



**Brighton
Council**

ATTACHMENTS

ORDINARY COUNCIL MEETING

15 APRIL 2025





**Brighton
Council**

MINUTES OF THE ORDINARY COUNCIL MEETING
OF THE BRIGHTON COUNCIL, HELD IN THE COUNCIL CHAMBERS,
COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH
AT 5.30P.M. ON TUESDAY, 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:

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

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

11. Reports from Committees

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.

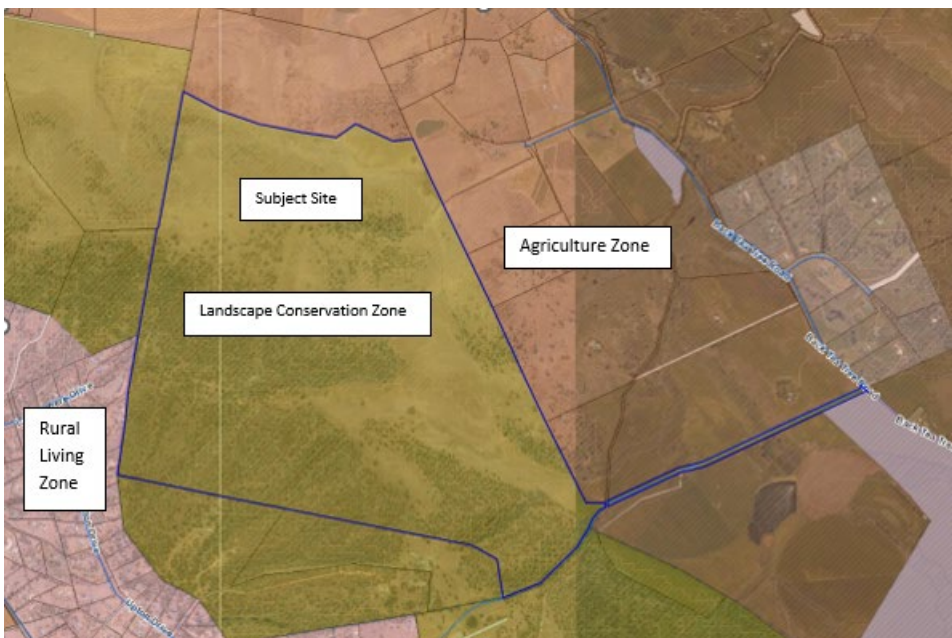


Figure 1 Zoning Context (Source: The List)

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.

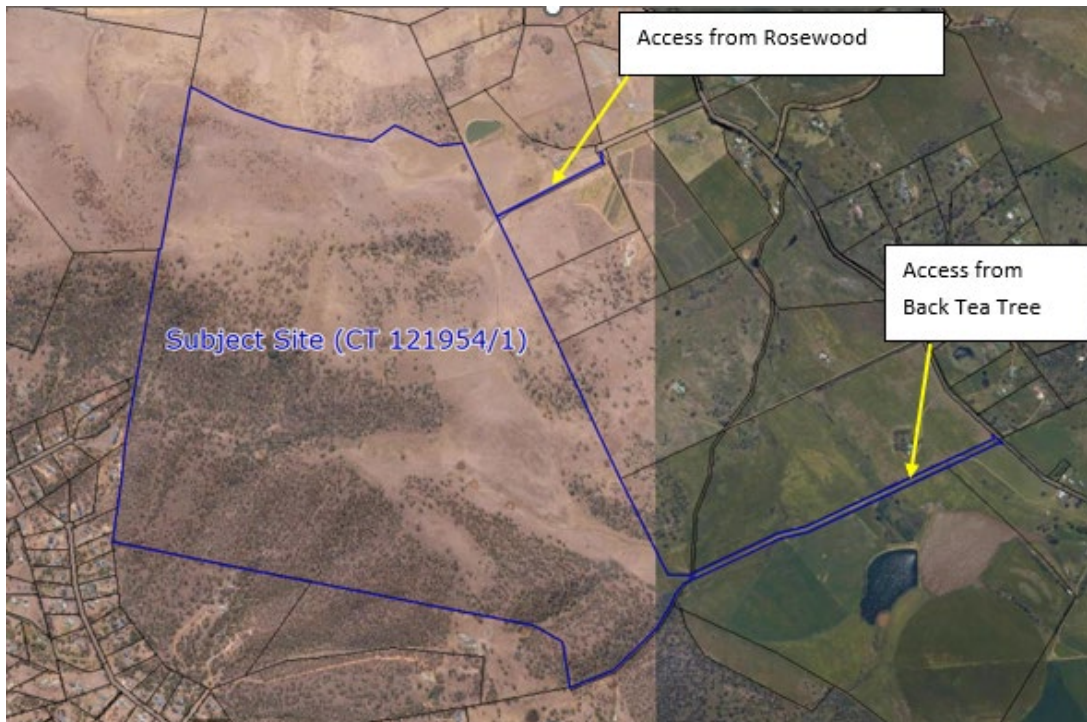


Figure 2 Subject Site and Access (Source: The List)

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 south-western 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.

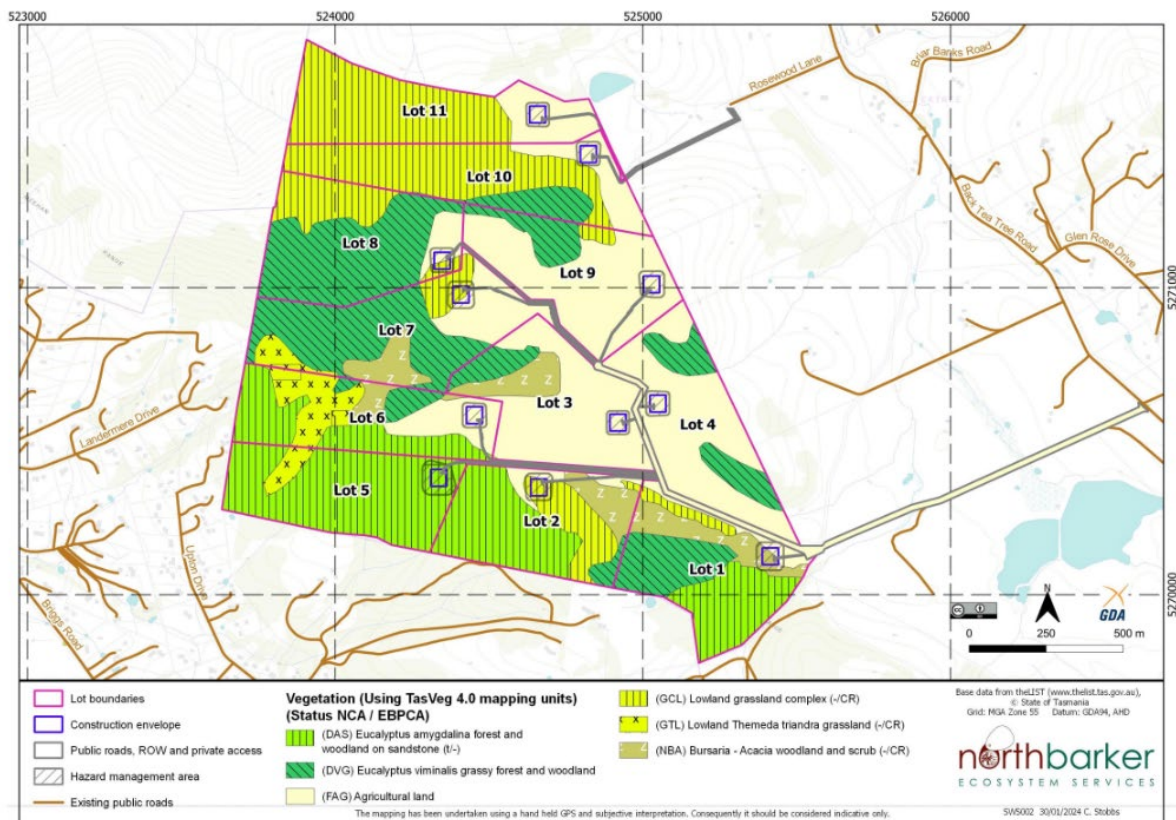


Figure 3 Vegetation Mapping (Source: North Barker)

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

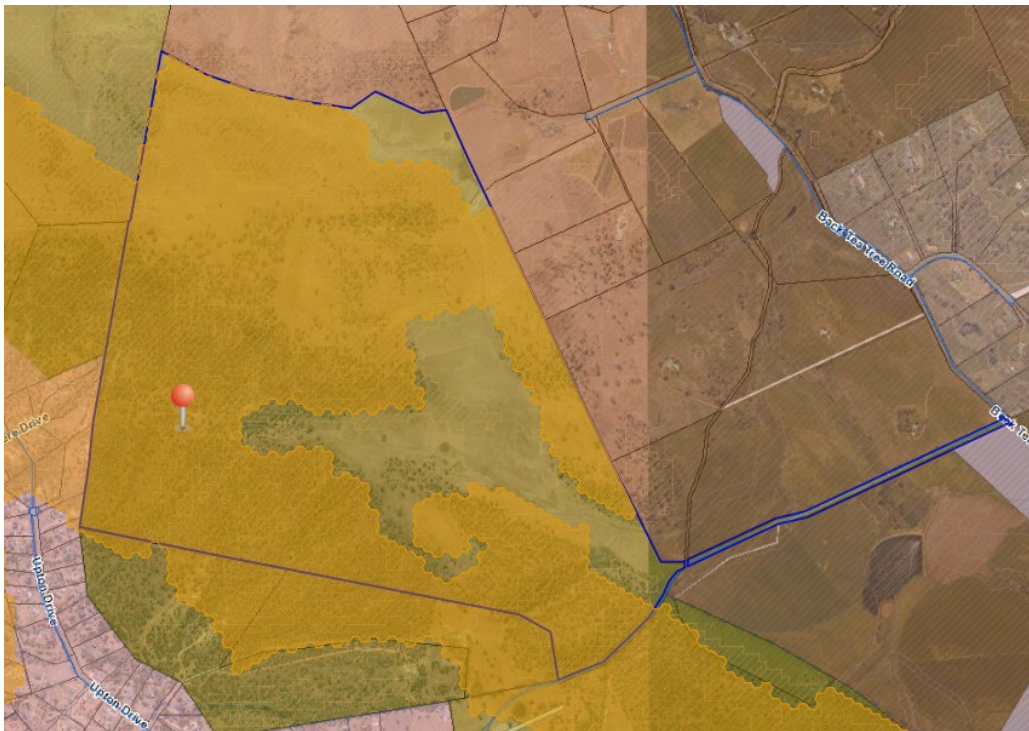


Figure 4 Priority Vegetation Mapping (Source: The List)

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

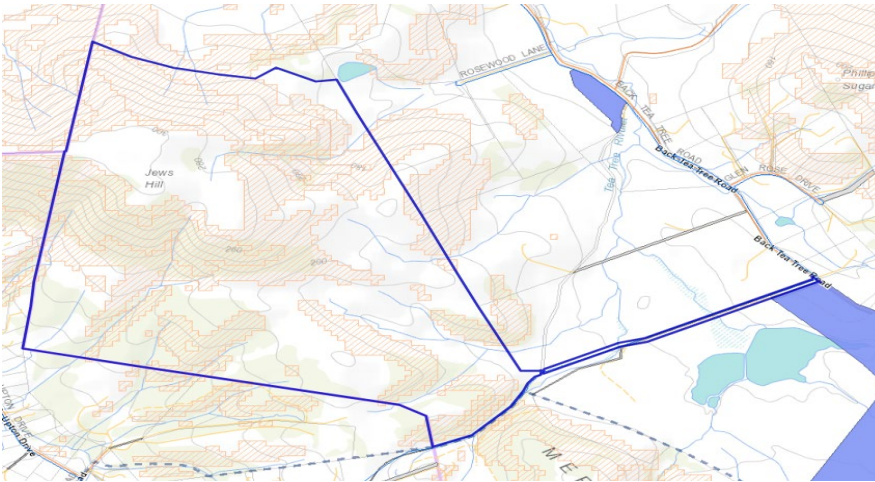


Figure 6 Landslide Mapping (Source: The List)

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.

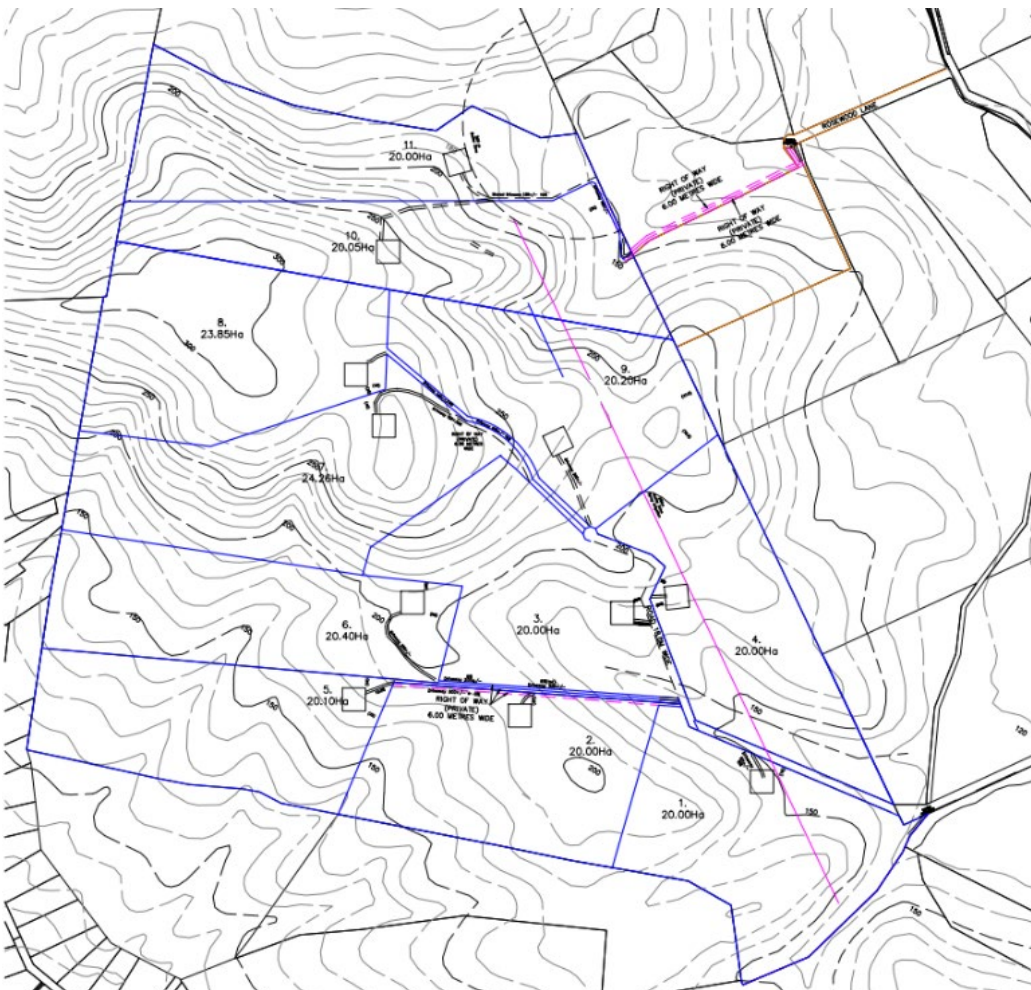


Figure 7 Subdivision Layout

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.

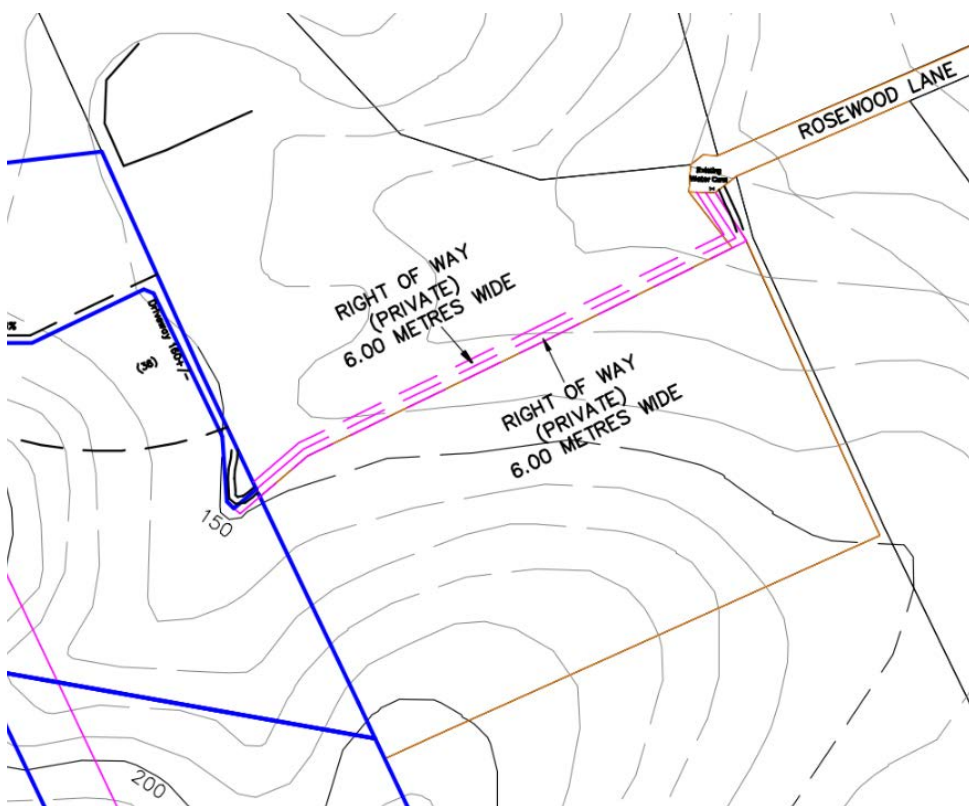


Figure 8 Right of way to access lots 10 and 11

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.

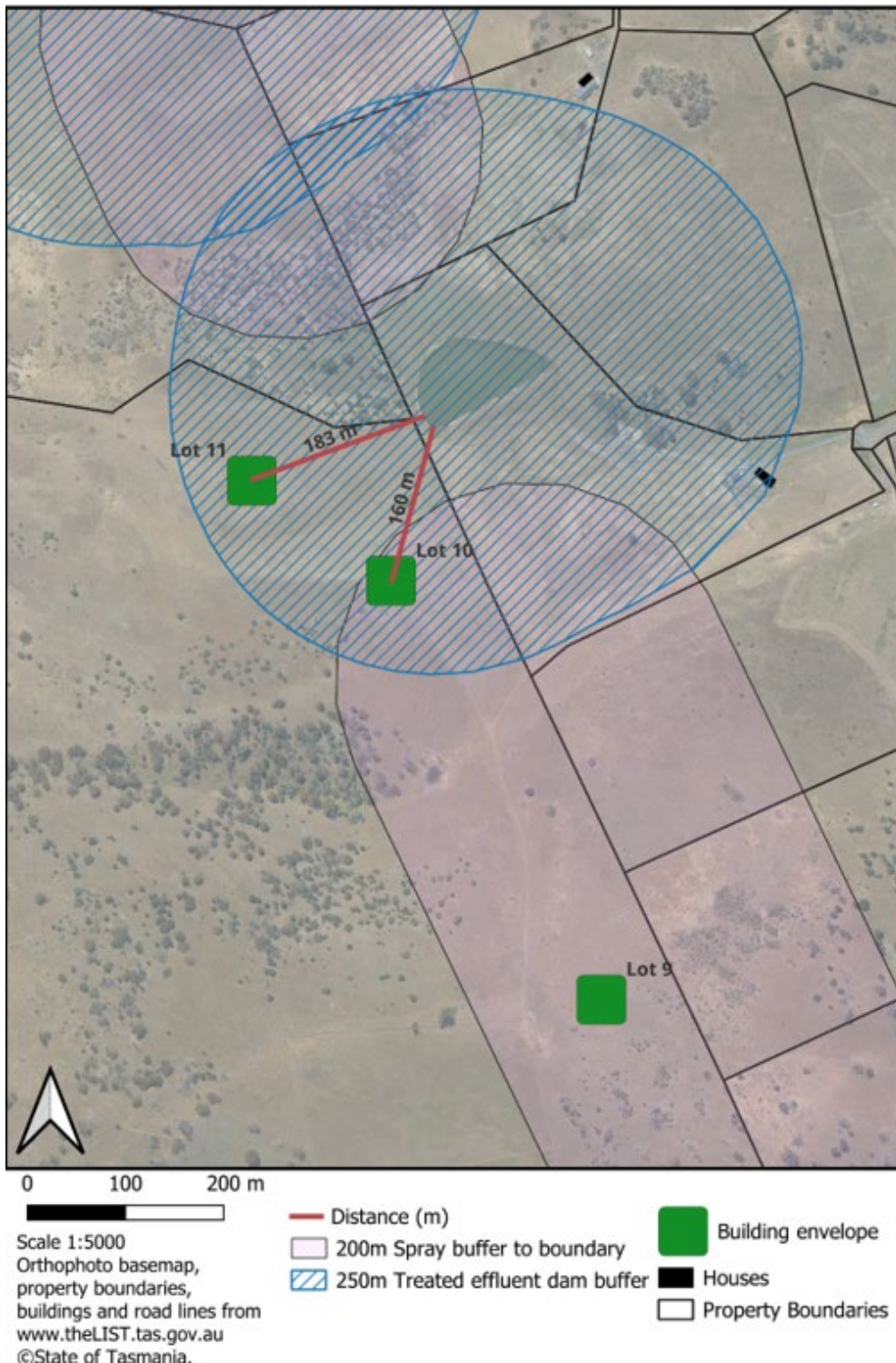


Figure 9 Buffer from recycled water scheme (Source: Representation)

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
<p>A1</p> <p>Each lot, or a proposed lot in a plan of subdivision, must:</p> <p>(a) have an area of not less than 50ha and:</p> <p>(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:</p>	<p>P1</p> <p>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:</p> <p>(a) the relevant Acceptable Solutions for development of buildings on the lots;</p> <p>(b) existing buildings and the location of intended buildings on the lot;</p> <p>(c) the ability to retain vegetation and protect landscape values on each lot;</p>

<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>
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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.

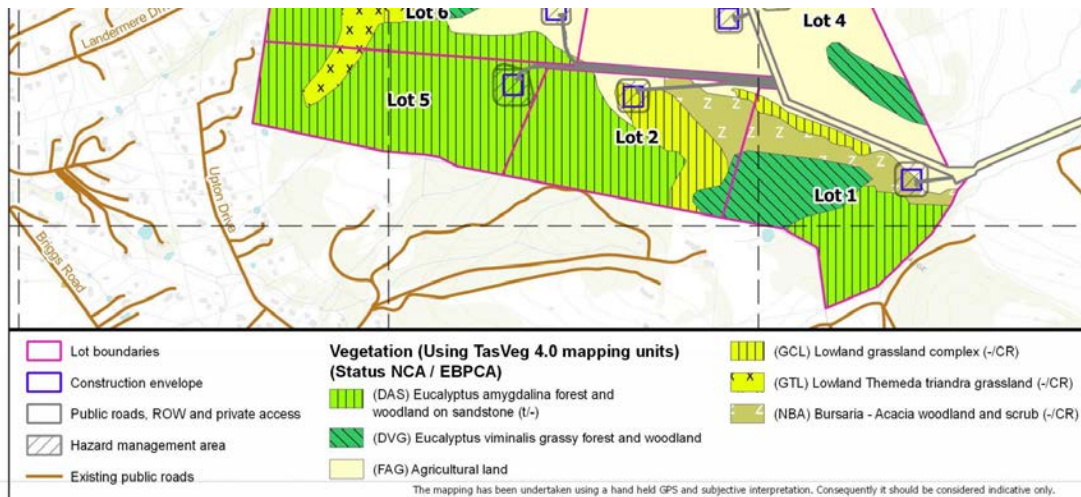


Figure 10 Building Envelope of Lot 5 within Eucalyptus amygdalina forest and woodland on sandstone

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

A4 No acceptable solution.	P4 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.
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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:	
That:	
<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>	
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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>	
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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>
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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	P1
Each lot, or a lot proposed in a plan of subdivision, within a landslip hazard area, must:	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>
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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.

Concern with future service easements over properties on Rosewood Lane.	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.
Concerns with gates along right of way allowing livestock to be released.	This is a matter between the parties subject to the easements.
Land use conflict between future residents and adjoining agricultural zoned land.	It is considered the building envelopes on the lots are setback a sufficient distance from the agricultural zoned land to avoid land use conflict.

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 lot 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,

- 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 identity and engaging activities

Goal 2: Ensure a sustainable environment

- o 2.2 Encourage respect and enjoyment of the natural environment

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 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



Brighton Council

**MINUTES OF THE PLANNING AUTHORITY MEETING
OF THE BRIGHTON COUNCIL, HELD IN THE COUNCIL CHAMBERS,
COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH
AT 5.40P.M. ON TUESDAY, 1 APRIL 2025**

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

IN ATTENDANCE: Cr McMaster; 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); Mrs J Blackwell (Senior Planner) and Mr D Van (Planning Officer).

1. Acknowledgement of Country

2. Apologies

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

CARRIED

VOTING RECORD

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

There was no requirement for Public Question Time.

4. Declaration of Interest

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

In accordance with Section 48(4) of the *Local Government Act 1993*, it is the responsibility of councillors to then notify the 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. Council Acting as Planning Authority

In accordance with the provisions of Part 2 Regulations 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Council to act as planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 5 on this agenda, inclusive of any supplementary items.

5.1 Withdrawal of the Draft Amendment to the Brighton Local Provisions Schedule to Amend the BRI-S12.0 Burrows Avenue Specific Area Plan - RZ 2024/05

Author: Planning Officer (D Van)

Authorised: Director Development Services (A Woodward)

File Reference:	RZ 2024/05
Type of Application:	Section 40E(1)(b) of the <i>Land Use Planning and Approvals Act 1993</i>
Address/Subject Site:	Various
Owner/s:	Various
Requested by:	Brighton Council
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Proposal:	To withdraw the draft amendment to Brighton Local Provisions Schedule ordinance in the BRI-S12.0 Burrows Avenue Specific Area Plan (RZ 2024/05).

1. Executive Summary

The purpose of this report is for Council to consider whether to withdraw the draft planning scheme amendment RZ 2024/05 made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act').

The draft amendment RZ 2024/05 is seeking to amend the Brighton Local Provision Schedule (LPS) by revising subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the Burrows Avenue Specific Area Plan (Burrows Avenue SAP), as follows:

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

The Planning Authority, at its meeting on 17 December 2024, resolved to initiate and prepare Draft Amendment RZ 2024/05 under section 40D(b) of the Act. As part of this resolution, the Planning Authority also requested that the Commission dispense with the requirement for public exhibition under section 40I(2)(b) of the Act.

Following its preliminary assessment, the Commission issued a direction to the Planning Authority on 7 March 2025, advising that the inclusion of the phrase "as amended or replaced from time to time" in the draft amendment would introduce new uncertainty and, on that basis, directed that Draft Amendment RZ 2024/05 be publicly exhibited.

Council officers accept and agree with the Commission's position that the phrase "as amended or replaced from time to time" is unnecessary in the context of the draft amendment.

It is therefore recommended that the Planning Authority formally withdraw Draft Amendment RZ 2024/05 from the Tasmanian Planning Commission and proceed to prepare a revised draft amendment that addresses the Commission's concerns.

2. Legislative & Policy Content

The draft amendment RZ 2024/5 is made under section 40D(b) of the *Land Use Planning and Approvals Act 1993* (the Act).

Section 40I(2)(b) of the Land Use Planning and Approvals Act 1993 (the Act) sets out specific circumstances in which the Tasmanian Planning Commission (the Commission) may dispense with the requirement for public exhibition under section 40G.

There is no provision under the Act that permits the planning authority to modify the draft amendment after certification (section 40F) and before the public exhibition (section 40G).

Section 40I(2)(b) provides that an exemption may be granted where the draft amendment is for one or more of the following purposes:

- (i) *correcting an error in the LPS;*
- (ii) *removing an anomaly in the LPS;*
- (iii) *clarifying or simplifying the LPS;*
- (iv) *removing an inconsistency in the LPS;*
- (v) *removing an inconsistency between the LPS and this Act or any other Act;*

- (vi) *removing an inconsistency between the LPS and the SPPs;*
- (vii) *making a change to a procedure set out in the LPS;*
- (viii) *bringing the LPS into conformity with a State Policy;*
- (ix) *changing the structure of the provisions of the LPS, or the form of a provision of an LPS, so that the LPS conforms with the structure to which an LPS is required by the SPPs to conform or the form that a provision of an LPS is to take;*
- (x) *a prescribed purpose –*

and if it is satisfied that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

The planning authority may at any time decide to withdraw the draft amendment pursuant to section 40D(1)(b).

Under section 40D(3), the Commission must be notified of the withdrawal. The planning authority is also required to give notice in a newspaper published in Tasmania and circulating generally in the area of the draft amendment relates, that the draft amendment has been withdrawn and of the date on which the withdrawal takes effect.

3. Details:

The draft amendment RZ 2024/05 was initiated by the Planning Authority at its Ordinary Meeting on 17 December 2024. The purpose of the draft amendment is to amend the Brighton Local Provisions Schedule (LPS) by revising subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the Burrows Avenue Specific Area Plan (SAP) to correct outdated policy references. Specifically, the amendment seeks to:

To remove the current wording of “Council’s adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land” and replace with “Council’s adopted Infrastructure Contributions Policy or as amended or replaced from time to time that are relevant to the land.”

The intent of the amendment is to resolve inconsistency in the wording relating to Council’s Infrastructure Contributions Policy, following the renaming and updating of that policy in October 2024. However, at the time of preparing draft amendment RZ 2024/05, it was an oversight to include the phrase “as amended or replaced from time to time.” This wording has raised unnecessary concern with the Tasmanian Planning Commission (the Commission), as detailed below.

“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."

Given the sole purpose of the draft amendment is to correct an outdated reference and ensure consistency and considering that including the phrase "as amended or replaced from time to time" is not essential to achieving that aim, Council officers agree with the Commission's direction. There is no provision under the Act that permits the planning authority to modify the draft amendment after the certification and before the public exhibition. Therefore, it is recommended that RZ 2024/05 be withdrawn.

A revised draft amendment will then be initiated, removing the phrase "as amended or replaced from time to time", which will address the Commission's concerns and better align with Section 40I(2)(b) of the Act. This will enable a more efficient process, including the potential to request exemption from public exhibition, as the amendment would qualify as a correction of an error or inconsistency.

To address the concerns raised by the Commission, it is recommended that the Planning Authority withdraw draft amendment RZ 2024/05 and initiate a new draft amendment to resolve these concerns in a manner that better aligns with Section 40I(2)(b) of the Act. Ensuring compliance with Section 40I(2)(b) will streamline the planning scheme amendment process for this type of minor correction, providing a clearer framework and improved provisions within the Burrows Avenue Specific Area Plan to support future development applications.

4. Risk & Implications

There is no major risk associated with withdrawing the planning scheme amendment (RZ 2024/05). However, following its withdrawal, it is essential that a new draft amendment be initiated as soon as possible to ensure that the Brighton LPS operates as intended. Not initiating the planning scheme amendment will create unnecessary confusion for developers when identifying the appropriate policy which will apply to development in the future.

There will be some financial implications associated with the process, including a Tasmanian Planning Commission (TPC) assessment fee of \$374 for considering the new draft amendment application, as well as costs associated with publicly notifying the withdrawal of the RZ 2024/5 in a local newspaper.

5. Conclusion

Following the Tasmanian Planning Commission's direction, it is recommended the draft amendment RZ 2024-05 to be withdrawn under section 40E(1)(b). A revised draft amendment will then be initiated at different process, removing the phrase "as amended or replaced from time to time", which will address the Commission's concerns and better align with Section 40I(2)(b) of the Act. This will enable a more efficient process, including the potential to request exemption from public exhibition, as the amendment would qualify as a correction of an error or inconsistency.

RECOMMENDATION:

1. That in accordance with s40E(1)(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority agrees to withdraw a draft amendment, known as RZ 2024-05.
2. That in accordance with Section 40E(3)(a) of the *Land Use Planning and Approvals Act 1993*, the planning authority directs that notice of withdrawal of the draft amendment RZ 2024-05 be provided to the Tasmanian Planning Commission as soon as possible.
3. That in accordance with Section 40E(3)(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority directs that notice of the withdrawal of draft amendment RZ 2024/05 be advertised in a local newspaper.

DECISION:

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

CARRIED

VOTING RECORD

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

5.2 Withdrawal of the Draft Amendment to the Brighton Local Provisions Schedule to Amend the BRI-S11.0 South Brighton Specific Area Plan - RZ 2024/06

Author: Planning Officer (D Van)

Authorised: Director Development Services (A Woodward)

File Reference:	RZ 2024/06
Type of Application:	Section 40E(1)(b) of the <i>Land Use Planning and Approvals Act 1993</i>
Address/Subject Site:	Various
Owner/s:	Various
Requested by:	Brighton Council
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Proposal:	To withdraw the draft amendment to Brighton Local Provisions Schedule ordinance in the BRI-S11.0 South Brighton Specific Area Plan (RZ 2024/06).

1. Executive Summary

The purpose of this report is for Council to consider whether to withdraw the draft planning scheme amendment RZ 2024/06 made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act')

The draft amendment RZ 2024/06 is seeking to amend the Brighton Local Provision Schedule (LPS) by revising subclause BRI-S11.8.2 P1.2 of the South Brighton Specific Area Plan (South Brighton SAP), as follows:

To remove the current wording of "*Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land*" and replace with "*Council's adopted Infrastructure Contributions Policy or as amended or replaced from time to time that are relevant to the land.*"

The Planning Authority, at its meeting on 17 December 2024, resolved to initiate and prepare Draft Amendment RZ 2024/06 under section 40D(b) of the Act. As part of this resolution, the Planning Authority also requested that the Commission dispense with the requirement for public exhibition under section 40I(2)(b) of the Act.

Following its assessment, the Commission issued a direction to the Planning Authority on 7 March 2025, advising that the inclusion of the phrase “as amended or replaced from time to time” in the draft amendment would introduce new uncertainty and, on that basis, directed that Draft Amendment RZ 2024/06 be publicly exhibited.

Council officers accept and agree with the Commission’s position that the phrase “as amended or replaced from time to time” is unnecessary in the context of the draft amendment.

It is therefore recommended that the Planning Authority formally withdraw Draft Amendment RZ 2024/06 from the Tasmanian Planning Commission and proceed to prepare a revised draft amendment that addresses the Commission’s concerns.

2. Legislative & Policy Content

The draft amendment RZ 2024/6 is made under section 40D(b) of the *Land Use Planning and Approvals Act 1993* (the Act).

Section 40I(2)(b) of the Act sets out specific circumstances in which the Tasmanian Planning Commission (the Commission) may dispense with the requirement for public exhibition under section 40G.

There is no provision under the Act that permits the planning authority to modify the draft amendment after certification (section 40F) and before the public exhibition (section 40G).

Section 40I(2)(b) provides that an exemption may be granted where the draft amendment is for one or more of the following purposes:

- (xi) *correcting an error in the LPS;*
- (xii) *removing an anomaly in the LPS;*
- (xiii) *clarifying or simplifying the LPS;*
- (xiv) *removing an inconsistency in the LPS;*
- (xv) *removing an inconsistency between the LPS and this Act or any other Act;*
- (xvi) *removing an inconsistency between the LPS and the SPPs;*
- (xvii) *making a change to a procedure set out in the LPS;*
- (xviii) *bringing the LPS into conformity with a State Policy;*
- (xix) *changing the structure of the provisions of the LPS, or the form of a provision of an LPS, so that the LPS conforms with the structure to which an LPS is required by the SPPs to conform or the form that a provision of an LPS is to take;*
- (xx) *a prescribed purpose –*

and if it is satisfied that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

The planning authority may at any time decide to withdraw the draft amendment pursuant to section 40D(1)(b).

Under section 40D(3), the Commission must be notified of the withdrawal. The planning authority is also required to give notice in a newspaper published in Tasmania and circulating generally in the area of the draft amendment relates, that the draft amendment has been withdrawn and of the date on which the withdrawal takes effect.

3. Details

The draft amendment RZ 2024/06 was initiated by the Planning Authority at its Ordinary Meeting on 17 December 2024. The purpose of the draft amendment is to amend the Brighton Local Provisions Schedule (LPS) by revising subclause BRI-S11.8.2 P1.2 of the South Brighton Specific Area Plan (SAP) to correct outdated policy references. Specifically, the amendment seeks to:

To remove the current wording of *“Council’s adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land”* and replace with *“Council’s adopted Infrastructure Contributions Policy or as amended or replaced from time to time that are relevant to the land.”*

The intent of the amendment is to resolve inconsistency in the wording relating to Council’s Infrastructure Contributions Policy, following the renaming and updating of that policy in October 2024. However, at the time of preparing draft amendment RZ 2024/06, it was an oversight to include the phrase “as amended or replaced from time to time.” This wording has raised unnecessary concern with the Tasmanian Planning Commission (the Commission), as detailed below.

“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.”

Given the sole purpose of the draft amendment is to correct an outdated reference and ensure consistency and considering that including the phrase “as amended or replaced from time to time” is not essential to achieving that aim, Council officers agree with the Commission’s direction. There is no provision under the Act that permits the planning authority to modify the draft amendment after the certification and before the public exhibition. Therefore, it is recommended that RZ 2024/06 be withdrawn.

A revised draft amendment will then be initiated, removing the phrase "as amended or replaced from time to time", which will address the Commission's concerns and better align with Section 40I(2)(b) of the Act. This will enable a more efficient process, including the potential to request exemption from public exhibition, as the amendment would qualify as a correction of an error or inconsistency.

To address the concerns raised by the Commission, it is recommended that the Planning Authority withdraw draft amendment RZ 2024/06 and initiate a new draft amendment to resolve these concerns in a manner that better aligns with Section 40I(2)(b) of the Act. Ensuring compliance with Section 40I(2)(b) will streamline the planning scheme amendment process for this type of minor correction, providing a clearer framework and improved provisions within the South Brighton Specific Area Plan to support future development applications.

4. Risk & Implications

There is no major risk associated with withdrawing the planning scheme amendment (RZ 2024/06). However, following its withdrawal, it is essential that a new draft amendment be initiated as soon as possible to ensure that the Brighton LPS operates as intended. Not initiating the planning scheme amendment will create unnecessary confusion for developers when identifying the appropriate policy which will apply to development in the future.

There will be some financial implications associated with the process, including a Tasmanian Planning Commission (TPC) assessment fee of \$374 for considering the new draft amendment application, as well as costs associated with publicly notifying the withdrawal of the RZ 2024/6 in a local newspaper.

5. Conclusion

Following the Tasmanian Planning Commission's direction, it is recommended the draft amendment RZ 2024-06 to be withdrawn under section 40E(1)(b). A revised draft amendment will then be initiated at different process, removing the phrase "as amended or replaced from time to time", which will address the Commission's concerns and better align with Section 40I(2)(b) of the Act. This will enable a more efficient process, including the potential to request exemption from public exhibition, as the amendment would qualify as a correction of an error or inconsistency.

RECOMMENDATION:

1. That in accordance with s40E(1)(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority agrees to withdraw a draft amendment, known as RZ 2024-06.
2. That in accordance with Section 40E(3)(a) of the *Land Use Planning and Approvals Act 1993*, the planning authority directs that notice of withdrawal of the draft amendment RZ 2024-06 be provided to the Tasmanian Planning Commission as soon as possible.

3. That in accordance with Section 40E(3)(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority directs that notice of the withdrawal of draft amendment RZ 2024/06 be advertised in a local newspaper.

DECISION:

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

CARRIED

VOTING RECORD

In favour Against

Cr Curran
Cr De La Torre
Cr Gray
Cr Irons
Cr Owen
Cr Whelan

5.3 Draft Amendment to the Brighton Local Provisions Schedule to Amend BRI-S11.0 South Brighton Specific Area Plan - RZ 2025/02 - Section 40D(b) Report

Author: Planning Officer (D Van)

Authorised: Director, Development Services (A Woodward)

File Reference:	RZ 2025/02
Type of Application:	Section 40D(b) of the <i>Land Use Planning and Approvals Act 1993</i>
Address/Subject Site:	Various
Owner/s:	Various
Requested by:	Brighton Council
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Proposal:	<p>To amend Brighton Local Provisions Schedule ordinance in the BRI-S11.0 South Brighton Specific Area Plan, as follows:</p> <ul style="list-style-type: none"> Amend Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework; and Amend the wording of BRI-S11.8.2 P1.2 by removing 'Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.' and replacing with 'Council's adopted Infrastructure Contributions Policy that is relevant to the land.'

1. Executive Summary

The purpose of this report is for Council to consider whether to, of its own motion, initiate a draft planning scheme amendment (draft amendment) made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act'), to amend the Brighton Local Provision Schedule (LPS) by revising *Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework* of the South Brighton Specific Area Plan (South Brighton SAP).

a. Reasons for the Draft Amendment

Council officers have identified two key matters that require correction via a formal draft amendment:

a. Correction to Figure BRI-S11.2 – South Brighton Specific Area Plan Development Framework

Upon review of the Commission's final decision, Council officers identified that Figure BRI-S11.2 was not updated to reflect the modifications proposed in Council's section 40K report, specifically to replace the South Brighton Development Precinct Master Plan REV I: December 2022 with REV J: March 2023.

This omission is significant as the updated figure ensures appropriate frontage and development potential for both 10 and 10A Dylan Street.

Following consultation with the Commission, it has been confirmed that Council must initiate a formal planning scheme amendment to rectify this error.

b. Correction to wording in Subclause BRI-S11.8.1 P1.2

Council officers have also identified an error in the wording of subclause BRI-S11.8.1 P1.2, which currently refers to:

"Council's adopted any Key Infrastructure Investments and Defined Infrastructure Charges Infrastructure Contribution policy".

This policy has since been renamed to "Infrastructure Contributions Policy" following its formal adoption by Council in October 2024. Accordingly, the wording in the SAP requires updating to align with Council's current policy framework.

No other modifications to the South Brighton SAP are proposed and the proposed draft amendment satisfies the LPS Criteria.

It is recommended that the Planning Authority certify the draft amendment to the LPS.

2. Legislative & Policy Content

The purpose of this report is to consider whether to, of its own motion, prepare a draft amendment of an LPS as described in this report.

The amendment request is made under section 40D(b) of the Act. The provisions of the Act establish the test of whether a planning scheme amendment is reasonable or not.

Section 40F(1) of the Act requires the Planning Authority to consider the criteria of the LPS when approving or refusing an amendment. The LPS criteria is contained in section 34 of the Act.

This report details the reasons for the officer's recommendation. The Planning Authority is not bound to adopt the recommendations in this report. 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 2005*.

3. Risk & Implications

There is no major risk to initiating the planning scheme amendment. Not initiating the planning scheme amendment will create unnecessary confusion for developers when identifying the appropriate policy and development framework that are applied to the land.

There will be some financial implications associated with the process, including a Tasmanian Planning Commission (TPC) assessment fee of \$374 for considering the draft amendment application, local newspaper advertising costs of approximately \$1,600 for two separate occasions, and notification to landowners, estimated at approximately \$100.

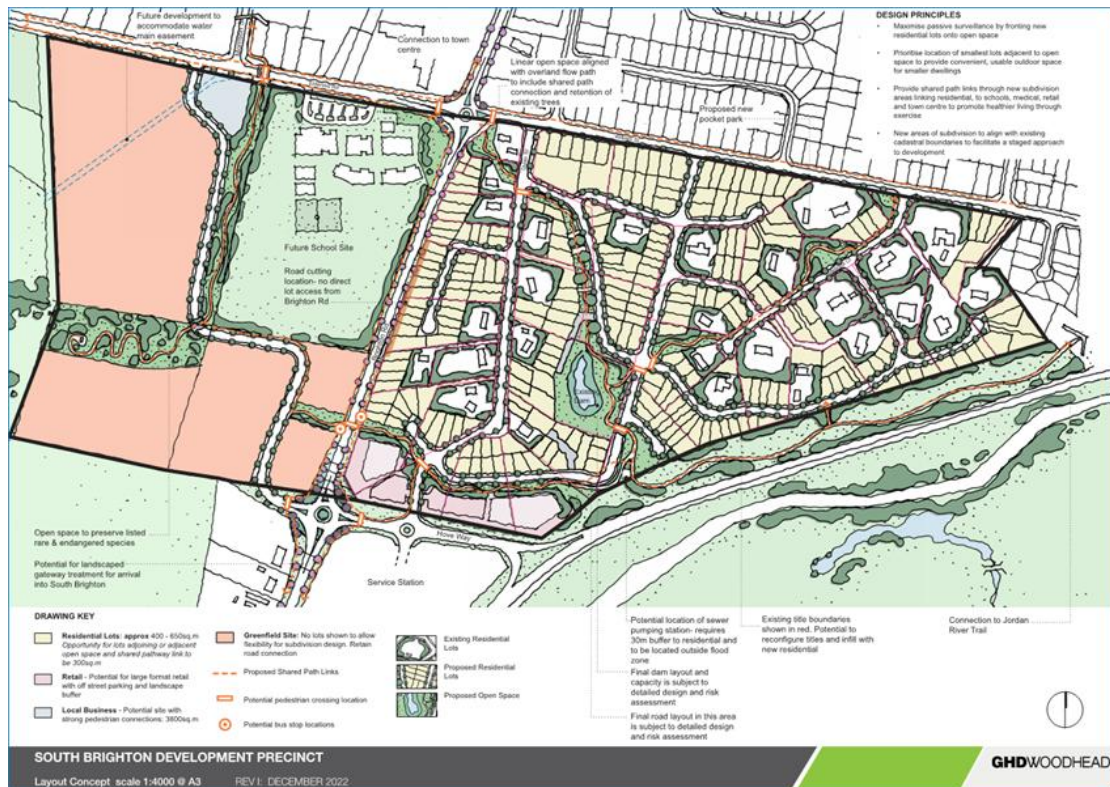
4. Planning Scheme Amendment Proposal

It is proposed to amend the South Brighton Specific Area Plan under the Brighton LPS. Details of the draft amendment as follows:

- a. Amend *Figure BRI-S11.2 South Brighton Specific Area Plan Development Framework* of the South Brighton SAP by deleting the existing layout (Revision I) and inserting the new layout (Revision J), details as below.

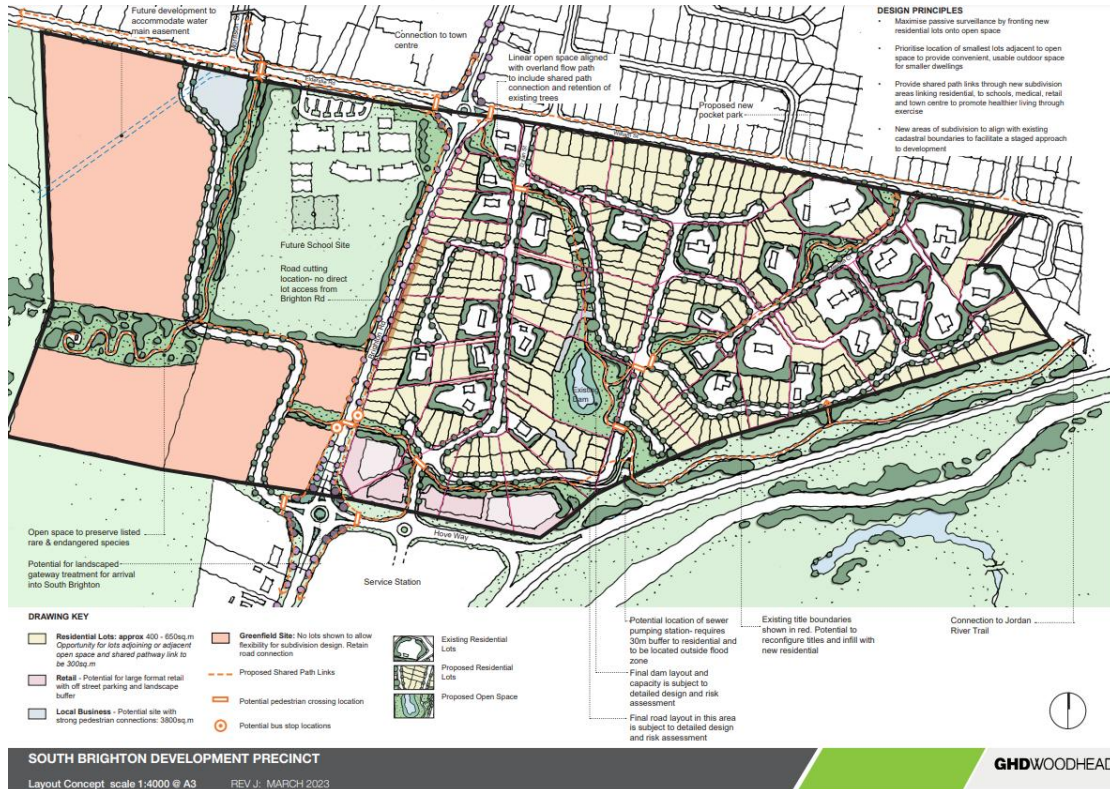
Existing

Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework



Proposed:

Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework



- b. Amend the wording of subclause BRI-S11.8.2 P1.2 by removing 'Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.' and replacing with 'Council's adopted Infrastructure Contributions Policy that is relevant to the land'.

5. Rationale for the amendment

- a. Amendment to Figure BRI-S11.2 South Brighton Specific Area Plan Development Framework

Upon the Commission's approval decision, mistake has been occurred. The *Figure BRI-S11.2 South Brighton Specific Area Plan Development Framework* in the South Brighton Specific Area Plan (SAP) has not been updated as per the modification in Council's s.40K report (i.e. to replace the South Brighton Development Precinct Master Plan REV I: December 2022 with REV J: March 2023).

It was understood that the modification was accepted as being appropriate, however the modified version of Figure BRI-S11.2 was never replaced in the South Brighton SAP ordinance as it was updated in response to the Commission's Directions.

A copy of the revised Development Framework (REV: J) was provided to the Commission as Appendix A to Council's submission dated 13 April 2023 and again as Appendix G as part of Council's 10 November 2023 submission.

The Commission has also referred to the modification as Figure 1 on page 4 of its decision dated 10 May 2024. The Commission does not refer to the suggested modification again in its decision. Planning authority's view is that the Commission had assumed that *Figure BRI-S11.2 South Brighton Specific Area Plan Development Framework* had been updated as per the modification and not seen the need to revisit the matter.

It is important to note that Revision J has been used for Figure BRI-S11.4 Stormwater Catchments in the SAP. This creates inconsistency between Figure BRI-S11.2 and BRI-S11.4.

The modification is minor but considered to be critical to provide frontage so that both 10 and 10A Dylan St can be developed to their full potential.

The matter has been brought to the Commission with the request the Commission to correct a decision. However, due to the nature of error that has occurred, the Commission was unable to correct it under s81AA(2)(b) and s80O of the Act. The Commission has recommended that '*the planning authority prepare and certify a suitable draft amendment under section's 40D and 40F of the Act respectively.*'

b. Amendment to subclause BRI-S11.8.2 P1.2

In approval of the South Brighton SAP¹, the Commission agrees that there is complexity associated with achieving increased housing density through infill development and providing associated infrastructure across a relatively large number of land parcels in different ownership in within the area. The Commission also accepts that without the South Brighton SAP, the cost of providing infrastructure within the subject area is likely to be spread over the Council's wider ratepayer base, rather than being attributed to the developer of each site.

Subclause BRI-S11.8.2 P1.2 of the South Brighton SAP sets out the requirements for a contribution paid by the subdivision developers in order to allow the Council to invest for key infrastructure. The standard refers to the 'Key Infrastructure Investments and Defined Infrastructure Charges Infrastructure Contribution policy' as a guideline for Council and developers toward infrastructure contributions for new subdivisions within the South Brighton SAP.

At its Ordinary Council Meeting in October 2024, Council recognised the need to modify the 'Key Infrastructure Investments and Defined Infrastructure Charges policy' as referred to in the above subclauses of the South Brighton SAP. The Council adopted the amended and renamed the policy to 'Infrastructure Contributions Policy'² to provide more clarification on the focus of how the policy relates to provision of infrastructure that is the responsibility of Council.

The purpose of the updated Infrastructure Contributions Policy is to establish clear guidelines by which Brighton Council can make key infrastructure investments and recoup these costs through charges imposed on new lots or intensified development that directly benefits from these investments. The purpose, objectives, and principles of the updated Infrastructure Contributions Policy remain consistent with the former Key Infrastructure Investments and Defined Infrastructure Charges policy. For completeness, both policies are included as attachments to this report for comparison.

The draft amendment to the South Brighton SAP is critical to address localised development issues within the SAP area by referring to the applicable Council policy and provision of public infrastructure.

¹ Tasmanian Planning Commission (2024), Decision on RZ 2022-005 - RZ 2022-05 - Rezone multiple lots in South Brighton, insert South Brighton Specific Area Plan (SAP) and amend Brighton Highway Services SAP at Clause BRI-S3-0, TASPComm 29.

² Brighton Council (2024), Infrastructure Contributions Policy, [URL: <https://www.brighton.tas.gov.au/wp-content/uploads/2024/10/Policy-1.7-Infrastructure-Contributions.pdf>].

Differences between old and revised policies are compared as below and a copy of each policy is also attached with this report.

Key Infrastructure Investments and Charges Policy (superseded policy)	Infrastructure Contribution Policy (amended policy)	Comments
<p>Background</p> <p>6.4 – The removal of the ability for TasWater to impose headworks charges has resulted in situation 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.</p> <p>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.</p> <p>6.6 – Council can fill this void by acting as an intermediary and provide an investment in the upfront contribution to these infrastructure costs.</p> <p>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</p>	<p>Background</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>The updates to the background section in the amended policy provide developers with a clearer understanding of its rationale.</p> <p>The amended policy explicitly identifies infill development and fragmented land ownership as key challenges, offering greater clarity on the factors affecting infrastructure provision.</p> <p>Additionally, it clarifies Council’s role, emphasizing that its primary responsibility is for Council-managed infrastructure. However, in some cases, Council may act on behalf of other infrastructure authorities, such as TasWater and TasNetworks. This reference does not impose new obligations but simply clarifies that Council may serve as a collector of contributions for these entities, rather than directly funding their infrastructure.</p> <p>The amended policy (6.4-6.5) does not introduce a new principle but rather formally names the existing issue as the “first mover” problem to enhance understanding. This terminology provides a clearer and more structured explanation without altering the original intent.</p> <p>It is important to note that the background section does not function as a set of policy principles or provisions that Council officers are responsible for implementing.</p> <p>On this basis, the changes to the background section are minor refinements that do not expand the scope of the amended policy.</p>
<p>Application</p> <p>6.19 - The infrastructure investments of Council may include but are not limited to the following general areas:</p> <ul style="list-style-type: none"> (a) water; (b) sewerage; (c) roads and other transport; (d) public open space 	<p>Application</p> <p>6.19 - The infrastructure investments of Council may include but are not limited to the following general areas:</p> <ul style="list-style-type: none"> (a) roads and other transport; (b) public open space and recreation infrastructure; 	<p>The removal of water and sewerage from the list indicates that Council does not provide those services.</p> <p>Addition of social infrastructure While this appears to be a new category, it does not fundamentally change Council’s role. Many councils already invest in community infrastructure (e.g., community centres, public facilities). The inclusion of social infrastructure clarifies that Council may also support community-based infrastructure when it aligns</p>

infrastructure; (e) stormwater drainage; (f) carparking.	(c) stormwater drainage; (d) carparking; or (e) social infrastructure (e.g. buildings for youth hubs, social services, etc.)	with strategic development objectives. It does not introduce new financial burdens but rather provides a clearer scope for the types of infrastructure that align with Council's strategic priorities. The mention of recreation infrastructure does not expand Council's role but rather clarifies what public open space investment may include. Given that section 6.19 states that infrastructure investments "may include but are not limited to" the listed areas, these changes are minor refinements rather than an expansion of Council's role and do not introduce a broader scope to the policy.
Roles & Responsibilities 8.1 - Councillors are to: (a) ... (b) ... (c) approve the Key Infrastructure Investment Policy	Roles & Responsibilities 8.2 - Councillors are to: (b) ... (b) ...	There is no 8.1 (c) in the new policy.

Apart from the differences outlined above, no other changes have been made to the Infrastructure Contributions Policy in comparison to the Key Infrastructure Investment and Charges Policy. The purpose, scope, definitions, objectives, policy introduction, policy principles, and payment for infrastructure contributions remain unchanged, ensuring consistency in Council's approach to infrastructure investment and funding.



Figure 1: South Brighton Specific Area Plan map

5.1. Strategic Rationale

Southern Tasmanian Regional Land Use Strategy 2010-2035

SD2: Holistically Managing Residential Growth

The proposed draft amendment seeks to amend Development Frameworks of the South Brighton Specific Area Plan. It is considered to provide a consistency for the SAP and ensure the properties at 10 and 10A Dylan Street can be developed to their full potential.

Brighton Structure Plan 2018 (BSP)

The BSP acts as a guide for major changes to land use, built form and public spaces that together can achieve identified economic, social and environmental objectives for Brighton.

The BSP includes an analysis of housing supply in the Brighton area to meet the long-term needs based on population projections. The BSP predicts that the strongest population in the municipality will be in the suburbs of Brighton and Pontville of 2.7% per annum, or an increase of 3,040 people by 2033.

Strategy 2 of the BSP identifies that significant vacant and underutilised parcels need to be developed for more housing, which is occurring in the SAP area.

Strategy 3 of the BSP identifies that Brighton's housing supply should provide medium density options and to consider the provision of a range of lots sizes to avoid homogenous development outcomes.

It is considered that the proposed draft amendment will bring South Brighton SAP to better addresses this strategy.

6. Planning Assessment

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

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

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

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

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

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

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

Response: the amendment does not affect the provisions that must be contained in an LPS.

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

Response: Section 32 of the Act sets out the contents of the LPSs. There are no changes to the zoning or overlays that apply to the LPS. The relevant parts of the Section that relate to the draft amendment require further consideration and are provided below.

32. Contents of LPSs

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

...

(b) a specific area plan, being a plan consisting of –

(i) a map or overlay that delineates a particular area of land; and

(ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs;

...

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

(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or

(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

Response: the draft amendment is seeking to correct errors in existing South Brighton Specific Area Plan. Subclause BRI-S11.8.2 of the South Brighton SAP establishes a development framework intended to facilitate future subdivision and development of the area in a manner that delivers a practical extension to the existing residential community. This framework seeks to ensure good connectivity, a high level of amenity, and equitable outcomes for all landowners and developers within the SAP area.

Correcting the identified errors in Figure BRI-S11.2 and subclause BRI-S11.8.2 P1.2 is essential to ensuring that the objectives of the South Brighton SAP are properly upheld, by providing clarity and consistency in the application of the development framework and associated infrastructure contribution mechanisms. This will ensure alignment between the intended outcomes of the SAP and Council's adopted policy position, thereby supporting the coordinated delivery of development and infrastructure within the South Brighton area.

(c) Furthers RMPS Objectives

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

Table 1 – RMPS Objective Assessment

Objective	Response
Part 1	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	The proposed amendment is to resolve the errors during the previous scheme amendment process. It is to improve strategic planning outcomes.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water	The draft amendment is considered to provide a mechanism to improve the existing character of the area. The proposed amendment will better meet the needs of a wider demographic through the provision of a range of housing types. As such the proposed amendment will provide for the fair, orderly and sustainable development of the area.
(c) to encourage public involvement in resource management and planning	<p><i>The amendment does not alter the intent or operation of the South Brighton SAP but rather improves its consistency and clarity to ensure effective implementation.</i></p> <p><i>The modification of Figure BRI-S11.2 – South Brighton Specific Area Plan Development Framework does not change the strategic direction or policy intent of the SAP provisions. The updated figure reflects Revision J, which was adopted following consideration of representation submissions during the preparation of the SAP. Importantly, the Commission also referred to this revised figure as Figure 1 on page 4 of its decision dated 10 May 2024 (RZ 2022-05). As such, this update reflects the approved intent of the South Brighton SAP and formalises the version that should have been included in the first instance.</i></p>

	<i>Furthermore, the amendment to subclause BRI-S11.8.2 P1.2 is intended to correct the reference to Council's updated Infrastructure Contributions Policy and ensure consistency in terminology. This change is necessary to avoid any potential confusion for developers and to ensure that the purpose and objectives of the provision are maintained in line with Council's adopted policy framework.</i>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The draft amendment will facilitate economic development by supporting increased property values that reflect the improved amenity, connectivity, and provision of public infrastructure within the South Brighton SAP area.
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State	The proposed draft amendment is minor and does not require broader responsibility.
Part 2	
(a) to require sound strategic planning and coordinated action by State and local government	The proposed amendment is to improve strategic planning outcomes.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	The proposed draft amendment has been found to be consistent with the contents of the LPS and has been drafted to achieve specific objectives and policies recommended in strategic planning documents endorsed by the Council.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	<p>The land contains no environmental values of any known significance. The proposed draft amendment is likely to result in better environmental outcomes considering stormwater management and better infrastructure provisions for the area.</p> <p>In terms of social and economic effects, the South Brighton SAP will provide increased housing choice and improvement to</p>

	residential amenity. It will also encourage improved outcomes for connectivity.
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	<p>The Council Policy referenced in the South Brighton SAP is consistent with relevant regional planning documents, State Policies, and legislation.</p> <p>The proposed amendment to replace Revision I with Revision J in Figure BRI-S11.2 will improve the clarity and interpretation of the development framework for the area, ensuring consistency between Figure BRI-S11.2 and Figure BRI-S11.4, and reducing the potential for confusion.</p>
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	<p>The referred Council's Policy will provide a clear framework for development approvals in the Brighton LPS.</p> <p>The approvals process is generally prescribed and the planning scheme amendment process has little impact on co-ordination of approvals.</p>
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	The draft amendment will further promote sustainable development outcomes for the area.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	There are no buildings or areas of interest within the SAP area.
(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community	One of the objectives of the SAP is to enable the orderly provision and coordination of public utilities and facilities, in an area where these are limited. The referred Infrastructure Contributions Policy will ensure the long-term benefit of the community is secured.
(i) to provide a planning framework which fully considers land capability.	The draft amendment provides a planning framework that addresses existing land constraints, particularly in relation to frontage connections, to improve

	connectivity, public infrastructure and facilities, and support housing diversity. It also ensures reference to the correct Council Infrastructure Contributions Policy, enabling comprehensive consideration of land capability as part of the development process.
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(d) Consistent with State Policies

- **State Coastal Policy 1996**

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

- **State Policy on the Protection of Agricultural Land 2009**

Response: The *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion of agricultural land to non-agricultural uses is subject to the principles of the PAL Policy. All land in the SAP area is zoned General Residential and is not considered agricultural land.

- **The State Policy on Water Quality Management 1997**

Response: There will be no direct impact on water quality as a result of the amendment. Any impact on water quality will be regulated through future development applications.

- **National Environmental Protection Measures**

Response: The National Environmental Protection Measures (NEPMs) have been adopted as State Policies. They relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled pollutant inventory. The proposal does not trigger consideration under the NEPMs.

(da) consistent with TPPs

Response: There are currently no Tasmanian Planning Policies in effect.

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

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

Table 2 – STRLUS Assessment

Policy	Action
<p>SRD 2</p> <p>Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability</p>	<p>SRD2.1</p> <p>Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.</p> <p>Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and protected by the planning scheme.</p> <p>SRD 2.6</p> <p>Increase densities to an average of at least 25 dwellings per hectare (net density) within a distance of 400-850m of integrated transit corridors and Principal and Primary Activity centres, subject to heritage constraints.</p> <p>SRD 2.9</p> <p>Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.</p> <p>Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme:</p> <ul style="list-style-type: none"> a) specify the spatial area in which biodiversity values are to be recognised and protected; and b) implement an ‘avoid, minimise, mitigate’ hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.
<p>Consistent: The proposed draft amendment seeks to correct the error in Figure BRI-S11.2 South Brighton Specific Area Plan Development Framework. The proposed draft amendment will provide a strong framework and consistency for developers and the Council to work together to achieve the target of sustainable living and residential density.</p>	

PI 2	P1 2.2
Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.	Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.
<p><u>Consistent:</u></p> <p>The proposed draft amendment will ensure consistency within the SAP by correcting the error in the Development Framework (Figure BRI-S11.2) and wording of Council's Infrastructure Contributions Policy (subclause BRI-S11.8.2).</p> <p>Applying Revision J as a development framework will provide an additional frontage for 10A Dylan Street, allowing for increased dwelling density on the land, whether it is for subdivision or multiple dwellings. It will also give 10 Dylan Street the opportunity to liaise with 10A Dylan Street regarding the potential purchase of the existing access strip for further development. A wider frontage will create more opportunities for infrastructure provisions.</p> <p>The Council's Infrastructure Contributions Policy is an important tool to allow Council and developers to work together in provide physical infrastructures that enable sustainable growth in the area.</p>	
LUT11	LUT11.6
Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.	Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.
<p><u>Consistent</u></p> <p>The proposed draft amendment will bring consistency in the SAP through fixing the error in Development Framework. It will better enhance the road at 10 & 10A Dylan Street to make these properties to be developed to their full potential. This will better support economic growth, accessibility and modal choices of the South Brighton SAP area.</p>	

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

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

- 1.1 Engage with and enable our community
- 1.2 Build resilience and opportunity
- 2.4 Ensure strategic planning and management of assets has a long term-sustainability and evidence-based approach
- 3.2 Infrastructure development and service deliver are guided by strategic planning to cater for the needs of a growing and changing population.

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

Response: The proposed amendment will not impact the LPS of adjacent municipal areas. The amendment has been assessed as being consistent with the STRLUS.

(h) Gas Pipeline safety

Response: The subject land is not affected by the Gas Pipeline. Accordingly, there are no issues of gas pipeline safety associated with the draft amendment.

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

7. Conclusion

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

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2025-02 as detailed in this report and in the attachments.

RECOMMENDATION:

1. That in accordance with s40D(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority, of its own motion, agrees to prepare a draft amendment, to be known as RZ 2025-02, by amending the planning scheme ordinance in relation to the South Brighton Specific Area Plan.
2. That in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2025-02 satisfies the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*.
3. That in accordance with Section 40F(3) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2025-02 be certified by instrument in writing affixed with the common seal of the Council.

4. That in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2025-02 be given to the Tasmanian Planning Commission within seven (7) days.
5. That in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2025-02 be placed on public exhibition as soon as practicable in the period of 28 days.
6. That in accordance with Section 40G(2) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2025-02 be noticed on local newspaper once before and once within 14 days after the first day of the exhibition period.
7. That in accordance with Section 40FA(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment RZ 2025-02 be provided to relevant agencies and those state services, or State authorities, that the planning authority considers may have an interest in the draft amendment.

DECISION:

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

CARRIED

VOTING RECORD

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

5.4 Draft Amendment to the Brighton Local Provisions Schedule to Amend the BRI-S12.0 Burrows Avenue Specific Area Plan - RZ 2025/03 - Section 40D(b) Report

Author: Planning Officer (D Van)

Authorised: Director, Development Services (A Woodward)

File Reference	RZ 2025/03
Type of Application:	Section 40D(b) of <i>Land Use Planning and Approvals Act 1993</i>
Address/Subject Site:	Various
Owner/s:	Various
Requested by:	Brighton Council

Planning Instrument	Tasmanian Planning Scheme - Brighton
Proposal:	<p>To amend Brighton Local Provisions Schedule ordinance in the BRI-S12.0 Burrows Avenue Specific Area Plan, as follows:</p> <ul style="list-style-type: none"> Amend the wording of BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2, by removing '<i>Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.</i>' and replace with '<i>Council's adopted Infrastructure Contributions Policy that is relevant to the land.</i>'

1. Executive Summary

The purpose of this report is for Council to consider whether to, of its own motion, initiate a draft planning scheme amendment made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act'), to amend the Brighton Local Provision Schedule (LPS) by revising subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the Burrows Avenue Specific Area Plan (Burrows Avenue SAP).

At subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2, there is reference to '*Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy*'. This policy was renamed to "*Infrastructure Contributions Policy*" following the adoption of an amended policy by Council in October 2024.

No other modifications to the Burrows Avenue SAP are proposed and the proposed draft amendment satisfies the LPS Criteria.

Given the simplicity of the draft planning scheme amendment, the planning authority also requests that the Commission exempt the proposed amendment from public exhibition in accordance with Section 40I(2)(b)(iv) of the Act. It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

It is recommended that the Planning Authority certify the draft amendment to the LPS.

2. Legislative & Policy Content

The purpose of this report is to consider whether to, of its own motion, prepare a draft amendment of an LPS as described in this report.

The amendment request is made under section 40D(b) of the *Land Use Planning and Approvals Act 1993* (the Act). The provisions of the Act establish the test of whether a planning scheme amendment is reasonable or not.

Section 40F(1) of the Act requires the Planning Authority to consider the criteria of the LPS when approving or refusing an amendment. The LPS criteria is contained in section 34 of the Act.

The planning authority also requests that the Commission exempt the proposed amendment from public exhibition in accordance with Section 40(2)(b)(iv) of the Act as the amendment is to update the wording of a clause to reflect the renaming of Council's policy. It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

This report details the reasons for the officer's recommendation. The Planning Authority is not bound to adopt the recommendations in this report. 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 2005*.

3. Risk & Implications

There is no risk to initiating the planning scheme amendment.

Not initiating the planning scheme amendment will create unnecessary confusion for developers when identifying the appropriate policy which will apply to development in the future.

4. The Draft Amendment

At subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the Burrows Avenue SAP, there is a reference to '*Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy*'.

It is proposed to modify the wording of BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 to read:

- 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.

