



**Brighton
Council**

ATTACHMENTS

PLANNING AUTHORITY

1 APRIL 2025



TASMANIAN PLANNING COMMISSION

Our ref: DOC/25/24853
Officer: Louise Blyth
Phone: 6165 6818
Email: tpc@planning.tas.gov.au

7 March 2025

Mr James Dryburgh
General Manager
Brighton Council

Attention: Mr Brian White, Strategic Planner

By email: admin@brighton.tas.gov.au;
Brian.white@brighton.tas.gov.au

Dear Mr Dryburgh,

Tasmanian Planning Scheme - Brighton
Draft amendments RZ-2024 - 05 Burrows Avenue Specific Area Plan and RZ-2024 - 06 South Brighton Specific Area Plan

The draft amendments propose to replace the wording within the Specific Area Plans (SAPs) at clauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the Burrows Avenue SAP and BRI-S11.8.2 P1.2 of the South Brighton SAP as follows -

- Remove the current wording of 'Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.'
- Replace with 'Council's adopted Infrastructure Contributions Policy or as amended or replaced from time to time that are relevant to the land.'

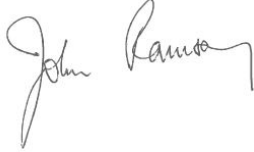
A preliminary consideration of the draft amendment by the Commission has identified a potential issue with the proposed change of wording specifically with 'as amended or replaced from time to time'.

The Commission's preliminary view is that the proposed wording introduces an element of uncertainty into the scheme. Specifically, there is no guidance or limitation on the potential scope of change to the policy, which can be amended at any time in the absence of a statutory process. This in turn introduces uncertainty to developers and third parties alike as to how and when any changes to the policy may impact a particular proposal. This is an issue that the planning authority should be prepared to address at or prior to any hearing.

The Commission is of the view that the amendments should be publicly exhibited as they may be of public interest. Following exhibition and the submission of council's section 40K reports it is anticipated that the draft amendments will be delegated to consider the issue identified above.

If you require further information or are unable to access the website please contact Louise Blyth, Planning Adviser, on 6165 6818.

Yours sincerely

A handwritten signature in black ink that reads "John Ramsay". The signature is written in a cursive style with a large initial 'J' and a long, sweeping tail on the 'y'.

John Ramsay
Executive Commissioner

TASMANIAN PLANNING COMMISSION

Our ref: DOC/25/24853
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7 March 2025

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- Remove the current wording of 'Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.'
- Replace with 'Council's adopted Infrastructure Contributions Policy or as amended or replaced from time to time that are relevant to the land.'

A preliminary consideration of the draft amendment by the Commission has identified a potential issue with the proposed change of wording specifically with 'as amended or replaced from time to time'.

The Commission's preliminary view is that the proposed wording introduces an element of uncertainty into the scheme. Specifically, there is no guidance or limitation on the potential scope of change to the policy, which can be amended at any time in the absence of a statutory process. This in turn introduces uncertainty to developers and third parties alike as to how and when any changes to the policy may impact a particular proposal. This is an issue that the planning authority should be prepared to address at or prior to any hearing.

The Commission is of the view that the amendments should be publicly exhibited as they may be of public interest. Following exhibition and the submission of council's section 40K reports it is anticipated that the draft amendments will be delegated to consider the issue identified above.

If you require further information or are unable to access the website please contact Louise Blyth, Planning Adviser, on 6165 6818.

Yours sincerely

A handwritten signature in black ink that reads "John Ramsay". The signature is written in a cursive style with a large initial 'J' and a long, sweeping tail on the 'y'.

John Ramsay
Executive Commissioner

Tasmanian Planning Scheme - Brighton Amendment RZ 2025/02 Instrument of Certification

The Brighton Council Planning Authority resolved at its meeting held on 1st April 2025 that Amendment RZ2025/02 of the *Tasmanian Planning Scheme - Brighton* meets the requirements specified in Section 34 of the *Land Use Planning and Approvals Act 1993*.

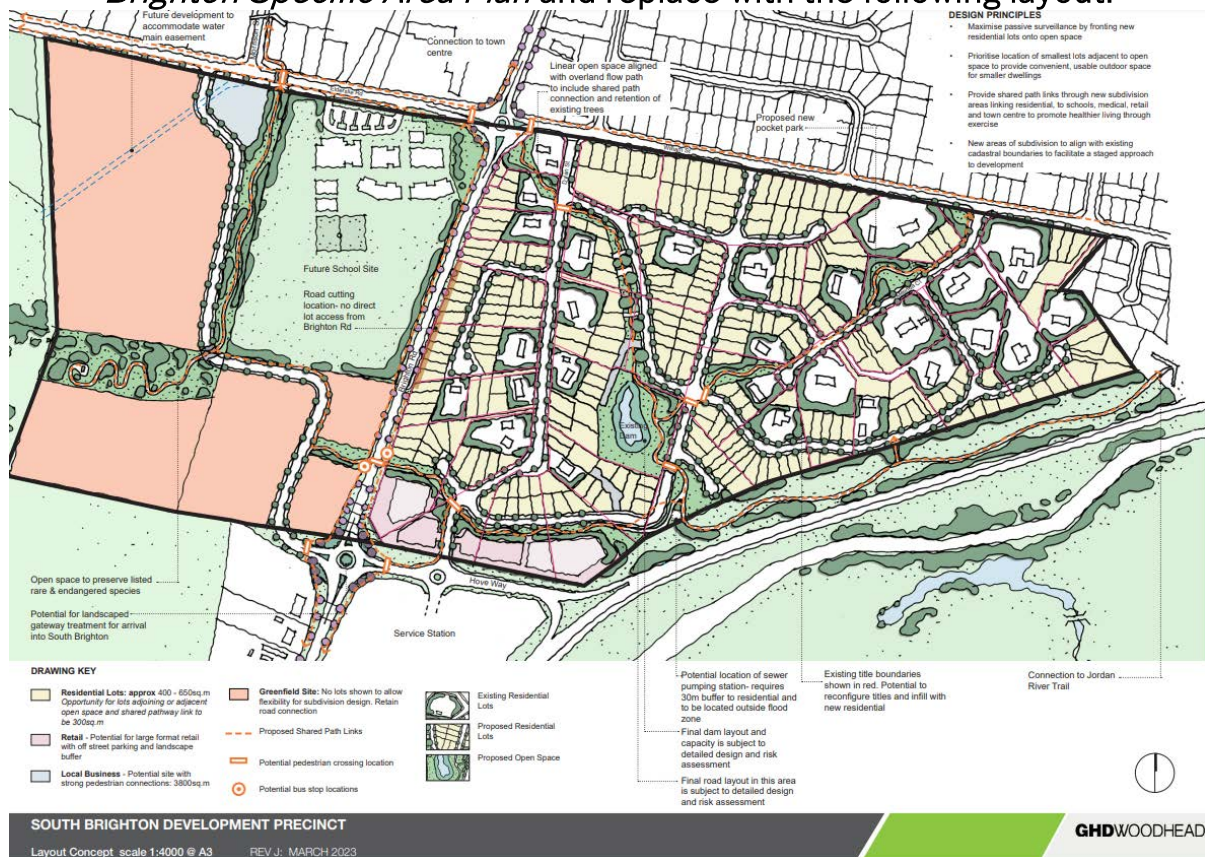
The common seal of the Brighton Council is affixed below, pursuant to the Council resolution of 16 May 2006 in the presence of:

