosewood Lane
Proposal:	Subdivision (11 lots), construction of road and accesses over 39, 40 and 41 Rosewood Lane and vegetation clearance.
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	<ul style="list-style-type: none"> Landscape Conservation
Codes:	<ul style="list-style-type: none"> Bushfire Prone Areas Code Road and Railway Assets Code Natural Assets Code Landslide Code
Local Provisions:	N/A
Use Class:	N/A. Subdivision does not require classification (refer 6.2.6 of TPS)
Discretions:	<ul style="list-style-type: none"> Clause 22.5.1 Lot Design Clause C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction Clause C7.7.1 Subdivision within a waterway and coastal protection area or a future coastal refugia area Clause C7.7.2 - Subdivision within a priority vegetation area Clause C15.7.1 Subdivision within a landslip hazard area
Representations:	<p>2 representations were received. The representors raised the following issues:</p> <ul style="list-style-type: none"> Location of building envelopes within effluent irrigation scheme buffer under the Attenuation Code.

	<ul style="list-style-type: none"> • Queries regarding future access strips and fencing at Rosewood Lane • Queries regarding future easements over properties at Rosewood lane.
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2021/0042.

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. EXECUTIVE SUMMARY

The proposal is for a 11 lot subdivision in the landscape conservation zone, with lots ranging in size from 20ha to 24.26ha. It involves the construction of a new 2km Council Road via Back Tea Tree Road as well as upgrading an existing access off Rosewood Lane over an existing right of way easement.

Some vegetation clearance is proposed, including 'Priority Vegetation' under the Natural Assets Code of the Tasmanian Planning Scheme – Brighton ('the Scheme').

The application was supported by a variety of background reports including a natural values assessment, landslide assessment, visual impact assessment, onsite wastewater assessment and traffic impact assessment.

It is noted that the recommendations of the supporting reports have at times not been reflected on the subdivision plans, particularly the building envelopes. Council Officers did request that the applicant ought to bring together the submitted reports into a submission which addresses the Scheme, however, the applicant did not provide this information. To try and bring the application to a conclusion, Council Officers propose to use conditions to clarify anomalies between the submitted reports and fill in gaps in submitted information.

Council advertised the application between the 22nd October and 7th November 2024. During this time two (2) representations were received which were primarily regarding the proximity of building envelopes within lots 9, 10 and 11 to the existing effluent (recycled water) irrigation scheme, operated by Rosewood Waste Water Redistribution Pty Ltd, currently on land at 40 Rosewood Lane. There is a 250m buffer from this activity under the Attenuation Code of the Scheme.

In response to the representations, the applicant reconfigured the building envelopes of lots 9-11 to be moved outside the required buffer under the Attenuation Code of the Scheme. The applicant provided updated reports where relevant to support moving these building envelopes clear of the buffer. The representors were sent the updated plan, and it was explained that the application would not be re-advertised due to the changes to the application being so minor.

As will be detailed in this report, it is considered the application satisfies all relevant standards of the Landscape Conservation Zone and relevant codes subject to a range of conditions, and so a permit is recommended to be granted by the Planning Authority.

3. SITE ASSESSMENT

The subject site is located on Back Tea Tree Road, Tea Tree, on land known as CT 121954/1. It has an area of 231.9ha, is zoned Landscape Conservation, and been used in recent times for limited grazing of livestock. The site is located on northern hills of the Meehan Range rising from 90m near Back Tea Tree Road to 305m above sea level on Jews Hill.

The surrounding area consists of low-density lifestyle lots interspersed with low intensity agricultural uses.

The zoning of the site and surrounds is shown In Figure 1.

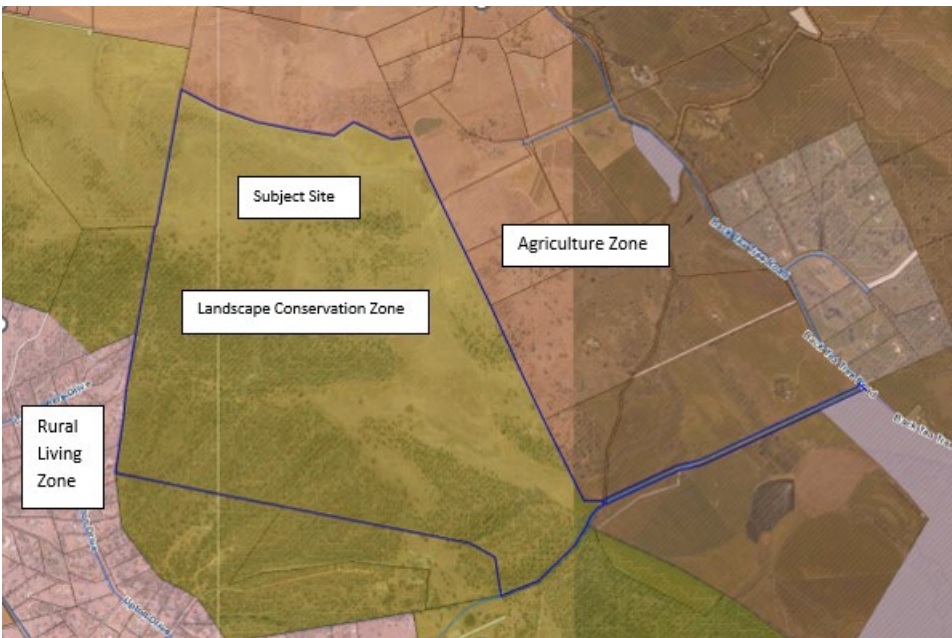


Figure 1 Zoning Context (Source: The List)

The site is an internal lot with frontage and access to Back Tea Road via a 1.5km unsealed access strip shared by other adjoining owners along the southeastern edge of the site. The site also has access to Rosewood Lane via existing rights of way over 40 and 41 Rosewood Lane along the northeastern edge of the site.

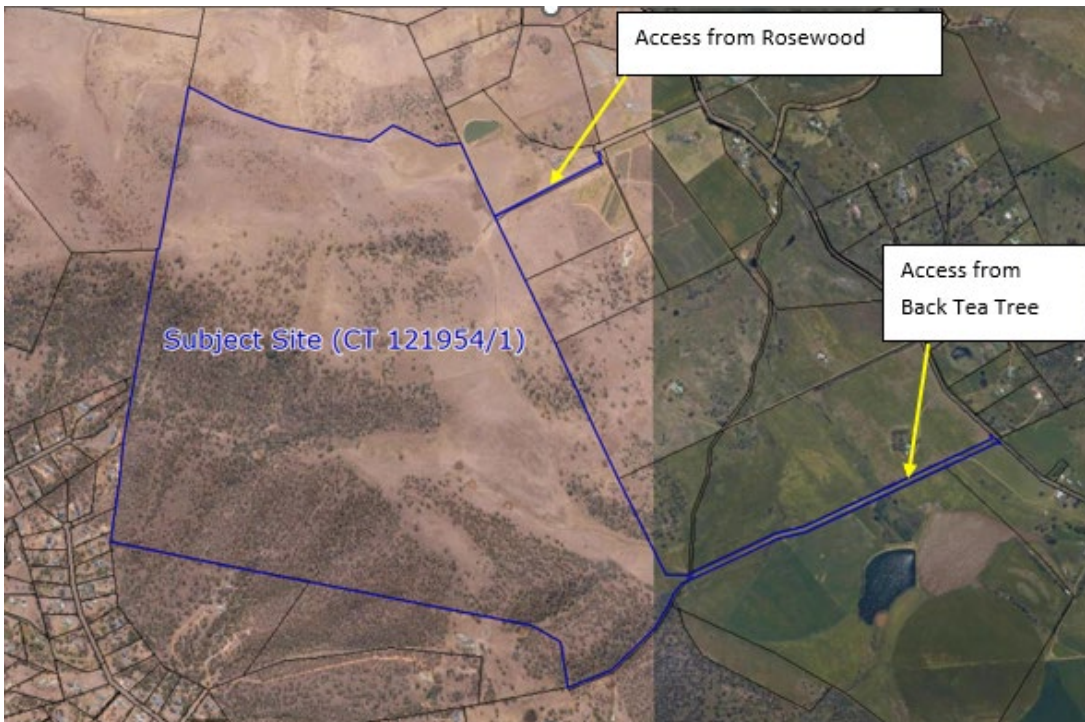


Figure 2 Subject Site and Access (Source: The List)

3.1. Natural Values

3.1.1. Flora and Fauna

The site consists of a mixture modified agricultural land, native grassland and woodland. It contains the following five (5) native vegetation communities:

- Eucalyptus viminalis grassy forest and woodland (DVG) – 48.53 ha in study area.
- Eucalyptus amygdalina forest and woodland on sandstone (DAS) – 44.82 ha in study area.
- Bursaria-Acacia woodland (NBA)– 9 ha in study area.
- Lowland Grassland Complex (GCL) – 1.90 ha in the study area
- Lowland Themeda Grassland (GTL) – approx. 7 ha

The majority of the woodland species occurs in the southwestern corner of the site. The native grassland occurs more in the northwestern corner. The remainder of the site is best described as modified agricultural land.

The Natural Values Assessment ('NVA') by North Barker describes the two forest communities as being in poor to moderate condition, compromised by location (edge effects), exotic species, and in some areas tree dieback. Further, a high level of native grazing is evident in southwestern area of extensive bushland (DAS), which is limiting the regeneration of native woody understorey species.

The Natural Values Assessment ('NVA') by North Barker provides a further commentary of the condition of the native species, and status under Tasmanian and Federal environmental law, which is summarised in Table 1.

Species	Conservation Status	Comment
Eucalyptus viminalis grassy forest and woodland (DVG)	Not listed under the <i>Nature Conservation Act 2002</i> ('NVA').	Community in poor condition. Old growth characteristics are absent, and crown dieback is common. Much of the area surveyed is subject to edge effects that include a diversity of introduced weed species from the surrounding pasture.
Eucalyptus amygdalina forest and woodland on sandstone (DAS)	Threatened community under the NVA.	Old-growth characteristics are absent, potentially a result of historic firewood collection. Edge effects were evident in this community, with weedy grasses from nearby pasture also being common throughout the understory.
Bursaria-Acacia woodland (NBA)	Not listed under the Tasmanian NCA.	The shrub and ground cover layers are relatively species poor with weedy pasture species are also common.
Lowland Grassland Complex (GCL)	Not listed under the Tasmanian NCA.	These lots are subject to grazing. GCL is typically derived from the degradation of grassy native vegetation. Non-native grasses from adjacent pastures are present.

Table 1 Native Species Commentary

The NVA mapped the vegetation on site and the proposed subdivision layout as follows. Note that the building envelopes on lots 9 -11 have changed slightly as a result of the changes required due to matters raised in representations.

In response to the representations and changes to the building envelopes on lots 9-11, an addendum to the NVA was provided.

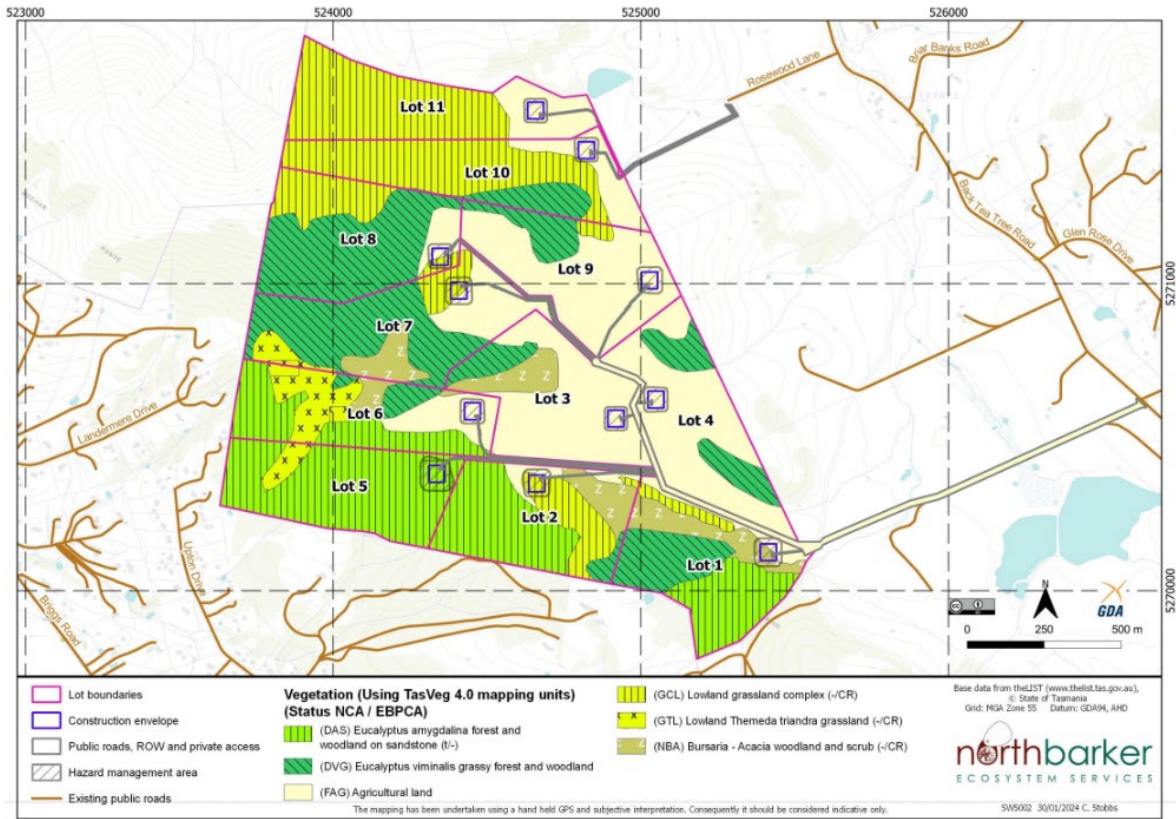


Figure 3 Vegetation Mapping (Source: North Barker)

Most of the site is mapped as being "Priority Vegetation" under the Natural Assets Code of the Scheme, as shown in Figure 4 below.