The proposed amended Clauses BRI-S12.7.1 and BRI-S12.8.1 will be read 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:	<p>That:</p> <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
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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 (d) any advice from a State authority, regulated entity or council P1.2 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.

BRI-S12.8 Development standards for Subdivision

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

<p>A2</p> <p>No Acceptable Solution.</p>	<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>
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5. Rationale for the amendment

The Burrows Avenue Specific Area Plan was approved by the Tasmanian Planning Commission (Commission) in May 2024. The Commission agreed the Burrows Avenue SAP is consistent with the requirements of section 32(4)(b) of the Act³. The Commission agrees with the submission of the planning authority that without the SAP, the cost of providing infrastructure within the subject area is likely to be spread over the Council's wider ratepayer base, rather than being attributed to the developer of each site¹.



Burrows Avenue Specific Area Plan



Burrows Avenue Specific Area Plan – Precinct A

³ Tasmanian Planning Commission (2024), Decision on RZ 2023-004 - Insert BRI-S12.0 - Burrows Avenue Specific Area Plan, TASPComm 27.

Figure 1: Burrows Avenue Specific Area Plan map ⁴

Subclause BRI-S12.7.1 P1.2 of the Burrows Avenue SAP sets out the requirements for a contribution paid by the multiple dwellings' developers in order to allow the Council to invest for key infrastructure. The standard refers to the '*Key Infrastructure Investments and Defined Infrastructure Charges policy*'.

Similarly, subclause BRI-S12.8.1 also refers to the '*Key Infrastructure Investments and Defined Infrastructure Charges policy*' as a guideline for Council and developers toward infrastructure contributions for new subdivisions within Precinct A of the Burrows Avenue SAP.

At its Ordinary Council Meeting in October 2024, Council recognised the need to modify the '*Key Infrastructure Investments and Defined Infrastructure Charges policy*' as referred to in the above subclauses of the Burrows Avenue SAP. The Council adopted the amended and renamed the policy to '*Infrastructure Contributions Policy*⁵ to provide more clarification on the focus of how the policy relates to provision of infrastructure that is the responsibility of Council.

The purpose of the updated Infrastructure Contributions Policy is to establish clear guidelines by which Brighton Council can make key infrastructure investments and recoup these costs through charges imposed on new lots or intensified development that directly benefits from these investments. The purpose, objectives, and principles of the updated Infrastructure Contributions Policy remain consistent with the former Key Infrastructure Investments and Defined Infrastructure Charges policy.

The draft amendment to the Burrows Avenue SAP is critical to address localised development issues within the SAP area by referring to the applicable Council policy and provision of public infrastructure.

Differences between old and revised policies are compared as below and a copy of each policy is also attached with this report.

Key Infrastructure Investments and Charges Policy (superseded policy)	Infrastructure Contribution Policy (amended policy)	Comments
Background 6.4 – The removal of the ability for TasWater to impose headworks charges has resulted in situation 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	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	The updates to the background section in the amended policy provide developers with a clearer understanding of its rationale. The amended policy explicitly identifies infill development and fragmented land ownership as key challenges, offering greater clarity on the factors affecting infrastructure provision. Additionally, it clarifies Council's role, emphasizing that its primary responsibility is for Council-managed infrastructure. However, in

⁴ Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

⁵ Brighton Council (2024), Infrastructure Contributions Policy, [URL: <https://www.brighton.tas.gov.au/wp-content/uploads/2024/10/Policy-1.7-Infrastructure-Contributions.pdf>].

<p>building infrastructure has been limited.</p> <p>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.</p> <p>6.6 – Council can fill this void by acting as an intermediary and provide an investment in the upfront contribution to these infrastructure costs.</p> <p>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</p>	<p>outcomes.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>some cases, Council may act on behalf of other infrastructure authorities, such as TasWater and TasNetworks. This reference does not impose new obligations but simply clarifies that Council may serve as a collector of contributions for these entities, rather than directly funding their infrastructure.</p> <p>The amended policy (6.4-6.5) does not introduce a new principle but rather formally names the existing issue as the “first mover” problem to enhance understanding. This terminology provides a clearer and more structured explanation without altering the original intent.</p> <p>It is important to note that the background section does not function as a set of policy principles or provisions that Council officers are responsible for implementing.</p> <p>On this basis, the changes to the background section are minor refinements that do not expand the scope of the amended policy.</p>
<p>Application</p> <p>6.20 - The infrastructure investments of Council may include but are not limited to the following general areas:</p> <ul style="list-style-type: none"> (g) water; (h) sewerage; (i) roads and other transport; (j) public open space infrastructure; (k) stormwater drainage; (l) carparking. 	<p>Application</p> <p>6.20 - The infrastructure investments of Council may include but are not limited to the following general areas:</p> <ul style="list-style-type: none"> (f) roads and other transport; (g) public open space and recreation infrastructure; (h) stormwater drainage; (i) carparking; or (j) social infrastructure (e.g. buildings for youth hubs, social services, etc.) 	<p>The removal of water and sewerage from the list indicates that Council does not provide those services.</p> <p>Addition of social infrastructure While this appears to be a new category, it does not fundamentally change Council's role. Many councils already invest in community infrastructure (e.g., community centres, public facilities). The inclusion of social infrastructure clarifies that Council may also support community-based infrastructure when it aligns with strategic development objectives. It does not introduce new financial burdens but rather provides a clearer scope for the types of infrastructure that align with Council's strategic priorities.</p> <p>The mention of recreation infrastructure does not expand Council's role but rather clarifies what public open space investment may include.</p> <p>Given that section 6.19 states that infrastructure investments “may include but are not limited to” the listed areas, these changes are minor refinements rather than an expansion of Council's role and do not introduce a broader scope to the policy.</p>

Roles & Responsibilities	Roles & Responsibilities	There is no 8.1 (c) in the new policy.
8.3 - Councillors are to: (c) ... (b) ... (c) approve the Key Infrastructure Investment Policy	8.4 - Councillors are to: (d) ... (b) ...	

Apart from the differences outlined above, no other changes have been made to the Infrastructure Contributions Policy in comparison to the Key Infrastructure Investment and Charges Policy. The purpose, scope, definitions, objectives, policy introduction, policy principles, and payment for infrastructure contributions remain unchanged, ensuring consistency in Council's approach to infrastructure investment and funding.

5.1. Strategic Rationale

Southern Tasmanian Regional Land Use Strategy 2010-2035

SD2: Holistically Managing Residential Growth

The proposed draft amendment seeks to amend the title of the Policy referred in the SAP provisions, and to indemnify against future changes. It brings the SAP area into compliance with this recommendation to holistically manage residential growth by addressing specific difficulties arising from localised land use patterns.

Brighton Structure Plan 2018 (BSP)

The BSP acts as a guide for major changes to land use, built form and public spaces that together can achieve identified economic, social and environmental objectives for Brighton.

The BSP includes an analysis of housing supply in the Brighton area to meet the long-term needs based on population projections. The BSP predicts that the strongest population in the municipality will be in the suburbs of Brighton and Pontville of 2.7% per annum, or an increase of 3,040 people by 2033.

Strategy 2 of the BSP identifies that significant vacant and underutilised parcels need to be developed for multiple dwellings, which is occurring in the SAP area.

Strategy 3 of the BSP identifies that Brighton's housing supply should provide medium density options and to consider the provision of a range of lots sizes to avoid homogenous development outcomes.

It is considered that the proposed draft amendment will bring Burrows Avenue SAP to better addresses that strategy.

6. Planning Assessment

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

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

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

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

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

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

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

Response: the amendment does not affect the provisions that must be contained in an LPS.

- (j) is in accordance with [section 32](#); and*

Response: Section 32 of the Act sets out the contents of the LPSs. There are no changes to the zoning or overlays that apply to the LPS. The relevant parts of the Section that relate to the draft amendment require further consideration and are provided below.

32. Contents of LPSs

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

...

- (b) a specific area plan, being a plan consisting of –*

- (i) a map or overlay that delineates a particular area of land; and*

- (ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs;*

...

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

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*

- (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

Response:*Burrows Avenue SAP*

The Burrows SAP provides a development framework that will facilitate future development of this land in a way that creates a practical extension to the residential community by providing good connectivity and a high level of amenity in an equitable manner. Correct reference to Council's relevant policy will ensure the objectives of the Burrow SAP is upheld.

(k) Furthers RMPS Objectives

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

Table 3 – RMPS Objective Assessment

Objective	Response
Part 1	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	The proposed amendment is to resolve the naming of Council's policy to improve strategic planning outcomes.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water	The draft amendment is considered to provide a mechanism to improve the existing character of the area. The proposed amendment will better meet the needs of a wider demographic through the provision of a range of housing types. As such the proposed amendment will provide for the fair, orderly and sustainable development of the area.
(c) to encourage public involvement in resource management and planning	<p><i>The proposed draft amendment to the Burrows Avenue SAP to modify subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 is considered minor and does not change the nature of the Burrows Avenue SAP but will improve the practicality in implementation.</i></p> <p><i>The proposed amendment corrects the reference to Council's updated Infrastructure Contributions Policy to ensure consistency in terminology. This change is necessary to avoid potential confusion for</i></p>

	<p><i>developers and to ensure that the purpose and objectives of the provision are upheld in alignment with Council's adopted policy framework.</i></p> <p><i>There will be no public interest in this planning scheme amendment, and it is requested that the TPC exempt the draft amendment from public exhibition.</i></p>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The draft amendment will facilitate economic development arising from increased housing prices relative to the increased level of amenity, connectivity and public infrastructure in the SAP area.
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	The proposed draft amendment is minor and does not require broader responsibility.
Part 2	
(a) to require sound strategic planning and coordinated action by State and local government	The proposed amendment is to resolve the naming of Council's policy to improve strategic planning outcomes.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	The proposed draft amendment has been found to be consistent with the contents of the LPS and has been drafted to achieve specific objectives and policies recommended in strategic planning documents endorsed by the Council.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	<p>The land contains no environmental values of any known significance. The proposed draft amendment is likely to result in better environmental outcomes considering stormwater management.</p> <p>In terms of social and economic effects, the Burrows Avenue SAP will provide increased housing choice and improvement to residential amenity. It will also encourage improved outcomes for connectivity.</p>
(d) to require land use and	The referred Council's Policy in the Burrows

development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	Avenue SAP is consistent with regional planning documents and State Policies and legislation.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	<p>The referred Council's Policy will provide a clear framework for development approvals in the Brighton LPS.</p> <p>The approvals process is generally prescribed and the planning scheme amendment process has little impact on co-ordination of approvals.</p>
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	One of the purposes of the draft amendment is to provide for higher levels of residential amenity and connectivity that promotes health and wellbeing.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	There are no buildings or areas of interest within the SAP area.
(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community	One of the objectives of the SAP is to enable the orderly provision and coordination of public utilities and facilities, in an area where these are limited. The referred Infrastructure Contributions Policy will ensure the long-term benefit of the community is secured.
(i) to provide a planning framework which fully considers land capability.	The proposed draft amendment provides a planning framework which addresses existing land constraint to improve connectivity, public infrastructure and facilities and housing diversity.

(l) Consistent with State Policies

- State Coastal Policy 1996

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

- **State Policy on the Protection of Agricultural Land 2009**

Response: The *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion of agricultural land to non-agricultural uses is subject to the principles of the PAL Policy. All land in the SAP area is zoned General Residential and is not considered agricultural land.

- **The State Policy on Water Quality Management 1997**

Response: There will be no direct impact on water quality as a result of the amendment. Any impact on water quality will be regulated through future development applications.

- **National Environmental Protection Measures**

Response: The National Environmental Protection Measures (NEPMs) have been adopted as State Policies. They relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled pollutant inventory. The proposal does not trigger consideration under the NEPMs.

(da) consistent with TPPs

Response: There are currently no Tasmanian Planning Policies in effect.

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

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

Table 4 – STRLUS Assessment

Policy	Action
SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability	SRD2.1 Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development. Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and

	<p>protected by the planning scheme.</p> <p>SRD 2.6</p> <p>Increase densities to an average of at least 25 dwellings per hectare (net density) within a distance of 400-850m of integrated transit corridors and Principal and Primary Activity centres, subject to heritage constraints.</p> <p>SRD 2.9</p> <p>Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.</p> <p>Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme:</p> <ul style="list-style-type: none"> a) specify the spatial area in which biodiversity values are to be recognised and protected; and b) implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.
<p><u>Consistent:</u></p> <p>The proposed draft amendment seeks to modify subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the Burrows Avenue SAP to refer to the relevant Infrastructure Contributions Policy that is relevant to the land.</p> <p>The proposed draft amendment will provide a strong framework for developers and the Council to work together to achieve the target of sustainable living and residential density.</p>	
<p>ROS 1</p> <p>Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and wellbeing, amenity, environmental sustainability and the economy.</p>	<p>ROS 1.5</p> <p>Ensure residential areas, open spaces and other community destinations are well connected with a network of high-quality walking and cycling routes.</p>

<p><u>Consistent:</u></p> <p>The proposed draft amendment will bring the Infrastructure Contributions Policy into the planning process. This is a strategic approach to infrastructure investment to ensure that the Council delivers the highest appropriate opportunities for growth, whilst ensuring efficiency and amenity for the community, economy, and environmental sustainability.</p>	
<p>PI 2</p> <p>Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.</p>	<p>P1 2.2</p> <p>Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.</p>
<p><u>Consistent:</u></p> <p>The draft amendment makes provision for construction of, or contribution to, local infrastructure requirements.</p>	
<p>LUTI 1</p> <p>Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.</p>	<p>LUTI 1.6</p> <p>Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.</p>
<p><u>Consistent</u></p> <p>The draft amendment makes provision for construction of, or contribution to, local infrastructure requirements.</p>	

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

(n) *Brighton Council Strategic Plan 2023-2033*

Response:

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

- 1.2 Build resilience and opportunity
 - 2.4 Ensure strategic planning and management of assets has a long term-sustainability and evidence-based approach
 - 3.2 Infrastructure development and service deliver are guided by strategic planning to cater for the needs of a growing and changing population.
- (o) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.*

Response: The proposed amendment will not impact the LPS of adjacent municipal areas. The amendment has been assessed as being consistent with the STRLUS.

(p) *Gas Pipeline safety*

Response: The subject land is not affected by the Gas Pipeline. Accordingly, there are no issues of gas pipeline safety associated with the draft amendment.

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

7. Relevant Issues

8.1 Section 40I (2) Application

The planning authority also requests that the Tasmanian Planning Commission exempt the proposed amendment from public exhibition in accordance with Section 40I(2)(b)(iv) of the Act as the amendment is to amend the wording of a clause to correctly refer to its recently renamed Infrastructure Contributions Policy. The purpose, objectives, and principles of the 'Infrastructure Contributions Policy' remain consistent with those of the former 'Key Infrastructure Investments and Defined Infrastructure Charges Policy'. This amendment is therefore intended solely to ensure the correct reference to Council's current adopted policy.

It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

8. Conclusion

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

The planning authority also requests that the Tasmanian Planning Commission exempt the proposed amendment from public exhibition in accordance with section 40I(2)(b)(ii) of the Act as the amendment is to fix an error referring to Council's Policy that does not exist. It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2025/03 as detailed in this report and in the attachments.

RECOMMENDATION:

1. That in accordance with s40D(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority, of its own motion, agrees to prepare a draft amendment, to be known as RZ 2025-03, by amending the planning scheme ordinance in relation to the Burrows Avenue Specific Area Plan.
2. That in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2025-03 satisfies the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*.
3. That in accordance with Section 40F(3) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2025-03 be certified by instrument in writing affixed with the common seal of the Council.
4. That in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2025-03 be given to the Tasmanian Planning Commission within seven (7) days.
5. That in accordance with Section 40I(2)(b)(iv) of the *Land Use Planning and Approvals Act 1993*, Council requests approval from the Commission to dispense with the public exhibition required by Section 40G(1) of the *Land Use Planning Act 1993*.
6. That if consent to dispense with public exhibition pursuant to Section 40I(2)(b)(iv) of the *Land Use Planning and Approvals Act 1993* is not received from the Commission, that in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2025-03 be placed on public exhibition as soon as practicable.
7. That if consent to dispense with public exhibition pursuant to Section 40I(2)(b)(iv) of the *Land Use Planning and Approvals Act 1993* is not received from the Commission, that in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment RZ 2025-03 be provided to relevant agencies and those state service, or State authorities, that the planning authority considers may have an interest in the draft amendment.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Gray	

Cr Irons
Cr Owen
Cr Whelan

Meeting closed: 5.55pm

Confirmed: _____
(Mayor)

Date: _____
15 April 2025

Brian Mitchell MP

Federal Member for Lyons

ATTACHMENT

AGENDA ITEM 7

Mayor Leigh Gray
Brighton Council
1 Tivoli Street
OLD BEACH TAS 7017

Dear Leigh

I am writing to congratulate Brighton Council on its successful application for funding through round one of the Australian Government's *Community Energy Upgrade Fund* (CEUF).

I understand the council will receive a CEUF grant of \$119,581 towards its 'Brighton Regional Sports Pavilion Energy Upgrade' project.

I'm thrilled the Albanese Government is investing in the Brighton municipality – the Pavilion is one of many sporting and public facilities that keeps our local communities and clubs thriving

By supporting energy efficiency upgrades at the Pavillion, the Community Energy Upgrade Fund will assist the council to reduce its energy bills and contribute to its emissions reduction target of 100% corporate renewable electricity target by 2030.

Once again, congratulations.

Warm regards



Brian Mitchell MP

19 March 2025 | lj

Reply to — PO Box 61 Bridgewater TAS 7030

Green Point Plaza, 28 Green Point Road Bridgewater TAS 7030 | p (03) 6263 3721
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brian mitchell federal mp for lyons



@BrianMitchellMP

Labor



www.alp.org.au





24 March 2025

ATTACHMENT

AGENDA ITEM 7

Hon Jeremy Rockliff MP

Premier of Tasmania

Email: premier@dpac.tas.gov.au

Dear Premier

POTENTIAL PRIVATISATION OF PUBLIC TRANSPORT IN TASMANIA

Brighton Council writes to express our serious concerns regarding the privatisation of public transport in Greater Hobart. The risks this poses to accessibility, affordability, and reliability - particularly for the most vulnerable members of our community cannot be underestimated.

Given Greater Hobart's low population density, existing service gaps, and the reliance of lower socio-economic groups on public transport, we believe that a profit-driven model would fail to deliver equitable services, likely making an already substandard service even worse.

Our concerns align with Brighton Council's Draft Activity Centre Strategy (2024-2046), which underscores the critical role of accessible and reliable public transport in fostering community growth. Objective 3 of the Strategy explicitly states: *"To create accessible activity centres that prioritize active and public transport modes."*

Without consistent, affordable, and reliable public transport, our region will face significant challenges in realising our vision for vibrant and economically successful centres.

Our primary concerns regarding privatisation are detailed below:

1. Public transport is a vital service for many Brighton residents, particularly those living in low-density, lower-income areas. We are concerned that a private operator, motivated by profit, may reduce or eliminate services in areas with lower demand. This would disproportionately affect vulnerable groups, including families with young children, people with disabilities, and older adults. Rather than tackling disadvantage, it is likely to further entrench it.

Our outer-urban location already experiences "transport disadvantage" due to limited public transport infrastructure and long distances to employment hubs in Greater Hobart. Without appropriate regulatory safeguards, privatisation could intensify these challenges, further isolating those who depend on public transport the most.

2. Privatisation often results in fare increases, making public transport unaffordable for many low-income residents. According to the Australian Bureau of Statistics, Australians in the bottom income quintile are nearly eight times more likely to experience transport difficulties than those in the top quintile.

Affordable public transport is essential for our residents to access employment, education, healthcare, and social services. We strongly urge the Government to prioritise affordability to ensure that all community members remain connected and supported.

3. Reliable public transport is crucial for connecting our growing community to Greater Hobart. Under a private model, service reductions, missed performance targets, or staff shortages could severely disrupt community mobility and economic participation. Ensuring service reliability must remain a core priority to support community needs and economic development.
4. What happens in future if a private company pulls out or collapses and a new provider cannot be attained? Once the structures for a publicly-owned are dismantled for a critical service, they would be very difficult and slow to be recreated.

Brighton Council urges the Tasmanian Government to retain public ownership and control of Metro Tasmania to guarantee that public transport remains accessible, affordable, and reliable for all residents.

Essential considerations for the Government's investigations into privatisation should include:-

1. Service Continuity in Low-Density Areas: Legislation must require private operators to maintain services in outer-urban and low-income areas during both peak and off-peak hours to prevent service reductions that would disproportionately impact vulnerable communities.
2. Fare Regulation and Concession Protections: A comprehensive regulatory framework should be established to prevent fare increases and ensure continued access to fare concessions for low-income groups, including pensioners, students, and people with disabilities.
3. Government-Funded Essential Routes: funding must be maintained for essential but unprofitable routes to ensure equitable service access across all areas, particularly those with lower passenger volumes.
4. Performance Monitoring and Accountability: The Government should implement rigorous performance monitoring, including enforceable penalties for service failures. An independent oversight body should be established to ensure compliance and to prioritize community interests over profit motives.
5. Community Engagement Requirements: It is essential to mandate ongoing consultation with local governments and community groups. This ensures that public needs are continuously reflected in service planning and operational decisions.

Thank you for considering our concerns. We welcome further discussions and are available to provide additional insights to support informed decision-making.

Yours sincerely



Cr Leigh Gray
MAYOR

cc *Mr Saul Eslake – saul.eslake@gmail.com*

Kerry Vincent MP, Minister for Local Government – kerry.vincent@parliament.tas.gov.au

Eric Abetz MP, Minister for Transport – eric.abetz@parliament.tas.gov.au



15th May 2024

Brighton Council Council
1 Tivoli Road
Old Beach TAS 7017

**Re: Unapproved Site Works
6 Woodrieve Road, Bridgewater**

Dear General Manager,

Please find attached drawings in support of a Development Application to gain retrospective approvals for some site works at the above property.

The site works include the previous installation of fill, primarily at the rear of the block, in an attempt to partially level the site. A survey of the site completed after the fill had been installed, revealed that the fill extends over the property boundary, particularly on the North-West and South-West boundaries. This application proposes correcting this spillage with permission from the adjacent land owners, and accommodating this extra fill on site.

A Development Application for the primary development of the site will be lodged once we have resolved this current situation.

The works do partially occur within the waterway and Coastal Protection overlay, and we will work with council to respond to any concerns regarding works in proximity of the creek.

Please note that the application references the adjacent impacted sites and titles have been provided, with the exception of 32A Cobbs Hill Road, for which no title was available for purchase. We expect we will need to obtain either Crown or Council consent to clear the fill from this property, but would appreciate councils assistance in determine which of these is correct, in the absence of a title being available for our purchase.

Thank you for your assistance and please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alycia McConalogue', is written over a light blue horizontal line.

Alycia McConalogue

Building Designer

cc Rohan Spaulding

12th February 2025

Brighton Council Council
1 Tivoli Road
Old Beach TAS 7017

**Re: Unapproved Site Works
6 Woodrieve Road, Bridgewater DA 2024 / 00104**

Dear General Manager,

Please find attached revised and additional documentation in response to Taswater RAI dated 17/09/2024. The supplied documentation includes:

- Revised drawings by Little Island building design dated 12.02.2025, indicating the unapproved fill will be removed over the water mains.
- A CCTV investigation report by Archers Underground Services assessing the condition of the sewer main, to support the retention of the fill over the sewer main.

In summary, the amended documents propose to remove the fill over the water mains, but retain the fill over the sewer main. The fill will be battered between the two main areas of pipes. This proposal has been reviewed by our Engineer, who have also provided some notes on the appropriate methodology for safely removing the excess fill, which are on page 02 of the revised drawings.

Please note that due to file size the video of the sewer pipe will be forwarded to Taswater directly via ShareFile. We are happy to provide a copy to council if desired. If so, please let us know the most appropriate way to get this large file to you.

I hope the supplied information assists in your assessment, and please do not hesitate to contact me for any further information.

Sincerely,



Alycia Mcconalogue

Building Designer

cc Rohan Spaulding

PLANNING DRAWINGS

PREVIOUS AND PROPOSED SITE WORKS 6 WOODRIEVE ROAD, BRIDGEWATER

ALSO IMPACTING 4 & 8 WOODRIEVE ROAD & 32A COBBS HILL ROAD, BRIDGEWATER

OWNER: R.J. & T.C. SPAULDING

TITLE: 182281/12 (PLUS 176401/11, 182281/13 & 140010/9)

SITE AREA: 6,493m²

ZONING: GENERAL INDUSTRIAL

OVERLAYS: BUSHFIRE PRONE AREA, WATERWAY
AND COASTAL PROTECTION AREA (PART SITE)

CLASS: NOT APPLICABLE - SITE WORKS ONLY

WIND CLASSIFICATION: NOT SUPPLIED

SOIL CLASSIFICATION: NOT SUPPLIED

BAL RATING: EXEMPT - NOT APPLICABLE

CORROSIVE ENVIRONMENT: N/A

DRAWING SCHEDULE:

- 00 COVER
- 01 EXISTING PLAN
- 02 PROPOSED SITE PLAN
- 03 SITE ELEVATIONS
- 04 PIPE SECTIONS

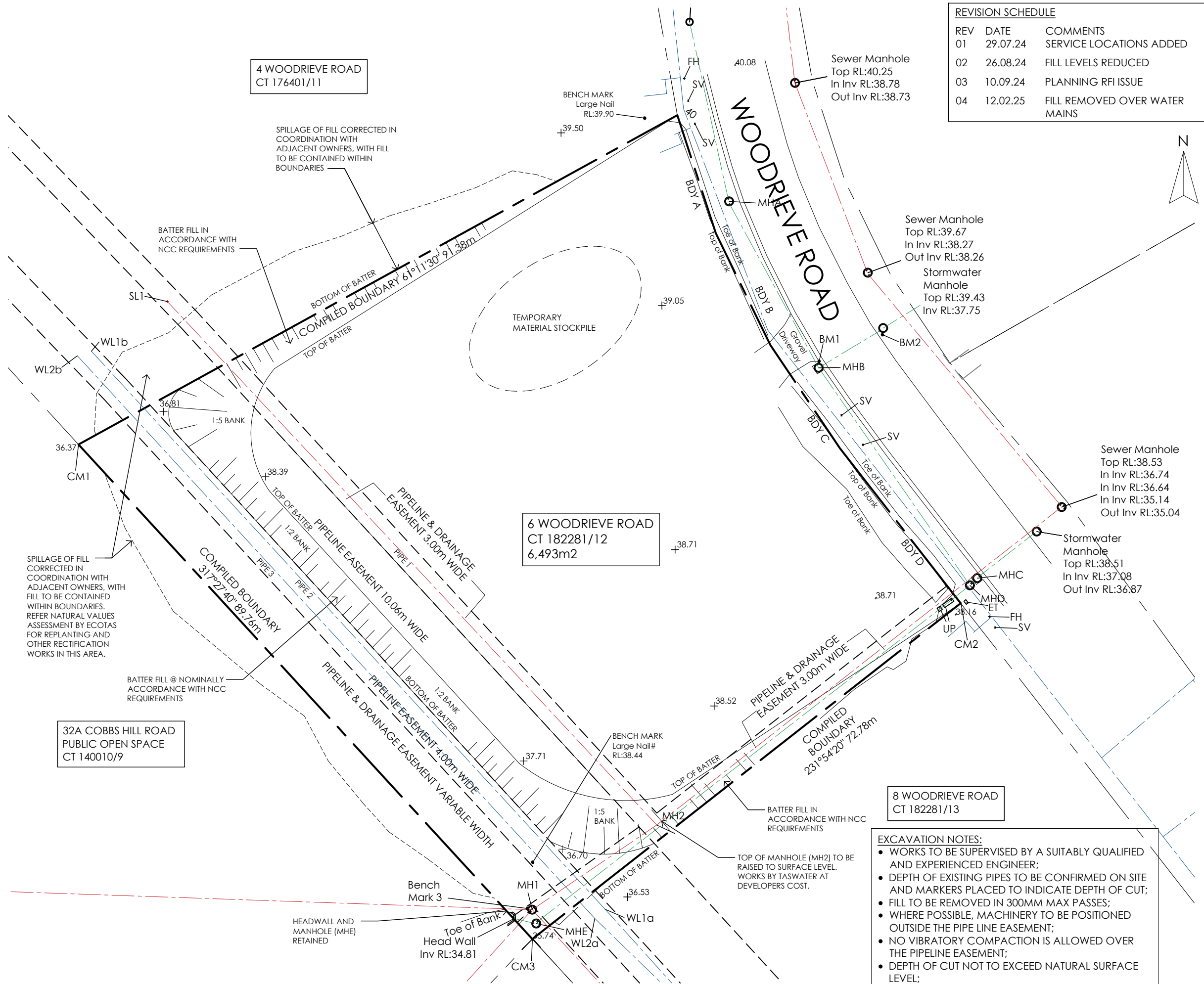
REVISION SCHEDULE		
REV	DATE	COMMENTS
01	29.07.24	SERVICE LOCATIONS ADDED
02	26.08.24	FILL LEVELS REDUCED
03	10.09.24	PLANNING RFI ISSUE
04	12.02.25	FILL REMOVED OVER WATER MAINS

PROJECT NO: LI24008

DATE: FEBRUARY 2025



LITTLE ISLAND BUILDING DESIGN
ph: 0408 316 564
e: info@libd.com.au
a: PO Box 60 Claremont 7011
Accredited Building Designer:
Alycia Mcconalogue CC6943



REVISION SCHEDULE		
REV	DATE	COMMENTS
01	29.07.24	SERVICE LOCATIONS ADDED
02	26.08.24	FILL LEVELS REDUCED
03	10.09.24	PLANNING RFI ISSUE
04	12.02.25	FILL REMOVED OVER WATER MAINS



Accredited Building Designer
Alycia Mcconalogue CC6943
Ph: 0408 316 564
E: info@libd.com.au
W: www.libd.com.au

SURVEY LEGEND:		MHC = Stormwater Manhole Top RL:38.54 In Inv RL:36.60 Out Inv RL:36.56
ET = Electrical Turret		MHD = Stormwater Manhole Top RL:38.51 In Inv RL:36.64 In Inv RL:36.60 In Inv RL:35.64 Out Inv RL:35.58
FH = Fire Hydrant		MHE = Stormwater Manhole Top RL:36.22 In Inv RL:35.47 In InvE RL:34.97
NS = Natural Surface		SL1 = Sewer Line NS RL:36.99 Obv RL:36.15
SV = Stop Valve		
UP = Unclassified Pit		
CM1 = EX. CORNER MARK Peg RL:36.37		BM1 = OLD SURVEY MARK R/Set in Kerb RL:39.33
CM2 = EX. CORNER MARK Peg RL:38.27		BM2 = OLD SURVEY MARK R/Set in Kerb RL:39.36
CM3 = EX. CORNER MARK Nail in Fence Post RL:36.88		BM3 = OLD SURVEY MARK R/Set in MH RL:36.15
BM1 = OLD SURVEY MARK R/Set in Kerb RL:39.33		BM4 = Bench Mark Large Nail RL:38.44
BM2 = OLD SURVEY MARK R/Set in Kerb RL:39.36		
BM3 = OLD SURVEY MARK R/Set in MH RL:36.15		WL1 = Water Main NS WL1a RL:36.42 WL1a RL:34.98 NS WL1b RL:36.63 WL1b RL:35.21
BM4 = Bench Mark Large Nail RL:38.44		WL2 = Water Main NS WL2a RL:36.40 WL2a RL:35.03 NS WL2b RL:36.60 WL2b RL:35.21
MHA = Stormwater Manhole Top RL:39.83 In Inv RL:38.04 Out Inv RL:38.03		
MHB = Stormwater Manhole Top RL:39.35 In Inv RL:37.67 Out Inv RL:37.48		
		WATER MAIN SEWER MAIN STORMWATER MAIN

PLANNING DRAWINGS

PROPOSED SITE WORKS 6 WOODRIEVE ROAD, BRIDGEWATER

FOR:
R.J. & T.C. SPAULDING

Date:
12.02.2025

Project no/Drawing no: L124008 - 02
Revision: 04

PROPOSED SITE PLAN

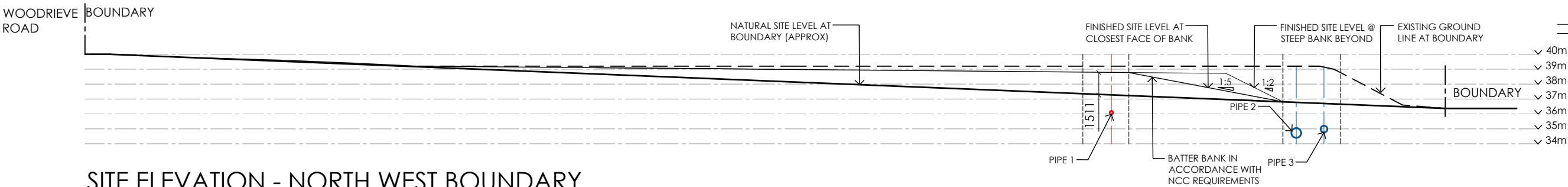
1:500@A3

- EXCAVATION NOTES:**
- WORKS TO BE SUPERVISED BY A SUITABLY QUALIFIED AND EXPERIENCED ENGINEER;
 - DEPTH OF EXISTING PIPES TO BE CONFIRMED ON SITE AND MARKERS PLACED TO INDICATE DEPTH OF CUT;
 - FILL TO BE REMOVED IN 300MM MAX PASSES;
 - WHERE POSSIBLE, MACHINERY TO BE POSITIONED OUTSIDE THE PIPE LINE EASEMENT;
 - NO VIBRATORY COMPACTION IS ALLOWED OVER THE PIPELINE EASEMENT;
 - DEPTH OF CUT NOT TO EXCEED NATURAL SURFACE LEVEL;
 - MINIMUM OF 900MM COVER TO BE MAINTAINED OVER PIPES AT ALL TIME;
 - ANY SLOPE FAILURE OR MOVEMENT OF THE BATTER IS TO BE REPORTED TO THE SUPERVISING ENGINEER AND TASWATER IMMEDIATELY AND ALL WORK IS TO CEASE UNTIL INSPECTED;
 - FINISHED SURFACE TO BE TRIMMED AND CLEAR OF ROCK AND OTHER DELETERIOUS MATERIAL.

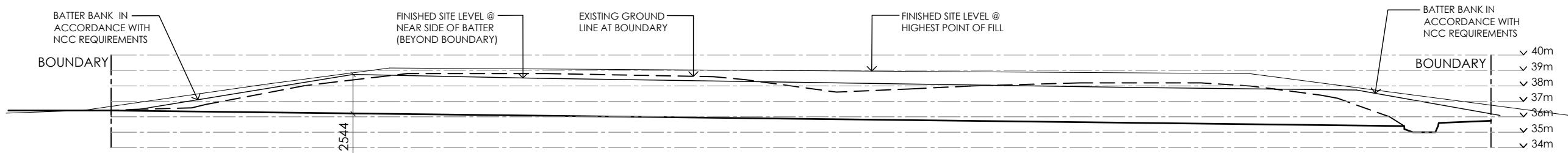
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REV	DATE	COMMENTS
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02	26.08.24	FILL LEVELS REDUCED
03	10.09.24	PLANNING RFI ISSUE
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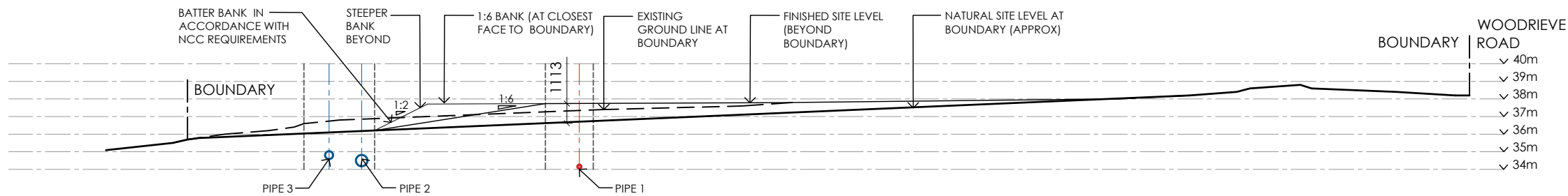
Accredited Building Designer
Alycia Mcconalogue CC6943
Ph: 0408 316 564
E: info@libd.com.au
W: www.libd.com.au



SITE ELEVATION - NORTH WEST BOUNDARY
1:300@A3



SITE ELEVATION - SOUTH WEST BOUNDARY
1:300@A3



SITE ELEVATION - SOUTH EAST BOUNDARY
1:300@A3

- NOTES:
- GROUND LINES BEYOND THE MAIN BANKS/BATTERS ARE NOT SHOWN FOR CLARITY.
 - NATURAL SITE LEVELS ARE INDICATIVE ONLY AND ARE INTENDED TO PROVIDE ONLY AN APPROXIMATE INDICATION OF THE EXTENT OF FILL. THEY SHOULD NOT BE USED FOR ENGINEERING PURPOSES.

PLANNING DRAWINGS

PROPOSED SITE WORKS
6 WOODRIEVE ROAD,
BRIDGEWATER

FOR:
R.J. & T.C. SPAULDING

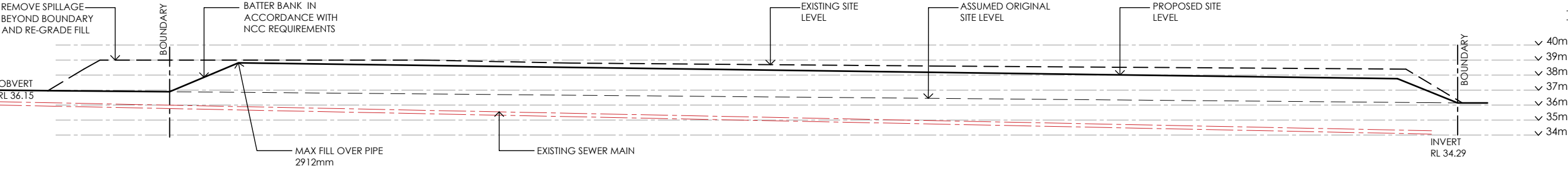
Date:
12.02.2025

Project no/Drawing no: Revision:
LI24008 - 04 04

REVISION SCHEDULE		
REV	DATE	COMMENTS
01	29.07.24	SERVICE LOCATIONS ADDED
02	26.08.24	FILL LEVELS REDUCED
03	10.09.24	PLANNING RFI ISSUE
04	12.02.25	FILL REMOVED OVER WATER MAINS

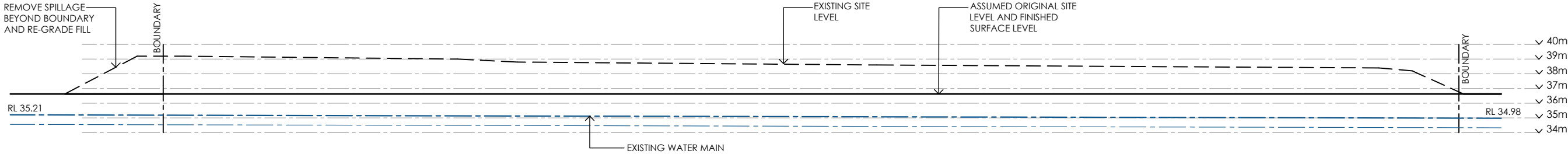


Accredited Building Designer
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W: www.libd.com.au



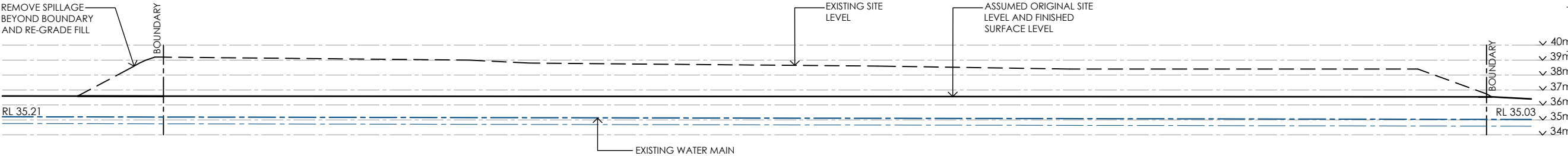
PIPE 01 SECTION (SEWER MAIN)

1:300@A3
NOTE: A CCTV INVESTIGATION AND CONDITION REPORT HAS BEEN PREPARED FOR THE SEWER MAIN.



PIPE 02 SECTION (WATER MAIN)

1:300@A3



PIPE 03 SECTION (WATER MAIN)

1:300@A3

PLANNING DRAWINGS

PROPOSED SITE WORKS
6 WOODRIEVE ROAD,
BRIDGEWATER

FOR:
R.J. & T.C. SPAULDING

Date:
12.02.2025

Project no/Drawing no: L124008 - Revision: 04



WINCAN

Project name

LITTLE ISLAND-6 woodrieve rd



WINCAN

Table of Contents

Project name
LITTLE ISLAND-6 woodrieve rd

Project number

Project date
13/01/2025

Project Information	P-1
Section: 1; A360239 - A360238	1
Section: 2; A360239 - A360240	3
Section: 3; A360239 - A360249	5



WINCAN

Project Information

Project name
LITTLE ISLAND-6 woodrieve rd

Project number

Project date
13/01/2025



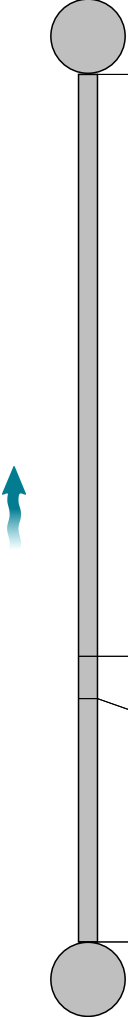
WINCAN

Section Inspection - 13/01/2025

Date of inspection 13/01/2025	Time of inspection 11:05 AM	Land ownership	Pipe Asset ID	Nr. 1
Project name LITTLE ISLAND-6 woodrieve rd	Contractor's Job Number	Coding Standard	Name of operator Sam	Job ID 01

Suburb Bridgewater	US MH A360239	Unit Length 0.00 m
Address 6 Woodrieve Rd	Direction Upstream	GIS length 0.00 m
Location type In field (Paddock)	DS MH A360238	Inspected Length [m] 67.29 m
Operation Gravity	Use The installation is designed to carry only sewer	Year Laid
Profile Circular 225mm	Purpose of inspection Routine inspection of condition	
Lining material Polyvinyl chloride	Method of inspection B	
Lining type Close fit lining	Precipitation	
Dia/Height 225 mm	Cleaning	
Material Polyvinylchloride	Flow control	

General comment

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	0.00	STMH	Start node, maintenance hole, Nodename:, A360239	00:00:01	A360444_0-00m_11409.jpg	
	45.18	WLPT	Ponding of water with or without flow turbid or discoloured water, 20-30 mm	00:07:24	A360444_45-18m_112200.jpg	2
	48.46	GC	General comment / Possible repair patch?	00:09:18	A360444_48-46m_112416.jpg	
	67.29	FMH	Finish node, maintenance hole, Nodename:, A360238	00:12:34	A360444_67-29m_112803.jpg	
A360239						

Construction Features					Miscellaneous Features				
Structural Defects					Service & Operational Defects				
STR No. Def	STR Peak	STR Mean	STR Total	STR Grade	SER No. Def	SER Peak	SER Mean	SER Total	SER Grade
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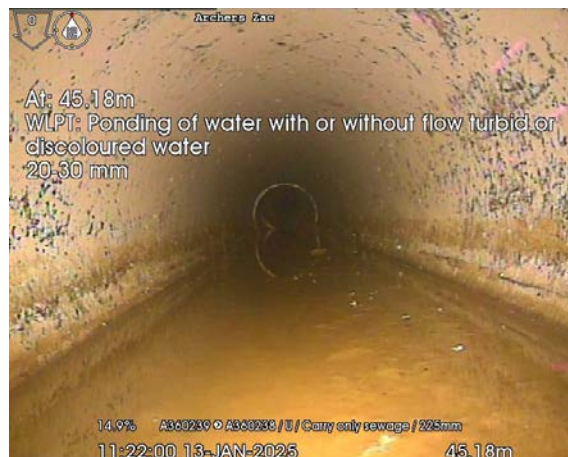


Section Pictures - 13/01/2025

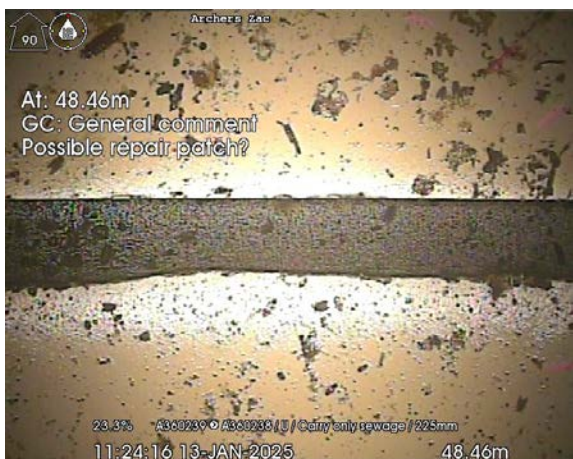
Suburb Bridgewater	Address/Location 6 Woodrieve Rd	Date of inspection 13/01/2025	Pipe Asset ID	Job ID 01
-----------------------	------------------------------------	----------------------------------	---------------	--------------



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Ponding of water with or without flow turbid or discoloured water, 20-30 mm



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General comment / Possible repair patch?



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

WINCAN

Section Inspection - 13/01/2025

Date of inspection 13/01/2025	Time of inspection 11:29 AM	Land ownership	Pipe Asset ID	Nr. 2
Project name LITTLE ISLAND-6 woodrieve rd	Contractor's Job Number	Coding Standard	Name of operator Sam	Job ID 01

Suburb Bridgewater	US MH A360239	Unit Length 0.00 m
Address 6 Woodrieve Rd	Direction Downstream	GIS length 0.00 m
Location type In field (Paddock)	DS MH A360240	Inspected Length [m] 19.03 m
Operation Gravity	Use The installation is designed to carry only sewer	Year Laid
Profile Circular 225mm	Purpose of inspection Routine inspection of condition	
Lining material Polyvinyl chloride	Method of inspection B	
Lining type Close fit lining	Precipitation	
Dia/Height 225 mm	Cleaning	
Material Polyvinylchloride	Flow control	

General comment

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A360240						

Construction Features					Miscellaneous Features				
Structural Defects					Service & Operational Defects				
STR No. Def	STR Peak	STR Mean	STR Total	STR Grade	SER No. Def	SER Peak	SER Mean	SER Total	SER Grade
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Section Pictures - 13/01/2025

Suburb Bridgewater	Address/Location 6 Woodrieve Rd	Date of inspection 13/01/2025	Pipe Asset ID	Job ID 01
-----------------------	------------------------------------	----------------------------------	---------------	--------------



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A360445_19-03m_113810.jpg, 00:03:06, 19.03
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WINCAN

Section Inspection - 13/01/2025

Date of inspection 13/01/2025	Time of inspection 11:41 AM	Land ownership	Pipe Asset ID	Nr. 3
Project name LITTLE ISLAND-6 woodrieve rd	Contractor's Job Number	Coding Standard	Name of operator Sam	Job ID 01

Suburb Bridgewater	US MH A360239	Unit Length 0.00 m
Address 6 Woodrieve Rd	Direction Upstream	GIS length 0.00 m
Location type In field (Paddock)	DS MH A360249	Inspected Length [m] 83.51 m
Operation Gravity	Use The installation is designed to carry only sewer	Year Laid
Profile Circular 225mm	Purpose of inspection Routine inspection of condition	
Lining material Polyvinyl chloride	Method of inspection B	
Lining type Close fit lining	Precipitation	
Dia/Height 225 mm	Cleaning	
Material Polyvinylchloride	Flow control	

General comment

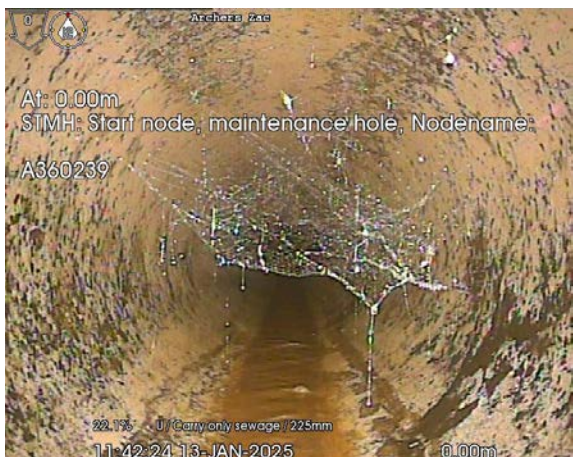
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	83.51	FHMH	Finish node, maintenance hole, Nodename:, A360249	00:10:55	A360443_83-51m_115633.jpg	
A360239						

Construction Features					Miscellaneous Features				
Structural Defects					Service & Operational Defects				
STR No. Def	STR Peak	STR Mean	STR Total	STR Grade	SER No. Def	SER Peak	SER Mean	SER Total	SER Grade
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Section Pictures - 13/01/2025

Suburb	Address/Location	Date of inspection	Pipe Asset ID	Job ID
Bridgewater	6 Woodrieve Rd	13/01/2025		01



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Start node, maintenance hole, Nodename:, A360239



A360443_27-26m_114916.jpg, 00:03:53, 27.26
Encrustation-deposits attached to the walls from 5 o'clock to 7 o'clock, Obstruction: 10% / possibly render?



A360443_83-51m_115633.jpg, 00:10:55, 83.51
Finish node, maintenance hole, Nodename:, A360249

10th September 2024

Brighton Council Council
1 Tivoli Road
Old Beach TAS 7017

**Re: Unapproved Site Works
6 Woodrieve Road, Bridgewater DA 2024 / 00104**

Dear General Manager,

Please find attached revised and additional documentation in response to the request for additional information dated 19th June 2024. The supplied documentation includes:

- Revised drawings by Little Island building design dated 10.09.2024, including depths and accurate positions of all pipes as located by Tas Underground Asset Locators and our Surveyor;
- A Natural Values Assessment prepared by EcoTas, responding to item 2 of the RAI;
- Engineering Response prepared by Sustainable Engineering, responding to item 3 of the RAI.

In summary, the amended documents propose to remove all fill that extends beyond the site boundaries and replant the impacted area between the boundary and the creek. The amount of fill over the critical water main will be reduced (but not removed) and batters adjusted to a lower gradient for improved stability.

I trust the supplied information assists in your assessment, and please do not hesitate to contact me for any further information.

Sincerely,



Alycia Mcconalogue

Building Designer

cc Rohan Spaulding



Sustainable Engineering
Small team, big outcomes

15/3 Abernant Way
Cambridge TAS 7170

E: contact@setas.com.au

M: 0428 575 694

W: www.setas.com.au

02 September 2024

Alycia McConalogue
Little Island Building Design
e: info@libd.com.au

6 WOODRIEVE ROAD – RFI RESPONSE

Purpose and Limitations of this Report

The purpose of this letter is to address an additional information request from Brighton Council to address Clauses C12.5.1 and C12.6.1 Flood-prone Areas Hazard Code and Taswater information request TWDA 2024/00723-BTN.

The opinions, conclusions and recommendations in this report are based on information reviewed at the date of preparation of the report. SETAS has prepared this report on the basis of information provided by Little Island Building Design, LISTmap, Taswater GIS and publicly available flood mapping from Brighton Council which SETAS has not independently verified or checked beyond the agreed scope of work.

SETAS does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information.

Site Description

The subject property is located on Woodrive Road, Brighton which forms part of the commercial hub. The site is on the western side of the road which is currently undeveloped, vacant parcels.

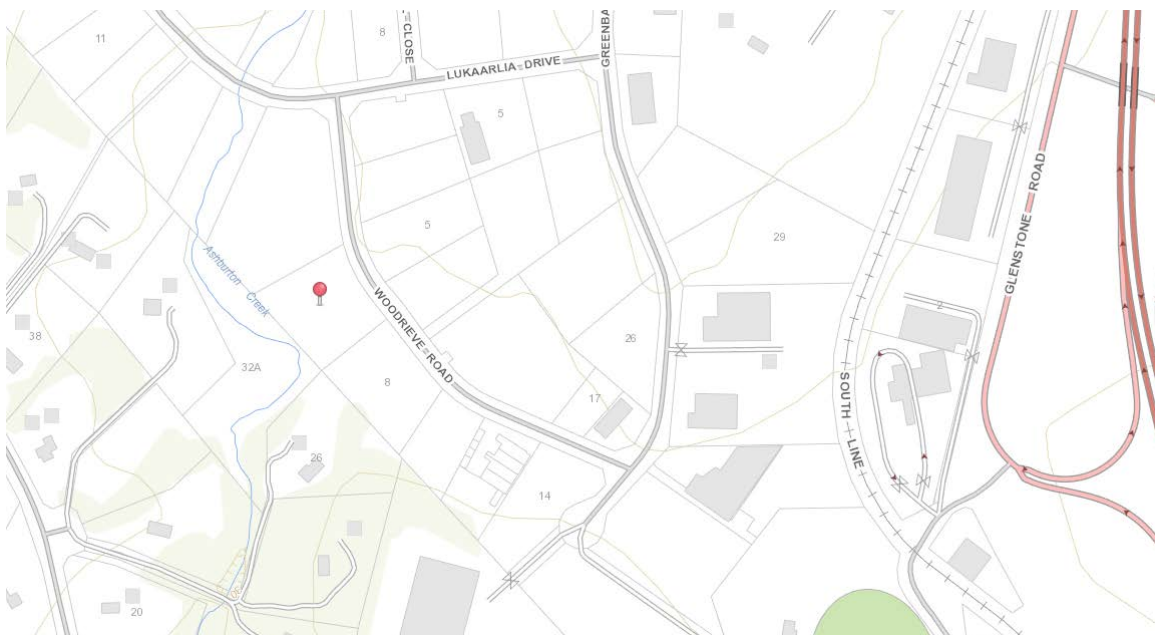


Figure 1 – Location map



Figure 2 – Aerial image (prior to earthworks)

Existing Development

The owner has formed a level pad from controlled fill that has been competently placed excavator and sheepsfoot roller across the full extent of the site. The current batters extend beyond the property boundary which are proposed to be trimmed to bring the extent back to the property boundary.

There are existing Taswater sewer and bulk water assets that have been filled over and a Council stormwater main on the southern boundary that is on the edge of the fill batter. All assets have been surveyed and are presented on the design drawings prepared by Little Island Building Design.



Figure 3 – Site looking N



Figure 4 – Site looking NW

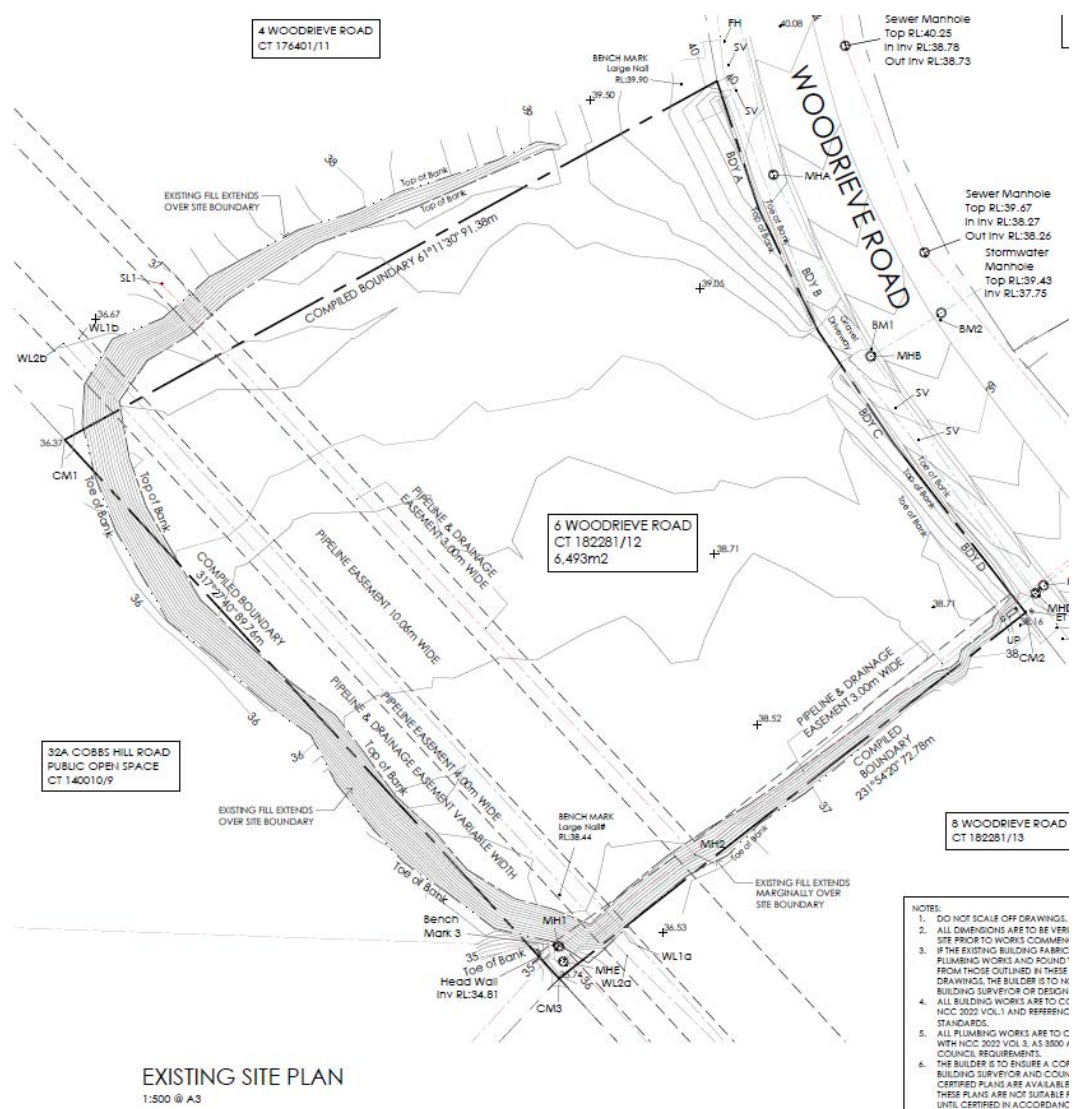


Figure 5 – Site plan showing current extent of fill

Proposed Development

The proposed extent of the fill is shown in Figure 6.

The batter slopes have also been decreased to reduce the amount of fill over the existing Taswater and Council assets. The drawings prepared by Little Island Building Design provide elevations showing the batter slopes and clearances to the services.

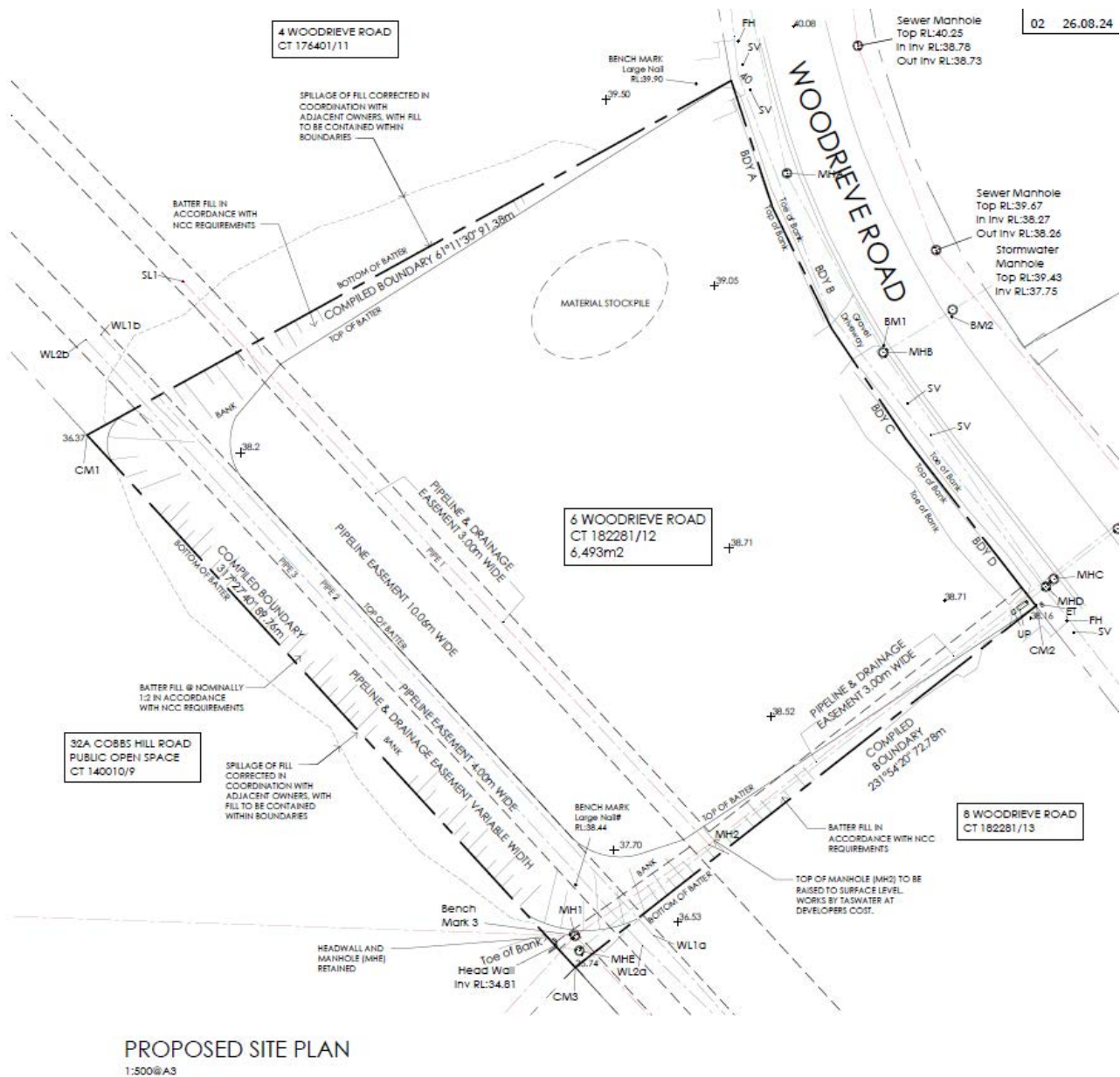


Figure 6 – Proposed extent of fill

Existing flood studies

Brighton Council publish flood inundation mapping to enable assessment of flood risk for property.

Catchment modelling is generally based on LiDAR surface information with survey used to support higher resolution analysis of high risk areas. The modelling performed on this catchment appears to be based on LiDAR and at a coarse grid based on the polygon size and that boundary extents align with the features present in the pre-development LiDAR data.

The local overland flow mapping shows that in a 1% AEP rainfall event for the local catchment, there are small areas of inundation in the NW corner and SW corner with estimated flow depths in the 5-10cm and 10-50cm ranges.



Figure 7 – Council inundation mapping

These areas do not align with the main flow path which is governed by the existing watercourse and topography and appear to be spurious data points that the model has picked up as localised low areas in the surface and routed flow to these.

Comparing the inundation polygons against pre-fill aerial imagery and LiDAR surfaces, the polygons correlate with localised low points which supports this view.

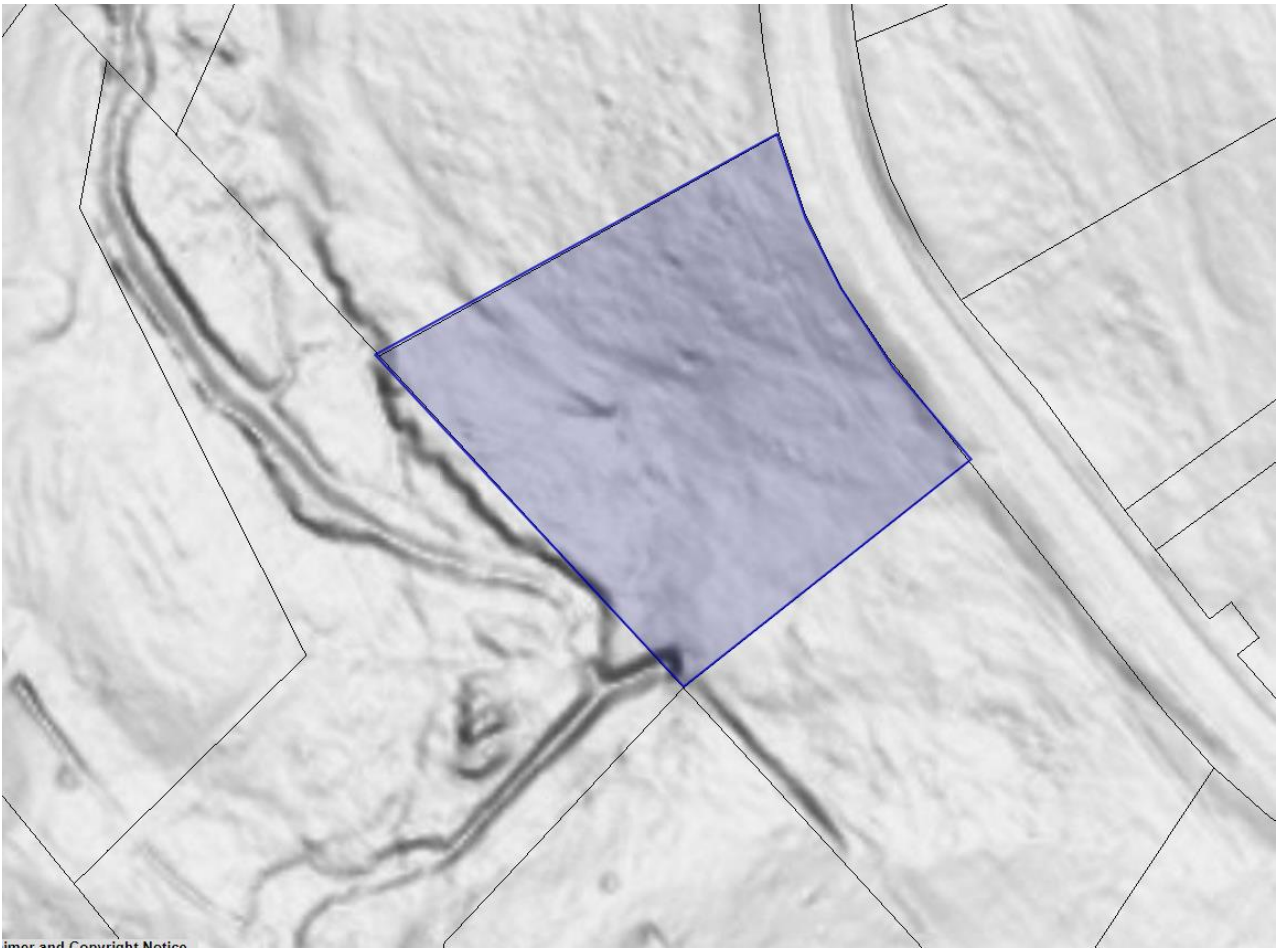


Figure 8 – LiDAR surface showing depressions that correlate with the inundation polygons

The estimated volume of these areas is in the vicinity of 3.5m³ based on the polygon size and reported flow depths.

The proposed fill profile results in a number of impacts on flow routing and displacement of flow volume. The pre-development aerial images and LiDAR indicate the eastern bank of the watercourse is offset from the property boundary and is heavily vegetated. The current fill batters extend into this zone which has removed the vegetation.

Removal of this material and re-profiling the batters to be contained within the property boundary will result in a defined flow boundary to ensure flood flows are contained within the public land. Further, the removal of the material allows for additional flow path capacity which more than offsets the displacement of the modelled flow volume within the site (refer flood inundation polygons).

It is noted that there have been improvement works undertaken on the watercourse to improve channelisation and revegetation for erosion protection. The re-shaping of the batters and re-vegetation will be consistent with this work.



Figure 8 – Watercourse improvements immediately upstream of the subject site

The net impact is expected to be an improvement in management of flow paths and the increase in channel capacity is likely to provide a small reduction in water heights immediately downstream of the subject property.

Detailed modelling of the watercourse with the revised earthworks profile is not considered necessary due to the net positive impacts of the proposed works.

Code compliance

The Council RFI notes:

Please provide a Flood Hazard Report completed by a suitably qualified person. The report should comply with the performance criteria outlined under C12.5.1 P1.2 and C12.6.1 P1.1 & P1.2.

Advice: The application should demonstrate how the overland flow can be accommodated through the site and address the relevant performance criteria.