Chief Executive Officer

Date:

AMENDMENT TO THE PLANNING SCHEME ORDINANCE AS FOLLOWS-

1. Remove the existing layout in *Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework* of the *BRI-S11.0 South Brighton Specific Area Plan* and replace with the following layout:



2. Amend clauses BRI-S11.8.2 P1.2 of the BRI-S11.0 South Brighton Specific Area Plan as follows:

BRI-S11.8.2 Infrastructure provision

This clause is in addition to General Residential Zone - clause 8.6 Development Standards for Subdivision

<p>Objective:</p>	<p>That:</p> <ul style="list-style-type: none"> (a) subdivision design provides for Council infrastructure that will enable further land development in accordance with the Development Framework and purpose of the Specific Area Plan; and (b) developer contributions are made towards the cost and provision of infrastructure in accordance with the relevant Policy adopted by the Council
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1 No Acceptable Solution</p>	<p>P1.1 The provision, and upgrading of Council infrastructure, must be provided having regard to:</p> <ul style="list-style-type: none"> (a) the demand the subdivision places on Council infrastructure; (b) the need for connecting Council infrastructure to common boundaries with adjoining land to facilitate future subdivision potential; (c) any existing Council infrastructure; (d) any upgrades to existing Council infrastructure that may be required; (e) topography and other site conditions; and (f) any advice from a State authority, regulated entity or a Council <p>P1.2 Where Council infrastructure has been provided by Council, an infrastructure contribution must be paid, having regard to Council's adopted Infrastructure</p>

	Contributions Policy that is relevant to the land.
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TASMANIAN PLANNING COMMISSION

Our ref: DOC/24/66024
Officer: Paola Barlund
Phone: 03 6165 6835
Email: tpc@planning.tas.gov.au

5 June 2024

Mr David Allingham
Director - Development Services
Brighton Council
1 Tivoli Road
OLD BEACH TAS 7017

By email: admin@brighton.tas.gov.au;
David.Allingham@brighton.tas.gov.au

Dear Mr Allingham

Tasmanian Planning Scheme – Brighton
Draft amendment RZ-2022-05

I refer to the above draft amendment and your request, dated 30 May 2024.

It is noted that the draft amendment became effective on 24 May 2024.

The Commission acknowledges that Figure BRI-S11.2 South Brighton Specific Area Plan Development Framework, in the approved BRI-S11.0 South Brighton Specific Area Plan, did not include the changes recommended in the planning authority's report on representations, dated 12 April 2023.

I wish to advise you that while the Commission may correct a decision under section 81AA of the *Land Use Planning and Approvals Act 1993 Act* (the Act), Section 81AA(2)(b) prescribes that a correction may not be made to a draft amendment that has come into effect under section 40S of the Act.

The Commission also notes that it is unable to consider the request under section 800 of the Act, due to the nature of error that has occurred.

The Commission recommends that the planning authority prepare and certify a suitable draft amendment under section's 40D and 40F of the Act respectively. It would then be open for the planning authority to request the Commission to dispense with the public exhibition requirements under section 40I. To support its case the planning authority should consider engaging with the landowners of 10 and 10A Dylan Street and provide evidence that they endorse the draft amendment.

If you require further information please contact Paola Barlund, Planning Adviser, on 03 6165 6835.

Yours sincerely



John Ramsay
Executive Commissioner



Brighton Council

POLICY NAME: INFRASTRUCTURE CONTRIBUTIONS

POLICY No: 1.7

1. PURPOSE:

1.1. The purpose of this *“Infrastructure Contributions Policy”* (**‘Policy’**) is to set guidelines by which Brighton Council (**‘Council’**) can make key infrastructure investments. Council will recoup these investments via the imposition of a charge on the creation of new lots or the intensification of land that benefits directly from these investments.

2. SCOPE:

2.1 This policy applies only to the Areas of land identified in the addendums to this Policy on the day following its adoption, as well as the Areas identified by all future addendums adopted by Council and forming part of this Policy.

3. COMMENCEMENT:

3.1 This Policy will apply from the day immediately following its adoption by Council.

4. DEFINITIONS:

Area	The geographical location within Council’s municipal area to which each addendum to the Policy apply.
Equivalent Tenement	A calculation of the real effect of the load or demand on infrastructure for a particular use as a proportion of a typical dwelling.
Development	The meaning provided for within the <i>Land Use Planning and Approvals Act 1993</i> or any other matter requiring a permit under that act.
Lot	Each individual area of land created by the subdivision of a parent title or strata scheme.
Investment	The monetary contribution made by Council towards the specific piece of infrastructure to which the Charge is to be applied.
Tenement	A single detached dwelling / residence.
Tenement capacity	The number of Tenements able to be serviced by an individual infrastructure investment when fully utilised.
Charge	The proportion of Council’s investment to be recouped.