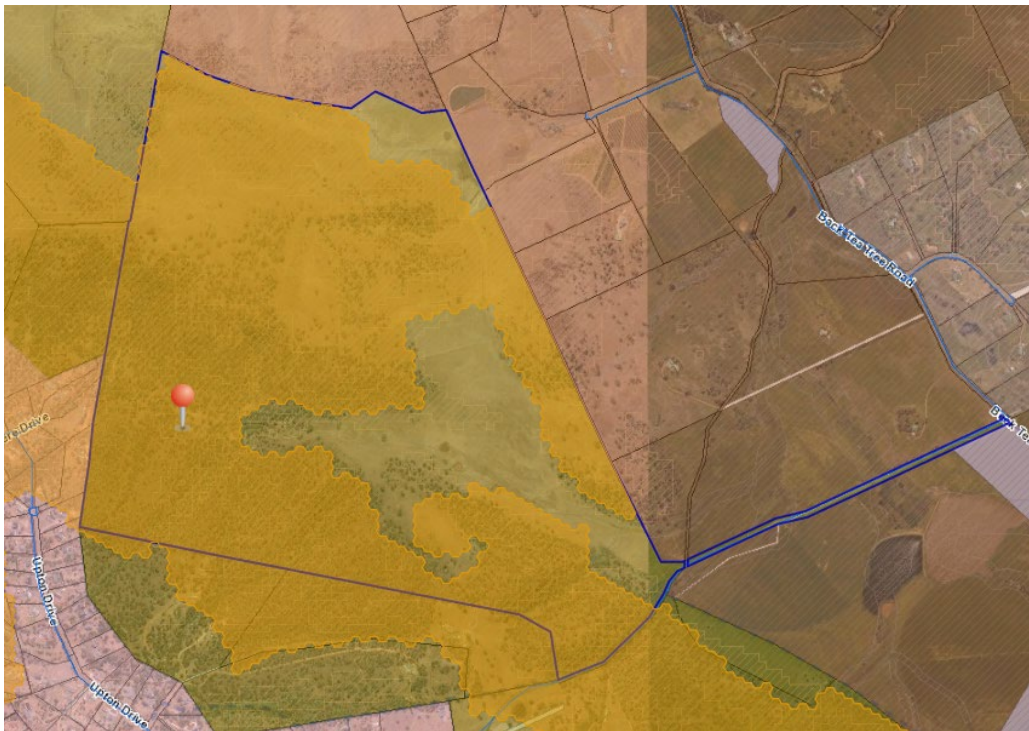


Figure 4 Priority Vegetation Mapping (Source: The List)

The NVA addresses possible fauna species on site and found no sign or presence of threatened fauna during the survey.

The NVA found that five species of declared weeds under the Tasmanian Weed Management Act 1999 and a single environmental weed occur in the study area.

3.1.2. Waterways

The site contains several farm dams and minor watercourses which are mapped under the Natural Assets Code of the Scheme, as shown in Figure 5 below.

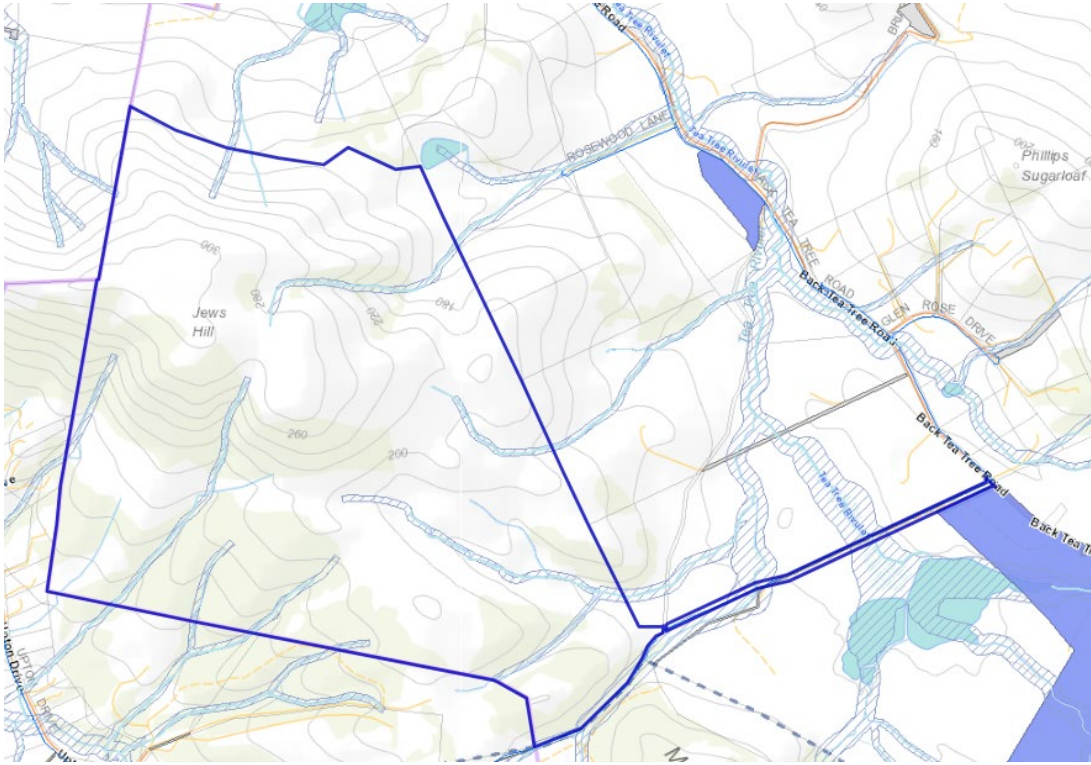


Figure 5 Waterway and Coastal Protection Mapping (Source: The List)

3.2. Scenic Values

The site is zoned Landscape Conservation under the Scheme.

To address the provisions of the zone, the applicant provided a Landscape and Visual Impact Assessment ('VIA').

3.3. Natural Hazards

The site is subject to the Bushfire Prone Areas Code and the Landslide Code of the Scheme.

The Bushfire Code covers the entire site. A Bushfire Hazard Management Plan ('BHMP') has been provided to address the Code. An addendum to the report was provided to address the changes to the building envelopes because of the representations received.

The Landslide Code covers part of the site and is mapped as being within the low and medium hazard bands. A landslide report has been provided to address the Code.

The extent of the landslide mapping is shown below In Figure 6.

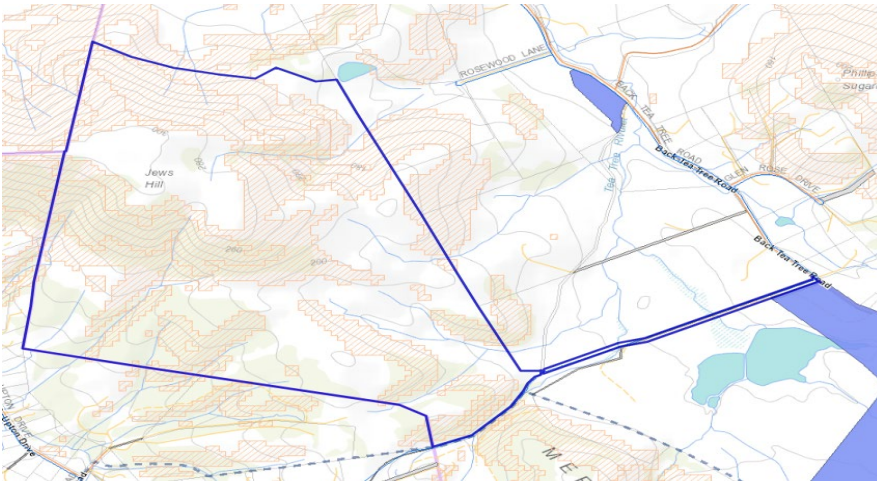


Figure 6 Landslide Mapping (Source: The List)

4. PROPOSAL

The proposed subdivision is to divide CT 121954/1 into 11 lots ranging in size from 20ha to 24.26ha.

The subdivision layout amended as a result of the representations received is shown In Figure 7.

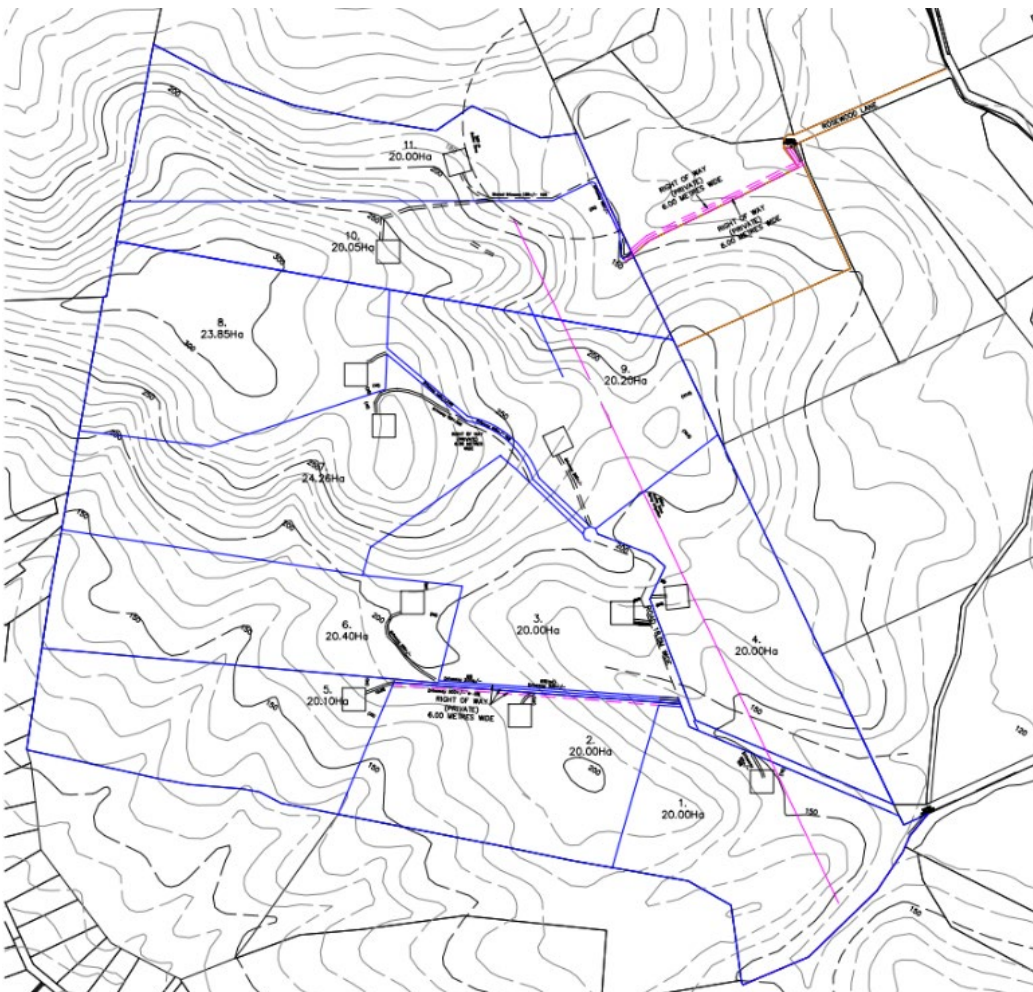


Figure 7 Subdivision Layout

The proposal will require vegetation clearance for access and bushfire management for future dwelling sites. Building envelopes are provided on each lot to respond to and avoid site constraints.

The majority of vegetation clearance is to occur on future Lot 5, where approximately 1ha of *Eucalyptus amygdalina* forest and woodland on sandstone will need to be cleared for bushfire management and access. This species is listed as threatened under the *Nature Conservation Act 2022*.

Nine of the lots will be served from the existing right of way that connects onto Back Tea Tree Road, which will require the construction of a new junction.

The other two lots (10 & 11) will each have a right of way that will connect onto Rosewood Lane, which then connects back onto Back Tea Tree Road, 1.3 kms west of the property's right of way. The existing right of way will be upgraded to meet bushfire requirements, as shown in Figure 8.

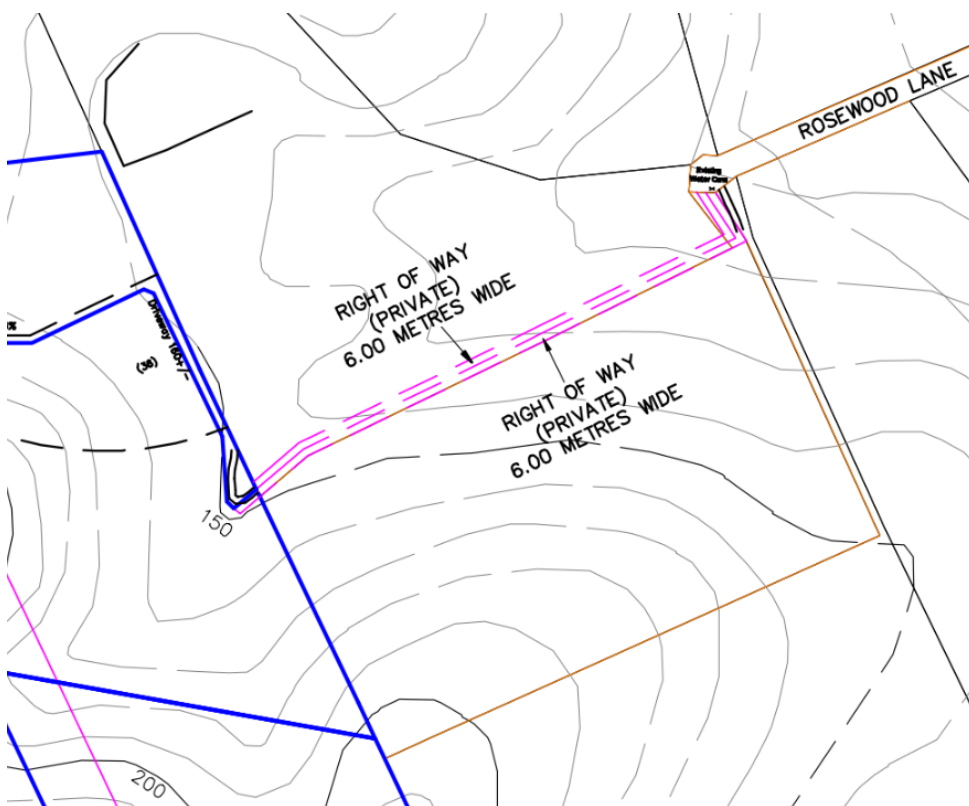


Figure 8 Right of way to access lots 10 and 11

The new road off Back Tea Tree Road will be unsealed and constructed to meet TSD R01 Rural Roads Unsealed, of the LGAT Standard Drawings.