C12.5.1 Uses within a flood-prone hazard area

Objective:	That a habitable building can achieve and maintain a tolerable risk from flood.	
Acceptable Solutions	Performance Criteria	Response
A1 No Acceptable Solution.	P1.1 A change of use that, converts a non-habitable building to a habitable building, or a use involving a new habitable room within an existing building, within a flood-prone hazard area must have a tolerable risk, having regard to: <ul style="list-style-type: none"> (a) the location of the building; (b) the advice in a flood hazard report; and (c) any advice from a State authority, regulated entity or a council. P1.2 A flood hazard report also demonstrates that: <ul style="list-style-type: none"> (a) any increase in the level of risk from flood does not require any specific hazard reduction or protection measures; or (b) the use can achieve and maintain a tolerable risk from a 1 % annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures. 	<p>The current application is to seek approval for fill that has been placed on the land and <u>does not include a proposal for a habitable building</u>.</p> <p>P1.1 and P1.2 are not applicable to the current application.</p> <p>NOTE - Future applications for building works will be required to address flood performance criteria should the current overlay mapping remain without correction based on the impacts of the proposed earthworks and the observations and advices of this report.</p> <p>Refer to the report commentary on the resolution of the flood modelling and impacts of the proposed fill profile on waterway capacity and risk reduction.</p> <p>Any future development of the site will be on the fill pad and well above the 1% AEP flood level and extent.</p>

C12.6.1 Buildings and works within a flood-prone hazard area

Objective:	<p>That:</p> <p>(a) building and works within a flood-prone hazard area can achieve and maintain a tolerable risk from flood; and</p> <p>(b) buildings and works do not increase the risk from flood to adjacent land and public infrastructure.</p>	
Acceptable Solutions	Performance Criteria	Response
<p>A1</p> <p>No Acceptable Solution.</p>	<p>P1.1</p> <p>Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:</p> <p>(a) the type, form, scale and intended duration of the development;</p> <p>(b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures;</p> <p>(c) any advice from a State authority, regulated entity or a council; and</p> <p>(d) the advice contained in a flood hazard report.</p> <p>P1.2</p> <p>A flood hazard report also demonstrates that the building and works:</p> <p>(a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and</p> <p>(b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.</p>	<p>The commentary for C12.5.1 also applies to this clause and performance criteria.</p> <p>It is further noted that:</p> <ul style="list-style-type: none"> ▪ Mapped encroachment is predominantly due to the resolution of the modelling and pre-existing site conditions present in the LiDAR data ▪ Volumetrics of potential displaced flows are insignificant and able to be contained within existing flood paths without adversely impacting adjacent or downstream property ▪ Works mitigate flood risk to subject property

Impact on water and sewer assets

The filling works have resulted in an increase in cover over the existing sewer and bulk water main assets. In order to assess the acceptability of the increased cover and potential impacts on maintenance and renewal actions, the relevant MRWA standards must be considered and also the fill material, placement and compaction achieved.

MRWA-W-201 notes

TABLE 201-B: NON TRAFFICABLE AREAS

TRENCH ZONE	PREFERRED MATERIALS	METHOD OF PLACEMENT	COMPACTION REQUIRED
BACKFILL ZONE	Refer to Backfill Specification - MRWA specification 04.03. <ul style="list-style-type: none"> For backfill < 1.5m deep, selected or ordinary fill. <ul style="list-style-type: none"> A. Selected Fill. Material that is free from organic or other deleterious material, obtained from excavation or imported, with a particle size of rock not greater than 20mm, or for other than rock not greater than 75mm (refer AS2566.2-2002). B. Ordinary Fill. Material obtained from excavation or imported that contains not more than 20% by mass of rock fragments with size between 75mm and 150mm, with no rock or clay fragments greater than 150mm (refer AS2566.2-2002). For backfill > 1.5m deep, as per project backfill specification. 	Refer to Backfill Specification - MRWA specification 04.03. <ul style="list-style-type: none"> For backfill < 1.5m deep, selected or ordinary fill placed as required to meet the nominated compaction density. For backfill > 1.5m deep, place as specified in the project backfill specification. Place and compact in layers and moisture condition as required. Where hand held or walk behind compaction equipment is used in the backfill zone, avoid compaction within 300mm of top of pipe. Where heavier compaction is used in the backfill zone, avoid compaction within 800mm from the top of pipe.	95% R_D TOP 600mm
			90% R_D
EMBED-MENT ZONE	<ul style="list-style-type: none"> Refer to MRWA-W-203. The embedment proposed is satisfactory in non trafficable situations, however, it is critical the embedment has the correct moisture content and be properly placed to achieve maximum compaction. Selected materials shall be worked around the pipe to ensure all voids at haunches are filled and the pipe is provided with good support along its entire length. Embedment to be placed under the haunches by shovel or fork and compacted to the required density.		60% i_D

The depth of cover over the existing watermain is circa 1.0m and therefore can be must be 'Selected Fill' or 'Ordinary Fill'.

MRWA-S-201 notes

TABLE 201-B: NON TRAFFICABLE AREAS

TRENCH ZONE	PREFERRED MATERIALS	METHOD OF PLACEMENT	COMPACTION REQUIRED
BACKFILL ZONE	Refer to Backfill Specification - MRWA specification 04.03. <ul style="list-style-type: none"> For backfill < 1.5m deep, selected or ordinary fill. <ul style="list-style-type: none"> A. Selected Fill. Material that is free from organic or other deleterious material, obtained from excavation or imported, with a particle size of rock not greater than 20mm, or for other than rock not greater than 75mm (refer AS2566.2-2002). B. Ordinary Fill. Material obtained from excavation or imported that contains not more than 20% by mass of rock fragments with size between 75mm and 150mm, with no rock or clay fragments greater than 150mm (refer AS2566.2-2002). For backfill > 1.5m deep, as per project specific backfill specification. 	Refer to Backfill Specification - MRWA specification 04.03. <ul style="list-style-type: none"> For backfill < 1.5m deep, selected or ordinary fill placed as required to meet the nominated compaction density. For backfill > 1.5m deep, place as specified in the project specific backfill specification. Place and compact in layers and moisture condition as required. Where hand held or walk behind compaction equipment is used in the backfill zone, avoid compaction within 300mm of top of pipe. Where heavier compaction is used in the backfill zone, avoid compaction within 500mm from the top of pipe.	95% R_D TOP 600mm
			90% R_D
EMBED-MENT ZONE	<ul style="list-style-type: none"> Refer to MRWA-S-202. The embedment proposed is satisfactory in non trafficable situations, however, it is critical the embedment have the correct moisture content and be properly placed to achieve maximum compaction. Selected materials shall be worked around the pipe to ensure all voids at haunches are filled and the pipe is provided with good support along its entire length. Embedment to be placed under the haunches by shovel or fork and compacted to the required density.		60% i_D

The depth of cover over the existing sewer is circa 1.5m and therefore is on the threshold of requiring engineered fill as per the 'project backfill specification'.

The governing standard for engineered fill is AS3798-2007 Guidelines on earthworks for commercial and residential developments.

Engineered fill is defined as fill, which is selected, placed and compacted to an appropriate specification so that it will exhibit the required engineering behaviour.

Unsuitable fill shall comprise any material so designated by the Engineer and shall include

- (a) cohesive soils having a liquid limit in excess of 90% or plasticity index in excess of 65%
- (b) any material containing topsoil, wood, peat or waterlogged substances
- (c) any material containing biodegradables or organic material (more than 5%)
- (d) any material containing scrap metal
- (e) material from contaminated sites
- (f) material which by virtue of its particle size or shape cannot be properly and effectively compacted (e.g. boulders larger than 150mm, etc).
- (g) materials containing substances which can be dissolved or leached or which may undergo expansive reactions in the presence of moisture.

Unsuitable fill and hazardous fill shall not be used at any location or part of the site, including landscaped areas. If hazardous emission such as methane gas is expected, necessary measures shall be taken to contain and discharge such emission.

The fill material used on site is a sandy clay with a high percentage of decomposed dolerite and mudstone in the 25 to 75mm range.

The material has been placed in layers by excavator and compacted with a sheepsfoot roller. This method is acceptable under the standard and is recommended practice for fill.

A proof roll of the site indicated minor surface compaction from the effects of weathering of the surface layer and high moisture content from recent rainfall events. No significant displacement was observed and only minor localised soft areas that will be address when the fill is trimmed and re-battered.

A compaction of minimum 95%MMDD will be required to be achieved with the re-work.

On this basis, the fill material is deemed to be compliant and within the requirements of MWRA-W-201 and MRWA-S-201 for backfill and the method of placement and compaction to the Australian Standard and general engineering specifications.

No valves or access chambers/manholes will be impacted by the works with the existing sewer manhole on the southern boundary noted as being lifted to FSL by Taswater at the developers cost.

Conclusion

Based on the information provided by the Client, review of Council's flood inundation mapping, LiDAR data, site observations and desktop assessment of topography and geology, it is noted that:

- The proposed fill works do not adversely impact the routing of flood flows or increase flood risk to adjacent or downstream property
- The proposed fill profile is suitable for the site and has been placed and compacted in accordance with relevant standards
- The proposed fill does not adversely affect the operation or long term renewal of Taswater assets

The proposed works are considered fit for purpose.

Yours sincerely

Brad Deeks
PRINCIPAL



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Little Island Building Design
ATTENTION: Alycia McConalogue
3/10 Iron Bark Drive
Claremont TAS 7011

3 September 2024

Dear Alycia

RE: 6 Woodrieve Road, Brighton (PID 9639793; C.T. 182281/12; LPI HWY64)
Natural Values Assessment
Fill & Associate Works (Retrospective): DA2024/104

Preamble

Environmental Consulting Options Tasmania (ECOtas) was engaged by Little Island Building Design (on behalf of their clients Rohan & Tess Spaulding) to provide a natural values assessment of 6 Woodrieve Road, Brighton (PID 9639793; C.T. 182281/12; LPI HWY64), specifically to address matters related to the Waterway and Coastal Protection Area overlay (present on the title and adjacent council title) and Priority Vegetation Area overlay (present on adjacent council title) such that consideration of the implications under the *State Planning Provisions* (Natural Assets Code) can be duly considered as part of the planning application now known as DA2024/104.

Correspondence from Brighton Council dated 19 Jun. 2024 requests further information as follows:

2) Clause C7.6.1 & C7.6.2 Natural Assets Code

Given that your retrospective/proposed works will occur within the Waterway and Coastal Protection Area and Priority Vegetation Area, please provide a natural values assessment and management plan completed by a suitably qualified person. The assessment report should comply with the performance criteria outlined under C7.6.1 P1.1 and C7.6.2 P1.1 & P1.2.

Site details

Address: 6 Woodrieve Road, Brighton (Figures 1-3)

PID 9639793; C.T. 182281/12; LPI HWY64

Zoning: General Industrial (Figure 4) pursuant to the *Brighton Local Provisions Schedule*

Overlays (relevant to the present assessment): Waterway and Coastal Protection Area associated with Ashburton Creek, indicated as 30 m each side of hydrographic line (Figure 5)

Area: computed area = 6,490.833 m², measured area = 6,493 m² [source: LISTmap]



Topography: post-fill the site is now flat terrain (Plates 1-4) but prior to this was very gently sloping to the southwest (but effectively flat)

Elevation: ca. 35 m a.s.l.

Geology: mapped at a 1:250,000 scale (Figure 7a) as Jurassic-age “dolerite (tholeiitic) with locally developed granophyre” (geocode: Jd) but at a 1:25,000 scale (Figure 7b) to also include Quaternary-age “undifferentiated Quaternary sediments (geocode: Q) and “alluvial gravel, sand and clay” (geocode: Qa) associated with the flats of Ashburton Creek – the geology is mentioned because of its influence on vegetation classification and potential for threatened flora (and to a lesser extent, threatened fauna)

Drainage: no drainage features are present within the title (but see below for details on Ashburton Creek that is present on the council title to the southwest)



Plates 1-4. Current status of subject title: clockwise from top left looking north, east, south and west

DA2024/104 is being extended to the adjacent council title because works (fill) extended to the bank of Ashburton Creek that flows through that title (Figures 2 & 3). The blue hydrographic line (as per LISTmap) is considered to be in effectively the correct position based on examination of aerial imagery and the site assessment.

The council title is zoned as Rural Living pursuant to the *Brighton Local Provisions Schedule*, somewhat of an unusual zoning for a council-owned and “managed” title that includes a watercourse and open space (i.e. Open Space would seem more appropriate). The adjacent council title to the north further upstream along Ashburton Creek is zoned General Industrial, also an unusual zoning (despite the surrounding land use) given the presence of the watercourse, remnant vegetation and more recently restoration plantings.

This watercourse (Plates 5-8) is subject to the Waterway and Coastal Protection Area overlay (Figure 5), indicated as 30 m each side of the watercourse, which extends on to the subject title.



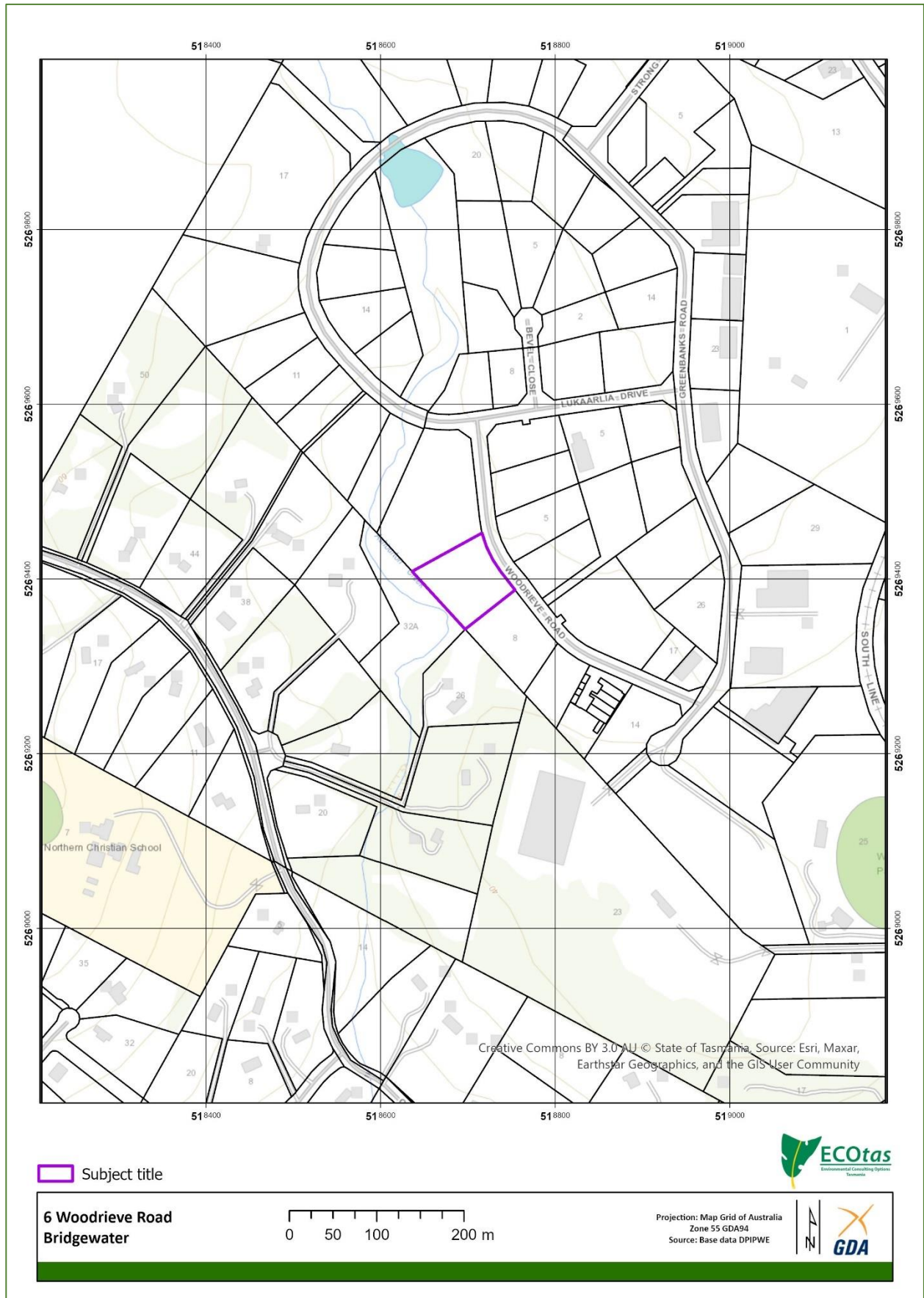


Figure 1. General location of study area

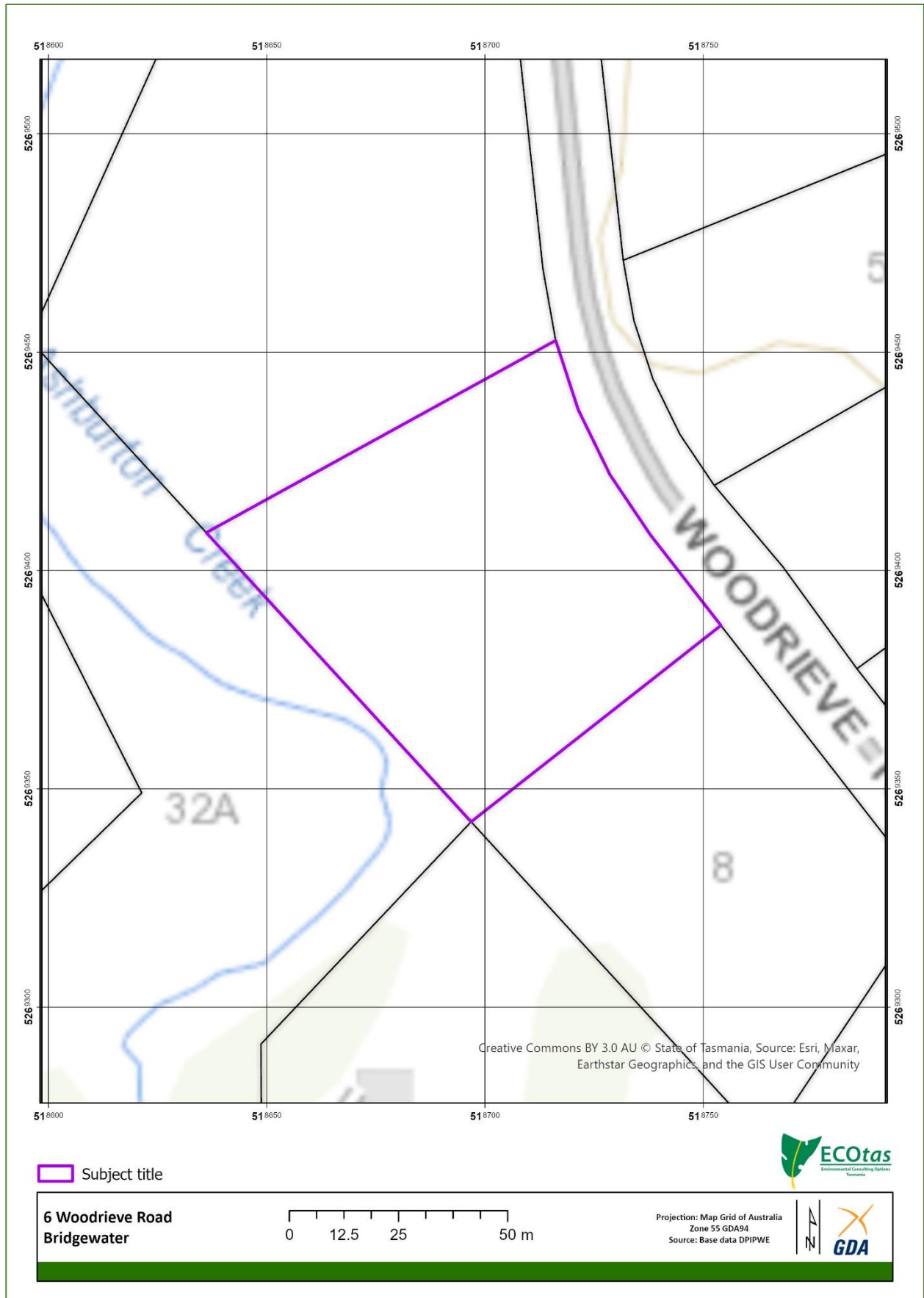


Figure 2. Detailed location of study area, showing topographic and cadastral features



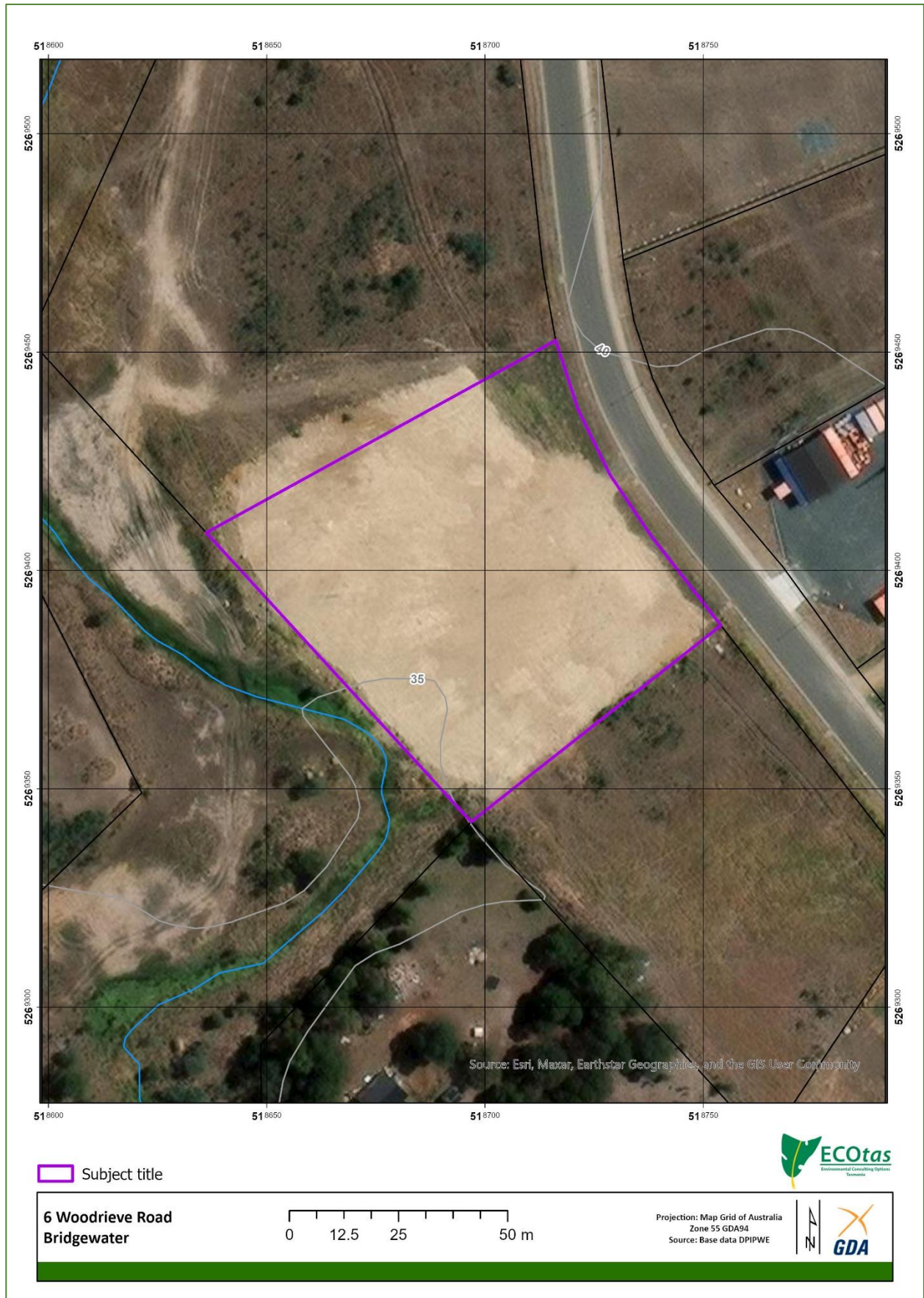


Figure 3. Detailed location of study area, showing aerial imagery (LISTmap): note the extensive 4WD activity within the council title

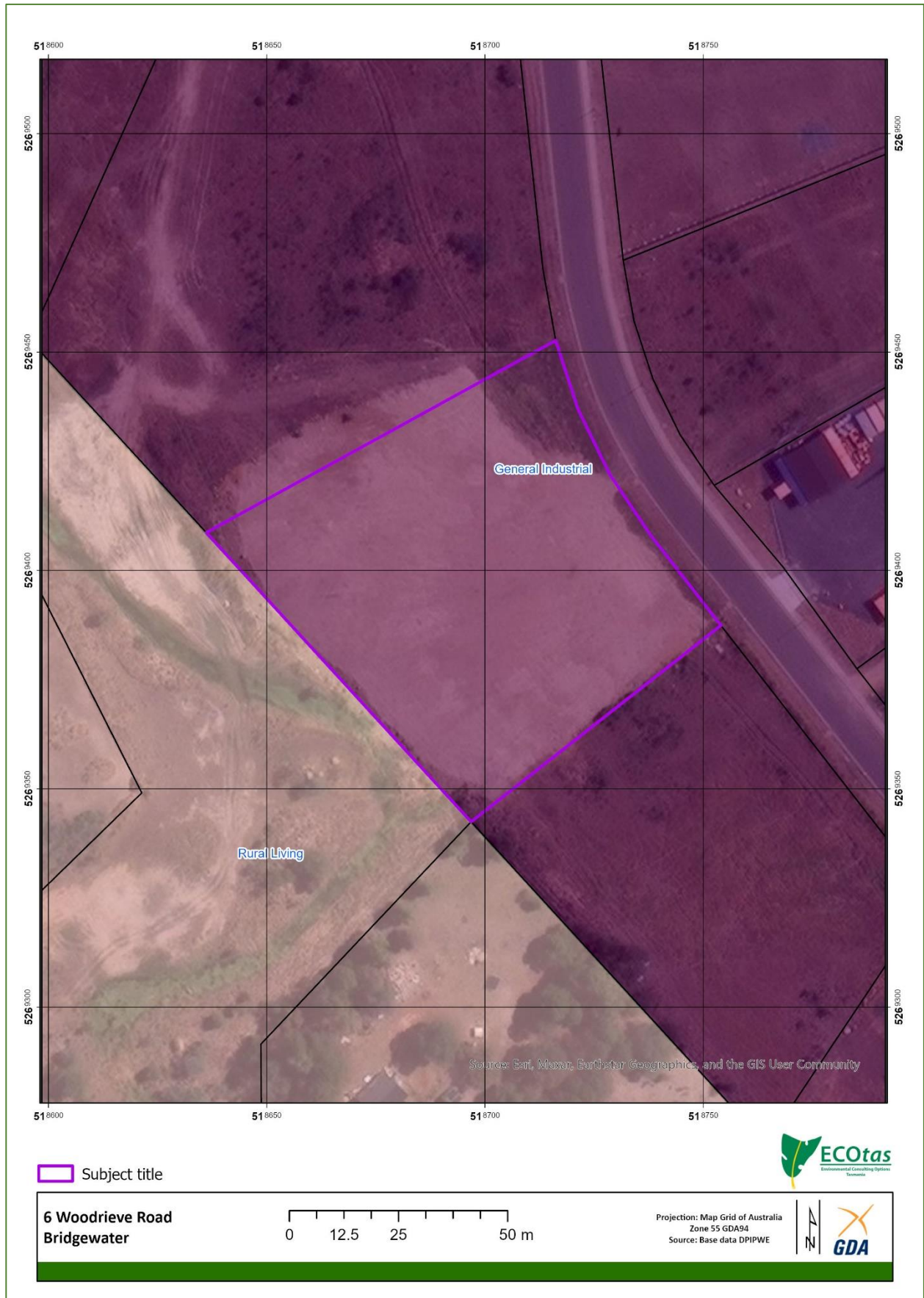


Figure 4. Zoning of study area and surrounds pursuant to *Tasmanian Planning Scheme – Brighton Local Provisions Schedule*



Figure 5. Detailed location of study area, showing extent of Waterway and Coastal Protection Area overlay (blue hatching) pursuant to the *Tasmanian Planning Scheme – Brighton Local Provisions Schedule*



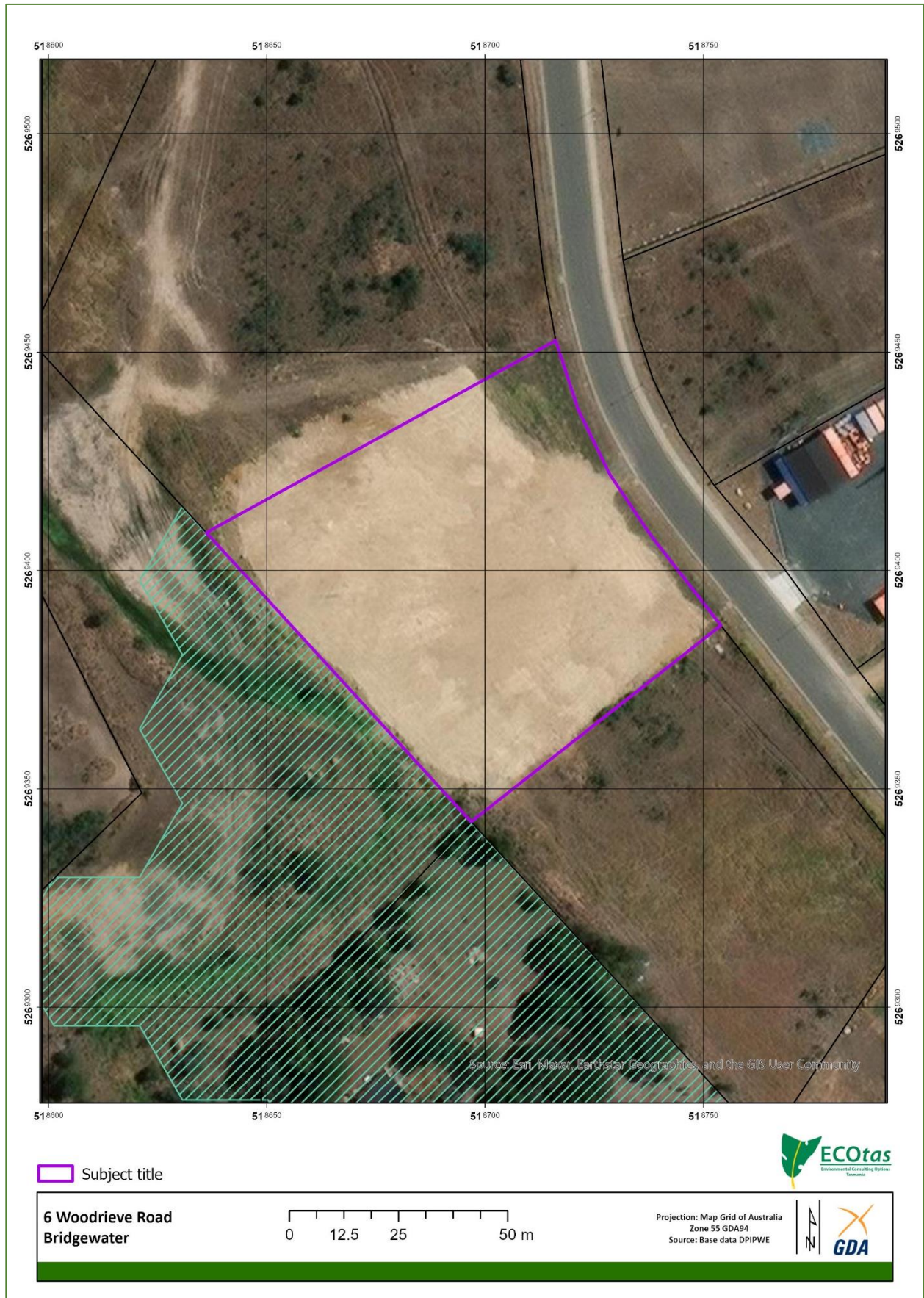


Figure 6. Detailed location of study area, showing extent of Priority Vegetation Area overlay (green hatching) pursuant to the *Tasmanian Planning Scheme – Brighton Local Provisions Schedule*

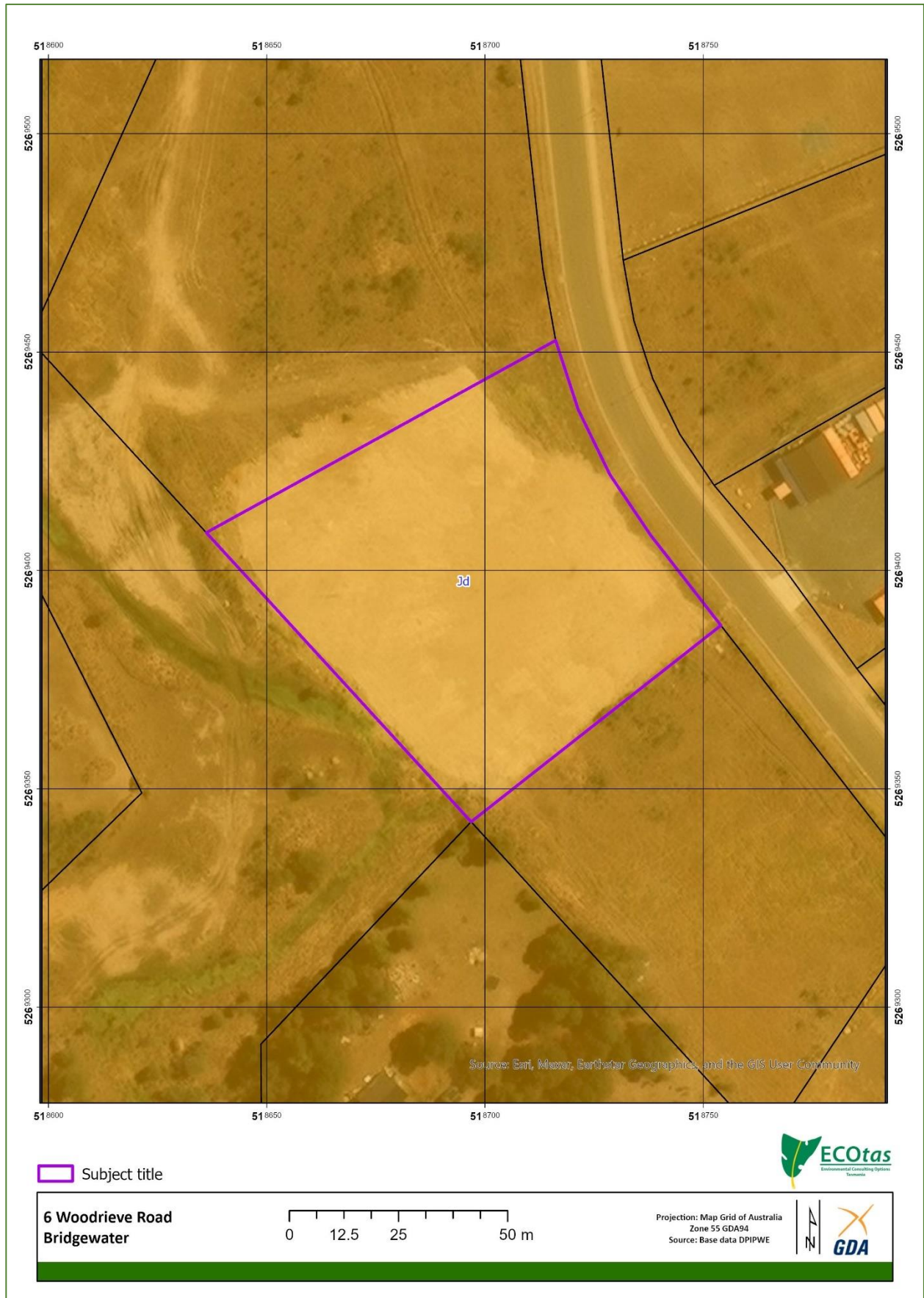


Figure 7a. Geology of study area and surrounds: 1:250,000 scale (refer to text for code)

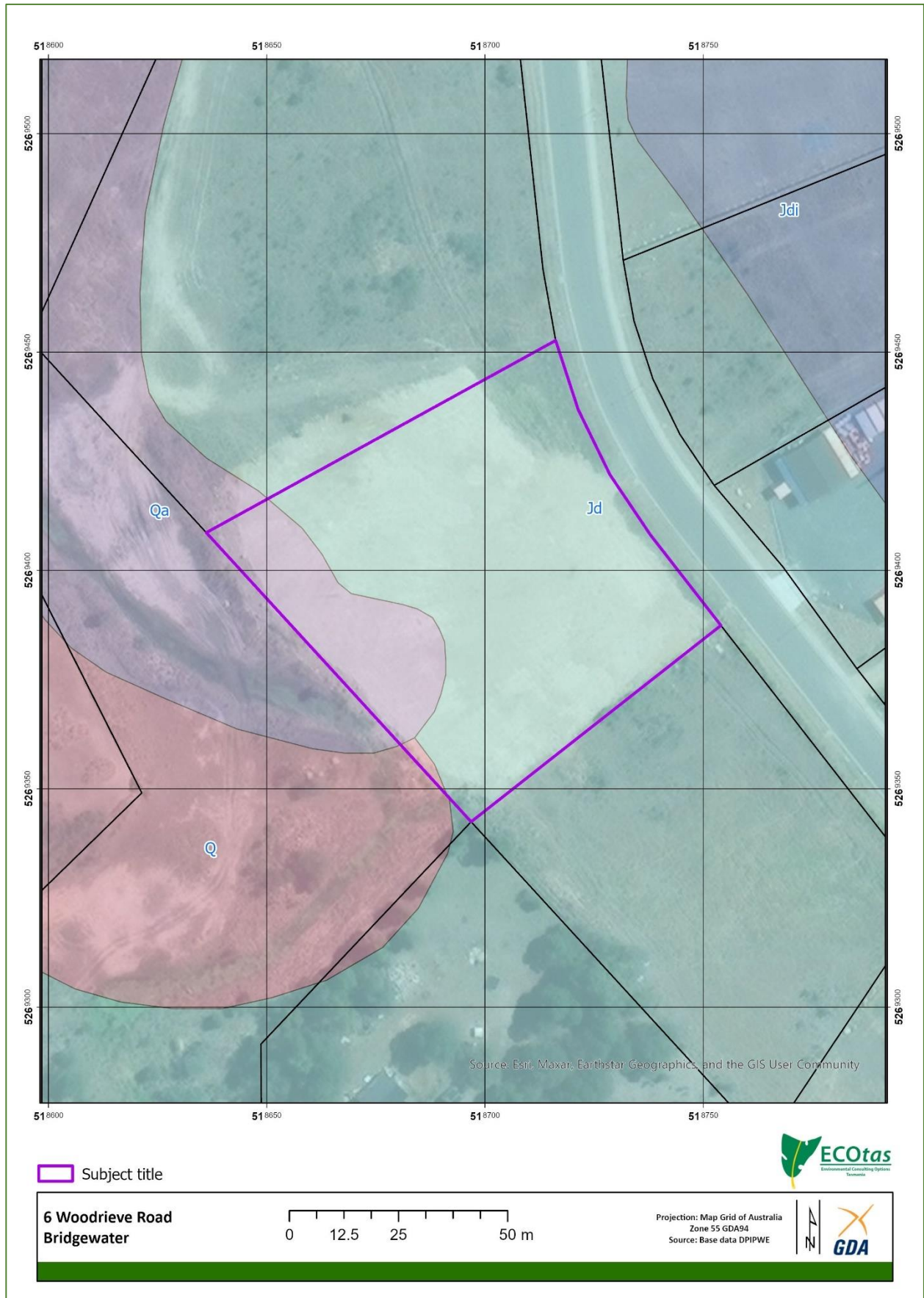


Figure 7b. Geology of study area and surrounds: 1:20,000 scale (refer to text for codes)



Plates 5-8. Views of the status of Ashburton Creek viewed from 6 Woodrieve Road – note in particular the extensive disturbance of the watercourse and associated flats immediately west of the western point of the title, with this disturbance continuing extensively “upstream” to the northwest (on the council title) and north (on the private title north of 6 Woodrieve Road, which is shown in Plates 9-12



Plates 9-12. Examples of extensive 4WD impacts to the bed, banks and associated flats of Ashburton Creek within the council title



Part of the council title is also subject to the Priority Vegetation Area overlay (Figure 6), although the rationale for the overlay is not understood. This overlay was created by application of the Regional Ecosystem Model (REM), which used TASVEG v3.0 as its primary source of vegetation mapping, as well as other sources such as point locations and habitat of threatened flora and fauna (but also some other sources not linked to formal legislative or policy instruments such as bioregional status of native vegetation communities).

"Priority vegetation" is defined pursuant to C7.3.1 of the Natural Assets Code of the *State Planning Provisions* as follows:

C7.3 Definition of Terms

C7.3.1 In this code, unless the contrary intention appears:

means native vegetation where any of the following apply:

- (a) it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the *Nature Conservation Act 2002*;
- (b) is a threatened flora species;
- (c) it forms a significant habitat for a threatened fauna species; or
- (d) it has been identified as native vegetation of local importance.

Examination of available information prior to site assessment clearly indicates that none of these components would be applicable to the area, given it is mapped (on all versions of TASVEG) as urban areas (TASVEG code: FUR) i.e. a modified land mapping unit, and there are no records of threatened flora or fauna in the immediate vicinity.

Proposal

It is understood that the proposal is to retrospectively seek approval for the provision of fill to 6 Woodrive Road and to appropriately manage the fill spillover on to the council title, the latter based partly on the findings of the present assessment of natural values (but also noting that correspondence from Brighton Council dated 19 Jun. 2024 also requests further information in **relation to "details and levels on the depth and type of fill or excavation over or within proximity to Council's stormwater main" (Item 1) and "a Flood Hazard Report completed by a suitably qualified person...to comply with the performance criteria outlined under C12.5.1 P1.2 and C12.6.1 P1.1 & P1.2 [to] demonstrate how the overland flow can be accommodated through the site and address the relevant performance criteria" (Item 3).**

Detailed site plans (Figure 8) were provided as part of undertaking the present assessment that clearly indicated the extent of fill relative to the title, easements and Ashburton Creek. These informed the assessment and consideration of the relevant provisions of the Natural Assets Code provided herein. However, it is recognised that other factors (i.e. those matters considered at Items 1 & 3 above) might influence the manner in which the fill (particularly the overspill) is managed.

Assessment

Preliminary database checks

LISTmap was examined to determine existing vegetation mapping and known sites for **threatened flora and fauna. Database reports were produced under DNRET's *Natural Values Atlas* (DNRET 2024), the Forest Practices Authority's *Biodiversity Values Database* (FPA 2024 – only available online) and the Commonwealth *Protected Matters Report* (CofA 2024) to support the assessment process (all appended for reference).**



6 Woodrive Road, Brighton: Natural Values Statement

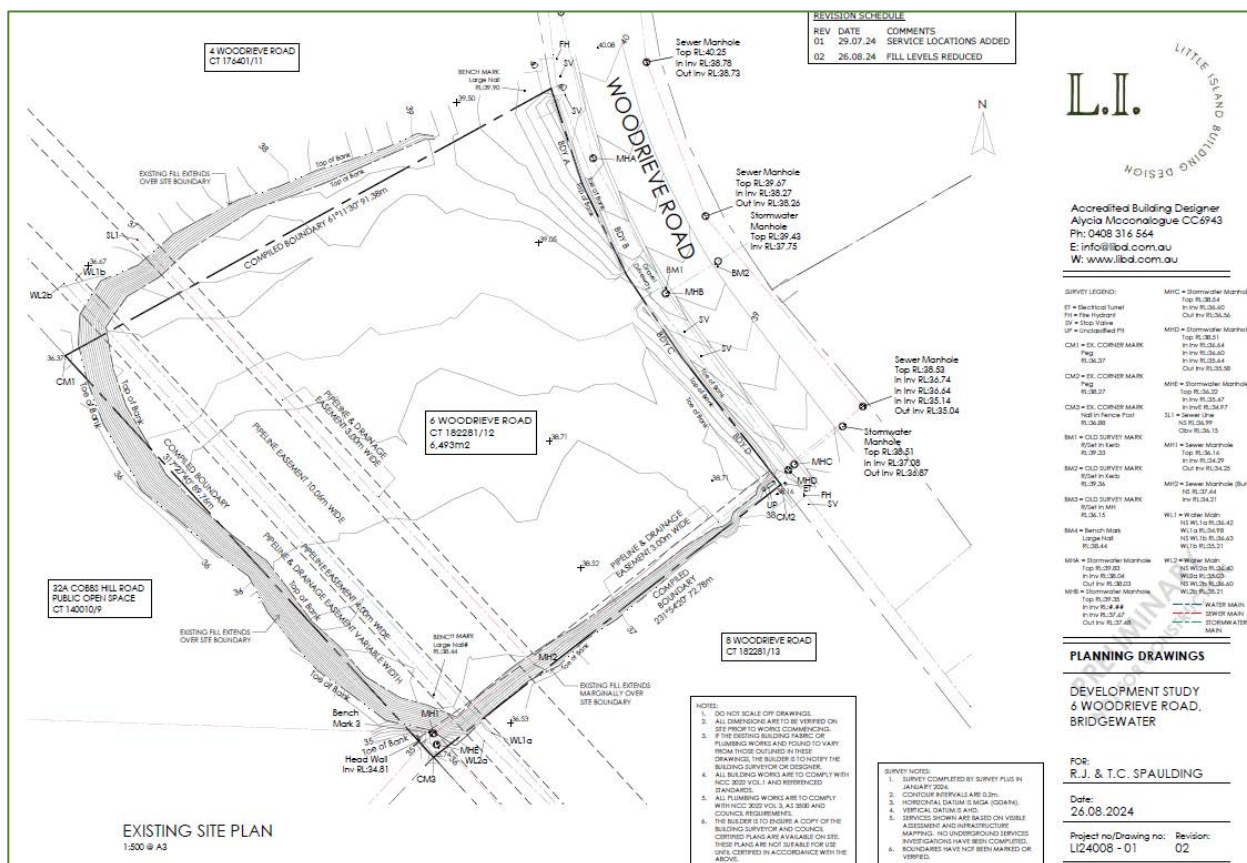


Figure 8a. Existing site plan [source: Little Island Building Design]

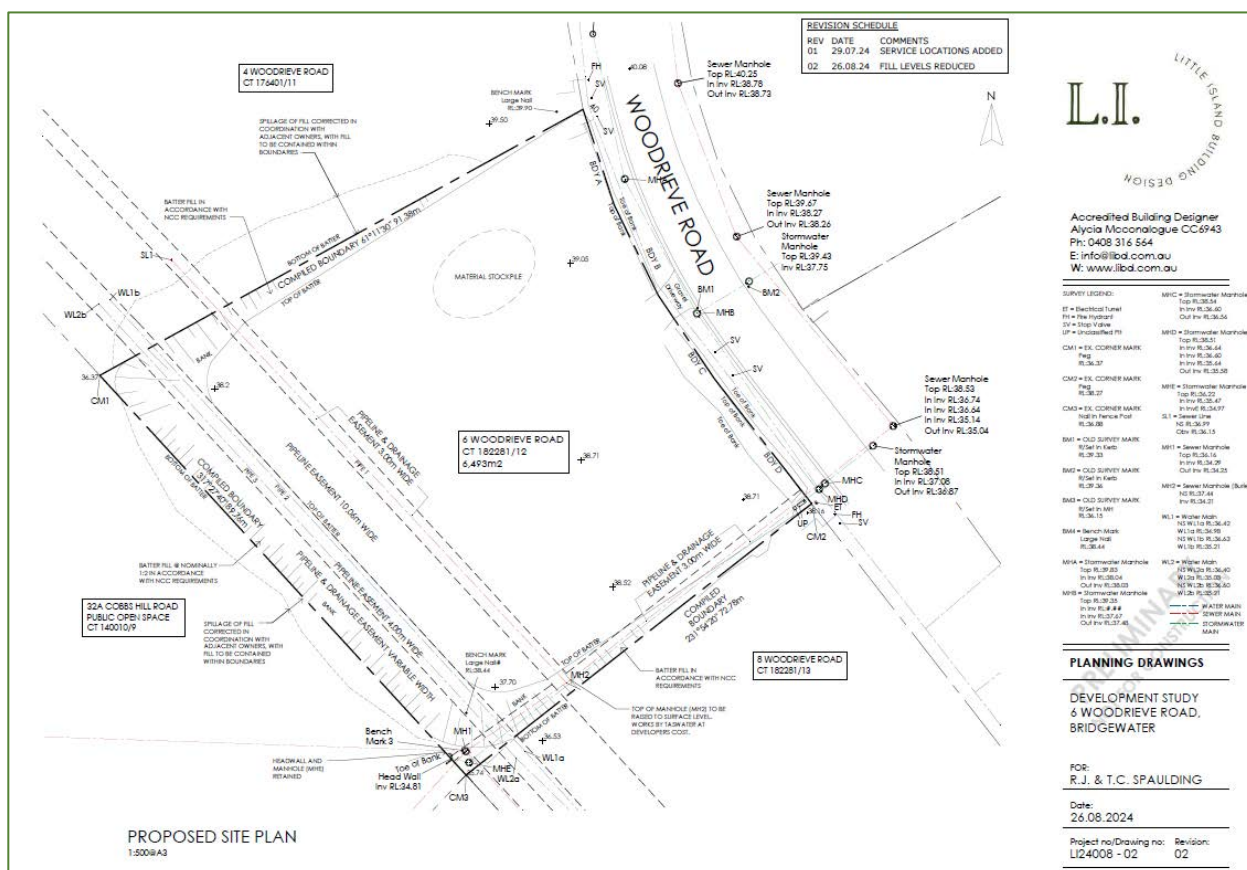


Figure 8b. Proposed site plan [source: Little Island Building Design]

Assessment continued...

Site assessment

Mark Wapstra (ECOtas) attended the site on 23 Aug. 2024. The assessment included the whole of the subject title of 6 Woodrive Road and extended to the adjacent council title in which Ashburton Creek is located (i.e. the area of the spillover of fill). For context, some other parts of Ashburton Creek were also examined including closer to its outfall into the River Derwent (i.e. where it passes under Boyer Road and Cobbs Hill Road and runs through paddock and housing adjacent to Sorell Street) and further upstream of the subject title (i.e. upstream and downstream of where it passes under the new Lukaarlia Drive).

Findings

Vegetation types

TASVEG 3.0, 4.0 & Live maps the subject title as (Figure 9):

- extra-urban miscellaneous (TASVEG code: FUM).

This mapping recognises the industrial status of the subject title and adjacent titles. Examination of aerial imagery (including Google Earth historical imagery) indicates that the site was once part of a much broader area of primary production land (but long disused as such). Whether it should have been mapped at one time as agricultural land (TASVEG code: FAG) or regenerating cleared land (TASVEG code: FRG) is somewhat moot because in recent years it has been **disused/informally “managed” as part of broader industrial estate** such that FUM is presently appropriate (and has been for several years).

TASVEG 3.0, 4.0 & Live maps the adjacent council title as (Figure 9):

- urban areas (TASVEG code: FUR).

Again, the status of adjacent “rural living” titles as FUR has been long-recognised under TASVEG, with only limited areas of remnant vegetation in the wider area mapped as units such as *Eucalyptus viminalis* grassy forest and woodland (TASVEG code: DVG). While the residentially-occupied titles are appropriately classified as FUR, even when supporting some remnant native vegetation (which is in accordance with the iterative approach in TASVEG Live to re-code such land uses as FUR), the classification of the council titles associated with Ashburton Creek as FUR was never considered appropriate. This is because the area within the titles has clearly never been residentially-occupied nor properly formed part of what could be considered a “residential yard”. The appropriate classification is discussed below.

Site assessment confirmed that the subject title is most appropriately mapped as FUM (Figure 10), recognising historical and contemporary land use (Plates 1-4). Once developed for some industrial purpose pursuant to the General Industrial zoning, FUM will remain appropriate.

As the adjacent council title forms part of the retrospective planning application, it is necessary to confirm/update the vegetation mapping for this site. As mentioned, the current classification as FUR is not considered appropriate. However, the site is somewhat challenging to classify because of its long history of modification, but also because of recent extensive and intensive disturbance by 4WDing activity. Prior to disturbance, it was probably best classified as either FAG (broader concept including watercourses with some native vegetation along them) or (perhaps better) as FRG (recognising the disuse as primary production and gradual reversion from true pasture to disused pasture supporting some native components). Technically, the overspill area is now best mapped as FUM, although this is not suggested as necessary because



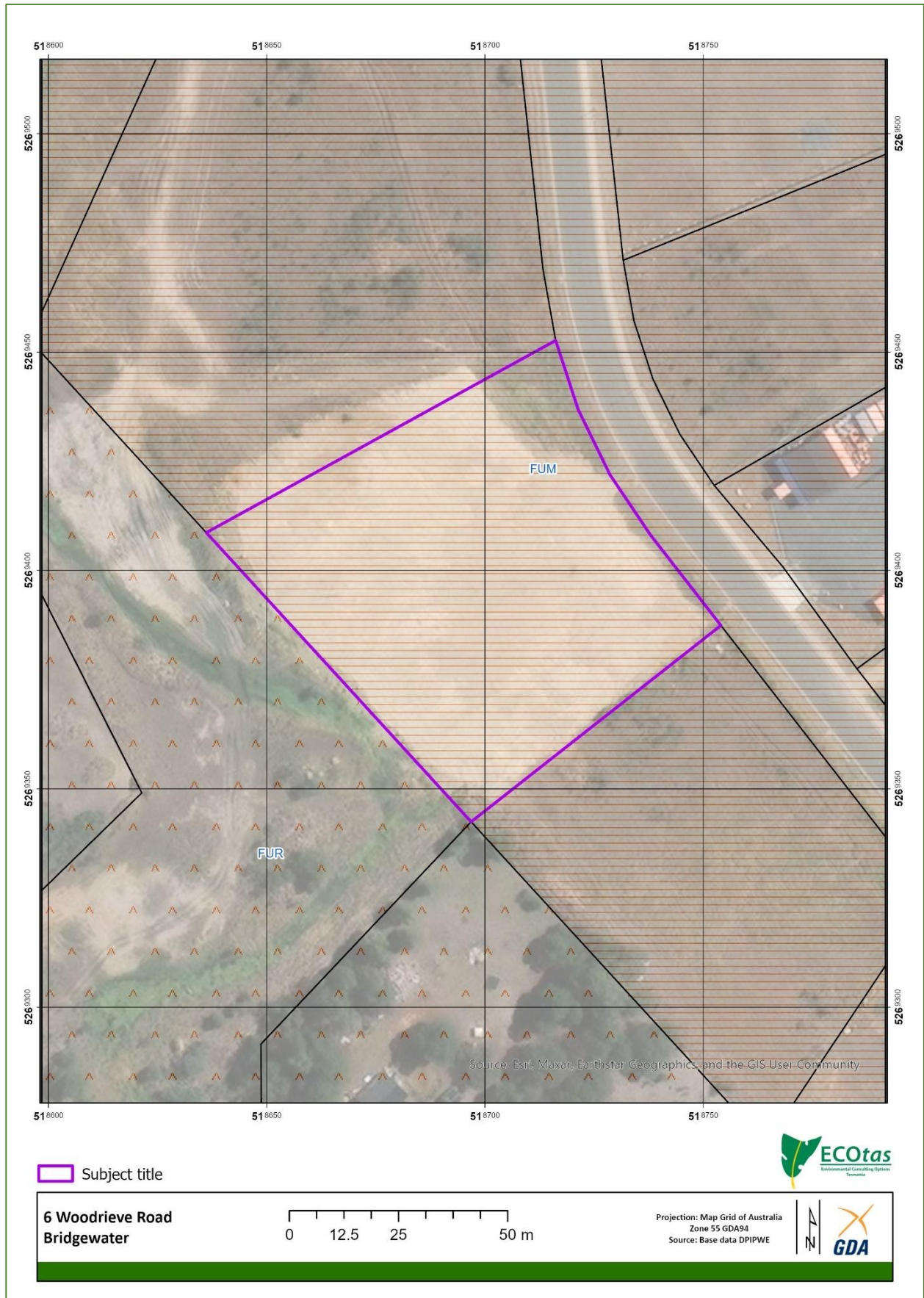


Figure 9. Existing TASVEG 3.0, 4.0 & Live vegetation mapping for subject title and surrounds (refer to text for codes)

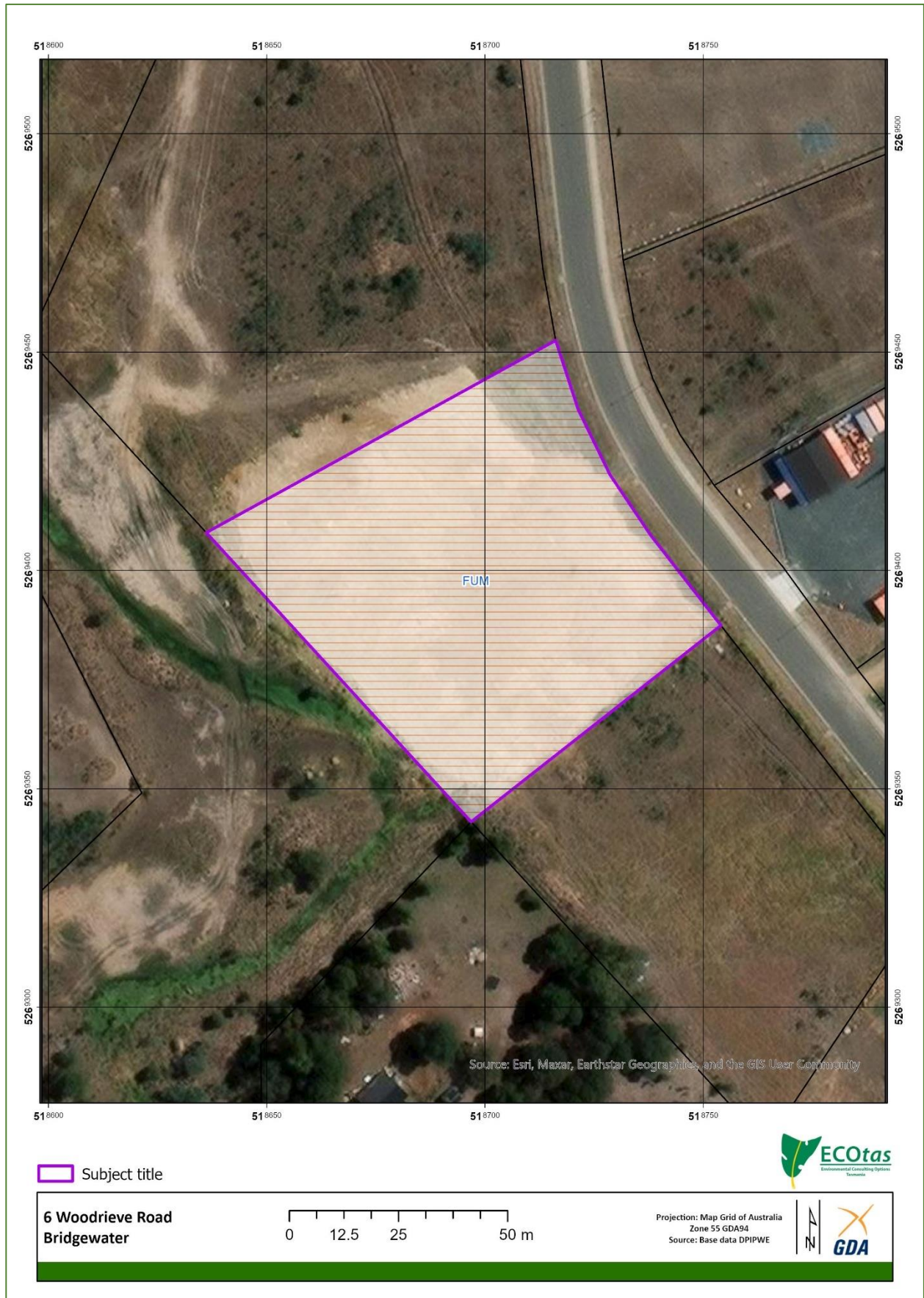


Figure 10. Revised vegetation mapping for subject title (refer to text for code)



Findings Vegetation types continued...

the key management recommendation is to pull this fill back and revegetate the disturbed area. **The fringe of vegetation between the subject title and the eastern “bank” of Ashburton Creek is heavily infested with weeds** (Plates 13-16) dominated by *Foeniculum vulgare* (fennel), *Rubus* sp. (blackberry), *Rosa rubiginosa* (sweet briar), *Phalaris* spp. (canarygrass) and *Dactylis glomerata* (cocksfoot), such that a narrow strip could be classified as a weed infestation (TASVEG code: FWU). That is, it is likely that the overspill was largely across what was best considered as FWU (but certainly not a native vegetation community). Note that a revised vegetation map is not provided for this area because this would be most appropriately undertaken following rehabilitation of the narrow strip described above.



Plates 13-16. Weed-infested strip between eastern “bank” of Ashburton Creek and southwestern boundary of title

Occurrences of FUM (i.e. within title) and FRG (i.e. most appropriate for council title) do not equate to a native vegetation community listed as threatened on Schedule 3A of the Tasmanian *Nature Conservation Act 2002* or to a threatened ecological community listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Occurrences of FUM & FRG do **not qualify as “priority vegetation” within the intent of C7.3.1** of the Natural Assets Code of the *State Planning Provisions* (see previously cited definition), specifically because they do not **form “an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the *Nature Conservation Act 2002*”**. That is, C7.3.1(a) is not applicable.



Threatened flora

No plant species listed as threatened on the Tasmanian *Threatened Species Protection Act 1995* and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* are known from database information from the subject title or immediate surrounds (Figure 11).

Site assessment detected an extensive population of *Bolboschoenus medianus* (marsh clubsedge) along Ashburton Creek (Figure 12). Although widespread on mainland Australia, in Tasmania it is apparently restricted to a small number of saline lagoons in the Midlands centred on the Tunbridge-Ross area, with records from King Island requiring confirmation (because more recently the closely-related *Bolboschoenus caldwellii* has been collected from the same site). The closely-related and superficially similar *Bolboschoenus caldwellii* (sea clubsedge) is much more widespread. However, both are listed as rare (Schedule 5) on the Tasmanian *Threatened Species Protection Act 1995*: the status of both, in my opinion, warrant review (*B. caldwellii* for possible delisting, *B. medianus* for possible uplisting). The species are largely separated on characters of the fruit, which is a nut: in *B. caldwellii* it is lenticular (lens-shaped), pale brown and reticulated (patterned); in *B. medianus* it is trigonus (three-sided), almost black and shiny/smooth. The nuts of the material from Ashburton Creek were clearly the latter. Specimens were collected from closer to Lukaarlia Drive and will be submitted to the Tasmanian Herbarium). This novel site represents a significant range extension for the species.

At this site, *B. medianus* occurs along the fringes of Ashburton Creek as well as occupying the main part of the shallower parts of the creek itself. It extends on to the associated flats. The **species likes its “feet wet” (i.e. grows in mud) so does not extend beyond the very low “banks”** of Ashburton Creek where these are associated with even a minor change in elevation. It appears highly unlikely that the overspill physically covered any part of the extent of the population of *Bolboschoenus medianus* (Plate 17). If future works include removing the overspill, this should be conducted in a manner that does not allow further spoil to roll into the watercourse.



Plate 17. View from western side of Ashburton Creek looking towards overspill – *Bolboschoenus medianus* is the browned-off sedge growing in the water and extending to the edge of (but not beyond) the shallow bank

The presence of a population of threatened flora along Ashburton Creek means that at least the **creek itself and its immediate surrounds reasonably qualifies as “priority vegetation”** (see previously cited definition).



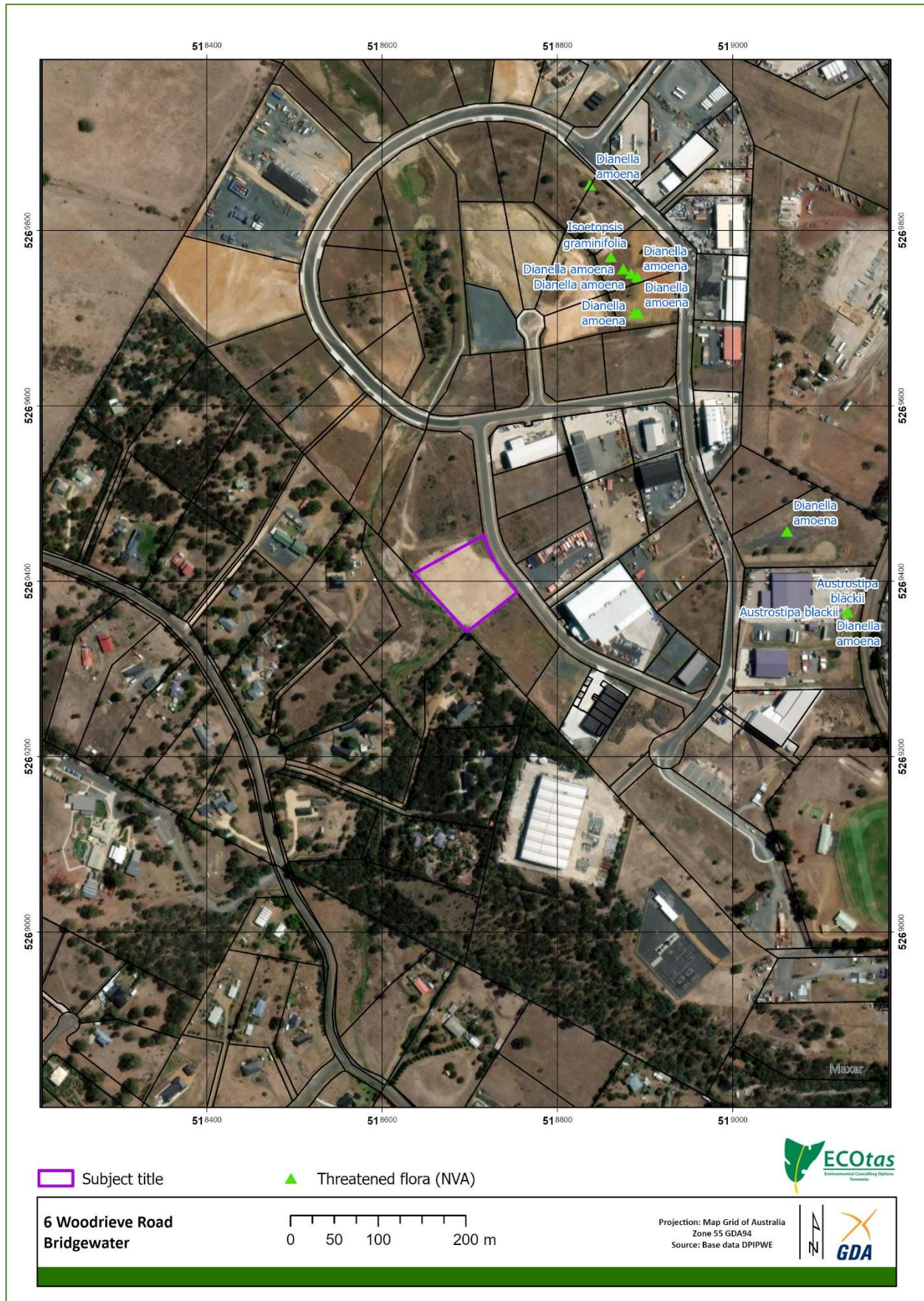


Figure 11. Distribution of threatened flora in vicinity of study area (overview)



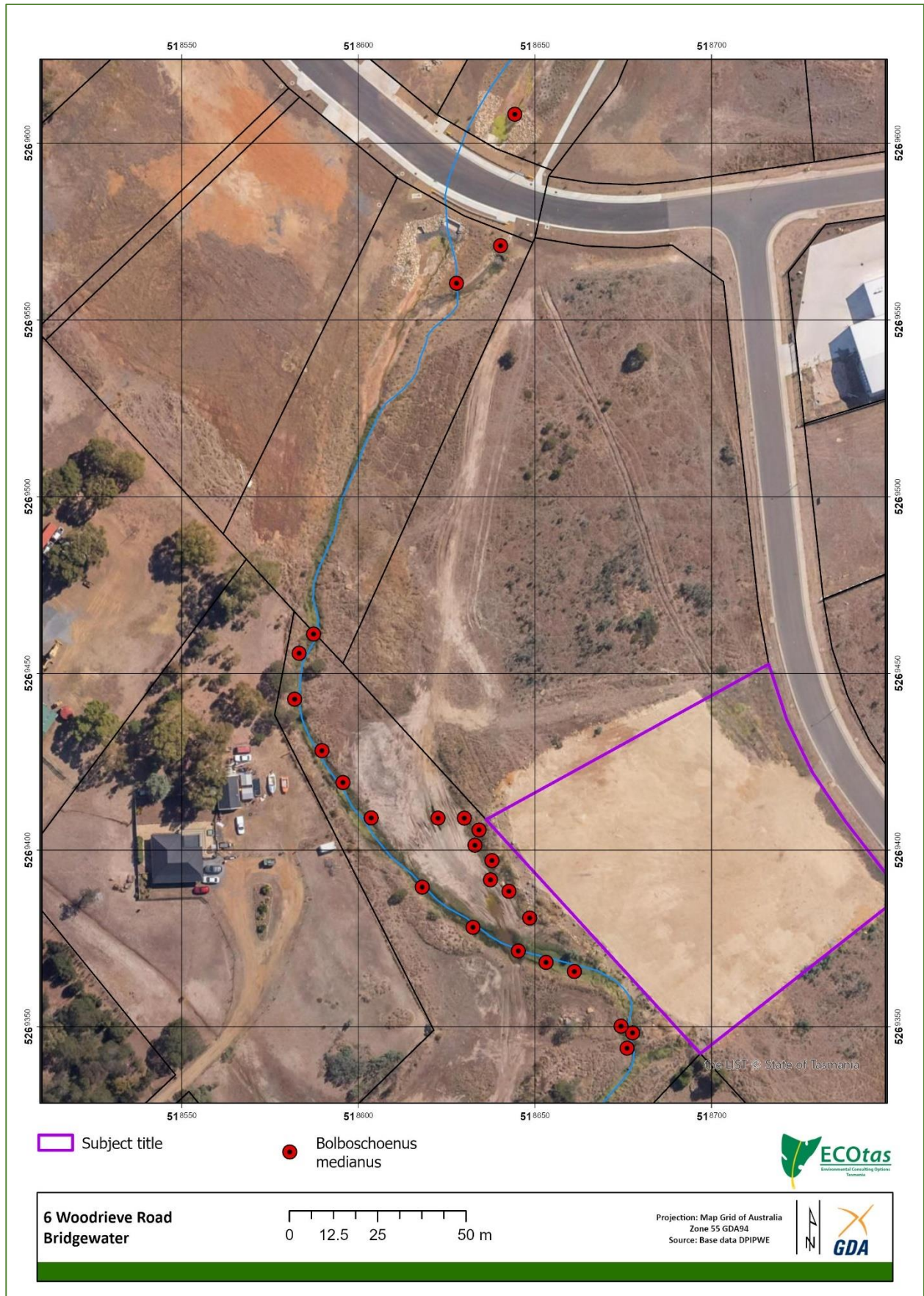


Figure 12a. Distribution of *Bolboschoenus medianus* in vicinity of study area (context) – note that aerial imagery clearly suggests the species extends downstream and upstream of these mapped locations

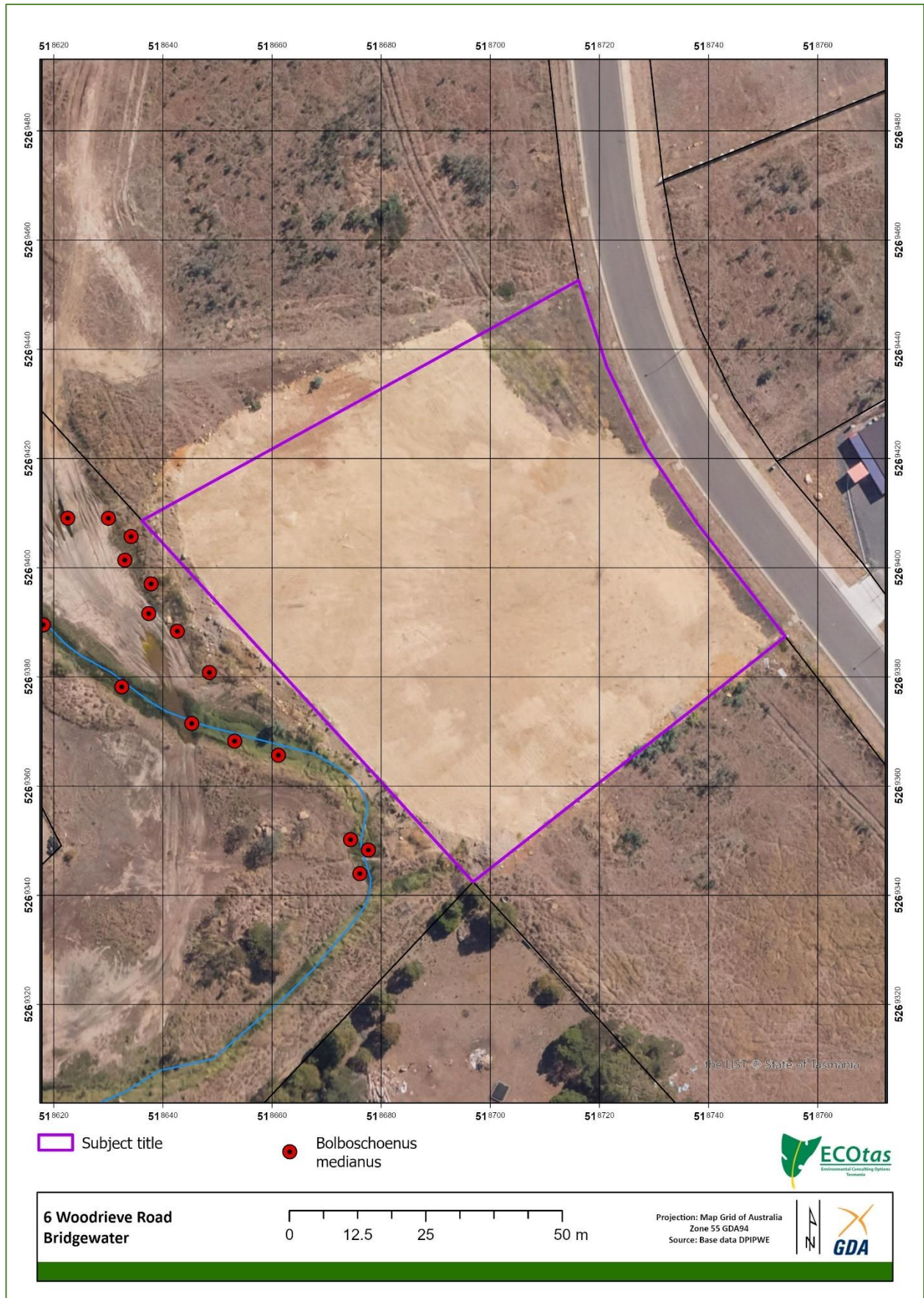


Figure 12b. Distribution of *Bolboschoenus medianus* closer to study area



Threatened fauna

No fauna species listed as threatened on the Tasmanian *Threatened Species Protection Act 1995* and/or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* are known from database information, or were detected as a consequence of field assessment, from the study area (Figure 13).