5. OBJECTIVE:

- 5.1 To ensure that strategically appropriate development is not unduly hindered by a lack of critical infrastructure or inhibitive upfront costs via the assistance of Council in investing in this infrastructure. Council will seek to recoup its investment as the development of land benefitting from that investment occurs.
- 5.2 Investments made by Council will:
- (a) ensure that services and infrastructure are provided in a sustainable and coordinated manner, with the appropriate levels of service to residents, visitors and the environment;
 - (b) ensure a more equitable system for infrastructure costs for land development;
 - (c) ensure that fair and orderly development in accordance with endorsed strategies and plans can occur in the most efficient manner;
 - (d) ensure legislative requirements for provision of infrastructure and for infrastructure-related charges are met;
 - (e) ensure operational processes are identified and responsibility for administering this policy is allocated; and
 - (f) demonstrate transparent and responsible support for key infrastructure.

6. POLICY:

Introduction

- 6.1 Council is committed to facilitating strategic development that aligns with its endorsed strategies and plans. Council recognises that substantial up front infrastructure costs can often lead to ad hoc and inefficient development, or stifle development all together.
- 6.2 It is particularly difficult to ensure that efficient long-term infrastructure is installed, when there is multiple land owners who share the benefits but not the costs of the construction of that infrastructure.
- 6.3 Council as an intermediary can play a role in removing this blockage by in ensuring that infrastructure costs associated with growth are equitably carried by the beneficiaries.

Background

- 6.4 The situation often arises where the first to undertake development must incur major costs for critical infrastructure that then benefit all subsequent developers within that area. This is called the “first mover” problem and it can be a significant barrier to achieving strategic development outcomes.
- 6.5 The issue is more prevalent for infill development projects where land has recently been “upzoned” and there are multiple property owners. This can also result in development occurring in an ad-hoc manner that creates undesirable and inefficient outcomes.
- 6.6 Council can fill this void by acting as an intermediary and provide an investment in the upfront contribution to these infrastructure costs, or collect contributions to provide a coordinated approach to infrastructure delivery.
- 6.7 This policy will generally be applied to infrastructure that is the responsibility of Council, such as roads, bridges, stormwater, open space and the like. There may

be occasions where Council act as an intermediary to collect funds for other infrastructure authorities such as TasWater, TasNetworks, etc.

- 6.8 This proactive approach by Council in the investment in infrastructure is likely to encourage development to occur in line with Council's strategies and plans and be in a more efficient and equitable manner.
- 6.9 This Policy is consistent with and supports Council's Strategic Plan. The Policy specifically supports the Strategic Plan in that it can be harnessed to ensure Brighton's preferred future will have:
- (a) a sustainable natural and built environment;
 - (b) infrastructure maintained at an appropriate level;
 - (c) a better image as a place where people want to live;
 - (d) an appropriate, affordable and accessible transport system; and
 - (e) practical and effective land use strategies.
- 6.10 A strategic approach to infrastructure investment and land use development will ensure that the Council delivers the highest appropriate opportunities for growth, whilst ensuring efficiency and amenity.

Principles

- 6.11 Council is not obliged to make infrastructure investments outside their normal responsibilities.
- 6.12 Council may consider investing in infrastructure where it is of the opinion there is a strong long-term benefit to the municipality and its community.
- 6.13 All relevant legislative requirements together with political, social and economic environments are to be taken into account when deciding to invest in infrastructure and recoup this investment via the imposition of a Charge on the benefitting land.
- 6.14 Any investments are to be consistent with Council's strategies, land use planning strategies and plans.
- 6.15 Investment agreements are to be appropriately structured so as to ensure that the relevant infrastructure will be completed to a satisfactory standard.
- 6.16 Charges for the recovery of Council's investment are to be calculated by reference to the total estimated benefit to an Area resulting from the infrastructure investment and is to be calculated by reference to the total sum of that investment, divided by the estimated number of Tenements that will ultimately share in the benefit of the investment.

Application

- 6.17 In applying the principles of this Policy to the individual investments made by Council, addendums to this Policy are to be made ('**Addendums**'). On adoption of these Addendums by Council, they are to be read as being part of this Policy.
- 6.18 The Addendums are to include the following detail:
- (a) a description of the specific infrastructure invested in by Council;
 - (b) the Area of land to which the Policy has application;
 - (c) the initial Investment made by Council;
 - (d) the financial year in which the Investment was made;

- (e) the Equivalent Tenement of additional capacity supported by the specific investment and infrastructure (if applicable);
 - (f) the formula by which the Charge is to be calculated and applied;
 - (g) the design assumptions and standards of the infrastructure invested in; and
 - (h) the equivalence factors to be applied for the relevant uses of the land and to be applied in calculating the Charge.
- 6.19 The infrastructure investments of Council may include but are not limited to the following general areas:
- (a) roads and other transport;
 - (b) public open space and recreation infrastructure;
 - (c) stormwater drainage;
 - (d) carparking; or
 - (e) social infrastructure.(e.g. buildings for youth hubs, social services, etc.)
- 6.20 Under each Addendum, the sum of Council's investment in the infrastructure is to be calculated and indexed to account for the Hobart CPI increase each financial year.
- 6.21 Equivalent tenement factors are to be calculated by applying industry guidelines and actual data.
- 6.22 The calculation of each Charge is to be based on the recovery of the total amount of Council's investment as a proportion to the number of additional tenements that can be serviced by that piece of infrastructure (where applicable).
- 6.23 Conditions imposed by Council on planning permits for infrastructure contributions are to read principally as follows:
- "The subdivider is to pay to the Council an infrastructure contribution of \$XX per lot in the subdivision, with such payment being made prior to the sealing of the final plan."*
- 6.24 Notwithstanding the above draft condition, developers can be given the opportunity to make an agreement with Council to allow payment at some other time.
- 6.25 The Charges under this Policy are to be indexed to the Hobart CPI and rounded to the nearest \$5, calculated at the time of payment.
- 6.26 Lots may be excluded from an Area at the discretion of Council.