The internal driveways will all also be unsealed, apart from Lot 10, which will need to be sealed to meet bushfire requirements as it has a gradient exceeding 18%.

The proposal will not be connected to reticulated water or sewer. Onsite wastewater disposal is required as detailed in the submitted report. The lots will also require an onsite water supply and stormwater detention. TasNetworks have raised no concerns with servicing the site with electricity.

The application is supported by the attached plans and a range of reports provided as Attachments A – H.

4.1. Changes to Original Plans Submitted

During advertising of the application, two representations were received which both alerted Council Officers that there is an existing effluent (recycled water) irrigation scheme, operated by Rosewood Wastewater Redistribution Pty Ltd (the Scheme), located on an adjoining property at 40 Rosewood Lane which abuts future lots 10 and 11.

The Attenuation Code of the Scheme stipulates a 200m - 250m buffer from this use for sensitive uses or for building enveloped for subdivision. The advertised plans show lots 9 -11 being within the buffer, as shown In Figure 9 below.

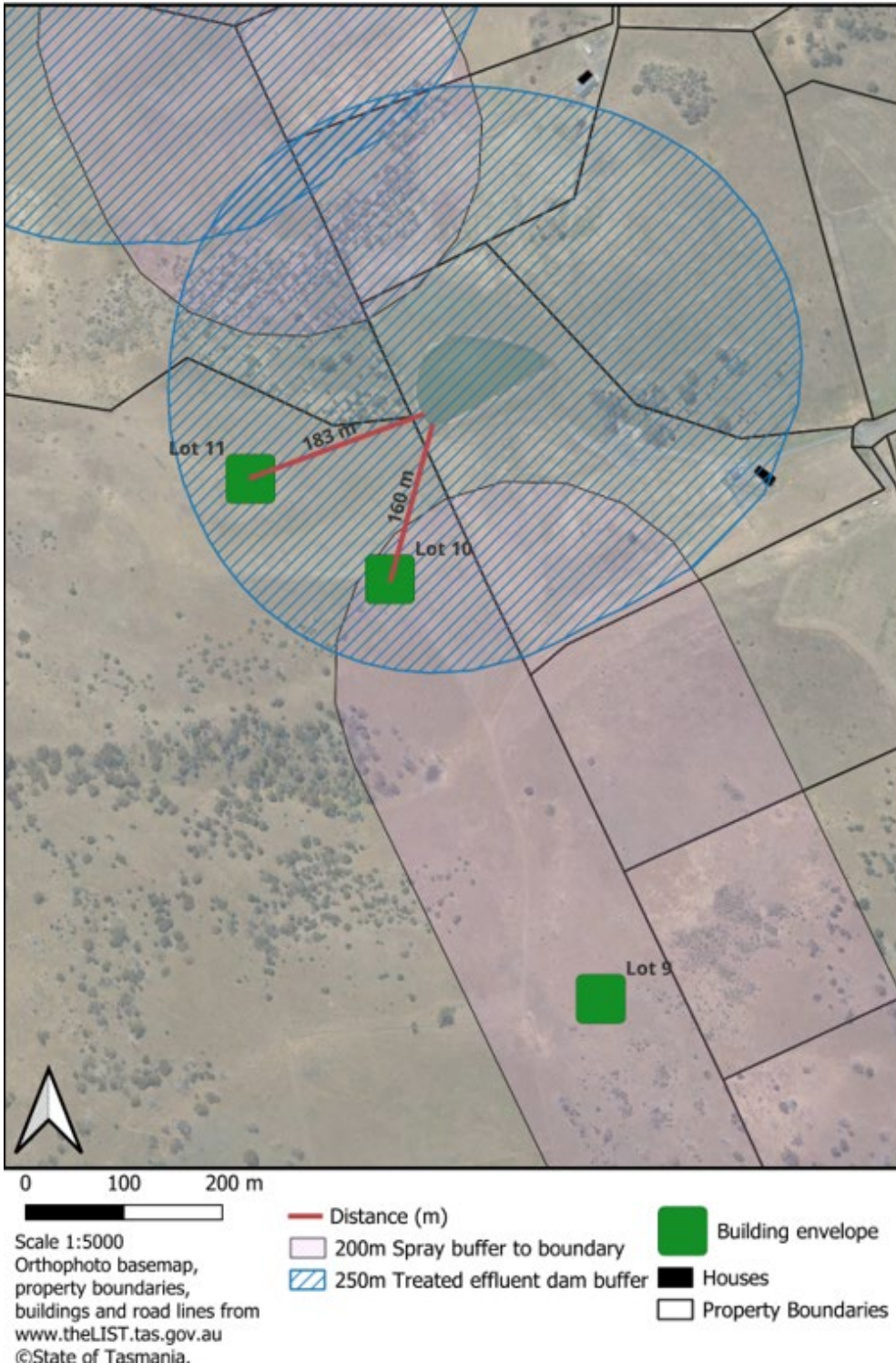


Figure 9 Buffer from recycled water scheme (Source: Representation)

The applicant responded to the representations by moving the building envelopes of lots 9-11 to be outside the buffer areas. Supporting reports were updated accordingly where relevant. Council Officers decided the changes to the application were minor enough to not warrant re-advertising. The representors were sent the updated plan and informed of the decision not to re-advertise.

4.2. Anomalies In Building Envelopes

There are anomalies between the building envelopes recommended in the supporting reports and those on the current subdivision plans. Council Officers will recommend a suite of conditions to deal with this issue to try and bring this application to a conclusion.

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 Landscape Conservation Zone, and future development of each lot will be assessed against the provisions of the relevant zone.

Compliance with Performance Criteria

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

Landscape Conservation Zone

Clause 22.5.1 - Lot Design

Objective:	
That each lot:	
(a) has an area and dimensions appropriate for use and development in the zone;	
(b) contain areas which are suitable for development, located to protect and conserve landscape values; and	
(c) is provided with appropriate access to a road.	
Acceptable Solutions	Performance Criteria
A1 Each lot, or a proposed lot in a plan of subdivision, must:	P1 Each lot, or a proposed lot in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:
(a) have an area of not less than 50ha and:	(a) the relevant Acceptable Solutions for development of buildings on the lots;
(i) be able to contain a minimum area of 25m x 25m, where native vegetation cover has been removed, with a gradient not steeper than 1 in 5, clear of:	(b) existing buildings and the location of intended buildings on the lot;
	(c) the ability to retain vegetation and protect landscape values on each lot;

<p>a. all setbacks required by clause 22.4.2 A2, A3 and A4; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 22.4.2 A2, A3 and A4;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>(d) the topography of the site; and</p> <p>(e) the pattern of development existing on established properties in the area, and must have an area not less than 20ha.</p>
--	--

Comment: Complies with P1

All of the lots are under 50ha so assessment against the Performance Criteria is required.

The applicant has provided a Visual Impact Assessment (VIA) to address the standards of the zone.

The VIA made the following key points in its view analysis, and observer position and duration of view analysis, of the proposal:

1. The visibility of the 11 proposed build locations varies based on their position in the landscape.
2. The internal road network is low and only visible from certain locations on Back Tea Tree Road to the south.
3. Most views of the development from the south are from uninhabited areas.
4. Vegetation screening is important for preserving the view of individual building envelopes, and unnecessary vegetation clearance outside of bushfire management should be avoided.
5. Local residents are familiar with a similar physical setting to the proposed subdivision, which reduces their sensitivity to the changes, as the valley patterning will not be significantly altered.
6. Most views of the subdivision will be from Back Tea Tree Road and local roads in Honeywood, with mostly oblique views and some focused views from Honeywood.

7. Extended viewing from private residences in Tea Tree Valley, Honeywood, and Baskerville Road will primarily show the effects of vegetation clearance for bushfire management, but residents' sensitivity to these changes is reduced due to the alignment with existing land uses.

The VIA concluded that the potential for visual impacts of the proposal is **low to moderate** with some variation depending on the location of the lot in the landscape and the ability of retained vegetation to screen the views.

The VIA states that:

Vegetation screening is important for all lots with the exception of lot 7 on the creek line. Lots 3, 4, and 5 are particularly visible both north and south because of their placement at higher points on the site.... All vegetation should be retained outside of the areas where the BHMP requires it to be removed.

The VIA also concludes that the future dwellings on the lot should be finished in muted colours to reduce visual impacts and, ultimately, that excessive vegetation clearance be avoided.

The BHMP sets out the hazard management areas for each proposed lot which are areas where vegetation needs to be managed to a low fuel state. The NVA has then assessed the vegetation required to be disturbed in each lot including for future access.

Most of the lots can achieve their hazard management areas and access without significantly impacting on vegetation as they are located on agricultural land currently utilised for grazing.

Lot 5, however, will require the removal of 1ha of a threatened vegetation community for its access and hazard management area. Lot 6 will require the removal of some of the community for access however far less than Lot 5.

What follows is a summary of the assessment of the performance criteria having regard to the VIA, BHMP and NVA.

It is considered that the future building envelopes on the lots as per the BHMP, NVA and VIA have been located in a manner which could reasonably comply with the acceptable solutions of the zone in terms of setbacks of buildings on the lots, setbacks from agricultural zoned land and future finishes (a).

The submitted documents show the intended locations of dwellings on the each of the lots via building envelopes. It is considered the location of the building envelopes would allow for the reasonable future use of the lots (b).

The BHMP and NVA shows future lot 5 requiring the removal of 1ha of vegetation for bushfire management, with Lot 6 requiring far less for access. The NVA states that clearing for bushfire management will alter the visual impacts of the lots and that retaining vegetation will mitigate the visibility of the subdivision.

It is considered that future Lot 5 has not been located in a manner which will retain vegetation and protect landscape values. The lot is vegetated with Eucalyptus amygdalina forest and woodland on sandstone, as shown in Figure 10.

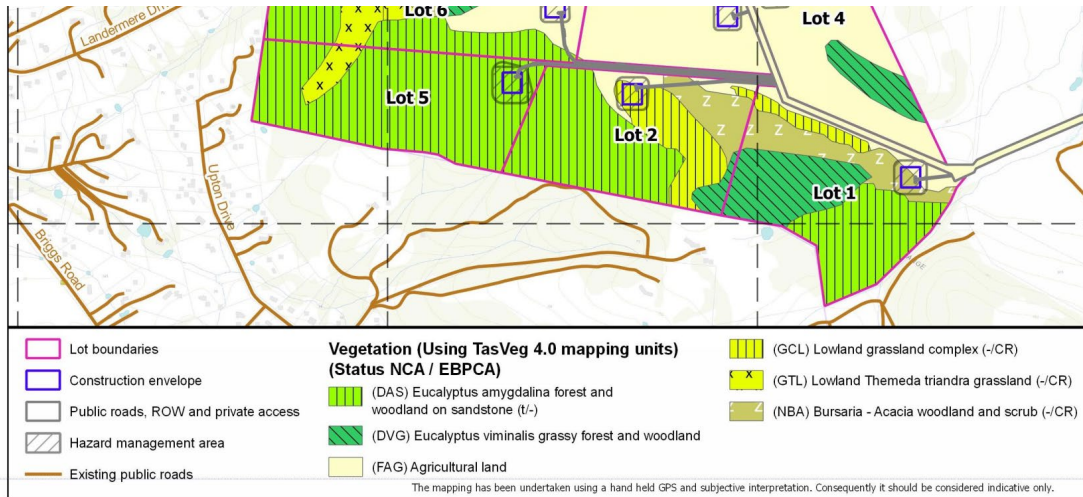


Figure 10 Building Envelope of Lot 5 within Eucalyptus amygdalina forest and woodland on sandstone

The VIA mentions the importance of retaining Eucalyptus amygdalina forest and woodland on sandstone on site in its assessment of P1 (c):

modelling (DSM) show the effectiveness of retaining the Eucalyptus amygdalina and E.viminalis forest and woodland. Within the constraints of the BHMP requirements, retention of existing established trees and pockets of vegetation on each lot and surrounding the subdivision will assist in mitigating the level of visibility.

It is considered that, having regard to the purpose of the standard, the lots can satisfy P1(c) apart from Lot 5. There has been no attempt to locate Lot 5 in a manner which reduces the need to clear vegetation.

A condition will require that Lot 5 is combined with Lot 2 to form one lot. A further condition will require that a Part 5 Agreement is entered into which restricts vegetation clearance on the sites to that required for bushfire management. It will also require that the building envelopes are indicated/ pegged on the sites for ease of identification during construction.

Subject to these conditions, the proposal can satisfy (c).

The topography of the site means that there are limitations on some of the lots in terms of future dwelling locations due to visual impacts, threatened vegetation and bushfire protection etc.