On this basis, the study area cannot qualify as “priority vegetation” (see previously cited definition), specifically because of the presence of “significant habitat for a threatened fauna species”, where “significant habitat” is defined as follows:

“the habitat within the known or core range of a threatened fauna species, where any of the following applies:

- (a) is known to be of high priority for the maintenance of breeding populations throughout the species’ range; or
- (b) the conversion of it to non-priority vegetation is considered to result in a long-term negative impact on breeding populations of the threatened fauna species”.

Problematically, the *Scheme* does not define the terms “known” or “core” range, which means this could rely on those used by other agencies such as the Forest Practices Authority and/or the Department of Natural Resources and Environment Tasmania, which are effectively presented in the relevant database reports (DNRET 2024; FPA 2024).

While the study area is within the so-called “known or core range” of some listed fauna species, in no manner can any part of the site proposed for development be assigned as being of “high priority for the maintenance of breeding populations throughout the species’ range” at any reasonable scale or be in any way construed as meeting the intent of a scenario in which “the conversion of it [i.e. “significant habitat”] to non-priority vegetation [could be] considered to result in a long-term negative impact on breeding populations of the threatened fauna species”. The only threatened species likely to intermittently occupy this site is *Perameles gunnii* (eastern barred bandicoot), not considered threatened at a State level, and also likely to utilise/occupy the wider industrial estate, disused paddocks and residentially-occupied titles in a similar manner, such that in no manner could its presence be regarded as meeting the intent of “significant habitat”, such that C7.3.1(c) is not considered applicable.

Declared and environmental weeds

Site assessment indicated that the study area (subject title) and surrounds (council title) comprises almost entirely of naturalised (i.e. non-native) plant species, with the following declared (pursuant to the Tasmanian *Biosecurity Regulations 2022*) and environmental (author opinion) present (Figure 14):

- *Lycium ferocissimum* (african boxthorn) [declared]: restricted to a single clump just outside the title along Woodrieve Road and scattered mature plants on the western side of Ashburton Creek in the council title;
- *Foeniculum vulgare* (fennel) [declared]: locally dense infestation co-occurring with *Rubus* sp. and dense introduced grass between Ashburton Creek and subject title;
- *Rubus* sp. (blackberry) [declared]: as above and also scattered in title to northwest of subject title; and
- *Rosa rubiginosa* (sweet briar): scattered mature plants between Ashburton Creek and subject title.

The presence of weeds is relevant to the future management of the site but needs to be considered in the wider context of such species being widespread and locally common, including in the council titles.





Figure 13. Distribution of threatened fauna in vicinity of study area (overview)



Figure 14. Distribution of declared and environmental weeds in vicinity of study area

Assessment against Natural Assets Code of Tasmanian Planning Scheme

The purpose of the Natural Assets Code is stated below:

C7.1 The purpose of the Natural Assets Code is:

- C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.
- C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.
- C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.
- C7.1.4 To minimise impacts on identified priority vegetation.
- C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

The above purpose statements are essentially addressed through the relevant development standards. Of the purpose statements, C7.1.1 & C7.1.4 are considered most relevant.

The application of the Natural Assets Code is stated below:

C7.2 Application of this Code:

C7.2.1 This code applies to development on land within the following areas:

- (a) a waterway and coastal protection area;
- (b) a future coastal refugia area; and
- (c) a priority vegetation area only if within the following zone:
 - (i) Rural Living Zone;

C7.2.2 This code does not apply to use.

The Waterway and Coastal Protection Area overlay is applied to both the subject title (part of) and the council title (Figure 5) such that the Code has application to both areas subject to the overlay. The Priority Vegetation Area overlay is only applied to the council title (Figure 6) such that the Code has application to that area only.

The two overlays are considered in turn below.

Waterway and Coastal Protection Area overlay

The relevant development standards of the Natural Assets Code are C7.6.1 (Buildings and works within a waterway and coastal protection area or future coastal refugia), and have the following objective:

C7.6 Development Standards for Buildings and Works

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Objective:

That buildings and works within a waterway and coastal protection area or future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets.

Unfortunately, definitions and limits are not provided for terms and phrases such as “unnecessary” or “unacceptable”. However, all these terms clearly contemplate some level of impact as being acceptable, such that it falls to professional opinion to assess a particular proposal against these objective statements. However, definitions relevant to the consideration of the concept of “an unnecessary or unacceptable impact” include the following:



- natural assets mean “biodiversity, environmental flows, natural streambank and streambed condition, riparian vegetation, littoral vegetation, water quality, wetlands, river condition and waterway and/or coastal values”;
- riparian vegetation means “vegetation found within or adjacent to watercourses, wetlands, lakes and recharge basins”, presumably the “adjacent to” by reference to the relevant spatial extents indicated at Table C7.3 (in this case, Ashburton Creek is a class 2 watercourse with 30 m applied to each side); and
- waterway values means “the values of watercourses and wetlands derived from their aquatic habitat and riparian vegetation, physical elements, landscape function, recreational function and economic function”.

The broader intent of the objective statement is more formally addressed through the relevant acceptable solutions and performance criteria.

There are four Acceptable Solutions/Performance Criteria under C7.6.1, of which A1/P1 is considered the most relevant to the present assessment (and as referred to in correspondence from Brighton Council dated 19 Jun. 2024).

The acceptable solution A1 for C7.6.1 is stated as:

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Acceptable Solution

A1 Buildings and works within a waterway and coastal protection area must:

- (a) be within a building area on a sealed plan approved under this planning scheme;
- (b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 5 m in width; or
- (c) if within the spatial extent of tidal waters, be an extension to an existing boat ramp, car park, jetty, marina, marine farming shore facility or slipway that is not more than 20% of the area of the facility existing at the effective date.

Solution A1 is presumed to not be satisfied on any of the sub-clauses.

The performance criteria P1.1 are stated as:

C7.6.1 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Performance Criteria

P1.1

Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:

- (a) impacts caused by erosion, siltation, sedimentation and runoff;
- (b) impacts on riparian or littoral vegetation;
- (c) maintaining natural streambank and streambed condition, where it exists;
- (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;
- (e) the need to avoid significantly impeding natural flow and drainage;
- (f) the need to maintain fish passage, where known to exist;
- (g) the need to avoid land filling of wetlands;



- (h) the need to group new facilities with existing facilities, where reasonably practical;
- (i) minimising cut and fill;
- (j) building design that responds to the particular size, shape, contours or slope of the land;
- (k) minimising impacts on coastal processes, including sand movement and wave action;
- (l) minimising the need for future works for the protection of natural assets, infrastructure and property;
- (m) the environmental best practice guidelines in the *Wetlands and Waterways Works Manual*; and
- (n) the guidelines in the *Tasmanian Coastal Works Manual*.

In the first instance, P1.1 will be considered as if the recent works (fill) had not been undertaken **i.e. that the site was “as is” prior to works**. This then requires a consideration of what extent, depth and type of fill would be acceptable to meet the intent of “avoid[ing] or minimis[ing] adverse impacts on natural assets”. In my opinion, while the overlay extended into the title by quite some distance, the historical land management was such that if a proposal to supply a layer of clean fill to the within the title had been presented, this should have been considered as acceptable provided that it was demonstrated that any works associated with this would not **create an “adverse impact” to the natural values of the waterway**. In such circumstances, logical management constraints might have been:

- ensure the boundaries of the titles and any relevant services are precisely surveyed prior to works to ensure any fill does not extend beyond the title boundary;
- design the spreading of fill such that the risk of it moving downslope off-title and towards Ashburton Creek is minimised – this may have included such provisions as:
 - minimising the slope of the fill; and
 - providing temporary sediment barriers (e.g. drift fence) at the edge of the title (and perhaps also at the eastern “bank” of Ashburton Creek).

As it stands, this development is being considered retrospectively, such that it now falls to professional opinion on providing recommendations on how the works can be made to comply with P1.1. In my opinion, the works have had an impact within the overlay. However, it is more **challenging to indicate that the works have had an “adverse impact on natural values” because, as indicated, the strip of land between the “bank” of Ashburton Creek and the title boundary was probably best mapped as a localised weed infestation**. In effect, the fill has covered weeds. **The decision then needs to be made as to whether the fill should be removed, left “as is” or rehabilitated in some manner (whether removed or left “as is”).**

While there is a reasonably strong argument to leave the site “as is” because it appears the fill is quite stable and had not directly entered into the watercourse itself (and has serendipitously avoided covering any of the rare plant population), the fate of the slope of fill is most likely to revert to a weed infestation, simply because there is so much new bare ground and a massive source of weed propagules in the immediate area. In summary, therefore, I do not support this option.

A “middle ground” option might be to leave the slope of fill “as is” in terms of its extent, depth and slope (on the assumption it is stable and not prone to erosion) but revegetate it with native species. Council has already extensively planted native species along Ashburton Creek closer to Lukaarlia Drive (with mixed success) and there has been natural (or perhaps encouraged) regeneration of *Poa labillardierei* (silver tussockgrass) downstream of the small weir on Ashburton Creek near the southern end of the fill. If other factors indicate that the slope of fill **should be retained “as is” (and I accept that this may be a logical outcome in terms of factors such as services and the like)**, the actions recommended for the preferred option below should be applied to the currently exposed fill.



In my opinion, the preferred management option is to remove the fill from the council title and bring it back into the subject title, presumably by use of an excavator working from within the title itself. While this carries the minor risk of introducing some material into the watercourse (which has been avoided to date), simple measures should mitigate this risk to an acceptable level. While ideally all fill will be removed to effectively recreate the original slope adjacent to the creek, it is recognised that this was always probably modified to some extent, such that the objective should be to create a slope that will minimise the risk of erosion and facilitate revegetation. Once this new surface is created, planting of native species can be undertaken to create a semblance of natural riparian vegetation (acknowledging that such has probably not existed along this section of creek for many decades).

Correspondence from Brighton Council dated 19 Jun. 2024 requested that this assessment **include a "management plan completely by a suitably qualified person" to address C7.6.1 P1.1.** The following is intended to address this request and therefore the sub-clauses of P1.1 (i.e. "having regard to" these).

- remove overspill from council title:
 - where practical, using an excavator wholly from within the private title;
 - but if necessary allowing the machine to enter into the council title but not beyond the current extent of overspill; but in either scenario:
 - prior to works, establish a sediment drift fence (minimum 50 cm high) at the outer edge of Ashburton Creek);
- reshape the newly exposed soil to as close to the original natural ground level as possible but allowing for a gentle slope between the edge of the overspill and the private title boundary to be created;
- within 1-month of reshaping the slope between Ashburton Creek and the private title boundary, undertake the following:
 - cover the newly exposed soil with a minimum of 30 cm of mulch, or if less, first cover with commercially available weed matting prior to applying a layer of mulch;
- within 3-months of applying a layer of mulch, plant native species as follows:
 - *Bursaria spinosa* (prickly box) – 1 every 5 m = ca. 20 plants (ca. 90 m length area to revegetate);
 - *Dodonaea viscosa* (sticky hopbush) – 1 every 5 m = ca. 20 plants (ca. 90 m length area to revegetate);
 - note that the total number of shrubs is important here i.e. it can be any combination of the two species (even just one species) but what is indicated is approximately 40 plants in the disturbed area, which is ca. 90 m long and may end up ca. 1-4 m wide;
 - *Poa labillardierei* (silver tussockgrass) – 1 every 3 m in 3 "rows" = ca. 90 plants (ca. 90 m length area to revegetate and 3 "rows" – these need not be straight); and
 - *Lomandra longifolia* (sagg) – 1 every 5 m in 2 "rows" = ca. 40 plants (ca. 90 m length area to revegetate and 2 "rows" – this species is intended to infill between shrubs and silver tussockgrass so can be planted haphazardly);
 - protect shrubs with browsing guards for at least 2 years
- undertake monitoring (by a suitably qualified person) of the success of plant establishment between 12-15 months after planting and where necessary provide recommendations for further planting (this would be indicated if there has been less than ca. 70% success rate of plantings but will need to be guided by professional opinion taking account of site conditions and other factors); and
- undertake monitoring (by a suitably qualified person) between 12-15 months after planting to assess the site for declared and environmental weeds and provide recommendations for their management (to be undertaken in the following 12 months).



Priority Vegetation Area overlay

While the Priority Vegetation Area overlay is present within the area proposed for rehabilitation (see section above), the primary value that contributes to the classification of part of this area as **"priority vegetation"** is the population of *Bolboschoenus medianus* (swamp clubsedge), a threatened flora species effectively restricted to the shallow water and immediate fringes of Ashburton Creek. The species is clearly highly tolerant of quite intensive disturbance such that during the proposed rehabilitation works, there is a very low risk of impact to the species.

As an aside, I do not believe that a separate permit under Section 51 of the Tasmanian *Threatened Species Protection Act 1995* to **"knowingly take a specimen of listed flora"** will need to be sought from the Department of Natural Resources and Environment Tasmania provided that the works do not materially impact on Ashburton Creek itself (i.e. the open water and the immediate **"banks"**). **If works are anticipated to require the "taking" of *Bolboschoenus medianus***, it is recommended to seek direct advice from the Conservation Assessments Section of NRE Tas.

The relevant development standards of the Natural Assets Code are C7.6.2 (Clearance within a priority vegetation area), and have the following objective:

C7.6 Development Standards for Buildings and Works

C7.6.1 Clearance within a priority vegetation area

Objective:

That:

- (a) does not result in unreasonable loss of priority vegetation;
- (b) is appropriately managed to adequately protect identified priority vegetation; and
- (c) minimises and appropriately manages impacts from construction and development activities..

Unfortunately, definitions and limits are not provided for terms and phrases such as **"unreasonable loss"**, **"appropriately manage"** or **"adequately protect"**. However, while all these terms clearly contemplate some level of impact as being acceptable, such that it falls to professional opinion to assess a particular proposal against these objective statements, in this case the **"priority vegetation"** value if a rare plant and the objective should be to ensure no impact is required. That said, if this objective is satisfied, there will not be a need for any impact to **"priority vegetation"** per se.

The acceptable solution A1 for C7.6.2 is stated as:

C7.6.2 Clearance within a priority vegetation area

Acceptable Solution

- A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.

Solution A1 is presumed to not be satisfied.

The performance criteria P1.1 are stated as:

C7.6.2 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Performance Criteria

P1.1

Clearance of native vegetation within a priority vegetation area must be for:

- (a) 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;
- (b) buildings and works associated with the construction of a single dwelling or an associated outbuilding;
- (c) subdivision in the General Residential Zone or Low Density Residential Zone;
- (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;
- (e) 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
- (f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.

In the first instance, P1.1 will be considered as if the recent works (fill) had not been undertaken **i.e. that the site was "as is" prior to works.** In my opinion, this would have logically resulted in **a conclusion that no impact to "priority vegetation" would have been acceptable. At the time,** the available evidence would simply have referred this to the extent of the Priority vegetation Area overlay. With the new information, this can now be limited, technically, to the extent of the population of the rare plant. Irrespective, the logical approach would have been to not require consideration of P1.1. Now that P1.1 does need to be considered, it is necessary to assign the works to one of the sub-clauses. Of these, P1.1(f) is perhaps the only one applicable if it is considered that the **"clearance of native vegetation" was "of a limited scale relative to the extent of priority vegetation on the site".** In fact, it is now known that the works did not in fact result in any "clearance of native vegetation" and specifically no impact to "priority vegetation" (which is now recognised as the population of rare flora) and that this specific "priority vegetation": is extensive not just adjacent to the subject title but upstream and downstream of it along Ashburton Creek.

That is, in effect, P1.1 should not have needed to be considered but now that it needs to be, technically satisfying it is challenging except by loose reference to P1.1(f). That said, it is not considered critical in this case, given that the suggested management actions under C7.6.1 P1.1 will effectively result in the restoration of the now disturbed parts of the overlay.

The performance criteria P1.2 are stated as:

C7.6.2 Buildings and works within a waterway and coastal protection area or a future coastal refugia area

Performance Criteria

P1.2

Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

- (a) the design and location of buildings and works and any constraints such as topography or land hazards;
- (b) any particular requirements for the buildings and works;
- (c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;
- (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;
- (e) any on-site biodiversity offsets; and
- (f) any existing cleared areas on the site.

As a starting point, the opening phrase of P1.2 refers to "...must minimise adverse impacts on priority vegetation..." (reiterating that "priority vegetation" present is now specifically identified as the population of rare flora). The use of the term "minimise" contemplates a level of



acceptable impact, although this is not defined anywhere. In this case, it is recommended to avoid (not just minimise) adverse impacts on priority vegetation, through the implementation of the management plan recommended under C7.6.1 P1.1, such that P1.2 is considered satisfied.

Summary of findings and recommended actions

Site assessment has found that works within the private title of 6 Woodrieve Road has had minimal to no adverse impact on natural values within the title itself. However, fill has extended into the adjacent council title and technically covered an area of what was almost certainly mainly weeds and serendipitously avoided direct impact to the watercourse itself, which was found to support an extensive population of the rare plant *Bolboschoenus medianus* (marsh clubsedge).

A management plan is presented that indicates a preferred solution of (a) removing the overspill from the council title in a manner designed to minimise adverse impacts to the natural values during works and (b) providing for the longer-term revegetation (including management of weeds) of the disturbed ground. This plan is considered to satisfy the intent of C7.6.1 P1.1 and C7.6.2 P1.1 & P1.2.

Note that this statement does not constitute legal advice, and provides an interpretation of the provisions of the *State Planning Provisions*, which may not represent the views of Clarence City Council. It is recommended that formal advice be sought from the relevant agency prior to acting on any aspect of this report.

Please do not hesitate to contact me further if additional information is required.

Kind regards



Mark Wapstra
Senior Scientist/Manager

References

- CofA (Commonwealth of Australia) (2024). *Protected Matters Report* for a polygon defining the subject title, buffered by 5 km, dated 5 Aug. 2024 – Appended for reference.
- de Salas, M.F. (Ed.) (2024+). *Flora of Tasmania Online*. Tasmanian Herbarium, Hobart. [for nomenclature of vascular flora species]
- de Salas, M.F. & Baker, M.L. (2024). *A Census of the Vascular Plants of Tasmania, including Macquarie Island*. Tasmanian Herbarium, Hobart. [for nomenclature of vascular flora species]
- DNRET (Department of Natural Resources and Environment Tasmania) (2024). *Natural Values Atlas* report ECOtas_6WoodrieveRoad for a polygon defining the subject title (centred on 518698mE 526939mN), buffered by 5 km, dated 5 Aug. 2024 – Appendix E.
- DPIPWE (Department of Primary Industries, Parks, Water & Environment) (2015). *Guidelines for Natural Values Surveys – Terrestrial Development Proposals*. Department of Primary Industries, Parks, Water & Environment, Hobart. [for assessment standards]



- FPA (Forest Practices Authority) (2024). *Biodiversity Values Database* report, specifically the **species' information for grid reference centroid 518698mE 526939mN** (i.e. a point defining the approximate centre of the assessment area), buffered by 5 km and 2 km for threatened **fauna and flora records, respectively, hyperlinked species' profiles and predicted range boundary maps**, dated 5 AUG. 2024 – Appendix F.
- Kitchener, A. & Harris, S. (2013+). *From Forest to Fjaeldmark: Descriptions of Tasmania's Vegetation*. Edition 2 (online edition). Department of Primary Industries, Parks, Water & Environment, Hobart. [nomenclature and classification of vegetation types]
- Wapstra, H., Wapstra, A., Wapstra, M. & Gilfedder, L. (2005+, updated online at www.nre.tas.gov.au). *The Little Book of Common Names for Tasmanian Plants*. Department Primary Industries, Parks, Water & Environment, Hobart. [nomenclature of vascular flora species]



Submission to Planning Authority Notice

Application details

Council Planning Permit No.	DA 2024 /00104
Council notice date	19/06/2024
TasWater Reference No.	TWDA 2024/00723-BTN
Date of response	28/02/2025
TasWater Contact	AI Cole
Phone No.	0439605108

Response issued to

Council name	BRIGHTON COUNCIL
Contact details	development@brighton.tas.gov.au

Development details

Address	6 WOODRIEVE RD, BRIDGEWATER
Property ID (PID)	9639793
Description of development	Rectification of unapproved site works (fill)

Schedule of drawings/documents

Prepared by	Drawing/document No.	Revision No.	Issue date
Little Island Building Design	Proposed Site Plan	4	12/02/2025

Conditions

Pursuant to the *Water and Sewerage Industry Act 2008* (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:

ASSET CREATION & INFRASTRUCTURE WORKS

1. Prior to applying for a Certificate for Certifiable Works, the developer must physically locate all existing infrastructure to provide sufficient information for accurate design and physical works to be undertaken.
2. Plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.
3. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.

4. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
5. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
6. A construction management plan must be submitted with the application for TasWater Certificate(s). The construction management plan must detail how the fill will be removed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.
7. Prior to the issue of a TasWater Certificate of Compliance, the applicant must submit a .dwg file, prepared by a suitably qualified person to TasWater's satisfaction, showing:
 - a. The toe of the fill batter is a minimum of 2.0m from the outside of all water mains inside the property and;
 - b. Cover levels over the water mains are in accordance with the relevant standard.

The developer must locate the fill and the existing TasWater infrastructure and clearly show it on the .dwg file. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost.

56W CONSENT

8. When applying for a Certificate for Certifiable Work (Building) and/or (Plumbing), the application documentation must include an application to TasWater, pursuant to section 56W of the Water and Sewerage Industry Act 2008, for its consent in respect of that part of the development which is built within a TasWater easement or over or within two metres of TasWater infrastructure.

DEVELOPMENT ASSESSMENT FEES

9. The applicant or landowner as the case may be, must pay a development assessment fee of \$403.51 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.

The payment is required within 30 days of the issue of an invoice by TasWater.

In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

Advice

General

For information on TasWater development standards, please visit

<https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit

<https://www.taswater.com.au/building-and-development/development-application-form>

Developer Charges

For information on Developer Charges please visit the following webpage –
<https://www.taswater.com.au/building-and-development/developer-charges>

Water Submetering

As of July 1 2022, TasWater's Sub-Metering Policy no longer permits TasWater sub-meters to be installed for new developments. Please ensure plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) reflect this. For clarity, TasWater does not object to private sub-metering arrangements. Further information is available on our website (www.taswater.com.au) within our Sub-Metering Policy and Water Metering Guidelines.

Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

- (a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.
- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit <https://www.taswater.com.au/building-and-development/service-locations> for a list of companies.
- (c) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

NOTE: In accordance with the WATER AND SEWERAGE INDUSTRY ACT 2008 - SECT 56ZB A regulated entity may charge a person for the reasonable cost of –

- (a) a meter; and
- (b) installing a meter.

56W Consent

The plans submitted with the application for the Certificate for Certifiable Work (Building) and/or (Plumbing) will need to show footings of proposed buildings located over or within 2.0m from TasWater pipes and will need to be designed by a suitably qualified person to adequately protect the integrity of TasWater's infrastructure, and to TasWater's satisfaction, be in accordance with AS3500 Part 2.2 Section 3.8 to ensure that no loads are transferred to TasWater's pipes. These plans will need to also include a cross sectional view through the footings which clearly shows;

- (a) Existing pipe depth and proposed finished surface levels over the pipe;
- (b) The line of influence from the base of the footing must pass below the invert of the pipe and be clear of the pipe trench and;
- (c) A note on the plan indicating how the pipe location and depth were ascertained.
- (d) The location of the property service connection and sewer inspection opening (IO).

Boundary Trap Area

The proposed development is within a boundary trap area and the developer will need to provide a boundary trap that prevents noxious gases or persistent odours back venting into the

property's sanitary drain. The boundary trap is to be contained within the property boundaries and the property owner remains responsible for the ownership, operation and maintenance of the boundary trap.

Advice to Planning Authority (Council) and developer on fire coverage

TasWater cannot provide a supply of water for the purposes of firefighting to the lots on the plan.

Advice to the Drainage Authority

The combined system is at capacity in this area. TasWater cannot accept additional flows of stormwater into this area within the combined system over those currently discharged.

The Drainage Authority will be required to either refuse or condition the development to ensure the current service standard of the combined system is not compromised.

Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

Submission to Planning Authority Notice

Application details

Council Planning Permit No.	DA 2024 /00104
Council notice date	19/06/2024
TasWater Reference No.	TWDA 2024/00723-BTN
Date of response	28/02/2025
TasWater Contact	AI Cole
Phone No.	0439605108

Response issued to

Council name	BRIGHTON COUNCIL
Contact details	development@brighton.tas.gov.au

Development details

Address	6 WOODRIEVE RD, BRIDGEWATER
Property ID (PID)	9639793
Description of development	Rectification of unapproved site works (fill)

Schedule of drawings/documents

Prepared by	Drawing/document No.	Revision No.	Issue date
Little Island Building Design	Proposed Site Plan	4	12/02/2025

Conditions

Pursuant to the *Water and Sewerage Industry Act 2008* (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:

ASSET CREATION & INFRASTRUCTURE WORKS

1. Prior to applying for a Certificate for Certifiable Works, the developer must physically locate all existing infrastructure to provide sufficient information for accurate design and physical works to be undertaken.
2. Plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains.
3. In addition to any other conditions in this permit, all works must be constructed under the supervision of a suitably qualified person in accordance with TasWater's requirements.

4. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
5. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
6. A construction management plan must be submitted with the application for TasWater Certificate(s). The construction management plan must detail how the fill will be removed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.
7. Prior to the issue of a TasWater Certificate of Compliance, the applicant must submit a .dwg file, prepared by a suitably qualified person to TasWater's satisfaction, showing:
 - a. The toe of the fill batter is a minimum of 2.0m from the outside of all water mains inside the property and;
 - b. Cover levels over the water mains are in accordance with the relevant standard.

The developer must locate the fill and the existing TasWater infrastructure and clearly show it on the .dwg file. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost.

56W CONSENT

8. When applying for a Certificate for Certifiable Work (Building) and/or (Plumbing), the application documentation must include an application to TasWater, pursuant to section 56W of the Water and Sewerage Industry Act 2008, for its consent in respect of that part of the development which is built within a TasWater easement or over or within two metres of TasWater infrastructure.

DEVELOPMENT ASSESSMENT FEES

9. The applicant or landowner as the case may be, must pay a development assessment fee of \$403.51 to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.

The payment is required within 30 days of the issue of an invoice by TasWater.

In the event Council approves a staging plan, a Consent to Register a Legal Document fee for each stage, must be paid commensurate with the number of Equivalent Tenements in each stage, as approved by Council.

Advice

General

For information on TasWater development standards, please visit

<https://www.taswater.com.au/building-and-development/technical-standards>

For application forms please visit

<https://www.taswater.com.au/building-and-development/development-application-form>

Developer Charges

For information on Developer Charges please visit the following webpage –
<https://www.taswater.com.au/building-and-development/developer-charges>

Water Submetering

As of July 1 2022, TasWater's Sub-Metering Policy no longer permits TasWater sub-meters to be installed for new developments. Please ensure plans submitted with the application for Certificate(s) for Certifiable Work (Building and/or Plumbing) reflect this. For clarity, TasWater does not object to private sub-metering arrangements. Further information is available on our website (www.taswater.com.au) within our Sub-Metering Policy and Water Metering Guidelines.

Service Locations

Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure.

- (a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater.
- (b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit <https://www.taswater.com.au/building-and-development/service-locations> for a list of companies.
- (c) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.

NOTE: In accordance with the WATER AND SEWERAGE INDUSTRY ACT 2008 - SECT 56ZB A regulated entity may charge a person for the reasonable cost of –

- (a) a meter; and
- (b) installing a meter.

56W Consent

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RTD - THE RACONTEUR TEE TREE ROAD DEVELOPMENT

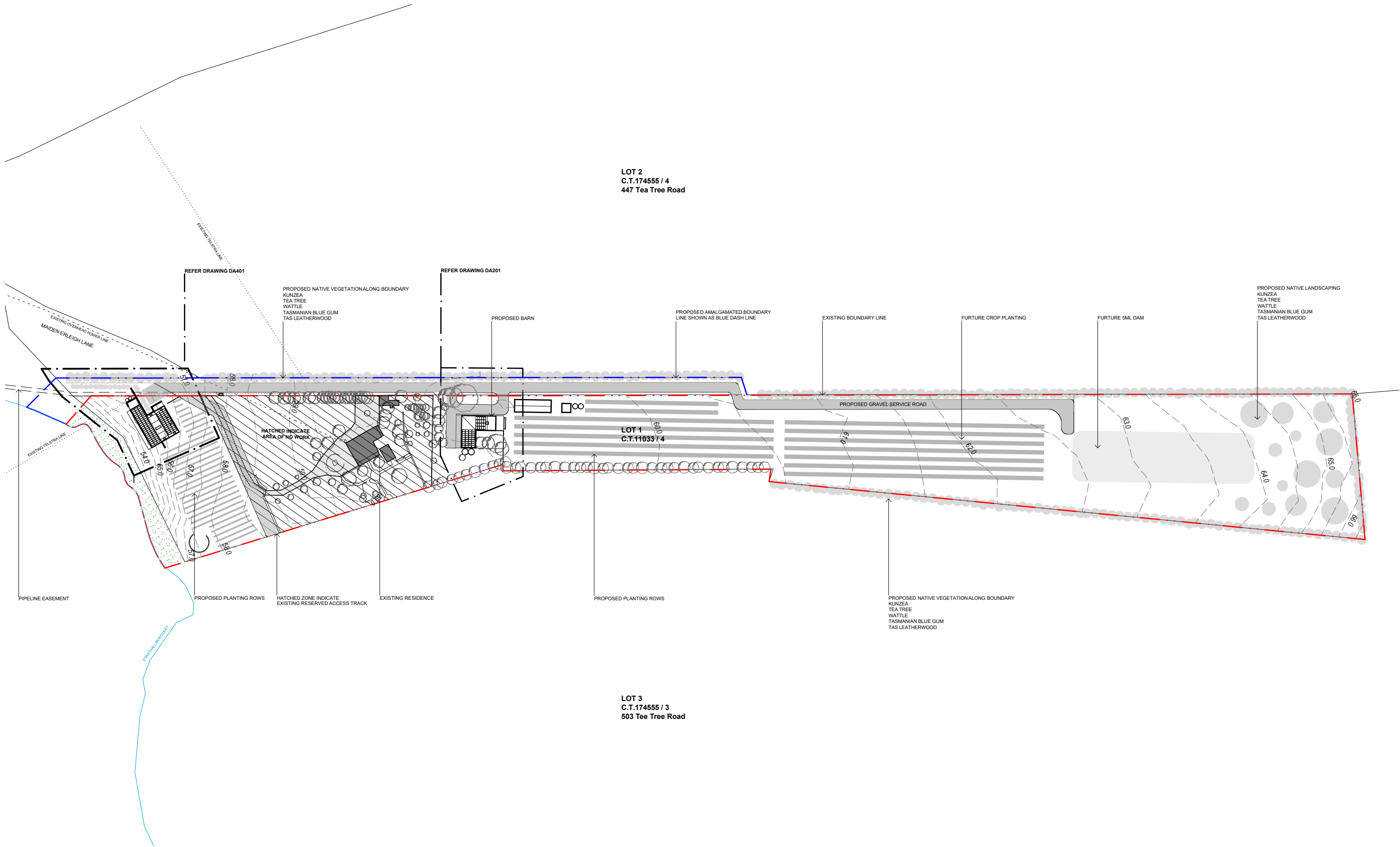
ARCHITECTURAL DRAWINGS

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DA000		COVER PAGE	A - WIP	NTS
DA101	PROPOSED	LOCATION PLAN	A - WIP	1:2000
DA201	PROPOSED	BARN SITE PLAN	A - WIP	1:500
DA202	PROPOSED	GA BARN PLAN - GROUND FLOOR	A - WIP	1:100
DA301	PROPOSED	BARN ELEVATIONS	A - WIP	1:100
DA302	PROPOSED	BARN ELEVATIONS	A - WIP	1:100
DA401	PROPOSED	ACCOMMODATION SITE PLAN	A - WIP	1:500
DA402	PROPOSED	GA ACCOMMODATION PLAN - GROUND FLOOR	A - WIP	1:100
DA501	PROPOSED	ACCOMMODATION ELEVATIONS	A - WIP	1:100
DA502	PROPOSED	ACCOMMODATION ELEVATIONS	A - WIP	1:100
DA701	PROPOSED	BARN SHADOW DIAGRAMS	A - WIP	NTS
DA702	PROPOSED	ACCOMMODATION SHADOW DIAGRAMS	A - WIP	NTS

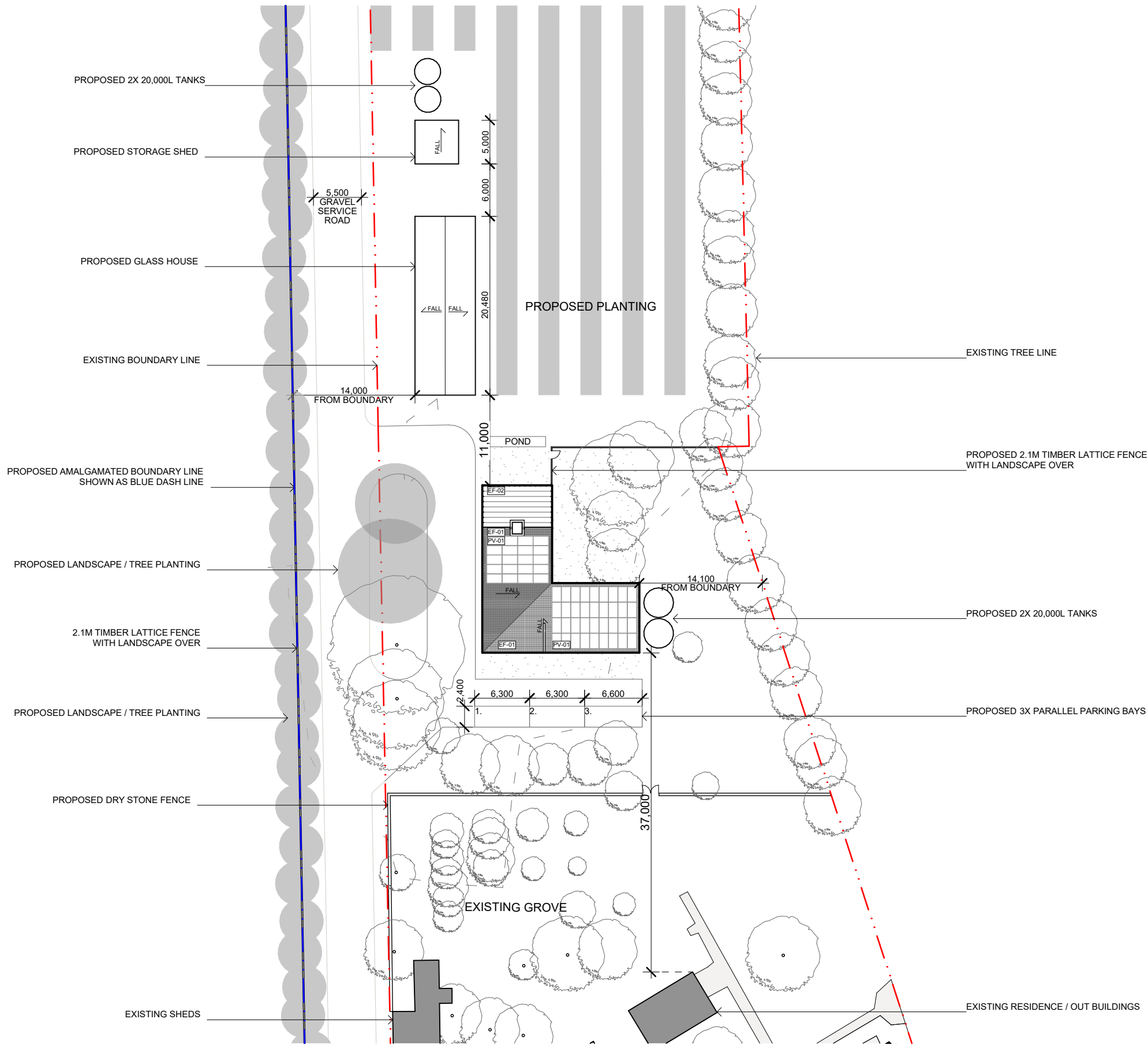
MATERIAL SCHEDULE

CODE	DESCRIPTION
EF-01	METAL CLADDING, BLACK
EF-02	POLYCARBONATE, TRANSLUCENT
EF-03	CONCRETE MASONRY, GREY
EF-04	GLASS BRICKS
EF-05	NATURAL STONE WALLS

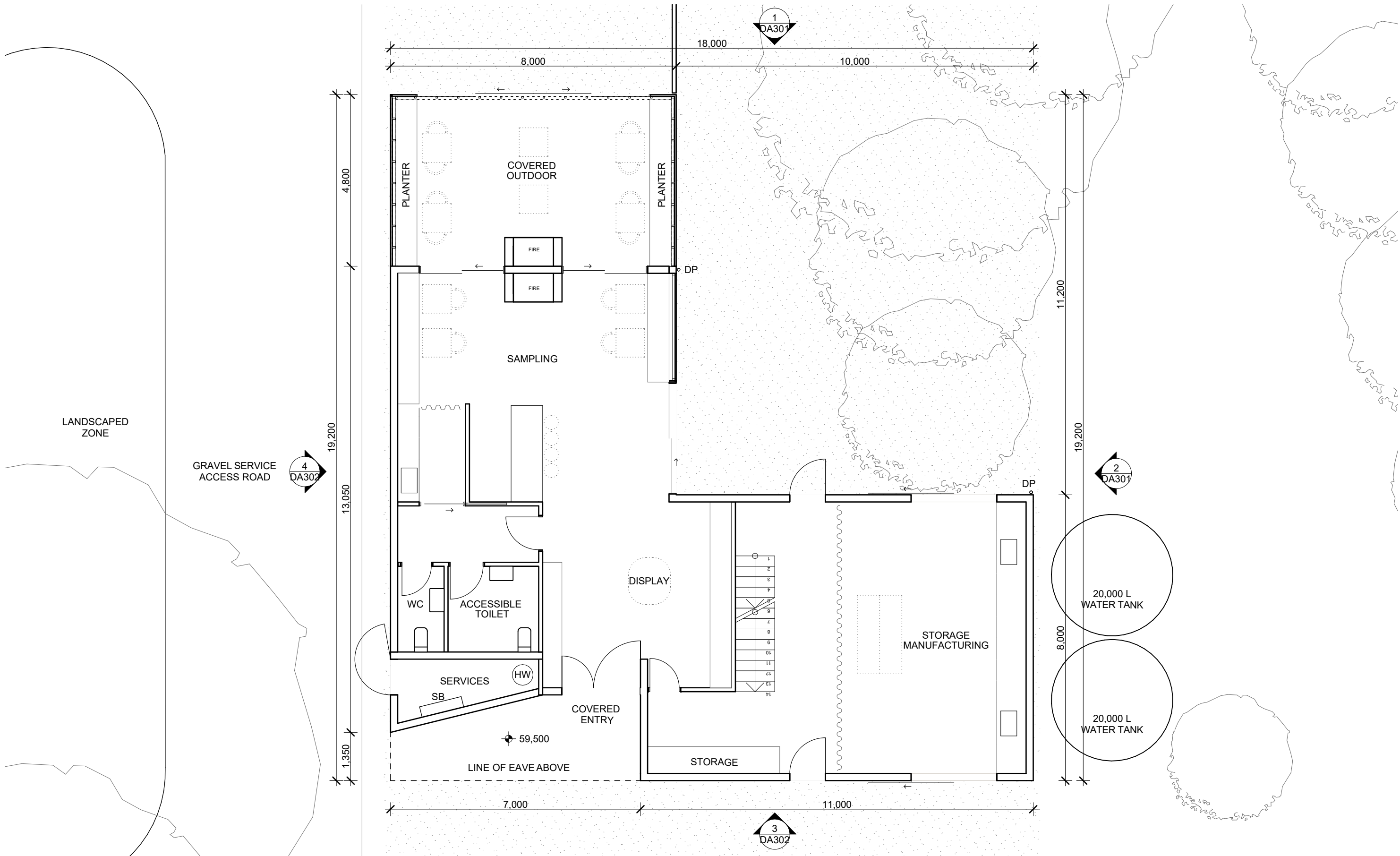
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					kutalayna (Jordan River) 451 Tea Tree Road TEA TREE TASMANIA 7017			
					CLIENT PROJECT SUNSHINE VENTURES			
<div>LIMINAL ARCHITECTURE</div>								
<div>Figured dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect for decision before proceeding with the work. Copyright ©</div>								



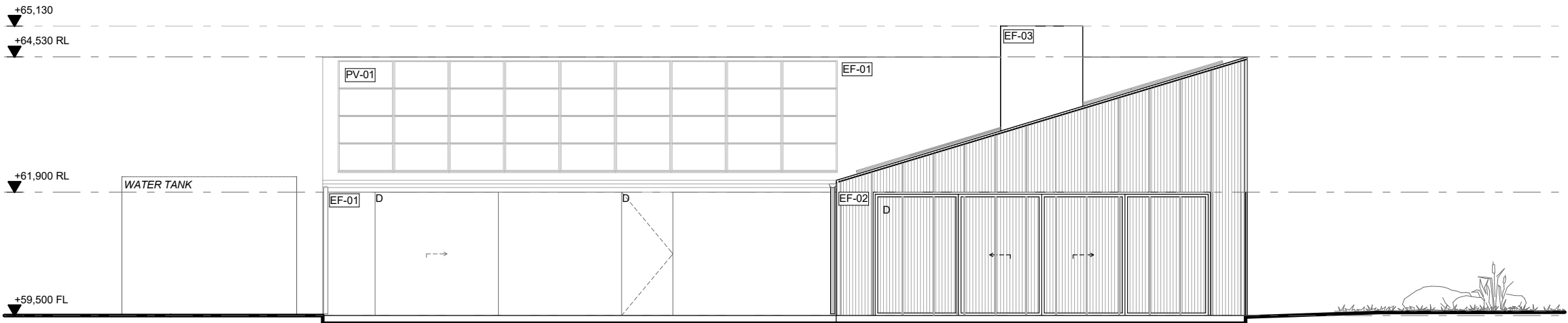
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				Figured dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect for decision before proceeding with the work. Copyright ©			



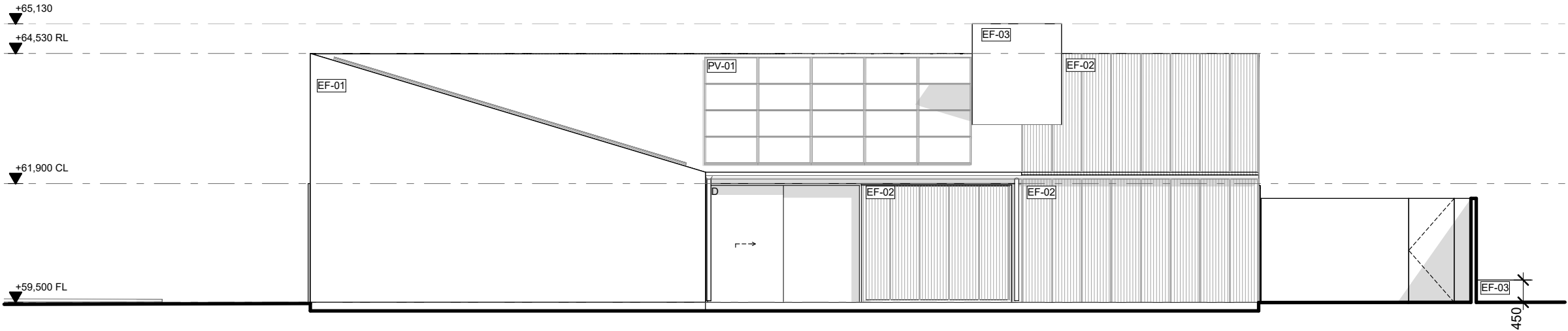
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						APPROVED	EB



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						STATUS	PLANNING APPLICATION
						APPROVED	EB



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SCALE 1:100

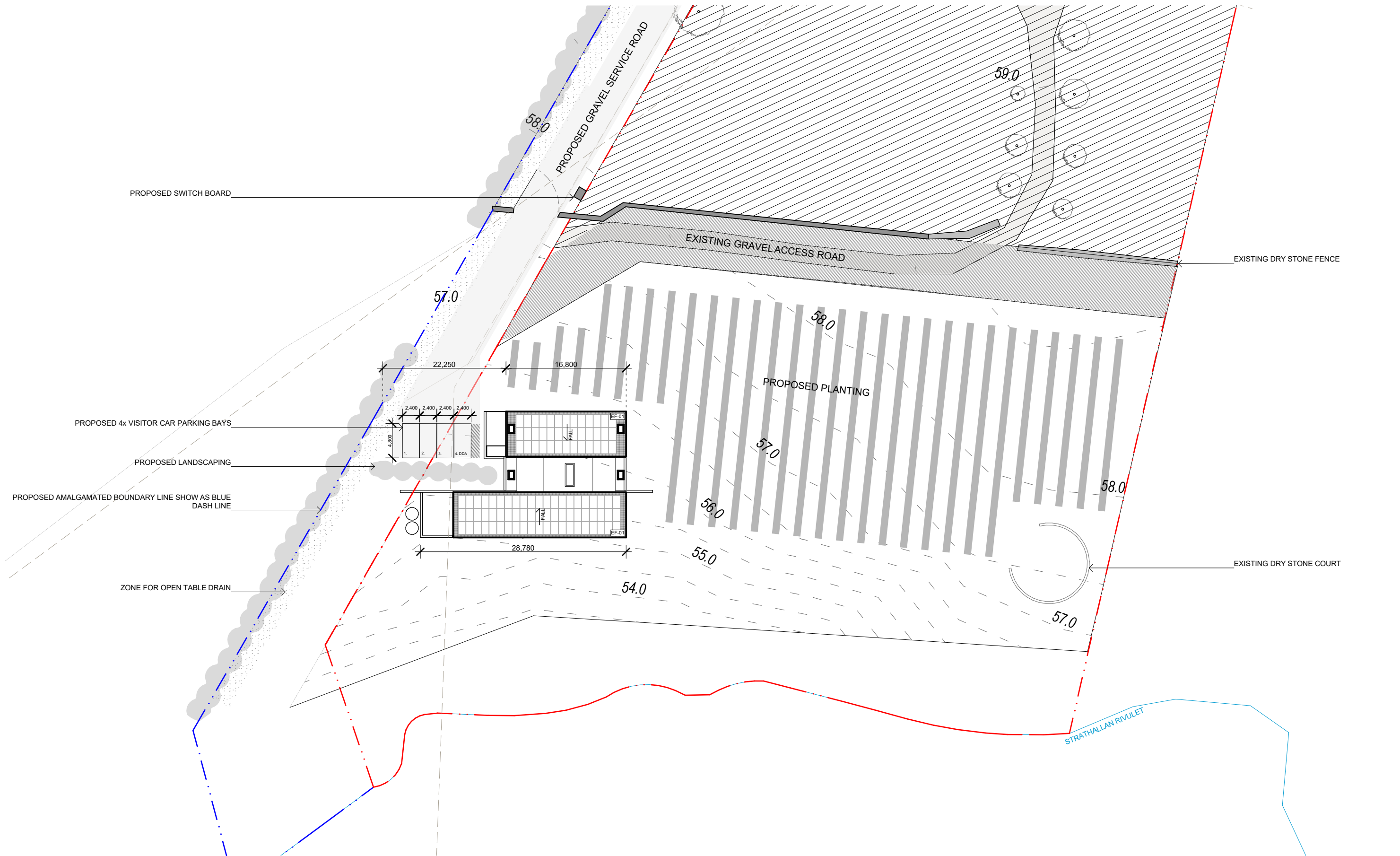


2 EAST ELEVATION - BARN
SCALE 1:100

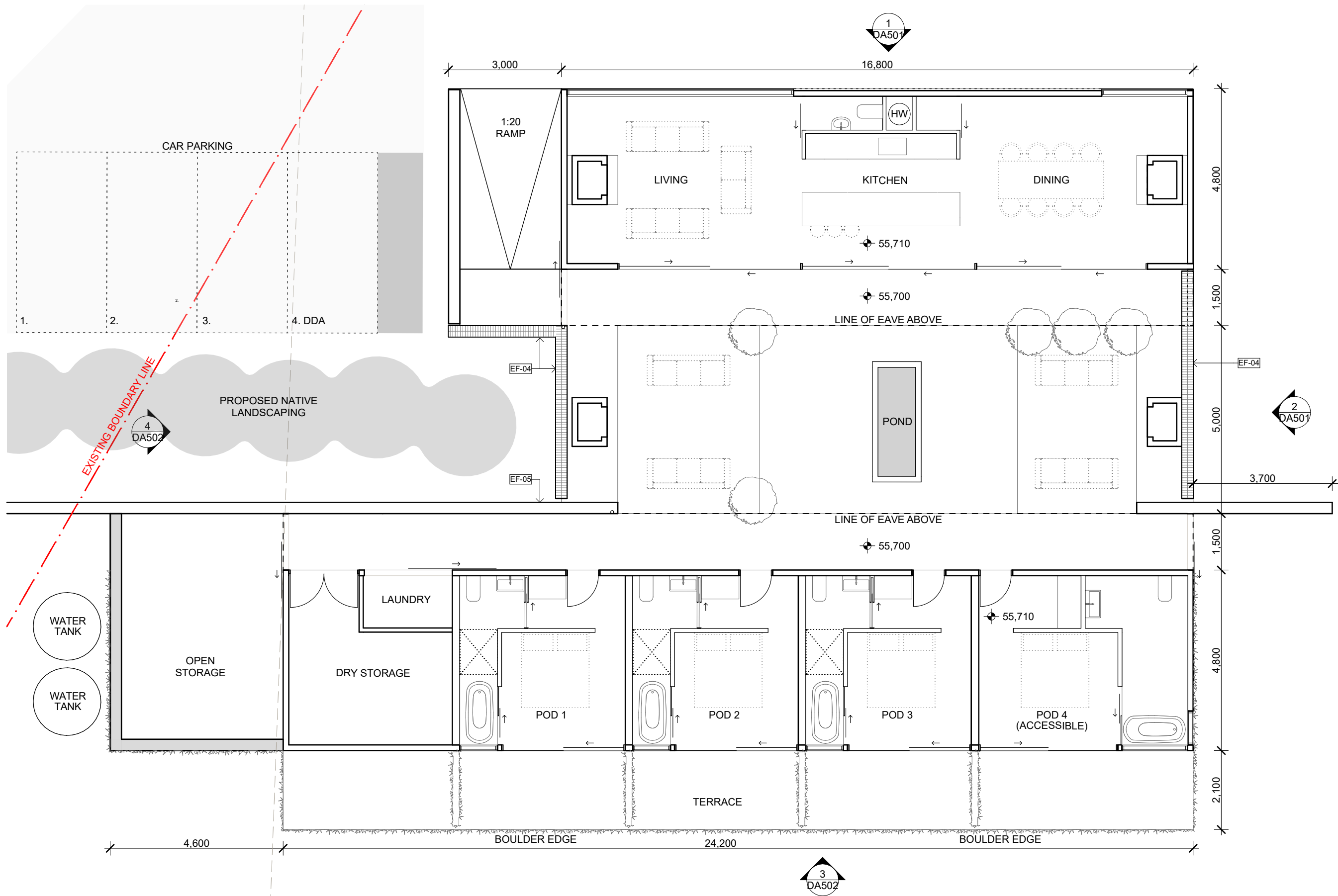
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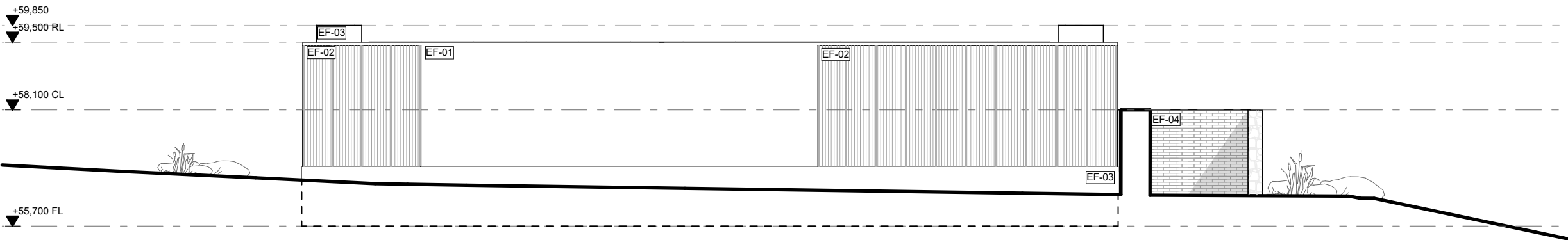
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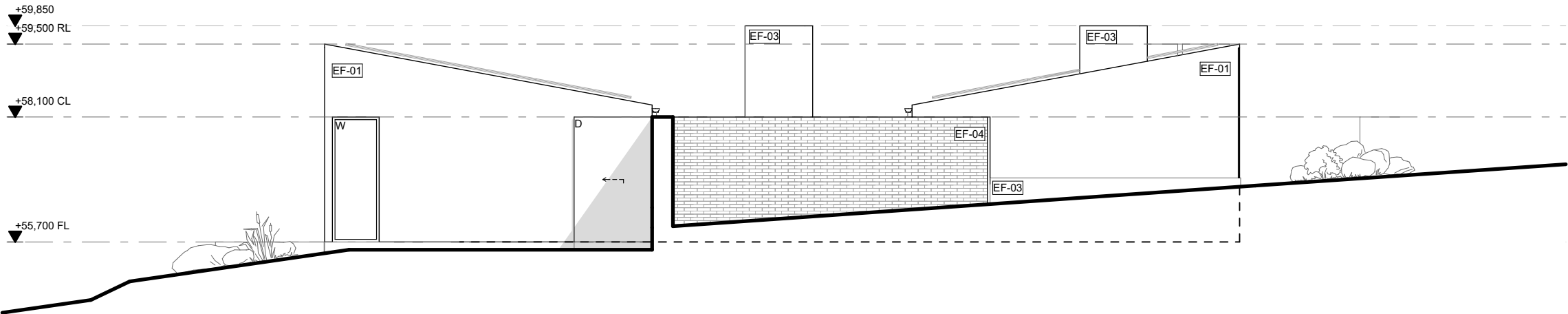
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						STATUS	PLANNING APPLICATION
						APPROVED	EB

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[THE DISTANCE BETWEEN THESE MARKS SHOULD MEASURE AS 100mm WHEN SHEET IS PRINTED TO SCALE AS INDICATED]



1 NORTH ELEVATION - ACCOMMODATION
SCALE 1:100

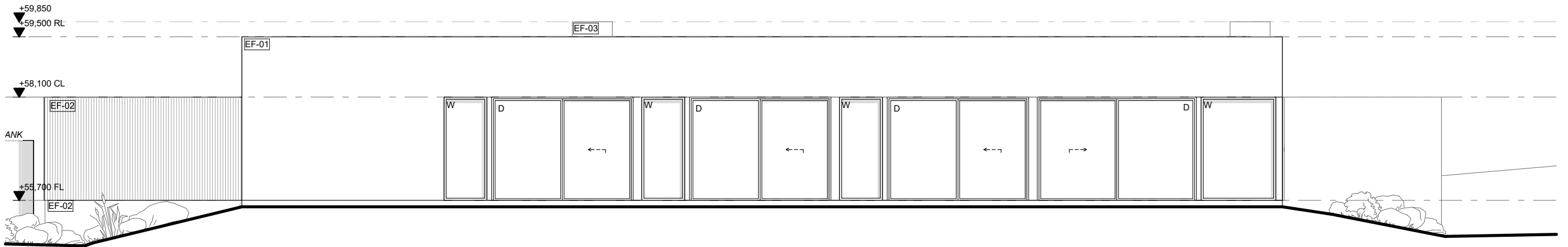


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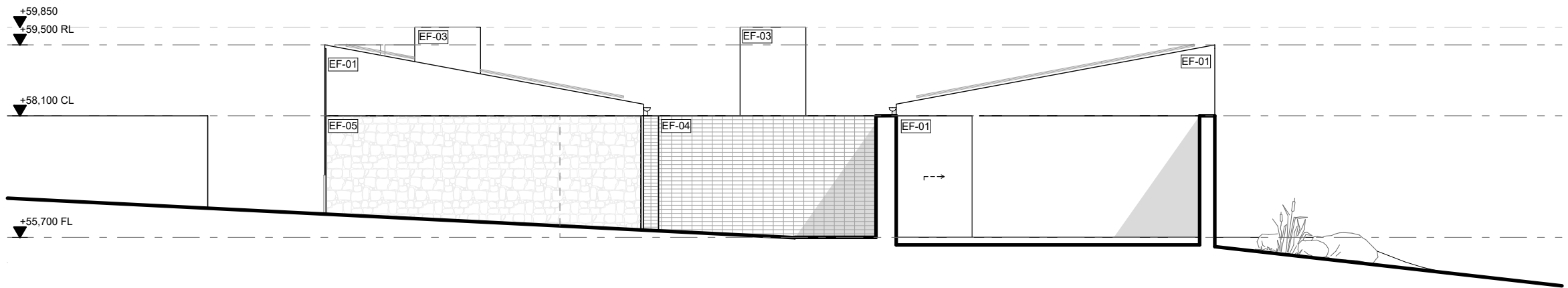
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<div>liminal</div> <div>ARCHITECTURE</div>				kotalayna (Jordan River) 451 Tea Tree Road TEA TREE TASMANIA 7017	DRAWING No. DA501 REVISION No. A
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				STATUS PLANNING APPLICATION	
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				CLIENT	
				PROJECT SUNSHINE VENTURES	

Figured dimensions take precedence to scale readings. Verify all dimensions on site.
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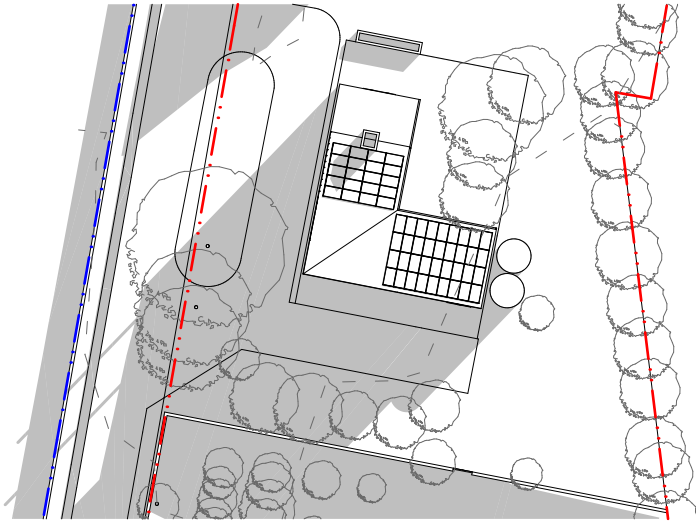


3 SOUTH ELEVATION - ACCOMMODATION
SCALE 1:100



4 WEST ELEVATION - ACCOMMODATION
SCALE 1:100

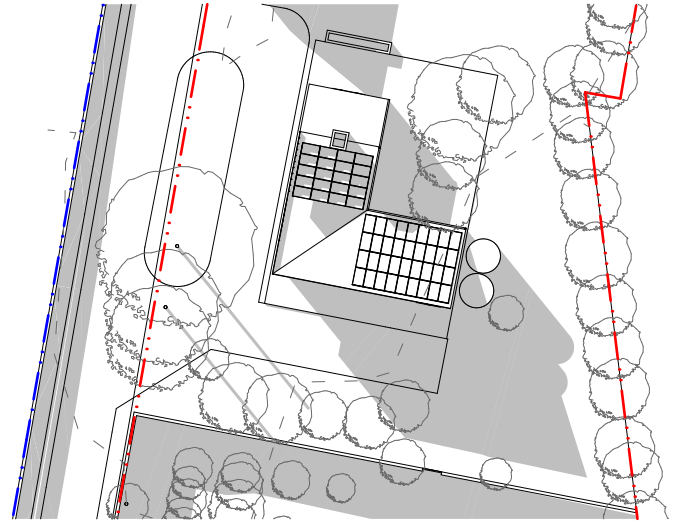
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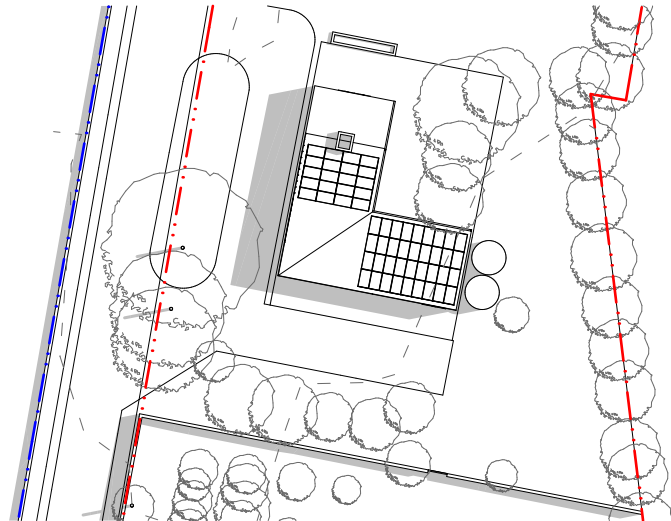
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SCALE 1:750



2 12PM | 21 JUNE SHADOW DIAGRAM
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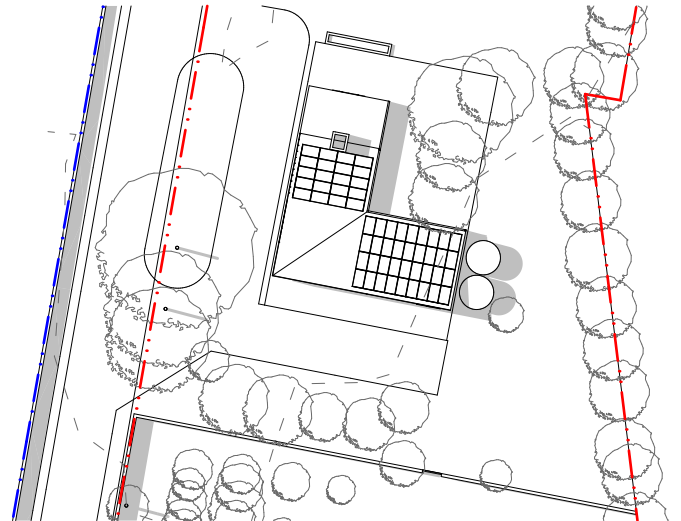
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4 9AM | 21 DEC SHADOW DIAGRAM
SCALE 1:750



5 12PM | 21 DEC SHADOW DIAGRAM
SCALE 1:750

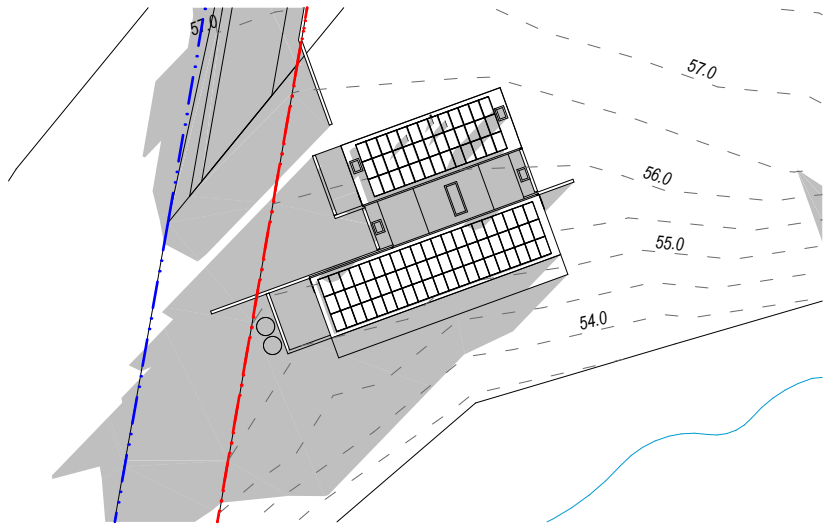


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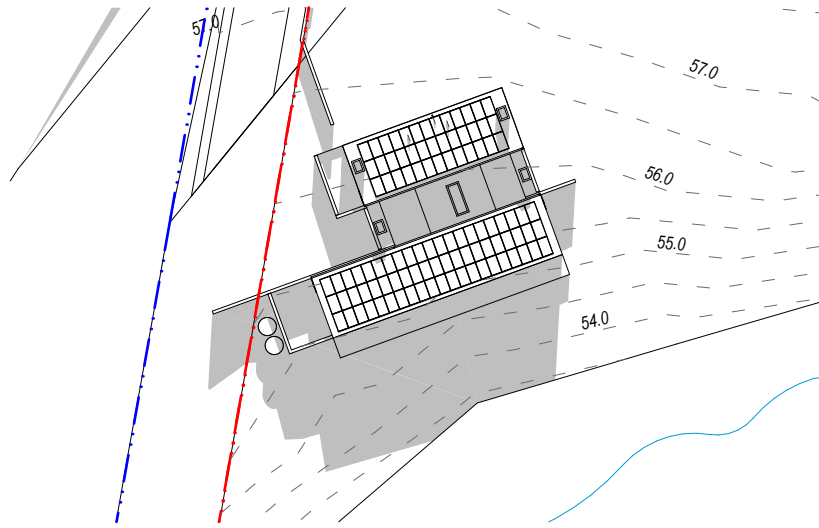
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				CLIENT PROJECT SUNSHINE VENTURES		PROJECT CODE	RTD	
						STATUS	PLANNING APPLICATION	
				LIMINAL ARCHITECTURE		APPROVED	EB	