7. PAYMENT:

- 7.1 Payment of the Charge shall be made as follows unless otherwise authorised by the General Manager:
- (a) **Subdivision** - prior to the sealing of the subdivision plans;
 - (b) **Strata Scheme** - prior to the issue of the Certificate of Approval; and
 - (c) **Intensified Use** - prior to the commencement of the intensified use.

8. ROLES & RESPONSIBILITIES

- 8.1 Councillors are to:
- (a) ensure the Policy is applied consistently; and
 - (b) ensure this policy is utilised only for development that aligns to endorsed strategies and plans and that has significant long-term community benefits;
- 8.2 Senior Management Team is to:
- (a) ensure the Policy is applied consistently.
 - (b) recommend additions or revisions to this policy.
- 8.3 Asset Services & Development Services is to:
- (a) ensure this policy is reflected in relevant Development Applications and Planning Permit conditions.

9. REFERENCES:

Local Government Act 1993

Local Government (Building and Miscellaneous Provisions) Act 1993

Local Government (Highways) Act 1982

Land Use Planning and Approvals Act 1993

Urban Drainage Act 2013

Water and Sewerage Industry Act 2008

Strategic Plan 2023-2033

Brighton Structure Plan 2012

Brighton Town Centre Local Area Plan 2012

Asset Management Plans

Long Term Financial Management Strategy

Long Term Financial Management Plan

ADMINISTRATIVE DETAILS:

Policy compiled: September 2018

Adopted by Council: 18/09/2018; 21/02/2023; 15/10/2024

Reviewed: October 2024

To be reviewed: October 2028

Responsibility: Director Development Services



CHIEF EXECUTIVE OFFICER

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



POLICY NAME: Key Infrastructure Investments and Defined Infrastructure Charges

POLICY No: 1.7

1. PURPOSE:

- 1.1. The purpose of this 'Key Infrastructure Investments and Defined Infrastructure Charges Policy' ('Policy') is to set guidelines by which Brighton Council ('Council') can make key infrastructure investments. Council will recoup these investments via the imposition of a charge on the creation of new lots or the intensification of land that benefits directly from these investments.

2. SCOPE:

- 2.1 This policy applies only to the Areas of land identified in the addendums to this Policy on the day following its adoption, as well as the Areas identified by the all future addendums adopted by Council and forming part of this Policy.

3. COMMENCEMENT:

- 3.1 This Policy will apply from the day immediately following its adoption by Council.

4. DEFINITIONS:

Area	The geographical location within Council's municipal area to which each addendum to the Policy apply.
Equivalent Tenement	A calculation of the real effect of the load or demand on infrastructure for a particular use as a proportion of a typical dwelling.
Development	The meaning provided for within the <i>Land Use Planning and Approvals Act 1993</i> or any other matter requiring a permit under that act.
Lot	Each individual area of land created by the subdivision of a parent title or strata scheme.
Investment	The monetary contribution made by Council towards the specific piece of infrastructure to which the Charge is to be applied.
Tenement	A single detached dwelling / residence.
Tenement capacity	The number of Tenements able to be serviced by an individual infrastructure investment when fully utilised.
Charge	The proportion of Council's investment to be recouped.

5. OBJECTIVE:

- 5.1 To ensure that strategically appropriate development is not unduly hindered by a lack of critical infrastructure or inhibitive upfront costs via the assistance of Council in investing in this infrastructure. Council will seek to recoup its investment as the development of land benefitting from that investment occurs.
- 5.2 Investments made by Council will:
- (a) ensure that services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment;
 - (b) ensure a more equitable system for infrastructure costs for land development;
 - (c) ensure that fair and orderly development in accordance with endorsed strategies and plans can occur in the most efficient manner;
 - (d) ensure legislative requirements for provision of infrastructure and for infrastructure-related charges are met;
 - (e) ensure operational processes are identified and responsibility for administering this policy is allocated; and
 - (f) demonstrate transparent and responsible support for key infrastructure.

6. POLICY:

Introduction

- 6.1 Council is committed to facilitating strategic development that aligns with its endorsed strategies and plans. Council recognises that substantial up front infrastructure costs can often lead to ad hoc and inefficient development, or stifle development all together.
- 6.2 It is particularly difficult to ensure that efficient long-term infrastructure is installed, when there are multiple land owners who share the benefits but not the costs of the construction of that infrastructure.
- 6.3 Council as an intermediary can play a role in removing this blockage by in ensuring that infrastructure costs associated with growth are equitably carried by the beneficiaries.

Background

- 6.4 The removal of the ability for TasWater to impose headworks charges has resulted in situations where the outlay costs of critical infrastructure has prohibited strategic development. Effectively TasWater has no means to recoup its costs and its investment in new capacity building infrastructure has been limited.
- 6.5 The result of this has meant that in the case of residential rezonings and subdivisions, the first to develop must incur major costs that then benefit all subsequent developers within that area.
- 6.6 Council can fill this void by acting as an intermediary and provide an investment in the upfront contribution to these infrastructure costs.
- 6.7 There may be cases where strategic infrastructure other than sewerage or water, such as roads, bridges, stormwater and the like, may be appropriate for such a strategic investment by Council.

- 6.8 This proactive approach by Council in the investment in infrastructure is likely to encourage development to occur in line with Council's strategies and plans and be in a more efficient and equitable manner.
- 6.9 This Policy is consistent with and supports Council's Strategic Plan. The Policy specifically supports the Strategic Plan in that it can be harnessed to ensure Brighton's preferred future will have:
- (a) a sustainable natural and built environment;
 - (b) infrastructure maintained at an appropriate level;
 - (c) a better image as a place where people want to live;
 - (d) an appropriate, affordable and accessible transport system; and
 - (e) practical and effective land use strategies.
- 6.10 A strategic approach to infrastructure investment and land use development will ensure that the Council delivers the highest appropriate opportunities for growth, whilst ensuring efficiency and amenity.