Regarding topography, the VIA states that:

Topography plays a vital primary role in concealing intended residences from being widely seen in the landscape. Should vegetation be removed through means such as bushfire, the topography can be relied on to conceal some of the build sites from views. Siting of build locations lower in the landscape reduces their visibility. Residence rooflines should be kept as low as achievable within site constraints.

It is considered that the location of the building envelopes has reasonably responded to topography. The zone standards for dwellings will require that future dwellings are designed to minimise landscape/ visual impacts.

The proposal is assessed as satisfying (d).

It is considered that there is an existing pattern of low density lifestyle lots nearby (e).

Subject to conditions the proposal can satisfy P1.

22.5.1 Lot Design – A2

Objective:	
That each lot:	
<ul style="list-style-type: none"> (a) has an area and dimensions appropriate for use and development in the zone; (b) contain areas which are suitable for development, located to protect and conserve landscape values; and (c) is provided with appropriate access to a road. 	
Acceptable Solutions	Performance Criteria
<p>A2</p> <p>Each lot, or a proposed lot in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities must have a frontage of not less than 40m.</p>	<p>P2</p> <p>Each lot, or a proposed lot in a plan of subdivision, must be provided with a frontage, or legal connection to a road by a right of carriageway that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (b) the topography of the site; (c) the functionality and useability of the frontage; (d) the anticipated nature of vehicles likely to access the site; (e) the ability to manoeuvre vehicles on the site; (f) the ability for emergency services to access the site; and (g) the pattern of development existing on established properties in the area, <p>and is not less than 3.6m wide.</p>

Comment: Complies with P2.

The lots are shown as having either a frontage to a Council maintained road or having access to a Council maintained road via a right of way.

Lots 1, 3 and 4 will have more than 40 metres of road frontage with the new internal subdivisional road, complying with the acceptable solution. While the remaining lots will have less than 40 metres of road frontage and will need to be assessed against the performance criteria P2, ensuring each lot has a legal connection to a road by a right of carriageway.

The applicant has provided a TIA which addressed P2.

The TIA opines that the proposal can satisfy P2 due to:

- a) The new subdivision road will have adequate traffic capacity to support the proposal.
- b) The topography of the site will allow right of ways to be constructed with suitable vertical grades to provide appropriate level of service for residents as well as emergency vehicles.
- c) The right of ways are necessary due to the lot being internal. The property already having access over rights of way over properties on Rosewood Lane which are to be upgraded.
- d) The likely traffic volumes over the right of ways will be commensurate to low density residential uses.
- e) The right of ways are of sufficient width for emergency vehicles.
- f) There is an existing pattern of development nearby of lots relying on right of ways for access.
- g) Each right of way has a width of at least 3.6m.

Council's development engineers have recommended approval for the internal road layout subject to conditions.

22.5.1 Lot Design

Objective:	
That each lot:	
(a) has an area and dimensions appropriate for use and development in the zone;	
(b) contain areas which are suitable for development, located to protect and conserve landscape values; and	
(c) is provided with appropriate access to a road.	
Acceptable Solutions	Performance Criteria

<p>A4</p> <p>No acceptable solution.</p>	<p>P4</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be capable of accommodating an on-site wastewater management system adequate for the intended use and development of the land, which minimises any environmental impacts.</p>
--	---

Comment: Complies with P4

The submitted onsite wastewater report demonstrates the lots can accommodate an onsite wastewater system that can satisfy the performance criteria. The report concludes the lots are only suitable for the on-site disposal of wastewater using a licensed Aerated Wastewater Treatment System or modified trench septic or other approved system. A condition relating to the installation of an AWTS this is recommended.

Clause C2.6.3 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>

Comment: Complies with P1

The proposal includes a new road access from Back Tea Tree Road, as well as across the right of way accessed from Rosewood Lane.

Council's development engineers have reviewed the submitted TIA and its response to the performance criteria and agree the proposal can satisfy P1 subject to conditions.

Clause C3.5.1 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</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> <ul style="list-style-type: none"> (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road. 	<p>P1</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>A1.5</p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	
---	--

Comment: Complies with P1

The proposal requires a new junction on Back Tea Tree Road . Written consent was not issued by the road authority (A1.2), and the vehicle movements exceed the amounts in Table C3.1 so the performance criteria must be assessed.

Council's development engineers have reviewed the submitted TIA and agree the proposal can satisfy the P1 subject to conditions.

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

Objective:	
<p>That:</p> <p>(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</p> <p>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets</p>	
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> <p>(a) be for the creation of separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p>	<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> <p>(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</p> <p>(b) future development likely to be facilitated by the subdivision.</p>

<p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(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>	
---	--

Comment: Complies with P1

The plan shows building envelopes outside the mapped overlays, however the applicant has not specifically addressed the Code in terms of the future road layout. It is considered that the proposal can satisfy P1 subject to conditions requiring the road construction be undertaken in accordance with the Waterways and Wetlands Works Manual where it crosses waterways.

Clause C7.7.2 - Subdivision within a priority vegetation area

Objective:	
That:	
<p>(a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and</p> <p>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.</p>	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <p>(a) be for the purposes of creating separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p>	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:</p> <p>(a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;</p> <p>(b) subdivision for the construction of a single dwelling or an associated outbuilding;</p>

<p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</p>	<p>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</p> <p>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</p> <p>(e) subdivision involving clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</p> <p>(f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p> <p>P1.2</p> <p>Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <p>(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;</p> <p>(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;</p> <p>(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;</p> <p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p> <p>(f) any existing cleared areas on the site</p>
--	--

Comment: Complies with P1.1 and P1.2

The proposal must be assessed against the performance criteria due to non-compliance with A1(e).

The submitted NVA has mapped the extent of vegetation on the each of the lots, as shown previously in Figure 3.

An addendum to the NVA was provided in response to the representations which shifted the building envelopes of lots 9-11, shown in Figure 12.

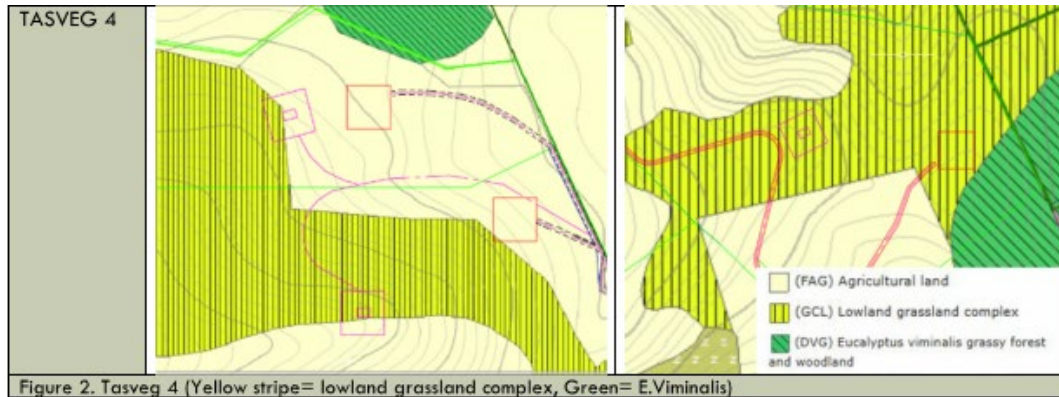


Figure 11 Amended Building Envelopes

The NVA states that the majority of building areas and bushfire management areas are largely located on 'agricultural land' (FAG on the List).

The NVA has mapped five native vegetation communities on site as previously described in Table 1. The most significant impact on vegetation will be on Lot 5, where some 1ha of the threatened vegetation community (DAS) will be cleared for a future bushfire protection area.

The far southwestern part of the study area on Lots 5, 6 and 7 are mapped as containing Lowland Grassland Complex (NGL). No impact on the species are anticipated. The NVA also stated that the NGL within the part of the site to be developed has been heavily degraded due to the current land usage (sheep grazing). The NVA opines that the proposed subdivision may actually provide scope for recovery and management of the vegetation on the site, including NGL.

The NVA also found other species of conservation significance on site with five listed as threatened under the *Tasmanian Threatened Species Protection Act 1995*. Those species were mostly found to be outside the 'impact areas' on the lots.

The NVA addressed the performance criteria of the standard in its original report and the addendum.

The NVA relied on clause P1.1 (e) and (f) to satisfy this part of the standard.

Regarding (e) the NVA states:

Currently, the land proposed for subdivision, including the areas subject to the natural assets code for priority vegetation is used for agricultural purposes in the form of sheep grazing. This has resulted in the degradation of the native vegetation to the point where bare ground and declared weeds and the introduction of non-native pasture species have become dominant features in parts of the study area. The current land use does not ensure the long term persistence of the little priority vegetation remaining within the study area.

The subdivision of this land is for the purpose of developing 11 low density residential lots and hence the change in land use may in fact provide the opportunity for the current vegetation communities to recover to a more natural state.

Regarding (f), the NVA states:

On lots 5 and 6~1.0 ha of priority vegetation (DAS) will be impacted through the creation of a building area, driveway(s) and associated hazard management area.

This equates to ~2 % of the extent of priority vegetation mapped across the study area.

The proposal meets performance criteria P1 (e) and (f).

It is noted that the key issue for natural values on the site is the clearance of 1ha of a threatened native vegetation community on future lot 5. It is considered that all other lots have building envelopes, including the amended lots 9-11, that can comply with both P1.1 and P1.2 subject to conditions as per the findings of the NVA.

Regarding lot 5, it is not agreed with the view in the NVA that the on-going pre-existing management cannot ensure the survival of the threatened vegetation and there is little potential for long-term persistence.

The current grazing (resource development use) use of the site is prohibited under the Landscape Conservation Zone of the Scheme. If Council pursued this prohibited land use and it ceased, then this would effectively lead to the improvement of the species on site. Therefore, there is potential for long-term persistence of the species apart from clearing 1ha through a subdivision. This could be achieved via a condition on the permit prohibiting resource development use of any lots.

It is considered that lot 5 cannot satisfy P1.1 and a condition will require it to be combined with Lot 2.

Regarding P1.2, it is considered that Lot 5 will not minimise adverse impacts on priority vegetation as no attempt has been made to locate the future building envelope clear of the threatened vegetation community.

All other lots can comply with P1.2 subject to conditions.

A condition will require that lot 5 and 2 are combined. A further condition will require that a Part 5 Agreement is entered into which restricts vegetation clearance to that required in the BHMP.

Clause C15.7.1 Subdivision within a landslip hazard area

Objective:	
That: That subdivision within a landslip hazard area does not create an opportunity for use or development that cannot achieve a tolerable risk	
Acceptable Solution	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area, must:	P1 Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area must not create an opportunity for use or development that cannot

<p>(a) be able to contain a building area, vehicle access, and services, that are wholly located outside a landslip hazard area;</p> <p>(b) be for the creation of separate lots for existing buildings;</p> <p>(c) be required for public use by the Crown, a council or a State authority; or</p> <p>(d) be required for the provision of Utilities.</p>	<p>achieve a tolerable risk from landslip, having regard to:</p> <p>(a) any increase in risk from a landslip for adjacent land;</p> <p>(b) the level of risk to use or development arising from an increased reliance on public infrastructure;</p> <p>(c) the need to minimise future remediation works;</p> <p>(d) any loss or substantial compromise, by a landslip, of access to the lot on or off site;</p> <p>(e) the need to locate building areas outside the landslip hazard area;</p> <p>(f) any advice from a State authority, regulated entity or a council; and</p> <p>(g) the advice contained in a landslip hazard report.</p>
--	---

Comment: Complies with P1

G.E.S have prepared a Landslip Risk Assessment report for the development site.

Lots 2, 3, 4, 5, 7 & 8 meet the requirements of acceptable solution A1.

Lots 1, 6, 9, 10 & 11 have been demonstrated to be able to meet the performance criteria P1.

The report has recommended a range of measures to reduce the risk of landslide occurring on those lots to be a tolerable risk. These include:

- Foundations for future dwellings be extended into underlying bedrock
- Cut slopes for construction of dwellings to be constructed using specific slope angles and/or engineered retaining walls
- Cuttings to include specific drainage which are to be assessed at the development application stage
- Specific measures regarding earthworks and the placement of fill.

The requirements and recommendations contained within the report are to be adopted during building and use.

The report requires that a site-specific landslide report is produced for each lot in the hazard areas at the time of a future development application for a dwelling.

The report found that, subject to those recommendations, the development is compliant with section 15.7.1 of the Planning Scheme as it represents a tolerable risk for the life of the use and development.

A condition will require that a Section 71 Agreement is entered into which requires that the future development lots 1, 6, 9, 10 & 11i s undertaken in accordance with the recommendations in Section 7 of the report, excluding Lot 5.

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 advised Council on the 9th October 2024 that, pursuant to the the Water and Sewerage Industry Act 2008 (TAS), Section 56P(1), TasWater has determined that the proposed development does not require a submission from TasWater.

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 in accordance with Council policy.

8. REPRESENTATIONS

Two (2) representations were received during the statutory public exhibition period between 22nd October and 7th November 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 Comment	Response
Location of building envelopes within effluent irrigation scheme buffer under the Attenuation Code. The applicant should address the Attenuation Code.	The applicant has moved the building envelopes of lots 9-11 to be outside of the buffer. The Attenuation Code does not apply.