100 New Town Road | nipaluna New Town | lutruwita Tasmania | 7008
Level 3 20 Guildford Lane | naarm Melbourne | Victoria | 3000
contact@liminalstudio.com.au | liminalstudio.com.au | T +613 6231 0166
LIMINAL STUDIO PTY LTD TRADING AS LIMINAL ARCHITECTURE

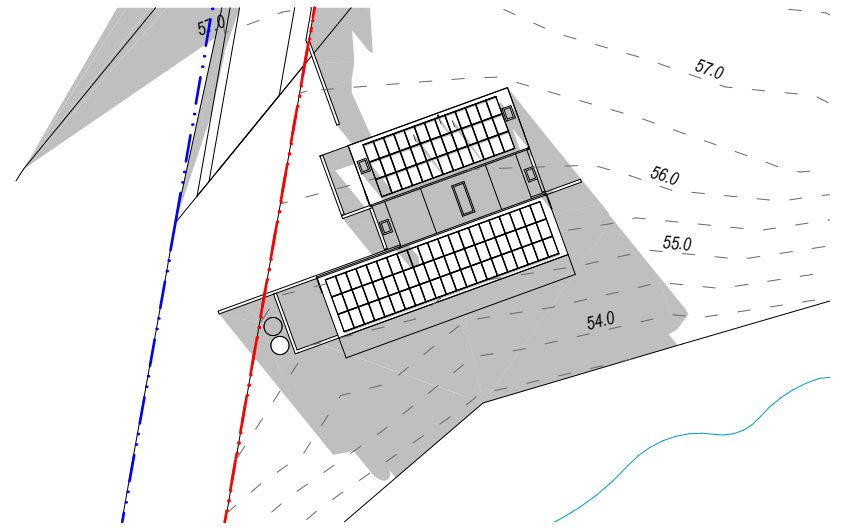
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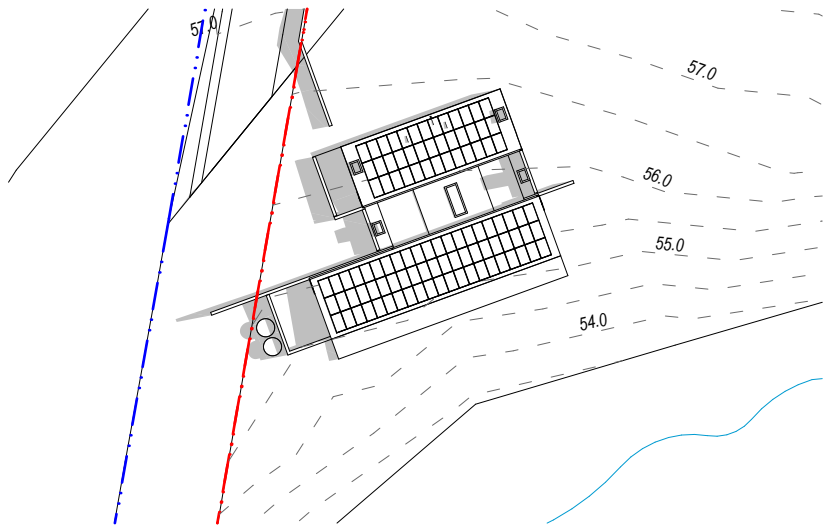
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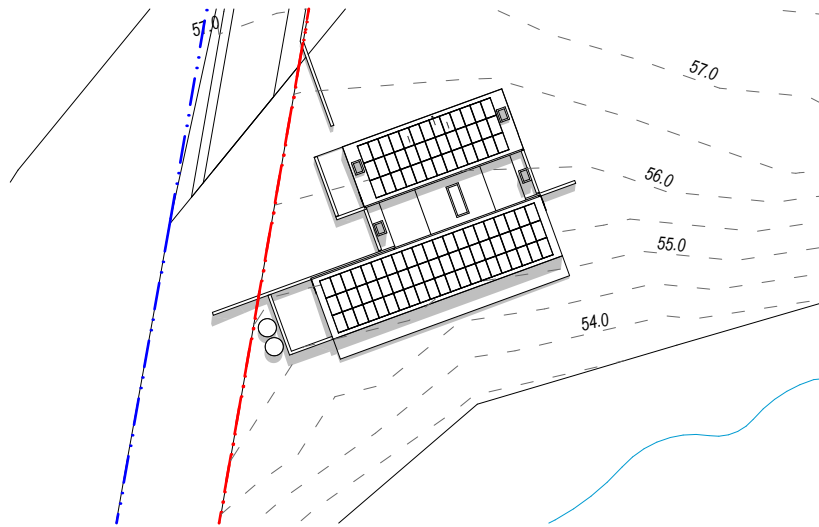
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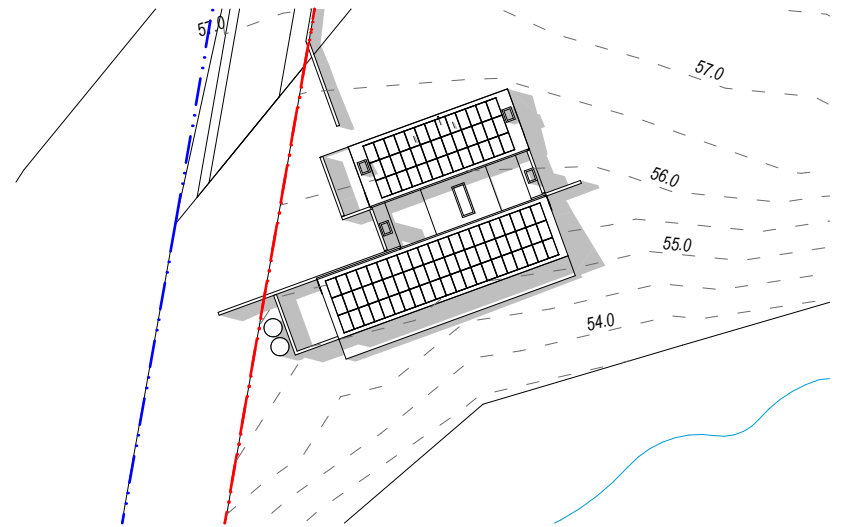
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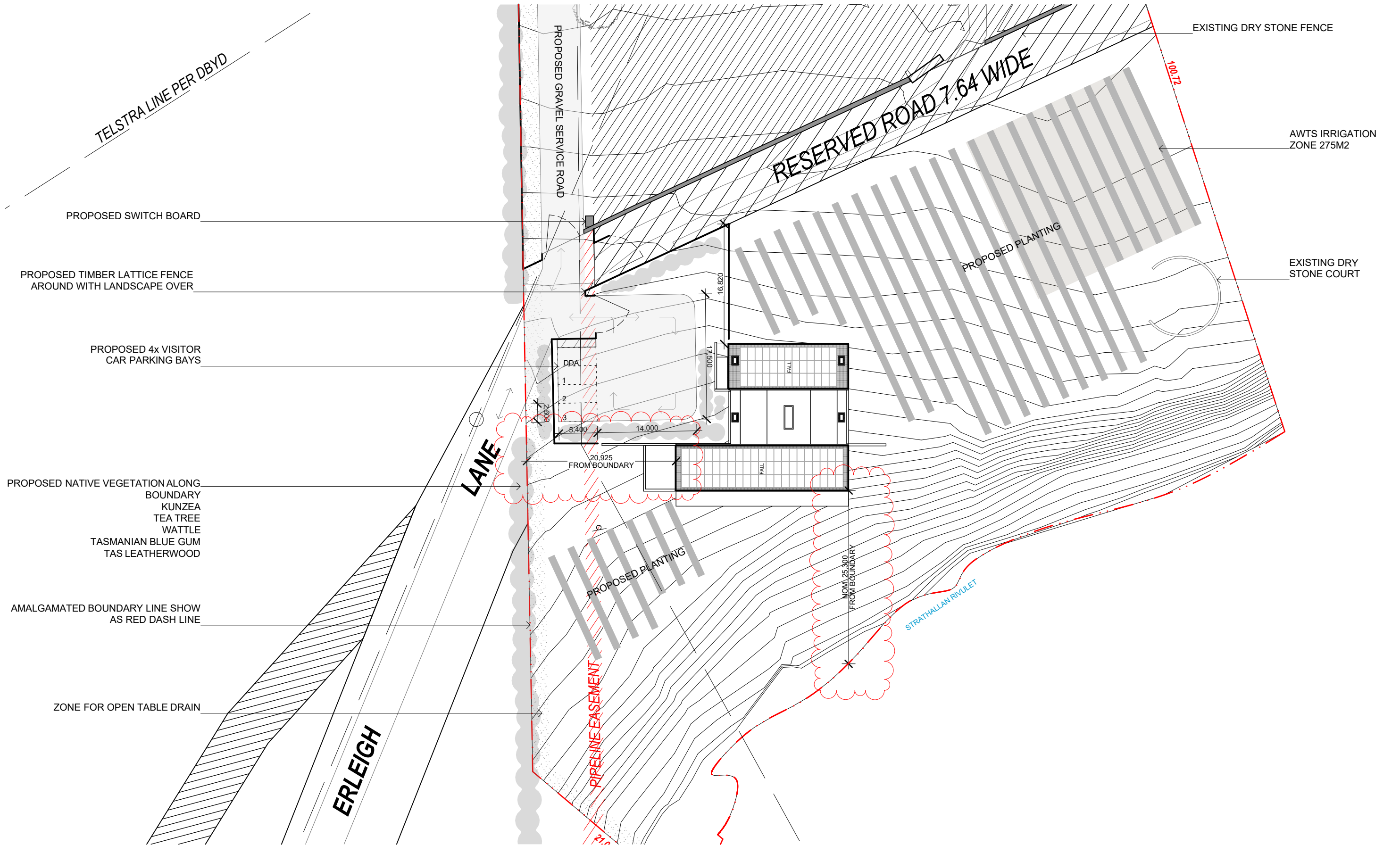


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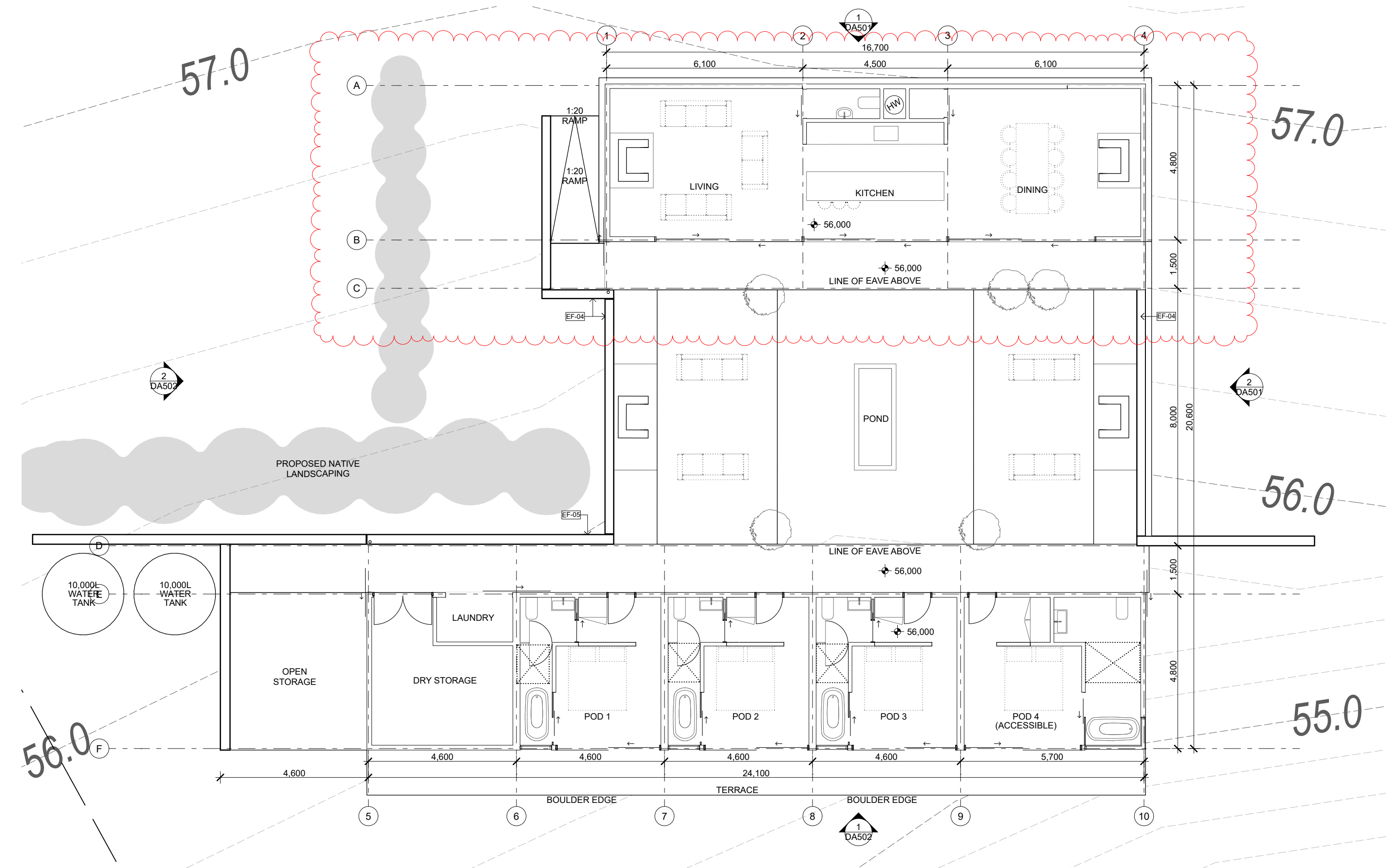


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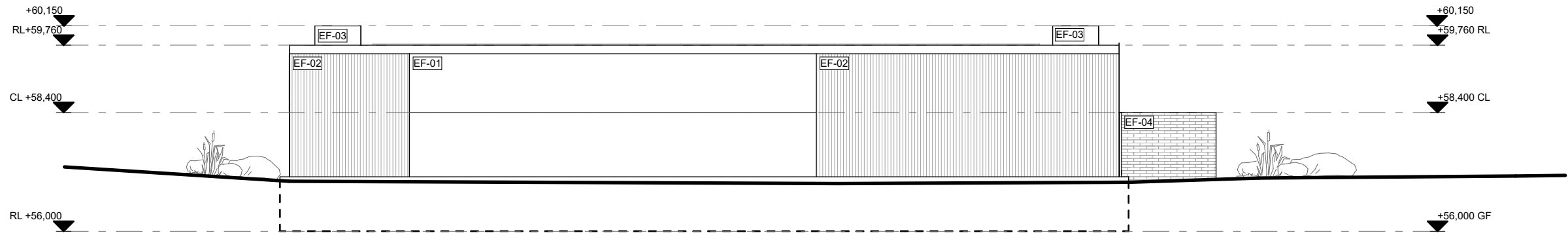
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A	FOR PLANNING APPLICATION	Guy Edwards	20/12/2024	100 New Town Road nipaluna New Town lutruwita Tasmania 7008 Level 3 20 Guildford Lane naarm Melbourne Victoria 3000 contact@liminalstudio.com.au liminalstudio.com.au T +613 6231 0166 LIMINAL STUDIO PTY LTD TRADING AS LIMINAL ARCHITECTURE	THE RACONTEUR TEA TREE ROAD DEVELOPMENT kotalayna (Jordan River) 451 Tea Tree Road TEA TREE TASMANIA 7017	DA702	A
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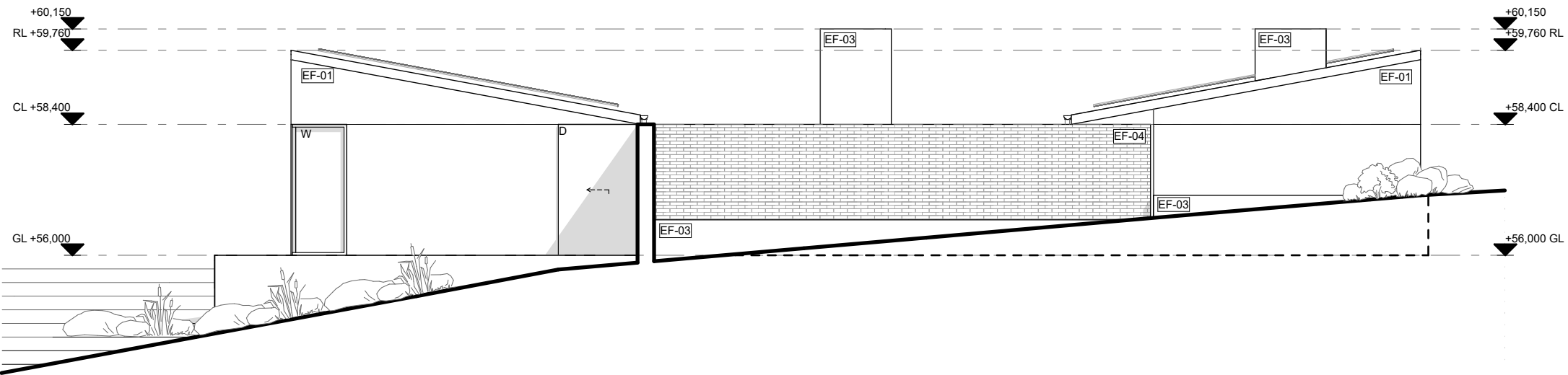
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C	For Planning Application	Guy Edwards	25/02/2025				
B	For Planning Application	Guy Edwards	19/02/2025				
A	For Planning Application	Guy Edwards	21/01/2025				
02	For Coordination	Guy Edwards	17/12/2024				
01	For Coordination	Guy Edwards	11/12/2024	<div>100 New Town Road nipaluna New Town lutruwita Tasmania 7008</div> <div>Level 3 20 Guildford Lane naarm Melbourne Victoria 3000</div> <div>contact@liminalstudio.com.au liminalstudio.com.au T +613 6231 0166</div> <div>LIMINAL STUDIO PTY LTD TRADING AS LIMINAL ARCHITECTURE</div> <div>LIMINAL ARCHITECTURE</div>		<div>Figured dimensions take precedence to scale readings. Verify all dimensions on site.</div> <div>Report any discrepancies to the Architect for decision before proceeding with the work. Copyright ©</div>	



REV	DESCRIPTION	CHK	DATE	PROJECT	TITLE	DRAWING No.	REVISION No.
B	For Planning Application	Guy Edwards	19/02/2025	100 New Town Road nipaluna New Town lutruwita Tasmania 7008 Level 3 20 Guildford Lane naarm Melbourne Victoria 3000 contact@liminalstudio.com.au liminalstudio.com.au T +613 6231 0166 LIMINAL STUDIO PTY LTD TRADING AS LIMINAL ARCHITECTURE	THE RACONTEUR TEA TREE ROAD DEVELOPMENT kotalayna (Jordan River) 451 Tea Tree Road TEA TREE TASMANIA 7017	DA402	B
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02	For Coordination	Guy Edwards	17/12/2024			PROJECT CODE	RTD
01	For Coordination	Guy Edwards	11/12/2024			STATUS	PLANNING APPLICATION
						APPROVED	EB

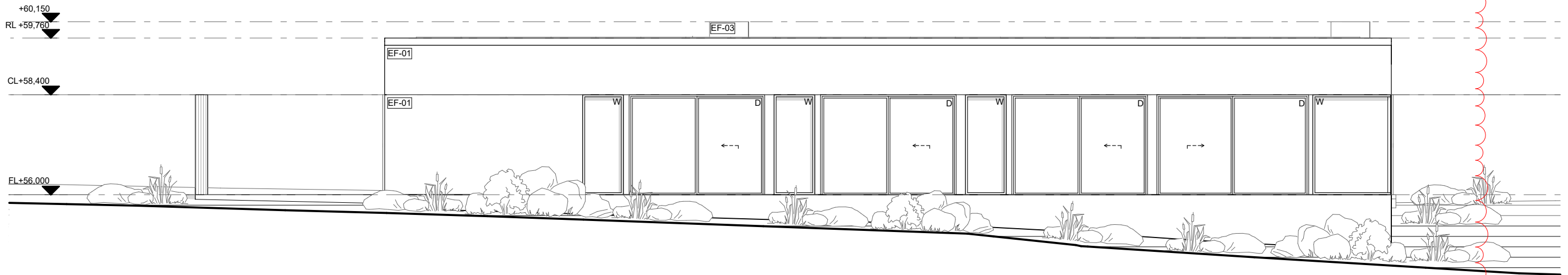


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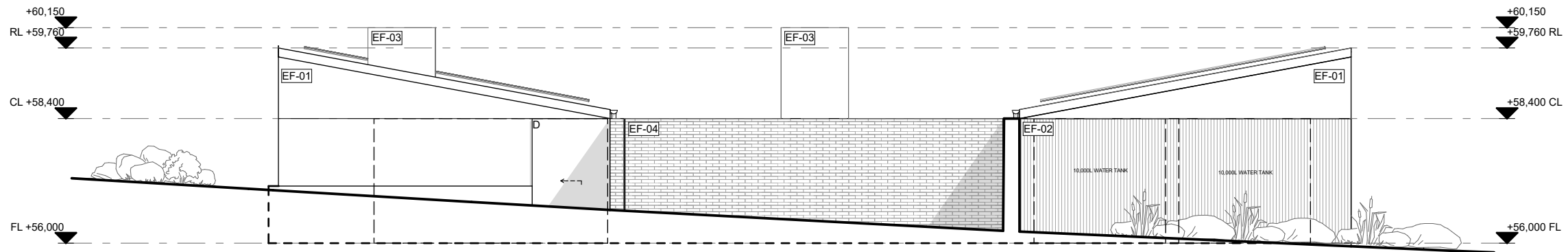


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REV	DESCRIPTION	CHK	DATE	PROJECT	TITLE	DRAWING No.	REVISION No.
B	For Planning Application	Guy Edwards	19/02/2025	100 New Town Road nipaluna New Town lutruwita Tasmania 7008 Level 3 20 Guildford Lane naarm Melbourne Victoria 3000 contact@liminalstudio.com.au liminalstudio.com.au T +613 6231 0166 LIMINAL STUDIO PTY LTD TRADING AS LIMINAL ARCHITECTURE	THE RACONTEUR TEA TREE ROAD DEVELOPMENT	DA501	B
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						APPROVED	EB



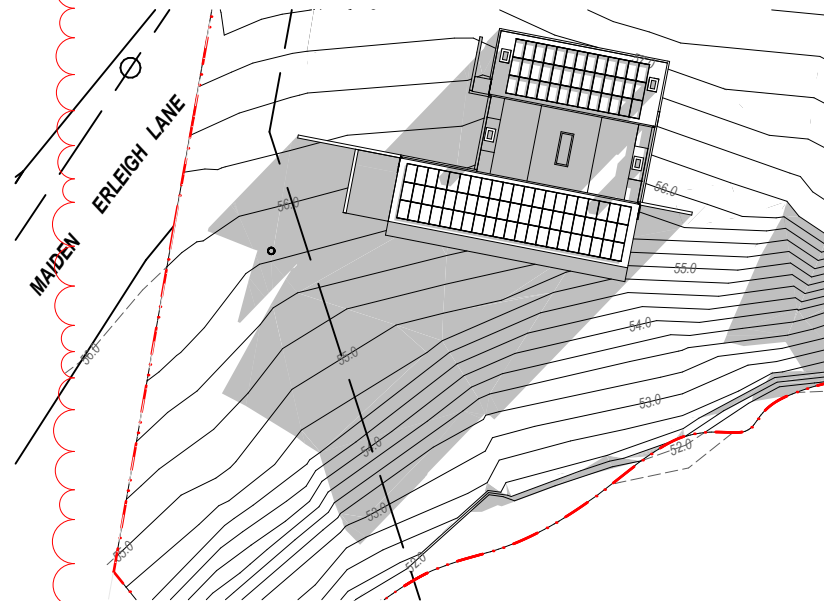
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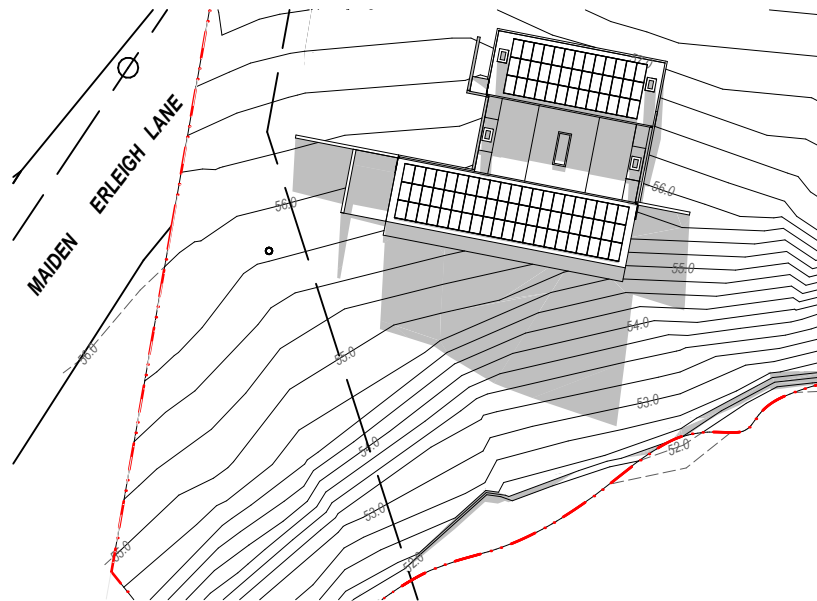
2 WEST ELEVATION - ACCOMMODATION
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REV	DESCRIPTION	CHK	DATE	100 New Town Road nipaluna New Town lutruwita Tasmania 7008 Level 3 20 Guildford Lane naarm Melbourne Victoria 3000 contact@liminalstudio.com.au liminalstudio.com.au T +613 6231 0166 LIMINAL STUDIO PTY LTD TRADING AS LIMINAL ARCHITECTURE	PROJECT THE RACONTEUR TEA TREE ROAD DEVELOPMENT kutalayna (Jordan River) 451 Tea Tree Road TEA TREE TASMANIA 7017	TITLE ACCOMMODATION ELEVATIONS	DRAWING No. DA502	REVISION No. B
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A	For Planning Application	Guy Edwards	21/01/2025			PROJECT CODE	RTD	
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01	For Coordination	Guy Edwards	11/12/2024			APPROVED	EB	
<div>LIMINAL ARCHITECTURE</div>					CLIENT PROJECT SUNSHINE VENTURES	Figured dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect for decision before proceeding with the work. Copyright ©		

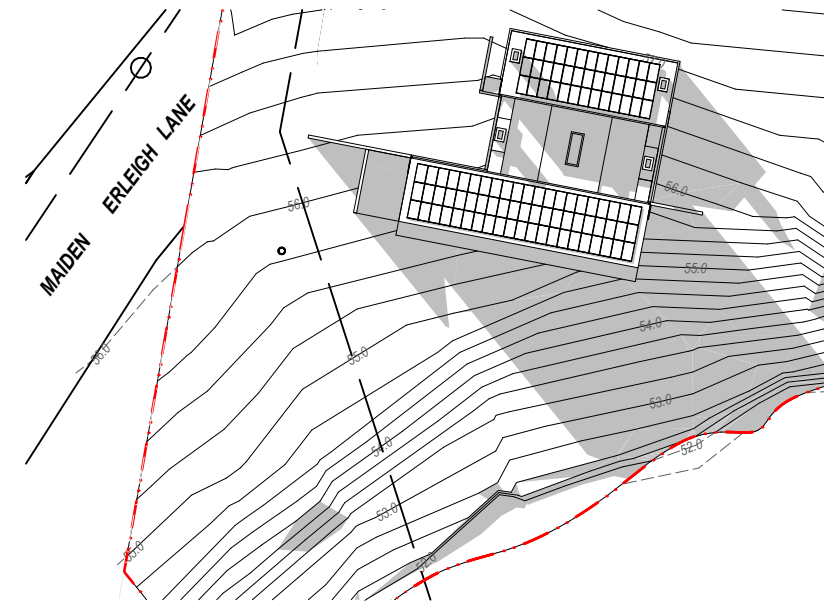
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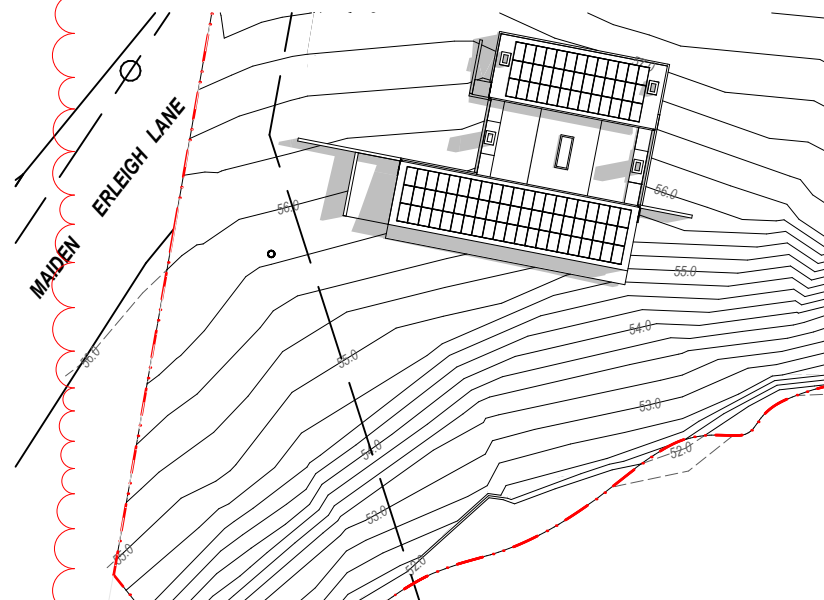
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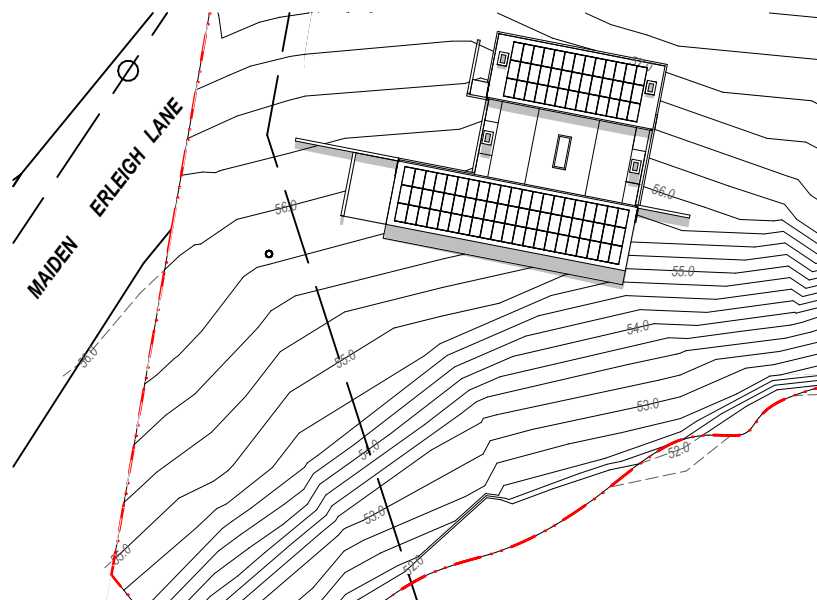
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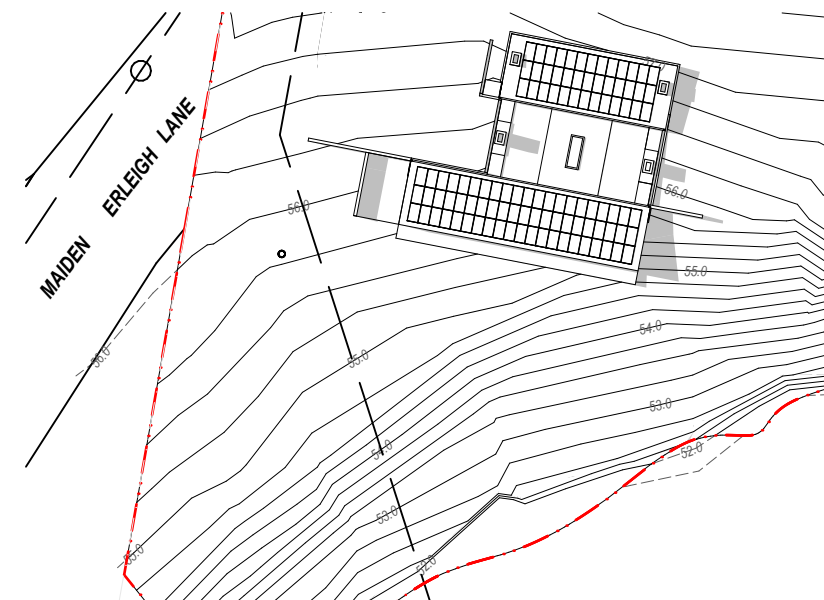
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4 9AM | 21 DEC SHADOW DIAGRAM
SCALE 1:750



5 12PM | 21 DEC SHADOW DIAGRAM
SCALE 1:750



6 3PM | 21 DEC SHADOW DIAGRAM
SCALE 1:750

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100 New Town Road | nipaluna New Town | lutruwita Tasmania | 7008
Level 3 20 Guildford Lane | naarm Melbourne | Victoria | 3000
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LIMINAL
ARCHITECTURE

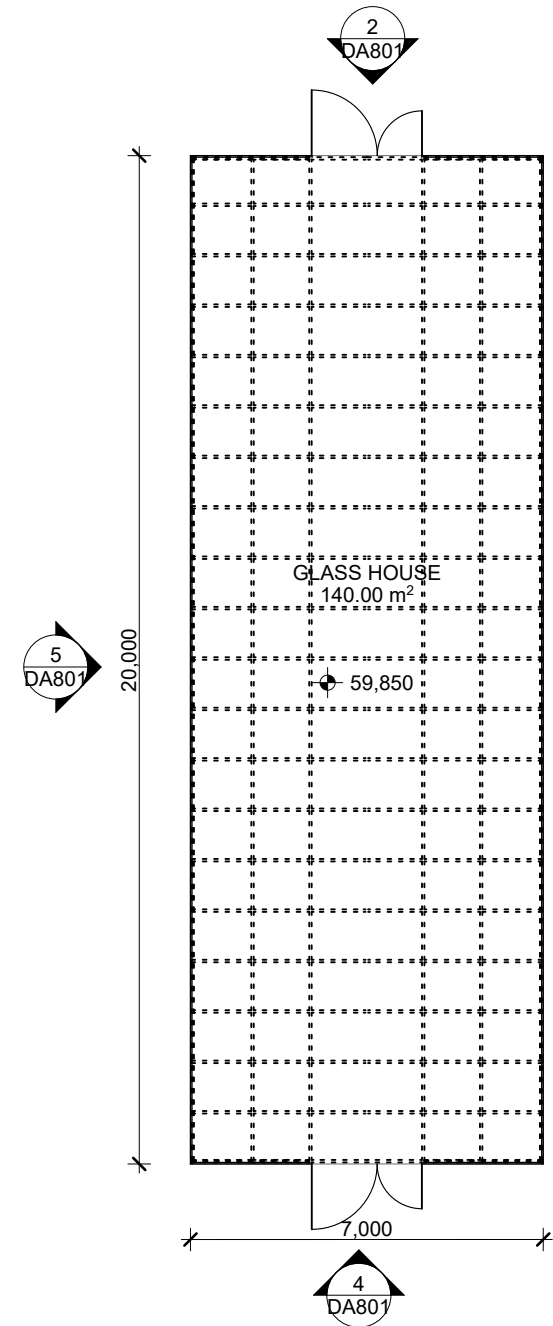
PROJECT
**THE RACONTEUR TEA TREE ROAD
DEVELOPMENT**
kotalayna (Jordan River)
451 Tea Tree Road
TEA TREE TASMANIA 7017

CLIENT
PROJECT SUNSHINE VENTURES

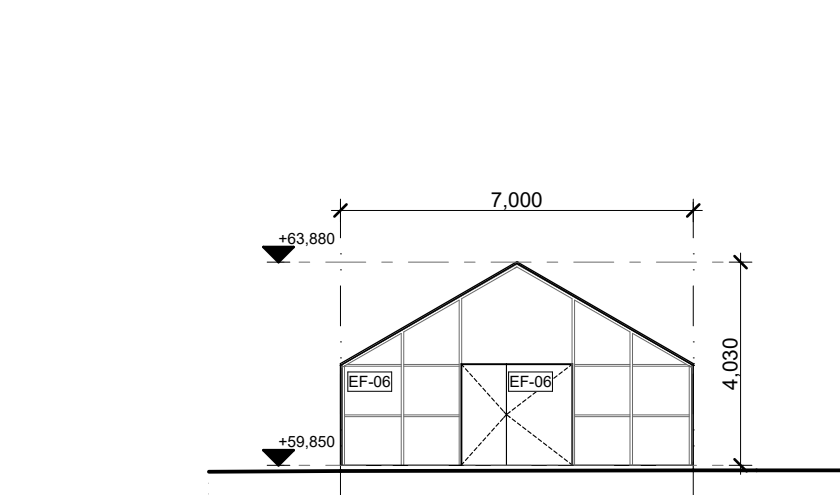
TITLE
**ACCOMMODATION SHADOW
DIAGRAMS**

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	APPROVED	EB	

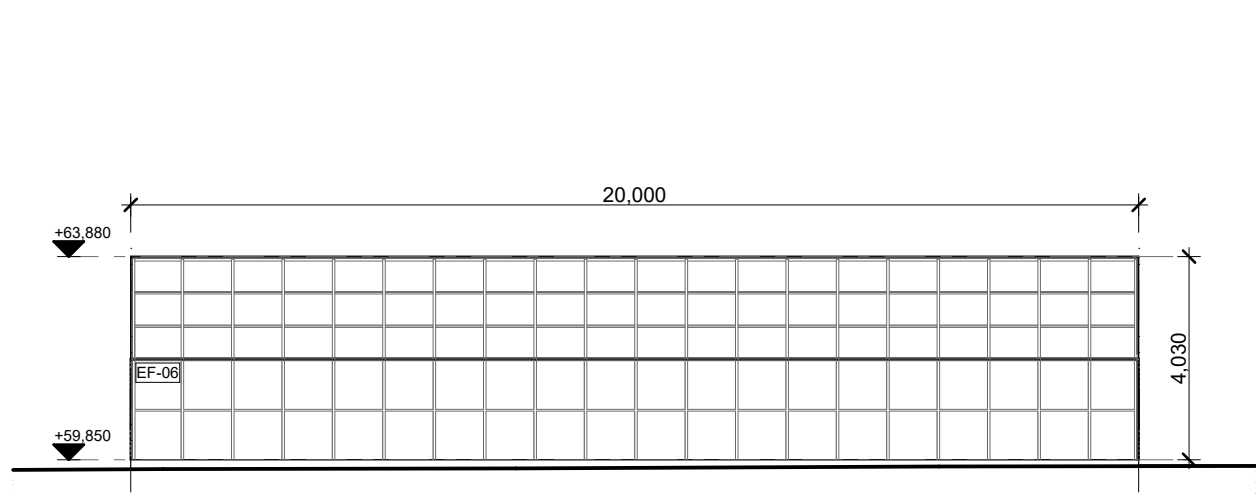
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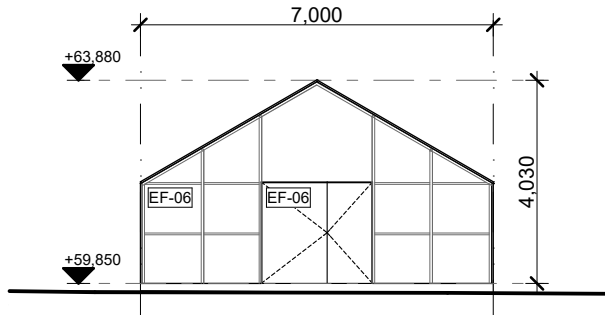
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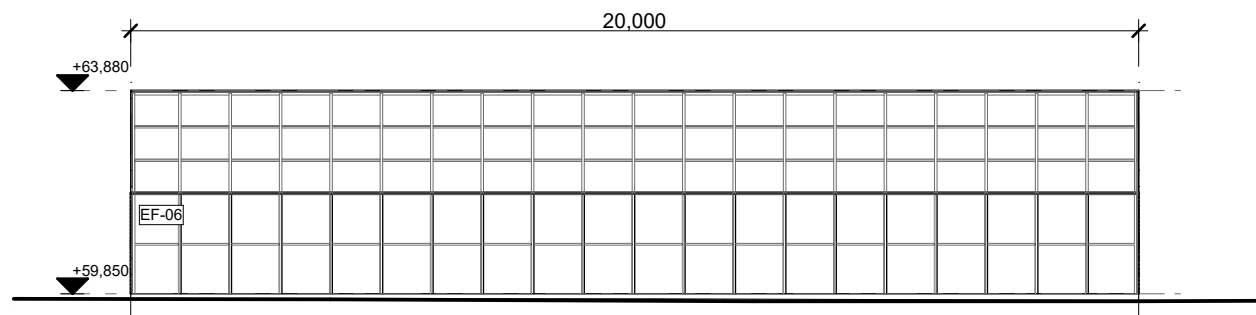
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SCALE 1:150



3 EAST ELEVATION - GLASSHOUSE
SCALE 1:150



4 SOUTH ELEVATION - GLASSHOUSE
SCALE 1:150



5 WEST ELEVATION - GLASSHOUSE
SCALE 1:150

REV	DESCRIPTION	CHK	DATE
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100 New Town Road | nipaluna New Town | lutruwita Tasmania | 7008
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LIMINAL STUDIO PTY LTD TRADING AS LIMINAL ARCHITECTURE

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ARCHITECTURE

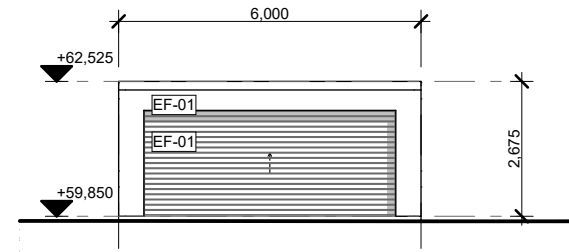
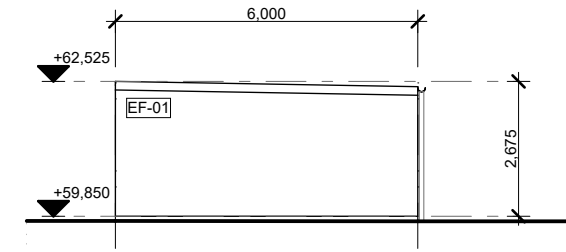
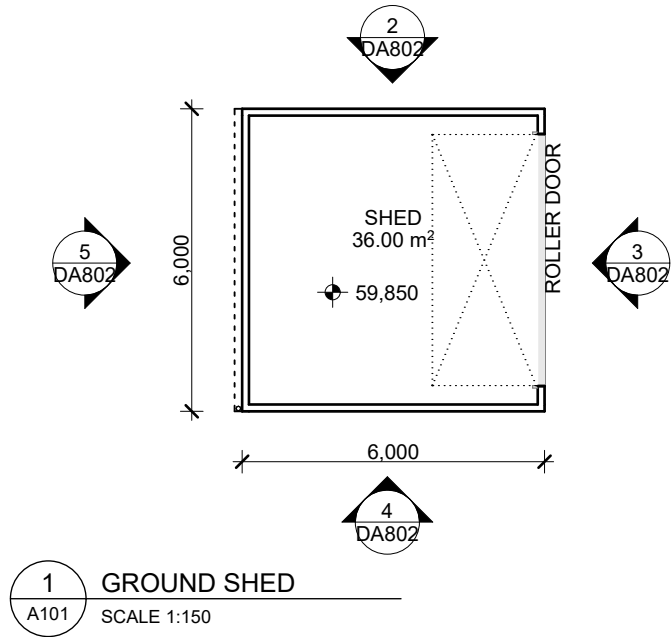
PROJECT
THE RACONTEUR TEA TREE ROAD
DEVELOPMENT
kotalayna (Jordan River)
451 Tea Tree Road
TEA TREE TASMANIA 7017

CLIENT
PROJECT SUNSHINE VENTURES

TITLE
GREENHOUSE PLAN AND ELEVATIONS

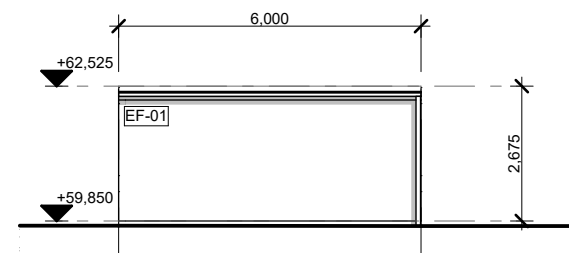
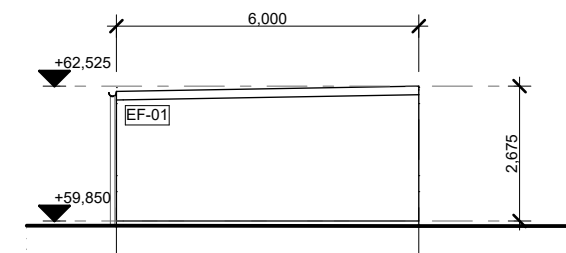
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PROJECT CODE	RTD		
STATUS	PLANNING APPLICATION		
APPROVED	EB		

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2 NORTH ELEVATION - SHED
A101 SCALE 1:150

3 EAST ELEVATION - SHED
A101 SCALE 1:150



4 SOUTH ELEVATION - SHED
- SCALE 1:150

5 WEST ELEVATION - SHED
A101 SCALE 1:150

REV	DESCRIPTION	CHK	DATE	PROJECT	TITLE	DRAWING No.	REVISION No.
B	For Planning Application	Guy Edwards	19/02/2025	100 New Town Road nipaluna New Town lutruwita Tasmania 7008 Level 3 20 Guildford Lane naarm Melbourne Victoria 3000 contact@liminalstudio.com.au liminalstudio.com.au T +613 6231 0166 LIMINAL STUDIO PTY LTD TRADING AS LIMINAL ARCHITECTURE	THE RACONTEUR TEA TREE ROAD DEVELOPMENT kotalayna (Jordan River) 451 Tea Tree Road TEA TREE TASMANIA 7017	DA802	B
				CLIENT PROJECT SUNSHINE VENTURES			
							SCALE 1:150
							PROJECT CODE RTD
							STATUS PLANNING APPLICATION
							APPROVED EB

LIMINAL STUDIO

Wednesday, 19 February 2025

Brian White
Brighton Council
1 Tivoli Road,
OLD BEACH TAS 7000

Dear Brian

RTD – The Raconteur Farm Development ‘Maiden Erleigh’

This letter accompanies the application for Planning Permit DA2024/00243 and provides the requested additional information in relation to Clause 6.1.2(e) of the Tasmanian Planning Scheme. Below, we provide a comprehensive description of the proposed use and development and the required detailed response to the same planning revisions.

The Proposal:

The Raconteur Farm development focuses on agricultural production, specifically the propagation, cultivation, and harvesting of plants for the manufacture and bottling of essential oils distilled from native Tasmanian botanicals. These oils will be used in the production of fragrances, scented candles, and hydrosols, aligning with the definition of **Resource Development**.

a) Details of Business Operations:

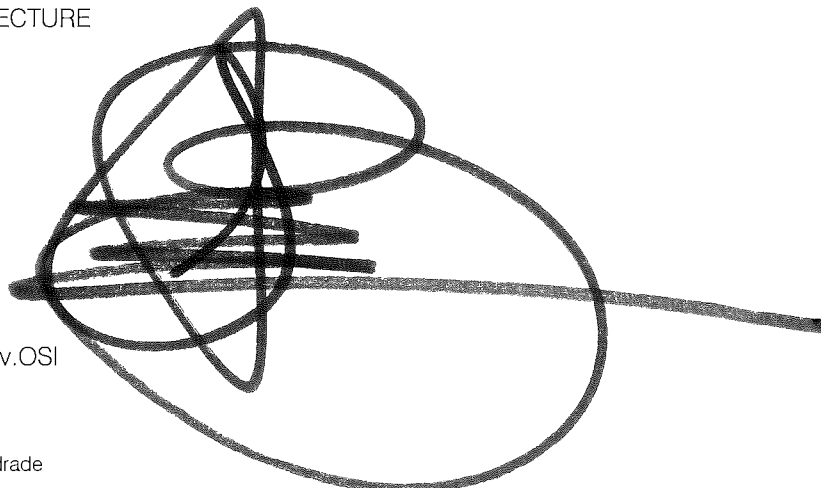
- i. **Number of Employees:** The business will employ 5 part time staff members and seasonal farmhand labour.
- ii. **The Manufacturing and Cellar Door Working Hours:** The manufacturing operations are based on the seasonal production of native botanicals, with the Still operating distillation periodically when cropping is completed, (about 30-days of the year). The cellar door will run 7 days a week, from 9am to 6pm.
- iii. **Main Business Operations:** The business will focus on the production, manufacture and distillation (via steam) of essential oils extracted from the botanicals grown and harvested on site. The essential oil extract will be incorporated into the production of scented candles, fragrances, hydrosols. These products will be manufactured and finished on site and packaged ready for wholesale via the cellar door operations or through an e-commerce platform. Invited guests who are staying at the accommodation will partake in a ‘hands-on’ experience, from the production process to the manufacture of a signature fragrance. Otherwise, the onsite accommodation will be primarily used for visiting family and seasonal farmhands worker support.

- iv. **Truck Deliveries:** We anticipate approximately 1 to 2 truck deliveries weekly, primarily for raw material supply and product distribution of packaged goods.
 - v. **Equipment Used:** For the manufacturing process, the key equipment includes: 4x 10L 2000W small distillation stills (steam kettle), 4x 2000W small wax melters, maximum of 100L closed-lid container of flammable liquid, and a 40L still for occasional use.
- b) **Floor Plans and Elevations of All Buildings:**
As requested, we have included the additional documentation requested covering:
- i. The glasshouse: 140m2 designated for the propagation of native botanicals.
 - ii. The shed: 36m2 ancillary building, designated for the storage operational farm and agricultural equipment.
 - iii. Adjustment to the location of the Accommodation.
- c) **Amount of Perfume/Other Products to be produced:**
The volume of products on site will vary with the seasonal and consumer demand. However, in general it is expected that at least the following will be produced initially per annum, and that volume would increase as consumer demand increased:
- i. 500 bottles of 50ml of fragrance.
 - ii. 500 bottles of 100ml room mist.
 - iii. 500 scented candles of 300g.
 - iv. 500 bottles of hydrosols of 100ml.
- d) **Local Historical Heritage Code:**
Attachment A: *Tasmanian Planning Scheme – State Planning Provisions*, addresses Clause C6.0 – Local Historic Heritage Code.
- e) **Natural Assets Code:**
Attachment B: *GEO-Environmental Solutions On-site Wastewater Assessment Report*, addresses Clause C7.6.3.1 – Building and works within a waterway and coastal protection area or a future coastal refugia area.

Should further clarification or additional documentation be required, please do not hesitate to contact us.

We take this opportunity to thank you for your time and advice to date and look forward to hear from you soon.

Yours faithfully
LIMINAL ARCHITECTURE



Elvio Brianese Cav.OSI
Director
Ref: Guy Edwards

Copies: Craig Andrade

ON-SITE WASTEWATER ASSESSMENT

451 Tea Tree Road

Tea Tree

December 2024



GEO-ENVIRONMENTAL

SOLUTIONS

Disclaimer: The author does not warrant the information contained in this document is free from errors or omissions. The author shall not in any way be liable for any loss, damage or injury suffered by the User consequent upon, or incidental to, the existence of errors in the information.

Investigation Details

Client:	Project Sunshine Ventures Pty Ltd T/A The RacontrurC/o Liminal Architecture
Site Address:	451 Tea Tree Road, Tea Tree
Date of Inspection:	02/12/2024
Proposed Works:	Commercial
Investigation Method:	Geoprobe 540UD - Direct Push
Inspected by:	C. Cooper

Site Details

Certificate of Title (CT):	11033/4
Title Area:	Approx. 4.22 ha
Applicable Planning Overlays:	Bushfire-prone areas, Local Heritage Place, Waterway and Coastal Protection Areas
Slope & Aspect:	3° S facing slope
Vegetation:	Grass & Weeds

Background Information

Geology Map:	MRT
Geological Unit:	Tertiary Basalt
Climate:	Annual rainfall 450mm
Water Connection:	Tank
Sewer Connection:	Unserviced-On-site required
Testing and Classification:	AS2870:2011, AS1726:2017 & AS4055:2021

Investigation

A number of bore holes were completed to identify the distribution and variation of the soil materials at the site, bore hole locations are indicated on the site plan. See soil profile conditions presented below. Tests were conducted across the site to obtain bearing capacities of the material at the time of this investigation.

Soil Profile Summary

BH 1 Depth (m)	BH 2 Depth (m)	USCS	Description
0.00-0.20	0.00-0.10	ML	Clayey SILT: brown, slightly moist, dense
0.20-0.75	0.10-0.50	CI	Sandy CLAY: with gravels, medium plasticity, brown, slightly moist, firm
0.75-0.80	0.50-0.80	GC	Clayey GRAVEL: yellow, brown, slightly moist, firm, refusal on rock

BH 3 Depth (m)	BH 4 Depth (m)	USCS	Description
0.00-0.20	0.00-0.10	ML	Clayey SILT: brown, slightly moist, dense
0.20-0.90	0.10-0.20	CI	Sandy CLAY: with gravels, medium plasticity, brown, slightly moist, firm
0.90-1.00	0.20-0.30	GC	Clayey GRAVEL: yellow, brown, slightly moist, firm, refusal on rock

BH 5 Depth (m)	BH 6 Depth (m)	USCS	Description
0.00-0.20	0.00-0.20	ML	Clayey SILT: brown, slightly moist, dense
0.20-1.00	0.20-0.90	CI	Sandy CLAY: with gravels, medium plasticity, brown, slightly moist, firm
1.00-1.10	0.90-1.00	GC	Clayey GRAVEL: yellow, brown, slightly moist, firm, refusal on rock

Site Notes

Soils on the site are developing from Tertiary basalt; the clay fraction is likely to show moderate ground surface movement with moisture fluctuations and have moderately low permeability.

Wastewater Recommendations

System 1 - Visitor Accommodation

According to AS1547-2012 (on-site waste-water management) the natural soil is classified as **Light Clay (category 5)** with a design loading rate (DIR) of 3mm/day. It is proposed to construct a four-room visitor accommodation building. The accommodation will not provide any laundry facility for guests and all linen/towels will be serviced by a laundry contractor. Therefore, a loading of 100L/person/day is appropriate as per table 4 of the on-site wastewater guidelines for accommodation with out-sourced laundry. Given a water usage of 800L/day for the building on tank water (4 rooms x 2 guests for a total of 8 guests x 100L per day), and a DIR of 3mm/day, then an irrigation area of 275m² would be required for a packaged treatment system (e.g. AWTS). This may be installed as sub-surface under lawns (see attached trench summary report). A 100% reserve area should be set aside for future wastewater requirements.

System 2 – Commercial building

According to AS1547-2012 (on-site waste-water management) the natural soil is classified as **Light Clay (category 5)** with a design loading rate (DIR) of 3mm/day. It is proposed to construct a commercial building to produce essential oils and perfumes. The production process involves the placing of plant matter in the still, steam or water is used to distil the botanical scent extract, and the resulting water is then bottled (in glass or plastic containers). The resulting plant matter bio waste is then mulched and composted and reapplied to the farm landscape. Following a distillation cycle the stills are cleaned, counters wiped down and any plant matter on the floors is swept up and placed in the compost. Water use is calculated to be approximately 200 litres per distillation cycle, and there would be up to two to three distillation days per week, yielding a total of approximately 600L/week or an average of approximately 100L/day.

The wastewater loading for the building is based upon the following:

Wastewater loading for the building is based upon the following:

- Staffing – 2 staff @ 20L per day
- Visitors – up to 25 people @ 8L per day
- Fixtures – production cleaning and washing @ 100L per day
- Water supply – tank

Given a water usage of 340L/day for the building on tank water and a DIR of 3mm/day, then an irrigation area of 120m² would be required for a packaged treatment system (e.g. AWTS). This may be installed as sub-surface under lawns (see attached trench summary report).

A 100% reserve area should be set aside for future wastewater requirements.

Compliance with the building act wastewater guidelines can be found in the attached table.

The wastewater irrigation area is to be located predominantly outside of the waterways and coastal protection area overlay with appropriate setbacks to the waterway as defined in the wastewater guidelines and AS/NZS1547-2012. As part of the development will encroach within the overlay (building location and AWTS location) the performance criteria under clause C7.6.1 have been addressed in the attached table.

System 1 - Visitor Accommodation

GES P/L

Land suitability and system sizing for on-site wastewater management
Trench 3.0 (Australian Institute of Environmental Health)

Assessment Report

Site assessment for on-site waste water disposal

Assessment for Project Sunshine Ventures Pty Ltd T/A The Racontru C/o Linass. Date 17-Dec-24
Ref. No.
Assessed site(s) 451 Tea Tree Road, Tea Tree Site(s) inspected 2-Dec-24
Local authority Brighton Assessed by John Paul Cumming

This report summarises wastewater volumes, climatic inputs for the site, soil characteristics and system sizing and design issues. Site Capability and Environmental sensitivity issues are reported separately, where 'Alert' columns flag factors with high (A) or very high (AA) limitations which probably require special consideration for system design(s). Blank spaces on this page indicate data have not been entered into TRENCH.

Wastewater Characteristics

Wastewater volume (L/day) used for this assessment = 960 (using the 'No. of bedrooms in a dwelling' method)
Septic tank wastewater volume (L/day) = 320
Sullage volume (L/day) = 640
Total nitrogen (kg/year) generated by wastewater = 2.9
Total phosphorus (kg/year) generated by wastewater = 1.8

Climatic assumptions for site

(Evapotranspiration calculated using the crop factor method)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean rainfall (mm)	41	36	36	45	36	29	46	47	40	48	44	56
Adopted rainfall (R, mm)	41	36	36	45	36	29	46	47	40	48	44	56
Retained rain (Rr, mm)	37	32	32	41	32	26	41	42	36	43	40	50
Max. daily temp. (deg. C)												
Evapotrans (ET, mm)	130	110	91	63	42	29	32	42	63	84	105	126
Evapotr. less rain (mm)	93	78	59	23	10	3	-10	0	27	41	65	76
Annual evapotranspiration less retained rain (mm) =												463

Soil characteristics

Texture = Light clay Category = 5 Thick. (m) = 0.8
Adopted permeability (m/day) = 0.12 Adopted LTAR (L/sq m/day) = 3 Min depth (m) to water = 5

Proposed disposal and treatment methods

Proportion of wastewater to be retained on site: All wastewater will be disposed of on the site
The preferred method of on-site primary treatment: In a package treatment plant
The preferred method of on-site secondary treatment: In-ground
The preferred type of in-ground secondary treatment: None
The preferred type of above-ground secondary treatment: None
Site modifications or specific designs: Not needed

Suggested dimensions for on-site secondary treatment system

Total length (m) = 18
Width (m) = 14
Depth (m) = 0.8
Total disposal area (sq m) required = 270
comprising a Primary Area (sq m) of: 267
and a Secondary (backup) Area (sq m) of:

Sufficient area is available on site

To enter comments, click on the line below 'Comments'. (This yellow-shaded box and the buttons on this page will not be printed.)

Comments

The assigned DIR for the application area is 3L/m²/day requiring a minimum absorption area of 275 sqm. Therefore the system will have the capacity to cope with predicted climatic and loading events.

System 1 - Visitor Accommodation

GES P/L

Land suitability and system sizing for on-site wastewater management

Trench 3.0 (Australian Institute of Environmental Health)

Site Capability Report

Site assessment for on-site waste water disposal

Assessment for Project Sunshine Ventures Pty Ltd T/A The Racontrur C/o Linass. Date 17-Dec-24

Ref. No.

Assessed site(s) 451 Tea Tree Road, Tea Tree

Site(s) inspected 2-Dec-24

Local authority Brighton

Assessed by John Paul Cumming

This report summarises data relating to the physical capability of the assessed site(s) to accept wastewater. Environmental sensitivity and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) site limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Confid level	Limitation		Remarks
					Trench	Amended	
	Expected design area	sq m	3,000	V. high	Very low		
	Density of disposal systems	/sq km	5	Mod.	Very low		
	Slope angle	degrees	3	High	Very low		
	Slope form	Convex spreading		High	Very low		
	Surface drainage	Imperfect		High	Moderate		
	Flood potential	Site floods <1:100 yrs		High	Very low		
	Heavy rain events	Infrequent		High	Moderate		
	Aspect (Southern hemi.)	Faces S		V. high	Very high	Moderate	Other factors lessen impact
	Frequency of strong winds	Common		High	Low		
	Wastewater volume	L/day	960	High	High	Moderate	Other factors lessen impact
	SAR of septic tank effluent		1.2	High	Low		
	SAR of sullage		2.1	High	Moderate		
	Soil thickness	m	0.8	V. high	Low		
AA	Depth to bedrock	m	0.8	Mod.	Very high		
	Surface rock outcrop	%	0	V. high	Very low		
	Cobbles in soil	%	0	V. high	Very low		
	Soil pH		7.0	High	Very low		
	Soil bulk density	gm/cub. cm	1.5	High	Low		
	Soil dispersion	Emerson No.	8	V. high	Very low		
	Adopted permeability	m/day	0.12	Mod.	Very low		
A	Long Term Accept. Rate	L/day/sq m	3	High	High		

To enter comments, click on the line below 'Comments'. (This yellow-shaded box and the buttons on this page will not be printed.)

Comments

System 1 - Visitor Accommodation

GES P/L

Land suitability and system sizing for on-site wastewater management
Trench 3.0 (Australian Institute of Environmental Health)

Environmental Sensitivity Report

Site assessment for on-site waste water disposal

Assessment for Project Sunshine Ventures Pty Ltd T/A The Racontrur C/o Linnass. Date 17-Dec-24
Ref. No.
Assessed site(s) 451 Tea Tree Road, Tea Tree Site(s) inspected 2-Dec-24
Local authority Brighton Assessed by John Paul Cumming

This report summarises data relating to the environmental sensitivity of the assessed site(s) in relation to applied wastewater. Physical capability and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Confid level	Limitation		Remarks
					Trench	Amended	
A	Cation exchange capacity	mmol/100g	50	High	High		
	Phos. adsorp. capacity	kg/cub m	0.6	High	Moderate		
	Annual rainfall excess	mm	-463	High	Very low		
	Min. depth to water table	m	5	High	Very low		
	Annual nutrient load	kg	4.7	High	Very low		
	G'water environ. value	Agric non-sensit		V. high	Low		
	Min. separation dist. required	m	2	High	Very low		
	Risk to adjacent bores	Very low		V. high	Very low		
	Surf. water env. value	Agric non-sensit		V. high	Low		
	Dist. to nearest surface water	m	400	V. high	Low		
	Dist. to nearest other feature	m	30	V. high	Moderate	No change	
	Risk of slope instability	Very low		V. high	Very low		
	Distance to landslip	m	500	V. high	Very low		

To enter comments, click on the line below 'Comments'. (This yellow-shaded box and the buttons on this page will not be printed.)

Comments

System 2 – Commercial building

GES P/L

Land suitability and system sizing for on-site wastewater management

Trench 3.0 (Australian Institute of Environmental Health)

Assessment Report

Site assessment for on-site waste water disposal

Assessment for Project Sunshine Ventures Pty Ltd T/A The Racontrur C/o L Assess. Date 17-Dec-24
 Assessed site(s) 451 Tea Tree Road, Tea Tree Ref. No.
 Local authority Brighton Site(s) inspected 2-Dec-24
 Assessed by John Paul Cumming

This report summarises wastewater volumes, climatic inputs for the site, soil characteristics and system sizing and design issues. Site Capability and Environmental sensitivity issues are reported separately, where 'Alert' columns flag factors with high (A) or very high (AA) limitations which probably require special consideration for system design(s). Blank spaces on this page indicate data have not been entered into TRENCH.

Wastewater Characteristics

Wastewater volume (L/day) used for this assessment = 3,240 (using the 'No. of bedrooms in a dwelling' method)
 Septic tank wastewater volume (L/day) = 1,070
 Sullage volume (L/day) = 2,170
 Total nitrogen (kg/year) generated by wastewater = 9.8
 Total phosphorus (kg/year) generated by wastewater = 5.9

Climatic assumptions for site

(Evapotranspiration calculated using the crop factor method)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean rainfall (mm)	41	36	36	45	36	29	46	47	40	48	44	56
Adopted rainfall (R, mm)	41	36	36	45	36	29	46	47	40	48	44	56
Retained rain (Rr, mm)	37	32	32	41	32	26	41	42	36	43	40	50
Max. daily temp. (deg. C)												
Evapotrans (ET, mm)	130	110	91	63	42	29	32	42	63	84	105	126
Evapotrans less rain (mm)	93	78	59	23	10	3	-10	0	27	41	65	76

Annual evapotranspiration less retained rain (mm) = 463

Soil characteristics

Texture = Light clay Category = 5 Thick. (m) = 1
 Adopted permeability (m/day) = 0.12 Adopted LTAR (L/sq m/day) = 3 Min depth (m) to water = 5

Proposed disposal and treatment methods

Proportion of wastewater to be retained on site: All wastewater will be disposed of on the site
 The preferred method of on-site primary treatment: In a package treatment plant
 The preferred method of on-site secondary treatment: In-ground
 The preferred type of in-ground secondary treatment: None
 The preferred type of above-ground secondary treatment: None
 Site modifications or specific designs: Not needed

Suggested dimensions for on-site secondary treatment system

Total length (m) =
 Width (m) =
 Depth (m) =
 Total disposal area (sq m) required = 110
 comprising a Primary Area (sq m) of: 113
 and a Secondary (backup) Area (sq m) of:

Sufficient area is available on site

To enter comments, click on the line below 'Comments'. (This yellow-shaded box and the buttons on this page will not be printed.)

Comments

The assigned DIR for the application area is 3L/m²/day requiring a minimum absorption area of 120 sqm. Therefore the system will have the capacity to cope with predicted climatic and loading events.

System 2 – Commercial building

GES P/L

Land suitability and system sizing for on-site wastewater management

Trench 3.0 (Australian Institute of Environmental Health)

Site Capability Report

Site assessment for on-site waste water disposal

Assessment for Project Sunshine Ventures Pty Ltd T/A The Racontrur C/o Linass. Date 17-Dec-24

Ref. No.

Assessed site(s) 451 Tea Tree Road, Tea Tree

Site(s) inspected 2-Dec-24

Local authority Brighton

Assessed by John Paul Cumming

This report summarises data relating to the physical capability of the assessed site(s) to accept wastewater. Environmental sensitivity and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) site limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Confid level	Limitation		Remarks
					Trench	Amended	
	Expected design area	sq m	3,000	V. high	Very low		
	Density of disposal systems	/sq km	5	Mod.	Very low		
	Slope angle	degrees	3	High	Very low		
	Slope form	Convex spreading		High	Very low		
	Surface drainage	Imperfect		High	Moderate		
	Flood potential	Site floods <1:100 yrs		High	Very low		
	Heavy rain events	Infrequent		High	Moderate		
	Aspect (Southern hemi.)	Faces S		V. high	Very high	Moderate	Other factors lessen impact
	Frequency of strong winds	Common		High	Low		
	Wastewater volume	L/day	3,240	High	Very high	Moderate	Other factors lessen impact
	SAR of septic tank effluent		1.2	High	Low		
	SAR of sullage		2.1	High	Moderate		
	Soil thickness	m	1.0	V. high	Low		
A	Depth to bedrock	m	1.0	Mod.	High		
	Surface rock outcrop	%	0	V. high	Very low		
	Cobbles in soil	%	0	V. high	Very low		
	Soil pH		7.0	High	Very low		
	Soil bulk density	gm/cub. cm	1.5	High	Low		
	Soil dispersion	Emerson No.	8	V. high	Very low		
	Adopted permeability	m/day	0.12	Mod.	Very low		
A	Long Term Accept. Rate	L/day/sq m	3	High	High		

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Comments

System 2 – Commercial building

GES P/L

Land suitability and system sizing for on-site wastewater management

Trench 3.0 (Australian Institute of Environmental Health)

Environmental Sensitivity Report Site assessment for on-site waste water disposal

Assessment for Project Sunshine Ventures Pty Ltd T/A The Racontrur C/o Linnass. Date 17-Dec-24
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	Annual rainfall excess	mm	-463	High	Very low		
	Min. depth to water table	m	5	High	Very low		
A	Annual nutrient load	kg	15.7	High	High		
	G'water environ. value	Agric non-sensit		V. high	Low		
	Min. separation dist. required	m	2	High	Very low		
	Risk to adjacent bores	Very low		V. high	Very low		
	Surf. water env. value	Agric non-sensit		V. high	Low		
	Dist. to nearest surface water	m	400	V. high	Low		
	Dist. to nearest other feature	m	30	V. high	Moderate	No change	
	Risk of slope instability	Very low		V. high	Very low		
	Distance to landslip	m	500	V. high	Very low		

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Comments

AS1547:2012 – Loading Certificate – AWTs Design

This loading certificate sets out the design criteria and the limitations associated with use of the system.

Site Address: 451 Tea Tree Road – Visitor accommodation

System Capacity: 800L/day

Summary of Design Criteria

DIR: 3L/m²/day

Irrigation area: 275m²

Reserve area location /use: Assigned

Water saving features fitted: Standard fixtures

Allowable variation from design flows: 1 event @ 200% daily loading per quarter

Typical loading change consequences: Expected to be minimal due to use of AWTs and large land area

Overloading consequences: Continued overloading may cause hydraulic failure of the absorption area and require upgrading/extension of the area. Risk considered acceptable due to monitoring through quarterly maintenance reports.