Principles

- 6.11 Council is not obliged to make infrastructure investments outside their normal responsibilities.
- 6.12 Council may consider investing in infrastructure where it is of the opinion there is a strong long-term benefit to the municipality and its community.
- 6.13 All relevant legislative requirements together with political, social and economic environments are to be taken into account when deciding to invest in infrastructure and recoup this investment via the imposition of a Charge on the benefitting land.
- 6.14 Any investments are to be consistent with Council's strategies, land use planning strategies and plans.
- 6.15 Investment agreements are to be appropriately structured so as to ensure that the relevant infrastructure will be completed to a satisfactory standard.
- 6.16 Charges for the recovery of Council's investment are to be calculated by reference to the total estimated benefit to an Area resulting from the infrastructure investment and is to be calculated by reference to the total sum of that investment, divided by the estimated number of Tenements that will ultimately share in the benefit of the investment.

Application

- 6.17 In applying the principals of this Policy to the individual investments made by Council, addendums to this Policy are to be made ('**Addendums**'). On adoption of these Addendums by Council, they are to be read as being part of this Policy.
- 6.18 The Addendums are to include the following detail:
- (a) a description of the specific infrastructure invested in by Council;
 - (b) the Area of land to which the Policy has application;
 - (c) the initial Investment made by Council;
 - (d) the financial year in which the Investment was made;
 - (e) the Equivalent Tenement of additional capacity supported by the specific investment and infrastructure (if applicable);

- (f) the formula by which the Charge is to be calculated and applied;
 - (g) the design assumptions and standards of the infrastructure invested in; and
 - (h) the equivalence factors to be applied for the relevant uses of the land and to be applied in calculating the Charge.
- 6.19 The infrastructure investments of Council may include but are not limited to the following general areas:
- (a) water;
 - (b) sewerage;
 - (c) roads and other transport;
 - (d) public open space infrastructure;
 - (e) stormwater drainage; or
 - (f) carparking.
- 6.20 Under each Addendum, the sum of Council's investment in the infrastructure is to be calculated and indexed to account for the Hobart CPI increase each financial year.
- 6.21 Equivalent tenement factors are to be calculated by applying industry guidelines and actual data.
- 6.22 The calculation of each Charge is to be based on the recovery of the total amount of Council's investment as a proportion to the number of additional tenements that can be serviced by that piece of infrastructure (where applicable).
- 6.23 Conditions imposed by Council on planning permits for infrastructure contributions are to read principally as follows:
- "The subdivider is to pay to the Council an infrastructure contribution of \$XX per lot in the subdivision, with such payment being made prior to the sealing of the final plan."*
- 6.24 Notwithstanding the above draft condition, developers can be given the opportunity to make an agreement with Council to allow payment at some other time.
- 6.25 The Charges under this Policy are to be indexed to the Hobart CPI and rounded to the nearest \$5, calculated at the time of payment.
- 6.26 Lots may be excluded from an Area at the discretion of Council.

7. PAYMENT:

- 7.1 Payment of the Charge shall be made as follows unless otherwise authorised by the General Manager:
- (a) **Subdivision** - prior to the sealing of the subdivision plans;
 - (b) **Strata Scheme** - prior to the issue of the Certificate of Approval; and
 - (c) **Intensified Use** - prior to the commencement of the intensified use.

8. ROLES & RESPONSIBILITIES

- 8.1 Councillors are to:
- (a) ensure the Policy is applied consistently;
 - (b) ensure this policy is utilised only for development that aligns to endorsed strategies and plans and that has significant long-term community benefits; and
 - (c) approve the Key Infrastructure Investment Policy.
- 8.2 Senior Management Team is to:
- (a) ensure the Policy is applied consistently.
 - (b) recommend additions or revisions to this policy.
- 8.3 Asset Services & Development Services is to:
- (a) ensure this policy is reflected in relevant Development Applications and Planning Permit conditions.

9. REFERENCES:

Local Government Act 1993

Local Government (Building and Miscellaneous Provisions) Act 1993

Local Government (Highways) Act 1982

Land Use Planning and Approvals Act 1993

Urban Drainage Act 2013

Water and Sewerage Industry Act 2008

Strategic Plan 2023-2033

Brighton Structure Plan 2012

Brighton Town Centre Local Area Plan 2012

Asset Management Plans

Long Term Financial Management Strategy

Long Term Financial Management Plan

ADMINISTRATIVE DETAILS:

Policy compiled: September 2018

Adopted by Council: 18/09/2018; 21/02/2023

To be reviewed: February 2025

Responsibility: Manager Development Services



GENERAL MANAGER

Tasmanian Planning Scheme - Brighton

Amendment RZ 2025/03

Instrument of Certification

The Brighton Council Planning Authority resolved at its meeting held on 1st April 2025 that Amendment RZ2025/03 of the *Tasmanian Planning Scheme - Brighton* meets the requirements specified in Section 34 of the *Land Use Planning and Approvals Act 1993*.

The common seal of the Brighton Council is affixed below, pursuant to the Council resolution of 16 May 2006 in the presence of:

Chief Executive Officer

Date:

AMENDMENT TO THE PLANNING SCHEME ORDINANCE

Amend subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the BRI-S12.0 Burrows Avenue Specific Area Plan as follows:

BRI-S12.7.1 Infrastructure provision for multiple dwellings

This clause is in addition to General Residential Zone - Clause 8.4 Development Standards for Dwellings

Objective:	That: <ul style="list-style-type: none"> (a) multiple dwelling development delivers sufficient council infrastructure to provide for road and pedestrian network connectivity and amenity; and (b) developer contributions are made towards the cost and provision of council infrastructure in accordance with the relevant policy adopted by council
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solution	P1.1 Council infrastructure must be provided or upgraded as required, having regard to: <ul style="list-style-type: none"> (a) the demand that the development places on council infrastructure; (b) any existing council infrastructure; (c) the topography and other site conditions; and

	<p>(d) any advice from a State authority, regulated entity or council</p> <p>P1.2</p> <p>For council infrastructure that has been provided by council, an infrastructure contribution must be paid, having regard to Council's adopted Infrastructure Contributions Policy that is relevant to the land.</p>
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BRI-S12.8.1 Subdivision - Precinct A

This clause is in substitution for General Residential Zone - Clauses 8.6.1 Lot design A1 and P1; and 8.6.1 A4 and P4.