<p>Concern with future service easements over properties on Rosewood Lane.</p>	<p>A condition of approval will require that all services are contained in easements to the satisfaction of Council and the relevant authority. It is the responsibility of the developer to obtain the necessary easements to complete the subdivision.</p>
<p>Concerns with gates along right of way allowing livestock to be released.</p>	<p>This is a matter between the parties subject to the easements.</p>
<p>Land use conflict between future residents and adjoining agricultural zoned land.</p>	<p>It is considered the building envelopes on the lots are setback a sufficient distance from the agricultural zoned land to avoid land use conflict.</p>

9. CONCLUSION

The proposal for Subdivision (11 Lots) at Back Tea Tree Road (CT 121954/1), 39 Rosewood Lane, 40 Rosewood Lane & 41 Rosewood Lane, Tea Tree – SA 2021/0042 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 2021/0042 for Subdivision (11 Lots) including construction of road and accesses over 39, 40 & 41 Rosewood Lane and vegetation clearance – SA 2021/0042 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(s) prepared by North Barker (01/02/2024) and HED Consulting (31/02/2025) have been complied with.
- (3) All works within, or affecting, waterways, must be carried out in accordance with the environmental best practice guidelines in the Wetlands and Waterways Works Manual published by the Department of Natural Resources and Environment Tasmania and to the satisfaction of Council’s Municipal Engineer.
- (4) Prior to Council sealing the final plans, the developer must submit:
 - (a) an amended subdivision proposal plan showing Lot 5 and Lot 2 combined into one lot, with a building area on Lot 2 as per the originally endorsed plan.
- (5) Where a conflict between the application for planning approval, endorsed drawing and conditions of this permit, the latter prevails.

- (6) 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*.

Building Areas

- (7) The final plan of survey must be endorsed that the lots are subject to building areas consistent with the approved Bushfire Hazard Management Plan(s) and to the satisfaction of Council's Director Development Services.
- (8) The final plan of survey must be endorsed that no buildings are to be constructed outside the building areas.
- (9) The final plan of survey must be endorsed that no vegetation is to be removed outside the building areas unless required for access as per the approved Bushfire Hazard Management Plan(s).

Agreements

- (10) 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.
- (11) 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) Vegetation clearance on the lots is restricted to that required by the approved Bushfire Hazard Management Plan(s).
 - (b) Building areas on the lots should be clearly defined on site prior to construction via pegs or similar.
 - (c) Impacts to vegetation outside of the building areas should be avoided by defining the extent of clearance required on each lot including the parking and use of vehicles and the storing of materials from native habitats.
 - (d) Future Onsite wastewater systems on the lots must be in accordance with the recommendations and requirements listed in the On-Site Wastewater Assessment (Geo Environmental Solutions – September 2023, updated 2024).
 - (e) Future development on lots 1, 6, 9, 10 & 11 are subject to the recommendations and requirements listed in the Landslip Risk Assessment (Geo Environmental Solutions – January 2023, updated 2024).

Staged development

- (12) 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

- (13) 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

- (14) 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 unimproved value of the land being subdivided 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.

- (15) 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

- (16) 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

- (17) 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.
- (18) 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.
- (19) 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.
- (20) The subdivider must pay any Titles Office lodgement fees direct to the Recorder of Titles.

Landscaping

- (21) The road reserves 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.

Landslip

- (22) The final plan of survey must be endorsed that lots 1, 6, 9, 10 & 11 are subject to the recommendations and requirements listed in the Landslip Risk Assessment (Geo Environmental Solutions – January 2023, updated 2024).

Wastewater

- (23) The final plan of survey must be endorsed that lots 1, 6, 9, 10 & 11 are subject to the recommendations and requirements listed in the Landslip Risk Assessment (Geo Environmental Solutions – January 2023, updated 2024).

Engineering

- (24) 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.

- (25) 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.

- (26) 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.
- (27) Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
- (28) 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

- (29) 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.
- (30) Any existing services shared between lots are to be separated to the satisfaction of Council's Municipal Engineer.
- (31) Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.

Advice: The Subdivider is responsible for liaising with the property owners of 40 Rosewood Lane for the duration of the works for all matters impacting their land, including planned construction works.

Roadworks

- (32) 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.
- (33) 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. Sealed surface;
 - iii. 7m min. carriageway width (comprising 6.0m minimum seal width and 0.5m min. gravel shoulders either side);
 - iv. 12.0m min. outside radius (carriageway) cul de sac
 - v. Stormwater table drain on both sides;
- (34) The cul de sac turning head surface course must be constructed with a hotmix asphalt, in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's Chief Executive Officer.
- (35) A 50km/h speed limit sign is to be provided for the new subdivision road at the Back Tea Tree Road intersection at the developers cost.
- (36) A street name sign is to be provided for the new subdivision road at the Back Tea Tree Road intersection at the developers cost.
- (37) A vehicle access must be provided from the road carriageway to service each lot.

- (38) Vehicular accesses must be located and constructed in accordance with the standards shown on standard drawings TSD-R03 Rural Roads Typical Property Access, TSD-R04 Rural Roads Typical Driveway Profile and TSD-RF01 Guide To Intersection And Domestic Access Sight Distance Requirements prepared by the IPWE Aust. (Tasmania Division), or as otherwise required by this permit, and the satisfaction of Council's Municipal Engineer.
- (39) Where building envelopes are provided the vehicular accesses must be constructed from the public road to the building envelope of each lot.
- (40) Vehicular accesses must be constructed for the entire length of any Right of Way.
- (41) Unless approved otherwise by Council's Municipal Engineer, vehicular accesses must be:
- (a) all-weather construction;
 - (b) load capacity of at least 20t, including for bridges and culverts;
 - (c) minimum carriageway width of 4m;
 - (d) minimum vertical clearance of 4m;
 - (e) minimum horizontal clearance of 0.5m from the edge of the carriageway;
 - (f) cross falls of less than 3 degrees (1:20 or 5%);
 - (g) dips less than 7 degrees (1:8 or 12.5%) entry and exit angle;
 - (h) curves with a minimum inner radius of 10m;
 - (i) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads, and 10 degrees (1:5.5 or 18%) for unsealed roads
 - (j) passing bays of 2m additional carriageway width and 20m length provided every 200m where the access length is 200m or greater
 - (k) passing bays of 2m additional carriageway width and 20m length must be provided every 100m where the access services 3 or more properties.
 - (k) Drained to the public stormwater system, or contain stormwater on the site
 - (a) Sealed passing bay 5.5m wide x 6m min length located at the edge of the public road
 - (b) As required by the endorsed Bushfire Hazard Management plan(s)

Advice: Detailed design for the vehicle accesses and culverts at waterway crossings, including:

- (a) Culvert size and type;
- (b) Measures to mitigate erosion;
- (c) Calculations to determine pipe sizes.

is to be included in the submission of engineering design drawings for approval.

Works affecting Public Roads

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.

Prior to commencement of the Back Tea Tree Road junction works the Subdivider shall submit to Council a traffic management plan prepared by a suitably qualified individual; this plan should also indicate the expected duration of works within the road reservation.

Stormwater

- (42) The piped system (culverts) within the subdivision must be able to accommodate a storm with a 5% AEP when the land serviced by the system is fully developed.

Advice: The Subdivider is to provide updated calculations of the flow due to a 5% AEP rainfall event where Tea Tree Creek crosses beneath the proposed Public Road. The design of the culvert and road should ensure the proposed system can sustain this flow without overtopping of the road.

- (43) The subdivision must incorporate overland flow paths to accommodate a 1% AEP (plus climate change) rainfall event.
- (44) The subdivision must incorporate overland flow paths to accommodate a 1% AEP (plus climate change) rainfall event.

Telecommunications and electrical reticulation

- (45) Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's Municipal Engineer.
- (46) Street lighting must be provided to the satisfaction of Council's Municipal Engineer.
- (47) 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.

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.

- (48) Prior to sealing the final plan of survey the developer must submit to Council:
- (a) A "Provisioning of Telecommunications Infrastructure - Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co. or exemption.
 - (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.

Dams

- (49) Prior to the commencement of construction of the public roadway the Subdivider shall either;
- (a) Submit to Council a report, prepared by a suitably qualified individual, that assesses the existing condition of the dams on site and confirms their suitability for continued use. This report shall be carried out in accordance with the requirements of NRE Tasmania (<https://nre.tas.gov.au/water/dams>) and consider the landslide hazard report prepared for the site. It shall also provide advice on any future maintenance requirements that may burden the owner of the dams; or
 - (b) Drawdown, demolish and rehabilitate the dams in accordance with the requirements of NRE Tasmania and abide by any requirements or recommendations they may make.

Advice: *Should the dams be kept, the location of the proposed driveway to access to lots 2, 5 & 6 may need to be relocated, subject to advice from the dam report.*

The cost of obtaining any permits associated with above remain the responsibility of the Subdivider.

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

- (50) 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.*

- (51) 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.
- (52) 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.
- (53) All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with topsoil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

Weed management

- (54) Prior to the carrying out of any works approved or required by this approval, the Subdivider must provide a weed management plan detailing measures to be adopted to limit the spread of weeds listed in the Weed Management Act 1999 through imported soil or land disturbance by appropriate water management and machinery and vehicular hygiene to the satisfaction of Council's Municipal Engineer and of the Regional Weed Management Officer, Department of Primary Industries Water and Environment.

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.*

Construction Amenity

- (55) 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.
- (56) Prior to commencement of any works, 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.

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.*

- (57) Works associated with the development must only be carried out between the following hours unless otherwise approved by the Council's Chief Executive Officer.
- 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
- (58) 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.
- (59) 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.
- (60) 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

- (61) Survey pegs are to be stamped with lot numbers and marked for ease of identification.
- (62) 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

- (63) 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.
- (64) 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.
- (65) 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

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

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

- B. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- C. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- D. 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.
- 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. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Act 1995*.
- G. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

DECISION:

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

CARRIED

VOTING RECORD

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

13. Petitions

Nil.

14. Officers Reports

14.1 Location of "Jerry" Sculpture

Author: Manager Community Development & Engagement (A Turvey)

Authorised: Acting Chief Executive Officer (J Banks)

Background

The "Jerry" sculpture by artist Tony Woodward was commissioned by the Rockefeller family for the new Green Point Plaza shopping centre in Bridgewater, which was completed in 2007. The sculpture is a unique depiction of the fog that we all know as the Bridgewater Jerry. "Jerry" takes on a human form to lovingly embrace the township of Bridgewater and was originally placed at the front of the Bridgewater Library, which was located within the shopping centre area at the time.

Over the years "Jerry" and his mosaic tiles became quite degraded and subject to vandalism.

May 2021

In May 2021, the Café Connections community group requested a meeting with council officers to discuss a concept the group had been working on to support community pride in our Bridgewater area. The Bridgewater Jerry fog, as a weather phenomenon, was centre to this idea of promotion and building of community pride as an initiative by members of the Café Connections group. Three (3) members of the group pitched their idea to council officers from Asset Services and Development Services. A 'Bridgewater Jerry Walkway' that included historical interpretation signs along the waterfront was central to this idea. The "Jerry" sculpture was featured in the presentation as a community asset and became a focus of discussions at Café Connections. This was the beginning of the Bridgewater Jerry Photo Competition idea, which is now run annually by Café Connections and sponsored by Asthma Australia.

November 2021

Cr Phil Owen, as a regular attendee at Café Connections instigated and supported the removal of the "Jerry" sculpture by Council to the Works Depot to prevent further degradation. The "Jerry" sculpture was removed from the original site in November 2021 with the intention that "Jerry" would eventually be restored and relocated to an appropriate location to provide more prominence for "Jerry", safety and passive surveillance once restored.

In 2022, initial quotes were received from the artist's sister Margaret Woodward for the restoration of the sculpture.

November 2023

Council officers were contacted by a member of the New Bridgewater Bridge team from State Growth who were managing stakeholder communications and had seen the removal of "Jerry" from the Green Point location to the depot on Council's social media. State Growth were doing some work around the Heritage Interpretation Strategy for the New Bridgewater Bridge Project and keen to look at whether "Jerry" might feature in some aspects of this plan.

December 2023

Council officers invited State Growth to meet with members of Café Connections to view “Jerry” at the Works Depot and discuss with Café Connections the possibility of “Jerry” being included at the foreshore near the bridge, as part of the heritage interpretation work and a desire to feature the phenomenon of the Bridgewater Jerry in some way in the New Bridge precinct. Café Connections agreed in principle to this idea of “Jerry” being included in the plan but with the stipulation of safety, passive surveillance and appropriate interpretation being required at the relocation site.

January 2025

As the opening of the New Bridgewater Bridge draws ever closer, plans for the landscaping of the precinct immediately near the bridge are being undertaken by State Growth. Council officers were contacted by State Growth enquiring on the progress of the restoration of “Jerry” and if Café Connections were still open to the sculpture being located in an area near the New Bridge (please see attached map).

In February 2025, Council endorsed the use of the Public Art Strategy 2024/25 budget for the restoration of “Jerry” based on a revised 2025 quote provided by Margaret Woodward. The remaining funds (\$2,106.00) for this project would be allocated from the Promotion of the Municipality budget item.

February 2025

Council officers met on site with State Growth to view the potential locations for “Jerry” on the waterfront as part of the proposed landscaping. State Growth was reminded that this is a decision that needed to be made in consultation with Café Connections, given their initiatives related to the Bridgewater Jerry and interest in the preservation of “Jerry” as a community asset.

Manager Community Development and Engagement met with the Café Connections group on 25 February during one of their regular gatherings at the Bean to Brew Café, to communicate to the group the proposal from State Growth.

The group discussed several options, including “Jerry” being located at the Civic Centre.

These discussions were outlined by Moira Davidson, the co-ordinator of the group in an email attached post the meeting.

Consultation

Café Connections; Senior Management Team; Margaret Woodward Design

Risk Implications

That the final chosen location does not provide sufficient passive surveillance and protection of the restored “Jerry” from vandalism.

Financial Implications

Unknown.

Strategic Plan

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.

Social Implications

Enhancing community infrastructure

Environmental or Climate Change Implications

Nil.

Economic Implications

Nil.

Other Issues

Nil.