Underloading consequences: Lower than expected flows will have minimal consequences on system operation unless the house has long periods of non occupation. Under such circumstances additional maintenance of the system may be required. Long term under loading of the system may also result in vegetation die off in the absorption area and additional watering may be required. Risk considered acceptable due to monitoring through quarterly maintenance reports.

Lack of maintenance / monitoring consequences: Issues of underloading/overloading and condition of the irrigation area require monitoring and maintenance, if not completed system failure may result in unacceptable health and environmental risks. Monitoring and regulation by the permit authority required to ensure compliance.

Other considerations: Owners/occupiers must be made aware of the operational requirements and limitations of the system by the installer/maintenance contractor.

AS1547:2012 – Loading Certificate – AWTs Design

This loading certificate sets out the design criteria and the limitations associated with use of the system.

Site Address: 451 Tea Tree Road – Commercial building

System Capacity: 340L/day

Summary of Design Criteria

DIR: 3L/m²/day

Irrigation area: 120m²

Reserve area location /use: Assigned

Water saving features fitted: Standard fixtures

Allowable variation from design flows: 1 event @ 200% daily loading per quarter

Typical loading change consequences: Expected to be minimal due to use of AWTs and large land area

Overloading consequences: Continued overloading may cause hydraulic failure of the absorption area and require upgrading/extension of the area. Risk considered acceptable due to monitoring through quarterly maintenance reports.

Underloading consequences: Lower than expected flows will have minimal consequences on system operation unless the house has long periods of non occupation. Under such circumstances additional maintenance of the system may be required. Long term under loading of the system may also result in vegetation die off in the absorption area and additional watering may be required. Risk considered acceptable due to monitoring through quarterly maintenance reports.

Lack of maintenance / monitoring consequences: Issues of underloading/overloading and condition of the irrigation area require monitoring and maintenance, if not completed system failure may result in unacceptable health and environmental risks. Monitoring and regulation by the permit authority required to ensure compliance.

Other considerations: Owners/occupiers must be made aware of the operational requirements and limitations of the system by the installer/maintenance contractor.

Demonstration of wastewater system compliance to *Building Act 2016 Guidelines for On-site Wastewater Disposal*

Acceptable Solutions	Performance Criteria	Compliance
<p>A1</p> <p>Horizontal separation distance from a building to a land application area must comply with one of the following:</p> <ul style="list-style-type: none"> a) be no less than 6m; or b) be no less than: <ul style="list-style-type: none"> (i) 3m from an upslope building or level building; (ii) If primary treated effluent to be no less than 4m plus 1m for every degree of average gradient from a downslope building; (iii) If secondary treated effluent and subsurface application, no less than 2m plus 0.25m for every degree of average gradient from a downslope building. 	<p>P1</p> <ul style="list-style-type: none"> a) The land application area is located so that <ul style="list-style-type: none"> (i) the risk of wastewater reducing the bearing capacity of a building's foundations is acceptably low.; and (ii) is setback a sufficient distance from a downslope excavation around or under a building to prevent inadequately treated wastewater seeping out of that excavation 	<p>Complies with A1 (b)</p> <p>Land application area will be located with a minimum separation distance of 3m from any building.</p>
<p>A2</p> <p>Horizontal separation distance from downslope surface water to a land application area must comply with (a) or (b)</p> <ul style="list-style-type: none"> (a) be no less than 100m; or (b) be no less than the following: <ul style="list-style-type: none"> (i) if primary treated effluent 15m plus 7m for every degree of average gradient to downslope surface water; or (ii) if secondary treated effluent and subsurface application, 15m plus 2m for every degree of average gradient to down slope surface water. 	<p>P2</p> <p>Horizontal separation distance from downslope surface water to a land application area must comply with all of the following:</p> <ul style="list-style-type: none"> a) Setbacks must be consistent with AS/NZS 1547 Appendix R; b) A risk assessment in accordance with Appendix A of AS/NZS 1547 has been completed that demonstrates that the risk is acceptable. 	<p>Complies with A2</p> <p>Land application area will be located with a minimum separation distance of >19m of downslope surface water</p>

<p>A3</p> <p>Horizontal separation distance from a property boundary to a land application area must comply with either of the following:</p> <p>(a) be no less than 40m from a property boundary; or</p> <p>(b) be no less than:</p> <ul style="list-style-type: none"> (i) 1.5m from an upslope or level property boundary; and (ii) If primary treated effluent 2m for every degree of average gradient from a downslope property boundary; or (iii) If secondary treated effluent and subsurface application, 1.5m plus 1m for every degree of average gradient from a downslope property boundary. 	<p>P3</p> <p>Horizontal separation distance from a property boundary to a land application area must comply with all of the following:</p> <p>(a) Setback must be consistent with AS/NZS 1547 Appendix R; and</p> <p>(b) A risk assessment in accordance with Appendix A of AS/NZS 1547 has been completed that demonstrates that the risk is acceptable.</p>	<p>Complies with A3 (b) (i) Land application area will be located with a minimum separation distance of 1.5m from an upslope or level property boundary</p> <p>Complies with A3 (b) (iii) Land application area will be located with a minimum separation distance of >3.5m of downslope property boundary</p>
<p>A4</p> <p>Horizontal separation distance from a downslope bore, well or similar water supply to a land application area must be no less than 50m and not be within the zone of influence of the bore whether up or down gradient.</p>	<p>P4</p> <p>Horizontal separation distance from a downslope bore, well or similar water supply to a land application area must comply with all of the following:</p> <p>(a) Setback must be consistent with AS/NZS 1547 Appendix R; and</p> <p>(b) A risk assessment completed in accordance with Appendix A of AS/NZS 1547 demonstrates that the risk is acceptable</p>	<p>No bore or well identified within 50m</p>

<p>A5</p> <p>Vertical separation distance between groundwater and a land application area must be no less than:</p> <p>(a) 1.5m if primary treated effluent; or</p> <p>(b) 0.6m if secondary treated effluent</p>	<p>P5</p> <p>Vertical separation distance between groundwater and a land application area must comply with the following:</p> <p>(a) Setback must be consistent with AS/NZS 1547 Appendix R; and</p> <p>(b) A risk assessment completed in accordance with Appendix A of AS/NZS 1547 that demonstrates that the risk is acceptable</p>	<p>Complies with A5 (b)</p>
<p>A6</p> <p>Vertical separation distance between a limiting layer and a land application area must be no less than:</p> <p>(a) 1.5m if primary treated effluent; or</p> <p>(b) 0.5m if secondary treated effluent</p>	<p>P6</p> <p>Vertical setback must be consistent with AS/NZS1547 Appendix R.</p>	<p>No limiting layer identified</p>
<p>A7</p> <p>nil</p>	<p>P7</p> <p>A wastewater treatment unit must be located a sufficient distance from buildings or neighbouring properties so that emissions (odour, noise or aerosols) from the unit do not create an environmental nuisance to the residents of those properties</p>	<p>Complies</p>

Table 1. Extract of Tasmania planning scheme C7.6.1 Buildings and Works

P1.1 Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:	
Performance Criteria	Comment / Compliance
(a) impacts caused by erosion, siltation, sedimentation and runoff;	Any proposed development works should only be approved with an appropriate, site specific soil and water management plan to reduce the risk of environmental harm and erosion. The site should regularly maintain and progressively stabilised through vegetation and landscaping to reduce the potential for erosion.
(b) impacts on riparian or littoral vegetation;	No riparian or littoral vegetation is present on the site
(c) maintaining natural streambank and streambed condition, where it exists;	No works proposed in streambank
(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;	The in-stream natural habitat will not be disturbed under the current proposal.
(e) the need to avoid significantly impeding natural flow and drainage;	The watercourse is well defined, the proposed works area is located well away from the watercourse
(f) the need to maintain fish passage, where known to exist;	n/a
(g) the need to avoid land filling of wetlands;	No wetlands are located at the project area.
(h) the need to group new facilities with existing facilities, where reasonably practical;	The development area is located too far away to be practically serviced by common facilities.
(i) minimising cut and fill;	There is only a minimal proposed cut/fill for the site required for the proposed buildings.
(j) building design that responds to the particular size, shape, contours or slope of the land;	The proposed development works are strategically positioned to accommodate development with a low impact to the natural values. The proposed building placement allows for efficient site development, minimizing the need for unnecessary excavations, while ensuring convenient access from the existing driveway
(k) minimising impacts on coastal processes, including sand movement and wave action;	n/a
(l) minimising the need for future works for the protection of natural assets, infrastructure and property;	No further works required other than regular maintenance.
(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and	All works should be undertaken in compliance with the 'Wetlands and Waterways Works Manual' (DPIWE, 2003).
(n) the guidelines in the Tasmanian Coastal Works Manual.	All proposed works should be following the guidelines of the Tasmania Coastal Works Manual where applicable.

A2.

Acceptable Solutions	Comment / Compliance
Building and works within a Future Coastal Refugia Area must be within a building area on a plan of subdivision approved under this planning scheme.	No development will occur within a Future Coastal Refugia Area

A3.

Acceptable Solutions	Comment / Compliance
Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.	<p>The proposed building will be connected to an approved wastewater system with discharge outside of the overlay area with appropriate setbacks according to AS/NZS1547.</p> <p>A new stormwater discharge point is proposed to the watercourse and P3 is to be addressed below</p>

P3.

Performance Solution	Comment / Compliance
<p>Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to:</p> <p>(a) the need to minimise impacts on water quality; and</p> <p>(b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff.</p>	<p>The new stormwater discharge point will have scour protection at the headwall where the new discharge point is placed into the stream. All stormwater to be collected and discharged will have appropriate erosion and sediment control measures in the design as completed by an appropriately qualified civil engineer. Water quality will be maintained by the incorporation of appropriate treatment measures in the stormwater management plan as prepared by an appropriately qualified civil engineer.</p>

A4.

Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area	
Acceptable Solutions	Comment / Compliance
Dredging or reclamation must not occur within a waterway and coastal protection area or a future coastal refugia area.	There is no proposed dredging or reclamation on the site.

A5.

Coastal protection works or watercourse erosion or inundation protection works must not occur within a waterway and coastal protection area or a future coastal refugia area.	
Acceptable Solutions	Comment / Compliance
Coastal protection works or watercourse erosion or inundation protection works must not occur within a waterway and coastal protection area or a future coastal refugia area.	No coastal protection works, or waterway erosion or inundation protection works are proposed within the Waterway and Coastal Protection Area or a future coastal refugia area. If such activities are to be undertaken, then they must be designed by a suitably qualified person to minimise adverse impacts on natural coastal processes.

In considering the objectives of the Code 7 it is anticipated that there will be no unnecessary or unacceptable impacts on natural values as a result of the proposed development.

CERTIFICATE OF THE RESPONSIBLE DESIGNER

Section 94
Section 106
Section 129
Section 155

To: Raconteur
451 Tea Tree Road
Tea Tree 7017

Owner name
Address
Suburb/postcode

Form **35**

Designer details:

Name: Vinamra Gupta Category: Civil Engineer
Business name: Geo-Environmental Solutions Phone No: 03 6223 1839
Business address: 29 Kirksway Place
Battery Point 7004 Fax No: N/A
Licence No: 685982720 Email address: office@geosolutions.net.au

Details of the proposed work:

Owner/Applicant: Raconteur Designer's project reference No: J11117
Address: 451 Tea Tree Road Lot No: 11033/4
Tea Tree 7017
Type of work: Building work ☐ Plumbing work ☒ (X all applicable)

Description of work:

On-site wastewater management system - design

(new building / alteration / addition / repair / removal / re-erection
water / sewerage / stormwater / on-site wastewater management system / backflow prevention / other)

Description of the Design Work (Scope, limitations or exclusions): (X all applicable certificates)

Certificate Type:	Certificate	Responsible Practitioner
	<input type="checkbox"/> Building design	Architect or Building Designer
	<input type="checkbox"/> Structural design	Engineer or Civil Designer
	<input type="checkbox"/> Fire Safety design	Fire Engineer
	<input type="checkbox"/> Civil design	Civil Engineer or Civil Designer
	<input checked="" type="checkbox"/> Hydraulic design	Building Services Designer
	<input type="checkbox"/> Fire service design	Building Services Designer
	<input type="checkbox"/> Electrical design	Building Services Designer
	<input type="checkbox"/> Mechanical design	Building Service Designer
	<input type="checkbox"/> Plumbing design	Plumber-Certifier; Architect, Building Designer or Engineer
	<input type="checkbox"/> Other (specify)	

Deemed-to-Satisfy: ☐ Performance Solution: ☒ (X the appropriate box)

Other details:

Two AWTs systems for visitor accommodation and commercial premises

Design documents provided:

The following documents are provided with this Certificate –

Document description:

Drawing numbers:	Prepared by: Geo-Environmental Solutions	Date: Dec-24
Schedules:	Prepared by:	Date:
Specifications:	Prepared by: Geo-Environmental Solutions	Date: Dec-24
Computations:	Prepared by:	Date:
Performance solution proposals:	Prepared by: Geo-Environmental Solutions	Date: Dec-24
Test reports:	Prepared by: Geo-Environmental Solutions	Date: Dec-24

Standards, codes or guidelines relied on in design process:

AS1547:2012 On-site domestic wastewater management.

AS3500 (Parts 0-5)-2013 Plumbing and drainage set.

Any other relevant documentation:


Onsite Wastewater Assessment – 451 Tea Tree Road – Dec-24

Attribution as designer:

I Vinamra Gupta, am responsible for the design of that part of the work as described in this certificate;

The documentation relating to the design includes sufficient information for the assessment of the work in accordance with the *Building Act 2016* and sufficient detail for the builder or plumber to carry out the work in accordance with the documents and the Act;

This certificate confirms compliance and is evidence of suitability of this design with the requirements of the National Construction Code.

	<i>Name: (print)</i>	<i>Signed</i>	<i>Date</i>
Designer:	Vinamra Gupta		17/12/2024
Licence No:	685982720		

Assessment of Certifiable Works: (TasWater)

Note: single residential dwellings and outbuildings on a lot with an existing sewer connection are not considered to increase demand and are not certifiable.

If you cannot check ALL of these boxes, LEAVE THIS SECTION BLANK.

TasWater must then be contacted to determine if the proposed works are Certifiable Works.


I confirm that the proposed works are not Certifiable Works, in accordance with the Guidelines for TasWater CCW Assessments, by virtue that all of the following are satisfied:

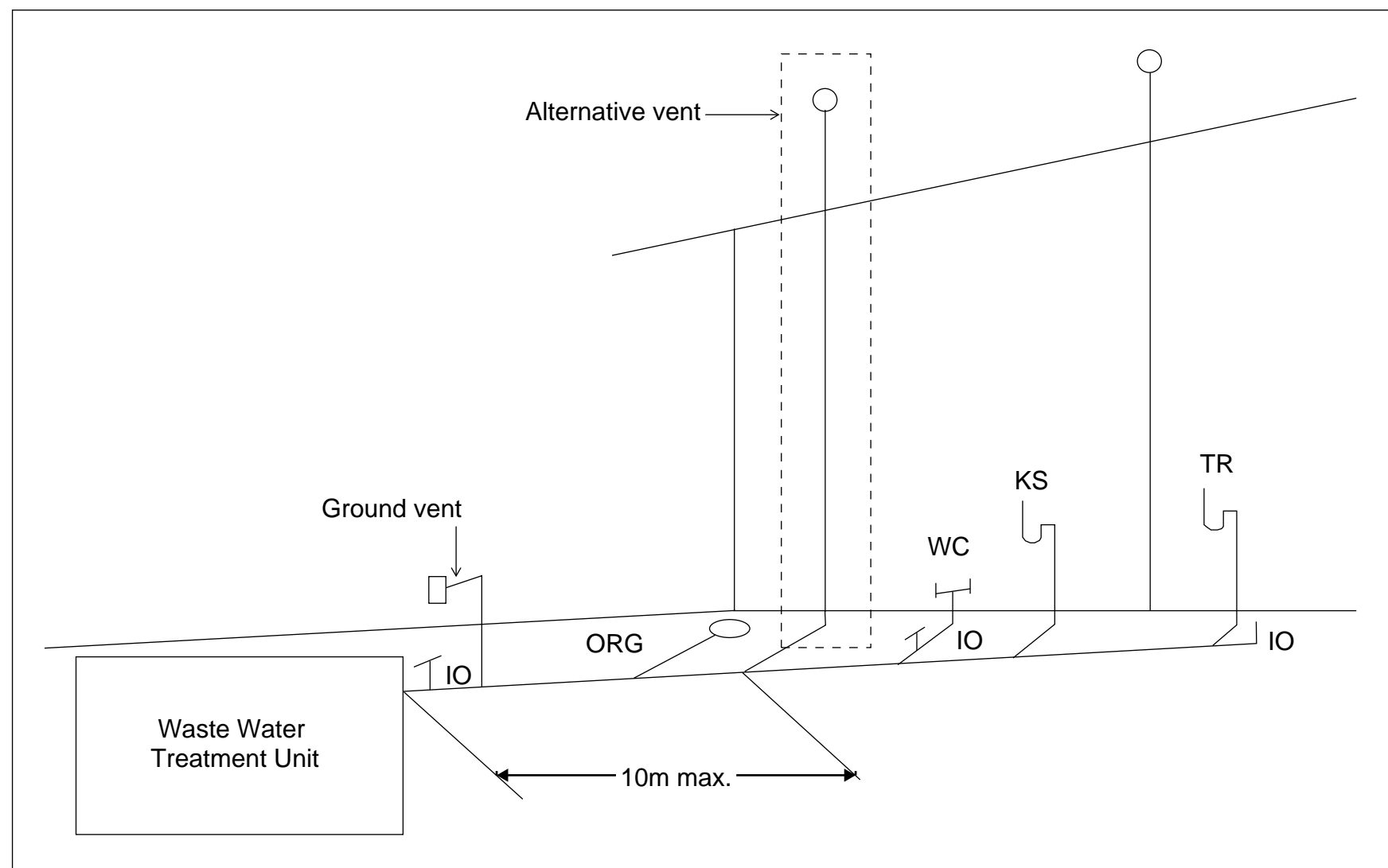
- ☒ The works will not increase the demand for water supplied by TasWater
- ☒ The works will not increase or decrease the amount of sewage or toxins that is to be removed by, or discharged into, TasWater's sewerage infrastructure
- ☒ The works will not require a new connection, or a modification to an existing connection, to be made to TasWater's infrastructure
- ☒ The works will not damage or interfere with TasWater's works
- ☒ The works will not adversely affect TasWater's operations
- ☒ The work are not within 2m of TasWater's infrastructure and are outside any TasWater easement
- ☒ I have checked the LISTMap to confirm the location of TasWater infrastructure
- ☒ If the property is connected to TasWater's water system, a water meter is in place, or has been applied for to TasWater.

Certification:

I Vinamra Gupta..... being responsible for the proposed work, am satisfied that the works described above are not Certifiable Works, as defined within the *Water and Sewerage Industry Act 2008*, that I have answered the above questions with all due diligence and have read and understood the Guidelines for TasWater CCW Assessments.

Note: the Guidelines for TasWater Certification of Certifiable Works Assessments are available at: www.taswater.com.au

	Name: (print)	Signed	Date
Designer:	Vinamra Gupta		17/12/2024



Tas Figure C2D6 Alternative Venting Arrangements

Vents must terminate in accordance with AS/NZS 3500.2

Alternative venting to be used by extending a vent to terminate as if an upstream vent, with the vent connection between the last sanitary fixture or sanitary appliance and the on-site wastewater management system. Use of a ground vent is not recommended

Inspection openings must be located at the inlet to an on-site wastewater management system treatment unit and the point of connection to the land application system and must terminate as close as practicable to the underside of an approved inspection opening cover installed at the finished surface level

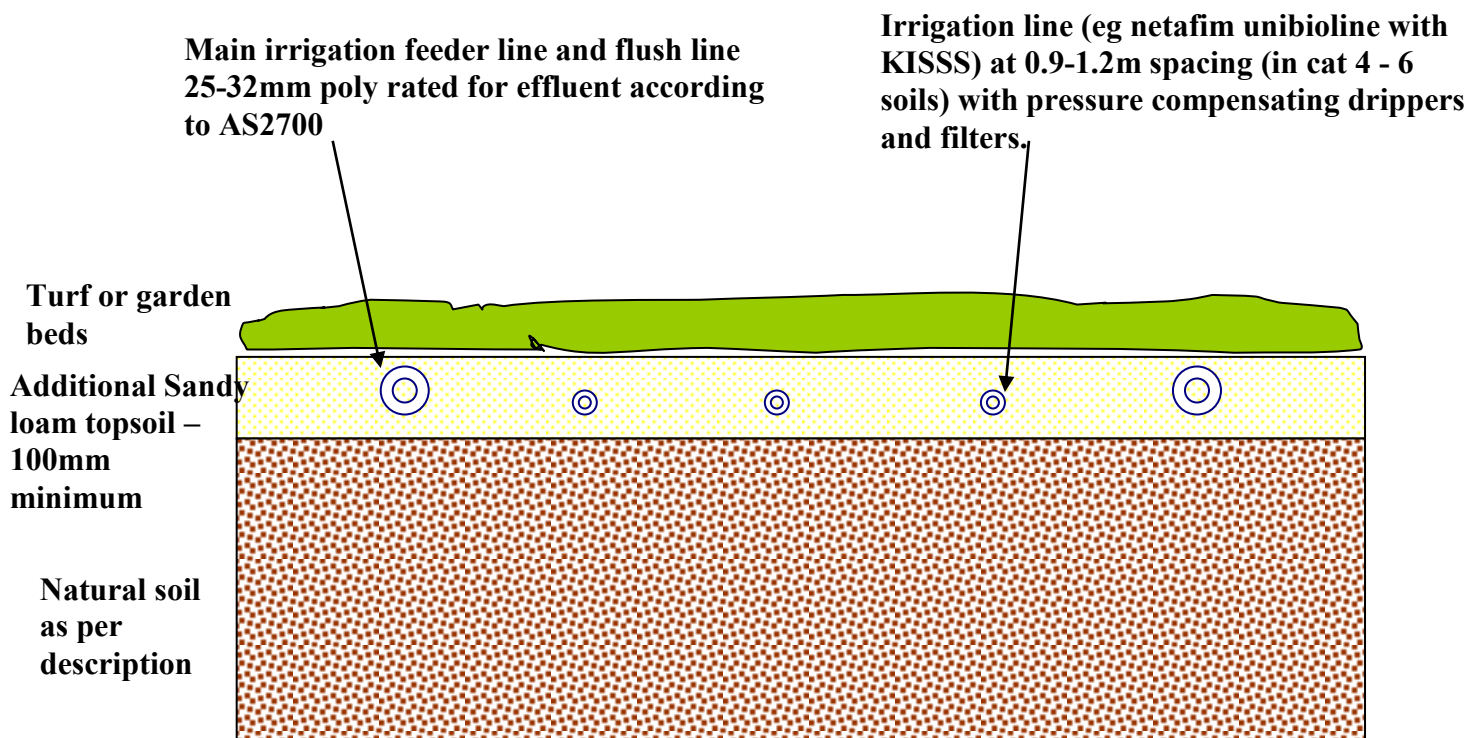
Access openings providing access for desludging or maintenance of on-site wastewater management system treatment units must terminate at or above finished surface level

Figure 1

Subsurface irrigation design

To be used in conjunction with site evaluation report for construction of subsurface irrigation areas for use with aerated wastewater treatment systems (AWTS). On dispersive soils gypsum should be added to tilled natural soil at 1Kg/5m². The irrigation outlet line from the system or holding tank should utilize a 25-32mm main line out stepped down to a 11-16mm lateral drip irrigation lines in each irrigation row. If the final design is for shrubs/trees then a mounded row design is best employed with a nominal mound height of approximately 200mm.

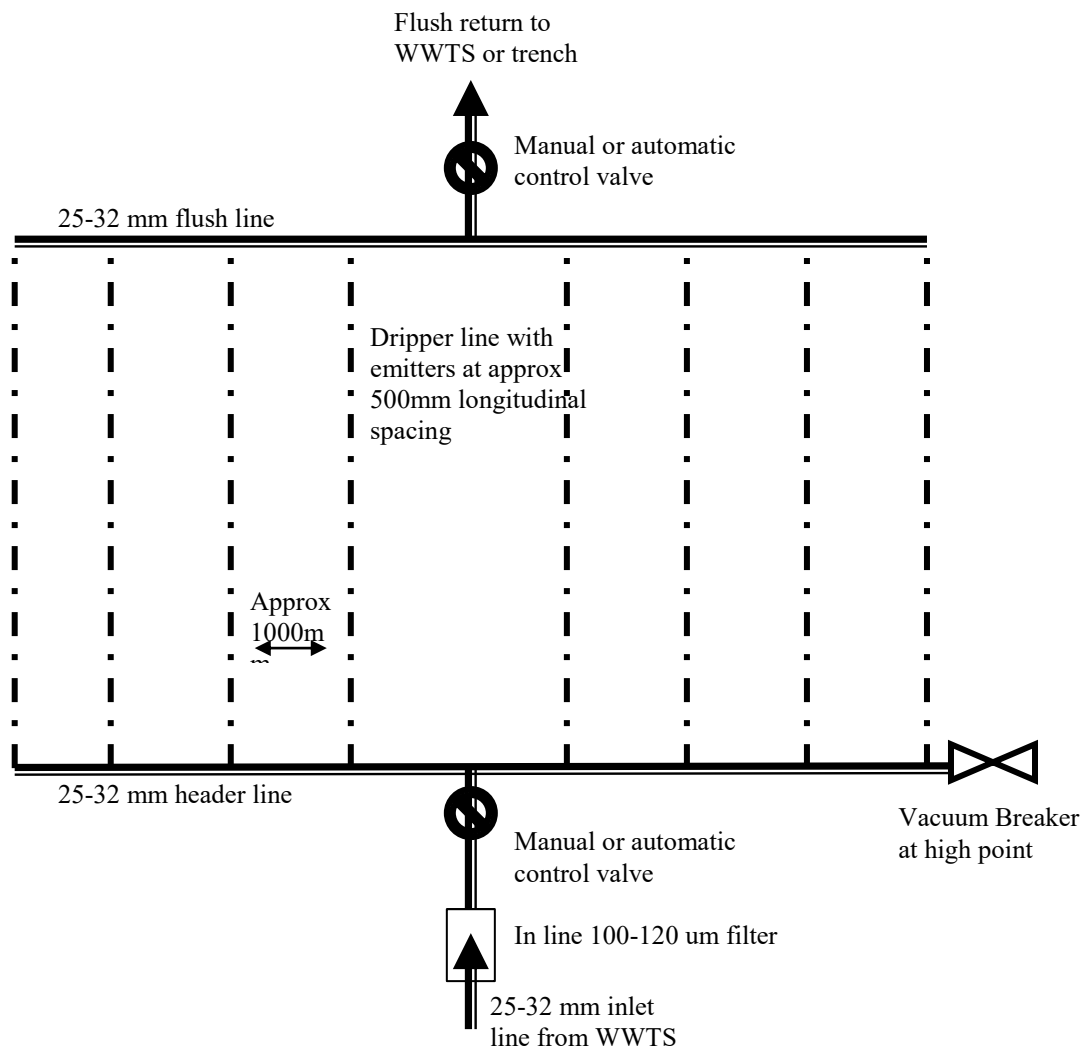
Irrigation Area Cross Section



Note – the bedding sandy loam & topsoil/turf depths are minimum, with a maximum depth below surface of 100mm recommended (range 100-200mm).

- The existing surface of the site should be tilled to a depth of 100mm with a conventional plough, discs or spring tines to break down the turf matt and any large soil clods – all stones must be removed
- A minimum of 100mm of sandy loam should be added to the site to aid installation of the drip line into a suitable medium – the loam should be mixed into the exiting subsoil with another pass of the cultivating tines or similar
- Turf, seed or plants should be applied to the area as soon as practical after the laying of dripper line and commissioning of the system

Irrigation Area Plan View



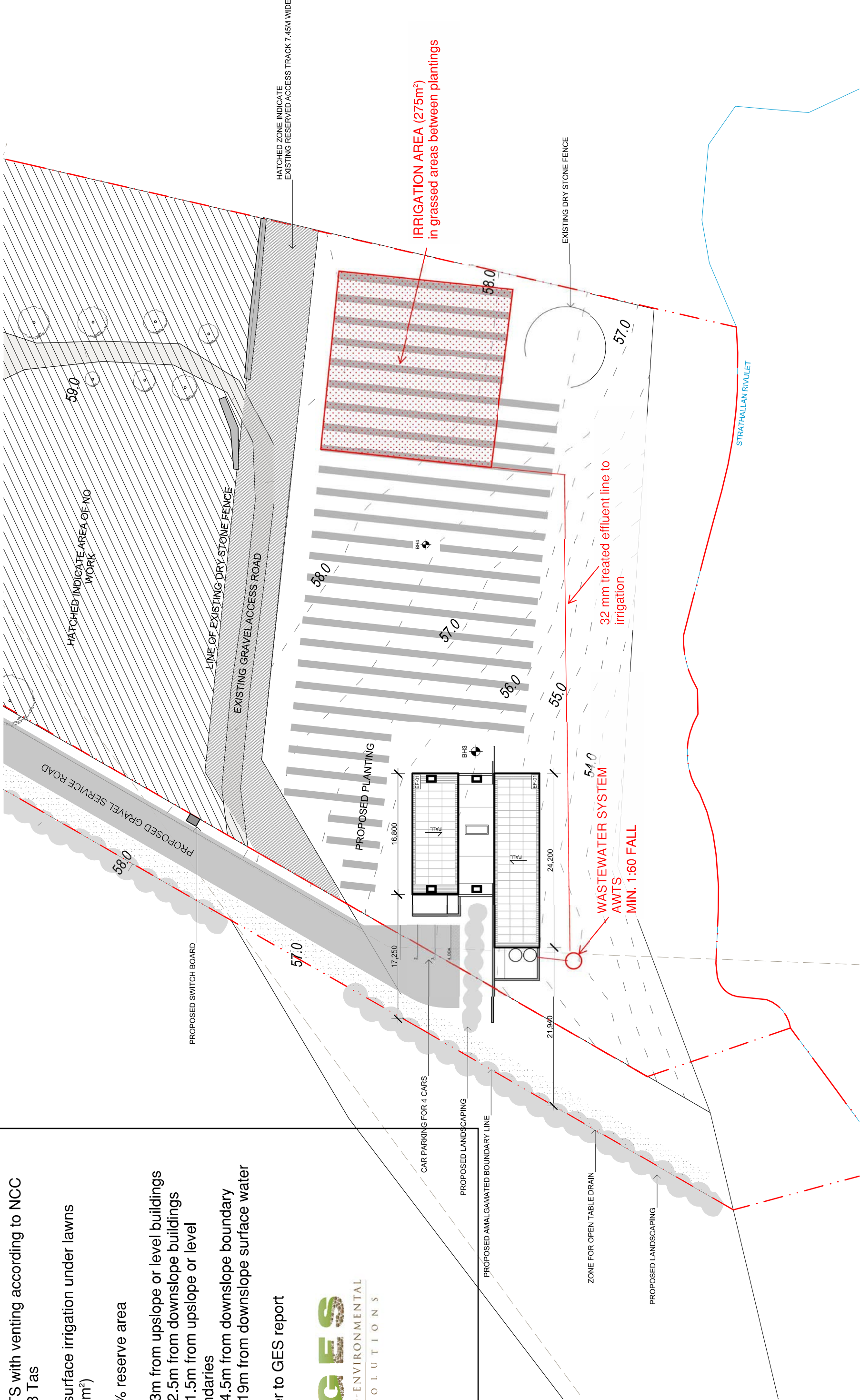
Design specifications:

1. Manufacturer's recommendations for spacing of lateral irrigation lines should be followed (eg netafim unibilineline with/without KISS) with commonly used with spacing of 0.3m (0.6m KISS) in highly permeable soils and 0.6m (1.0-1.2m KISS) in less permeable loams and clays.
2. Dependant upon treatment system a 200µm filter may be installed at the pumping chamber outlet, but a 100-120 µm inline disc filter should be installed prior to discharge into the irrigation area.
3. A vacuum breaker valve must be installed at the highest point of each irrigation zone in a marked and protected valve control box.
4. A flush line must be installed at the lowest point/bottom of the irrigation area with a return valve for flushing back into the treatment chamber of the system (not into the primary chamber as it may affect the performance of the microbial community) or to a dedicated absorption trench.
5. The minimum irrigation pumping capacity should be equivalent to 120kpa (i.e. 12m of head) at the furthest point of the irrigation area (a gauge should be placed at the vacuum breaker) – therefore pump size can be matched on site to the irrigation pipe size and design.

Wastewater system:

- AWTS with venting according to NCC Vol 3 Tas
- Subsurface irrigation under lawns (275m²)
- 100% reserve area
- Min 3m from upslope or level buildings
- Min 2.5m from downslope buildings
- Min 1.5m from upslope or level boundaries
- Min 4.5m from downslope boundary
- Min 19m from downslope surface water

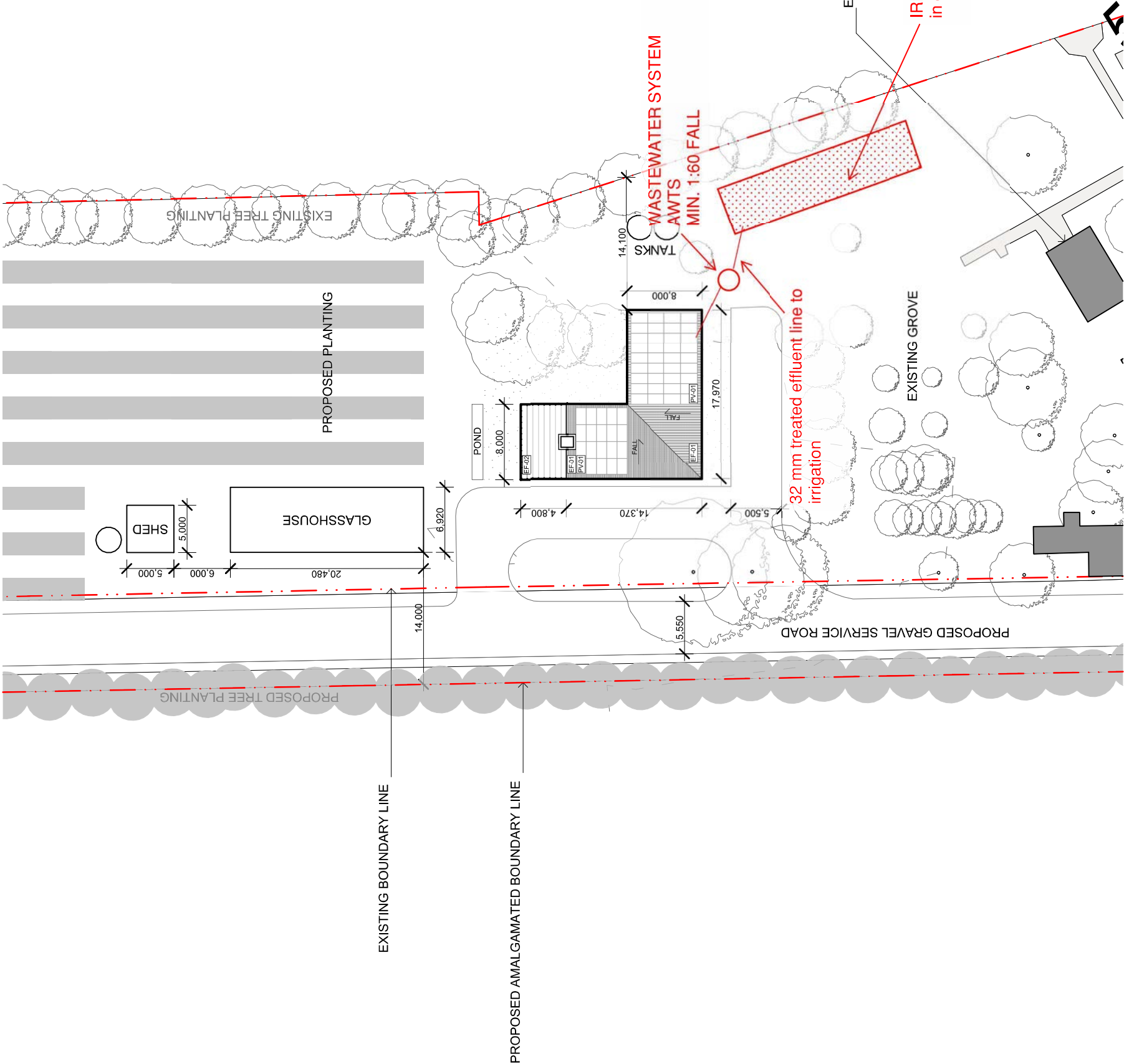
Refer to GES report



REV	DESCRIPTION	CHK	DATE	PROJECT RACONTEUR TEA TREE ROAD DEVELOPMENT Kudlayna (Jordan River) 451 Tea Tree Road TEA TREE TASMANIA 7017		TITLE ACCOMMODATION SITE PLAN	DRAWING No. DA401 SCALE 1:500 @ A3 PROJECT CODE RTD STATUS DRAFT APPROVED EB		REVISION No. 02
02	For Coordination	Guy Edwards	17/12/2024	100 New Town Road nipaluna New Town lutruwita Tasmania 7008 Level 3 20 Guildford Lane nearm Melbourne Victoria 3000 contact@liminalstudio.com.au liminalstudio.com.au T +613 6231 0166 LIMINAL STUDIO PTY LTD TRADING AS LIMINAL ARCHITECTURE					
01	For Coordination	Guy Edwards	11/12/2024						

LIMINAL ARCHITECTURE

CLIENT PROJECT SUNSHINE VENTURES



Wastewater system:

- AWTS with venting according to NCC Vol 3 Tas
- Subsurface irrigation under lawns (275m²)
- 100% reserve area
- Min 3m from upslope or level buildings
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01	For Coordination	Guy Edwards	11/12/2024				
				RACONTEUR TEA TREE ROAD DEVELOPMENT kudlayna (Jordan River) 451 Tea Tree Road TEA TREE TASMANIA 7017			
				CLIENT PROJECT SUNSHINE VENTURES			
				LIMINAL ARCHITECTURE			
				Scale: 1:500 @ A3 Project Code: RTD Status: DRAFT Approved: EB			
				Figured dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect for decision before proceeding with the work.			
				Copyright ©			



LAND CAPABILITY ASSESSMENT

451 Tea Tree Road, Tea Tree

CLIENT
The Raconteur

December 2024

SUMMARY

Geo-Environmental Solutions Pty Ltd was engaged by Liminal Architecture on behalf of The Raconteur to complete a land capability assessment of the property at 451 Tea Tree Road, Tea Tree.

The proposal is for a new commercial building for the extraction and sale of essential oils/perfumes and a visitor accommodation building for guests undertaking on-site experiences at the Historic Maiden Erleigh property. The area under consideration is zoned agriculture and is currently contained by CT110334/4 and is approximately 4ha in area.

The property and the land immediately surrounding the property is predominantly classified as Class 4, 5 and 6 land with areas of class 7 land. None of the land examined on the property or nearby is prime agricultural land as defined under the State Protection of Agricultural land Policy 2009. The proposed development footprint is located on land not with current land use on land with severely limited agricultural capability and/or in areas of existing site development. The development will therefore not result in the loss of land under a current agricultural use. The proposed development of the land in question does not conflict with continued management of the of the agriculture zoned land in the local area. The development is a good example of value adding in modern agriculture and fits well with the tourism based agricultural enterprises popular in and around the greater Hobart area.

As none of the land surveyed is Class 1, 2 or 3 agricultural land, and there is no evidence that the area in question could be classified as agricultural land of significance, then it is my professional opinion that the proposed development is not in conflict with the state policy on the protection of agricultural land or the planning scheme, and should proceed.

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FOUNDING STATEMENT

This assessment report is one of many completed by John Paul Cumming of Geo-Environmental Solutions P/L (GES). John Paul holds a first-class honours degree in Agricultural Science (major in soil science) and a PhD in environmental soil chemistry. John Paul is a former Honorary Research Associate in the Faculty of Engineering, Science, and Technology where he has participated in a number of academic and research projects pertaining to soil and environmental management. John Paul has current status as a Certified Professional Soil Scientist from the Australian Society of Soil Science Inc.

John Paul is a graduate member of the Australian Institute of company directors, and a director of Geo-Environmental Solutions P/L (GES). In his role at GES John Paul has completed numerous land capability assessments for Federal, State and Local Government agencies. In addition, over the past twenty years John Paul has supervised over 20,000 site and soil classifications for residential developments according to AS2870-2011 and AS/NZS1547-2012.

1 INTRODUCTION

The property where construction has been proposed is situated at 451 Tea Tree Road, approximately 3km North East of the main settlement of Brighton (Figure 1).

The subject title is approximately 4 hectares (CT11033/4) and currently supports a residential dwelling. The properties surrounding the proposed are a mix of agricultural properties and rural residential properties. The property immediately to the West supports a dwelling and associated outbuildings, whilst the properties to the East of better quality land support agricultural cropping activities. The land further to the west and North West is open grassland on the former Pontville rifle range. Strathallan Rivulet forms a border to the property along the southern boundary.

The proposal is for a shed to be utilised for extractive processing of agricultural crops produced on the property (essential oils & perfumes) and associated guest accommodation for visitors taking part in on site experiences.

It is the scope of this report to consider the agricultural capability of the title, and of the area surrounding the proposed construction sites. The report will make reference to the relevant objectives as outlined by the Tasmanian Planning Scheme.

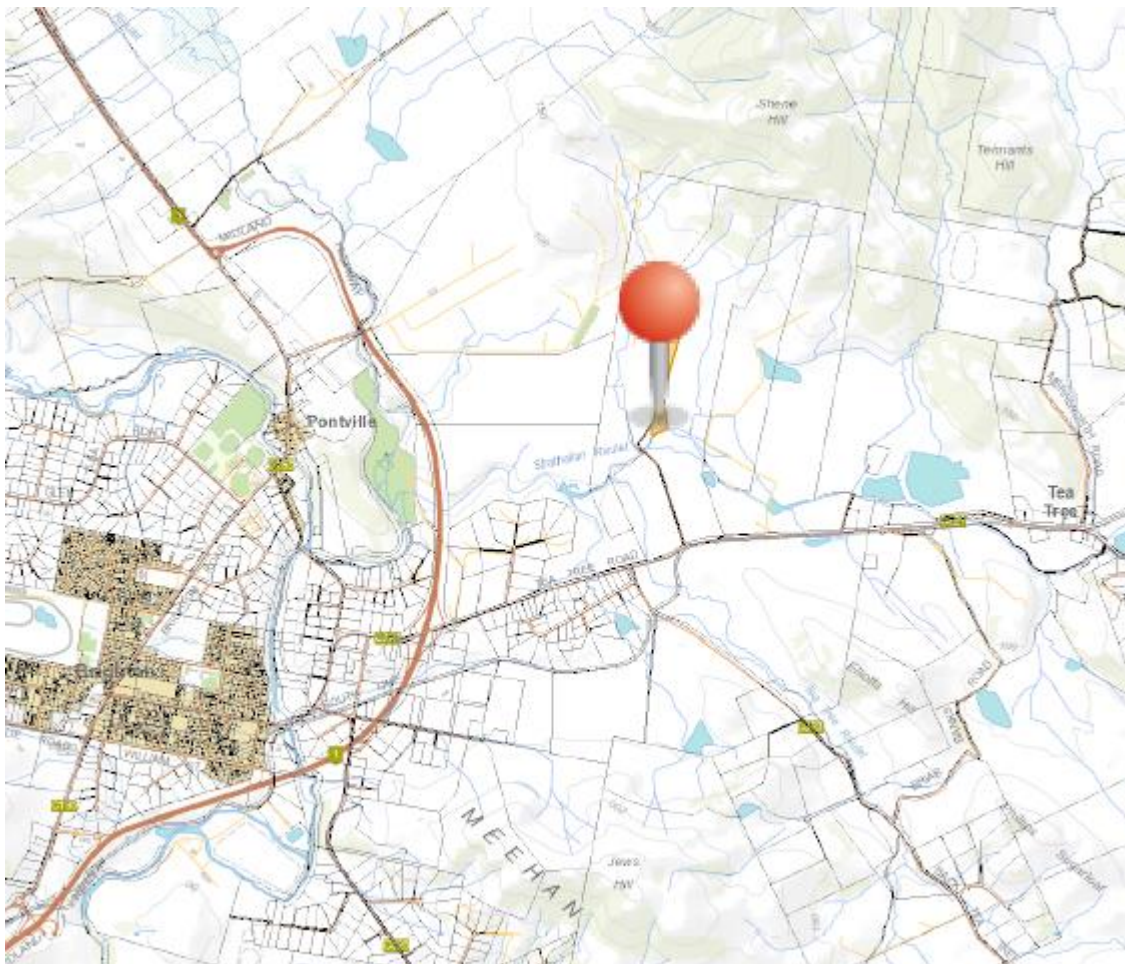


Figure 1 – Site location – title as pinned

1.1 Planning context

The land area proposed for the new development falls within land zoned Agriculture under the Tasmanian Planning Scheme whilst land to the south west of the site is zoned Rural Living as shown in (Figure 2).

Providing that the requirements of the scheme are met regarding the protection of agricultural land, then the development of the proposed development should proceed.

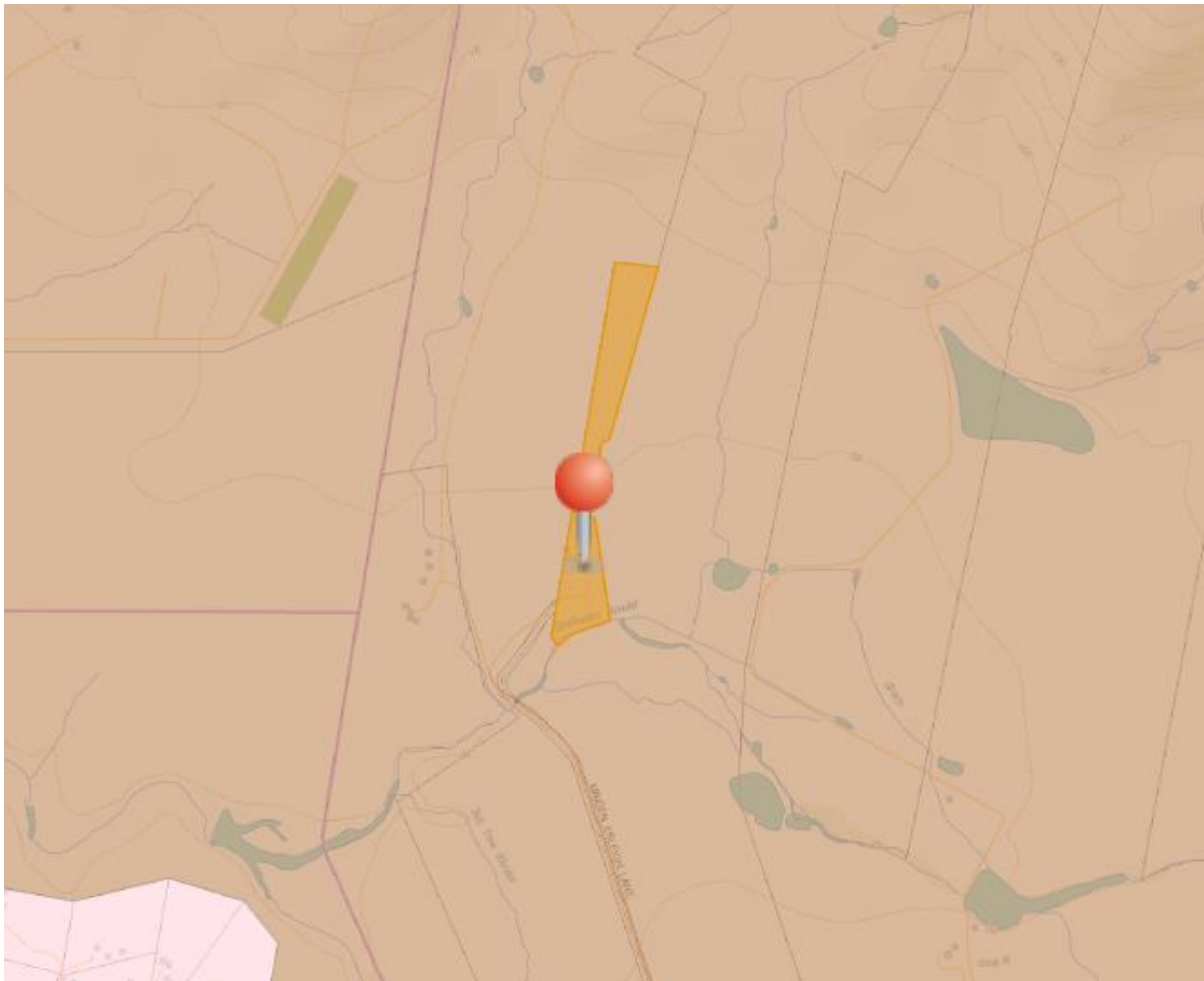


Figure 2 – Planning Zones – Tasmania Planning Scheme

2 SITE INFORMATION

Site information pertaining to the agricultural capability of the land was collected from desktop (The List) and field survey. Field survey was undertaken using a 4wd mounted drilling rig and a hand auger to assess soil profiles and the suitability of the soils for agriculture.

2.1 TOPOGRAPHY

The site is characterised by a flat alluvial plain associated with Strathallan Rivulet flood plain with an elevation approximately 60 m AHD. The majority of the site has a gradient between 1 – 5%, with steeper embankments associated with the rivulet (see figure 3).



Figure 3 – Example of the gently sloping topography. Photo overlooking the site back to the south west towards Strathallan Rivulet

2.2 Climate

Climatic data collected by the Bureau of Meteorology (BoM) were sourced from the Hobart Airport gauging station (94008), approximately 25km to the south of the Site. The station has been collecting rainfall data since 1958. From the historical record, the mean annual rainfall has been determined to be 498mm (Figure 5).

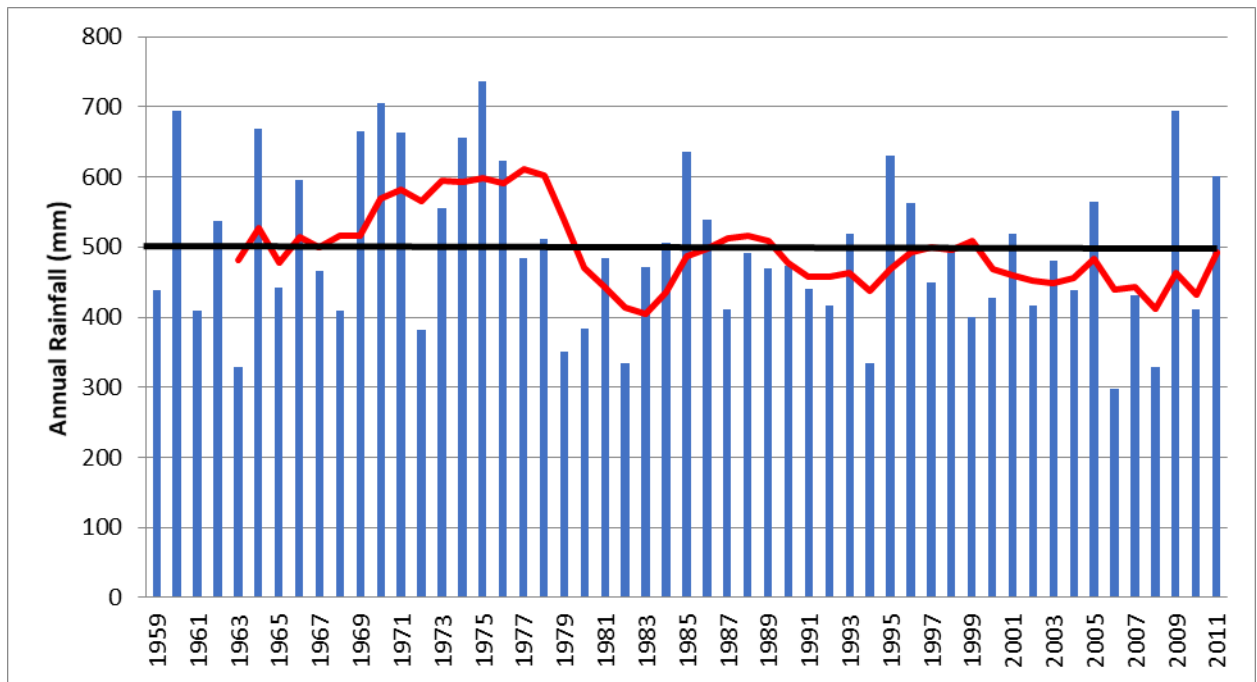


Figure 4. Summary of annual rainfall record for Hobart Airport station (94008)

Rainfall was generally above average from the mid 1960s until around the end of the 1970s whereby for most of the subsequent period it has been below average, with few periods experiencing above average rainfall as demonstrated by the 5 year moving average.

Mean monthly rainfall data from 1959-2011 is shown on Figure 6. As indicated, the months from August-December experience the highest rainfall with December being the highest receiving on average 53.6 mm. Rainfall generally decreases from January – June (with the exception of April) with June receiving the lowest of all months 32.8 mm. The long term average annual rainfall for the site is approximately 500mm, which suggests that irrigation will be required for all landscaping activities on site. The figures also suggest that the volumes of water available from roof retention and possibly from storm water retention are also likely to be limited.

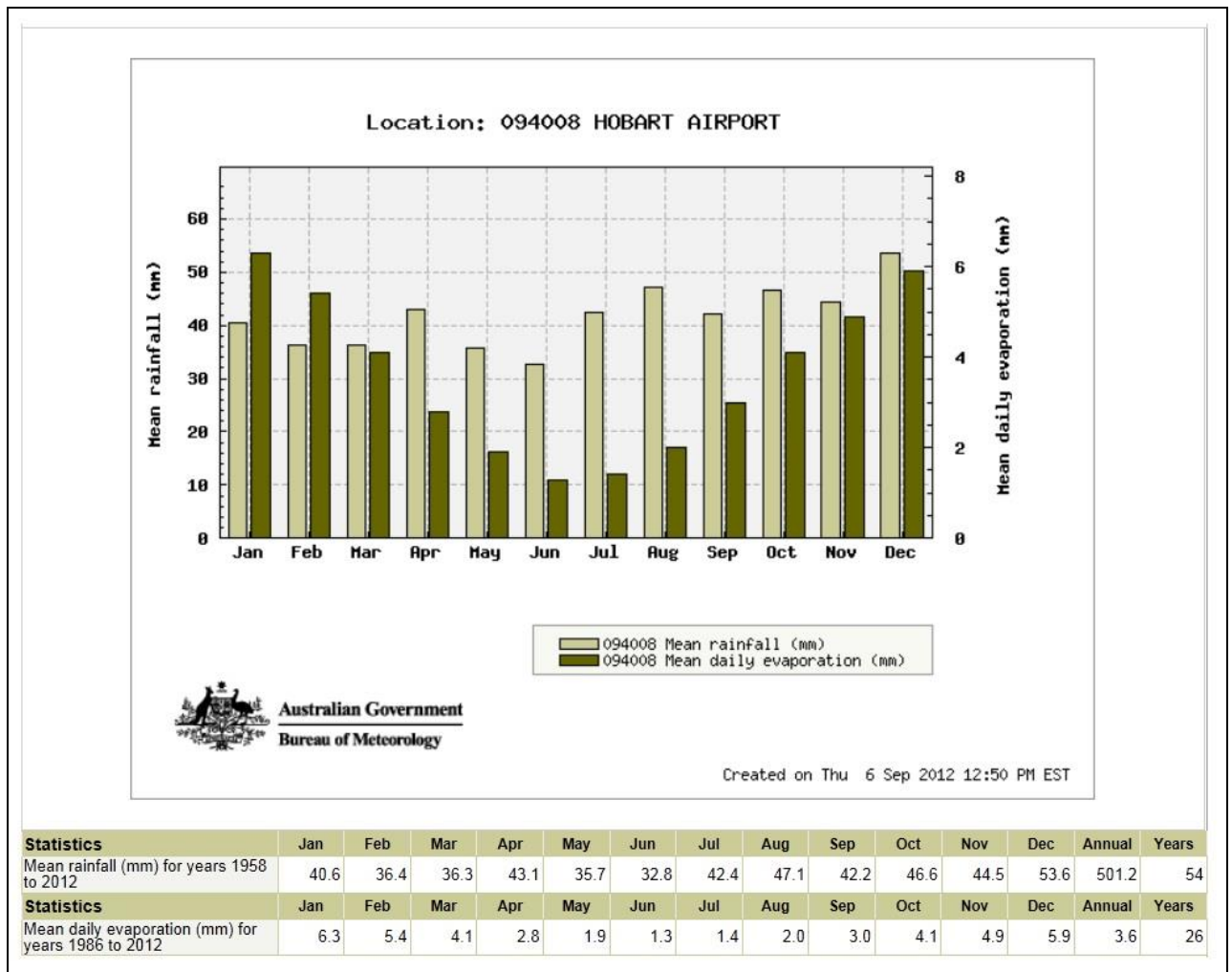


Figure 5. Summary of mean monthly rainfall and evaporation record for Hobart Airport station (94008)

Although evapotranspiration statistics are available from the Hobart Airport gauging station, no reliable class A pan evaporation data or evapotranspiration (ET) coverage is available for the site. An estimate of ET has been made using an empirical technique developed by Forestry Tasmania based on mean maximum daily temperature. The estimate is based on the following relationships:

$$ET = 0.12T \text{ mm/day (June-January)}$$

$$ET = 0.13T - 0.4 \text{ mm/day (February-May)}$$

2.3 Geology

The study area falls within the Mineral Resources Tasmania 1:25 000 mapping sheet for Richmond (Figure 6). This indicates that the property is dominated by Tertiary aged Basalt (Tb) whilst the upper elevations of the property to the north is mapped as Triassic sandstone (Rv). It appears that the tertiary Basalt forms an intrusion that underlies the small hill on which the property sits. The area of the existing dwelling and the proposed development was noted to be very stony with Basalt outcropping visible.

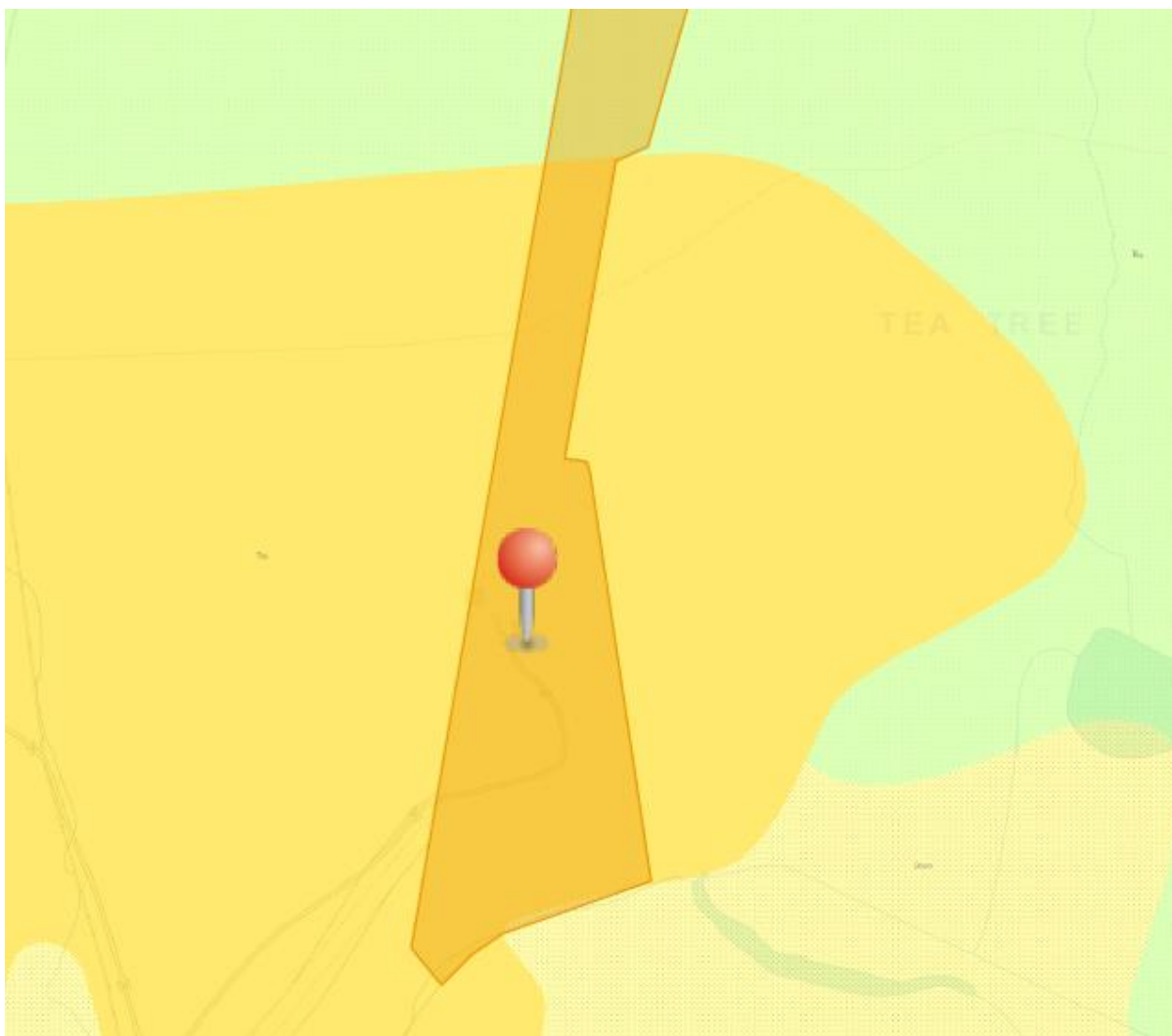


Figure 6. Geology map of the area (The List source) – property location as pinned

2.4 Soil distribution

Soil type mapping for the local area indicates the soils are mapped as a mix of Black soils on Basalt and undifferentiated alluvial soils (figure 7). Due to the complex geological pattern on the property and the local area differences in soil type may be expressed over short distances. Based upon field inspection the soils are dominated by duplex profiles of light sandy topsoils overlying heavy plastic clay subsoils. The heavy clay soils can be prone to waterlogging, and difficult to work when wet. The soils in the area of the existing dwelling and the proposed development area were noted to be very stony and shallow, with significant areas of Basalt outcropping (figure 8 & 9). The soils on Basalt in the local area known to be fertile, however they area also typically shallow with limited rooting depth for crops and due to the high variability in soil depth, drainage and stone hazards can be very difficult to manage in a cropping situation. As a result, large areas of these complex soils in the local area have predominantly been left under pasture with some opportunist cropping or horticulture where detailed soil management practices have been implemented. It is no surprise that the existing dwelling on the property has been developed on the area of the shallow Basalt soils, as the shallow depth to rock and limited agricultural capability made it an ideal site for construction of the historic home on the property, leaving the more suitable soils on sandstone elsewhere for agricultural use.

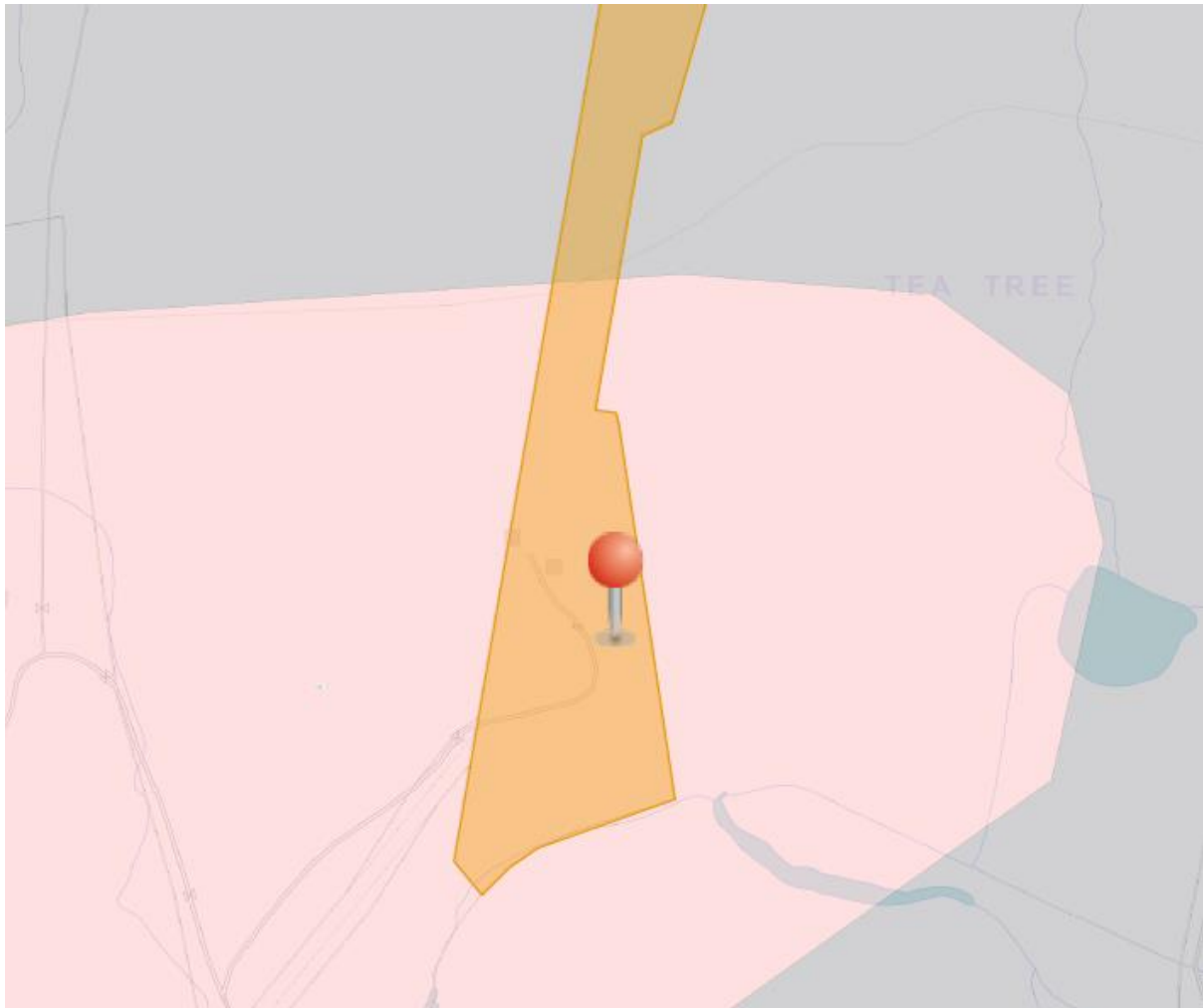


Figure 7. Soil mapping, Black soils on Basalt in Pink and Undifferentiated alluvial soils in Grey

The alluvial soils on Triassic sandstone in the local area on flatter slopes are generally more suited to agriculture, with deeper soil profiles and less stone content. The soils on sandstone are also generally duplex profiles of sandy topsoils overlying clays. The soils on sandstone are identified as having a moderate salinity and sodicity hazard which is often a function of the heavy clay subsoils in the local area. Any tillage and cropping on the soils need to be very carefully managed as the soils have a strong texture contrast from light sandy topsoils to the clay subsoils. Tillage of the soils can result in erosion of the topsoils leaving the heavy clay subsoils exposed, potentially causing further deep erosion. Generally, these soils are managed in crop rotations with minimal tillage and cover crops to help prevent wind erosion.



Figure 8. View of the typical shallow and rocky soils, note the numerous surface stones and rocks



Figure 9. View of the slope above Strathallan Rivulet with significant areas of Basalt outcropping

3 LAND CAPABILITY ASSESSMENT

Agricultural Land Capability assessment has been developed in Tasmania by the Department of Primary Industries Water and Environment according to the guidelines described in Noble (1992) and Grose (1999). The system uses a rating system of 7 classes to classify land according to the ability of the land to sustain a range of agricultural uses without land degradation. Agricultural land capability is generally based upon the permanent biophysical features of the land such as geology, soils, slope, climate, erosion hazard etc. The classification system assumes an average standard of land management and that production will be sustainable if the land is managed according to the guidelines of its Class. The system does not take into account the economics of production, distance from markets, social or political factors; all of which can change over time.

The agricultural land capability system in Tasmania utilizes a hierarchical framework of 7 classes which describe the degree of limitation from little to no limitations in class 1, to extreme limitations in class 7. Subclasses then describe the dominant limitation(s) within the class, i.e. erosion, wetness, soils, and climate. Land classified as class 1 – 4 is generally suitable for cropping activities subject to the limitations of each class, class 5 & 6 land is generally suitable only for grazing with careful management, and class 7 land is unsuitable for agricultural use (Grose 1999). According to the State Policy on the Protection of Agricultural Land 2009 land classified as class 1, 2 and 3 is defined as prime agricultural land.

3.1 Agricultural Land Capability Classes

The Land Capability Survey of Tasmania, Derwent 1:100 000 map from the Department of Primary Industries, Water and Environment, Tasmania (DeRose R. and Todd D, 2001) indicates that the land proposed for construction is Class 5 land (Figure 10). However, based upon field survey and assessment of the soil the property has been reclassified as a mix of class 4, 5, 6 and 7 (figure 11). Land CLASS 4 is defined as land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimize degradation. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. CLASS 5 land is defined as land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices. CLASS 6 land is defined as marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use.

The area of shallow and rocky soils on Basalt surrounding the existing dwelling and in the area of the proposed development is classified as a complex of class 5 & class 6 land.