Objective:	That subdivision within Precinct A provides for consistency with the purpose of the specific area plan and the development framework.	
Acceptable Solutions		Performance Criteria
A2	No Acceptable Solution.	<p>P2.1</p> <p>Council infrastructure must be provided or upgraded as required, having regard to:</p> <ul style="list-style-type: none"> (a) the demand that the development places on council infrastructure; (b) any existing council infrastructure; (c) the topography and other site conditions; and (d) any advice from a State authority, regulated entity or council <p>P2.2</p> <p>For council infrastructure that has been provided by council, an infrastructure contribution must be paid, having regard to Council's adopted Infrastructure Contributions Policy that is relevant to the land.</p>



Brighton Council

POLICY NAME: INFRASTRUCTURE CONTRIBUTIONS

POLICY No: 1.7

1. PURPOSE:

1.1. The purpose of this *“Infrastructure Contributions Policy”* (**‘Policy’**) is to set guidelines by which Brighton Council (**‘Council’**) can make key infrastructure investments. Council will recoup these investments via the imposition of a charge on the creation of new lots or the intensification of land that benefits directly from these investments.

2. SCOPE:

2.1 This policy applies only to the Areas of land identified in the addendums to this Policy on the day following its adoption, as well as the Areas identified by all future addendums adopted by Council and forming part of this Policy.

3. COMMENCEMENT:

3.1 This Policy will apply from the day immediately following its adoption by Council.

4. DEFINITIONS:

Area	The geographical location within Council’s municipal area to which each addendum to the Policy apply.
Equivalent Tenement	A calculation of the real effect of the load or demand on infrastructure for a particular use as a proportion of a typical dwelling.
Development	The meaning provided for within the <i>Land Use Planning and Approvals Act</i> 1993 or any other matter requiring a permit under that act.
Lot	Each individual area of land created by the subdivision of a parent title or strata scheme.
Investment	The monetary contribution made by Council towards the specific piece of infrastructure to which the Charge is to be applied.
Tenement	A single detached dwelling / residence.
Tenement capacity	The number of Tenements able to be serviced by an individual infrastructure investment when fully utilised.
Charge	The proportion of Council’s investment to be recouped.

5. OBJECTIVE:

- 5.1 To ensure that strategically appropriate development is not unduly hindered by a lack of critical infrastructure or inhibitive upfront costs via the assistance of Council in investing in this infrastructure. Council will seek to recoup its investment as the development of land benefitting from that investment occurs.
- 5.2 Investments made by Council will:
- (a) ensure that services and infrastructure are provided in a sustainable and coordinated manner, with the appropriate levels of service to residents, visitors and the environment;
 - (b) ensure a more equitable system for infrastructure costs for land development;
 - (c) ensure that fair and orderly development in accordance with endorsed strategies and plans can occur in the most efficient manner;
 - (d) ensure legislative requirements for provision of infrastructure and for infrastructure-related charges are met;
 - (e) ensure operational processes are identified and responsibility for administering this policy is allocated; and
 - (f) demonstrate transparent and responsible support for key infrastructure.

6. POLICY:

Introduction

- 6.1 Council is committed to facilitating strategic development that aligns with its endorsed strategies and plans. Council recognises that substantial up front infrastructure costs can often lead to ad hoc and inefficient development, or stifle development all together.
- 6.2 It is particularly difficult to ensure that efficient long-term infrastructure is installed, when there is multiple land owners who share the benefits but not the costs of the construction of that infrastructure.
- 6.3 Council as an intermediary can play a role in removing this blockage by in ensuring that infrastructure costs associated with growth are equitably carried by the beneficiaries.

Background

- 6.4 The situation often arises where the first to undertake development must incur major costs for critical infrastructure that then benefit all subsequent developers within that area. This is called the “first mover” problem and it can be a significant barrier to achieving strategic development outcomes.
- 6.5 The issue is more prevalent for infill development projects where land has recently been “upzoned” and there are multiple property owners. This can also result in development occurring in an ad-hoc manner that creates undesirable and inefficient outcomes.
- 6.6 Council can fill this void by acting as an intermediary and provide an investment in the upfront contribution to these infrastructure costs, or collect contributions to provide a coordinated approach to infrastructure delivery.
- 6.7 This policy will generally be applied to infrastructure that is the responsibility of Council, such as roads, bridges, stormwater, open space and the like. There may

be occasions where Council act as an intermediary to collect funds for other infrastructure authorities such as TasWater, TasNetworks, etc.

- 6.8 This proactive approach by Council in the investment in infrastructure is likely to encourage development to occur in line with Council's strategies and plans and be in a more efficient and equitable manner.
- 6.9 This Policy is consistent with and supports Council's Strategic Plan. The Policy specifically supports the Strategic Plan in that it can be harnessed to ensure Brighton's preferred future will have:
- (a) a sustainable natural and built environment;
 - (b) infrastructure maintained at an appropriate level;
 - (c) a better image as a place where people want to live;
 - (d) an appropriate, affordable and accessible transport system; and
 - (e) practical and effective land use strategies.
- 6.10 A strategic approach to infrastructure investment and land use development will ensure that the Council delivers the highest appropriate opportunities for growth, whilst ensuring efficiency and amenity.

Principles

- 6.11 Council is not obliged to make infrastructure investments outside their normal responsibilities.
- 6.12 Council may consider investing in infrastructure where it is of the opinion there is a strong long-term benefit to the municipality and its community.
- 6.13 All relevant legislative requirements together with political, social and economic environments are to be taken into account when deciding to invest in infrastructure and recoup this investment via the imposition of a Charge on the benefitting land.
- 6.14 Any investments are to be consistent with Council's strategies, land use planning strategies and plans.
- 6.15 Investment agreements are to be appropriately structured so as to ensure that the relevant infrastructure will be completed to a satisfactory standard.
- 6.16 Charges for the recovery of Council's investment are to be calculated by reference to the total estimated benefit to an Area resulting from the infrastructure investment and is to be calculated by reference to the total sum of that investment, divided by the estimated number of Tenements that will ultimately share in the benefit of the investment.