Assessment

The “Jerry” sculpture is an important and treasured community asset with its link to the Bridgewater Jerry fog. In a similar way to the Café Connections community group thinking, State Growth has chosen to associate and illuminate this well-known phenomenon as part of the heritage interpretation on and around the New Bridgewater Bridge. This was motivation for State Growth to have “Jerry” located near the bridge and river as part of the amenity in the precinct immediately adjacent the New Bridge. The decision of where to locate “Jerry” needs to be carefully weighed up based on future safety for “Jerry” and relevance to the proposed location.

Options

1. Based on Café Connections’ communication, Council agrees to State Growth’s proposal and once restored, “Jerry” is located on the Bridgewater foreshore near the New Bridgewater Bridge (See Map - Option 2 – Bridgewater foreshore).
2. Council locates “Jerry” at the front of the Civic Centre in Green Point Road, Bridgewater.
3. Other.

RECOMMENDATION:

Based on Café Connections’ communication, Council agrees to State Growth’s proposal and once restored, “Jerry” is located on the Bridgewater foreshore near the New Bridgewater Bridge (See Map - Option 2 – Bridgewater foreshore).

DECISION:

Cr Curran moved, Cr McMaster seconded that Council agrees to State Growth’s proposal and once restored, “Jerry” is located on the Bridgewater foreshore near the New Bridgewater Bridge (See Map - Option 2 – Bridgewater foreshore).

MOTION WITHDRAWN

Cr Whelan moved, Cr De La Torre seconded that the item be deferred after a site inspection (Bridgewater foreshore) and proposal plans from State Growth are received.

CARRIED

VOTING RECORD

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

14.2 NAIDOC Week 2025 School Initiatives

Author: Manager Community Development and Engagement (A Turvey)

Background

Brighton Council has received the annual request to support the NAIDOC Week 2025 School Initiatives program. School participation within Council’s LGA has seen steady growth since the initiatives were incepted into schools. Each year the initiatives provide education and public awareness on a variety of subjects that pertain to Indigenous history.

It should be noted that this program is a national program and not specific to Tasmania but part of the overall celebration of National NAIDOC Week 2025. It is a nationwide program and not culturally specific to Tasmania or any other state.

The NAIDOC Week School Initiatives is the only activity throughout NAIDOC Week that provides students with an educational component to NAIDOC Week and Indigenous culture and heritage.

Koori Kids is a community organisation that engages young people across Australia in a range of school initiatives to promote education and awareness of Aboriginal and Torres Strait Islander culture. Each year Koori Kids conducts the NAIDOC Week School Initiative Competitions for school aged children Australia wide.

Koori Kids thanks and acknowledges Brighton Council’s support last year and is once again seeking support from Council. They request consideration of Council to be an associate partner with a \$450 donation towards the program.

NAIDOC Week 2025 will take place from 6 to 13 July 2025.

Consultation

CEO, Community Development & Engagement.

Risk Implications

Not applicable.

Financial Implications

Koori Kids has provided a proposal for the 2025 initiatives. The contribution sought is \$450 to be utilised towards the costs for printing and distribution of information packs, posters and entry forms to schools across Brighton Council's Local Government Area.

Strategic Plan

An initiative such as this supports Council's Strategic Plan 2023-2033 as follows:

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

1.1 – Engage with and enable our community.

1.2 - Build resilience and opportunity.

1.4 – Encourage a sense of pride, local identity and engaging activities.

Social Implications

Improved relationships between Council and the Aboriginal community, and the organisations which operate in our municipality.

These initiatives are designed to educate all students on cultural diversity and involve a whole of community approach in the spirit of reconciliation and bringing us 'all together as one community'.

This year students will design posters for NAIDOC Week activities; poem writing; essay writing and colouring in. This year the highlighted Indigenous role models are national identity **Kid Laroi (Indigenous Entertainer)** and **Lance 'Buddy' Franklin (Indigenous sportsman)**. Our message this year is that education is knowledge and knowledge is **GOLD**.

Environmental or Climate Change Implications

The initiatives will enable participants to explore concepts linking environmental; and social/cultural issues and foster harmony in the community.

Economic Implications

Not applicable.

Other Issues

Not applicable.

Assessment

This cross cultural initiative has been operating very successfully since 2001 and is aligned with NAIDOC Week, celebrated in July each year. Over a hundred entries are received each year from schools within Council's LGA, and the success of the program nationally is due in part to the support of councils and partner organisations.

Council is acknowledged through logo inclusion as an associate partner on information packs sent to schools throughout Council’s LGA. If there is a winner school from within Council’s LGA, an invitation for the Mayor and or a representative is invited to attend the school, along with Executive Director, NAIDOC Week Initiatives and other dignitaries to make special presentation of the NAIDOC Medal of Excellence and the student’s prize.

Options

1. As per the recommendation.
2. That Council not contribute to NAIDOC Week 2025 – School Initiative Competitions in our area.

RECOMMENDATION:

That Council contribute \$450 to the Koori Kids NAIDOC Week 2025 School Initiatives program to be utilised towards the costs for printing and distribution of information packs, posters and entry forms to schools across Brighton Council’s Local Government Area.

This contribution be reported accordingly in Council’s Annual Report in accordance with Section 77 of the *Local Government Act 1993*.

DECISION:

Cr De La Torre moved, Cr McMaster seconded that Council contribute \$450 to the Koori Kids NAIDOC Week 2025 School Initiatives program to be utilised towards the costs for printing and distribution of information packs, posters and entry forms to schools across Brighton Council’s Local Government Area.

This contribution be reported accordingly in Council’s Annual Report in accordance with Section 77 of the Local Government Act 1993.

CARRIED

VOTING RECORD

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

14.3 'Relive the Rivalry' Legends Charity Game - Venue Hire Request

Author: Facilities Co-ordinator & Depot Admin Officer (I Singh)

Authorised: Director Corporate Services (G Browne)

Background

Mr Jaimes Wiggins has reached out on behalf of the "Relive the Rivalry" Legends Charity Game which is an annual fundraising event that brings together former Australian Rules Football players and community members for an exciting match to support charitable causes.

With 2025's Game 12 already planned, the event organizers are now seeking to secure a venue for Game 13, scheduled for the first Saturday in October 2026.

Thompson Oval has been identified as the ideal location due to its excellent playing surface, modern facilities, and its location within the municipality. Hosting this event at Pontville would not only enhance community engagement but also showcase the Brighton area's outstanding sporting facilities.

To successfully host the event, Mr Wiggins request Brighton Council's partnership and support through ground hire at no cost. Additionally, he has advised that he plans to collaborate with the Brighton Football Club to manage catering services, access to the club rooms and electronic scoreboard.

Consultation

Director Corporate Services, Manager Works Services and Foreman – Sports Grounds.

Risk Implications

- The one-day booking of the ground will reduce availability for other paid bookings.
- Waiving fees could set a precedent for other community-based groups to request similar concessions.

Financial Implications

Mr Wiggins is requesting that the Council waive the \$299 hire fee for the event scheduled in October 2026. Please note that this fee may be subject to a slight increase in the 2026–27 financial year.

Strategic Plan

This request aligns with Councils Strategic Goals:

Goal 1.1 – Engage with and enable our community

Goal 1.2 – Ensure resilience and opportunity.

Goal 1.3 – Ensure attractive local areas that provide social, recreational, and economic opportunity.

Goal 1.4 – Encourage a sense of pride, local identity, and engaging activities.

Social Implications

The Legends Charity Game provides a valuable opportunity for community members to engage in a high-profile sporting event while raising funds for charitable causes. The event fosters social inclusion, promotes physical activity, and encourages local pride and participation.

Environmental or Climate Change Implications

N/A

Economic Implications

N/A

Other Issues

Thompson Oval is usually being prepared for the commencement of the cricket season during the month of September. Consultation has been undertaken with the Foreman – Sports Grounds and it is anticipated that the oval will be delayed for use for the cricket season until mid-November instead of mid-October.

Assessment

The event is expected to generate economic benefits for local businesses by attracting visitors to the Brighton area. Additionally, the proposed collaboration with the local Football Club for catering services will contribute to community fundraising efforts. Although similar groups like “Relive the Rivalry” Legends Charity Game usually receive a 50% discount under Council policy, a full fee waiver is recommended due to the event’s focus on community engagement in Brighton.

Options

1. As per the recommendation.
2. Not waive the hire fees and apply a 50% discount as typically granted to similar groups.
3. Other options to be discussed, such as waiving fees for part of the day.

RECOMMENDATION:

That Council approve the request for full venue access at no cost for the “Relive the Rivalry” Legends Charity Game to be held in October 2026 at Thompson Oval, Pontville.

The waiver of hire fees is to be recorded as a donation in Council’s Annual Report in accordance with Section 77 of the *Local Government Act 1993*.

DECISION:

Cr Whelan moved, Cr Curran seconded that Council approve the request for full venue access at no cost for the “Relive the Rivalry” Legends Charity Game to be held in October 2026 at Thompson Oval, Pontville. The waiver of hire fees is to be recorded as a donation in Council’s Annual Report in accordance with Section 77 of the Local Government Act 1993.

CARRIED

VOTING RECORD

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

14.4 Infinity Drill Dance - Request for reduction of fees for Civic Centre

Author: Facilities Co-ordinator & Depot Admin Officer (I Singh)

Authorised: Director Corporate Services (G Browne)

Background

Infinity Drill Dance is a newly established Masters Drill Dance team comprising members aged 30 and above. The team is dedicated to promoting physical activity, mental well-being, teamwork, and social engagement through Drill Dance routines. This sport not only enhances physical fitness but also supports memory function and overall health, particularly as members age. The club aims to:

- Provide a fun and inclusive environment for individuals to engage in physical activity and teamwork.
- Foster social connections and mental well-being within the community.
- Encourage skill development in leadership, fundraising, and event management.
- Recruit more participants, including juniors, to expand the reach and impact of Drill Dance in Southern Tasmania.

Infinity Drill Dance is affiliated with Drill Dance Australia, a national organization with teams across multiple states. Teams compete annually in the Australian National Championships.

The Club seeks to hire the Brighton Civic Centre for two hours once a week, as national standards require a space of approximately 28 x 15 metres with a carpeted surface. Currently, the club has only 12 members, and its budget for venue hire is limited to \$23 per hour. To sustain and grow their activities, they are requesting financial assistance. Specifically, they have asked the Council to reduce the hire fee from \$74 per hour (already reflecting a 50% discount rate) to \$23 per hour to align with their budget. This financial support would greatly assist the club in its early stages, allowing it to focus on achieving its objectives and expanding its membership base.

Consultation

Director Corporate Services

Risk Implications

- Regular booking of the venue may limit availability for other potential users.

- Reducing fees could set a precedent for other community-based groups to request similar concessions.

Financial Implications

The club is requesting a reduction in hire fees for two hours of weekly use.

- The total cost for hiring the venue for two hours per week, excluding school holidays, at a rate of \$74 per hour would be \$5,920 for 12 months.
- The total cost for hiring the venue at a discounted rate of \$23 per hour, for two hours per week (excluding school holidays), would be \$1,840 for 12 months.

Strategic Plan

This request aligns with Council's Strategic Goals:

Goal 1.1 – Engage with and enable our community

Goal 1.3 – Ensure attractive local areas that provide social, recreational, and economic opportunity.

Goal 1.4 – Encourage a sense of pride, local identity, and engaging activities.

Social Implications

Drill Dance provides significant benefits, including improved physical and mental well-being, strengthened social connections, and increased community involvement. Supporting Infinity Drill Dance will contribute to the health and wellness of participants while fostering a sense of belonging within the local community.

Environmental or Climate Change Implications

N/A

Economic Implications

N/A

Other Issues

Nil.

Assessment

The Drill Dance club is currently receiving a 50% discount in accordance with the Council's Building Hire Fee Policy No. 8. However, given the club's recent establishment and its goal to grow while providing the community with a fun and inclusive environment for physical activity and teamwork, an initial reduction in hire fees to \$23 per hour for 12 months could be beneficial. This support would allow the club to establish itself, and the Council would have the opportunity to assess the ongoing need and community benefit.

Options

1. As per the recommendation.
2. Not reduce hire fees and apply a 50% discount.

3. Other options to be discussed, such as waiving fees for a shorter trial period.

RECOMMENDATION:

That Council reduce the hire fee from \$74 to \$23 per hour for Infinity Drill Dance to support its establishment and ongoing community engagement efforts. The arrangement should be reviewed after 12 months to assess its impact and feasibility.

The reduction of hire fees is to be recorded as a donation in Council's Annual Report in accordance with Section 77 of the *Local Government Act 1993*.

DECISION:

Cr De La Torre moved, Cr Curran seconded that Council reduce the hire fee from \$74 to \$23 per hour (including the casual hire insurance fee) for Infinity Drill Dance to support its establishment and ongoing community engagement efforts. The arrangement should be reviewed after 6 months to assess its impact and feasibility.

The reduction of hire fees is to be recorded as a donation in Council's Annual Report in accordance with Section 77 of the Local Government Act 1993.

CARRIED

VOTING RECORD

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

Cr Murtagh left the meeting at 6.40pm

14.5 Uniting & Communities for Children - Request for fee waiver for Pontville Hall

Author: Facilities Co-ordinator & Depot Admin Officer (I Singh)

Authorised: Director Corporate Services (G Browne)

Background

Uniting and Communities for Children is delivering the Blossom Circle program, a series of four free sessions designed to strengthen the mother-daughter relationship through evidence-based activities. Previously, the organization successfully conducted a one-off Blossom Circle session with the support of \$1000 from the ABCD (Asset-Based Community Development) training facilitated by the Jeder Institute and funded by Brighton Council for Brighton Alive and local community members.

Building on the success of a similar mother-daughter event held in July 2023, the program incorporates principles from the evidence-based Parents Under Pressure (PuP) and Bringing Up Great Kids (BUGK) programs. A trained Uniting Family Support Worker facilitates the sessions, which focus on fostering relationships between mothers, female carers, and their daughters through key messaging, interactive discussions, and engaging activities such as healthy cooking and mindfulness exercises.