Figure 10. Land Classification boundaries from Land Capability Survey of Tasmania, Nugent 1:100 000, the Department of Primary Industries, Water and Environment, Tasmania (DeRose R. and Todd D, 2001). Property location as pinned.

As the site is classified as predominantly a mix of Class 4 and class 5 land it is restricted to grazing and cropping when the ground conditions allow (i.e., not wet years due to poor drainage). As per DeRose R. and Todd D. (2001), Class 5 land occurs in this area on gentle sloping land of less than 12% slope where clays overlie basement lithologies, here being Tertiary Basalt or Triassic sandstone. This soil is known to be nutrient rich but due to the high clay content is poorly drained. DeRose R. and Todd D. (2001) also states that the main capability limitation for the Class 4 land in this area is related to poor physical soil properties; and drainage. Most of these areas support pastures with opportunistic cropping. Care will be required to ensure adequate drainage and manage any irrigation on this soil due to the salinity hazard.

The area of riparian vegetation with steep embankments and evidence of localized erosion and significant rock outcropping along the Strathallan Rivulet is classed as class 7 land unsuitable for agriculture. This land has severe limitations and environmental values that should be protected by fencing to restrict stock and revegetation where appropriate.

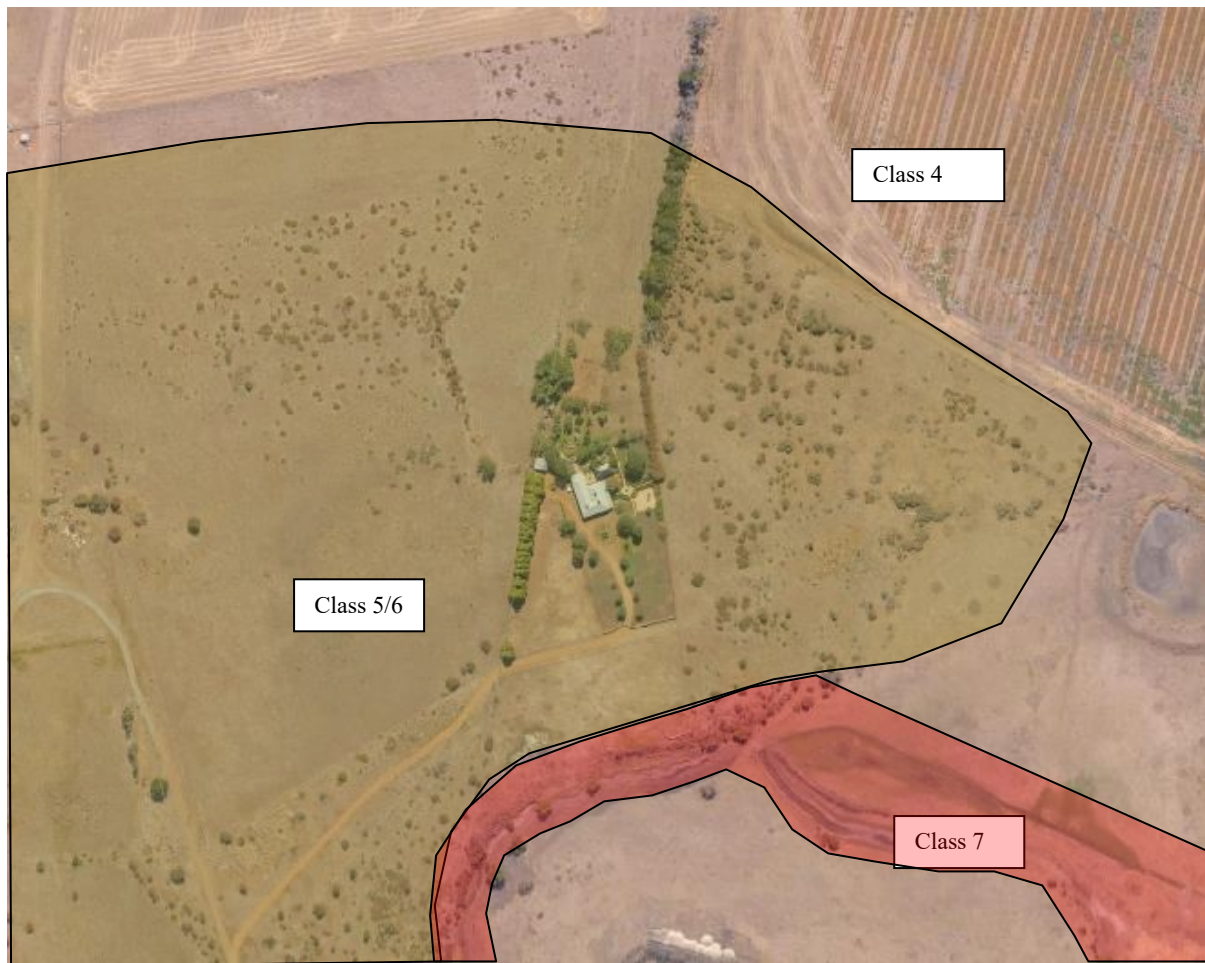


Figure 11. Land Classification boundaries from field survey

3.2 Agricultural Land Capability Summary

The title at 451 Tea Tree Road is classified as a mix of Class 4, 5, 6 and 7 agricultural land. The area of riparian vegetation and steep slopes along the Strathallan Rivulet is classified as class 7 land, unsuitable to agricultural use due to steep embankments, the very high erosion risk and natural environmental values. Due to the shallow and rocky soils on Basalt surrounding the dwelling area this area and the surrounding land is mapped as a complex of class 5/6 land. The remaining northern area of the property is mapped as class 4 land, and this area is proposed to be utilised for the botanical crops required for the extraction operations at the site. This classification is consistent with the current land use of the majority of properties in the area as areas of cropping have only been established on the class 4 land situated on the different alluvial soils overlying sandstone. Following field inspection of the land suggested for construction, it is clear the capability of the land is suited for the development of the proposed buildings, as the footprints are within existing areas of development (old tennis court in the case of the commercial shed) and in an area of extremely limited agricultural capability (the guest accommodation).

The proposed development on the property has a low risk of fettering adjacent agricultural land. The poor land quality (rocky shallow soils) that are unsuitable for cropping activities provides a good natural buffer to agricultural activities on adjacent properties. No cropping activities are

undertaken within 300m of the proposed guest accommodation site or within 200m of the proposed commercial building. The area of riparian vegetation associated with Strathallan also provides for a natural buffer to activities on adjacent properties to the south for the proposed guest accommodation site. This site is also located close to the access road and power connection for the property to aid servicing and minimise intrusion into agricultural land on the property. Revegetation with appropriate native species in the riparian zone and along the access road would also help to create a further buffer from the development to adjacent properties.

The property has a long history of rural residential use with a single dwelling and associated outbuildings on the site. Land use mapping of the site confirms the rural residential use of the property and the adjacent property to the West. The current proposal aims to improve the agricultural productivity of the site by value adding higher value botanical crops with an on-site extractive industry incorporated into on site visitor activities including guest accommodation. The development is a good example of value adding in modern agriculture and fits well with the tourism based agricultural enterprises popular in and around the greater Hobart area.

4 PLANNING CONTEXT

The property is zoned agriculture under the Tasmanian Planning Scheme.

To demonstrate compliance with the zone standards the development must demonstrate compliance with Clause 21.3.1 P1 & P2 of the scheme. The proposal is not located on prime agricultural land (class 1, 2 or 3 land) and as such does not need to address Clause 21.3.1 P3. The proposal also does not include a residential component such that is not required to address Clause 21.3.1 P4.

Clause 21.3.1 P1

A use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site, for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regard to:

- (a) access to a specific naturally occurring resource on the site or on land in the vicinity of the site;*
- (b) access to infrastructure only available on the site or on land in the vicinity of the site;*
- (c) access to a product or material related to an agricultural use;*
- (d) service or support for an agricultural use on the site or on land in the vicinity of the site;*
- (e) the diversification or value adding of an agricultural use on the site or in the vicinity of the site;*
- and*
- (f) provision of essential Emergency Services or Utilities.*

Clause 21.3.1 P2

A use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to:

- (a) the area of land being converted to non agricultural use;
- (b) whether the use precludes the land from being returned to an agricultural use;
- (c) whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites

The conditions whereby a development will be approved are outlined in Table 1. As there is no acceptable solution (A1 or A2) the development must satisfy the performance criteria (P1 & P2).

Summary comments relating to compliance of each performance criteria are also outlined in the table 1.

Table 1 Discretionary Use (Clause 21.3.1)

Acceptable Solutions	Performance Criteria	Comments
<p>A1</p> <p>No acceptable solution.</p>	<p>P1</p> <p>A use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site, for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regard to:</p> <ul style="list-style-type: none"> (a) access to a specific naturally occurring resource on the site or on land in the vicinity of the site; (b) access to infrastructure only available on the site or on land in the vicinity of the site; (c) access to a product or material related to an agricultural use; (d) service or support for an agricultural use on the site or on land in the vicinity of the site; (e) the diversification or value adding of an agricultural use on the site or in the vicinity of the site; and (f) provision of essential Emergency Services or Utilities. 	<p>Addressing</p> <ul style="list-style-type: none"> (a) The proposal is in integrated development for extractive industry based upon botanical crops grown on the property (b) The development is not reliant on specific infrastructure, however the required infrastructure is available at the site, including public assess, power and water (c) The development includes on site cropping, extraction of essential oils and perfumes, and the sale of the end product including guest visitor experiences (d) The proposed buildings are designed to support the production sale and access to the visitor experiences and the processed agricultural crop (e) The proposal provides an excellent example of value adding of an agricultural product including diversification with a visitor and tourist experience (f) The location of the proposed development allows access to existing services and utilities

<p>A2</p> <p>No acceptable solution.</p>	<p>P2</p> <p>A use listed as Discretionary must:</p> <p>A use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to:</p> <ul style="list-style-type: none"> (a) the area of land being converted to non agricultural use; (b) whether the use precludes the land from being returned to an agricultural use; (c) (c) whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites 	<p>Addressing</p> <ul style="list-style-type: none"> (a) The footprint of the proposed buildings is located within an area of existing development (the proposed commercial building is located on the old tennis court area on site) and the proposed visitor accommodation is located on class 6/7 land unsuitable for agricultural production. (b) There is no existing agricultural use in either development footprint, so no use is excluded. (c) The proposed development enhances the agricultural production on the subject property by enabling a higher value cropping enterprise with associated extractive industry, visitor experiences and sales. Income from visitor activities including guest accommodation is a critical component of the operation. The development is located with sufficient separation from cropping activities on adjacent properties, and with natural buffers to adjacent land use.
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5 CONCLUSIONS

As none of the land surveyed is Class 1, 2 or 3 agricultural land, and there is no evidence that the area in question could be classified as agricultural land of regional significance, then it is my professional opinion that the proposal for the new development on this site is not in conflict with the Tasmanian planning scheme.

In conclusion, I feel that the land area examined is suitable for the proposed use, provided that the identified landscape constraints are addressed with appropriate site specific management strategies.

- The property and the land immediately surrounding the property is predominantly classified as Class 4, 5 and 6 land with areas of class 7 land
- None of the land examined on the property or nearby is prime agricultural land as defined under the State Protection of Agricultural land Policy 2009
- The land on does not have identified local or regional agricultural significance
- The land in the proposed development area has significant impediments to agricultural use including shallow rocky soils, poor rooting depth, and a significant erosion hazard.
- The proposed development footprint is located on land no with current land use on land with severely limited agricultural capability and/or in areas of existing site development
- The development will therefore not result in the loss of land under a current agricultural use
- There is low potential fettering of agricultural land due to the presence of rural residential use to the west, significant setbacks to cropping land nearby, and the physical separation provided by the Strathallan Rivulet to the South
- The proposed development of the land in question does not conflict with continued management of the of the agriculture zoned land in the local area
- The development is a good example of value adding in modern agriculture and fits well with the tourism based agricultural enterprises popular in and around the greater Hobart area.

It is my professional opinion that the land surveyed is suitable to support the proposed development on the site in compliance with the planning scheme.



Dr John Paul Cumming B.Agr.Sc (hons) PhD CPSS GAICD
Certified Professional Soil Scientist

6 REFERENCES

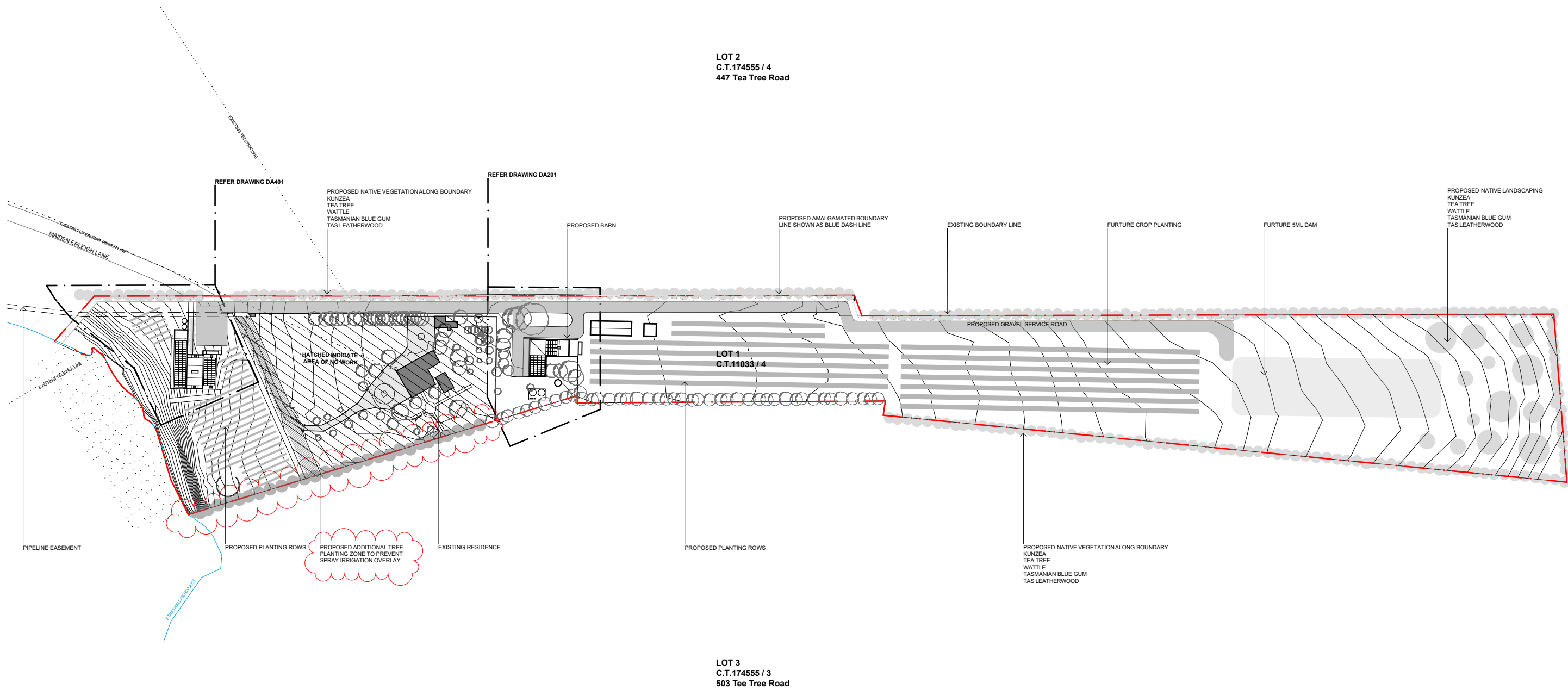
De Rose R. and Todd D. (2001), Land Capability Survey of Tasmania. Derwent Report. Department of Primary Industries, Water and Environment, Tasmania, Australia.

Grose. C.J. (1999). Land Capability Survey Handbook: Guidelines for the Classification of Agricultural Land in Tasmania – Second Edition, Department of Primary Industries, Water and Environment, Tasmania

Noble K E (1992). Land Capability Survey Handbook. Department of Primary Industries, Water and Environment, Tasmania

Tasmanian Planning Scheme – State Planning Provisions	
Attachment A: C6.0 Local Historic Heritage Code	
PLANNING SCHEME REQUIREMENT	RESPONSE
Clause C6.6.2 – Site Coverage	
<p><i>P1</i></p> <p><i>The site coverage must be compatible with the local historic heritage significance of a local heritage place, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the topography of the site; and</i> <i>(b) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule</i> 	<p>Complies with P1 (a),(b)</p> <p>The proposed development complies with site coverage standards by ensuring that roofed structures do not exceed 2% of the total site area, aligning with acceptable solutions. Native landscaping has been planned to complement and maintaining heritage character, reducing visual impacts by descaling the proposed built forms.</p>
Clause C6.6.3 – Height and bulk or Buildings	
<p><i>P1</i></p> <p><i>The height and bulk of buildings must be compatible with the local historic heritage significance of a local heritage place, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule;</i> <i>(b) the character and appearance of the existing building or place;</i> <i>(c) the height and bulk of other buildings in the surrounding area; and</i> <i>(d) the setting of the local heritage place.</i> 	<p>Complies with P1 (a),(b),(c),(d)</p> <p>The design of the buildings respects the height limitations, ensuring structures remain below 5m meters. Bulk is minimised by splitting functions into smaller clusters of outbuildings that are grounded on site with simplified skillion roof form. They are cues from the scale of the surrounding area existing agricultural sheds. The proposed structures reflect agricultural character of the local area and the existing of existing heritage context, incorporating similar proportions and scale.</p>
Clause C6.6.4 – Site of Buildings and Structures	
<p><i>P1</i></p> <p><i>The front, side and rear setbacks of a building must be compatible with the local historic heritage significance of the place, having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule;</i> <i>(b) the topography of the site;</i> <i>(d) the external materials, finishes and decoration of the outbuilding or structure; and</i> 	<p>Complies with P1 (a),(b),(c),(d)</p> <p>All structures have been strategically sited to maintain the visual integrity of the existing heritage buildings. The side setbacks of 14m from the title boundaries and the front of the barn is setback 35m from the historical homestead 'Maiden Erleigh' to ensure consistency with the established rural context and preserve views, open space and orientation to maintain the area's visual continuity.</p>

<i>(e) the visibility of the outbuilding or structure from any road or public open space adjoining the site</i>	
Clause C6.6.6 – Roof Form and Material	
<p><i>P1</i></p> <p><i>Roof form and materials must be compatible with the local historic heritage significance of a local heritage place, having regard to:</i></p> <p><i>(a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</i></p> <p><i>(b) the design, period of construction and materials of the building on the site that the roof directly relates to;</i></p> <p><i>(c) the dominant roofing style and materials in the setting; and</i></p> <p><i>(d) the streetscape.</i></p>	<p>Complies with P1 (a),(b),(c)</p> <p>Roof design incorporates a traditional skillion form, and the material selection is appropriate and consistent with the rural character of the surrounding context, including corrugated iron, and masonry. The dark monument colour palette enables the proposed forms to sit recessively against the historical buildings on site, reducing visual obtrusiveness and integrating into the landscape. The sloped roof form references the dominant roofing angles historically seen in outbuildings ensuring continuity within site context.</p>
Clause C6.6.8 – Outbuildings and Structures	
<p><i>P1</i></p> <p><i>Outbuildings and structures must be compatible with the local historic heritage significance of a local heritage place, having regard to:</i></p> <p><i>(a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule;</i></p> <p><i>(b) the bulk, form and size of buildings on the site;</i></p> <p><i>(c) the bulk, form and size of the proposed outbuilding or structure;</i></p> <p><i>(d) the external materials, finishes and decoration of the outbuilding or structure; and</i></p> <p><i>(e) the visibility of the outbuilding or structure from any road or public open space adjoining the site</i></p>	<p>Complies with P1 (a),(b),(c),(d),(e)</p> <p>The Barn and the Accommodation buildings have been designed as subservient outbuildings in scale and orientated deferentially to the main historical homestead 'Maiden Erleigh', ensuring they do not detract from the heritage values of the site. Materials and colours are recessive and subservient to the primary homestead building enhancing the heritage character, and minimising the visual impact from the neighbouring context and distant Tea Tree Road.</p>
Clause C6.6.9 – Outbuildings and Structures	
<p><i>A1</i></p> <p><i>Driveways and parking areas for non-residential purposes on local heritage places must be located behind the building line of buildings located or proposed on a site.</i></p>	<p>Complies with A1</p> <p>The proposed driveway and parking areas will be primarily use by the onsite agricultural vehicles and designed with permeable surfaces. Visitor parking areas are designed to accommodate the limited number of visitors, located away from the historical homestead and are screened with native landscaping to reduce visual impacts from the distant main road and neighbouring sites. The carparking location and layout minimises disruption to the heritage value and prioritising the retention of significant vegetation.</p>



REV	DESCRIPTION	CHK	DATE	PROJECT THE RACONTEUR TEA TREE ROAD DEVELOPMENT kotalayna (Jordan River) 451 Tea Tree Road TEA TREE TASMANIA 7017	TITLE LOCATION PLAN	DRAWING No. DA101 REVISION No. B	
B	For Planning Application	Guy Edwards	27/03/2025			SCALE	1:2000 @ A3
A	For Planning Application	Guy Edwards	21/01/2025			PROJECT CODE	RTD
02	For Coordination	Guy Edwards	17/12/2024			STATUS	PLANNING APPLICATION
01	For Coordination	Guy Edwards	11/12/2024			APPROVED	EB
100 New Town Road nipaluna New Town lutruwita Tasmania 7008 Level 3 20 Guildford Lane naarm Melbourne Victoria 3000 contact@liminalstudio.com.au liminalstudio.com.au T +613 6231 0166 LIMINAL STUDIO PTY LTD TRADING AS LIMINAL ARCHITECTURE				CLIENT PROJECT SUNSHINE VENTURES		Figured dimensions take precedence to scale readings. Verify all dimensions on site. Report any discrepancies to the Architect for decision before proceeding with the work. Copyright ©	
LIMINAL ARCHITECTURE							

LIMINAL STUDIO

Thursday, 27 March 2025

Brian White
Brighton Council
1 Tivoli Road,
OLD BEACH TAS 7000

Dear Brian

RTD – The Raconteur Farm Development ‘Maiden Erleigh’ DA2024/243

In response to your correspondence dated 20 March 2025, we provide the following:

1. Land use conflict with adjoining agricultural use:

a) Effluent Irrigation Scheme:

The revised GES Agricultural Report (attached) provides further information addressing Clause C9.5.2 of the Code. In relation to adjoining farming operations, the attached LIMINAL drawing (A101[B] Common Location Plan, dated 27/03/2025) illustrates additional planting along the eastern boundary to the Strathallan Rivulet to assist in mitigating potential spray irrigation overlay.

b) Use of reserved Road through property for heavy machinery:

We confirm that the Crown has verified there is no licence on the road reserve traversing the site. Moreover, there is no registered burden on the title of Maiden Erleigh granting access over the site in favour of any third party whether by way of right of way, right of carriageway, easement, licence or otherwise.

c) Stock Easement at Maiden Erleigh Road and the Tea Tree Road:

We acknowledge the importance of cohabitation between the proposed development and agricultural operations. A supplementary development application will be submitted to address site wayfinding and traffic management signage, including and not limited to:

- Give Way signage at the one way bridge.
- Passing lane signage at the midpoint of the road reserve and bridge
- Give Way livestock crossing and visitor lay-by area signage at the intersection of Tea Tree Road and Maiden Erleigh Lane

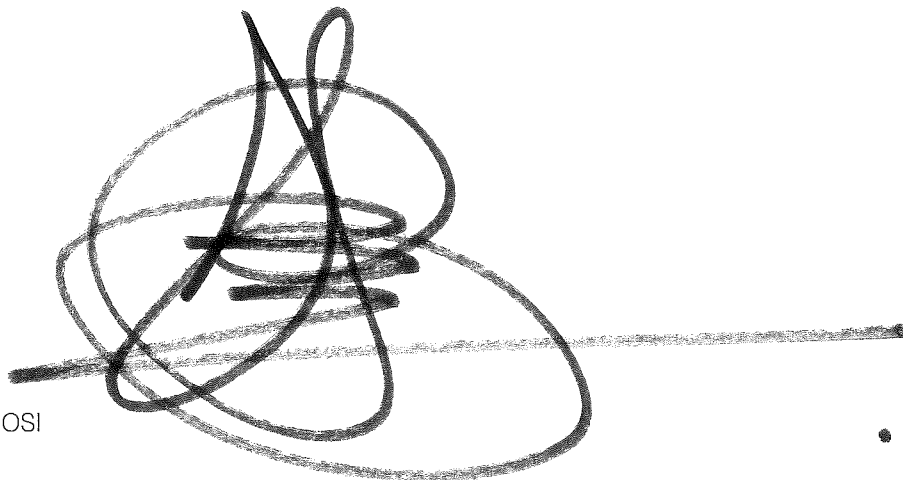
2. Statements of support:

We enclosed is a letter from the owners of the neighbouring property to the west of the proposed development at 449 Tea Tree Road, along with a statement from the CEO of Destination Southern Tasmania, in support of Development Application (DA 2024/243).

We hope the above covers the issued raised.

Please do not hesitate in contacting us should further clarification or additional documentation be required.

Yours faithfully
LIMINAL ARCHITECTURE



Elvio Brianese Cav. OSI
Director
Ref: Guy Edwards

Copies: Craig Andrade
Enclosure: GES Land Capability Assessment, Dated 26 March 2025
LIMINAL Studio Drawing A101 [B] Dated 27 March 2025
Letter of Support Meg and Max Wilson, adjoining neighbours to the West (449 Tea Tree Road), Dated 22 March 2025
Letter of Support Alex Henroy CEO Destination Southern Tasmania, Dated 20 December 2024



LAND CAPABILITY ASSESSMENT

451 Tea Tree Road, Tea Tree

CLIENT

The Raconteur

Updated March 2025

SUMMARY

Geo-Environmental Solutions Pty Ltd was engaged by Liminal Architecture on behalf of The Raconteur to complete a land capability assessment of the property at 451 Tea Tree Road, Tea Tree.

The proposal is for a new commercial building for the extraction and sale of essential oils/perfumes and a visitor accommodation building for guests undertaking on-site experiences at the Historic Maiden Erleigh property. The area under consideration is zoned agriculture and is currently contained by CT110334/4 and is approximately 4ha in area.

The property and the land immediately surrounding the property is predominantly classified as Class 4, 5 and 6 land with areas of class 7 land. None of the land examined on the property or nearby is prime agricultural land as defined under the State Protection of Agricultural land Policy 2009. The proposed development footprint is located on land no with current land use on land with severely limited agricultural capability and/or in areas of existing site development. The development will therefore not result in the loss of land under a current agricultural use. The proposed development of the land in question does not conflict with continued management of the of the agriculture zoned land in the local area. The development is a good example of value adding in modern agriculture and fits well with the tourism based agricultural enterprises popular in and around the greater Hobart area.

As none of the land surveyed is Class 1, 2 or 3 agricultural land, and there is no evidence that the area in question could be classified as agricultural land of significance, then it is my professional opinion that the proposed development is not in conflict with the state policy on the protection of agricultural land or the planning scheme, and should proceed.

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FOUNDING STATEMENT

This assessment report is one of many completed by John Paul Cumming of Geo-Environmental Solutions P/L (GES). John Paul holds a first-class honours degree in Agricultural Science (major in soil science) and a PhD in environmental soil chemistry. John Paul is a former Honorary Research Associate in the Faculty of Engineering, Science, and Technology where he has participated in a number of academic and research projects pertaining to soil and environmental management. John Paul has current status as a Certified Professional Soil Scientist from the Australian Society of Soil Science Inc.

John Paul is a graduate member of the Australian Institute of company directors, and a director of Geo-Environmental Solutions P/L (GES). In his role at GES John Paul has completed numerous land capability assessments for Federal, State and Local Government agencies. In addition, over the past twenty years John Paul has supervised over 20,000 site and soil classifications for residential developments according to AS2870-2011 and AS/NZS1547-2012.

1 INTRODUCTION

The property where construction has been proposed is situated at 451 Tea Tree Road, approximately 3km North East of the main settlement of Brighton (Figure 1).

The subject title is approximately 4 hectares (CT11033/4) and currently supports a residential dwelling. The properties surrounding the proposed are a mix of agricultural properties and rural residential properties. The property immediately to the West supports a dwelling and associated outbuildings, whilst the properties to the East of better quality land support agricultural cropping activities. The land further to the west and North West is open grassland on the former Pontville rifle range. Strathallan Rivulet forms a border to the property along the southern boundary.

The proposal is for a shed to be utilised for extractive processing of agricultural crops produced on the property (essential oils & perfumes) and associated guest accommodation for visitors taking part in on site experiences.

It is the scope of this report to consider the agricultural capability of the title, and of the area surrounding the proposed construction sites. The report will make reference to the relevant objectives as outlined by the Tasmanian Planning Scheme.

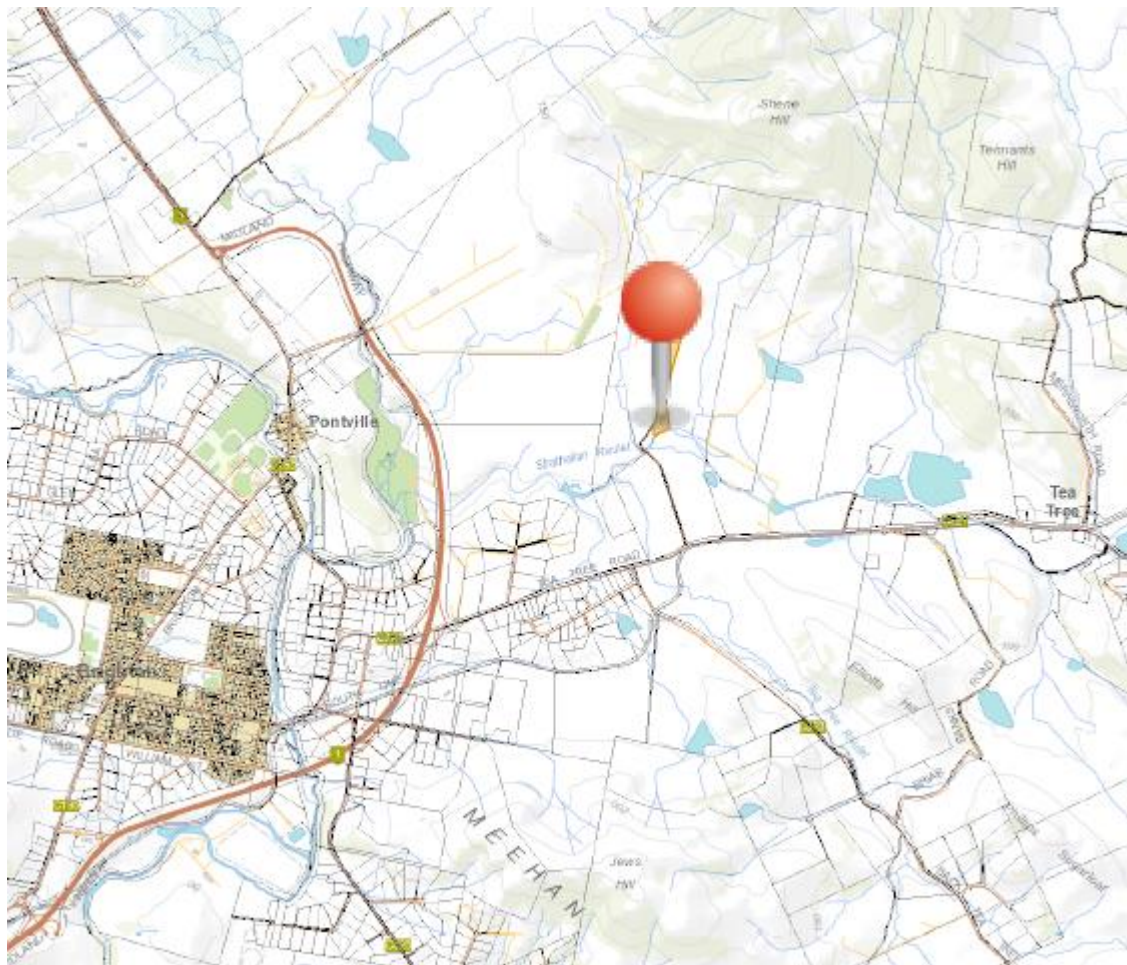


Figure 1 – Site location – title as pinned

1.1 Planning context

The land area proposed for the new development falls within land zoned Agriculture under the Tasmanian Planning Scheme whilst land to the south west of the site is zoned Rural Living as shown in (Figure 2).

Providing that the requirements of the scheme are met regarding the protection of agricultural land, then the development of the proposed development should proceed.

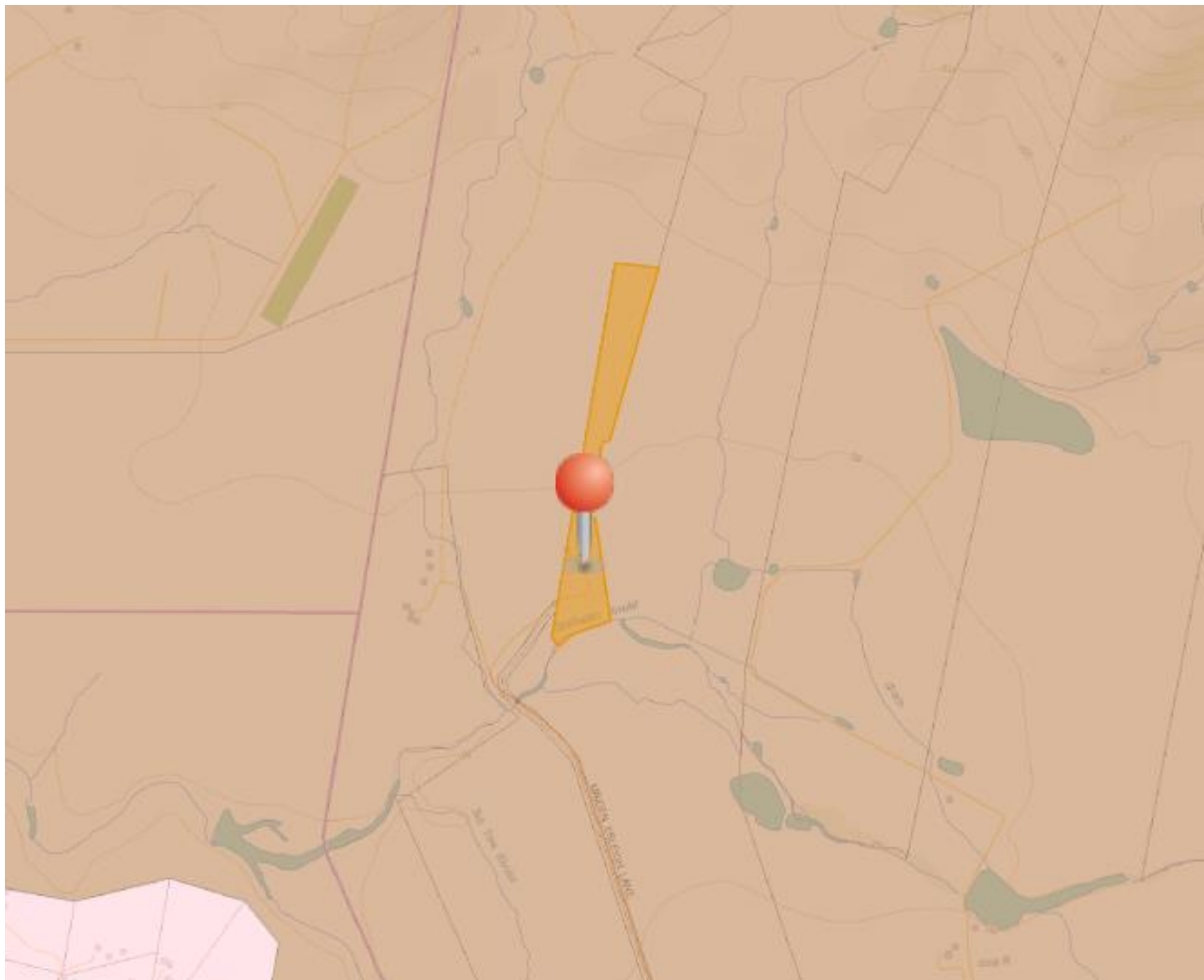


Figure 2 – Planning Zones – Tasmania Planning Scheme

2 SITE INFORMATION

Site information pertaining to the agricultural capability of the land was collected from desktop (The List) and field survey. Field survey was undertaken using a 4wd mounted drilling rig and a hand auger to assess soil profiles and the suitability of the soils for agriculture.

2.1 TOPOGRAPHY

The site is characterised by a flat alluvial plain associated with Strathallan Rivulet flood plain with an elevation approximately 60 m AHD. The majority of the site has a gradient between 1 – 5%, with steeper embankments associated with the rivulet (see figure 3).



Figure 3 – Example of the gently sloping topography. Photo overlooking the site back to the south west towards Strathallan Rivulet

2.2 Climate

Climatic data collected by the Bureau of Meteorology (BoM) were sourced from the Hobart Airport gauging station (94008), approximately 25km to the south of the Site. The station has been collecting rainfall data since 1958. From the historical record, the mean annual rainfall has been determined to be 498mm (Figure 5).

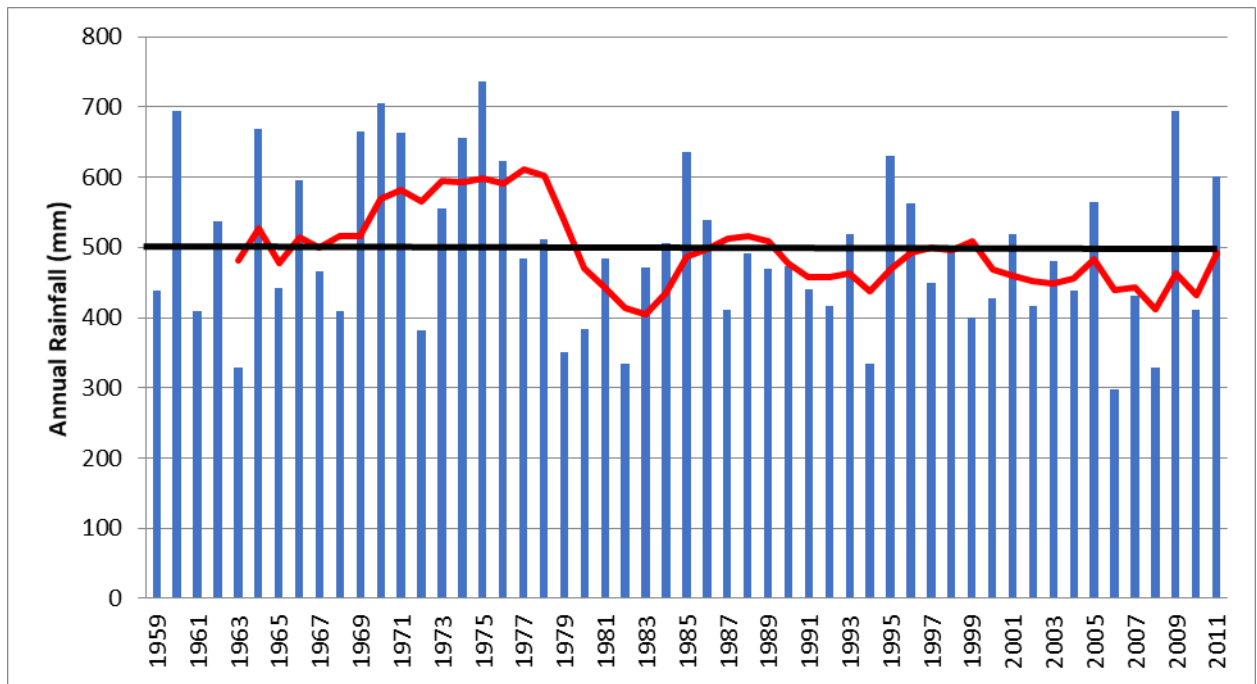


Figure 4. Summary of annual rainfall record for Hobart Airport station (94008)

Rainfall was generally above average from the mid 1960s until around the end of the 1970s whereby for most of the subsequent period it has been below average, with few periods experiencing above average rainfall as demonstrated by the 5 year moving average.

Mean monthly rainfall data from 1959-2011 is shown on Figure 6. As indicated, the months from August-December experience the highest rainfall with December being the highest receiving on average 53.6 mm. Rainfall generally decreases from January – June (with the exception of April) with June receiving the lowest of all months 32.8 mm. The long term average annual rainfall for the site is approximately 500mm, which suggests that irrigation will be required for all landscaping activities on site. The figures also suggest that the volumes of water available from roof retention and possibly from storm water retention are also likely to be limited.

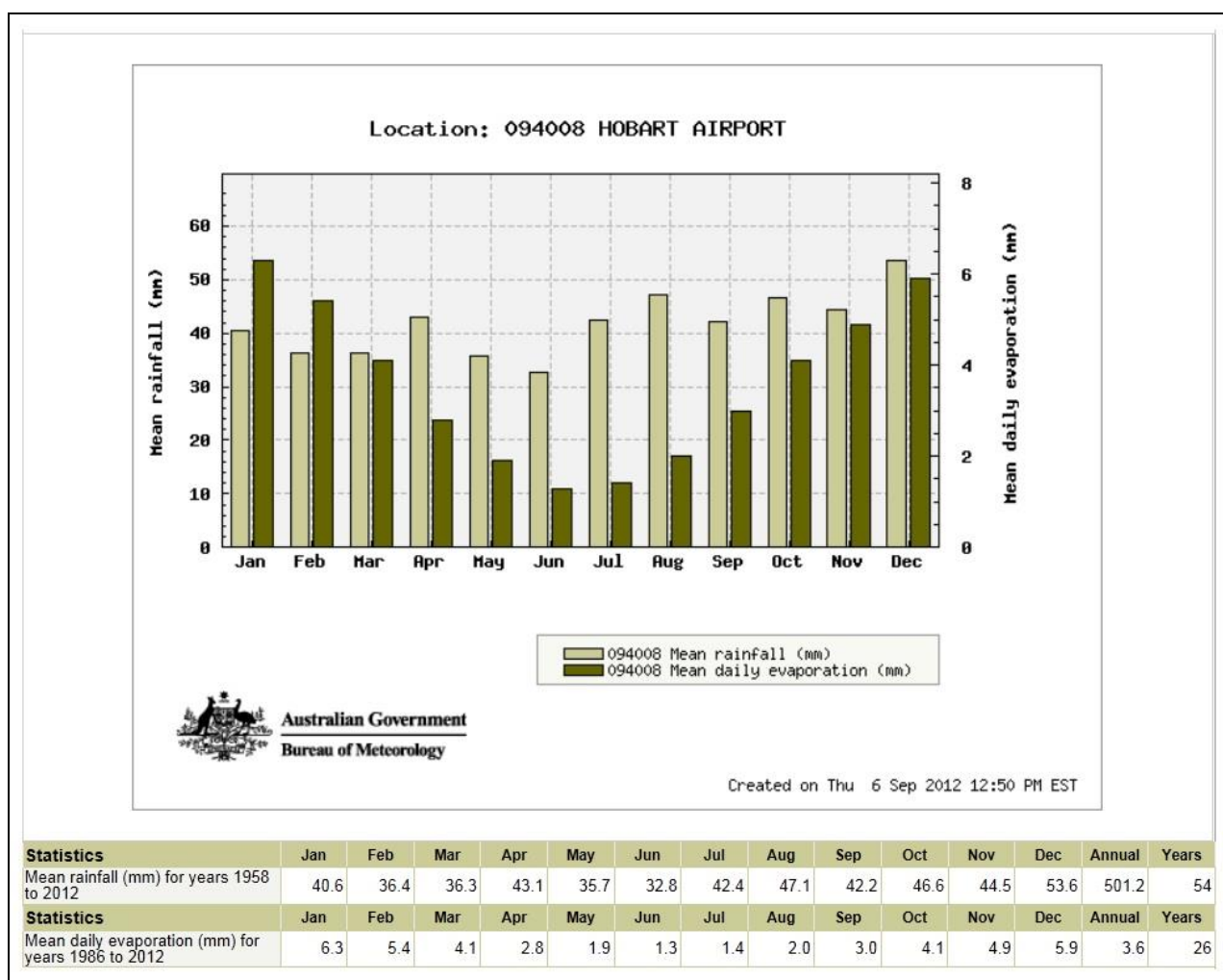


Figure 5. Summary of mean monthly rainfall and evaporation record for Hobart Airport station (94008)

Although evapotranspiration statistics are available from the Hobart Airport gauging station, no reliable class A pan evaporation data or evapotranspiration (ET) coverage is available for the site. An estimate of ET has been made using an empirical technique developed by Forestry Tasmania based on mean maximum daily temperature. The estimate is based on the following relationships:

$ET = 0.12T$ mm/day (June-January)

$ET = 0.13T - 0.4$ mm/day (February-May)

2.3 Geology

The study area falls within the Mineral Resources Tasmania 1:25 000 mapping sheet for Richmond (Figure 6). This indicates that the property is dominated by Tertiary aged Basalt (Tb) whilst the upper elevations of the property to the north is mapped as Triassic sandstone (Rv). It appears that the tertiary Basalt forms an intrusion that underlies the small hill on which the property sits. The

area of the existing dwelling and the proposed development was noted to be very stony with Basalt outcropping visible.

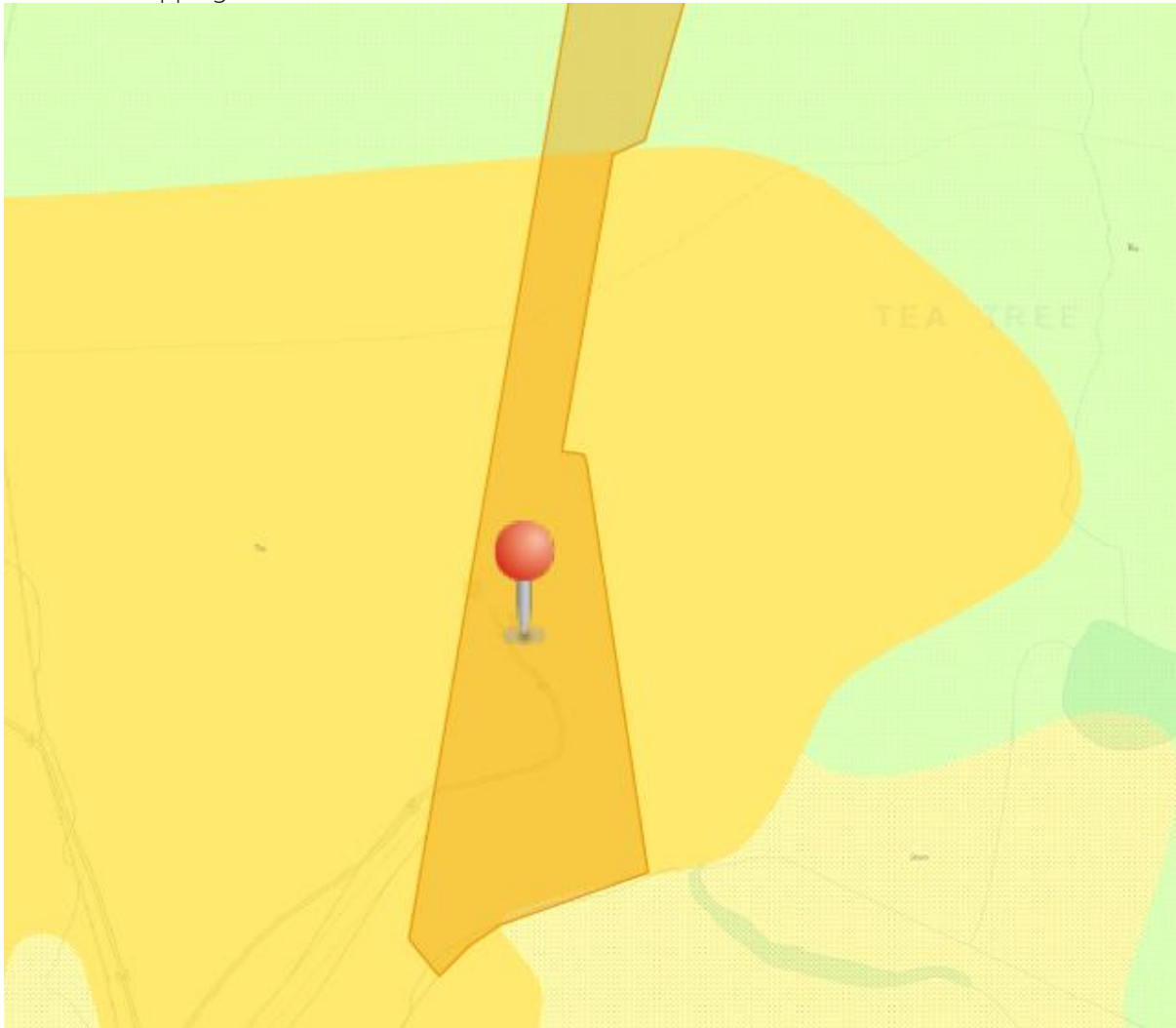


Figure 6. Geology map of the area (The List source) – property location as pinned

2.4 Soil distribution

Soil type mapping for the local area indicates the soils are mapped as a mix of Black soils on Basalt and undifferentiated alluvial soils (figure 7). Due to the complex geological pattern on the property and the local area differences in soil type may be expressed over short distances. Based upon field inspection the soils are dominated by duplex profiles of light sandy topsoils overlying heavy plastic clay subsoils. The heavy clay soils can be prone to waterlogging, and difficult to work when wet. The soils in the area of the existing dwelling and the proposed development area were noted to be very stony and shallow, with significant areas of Basalt outcropping (figure 8 & 9). The soils on Basalt in the local area known to be fertile, however they area also typically shallow with limited rooting depth for crops and due to the high variability in soil depth, drainage and stone hazards can be very difficult to manage in a cropping situation. As a result, large areas of these complex soils in the local area have predominantly been left under pasture with some opportunist cropping or horticulture where detailed soil management practices have been implemented. It is

no surprise that the existing dwelling on the property has been developed on the area of the shallow Basalt soils, as the shallow depth to rock and limited agricultural capability made it an ideal site for construction of the historic home on the property, leaving the more suitable soils on sandstone elsewhere for agricultural use.

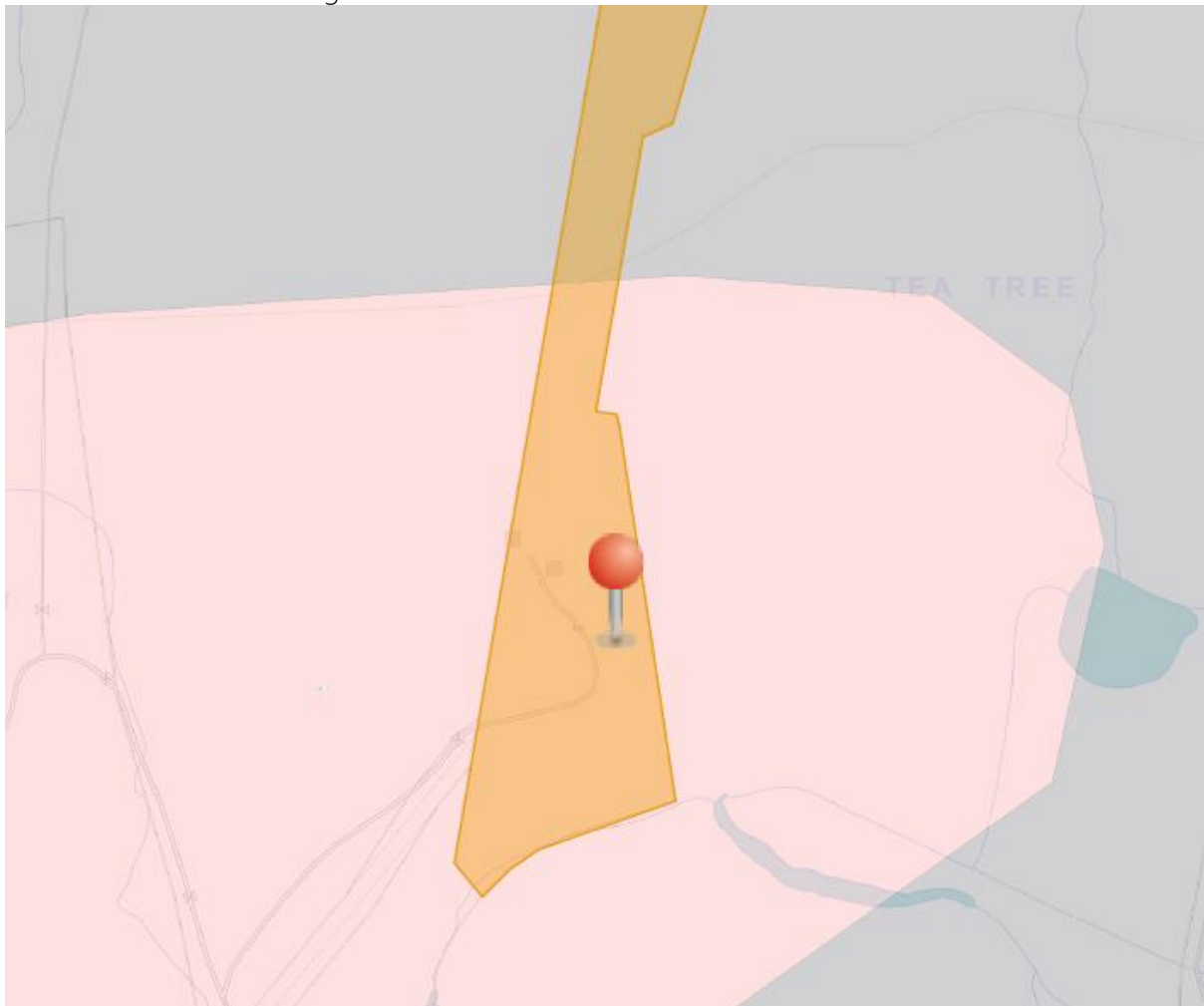


Figure 7. Soil mapping, Black soils on Basalt in Pink and Undifferentiated alluvial soils in Grey

The alluvial soils on Triassic sandstone in the local area on flatter slopes are generally more suited to agriculture, with deeper soil profiles and less stone content. The soils on sandstone are also generally duplex profiles of sandy topsoils overlying clays. The soils on sandstone are identified as having a moderate salinity and sodicity hazard which is often a function of the heavy clay subsoils in the local area. Any tillage and cropping on the soils need to be very carefully managed as the soils have a strong texture contrast from light sandy topsoils to the clay subsoils. Tillage of the soils can result in erosion of the topsoils leaving the heavy clay subsoils exposed, potentially causing further deep erosion. Generally, these soils are managed in crop rotations with minimal tillage and cover crops to help prevent wind erosion. Cropping on the adjacent property at 503 Tea tree Road is

predominantly limited to the alluvial soil, with little or no cropping evidence on the Basalt soils. Further agricultural development on the subject property is also planned on the alluvial soils on the northern part of the property.



Figure 8. View of the typical shallow and rocky soils, note the numerous surface stones and rocks



Figure 9. View of the slope above Strathallan Rivulet with significant areas of Basalt outcropping

3 LAND CAPABILITY ASSESSMENT

Agricultural Land Capability assessment has been developed in Tasmania by the Department of Primary Industries Water and Environment according to the guidelines described in Noble (1992) and Grose (1999). The system uses a rating system of 7 classes to classify land according to the ability of the land to sustain a range of agricultural uses without land degradation. Agricultural land capability is generally based upon the permanent biophysical features of the land such as geology, soils, slope, climate, erosion hazard etc. The classification system assumes an average standard of land management and that production will be sustainable if the land is managed according to the guidelines of its Class. The system does not take into account the economics of production, distance from markets, social or political factors; all of which can change over time.

The agricultural land capability system in Tasmania utilizes a hierarchical framework of 7 classes which describe the degree of limitation from little to no limitations in class 1, to extreme limitations in class 7. Subclasses then describe the dominant limitation(s) within the class, i.e. erosion, wetness, soils, and climate. Land classified as class 1 – 4 is generally suitable for cropping activities subject to the limitations of each class, class 5 & 6 land is generally suitable only for grazing with careful management, and class 7 land is unsuitable for agricultural use (Grose 1999). According to the State Policy on the Protection of Agricultural Land 2009 land classified as class 1, 2 and 3 is defined as prime agricultural land.

3.1 Agricultural Land Capability Classes

The Land Capability Survey of Tasmania, Derwent 1:100 000 map from the Department of Primary Industries, Water and Environment, Tasmania (DeRose R. and Todd D, 2001) indicates that the land proposed for construction is Class 5 land (Figure 10). However, based upon field survey and assessment of the soil the property has been reclassified as a mix of class 4, 5, 6 and 7 (figure 11). Land CLASS 4 is defined as land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimize degradation. Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. CLASS 5 land is defined as land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices. CLASS 6 land is defined as marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use.

The area of shallow and rocky soils on Basalt surrounding the existing dwelling and in the area of the proposed development is classified as a complex of class 5 & class 6 land. The area of class 4 land more suited to cropping is found on the northern part of the property on the undifferentiated alluvial soils.

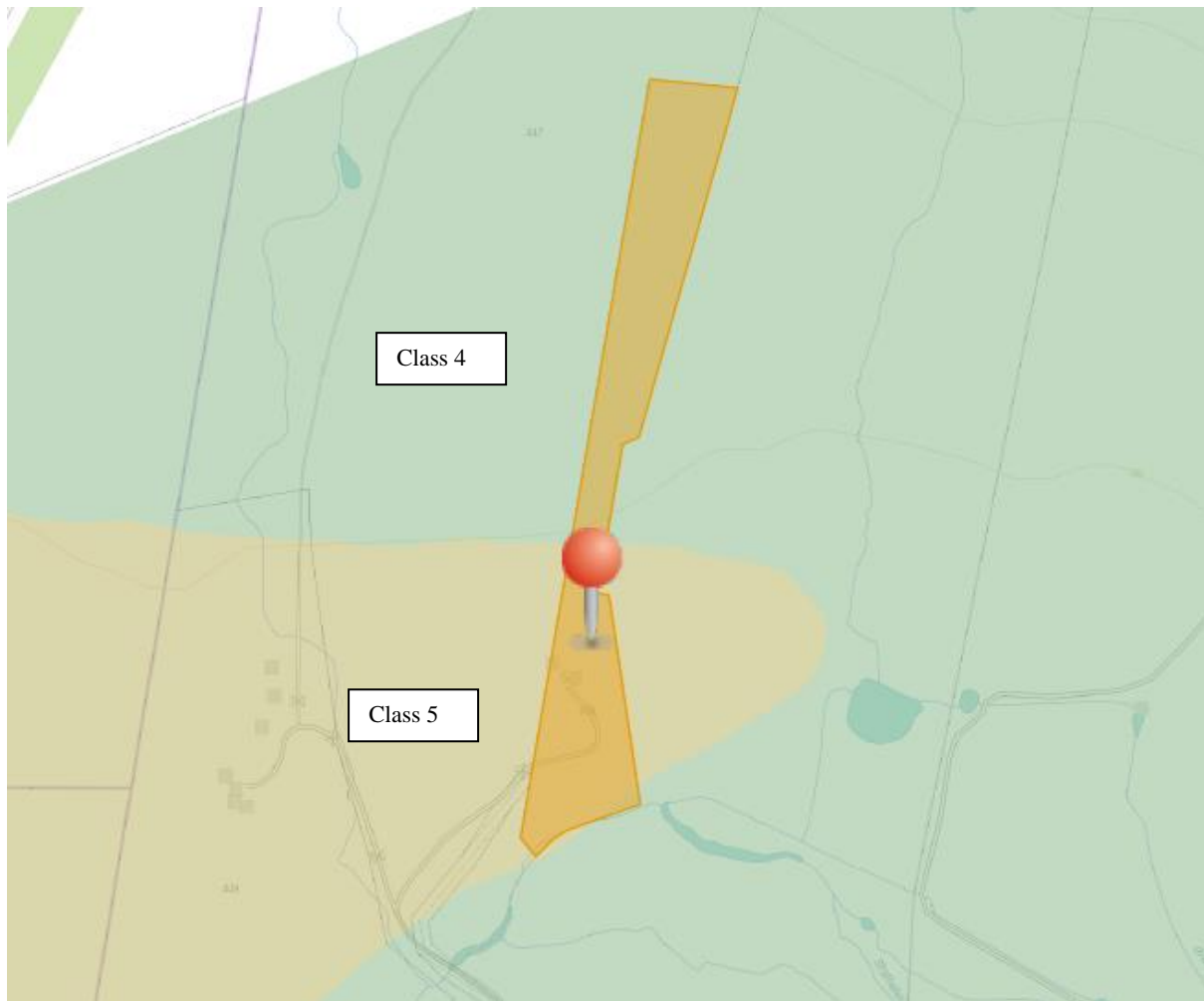


Figure 10. Land Classification boundaries from Land Capability Survey of Tasmania, Nugent 1:100 000, the Department of Primary Industries, Water and Environment, Tasmania (DeRose R. and Todd D, 2001). Property location as pinned.

As the site is classified as predominantly a mix of Class 4 and class 5 land it is restricted to grazing and cropping when the ground conditions allow (i.e., not wet years due to poor drainage). As per DeRose R. and Todd D. (2001), Class 5 land occurs in this area on gentle sloping land of less than 12% slope where clays overlie basement lithologies, here being Tertiary Basalt or Triassic sandstone. This soil is known to be nutrient rich but due to the high clay content is poorly drained. DeRose R. and Todd D. (2001) also states that the main capability limitation for the Class 4 land in this area is related to poor physical soil properties; and drainage. Most of these areas support pastures with opportunistic cropping. Care will be required to ensure adequate drainage and manage any irrigation on this soil due to the salinity hazard.

The area of riparian vegetation with steep embankments and evidence of localized erosion and significant rock outcropping along the Strathallan Rivulet is classed as class 7 land unsuitable for agriculture. This land has severe limitations and environmental values that should be protected by fencing to restrict stock and revegetation where appropriate.

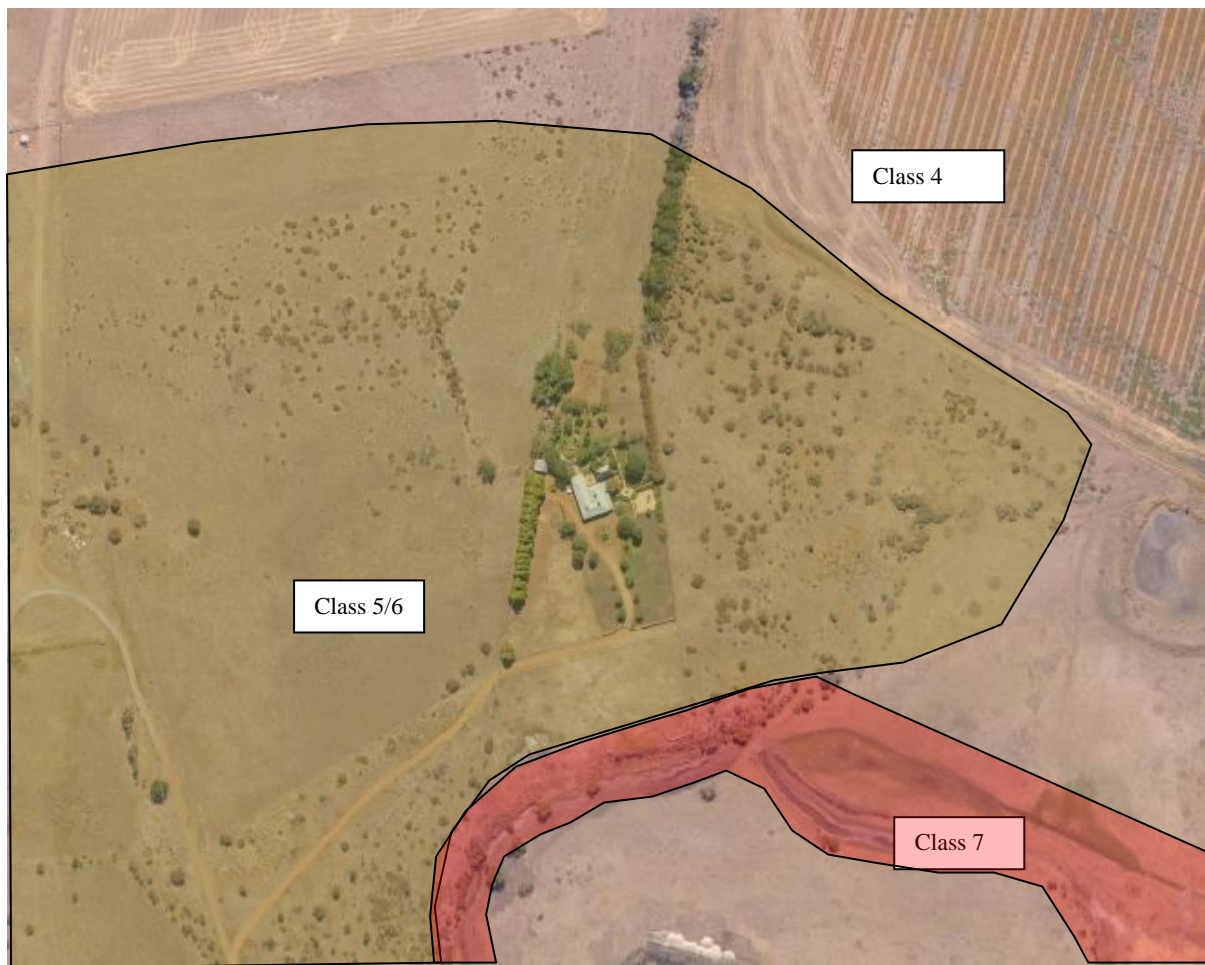


Figure 11. Land Classification boundaries from field survey

3.2 Agricultural Land Capability Summary

The title at 451 Tea Tree Road is classified as a mix of Class 4, 5, 6 and 7 agricultural land. The area of riparian vegetation and steep slopes along the Strathallan Rivulet is classified as class 7 land, unsuitable to agricultural use due to steep embankments, the very high erosion risk and natural environmental values. Due to the shallow and rocky soils on Basalt surrounding the dwelling area this area and the surrounding land is mapped as a complex of class 5/6 land. The remaining northern area of the property is mapped as class 4 land, and this area is proposed to be utilised for the botanical crops required for the extraction operations at the site. This classification is consistent with the current land use of the majority of properties in the area as areas of cropping have only been established on the class 4 land situated on the different alluvial soils overlying sandstone. Following field inspection of the land suggested for construction, it is clear the capability of the land is suited for the development of the proposed buildings, as the footprints are within existing areas of development (old tennis court in the case of the commercial shed) and in an area of extremely limited agricultural capability (the guest accommodation).

The property has a long history of rural residential use with a single dwelling and associated outbuildings on the site. Land use mapping of the site confirms the rural residential use of the property and the adjacent property to the West. The current proposal aims to improve the agricultural productivity of the site by value adding higher value botanical crops with an on-site extractive industry incorporated into on site visitor activities including guest accommodation. The development is a good example of value adding in modern agriculture and fits well with the tourism based agricultural enterprises popular in and around the greater Hobart area.

3.3 Potential fettering of adjacent agricultural land use

The proposed development on the property has a low risk of fettering adjacent agricultural land due to the land quality and land use pattern in the immediate area. The poor land quality (rocky shallow soils) that are unsuitable for cropping activities provides a good natural buffer to agricultural activities on adjacent properties. Based upon a review of historical aerial photographs it appears that no cropping activities are undertaken within 250m of the proposed guest accommodation site or within 200m of the proposed commercial building. This is most likely due to the lack of irrigation resources in the area and the reliance upon recycled water for any cropping activities. As discussed in more detail in section 4 of this report the use of recycled water for irrigation requires approval of an Environmental Management Plan by EPA Tasmania which must include appropriate buffer distances to existing sensitive land use (i.e. the existing residence on the subject property) and environmental features such as surface water (i.e. Strathallan Rivulet). As a result, spray irrigation of any crops with recycled water (i.e. treated effluent) is limited to more than 200m from the existing dwelling, and the storage of any treated effluent to greater than 250m away.

For illustration purposes a 200m circle has been placed on the existing dwelling at 451 Tea tree Road and the existing dwelling to the West at 449 Tea tree Road (both shown in orange in figure 12). An additional 200m circle has also be placed on the location of the proposed visitor accommodation (in blue as shown in figure 12) to illustrate the overlap with the existing sensitive land use on both properties. The orange circle placed on the existing dwelling at 451 Tea tree Road aligns well with the margins of the cropping activities to the north on the property at 503 tea tree Road, and in fact it appears that the south west corner of the closest irrigation area has been shaped to stay outside the 200m buffer. The land to the south of the proposed visitor accommodation is bordered by Strathallan Rivulet and the associated riparian zone. The riparian zone has a waterway and coastal protection overlay on the area surrounding the open drainage lines/waterbodies and the area would also be afforded a buffer from any irrigation of recycled water of at least 50m. Whilst agricultural activities occur in proximity to 451 Tea Tree Road the visitor accommodation is situated at a considerable distance from the spray irrigation zone, and remains well outside the buffer zones for waterway and coastal protection, plus the riparian zone around Strathallan Rivulet.

The area of riparian vegetation associated with Strathallan provides for a natural buffer to activities on adjacent properties to the south for the proposed guest accommodation site. This site is also located close to the access road and power connection for the property to aid servicing and

minimise intrusion into agricultural land on the property. Revegetation with appropriate native species in the riparian zone and along the access road would also help to create a further buffer from the development to adjacent properties. Likewise additional plantings along the eastern boundary of the property would aid separation and screening of the existing residential use on the property from the agricultural activities on the property at 503 Tea Tree Road.