Application

- 6.17 In applying the principles of this Policy to the individual investments made by Council, addendums to this Policy are to be made ('**Addendums**'). On adoption of these Addendums by Council, they are to be read as being part of this Policy.
- 6.18 The Addendums are to include the following detail:
- (a) a description of the specific infrastructure invested in by Council;
 - (b) the Area of land to which the Policy has application;
 - (c) the initial Investment made by Council;
 - (d) the financial year in which the Investment was made;

- (e) the Equivalent Tenement of additional capacity supported by the specific investment and infrastructure (if applicable);
 - (f) the formula by which the Charge is to be calculated and applied;
 - (g) the design assumptions and standards of the infrastructure invested in; and
 - (h) the equivalence factors to be applied for the relevant uses of the land and to be applied in calculating the Charge.
- 6.19 The infrastructure investments of Council may include but are not limited to the following general areas:
- (a) roads and other transport;
 - (b) public open space and recreation infrastructure;
 - (c) stormwater drainage;
 - (d) carparking; or
 - (e) social infrastructure.(e.g. buildings for youth hubs, social services, etc.)
- 6.20 Under each Addendum, the sum of Council's investment in the infrastructure is to be calculated and indexed to account for the Hobart CPI increase each financial year.
- 6.21 Equivalent tenement factors are to be calculated by applying industry guidelines and actual data.
- 6.22 The calculation of each Charge is to be based on the recovery of the total amount of Council's investment as a proportion to the number of additional tenements that can be serviced by that piece of infrastructure (where applicable).
- 6.23 Conditions imposed by Council on planning permits for infrastructure contributions are to read principally as follows:
- "The subdivider is to pay to the Council an infrastructure contribution of \$XX per lot in the subdivision, with such payment being made prior to the sealing of the final plan."*
- 6.24 Notwithstanding the above draft condition, developers can be given the opportunity to make an agreement with Council to allow payment at some other time.
- 6.25 The Charges under this Policy are to be indexed to the Hobart CPI and rounded to the nearest \$5, calculated at the time of payment.
- 6.26 Lots may be excluded from an Area at the discretion of Council.

7. PAYMENT:

- 7.1 Payment of the Charge shall be made as follows unless otherwise authorised by the General Manager:
- (a) **Subdivision** - prior to the sealing of the subdivision plans;
 - (b) **Strata Scheme** - prior to the issue of the Certificate of Approval; and
 - (c) **Intensified Use** - prior to the commencement of the intensified use.

8. ROLES & RESPONSIBILITIES

- 8.1 Councillors are to:
- (a) ensure the Policy is applied consistently; and
 - (b) ensure this policy is utilised only for development that aligns to endorsed strategies and plans and that has significant long-term community benefits;
- 8.2 Senior Management Team is to:
- (a) ensure the Policy is applied consistently.
 - (b) recommend additions or revisions to this policy.
- 8.3 Asset Services & Development Services is to:
- (a) ensure this policy is reflected in relevant Development Applications and Planning Permit conditions.

9. REFERENCES:

Local Government Act 1993

Local Government (Building and Miscellaneous Provisions) Act 1993

Local Government (Highways) Act 1982

Land Use Planning and Approvals Act 1993

Urban Drainage Act 2013

Water and Sewerage Industry Act 2008

Strategic Plan 2023-2033

Brighton Structure Plan 2012

Brighton Town Centre Local Area Plan 2012

Asset Management Plans

Long Term Financial Management Strategy

Long Term Financial Management Plan

ADMINISTRATIVE DETAILS:

Policy compiled: September 2018

Adopted by Council: 18/09/2018; 21/02/2023; 15/10/2024

Reviewed: October 2024

To be reviewed: October 2028

Responsibility: Director Development Services



CHIEF EXECUTIVE OFFICER

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



Brighton Council

POLICY NAME: Key Infrastructure Investments and Defined Infrastructure Charges

POLICY No: 1.7

1. PURPOSE:

1.1. The purpose of this 'Key Infrastructure Investments and Defined Infrastructure Charges Policy' ('Policy') is to set guidelines by which Brighton Council ('Council') can make key infrastructure investments. Council will recoup these investments via the imposition of a charge on the creation of new lots or the intensification of land that benefits directly from these investments.

2. SCOPE:

2.1 This policy applies only to the Areas of land identified in the addendums to this Policy on the day following its adoption, as well as the Areas identified by the all future addendums adopted by Council and forming part of this Policy.

3. COMMENCEMENT:

3.1 This Policy will apply from the day immediately following its adoption by Council.

4. DEFINITIONS:

Area	The geographical location within Council's municipal area to which each addendum to the Policy apply.
Equivalent Tenement	A calculation of the real effect of the load or demand on infrastructure for a particular use as a proportion of a typical dwelling.
Development	The meaning provided for within the <i>Land Use Planning and Approvals Act 1993</i> or any other matter requiring a permit under that act.
Lot	Each individual area of land created by the subdivision of a parent title or strata scheme.
Investment	The monetary contribution made by Council towards the specific piece of infrastructure to which the Charge is to be applied.
Tenement	A single detached dwelling / residence.
Tenement capacity	The number of Tenements able to be serviced by an individual infrastructure investment when fully utilised.
Charge	The proportion of Council's investment to be recouped.

5. OBJECTIVE:

- 5.1 To ensure that strategically appropriate development is not unduly hindered by a lack of critical infrastructure or inhibitive upfront costs via the assistance of Council in investing in this infrastructure. Council will seek to recoup its investment as the development of land benefitting from that investment occurs.
- 5.2 Investments made by Council will:
- (a) ensure that services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment;
 - (b) ensure a more equitable system for infrastructure costs for land development;
 - (c) ensure that fair and orderly development in accordance with endorsed strategies and plans can occur in the most efficient manner;
 - (d) ensure legislative requirements for provision of infrastructure and for infrastructure-related charges are met;
 - (e) ensure operational processes are identified and responsibility for administering this policy is allocated; and
 - (f) demonstrate transparent and responsible support for key infrastructure.

6. POLICY:

Introduction

- 6.1 Council is committed to facilitating strategic development that aligns with its endorsed strategies and plans. Council recognises that substantial up front infrastructure costs can often lead to ad hoc and inefficient development, or stifle development all together.
- 6.2 It is particularly difficult to ensure that efficient long-term infrastructure is installed, when there are multiple land owners who share the benefits but not the costs of the construction of that infrastructure.
- 6.3 Council as an intermediary can play a role in removing this blockage by in ensuring that infrastructure costs associated with growth are equitably carried by the beneficiaries.