Research highlights the critical role of mother-daughter relationships in shaping a girl's self-esteem, social skills, and future interpersonal connections. Studies from the University of Georgia indicate that these relationships significantly influence a girl's ability to trust, connect, and balance personal needs with those of others, laying the foundation for adulthood.

This year, the organisation has been unsuccessful in securing funding for Blossom Circle program and is therefore requesting the Council to waive the hire fees for Pontville Hall on April 23, July 9, July 16, and October 8, 2025, from 10:00 am to 2:00 pm. Without this fee waiver, the program will not be able to proceed.

Consultation

Director Corporate Services

Risk Implications

- The multi-day booking of the hall will reduce availability for other paid bookings.
- Waiving fees could set a precedent for other community-based groups to request similar concessions.

Financial Implications

Uniting & Communities for Children is requesting the Council to waive the \$720 hire fee for the sessions, calculated at a rate of \$45 per hour for a total of 16 hours.

Strategic Plan

This request aligns with Council's Strategic Goals: -

Goal 1.1 – Engage with and enable our community

Goal 1.2 – Ensure resilience and opportunity.

Goal 1.3 – Ensure attractive local areas that provide social, recreational, and economic opportunity.

Goal 1.4 – Encourage a sense of pride, local identity, and engaging activities.

Social Implications

Blossom Circle supports the well-being of mothers and daughters by fostering stronger relationships, improving communication, and encouraging positive mental health strategies. By engaging in these activities, participants build confidence, resilience, and a sense of community. Supporting this initiative aligns with Council's commitment to enhancing social inclusion and family well-being.

Environmental or Climate Change Implications

N/A

Economic Implications

N/A

Other Issues

Nil.

Assessment

Granting a fee waiver for venue hire would enable Uniting and Communities for Children to run the Blossom Circle program effectively, ensuring that financial constraints do not hinder the delivery of valuable community services. Brighton Council has previously supported similar initiatives, such as waiving fees for the Civic Centre last year for the Bridgewater Celebrates Music event also held by Uniting and Communities for Children. Continued support for programs like Blossom Circle strengthens Council’s role in fostering positive social outcomes.

Options

1. As per the recommendation.
2. Not waive hire fees and apply only a 50% discount as typically granted to similar groups.
3. Other options to be discussed, such as waiving fees for 2 sessions.

RECOMMENDATION:

That Council approve a hire fee waiver of \$720 for the Blossom Circle program at Pontville Hall to support its objectives in strengthening community relationships and enhancing family well-being.

The waiver of hire fees is to be recorded as a donation in Council’s Annual Report in accordance with Section 77 of the *Local Government Act 1993*.

DECISION:

Cr McMaster moved, Cr De La Torre seconded that Council approve a hire fee waiver of \$720 for the Blossom Circle program at Pontville Hall to support its objectives in strengthening community relationships and enhancing family well-being.

The waiver of hire fees is to be recorded as a donation in Council’s Annual Report in accordance with Section 77 of the Local Government Act 1993.

CARRIED

VOTING RECORD

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

Cr Murtagh rejoined the meeting at 6.42pm

14.6 Council Policy Review - Debtor Management Policy

Author: Director Corporate Services (G Browne)

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 adoption and rescindment.

No:	Policy Name:	Comments:
1.12	Debtor Management Policy (<i>previously named 'Provision for Doubtful Debts Policy'</i>)	<ul style="list-style-type: none"> • Policy reviewed and name changed. • Consolidates Policy 1.13.
1.13	Authority to Write off Bad Debts	<ul style="list-style-type: none"> • Rescind Policy. • Consolidated into Policy 1.12 'Debtor Management Policy' • Attached for reference.

Policy 1.12 has undergone substantial revision and renaming (*formerly known as the Provision for Doubtful Debts Policy*), now including additional updated information. Policy 1.13 (*Authority to Write off Bad Debts Policy*) has been incorporated into policy 1.12 and is recommended for rescindment.

Policy 1.12 has been revised to allow the CEO to write off bad debts up to \$1,000, an increase from the previous limit of \$50. Any bad debts exceeding \$1,000 will be referred to the Council.

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

Consultation

SMT; Executive Officer - Governance; Executive Officer – Accounting

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.

S4.4: Ensure financial and risk sustainability

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** policy:
1.12 Debtor Management Policy
2. **rescind** policy:
1.13 Authority to Write off Bad Debts

DECISION:

Cr De La Torre moved, Cr Whelan seconded that Council

1. **adopt** policy:
1.12 Debtor Management Policy with minor amendments i.e. remove the word 'Xero' under S2.2
2. **rescind** policy:
1.13 Authority to Write off Bad Debts

CARRIED

VOTING RECORD

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

14.7 Brighton Council Bushfire Mitigation

Author: Sustainability and Climate Project Officer (M Burgess)

Authorised: Director Development Services (A Woodward)

Background

Fire Risk Consultants were engaged by Brighton Council to develop a Bushfire Mitigation Strategy for the municipality (Attachment A, henceforth the “Strategy”) and a Bushfire Mitigation Plan for Dromedary (Attachment B, henceforth the “Plan”) with the assistance of a grant from the State Emergency Service Natural Disaster Risk Reduction Grant Program.

The Strategy is a high-level document that will support Brighton Council to meet its statutory responsibilities as a landowner in relation to bushfire risk. The Plan is a tactical level document that will address bushfire risk specifically within Dromedary. Both documents were developed in line with the Tasmania State Governments’ bushfire risk assessment framework and bushfire risk registers.

Both documents provide Council with a number of recommended actions to support addressing bushfire risk on Council owned and/or managed bushfire-prone land, which is only 3% of all bushfire-prone land in Brighton.

Consultation

The Strategy and Plan were developed in consultation with key stakeholders at the Tasmania Fire Service, as well as staff at Council, including Scott Percey (Works Manager), Callum Pearce-Rasmussen (Director Asset Services) and Cr Peter Geard (Fire Management Area Committee Representative). The documents have also been shared with the Hobart Fire Management Area Committee for feedback and noting. The Strategy and Plan was presented to Elected Members at the March 2025 Council Workshop.

Risk Implications

There are very few risks associated with endorsing the Strategy and Plan, particularly given the thorough consultation with key stakeholders and alignment with the state government’s framework and policies.

One potential risk though, is that there are questions raised over the development of a Dromedary-specific Plan but no other suburb within the municipality. However, a clear rationale for this is documented in both the Strategy and Plan.

On the other hand, there are several potential risks associated with not endorsing the Strategy and Plan. These include:

- Not meeting Council’s statutory requirements as a landowner in relation to bushfire risk
- Being at risk of litigation for negligence if a fire is started on council land
- Not being adequately prepared for bushfire, which could result in a loss of public assets or disruption to service delivery

All the potential risks of not endorsing the Strategy and Plan could result in financial and reputational loss to the Council.

Financial Implications

There are no immediate financial implications of endorsing the Strategy or Plan. However, staff time will be required to implement them, and financial planning will be required to resource some of the recommended actions. The recommended actions will have varying costs and resource requirements, but many will become embedded in the operational business of council through appropriate governance arrangements, planning and policy. Pursuing grant funding and establishing partnerships for collaborative or common actions are also options for reducing the overall cost of action for Council.

Strategic Plan

The Strategy and Plan align with the following strategies in the Strategic Plan:

- 2.1 - Acknowledge and respond to the climate change and biodiversity emergency
- 2.4 - Ensure strategic planning and management of assets has a long term-sustainability and evidence-based approach
- 3.1 - Implement strategic long-term asset management plan aligned to long-term financial plan
- 3.3 - Community facilities are safe, accessible and meet contemporary needs
- 4.1 - Be big picture, long-term and evidence-based in our thinking
- 4.4 - Ensure financial and risk sustainability

Social Implications

There are positive social implications associated with addressing bushfire risk through the recommended actions in the Strategy and Plan. In particular, the actions in the Plan will help to improve the safety of firefighters and residents of Dromedary if the area were to be impacted by bushfire. The recommendations will also help to ensure Council is able to support the community before, during, and after a bushfire event through engagement about preparing for bushfire, the effective delivery of safe and bushfire-resilient evacuations centres, and recovery support after a bushfire.

Environmental or Climate Change Implications

The Strategy and Plan are both in line with Brighton Council's Climate Change and Resilience Strategy 2023 Key Focus Area 4 to reduce corporate climate change risk and increase organisational resilience.

Economic Implications

A bushfire in the municipality is likely to have negative economic implications for private property owners and council if assets are destroyed and services are impacted. However, these could be minimised by planning and preparing for possible impacts now and having a clear pathway to build resilience to bushfire as recommended in the Strategy and Plan.

Other Issues

Nil.

Assessment

Bushfires are becoming more frequent and intense due to climate change. With 90% of the Brighton municipality considered “bushfire-prone”, it is a key risk for the Council and community. The Strategy and Plan provide comprehensive recommendations for Council to manage and mitigate this risk on council owned/managed land. Therefore, it is recommended that Council endorse the Bushfire Mitigation Strategy 2025-2035 and Dromedary Bushfire Mitigation Plan 2025-2030.

Options

1. Endorse the Bushfire Mitigation Strategy and Dromedary Bushfire Mitigation Plan.
2. Do not endorse the Bushfire Mitigation Strategy and Dromedary Bushfire Mitigation Plan.
3. Other.

RECOMMENDATION:

It is recommended that Council endorse both the Bushfire Mitigation Strategy 2025-2035 and the Dromedary Bushfire Mitigation Plan 2025-2030.

DECISION:

Cr Owen moved, Cr McMaster seconded that Council endorse both the Bushfire Mitigation Strategy 2025-2035 and the Dromedary Bushfire Mitigation Plan 2025-2030.

CARRIED

VOTING RECORD

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

14.8 Brighton Activity Centre Strategy - Community Consultation

Author: Strategic Planner (B White)

Authorised: Director Development Services (A Woodward)

Purpose

This report aims to seek the endorsement of the draft Brighton Activity Centre 2025 ('the Strategy') for community consultation.

Background

Over the past decade, the Brighton municipality has experienced growth that surpasses initial expectations, resulting in increased private and public investments, as well as a rise in light industry and commercial job opportunities.

Brighton is increasingly serving a dual purpose: it functions as a vital rural hub for surrounding communities, while also becoming a key provider of commercial and community services for the Greater Hobart area. This expanding role brings both challenges and opportunities, particularly in urban planning and service delivery.

To effectively manage the rapid population growth, its outer-urban location, and the unique demographic and economic needs of the area, the Brighton municipality requires an Activity Centre Strategy to ensure efficient service planning and development.

Geografia and Mesh have prepared the draft Strategy, which includes a Background Report.

The goal of the Strategy is to support the creation of a network of functional, vibrant, economically successful and multi-functional centres accommodating a mix of land uses to serve the community now until 2046.

The Strategy methodology includes a combination of policy review, community engagement and data analysis to inform the proposed activity centre hierarchy, related strategies and actions.

The purpose of this report is to obtain Council's endorsement to present the draft Activity Centre Strategy 2025 to the community for feedback.

Consultation - Phase 1

Phase 1 of consultation on the strategy took place between 21st October – 4th November 2024.

Mesh provided Council with two (2) separate surveys on the Survey Monkey platform. One (1) was for the community, the other was for industry stakeholders. These surveys were the primary tool for consultation.

Phase 1 consisted of the following tasks undertaken by Council:

- a) Created a project tab on the 'Have Your Say Page' with project description and links to the two (2) surveys.
- b) Sent 200 randomised letters inviting residents to undertake the survey on Council's website.
- c) Sent a group of industry stakeholders and state agencies an email invitation to undertake a survey.
- d) Made two (2) separate Facebook posts regarding advertising the project.
- e) Held pop-up sessions in three (3) separate locations.
- f) Published article in Brighton Community News.

Overall, the responses to the survey were positive, with 93 responses to the community survey and 13 to the industry stakeholder.

Consultation - Phase 2

The next stage of consultation is to release the draft Activity Centre Strategy to the community. This will be undertaken via:

- a) Have Your Say page on council's website;
- b) Social media post; and
- c) Emails and letters to key stakeholders.

Risk implications

There is a risk that the community, in reading the draft Activity Centre Strategy, will believe that the actions recommended will be immediately effected. As part of the consultation process, timeframes for actions will be clearly communicated.

Financial Implications

Nil

Strategic plan

This project aligns with the following strategies:

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

- o 1.1 Engage with and enable our community
- o 1.3 Ensure attractive local areas that provide social, recreational and economic opportunities
- o 1.4 Encourage a sense of pride, local identify and engaging activities

Goal 2: Ensure a sustainable environment

- o 2.2 Encourage respect and enjoyment of the natural environment
- o 2.4 Ensure strategic planning and management of assets has a long term-sustainability and evidence-based approach

Goal 3 Manage infrastructure and growth effectively

- o 3.2 Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population
- o 3.3 Community facilities are safe, accessible and meet contemporary needs.

Social implications

Engaging with the community will allow members to provide valuable insight into how they would like to see Brighton's current and future activity centres be planned.

Economic implications

Nil.

Environmental or climate change implications

Relevant actions recommended in the Activity Centre Strategy will consider all environmental and climate change implications at the time of implementation.

Other Issues

Nil.

Assessment

The Activity Centre Strategy 2025 is a critical planning document designed to shape the development of Brighton’s current and future activity centres through to 2046. The strategy has accounted for key factors such as updated population forecasts, economic and demographic trends, emerging residential growth areas, and relevant state, local, and regional planning policies.

An essential component of the strategy’s development is the engagement of the local community. Actively seeking feedback from residents, businesses, and other stakeholders is vital to ensure that the diverse needs and priorities of our municipality are effectively reflected in the strategy.

This process will ensure that the strategy is inclusive, responsive to the needs of the community, and aligned with broader planning objectives at the state and regional levels.

Options

1. As per the recommendation; or
2. Do not endorse Activity Centre Strategy 2025 for community consultation; or
3. Other.

RECOMMENDATION:

It is recommended that Council endorse the Brighton Activity Centre Strategy 2025 for community consultation.

DECISION:

Cr De La Torre moved, Cr Whelan seconded that Council endorse the Brighton Activity Centre Strategy 2025 for community consultation.

CARRIED

VOTING RECORD

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

14.9 Open Space Strategy – Community Consultation

Author: Senior Planner (J Blackwell)

Authorised: Director Development Services (A Woodward)

Purpose

This report aims to seek the endorsement of Brighton’s revised Open Space Strategy 2025 (OSS 2025) for community consultation.

Background

The Brighton municipality has changed significantly since the endorsement of the Brighton Open Space Strategy in 2012 (BOSS 2012). Our open spaces now encompass a well-designed network of trails and parks, sports grounds, reserves and playgrounds. Brighton’s population is increasing, demands on our open spaces are changing and at the same time, the way in which the community participate in sport and recreation is also changing, with a shift away from organised sports towards informal sporting and recreational pursuits..

Accordingly, Form Planning and Projects have been engaged to review the BOSS 2012. The draft OSS 2025 celebrates Brighton’s recent achievements and considers contemporary principles to be applied to enable the continuous improvement to the quality, accessibility, safety and sustainability of Brighton’s open space network.

The purpose of this report is to obtain Council’s endorsement to present the draft OSS 2025 to the community for feedback.

Consultation

To date the following consultation has been undertaken with:

- OSS steering committee
- CEO
- Directors - Development Services and Asset Services
- Council officers
- Councillor workshop.

The next stage of consultation is to release the draft OSS 2025 to the community. This will be undertaken via a number of methods:

- Online survey
- Council’s Have Your Say page
- Social media posts
- Random mail out letter
- Drop in sessions

Risk implications

There is a risk that the community, in reading the draft OSS 2025, will believe that the actions recommended will be immediately effected resulting in expectations that may not be met. This is attempted to be addressed through specifying 'Short', 'Medium' and 'Long Term' actions.

Financial Implications

Nil

Strategic plan

This project aligns with the following strategies:

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

- 1.1 Engage with and enable our community
- 1.3 Ensure attractive local areas that provide social, recreational and economic opportunities
- 1.4 Encourage a sense of pride, local identify and engaging activities

Goal 2: Ensure a sustainable environment

- 2.2 Encourage respect and enjoyment of the natural environment

Goal 3: Manage infrastructure and growth effectively

- 3.2 Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population
- 3.3 Community facilities are safe, accessible and meet contemporary needs.

Social implications

Engaging with the community will allow members to provide valuable insight into how open spaces are currently used, and how they could be improved in a positive way to enhance liveability.

Economic implications

Nil.

Environmental or climate change implications

Actions recommended in the OSS 2025 will consider all environmental and climate change implications at the time of implementation.

Other Issues

Nil.

Assessment

The OSS 2025 is required to update the current strategy which is in excess of 10 years old to ensure contemporary principles are applied to the identification and development of Brighton Council’s open space moving forward. The OSS 2025 reflects on what has been achieved from the BOSS 2012, clarifies the extend of council’s open spaces, and makes recommendations based on gap analysis, suburb by suburb.

Seeking the community’s feedback is critical to the development of the OSS 2025, to ensure that the diverse needs of our municipality are incorporated into the strategy

Options

1. As per the recommendation; or
2. Do not endorse Open Space Strategy 2025 for community consultation; or
3. Other.

RECOMMENDATION:

It is recommended that Council endorse the Open Space Strategy 2025 for community consultation.

DECISION:

Cr De La Torre moved, Cr Whelan seconded that Council endorse the Open Space Strategy 2025 for community consultation.

CARRIED

VOTING RECORD

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

14.10 Motion to Local Government Association of Tasmania (LGAT) - Open Space Policy

Author: Director, Development Services (A Woodward)

Background

The purpose of this report is to seek Council's endorsement to submit a motion to the Local Government Association of Tasmania (LGAT) requesting the lobbying of the Minister for Housing, Planning and Consumer Affairs and the State Planning Office to work with Councils to introduce an Open Space Policy that includes contribution requirements for all forms of subdivision, including Strata developments.

Recently the Minister for Housing, Planning and Consumer Affairs, Felix Ellis MP, announced plans to repeal the *Local Government (Building and Miscellaneous Provisions) Act 1993* (LGBMP) to streamline the approvals of subdivisions. This has presented an opportunity to look at addressing the issue of Public Open Space (POS) contributions, specifically for the inclusion of strata developments.

Under the current provisions, Councils have the ability to require land or payment in lieu of an open space land contribution for subdivisions [Division 8, ss116 and 117 LGBMP]. However, there has been no such requirement for Strata Developments. This raises the issue of equity and fairness as strata developments generally being of a higher residential density create a greater demand for open space than a standard subdivision.

It is well known that POS contributions are crucial for sustainable urban development, enhancing community amenities and supporting balanced growth. Infrastructure planning is essential for a community's economic and social well-being. New developments must provide cost-efficient and appropriate infrastructure such as roads, electricity, telecommunications and POS. POS offers recreational opportunities and green spaces for residents, visitors, and workers, serving various purposes like recreation, nature, events, and drainage.

Furthermore, in most growth areas around Tasmania, the share of residential development that is made up of medium density strata development rather than traditional broad acre subdivision, is much higher than in the past.

As new residential lots increase housing demands, so too does the need for POS. Meeting or upgrading POS needs is a joint responsibility of the government and developers. This has been recognised across other states in Australia and Policy decisions have reflected this. For instance, the Western Australian Government have a draft policy position that '*all forms of land subdivision, that increase the demand for POS, can be subject to a contribution requirement, including all types of strata subdivision*'. It is noted that the POS contribution requirements vary in each state and range from 5% up to 12.5%.

This is a matter that concerns all councils, and a consistent approach is vital. The intention with the advocacy would be to develop a Policy which addresses the current fairness and equality issues and provides clear requirements for developers and Councils in relation to POS contributions.

Consultation

Senior Management Team

Risk Implications

There are no material risk implications associated with this motion.

Financial Implications

There are no material financial implications associated with this motion.

Strategic Plan

1.3 Ensure attractive local areas that provide social, recreational and economic opportunities.

2.2 Encourage respect and enjoyment of the natural environment

2.4 Ensure strategic planning and management of assets has a long term-sustainability and evidence-based approach

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

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

Social Implications

There are no material social implications associated with this motion.

Environmental or Climate Change Implications

There are no material environmental or climate change implications associated with this motion.

Economic Implications

There are no material economic implications associated with this motion.

Other Issues

Not applicable

Options

1. As per the recommendation
2. That Council does not endorse the submission of the proposed motion to LGAT

RECOMMENDATION:

That Council submit a motion to the Local Government Association of Tasmania (LGAT) requesting the lobbying of the Minister for Housing, Planning and Consumer Affairs and the State Planning Office to work with Councils to introduce an Open Space Policy that includes contribution requirements for all forms of subdivision including Strata developments.

DECISION:

Cr De La Torre moved, Cr McMaster seconded that Council submit a motion to the Local Government Association of Tasmania (LGAT) requesting the lobbying of the Minister for Housing, Planning and Consumer Affairs and the State Planning Office to work with Councils to introduce an Open Space Policy that includes contribution requirements for all forms of subdivision including Strata developments.

CARRIED

VOTING RECORD

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

14.11 Local Government Association of Tasmania (LGAT) - 2025 General Management Committee Election - Nominations

Author: Chief Executive Officer (J Dryburgh)

Background

Nominations are invited from Local Government Association of Tasmania (LGAT) members for the 2025 election of President and six (6) members of the General Management Committee for a two year term in accordance with the rules of LGAT.

Brighton Council is entitled to:-

- Nominate one (1) elected Councillor for the position of President of LGAT.
- Nominate one (1) elected Councillor for the position of Committee member of the General Management Committee.

The nomination form must be accompanied by a copy of the Resolution passed by Council that lawfully nominated the candidate for each election.

Nominations must be received by the Returning Officer before 12 noon on Wednesday, 7th May 2025. Candidates will be notified of receipt of their nomination by the Tasmanian Electoral Commission.

Consultation:

N/A

Risk Implications:

Nil.

Financial Implications:

Nil.

Other Issues:

N/A

Options:

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Council endorse:

Councillor # to nominate for the position of President of the Local Government Association of Tasmania; and

Councillor # to nominate for the position of Committee Member of the General Management Committee.

DECISION:

Cr Owen moved, Cr Curran seconded that Council endorse Councillor Gray (Mayor) to nominate for the position of Committee Member of the General Management Committee.

CARRIED

VOTING RECORD

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

14.12 Australian Local Government Association (ALGA) - National Federal Election Funding Priorities

Author: Chief Executive Officer (J Dryburgh)

Background

Working in conjunction with its member state and territory associations, the Australian Local Government Association (ALGA) has developed a framework and resources for a national advocacy campaign that will run in the lead up to the next election. The next Federal Election must be held by 17 May 2025.

Based around the tagline of “Put Our Communities First”, the goal is to secure additional federal funding that will support every council to play a bigger role delivering local solutions to national priorities.

All Australian councils have been asked to participate in this campaign to ensure a coordinated approach that will deliver the best possible outcomes.

Campaign

The Put Our Communities First campaign will advocate for new federal funding to be distributed to all councils on a formula-basis, similar to the Commonwealth’s Roads to Recovery Program, or the previous Local Roads and Community Infrastructure Program. This will ensure that every council and community benefits, and support local decision making based on local needs.

ALGA has developed free campaign resources that can be adapted and used by all councils to ensure a consistent and effective approach. Participating in a national advocacy campaign does not preclude our council from advocating on additional local needs and issues, but it will strengthen the national campaign and support all 537 Australian local governments.

The five national funding priorities have been determined by the ALGA Board – comprised of representatives from each of Australia’s state and territory local government associations – and align with key national priorities.

These five funding priorities are:

- \$1.1 billion per year for enabling infrastructure to unlock housing supply
- \$500 million per year for community infrastructure
- \$600 million per year for safer local roads
- \$900 million per year for increased local government emergency management capability and capacity, and
- \$400 million per year for climate change adaptation.

Further information on each of these funding priorities is listed below.

Housing enabling infrastructure

A lack of funding for enabling infrastructure – including roads, and water and sewerage treatment connections and facilities – is a significant barrier to increasing housing supply across the country.

Research from [Equity Economics](#) found that 40 per cent of local governments have cut back on new infrastructure developments because of inadequate enabling infrastructure funding. This research also shows that achieving the National Housing Accord's housing targets would incur an additional \$5.7 billion funding shortfall on top of infrastructure funding gaps already being felt by councils and their communities.

A five year, \$1.1 billion per annum program would fund the infrastructure that is essential to new housing developments, and Australia reaching its housing targets.

Community Infrastructure

ALGA's [2024 National State of the Assets report](#) indicates that \$8.3 billion worth of local government buildings and \$2.9 billion worth of parks and recreation facilities are in poor condition and need attention. Introduced in 2020, the Local Roads and Community Infrastructure Program supported all councils to build, maintain and upgrade local facilities, with \$3.25 billion allocated on a formula basis.

This program had a significant impact, driving an almost \$1 billion improvement in the condition of local government buildings and facilities; and a \$500 million per year replacement fund would support all councils to build, upgrade and revitalise the community infrastructure all Australians rely on.

Safer Roads

Councils manage more than 75% of Australia's roads by length, and tragically more than half of all fatal road crashes in Australia occur on these roads. In 2023 the Australian Government announced that it would double Roads to Recovery funding over the forward estimates, providing councils with an additional \$500 million per year.

However, recent independent research by the [Grattan Institute](#) highlighted a \$1 billion local government road maintenance funding shortfall, meaning there is still a significant funding gap.

Providing local government with \$600 million per year tied to road safety programs and infrastructure upgrades would support all councils to play a more effective role addressing Australia's unacceptable road toll.

Climate adaptation

Local governments are at the forefront of grappling with climate impacts as both asset managers and land use decision makers. However, funding and support from other levels of government has failed to keep pace, placing an inequitable burden on councils and communities to fund this work locally.

A \$400 million per year local government climate adaptation fund would enable all councils to implement place-based approaches to adaptation, delivering local solutions to this national challenge.

Emergency management

Fires, floods and cyclones currently cost Australia [\\$38 billion per year, and this is predicted to rise to \\$73 billion by 2060](#). Australian councils play a key role preparing for, responding to and recovering from natural disasters, but aren't effectively funded to carry out these duties.

The Government's \$200 million per year Disaster Ready Fund is significantly oversubscribed, especially considering the scale and cost of disaster mitigation projects.

Numerous national reviews – including the [Colvin Review](#) and [Royal Commission into Natural Disaster Arrangements](#) – have identified the need for a significant uplift in local government emergency management capability and capacity.

A \$900 million per year fund would support all councils to better prepare their communities before natural disasters, and more effectively carry out the emergency management responsibilities that have been delegated to them.

Consultation:

Mayor; SMT

Risk Implications:

Nil.

Financial Implications:

As listed above.

Other Issues:

N/A

Options:

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Council

1. Supports the national federal election funding priorities identified by the Australian Local Government Association (ALGA); and
2. Supports and participates in the Put Our Communities First federal election campaign; and
3. Writes to the local federal member(s) of Parliament, all known election candidates in local federal electorates and the President of the Australian Local Government Association expressing support for ALGA's federal election funding priorities.

DECISION:

Cr McMaster moved, Cr Murtagh seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

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

15. Questions on Notice

There were no Questions on Notice for the March meeting.

Meeting closed: 7.05pm

Confirmed: _____
(Mayor)

Date: 15 April 2025