Background

- 6.4 The removal of the ability for TasWater to impose headworks charges has resulted in situations where the outlay costs of critical infrastructure has prohibited strategic development. Effectively TasWater has no means to recoup its costs and its investment in new capacity building infrastructure has been limited.
- 6.5 The result of this has meant that in the case of residential rezonings and subdivisions, the first to develop must incur major costs that then benefit all subsequent developers within that area.
- 6.6 Council can fill this void by acting as an intermediary and provide an investment in the upfront contribution to these infrastructure costs.
- 6.7 There may be cases where strategic infrastructure other than sewerage or water, such as roads, bridges, stormwater and the like, may be appropriate for such a strategic investment by Council.

- 6.8 This proactive approach by Council in the investment in infrastructure is likely to encourage development to occur in line with Council's strategies and plans and be in a more efficient and equitable manner.
- 6.9 This Policy is consistent with and supports Council's Strategic Plan. The Policy specifically supports the Strategic Plan in that it can be harnessed to ensure Brighton's preferred future will have:
- (a) a sustainable natural and built environment;
 - (b) infrastructure maintained at an appropriate level;
 - (c) a better image as a place where people want to live;
 - (d) an appropriate, affordable and accessible transport system; and
 - (e) practical and effective land use strategies.
- 6.10 A strategic approach to infrastructure investment and land use development will ensure that the Council delivers the highest appropriate opportunities for growth, whilst ensuring efficiency and amenity.

Principles

- 6.11 Council is not obliged to make infrastructure investments outside their normal responsibilities.
- 6.12 Council may consider investing in infrastructure where it is of the opinion there is a strong long-term benefit to the municipality and its community.
- 6.13 All relevant legislative requirements together with political, social and economic environments are to be taken into account when deciding to invest in infrastructure and recoup this investment via the imposition of a Charge on the benefitting land.
- 6.14 Any investments are to be consistent with Council's strategies, land use planning strategies and plans.
- 6.15 Investment agreements are to be appropriately structured so as to ensure that the relevant infrastructure will be completed to a satisfactory standard.
- 6.16 Charges for the recovery of Council's investment are to be calculated by reference to the total estimated benefit to an Area resulting from the infrastructure investment and is to be calculated by reference to the total sum of that investment, divided by the estimated number of Tenements that will ultimately share in the benefit of the investment.

Application

- 6.17 In applying the principals of this Policy to the individual investments made by Council, addendums to this Policy are to be made ('**Addendums**'). On adoption of these Addendums by Council, they are to be read as being part of this Policy.
- 6.18 The Addendums are to include the following detail:
- (a) a description of the specific infrastructure invested in by Council;
 - (b) the Area of land to which the Policy has application;
 - (c) the initial Investment made by Council;
 - (d) the financial year in which the Investment was made;
 - (e) the Equivalent Tenement of additional capacity supported by the specific investment and infrastructure (if applicable);

- (f) the formula by which the Charge is to be calculated and applied;
 - (g) the design assumptions and standards of the infrastructure invested in; and
 - (h) the equivalence factors to be applied for the relevant uses of the land and to be applied in calculating the Charge.
- 6.19 The infrastructure investments of Council may include but are not limited to the following general areas:
- (a) water;
 - (b) sewerage;
 - (c) roads and other transport;
 - (d) public open space infrastructure;
 - (e) stormwater drainage; or
 - (f) carparking.
- 6.20 Under each Addendum, the sum of Council's investment in the infrastructure is to be calculated and indexed to account for the Hobart CPI increase each financial year.
- 6.21 Equivalent tenement factors are to be calculated by applying industry guidelines and actual data.
- 6.22 The calculation of each Charge is to be based on the recovery of the total amount of Council's investment as a proportion to the number of additional tenements that can be serviced by that piece of infrastructure (where applicable).
- 6.23 Conditions imposed by Council on planning permits for infrastructure contributions are to read principally as follows:
- "The subdivider is to pay to the Council an infrastructure contribution of \$XX per lot in the subdivision, with such payment being made prior to the sealing of the final plan."*
- 6.24 Notwithstanding the above draft condition, developers can be given the opportunity to make an agreement with Council to allow payment at some other time.
- 6.25 The Charges under this Policy are to be indexed to the Hobart CPI and rounded to the nearest \$5, calculated at the time of payment.
- 6.26 Lots may be excluded from an Area at the discretion of Council.

7. PAYMENT:

- 7.1 Payment of the Charge shall be made as follows unless otherwise authorised by the General Manager:
- (a) **Subdivision** - prior to the sealing of the subdivision plans;
 - (b) **Strata Scheme** - prior to the issue of the Certificate of Approval; and
 - (c) **Intensified Use** - prior to the commencement of the intensified use.

8. ROLES & RESPONSIBILITIES

- 8.1 Councillors are to:
- (a) ensure the Policy is applied consistently;
 - (b) ensure this policy is utilised only for development that aligns to endorsed strategies and plans and that has significant long-term community benefits; and
 - (c) approve the Key Infrastructure Investment Policy.
- 8.2 Senior Management Team is to:
- (a) ensure the Policy is applied consistently.
 - (b) recommend additions or revisions to this policy.
- 8.3 Asset Services & Development Services is to:
- (a) ensure this policy is reflected in relevant Development Applications and Planning Permit conditions.

9. REFERENCES:

Local Government Act 1993

Local Government (Building and Miscellaneous Provisions) Act 1993

Local Government (Highways) Act 1982

Land Use Planning and Approvals Act 1993

Urban Drainage Act 2013

Water and Sewerage Industry Act 2008

Strategic Plan 2023-2033

Brighton Structure Plan 2012

Brighton Town Centre Local Area Plan 2012

Asset Management Plans

Long Term Financial Management Strategy

Long Term Financial Management Plan

ADMINISTRATIVE DETAILS:

Policy compiled: September 2018

Adopted by Council: 18/09/2018; 21/02/2023

To be reviewed: February 2025

Responsibility: Manager Development Services



GENERAL MANAGER