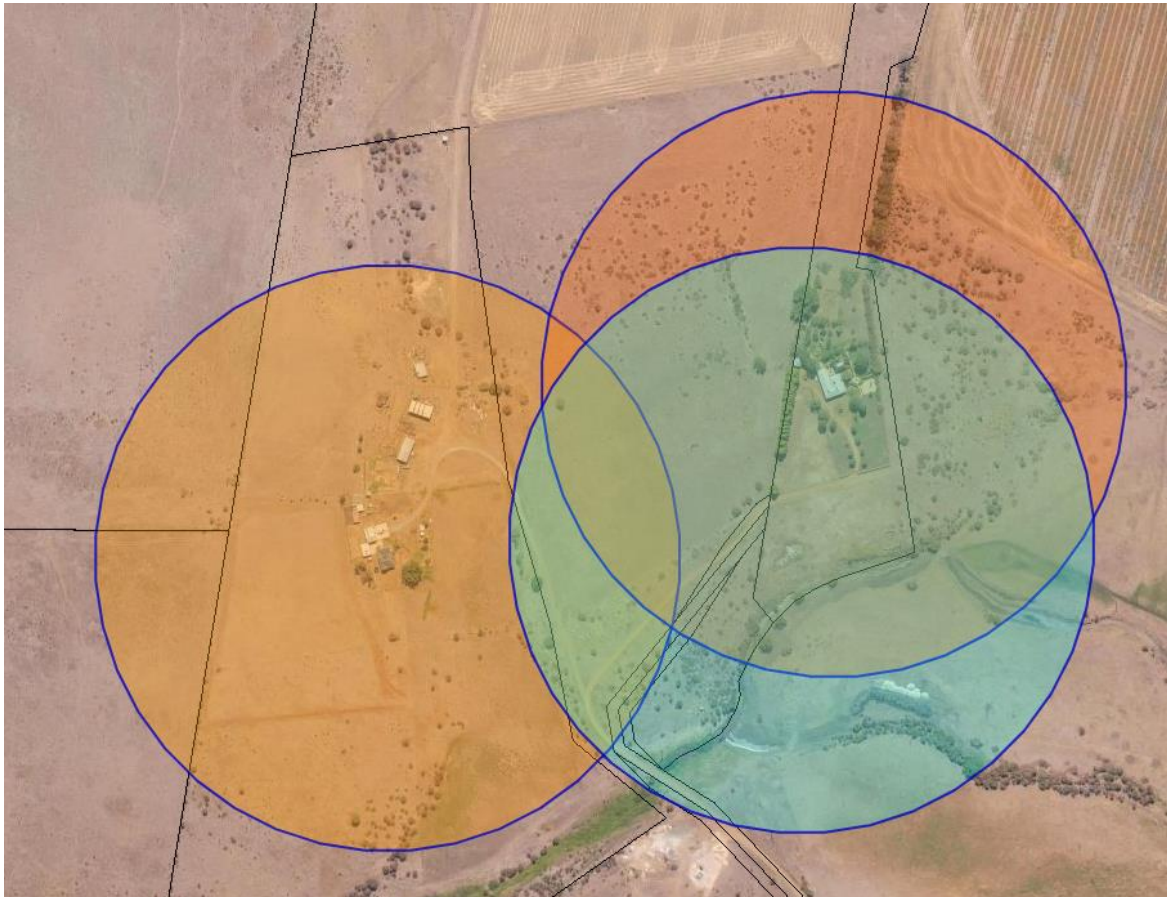


Figure 12. Illustration of existing and proposed sensitive land use – 200m buffer distances

Maiden Erleigh Lane is also utilised for the movement of stock and machinery as part of farming operations on the subject and adjacent properties. The development should make appropriate allowances in a site traffic management plan for signage to inform visitors and guests to the property of stock and machinery movements. The use of such signage and visitor information to manage potential traffic issues is commonplace on other farm stays and airbnb accommodation on numerous agricultural properties around Tasmania. Likewise, the movement of stock along the laneway and associated stock easement can be easily managed with appropriate visitor information and signage. The frequency of stock movements for a grazing operation in the local area is generally minimal - perhaps only a few times a year (from my own experience living and working on properties in the area) and the existing fencing allows for exclusion/easy movement of stock. There are also sufficient areas on the laneway and property driveway for vehicles to pull to the side and allow machinery or stock movement if required.

4 PLANNING CONTEXT

The property is zoned agriculture under the Tasmanian Planning Scheme.

To demonstrate compliance with the zone standards the development must demonstrate compliance with Clause 21.3.1 P1 & P2 of the scheme. The proposal is not located on prime agricultural land (class 1, 2 or 3 land) and as such does not need to address Clause 21.3.1 P3. The proposal also does not include a residential component such that is not required to address Clause 21.3.1 P4.

Clause 21.3.1 P1

A use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site, for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regard to:

- (a) access to a specific naturally occurring resource on the site or on land in the vicinity of the site;*
- (b) access to infrastructure only available on the site or on land in the vicinity of the site;*
- (c) access to a product or material related to an agricultural use;*
- (d) service or support for an agricultural use on the site or on land in the vicinity of the site;*
- (e) the diversification or value adding of an agricultural use on the site or in the vicinity of the site;*
- and*
- (f) provision of essential Emergency Services or Utilities.*

Clause 21.3.1 P2

A use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to:

- (a) the area of land being converted to non agricultural use;
- (b) whether the use precludes the land from being returned to an agricultural use;
- (c) whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites

The conditions whereby a development will be approved are outlined in Table 1. As there is no acceptable solution (A1 or A2) the development must satisfy the performance criteria (P1 & P2).

Summary comments relating to compliance of each performance criteria are also outlined in the table 1.

Code C9.0 Attenuation Areas

The proposal must also consider the planning code C9.0 for attenuation areas as the adjacent property at 503 Tea Tree Road operates under an approved Environmental Management Plan (EMP) for the irrigation of recycled water. Table C9.1 lists the attenuation areas required for irrigation of treated effluent (recycled water). The distances in the table appear to be taken from the 2002 environmental guidelines for the use of recycled water in Tasmania. Therefore, it is considered highly likely that the approved irrigation of recycled water on the property at 503 Tea Tree Road is both compliant with the recycled water guidelines and the attenuation distances listed in Table C9.1 with an existing 200m buffer from irrigation of treated effluent to the existing residential dwelling at 451 tea Tree Road. Whilst a copy of the EMP was not available for viewing aerial images do confirm that the cropping areas on the property at 503 Tea Tree Road are limited to distances greater than 200m from the existing dwelling at 451 Tea tree Road (also refer to figure 12). The treated effluent storage dam and pump infrastructure is also located over 500m away to the east of the property at 451 tea tree Road.

Extract from Table C9.1

Effluent irrigation scheme Irrigation of land by treated sewage effluent.	Spray irrigation	200m	–
	Flood irrigation	50m	–
	Drip irrigation	20m	–
	Storage lagoon/holding dams	250m	–
	Effluent transfer/irrigation pumps	50m	–

The operation of the treated effluent irrigation scheme on the adjacent property at 503 Tea Tree Road is a regulated activity with appropriate setbacks, and the actual activity appears to be taking place with sufficient setbacks from the existing sensitive use on the property at 451 Tea tree Road. Likewise, any other activities on the property at 503 Tea tree Road such as biosolids spreading would also have to comply with the relevant environmental regulations (i.e. the Tasmanian Biosolids reuse Guidelines 2020) with relevant setbacks of 100-250m to residential uses. Therefore, any activity requiring an approved EMP for treated effluent irrigation or biosolids spreading would by default have sufficient setbacks to also comply with the recommended attenuation distances in table C9.1 to the existing sensitive use at 451 Tea tree Road. Given the proposed location of the visitor accommodation on the non-arable land in the southern part of the property at 451 tea Tree Road it is also concluded that the proposed additional sensitive use would also have sufficient setbacks.

However, for the sake of thoroughness, given there is an additional proposed sensitive use on the property at 451 Tea tree Road then the proposal should address the performance criteria in clause 9.5.2.

Summary comments relating to compliance of each performance criteria are also outlined in the table 2.

Table 1 Discretionary Use (Clause 21.3.1)

Acceptable Solutions	Performance Criteria	Comments
<p>A1</p> <p>No acceptable solution.</p>	<p>P1</p> <p>A use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site, for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regard to:</p> <ul style="list-style-type: none"> (a) access to a specific naturally occurring resource on the site or on land in the vicinity of the site; (b) access to infrastructure only available on the site or on land in the vicinity of the site; (c) access to a product or material related to an agricultural use; (d) service or support for an agricultural use on the site or on land in the vicinity of the site; (e) the diversification or value adding of an agricultural use on the site or in the vicinity of the site; and (f) provision of essential Emergency Services or Utilities. 	<p>Addressing</p> <ul style="list-style-type: none"> (a) The proposal is in integrated development for extractive industry based upon botanical crops grown on the property (b) The development is not reliant on specific infrastructure, however the required infrastructure is available at the site, including public assess, power and water (c) The development includes on site cropping, extraction of essential oils and perfumes, and the sale of the end product including guest visitor experiences (d) The proposed buildings are designed to support the production sale and access to the visitor experiences and the processed agricultural crop (e) The proposal provides an excellent example of value adding of an agricultural product including diversification with a visitor and tourist experience (f) The location of the proposed development allows access to existing services and utilities

<p>A2</p> <p>No acceptable solution.</p>	<p>P2</p> <p>A use listed as Discretionary must:</p> <p>A use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to:</p> <ul style="list-style-type: none"> (a) the area of land being converted to non agricultural use; (b) whether the use precludes the land from being returned to an agricultural use; (c) (c) whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites 	<p>Addressing</p> <ul style="list-style-type: none"> (a) The footprint of the proposed buildings is located within an area of existing development (the proposed commercial building is located on the old tennis court area on site) and the proposed visitor accommodation is located on class 6/7 land unsuitable for agricultural production. (b) There is no existing agricultural use in either development footprint, so no use is excluded. (c) The proposed development enhances the agricultural production on the subject property by enabling a higher value cropping enterprise with associated extractive industry, visitor experiences and sales. Income from visitor activities including guest accommodation is a critical component of the operation. The development is located with sufficient separation from cropping activities on adjacent properties, and with natural buffers to adjacent land use.
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Table 2 Discretionary use (Clause C9.5.2)

Objective:	That sensitive use located within an attenuation area does not interfere with or constrain the operation of an existing activity listed in Tables C9.1 or C9.2.	
Acceptable Solutions	Performance Criteria	Comments
A1 No Acceptable Solution.	P1 <p>Sensitive use within an attenuation area, must not interfere with or constrain an existing activity listed in Tables C9.1 or C9.2, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the activity with potential to cause emissions including: <ul style="list-style-type: none"> (i) operational characteristics of the activity; (ii) scale and intensity of the activity; and (iii) degree of hazard or pollution that may be emitted from the activity; (b) the nature of the sensitive use; (c) the extent of encroachment by the sensitive use into the attenuation area; (d) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions of the activity; (e) any advice from the Director, Environment Protection Authority; and (f) any advice from the Director of Mines. 	<ul style="list-style-type: none"> (a) The existing activity of treated effluent irrigation operates under an approved EMP with a setback of 200m from the existing sensitive use (residential). The proposed additional sensitive use (visitor accommodation) will be located further away from the activity. The operation of irrigation does not generate considerable noise, odor or pollution hazard. (b) The proposed sensitive use is visitor accommodation with short term guests choosing to stay in a rural setting. Very low risk of any impacts upon visitor amenity or operation of the irrigation system. (c) The sensitive use is located greater than 200m away from the actual irrigation activities and further than 500m away from the treated effluent storage dam and pumping infrastructure. (d) The proposed sensitive use has been located on the southern part of the land title in an area surrounded by non-arable poor quality land and as far as possible away from the activity. (e) na (f) na

5 CONCLUSIONS

As none of the land surveyed is Class 1, 2 or 3 agricultural land, and there is no evidence that the area in question could be classified as agricultural land of regional significance, then it is my professional opinion that the proposal for the new development on this site is not in conflict with the Tasmanian planning scheme.

In conclusion, I feel that the land area examined is suitable for the proposed use, provided that the identified landscape constraints are addressed with appropriate site specific management strategies.

- The property and the land immediately surrounding the property is predominantly classified as Class 4, 5 and 6 land with areas of class 7 land
- None of the land examined on the property or nearby is prime agricultural land as defined under the State Protection of Agricultural land Policy 2009
- The land on does not have identified local or regional agricultural significance
- The land in the proposed development area has significant impediments to agricultural use including shallow rocky soils, poor rooting depth, and a significant erosion hazard.
- The proposed development footprint is located on land no with current land use on land with severely limited agricultural capability and/or in areas of existing site development
- The development will therefore not result in the loss of land under a current agricultural use
- There is low potential fettering of agricultural land due to the presence of rural residential use to the west, significant setbacks to cropping land nearby, and the physical separation provided by the Strathallan Rivulet to the South
- The proposed development of the land in question does not conflict with continued management of the of the agriculture zoned land in the local area
- The development is a good example of value adding in modern agriculture and fits well with the tourism based agricultural enterprises popular in and around the greater Hobart area.

It is my professional opinion that the land surveyed is suitable to support the proposed development on the site in compliance with the planning scheme.



Dr John Paul Cumming B.Agr.Sc (hons) PhD CPSS GAICD
Certified Professional Soil Scientist

6 REFERENCES

De Rose R. and Todd D. (2001), Land Capability Survey of Tasmania. Derwent Report. Department of Primary Industries, Water and Environment, Tasmania, Australia.

Grose. C.J. (1999). Land Capability Survey Handbook: Guidelines for the Classification of Agricultural Land in Tasmania – Second Edition, Department of Primary Industries, Water and Environment, Tasmania

Noble K E (1992). Land Capability Survey Handbook. Department of Primary Industries, Water and Environment, Tasmania

20/12/2024

Re: Letter of support, Raconteur Farm at Maiden Erleigh, Regional Tourism Development Loan Scheme

To whom it may concern,

I am writing in support of the application made by Craig Andrade to develop a unique paddock-to-perfume farm experience on the site of an historic 1823 farmhouse located in Tea Trea. The vision for the site encompasses an immersive agritourism experience that will bring new life to the property and includes a cellar door for perfumery and a luxury accommodation offering which is lacking in the region. The Raconteur Farm is the next iteration of Craig's iconic artisanal fragrance brand which has included collaborations with Brand Tasmania and Mona.

Destination Southern Tasmania (DST) is Southern Tasmania's Regional Tourism Organisation. We represent all visitor economy businesses within southern Tasmania and hold 250 industry members along with the 11 Southern Councils that make up our region. There is a growing demand for high-end travel experiences in Tasmania, particularly within the corporate incentive market. However, there is an undersupply of quality accommodation and produce-led experiences for luxury travelers in our regional areas.

The Raconteur Farm is poised to address these challenges by offering the high-quality, unique on-farm accommodation and experiences that our visitors are seeking. The addition of this cellar door and accommodation development will most certainly have an enormous impact on tourism in the Coal River Valley region, as well as the local community. The Raconteur Farm will not only enhance the tourism offering, but will greatly support local businesses, employment and training opportunities in the region. We believe that this development will elevate the product mix in the region, complimenting other high-end cellar door experiences and encourage visitors to further disperse and explore the Coal River Valley and local vineyards, as well as providing them with a serene place to unwind.

The proposed Raconteur Farm development aligns with several key directions of Tourism Tasmania's 2030 Visitor Economy Strategy, but in particular, to differentiate and build awareness of Tasmania to increase brand power and attract the visitors who will grow value over volume. The project also strongly supports a key pillar of DST's Destination Management Plan; creating a region recognised for its arts, vibrant festivals and connections to makers and creators

I am pleased to provide this letter of support for the Raconteur Farm and look forward to its contribution to Tasmania's tourism landscape.

Yours sincerely,



Alex Heroys

CEO, Destination Southern Tasmania

449 Tea Tree Road
Tea Tree
TAS 7017

22 March 2025

The General Manager
Brighton Council

Reference - 451 Tea Tree Road- DA2024/243

We are the adjacent owners of the property (449 Tea Tree Road) to the west of the proposed development (451 Tea Tree Road). Our total farm size is approximately 250 acres.

We are writing to express support for Mr Andrade's proposed development consisting of a retail / manufacturing barn, visitor accommodation and the regeneration of the land at 451 Tea Tree Road.

As a direct neighbours along his entire western boundary, we wanted to comment on a few matters relating to the farming and agricultural use of our land and how we see that as being aligned with, and compatible with, Mr Andrade's proposed development of his property.

1 Use of our farmland along Mr Andrade's western boundary — near where the visitor accommodation site is proposed

After crossing the bridge over the Strathallan Rivulet, Maiden Erleigh Lane forks. The left fork leads to our house. The right fork to Mr Andrade's house.

The parcel of our land that borders the Strathallan rivulet and runs up to the right fork of Maiden Erleigh Lane is barren, rocky, has power poles and power lines and is not arable farmland. Accordingly, this land will not be the subject of irrigation using effluent water, either by spraying, flood irrigation, drip irrigation, storage lagoon, or effluent transfer pumps.

As you approach Mr Andrade's house along the final stretch of the right fork of Maiden Erleigh Lane, the other section of our land along his western boundary is similarly rocky and not suitable for agriculture. As such, we use it to graze our cattle (and it won't be the subject of irrigation using effluent water).

Accordingly, we are fully supportive of the location of the proposed visitor accommodation.

2 Road use for heavy machinery

We note that Maiden Erleigh Lane is a dirt road leading to Mr Andrade's property and our home. From time to time, we have farm machinery travelling along this road.

We don't see any conflict with Mr Andrade's use of his property (both in terms of visitor accommodation and his retail barn / manufacturing) and our ability to continue using the road from a farm-use perspective.

We believe a traffic management plan would easily address any safety issues.

3 Stock easement at Maiden Erleigh Lane

We understand that there is a stock easement at Maiden Erleigh Lane and Tea Tree Road.

From time to time this stock easement is used by our neighbour (the Thompsos) on the eastern side of Maiden Erleigh Lane.

We don't have any concerns with Mr Andrade's proposed development regarding the stock easement is concerned as any conflict between people, cars and livestock can also be appropriately managed with a traffic management plan.

Regards

Meg and Max Wilson





Brighton Council

Quarterly Report

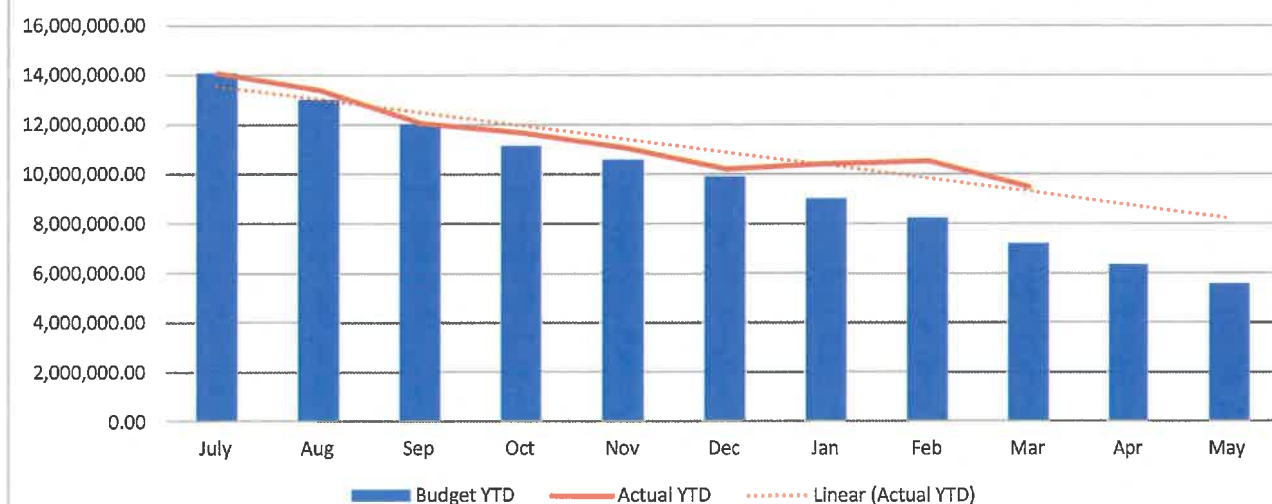
March 2025



Brighton Council
Quarterly Financial Report
Statement of Comprehensive Income to 31st March 2025

	Note	Budget	YTD Budget	YTD Actual	Variance
Operating Revenue					
Rates and Grants	1	15,293,921	15,252,465	15,393,445	140,980
Statutory Fees and Fines	2	743,000	557,226	712,001	154,775
User Fees	3	910,200	589,790	756,066	166,276
Grants	4	2,166,583	239,835	343,109	103,274
Contributions	5	250,000	112,500	190,681	78,181
Interest	6	372,000	278,991	292,638	13,647
Commercial Income	7	1,183,350	866,746	2,277,565	1,410,819
Investment revenue from Water Corporation	8	739,200	462,000	462,000	0
Total Operating Revenue		21,658,254	18,359,553	20,427,506	2,067,953
Operating Expenses					
Employee Benefits	9	-5,429,875	-4,098,703	-4,597,115	-498,412
Materials & Services	10	-8,150,621	-6,211,051	-7,699,327	-1,488,276
Contributions	11	-1,402,440	-1,081,723	-1,046,833	34,890
Commercial Activities	12	-20,000	-14,994	-4,331	10,663
Depreciation and amortisation	13	-3,966,578	-	2,908.75	-2,909
Other Expenses	14	-438,834	-335,585	-346,875	-11,290
Total Operating Expenses		-19,408,348	-11,742,056	-13,697,391	-1,955,335
Net Operating Surplus/(Deficit)		2,249,906	6,617,497	6,730,115	112,618
Capital Income					
Contributions - non-monetary assets	15	-	-	-	-
Net gain/(loss) on disposal of property	16	-	-	114,629	114,629
Capital Grants received specifically for new or upgraded assets	17	903,567	-	1,384,404	1,384,404
Total Capital Income		903,567	0	1,499,033	1,499,033
Total Surplus/(Deficit)		3,153,473	6,617,497	8,229,149	1,611,652

Summary of Quarterly Net Result



Operating Revenue

During the quarter ending March 2025, the year-to-date actual operational revenue was \$20,427,506 compared to year-to-date budgeted operational revenue of \$18,359,553. This represents a favourable result of \$2,067,953 against budget. Explanations have been given on the areas that have seen an increase of 10% above or below budget estimates and \$10,000.

Note 1 - Rates Revenue

In line with budget.

Note 2 – Statutory Fees and Fines

Statutory fees that have been received are 27.78% above year-to-date budget expectations. The extra revenue is predominately due to an increase in planning fees. Planning fees received as at 31st March were in excess of YTD, with three applications received since January being over \$10,000 each.

Note 3 – User Fees

Is favourable to budget by 28.19% or \$166,276. This is predominately due to engineering fees of approximately \$74,351 being received and dog licences over by \$48,063 to year-to-date budget estimates.

Note 4 – Grants

Each year the Australian Government decides if the Financial Assistance Payment will be paid in advance or in the financial year it is intended for. In the 2024/2025 year the payment was made in advance and therefore the year-to-date budget for this item will not reflect the year to date actual.

Note 5 – Contributions

Favourable to budget by \$78,181. These amounts are public open space contributions from developers in lieu of providing land.

Note 6 – Interest

In line with budget.

Note 7 – Commercial Income

The year-to-date commercial income is favourable to budget by \$1,410,819 or 162.77%. This is due to receiving funding from State Growth for the Jobs Hub to extend operations until 2027, that was not in the initial budget. The finalisation of the Elderslie Road Roundabout works and invoicing from the DECYP and also the sale of Microwise to Councilwise also occurring in this period. This has meant that the contract requirements that were in place and payable over the next seven year period have been met and paid in full in the current period.

Note 8 – Investment revenue from Water Corporation

In line with budget.

Operating Expenditure

Year-to-date operational expenditure is \$13,697,391 compared to budgeted year-to-date expenditure of \$11,742,056. This is \$1,955,335 or 9.25% greater than budgeted estimates and materially in line with Budget. Explanations have been provided below on areas that are 10% above or below budgeted estimates and \$10,000.

Note 9 – Employment Benefits

The employment benefits is slightly over year to date budget by 12.16%. This is partly due to the accounting of FBT in relation to budget and also a slight increase in training costs.

Note 10 – Materials & Services

The materials and services actual to budget has a variance of \$1,488,276 or 23.96% over. The timing of the year-to-date budget does not take seasonal factors into account so this should even out by year end and be more in line with actual. Significant items to consider for the quarter for this line item is a substantial amount spent on reserves landscaping, contract recycling and tipping expenses.

Note 11 – Contributions

In line with budget

Note 12 – Commercial Activities

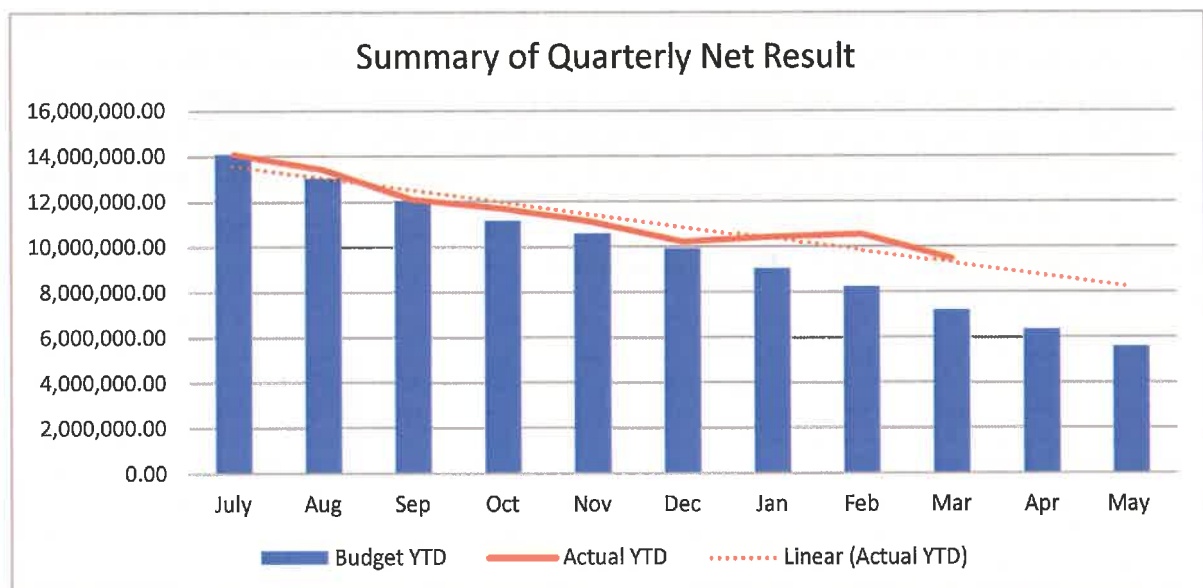
This amount is in relation to activities relevant to the flocon hire. As the flocon has been sold this amount may be irrelevant in future reports.

Note 13 – Depreciation and Amortisation

Depreciation and amortisation will be journalled at the end of year.

Note 14 – Other Expenses

In line with budget



Non-Operating Revenue

Note 15 – Contributions – non-monetary assets

This item is calculated at year end and is made up of transfer of road assets from subdivisions.

Note 16 – Net gain/(loss) on disposal of property

As at the end of March a profit of \$114,629 had occurred due to the turnover of vehicles.

Note 17 – Capital Grants received specifically for new or upgraded assets

See reconciliation of capital grants received.

Capital Works

Year-to-date Capital Works expenditure is \$6,618,680 represented by \$1,315,543 for Physical Services expenditure and \$5,303,137 for other capital expenditure including work in progress that was carried forward from the 23/24 financial year of \$1,984,080 and \$1,254,730 that was identified in end of year calculations after budget approval. Various capital works were commenced which are included in the Asset Managers monthly report. The monthly year to date capital budget figures are based on a straight line expenditure of one-twelfth of the annual budget. Council is estimating \$903,567 in capital grant revenue in the 2024/25 year.

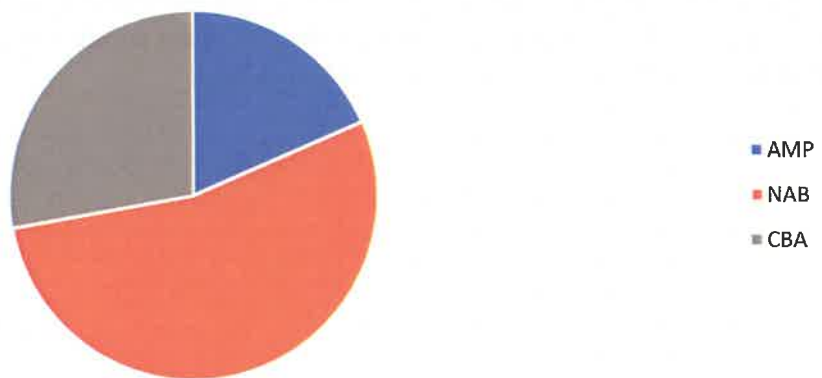
Investment

The following pie charts represent the Agencies and Investment by credit rating of Councils investments. All Council funds have been invested in accordance with the Investment policy.

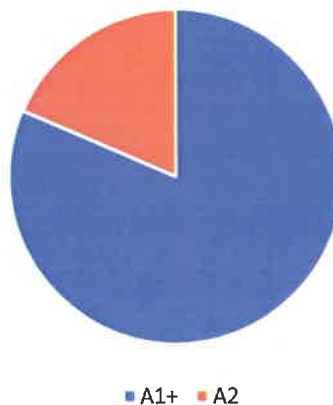
Council currently has the following investments

Agency	Rate	Investment	Maturity Date
NAB	4.90%	\$700,000	29/4/25
NAB	4.70%	\$750,000	24/6/25
CBA	4.61%	\$750,000	23/6/25
AMP	4.55%	\$500,000	24/6/25

Investment by Agency

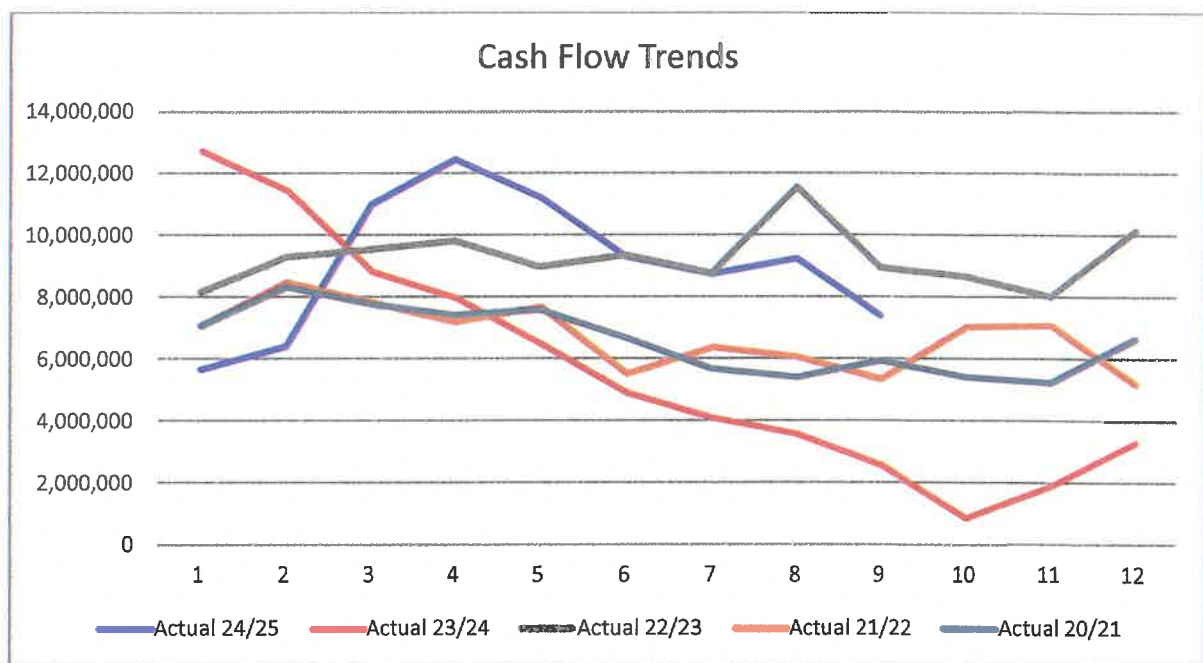


Investment by Credit Rating



Cash Flow Trends

The following chart monitors the cashflow trend over the previous five years. It is noted that cash has increased steadily over this period. The main increase in cash is in July when rates notices are sent out for payment. In the 2023/2024 year there was a substantial drop in cash due to the completion of many of these outstanding capital projects but also the construction and then the hold-up in the sale of the medical centre. The Medical centre settled at the end of September and the graph shows a large increase in the cash at this time. In January cash increased slightly due to the settlement of the Microwise sale. Since January there have been a number of capital works jobs that have been undertaken resulting in a drop of cash and in March cash reduced again to be invested.



Grant Variance Analysis - March 2025

24/25 Capital Grants Budget

	Budget	Actual	Variance	Comments
Truck Stop	24/25	\$360,000	\$18,000	\$342,000
Footpath, Basketball wall, rebound wall & dog park & fencing	24/25	\$293,935	\$205,755	\$88,181
Gagebrook Pathways & Cris Fitz Park			\$329,535	
Roads to Recovery Grant	24/25	\$249,567	\$0	\$249,567
LRCI Phase 4	Unbudgeted		\$236,114	
Bridgewater Parklands - Dog Park	Unbudgeted	\$130,000	\$130,000	\$0
Pontville Park Equestrian Centre - Stalls	Unbudgeted	\$15,000	\$15,000	\$0 Received January 2025
Feasibility report for a new Gymnastics Centre in Brighton	Unbudgeted	\$450,000	\$450,000	\$0
Total Capital 24/25 Grant Budget Outstanding		\$1,498,502	\$1,384,404	\$679,748

23/24 Brought Forward Capital Grant

Seymour Street Masterplan	\$2,300,000	\$1,255,000	\$815,000	\$230k received 23/24 & \$520k & \$735k received 24/25
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24/25 Operational Grants Budget

				\$2,076,597 Received in June 2024. \$96,369.75 Instalments
Financial Assistance Grant	24/25	\$2,131,583	\$289,109	\$96,370 received 24/25
Department of Industry, Science, Energy & Resources - Coastal Grant	Unbudgeted		\$6,000	\$0 Grant was \$55,000 (23/24 \$30,818.18 & 22/23 \$18,181.82)
Youth Week Grants	Unbudgeted		\$2,000	\$0 Total Grant \$2000
Bushfire Mitigation for Brighton LGA & Mt Dromedary Bushfire Management Plan	24/25	\$35,000	\$20,000	\$15,000 Invoiced Jan 2025
Isolated Communities Resilience Grants	Unbudgeted		\$6,000	\$0 Total Grant \$6000
Community Climate Action Grants	Unbudgeted		\$20,000	\$0 Total Grant \$20000
		\$2,166,583	\$343,109	\$111,370

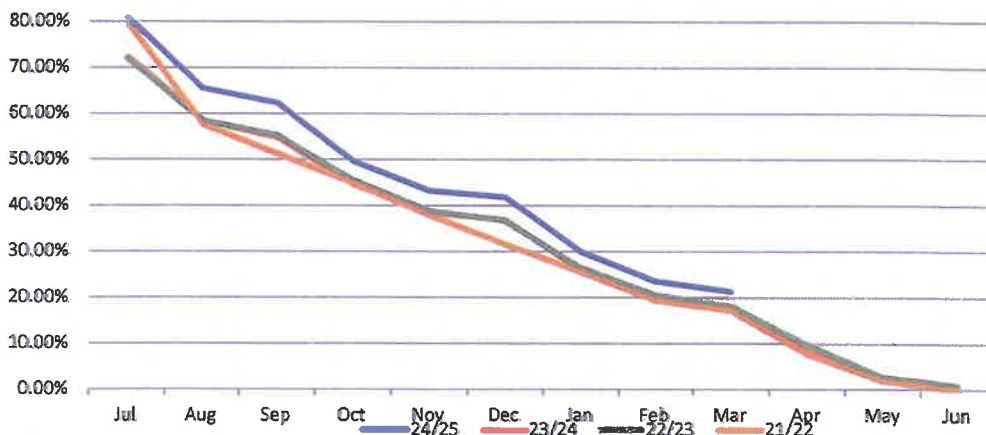
Jobs Hub Grants - Under Commercial Revenue in General Management

Southern Midlands Council - Life Guarding Program	Unbudgeted		\$30,000	
Hospitality Ready - SWN	Unbudgeted		\$18,817	
Department of State Growth	Unbudgeted		\$50,000	Jobs Hub Instalment 8
Provision of delivery & coordination to increase employment	Unbudgeted		\$400,000	\$1,500,000 payable in six instalments to 2027
Priority Wage Subsidy	Unbudgeted		\$6,000	
Total Operational 24/25 Grant Budget Outstanding		\$4,333,166	\$504,817	\$222,740

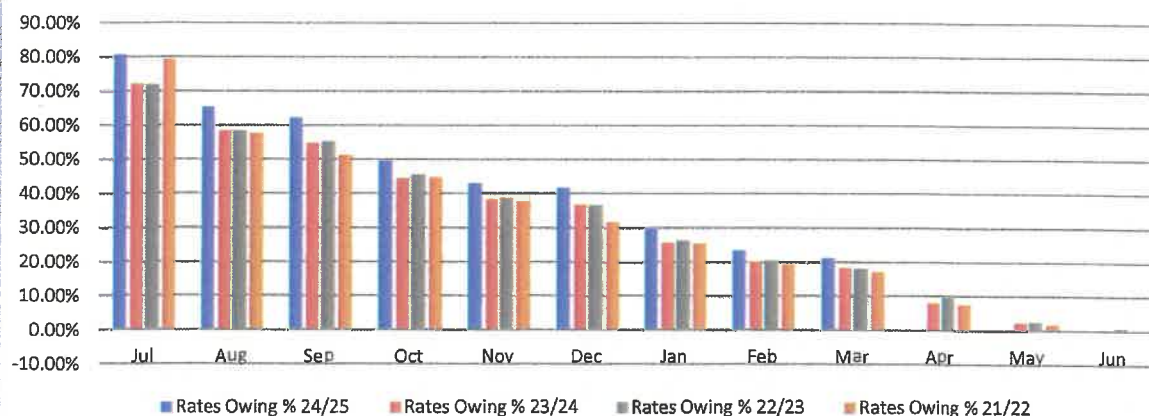
Rates & Grants
Quarterly Financial Report
Statement of Comprehensive Income to 31st March 2025

	Budget	YTD Budget	Actual	Variance
Operating Revenue				
Rates and Grants	15,293,921	15,252,465	15,393,445	140,980
Grants	2,166,583	239,835	343,109	103,274
Interest	22,000	16,497	32,426	15,929
Investment revenue from Water Corporation	739,200	462,000	462,000	-
Total Operating Revenue	18,221,704	15,970,797	16,230,980	260,183
Other Expenses - Gymnastics Grant			-33,561	
Total Operating Revenue	0	0	-33,561	-33,561
Net Operating Surplus/(Deficit)	18,221,704	15,970,797	16,197,420	226,623
Capital Income				
Contributions - non-monetary assets	-	-	-	-
Net gain/(loss) on disposal of property	-	-	105,538.49	105,538.49
Capital Grants received specifically for new or upgraded assets	903,567	576,567	2,639,404	2,062,837.00
Total Capital Income	903,567	576,567	2,744,942	2,168,375
Total Surplus/(Deficit)	19,125,271	16,547,364	18,942,362	2,428,559

Percentage of Rates Owing



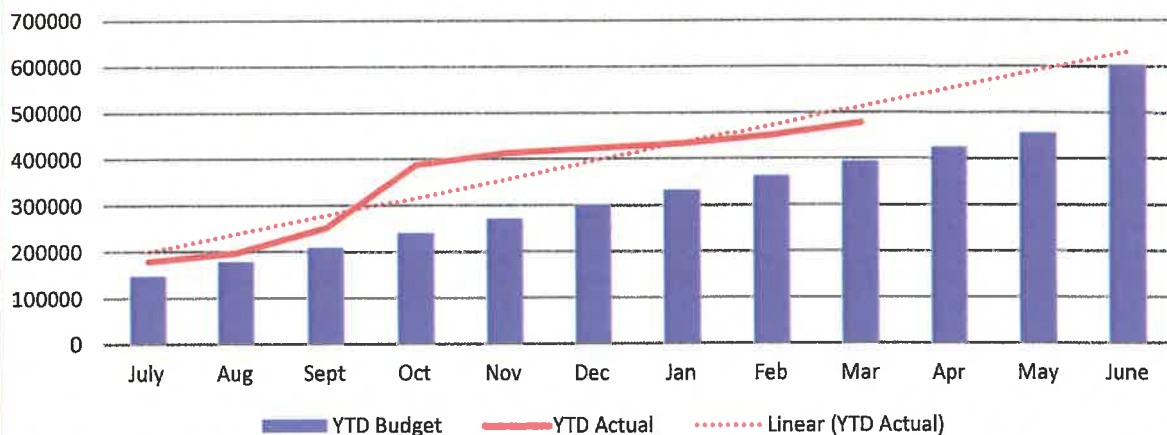
Outstanding Rates by Month %



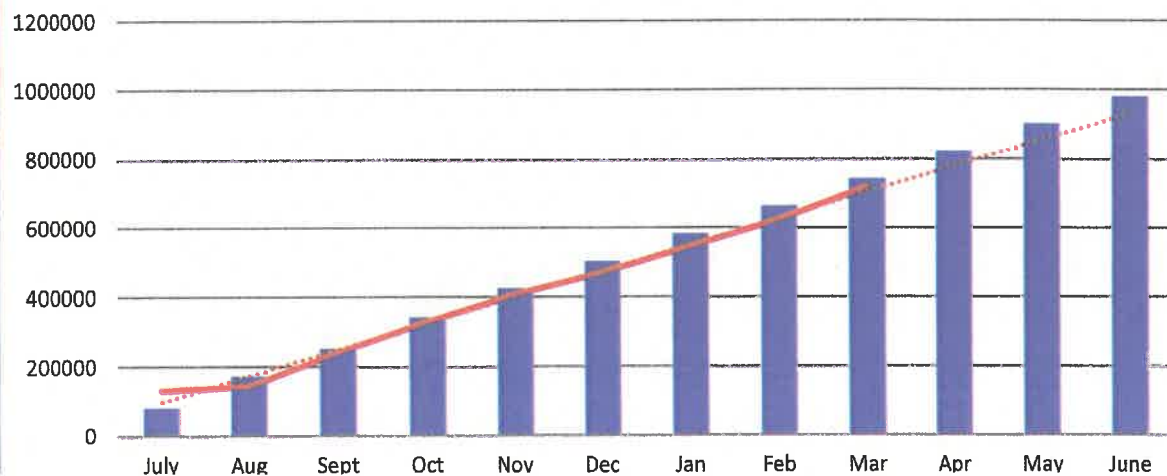
Governance & Regulatory Services
Quarterly Financial Report
Statement of Comprehensive Income to 31st March 2025

	Budget	YTD Budget	YTD Actual	Variance
Operating Revenue				
Statutory Fees and Fines	365,000	273,735	278,804	5,069
User Fees	237,700	120,104	199,281	79,177
Total Operating Revenue	602,700	393,839	478,085	84,246
Operating Expenses				
Employee Benefits	-836,487	-630,797	-622,139	8,658
Materials & Services	-51,500	-39,988	-37,736	2,252
Contributions	-92,000	-71,497	-58,571	12,926
Total Operating Expenses	-979,987	-742,282	-718,447	23,835
Net Operating Surplus/(Deficit)	-377,287	-348,443	-240,362	108,081
Total Surplus/(Deficit)	-377,287	-348,443	-240,362	108,081

Governance & Regulatory Services Income



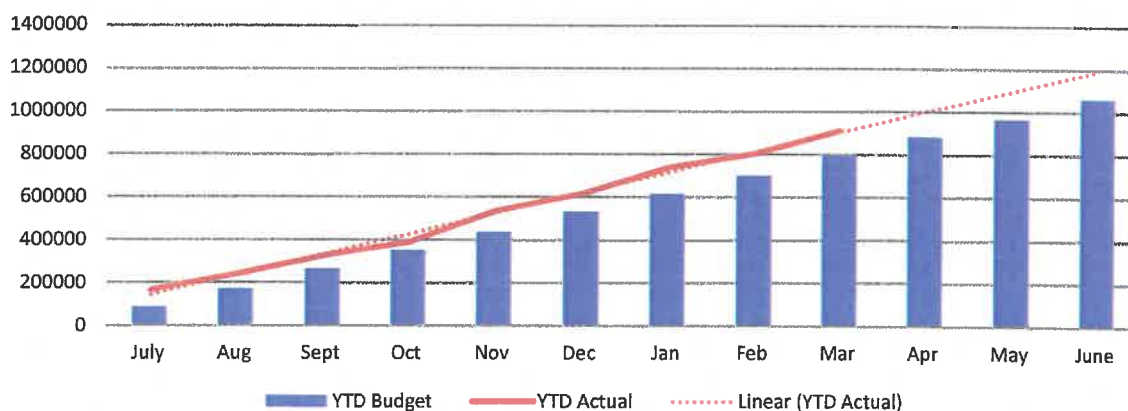
Governance & Regulatory Services Expense



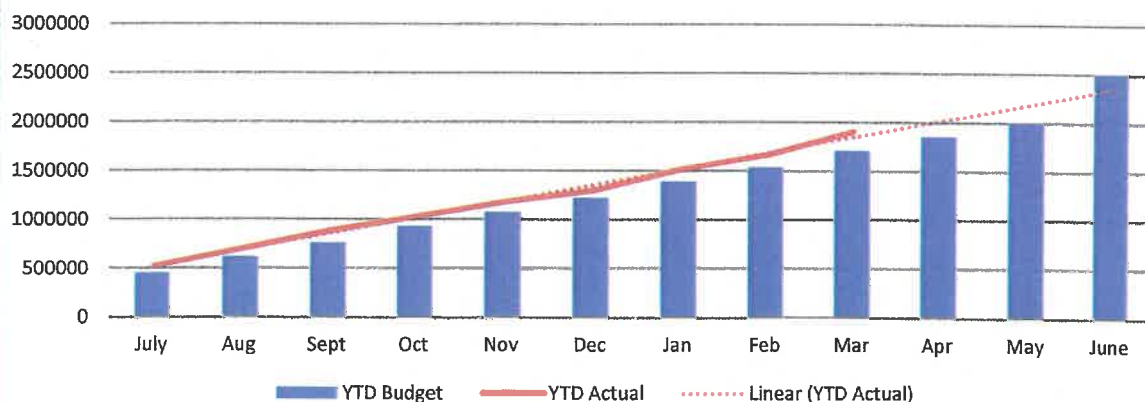
Corporate Services
Quarterly Financial Report
Statement of Comprehensive Income to 31st March 2025

	Budget	YTD Budget	YTD Actual	Variance
Operating Revenue				
Statutory Fees and Fines	115,000	86,247	96,139	9,892
User Fees	57,800	43,344	82,888	39,544
Contributions	150,000	112,500	190,681	78,181
Interest	350,000	262,494	260,212	-2,282
Commercial Income	390,000	292,491	283,433	-9,058
Total Operating Revenue	1,062,800	797,076	913,354	116,278
Operating Expenses				
Employee Benefits	-1,106,772	-834,653	-895,879	-61,226
Materials & Services	-954,949	-811,481	-908,470	-96,989
Contributions	-40,000	-29,997	-43,400	-13,403
Depreciation and amortisation	-349,058	-	2,908.75	2,908.75
Other Expenses	-58,000	-33,750	-47,950	-14,200
Total Operating Expenses	-2,508,779	-1,709,881	-1,898,609	-188,728
Net Operating Surplus/(Deficit)	-1,445,979	-912,805	-985,254	-72,449
Total Surplus/(Deficit)	-1,445,979	-912,805	-985,254	-72,449

Corporate Services Income



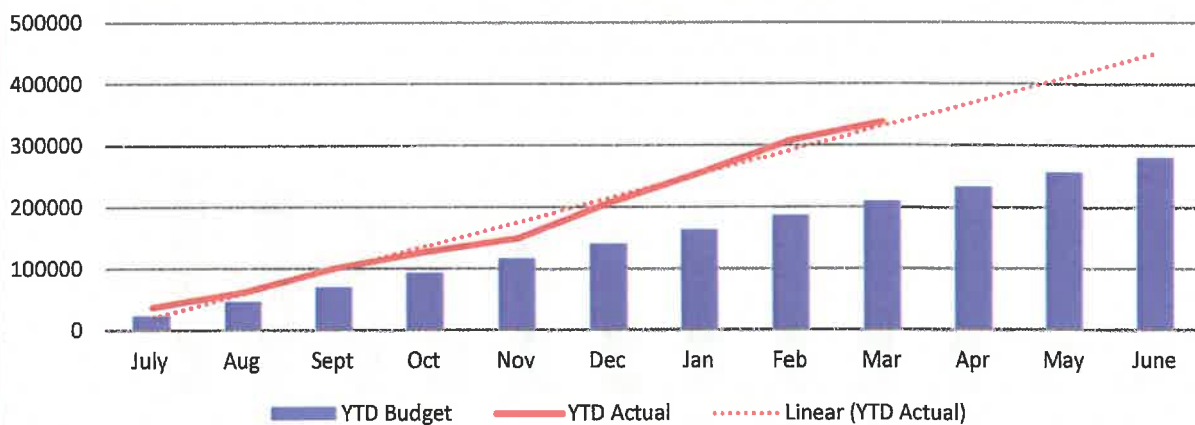
Corporate Services Expense



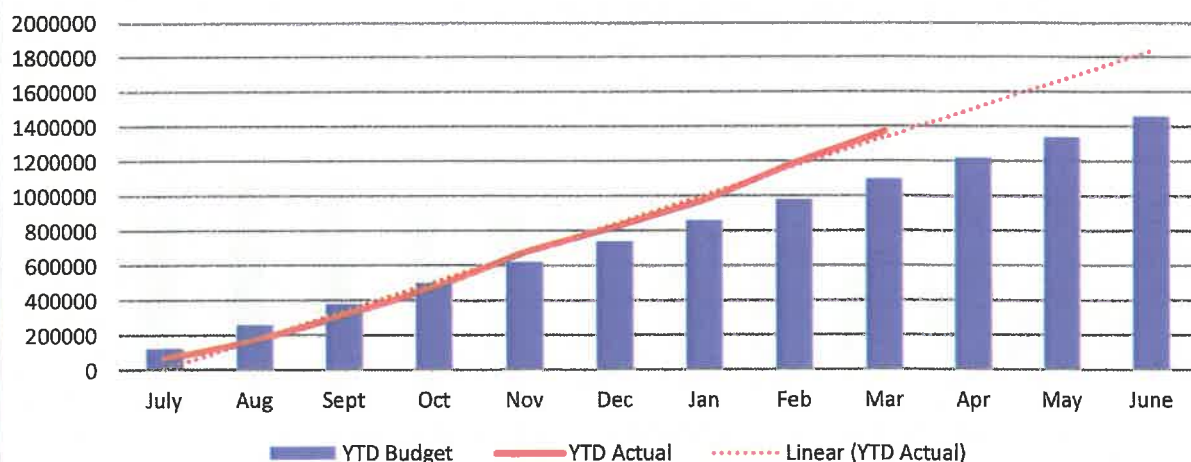
Development Services
Quarterly Financial Report
Statement of Comprehensive Income to 31st March 2025

		Budget	YTD Budget	YTD Actual	Variance
Operating Revenue					
Statutory Fees and Fines		263,000	197,244	337,058	139,814
User Fees		16,500	11,997	1,478	-10,519
Total Operating Revenue		279,500	209,241	338,536	129,295
Operating Expenses					
Employee Benefits		-1,058,379	-798,195	-831,122	-32,927
Materials & Services		-400,500	-300,330	-537,417	-237,087
Total Operating Expenses		-1,458,879	-1,098,525	-1,368,539	-270,014
Net Operating Surplus/(Deficit)		-1,179,379	-889,284	-1,030,003	-140,719
Total Surplus/(Deficit)		-1,179,379	-889,284	-1,030,003	-140,719

Development Services Income



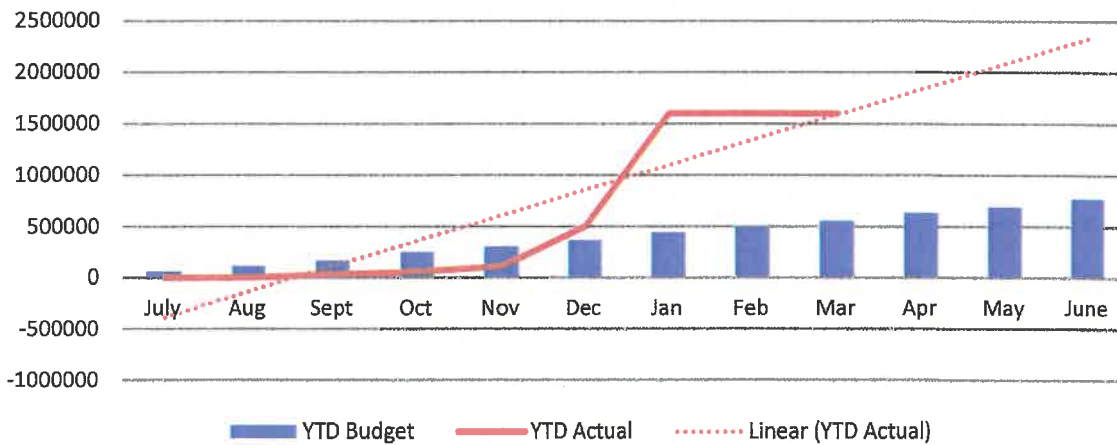
Development Services Expense



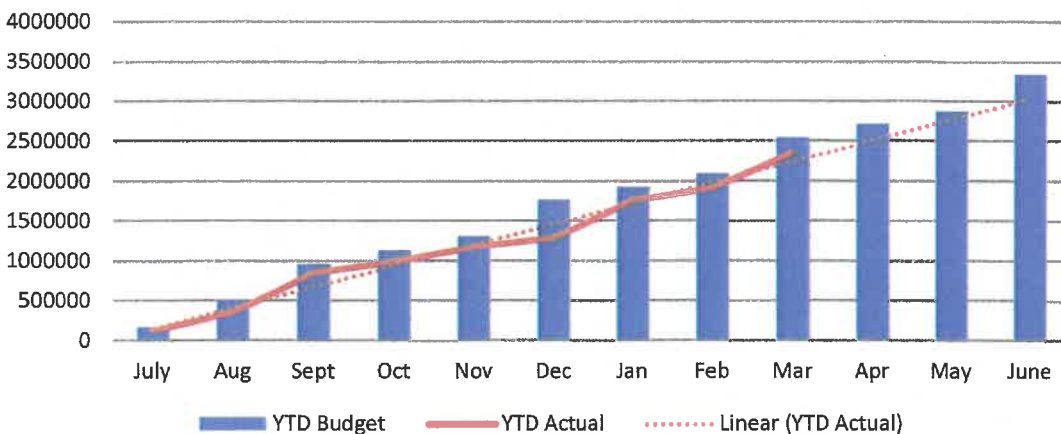
General Management
Quarterly Financial Report
Statement of Comprehensive Income to 31st March 2025

	Budget	YTD Budget	YTD Actual	Variance
Operating Revenue				
User Fees	15,200	10,000	12,209	2,209
Commercial Income	753,850	543,633	1,589,897	1,046,264
Total Operating Revenue	769,050	553,633	1,602,106	1,048,473
Operating Expenses				
Employee Benefits	-1,219,297	-919,198	-903,156	16,042
Materials & Services	-1,129,100	-845,405	-242,554	602,851
Contributions	-1,270,440	-980,229	-944,862	35,367
Other Expenses	-380,834	-301,835	-265,365	36,470
Total Operating Expenses	-3,999,671	-3,046,667	-2,355,936	690,731
Net Operating Surplus/(Deficit)	-3,230,621	-2,493,034	-753,830	1,739,204
Total Surplus/(Deficit)	-3,230,621	-2,493,034	-753,830	1,739,204

General Management Income



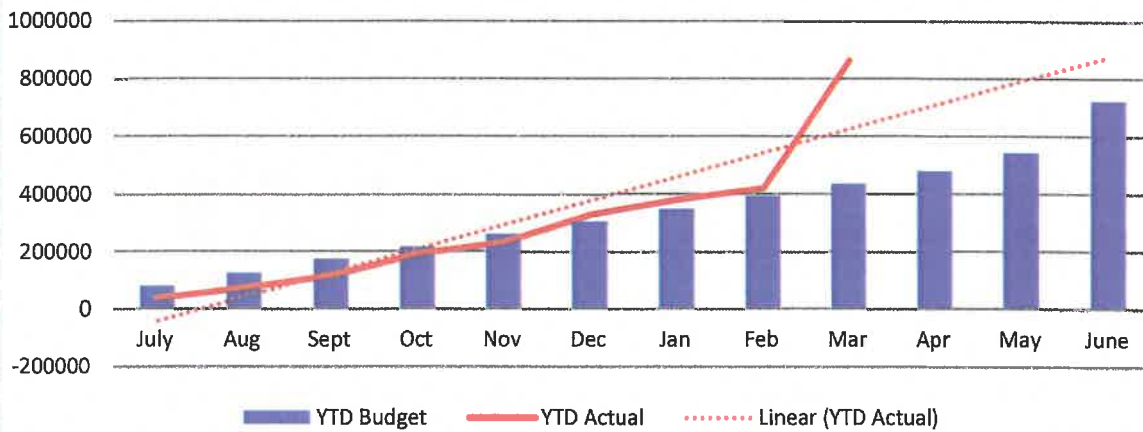
General Management Expense



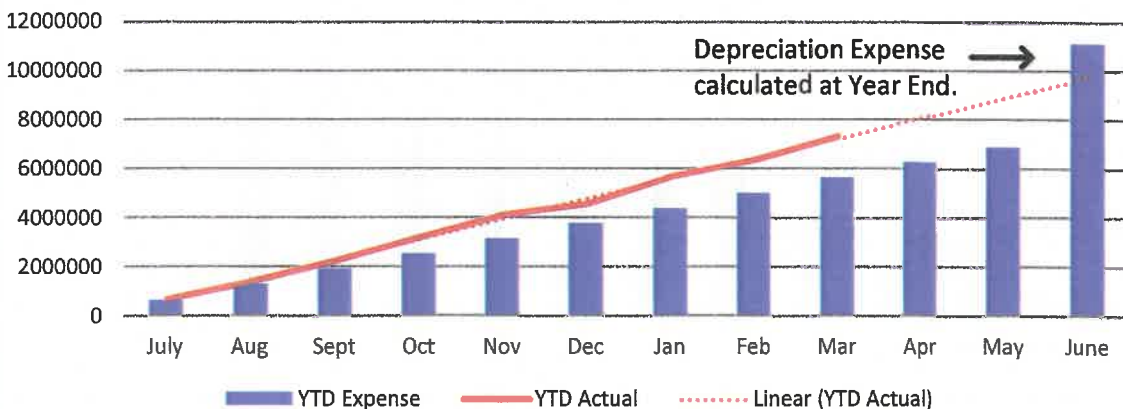
Asset Services
Quarterly Financial Report
Statement of Comprehensive Income to 31st March 2025

	Budget	YTD Budget	Actual	Variance
Operating Revenue				
User Fees	583,000	404,345	460,210	55,865
Contributions - Subdivision non-cash	100,000	-	-	-
Commercial Income	39,500	30,622	404,235	373,613
Total Operating Revenue	722,500	434,967	864,444	429,477
Operating Expenses				
Employee Benefits	-1,750,540	-1,324,251	-1,344,819	-20,568
Materials & Services	-5,736,822	-4,307,185	-5,973,150	-1,665,965
Commercial Activities	-20,000	-14,994	-4,331	10,663
Depreciation and amortisation	-3,617,520	-	-	-
Total Operating Expenses	-11,124,882	-5,646,430	-7,322,300	-1,675,870
Net Operating Surplus/(Deficit)	-10,402,382	-5,211,463	-6,457,855	-1,246,392
Total Surplus/(Deficit)	-10,402,382	-5,211,463	-6,457,855	-1,246,392

Asset Services Income

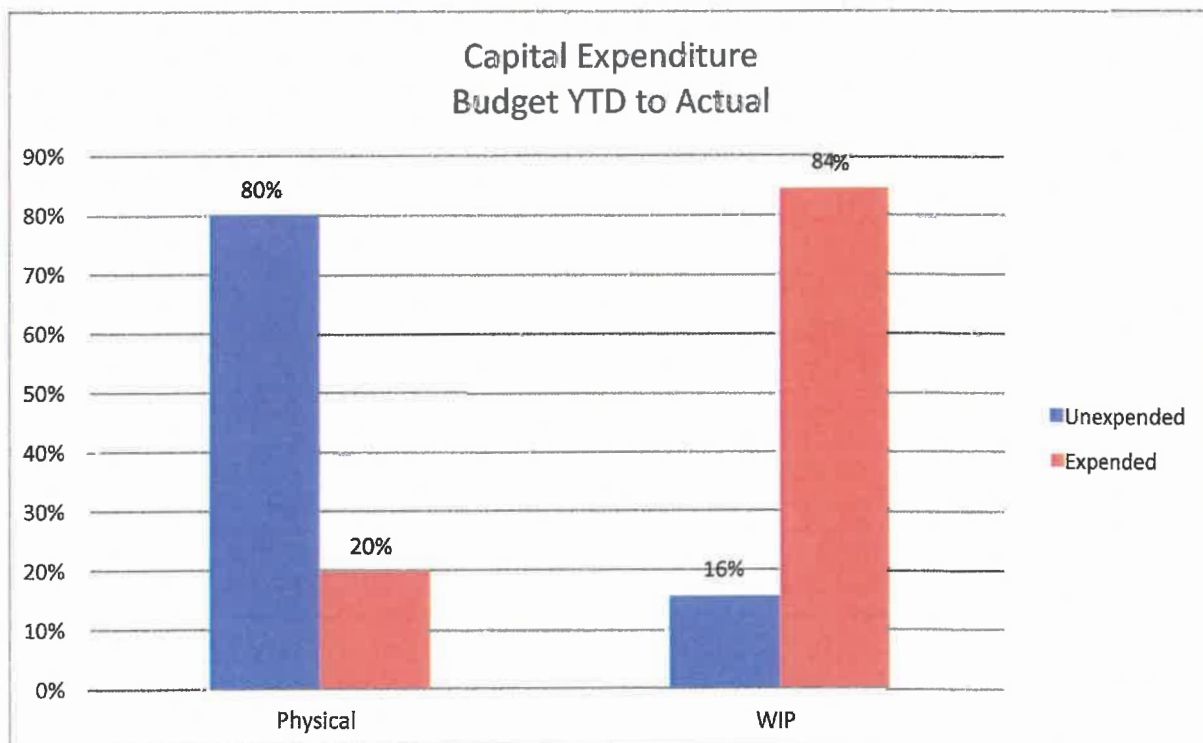


Asset Services Expense



Capital Works Program
Quarterly Financial Report
Statement of Comprehensive Income at 31st March 2025

		Budget	YTD Budget	Actual	Variance
Physical Services Capital					
Roads		5,034,741	839,124	1,155,697	316,573
Bridges		32,000	32,000	0	-32,000
Reserves		1,127,369	187,895	143,786	-44,109
Buildings		406,800	67,800	16,060	-51,740
Total Physical Services Capital		6,600,910	1,126,818	1,315,543	188,725
Other Capital					
Work in Progress Brought Forward not budgeted				1,254,730	
Work in Progress Brought Forward		1,984,080		1,984,080	
Work in Progress - Work undertaken 24/25		3,689,285		3,115,906	-573,379
Work in Progress Grants Carried Forward		-2,070,000	-	-1,255,000	815,000
Property		-	-	-	-
Plant & Vehicles		375,000	335,000	194,601	-140,399
Furniture & Equipment		150,000	25,000	8,821	-16,179
Total Other Capital		4,128,365	360,000	5,303,137	85,043
Total Capital Expenditure		10,729,275	1,486,818	6,618,680	273,767



New Capital

Inflation 3%			1	2	3	4	5	6	7	8	9	10	
Description			Year	2025 2026	2026 2027	2027 2028	2028 2029	2029 2030	2030 2031	2031 2032	2032 2033	2033 2034	2034 2035
ROADS													
New Seals													
	Fergusson Street - 1200m	1											
	Racecourse Road - Cartwright to Fergusson - 800m	3											
	Merriworth Road - 1500m	5											
	Gunners Quoin Road - 1000m	6											
	Weily Park Road - 260m	7											
	Tongatabu Road - 600m	7											
	Church Rd - 1650m	8											
	Brynafon Road - 350m	8											
	Westwood St - 900m	9											
Footpaths	Budget item for disabled access kerb ramps	0											
	Boyer Road - Footpath Sorell to Serenity - 400m	4											
	Briggs Road - Gravel walkway from Tea Tree Road to Bonarong	3											
	Cobbs Hill Road stage 1 footpath - Kerb and channel front of depot	2											
	Stanfield Drive - 600m	11											
	Cobbs Hill Road stage 2 - 500m	3											
	Andrea Court - 100m	7											
	Jordan Downs Drive - 280m	7											
	River Court - 260m	7											
	Burrows Avenue - Footpath north side of along existing kerb approx 100m	6											
	Elderslie Road footpath 2.5m wide Cartwright to Morisson - 620m	2											
	Footpath Apsley Railway line conversion to a usable walkway - Approx 3km of track	5											
	Footpath Baskerville Road from East Derwent Hwy to Clives Ave link - 250m	3											
	Footpath Brighton Road – Pontville Park to Jordan River with SW works	1											
	Footpath East Derwent Highway from Fouche Ave to Jetty Road (East) to Jetty Road (West)	4											
	Footpath Ford Road to Volcanic Drive and Ethan Court	6											
	Footpath Jordan River – East Derwent Hwy to Taylor Crescent	11											
	Footpath Neilsen Esplanade link along foreshore	3											
	Footpath Tea Tree Road from Andrew St to Ford Road to Rutherford Drive	11											
	Footpath / Footbridge Pontville Park into Pontville Village over river	8											
	Rural Res walking tracks	0											
Footpath and K&C	Morrison Street - 200m	5											
	Burrows Avenue 340m north side and 380m south side	5											
	Footpath and Kerb and Gutter Nielsen Esplanade from Cul de sac to Gunn Street	11											
	Footpath and Kerb and Gutter William Street – Bottom end	6											
	Downie Street North Side + Footpath - 430m	1											
	Hurst Street Childcare Pedestrian Crossing	3											
K&C / Drainage	Ford Road South Side - 500m.	4											
	Crooked Billet Drive - Southern End - 300m	6											
Roads New	Survey and Design	0											
	Roundabout – Briggs Road/Honeywood Drive/Cove Hill Road	11											
Stormwater	Pollutant Traps and Stormwater control (lids)	0											
	Ongoing funding for implementation of Stormwater Management Plans	0											
	Demountable Litter Trap rollout for Stormwater Outlets	0											
	Cheswick Creek – Stormwater treatment and masterplan works	6											
	Old Beach Foreshore increase height of sea wall in low areas	9											
	Investigate significant SW detention in Brighton to reduce impacts in Glen Lea area- in racecourse a possibility	6											
	Pipe 39A Glen Lea Road	2											
	Potential Contribution to Cove Hill Stormwater Network upgrades (combine with 110 Cove Hill)	1											
Street Trees	Greening Brighton Strategy Implementation	0											
	Streetlights in Rural residential areas and walking tracks.	0											
Street Lights	New Light Poles	0											
Other	Brighton Active Transport Project - create safe walking and cycling spaces on every through road in Brighton	0											
	Elderslie Road bike lane - Stage 1 - 2000m	4											
	Elderslie Road bike lane - Stage 2- 2000m	8											
Bridges	Bridgewater Jetty Upgrade for MONA	6											
	Jordan River Bridge (Elderslie Road) Stage 1	4											
	Jordan River Bridge (Elderslie Road) Stage 2	5											

New Capital

Inflation 3%			1	2	3	4	5	6	7	8	9	10
Description			2025	2026	2027	2028	2029	2030	2031	2032	2033	2034
Year			2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Buildings	Building Upgrades	0										
	Council Office Upgrades	-										
	WTS New Facility Provision	1										
	Pontville Park –Indoor nets and Netball/ Basketball /Tennis Courts	7										
	Pontville Park - Multi-use courts	6										
	Bridgewater indoor sports centre - grant dependent - run by PCYC and housing PCYC and gymnastics centre and indoor courts.	10										
	Old Beach Foreshore Track toilets	7										
	Toilets near Woolworths Bridgewater	6										
	Asbestos Removal Works	1										
Reserves												
Playground Equipment	New Equipment	0										
	Brighton Memorial Park at Ford Road sensory upgrade works	2										
Reserves General	Jordan River Walkway - Concrete Extensions Flood Area - (600m)	0										
	Rubbish Bin Improvements	0										
	Purchase missing footpath link at Ford Road and construct link along the Jordan	9										
	Cris Fitzpatrick Masterplan upgrade works - Stage 2	6										
	Cris Fitzpatrick Masterplan upgrade works - Stage 3	9										
	Large community garden in Bridgewater or Gagebrook	9										
	Gagebrook Linear parkland - walking and riding track and landscaping along creek line long term from Jordan River to Briggs Road.	11										
	Lennox Park Facilities Upgrade as per Master Plan	2										
	Old Beach Foreshore walking track – Jetty to Morrisby	2										
	Old Beach Foreshore walking track – Compton Road	1										
	Tivoli Green Subdivision Open Space - Put some money away for landscaping works	9										
	Seymour Street Masterplan upgrade works - Stage 2	3										
	Seymour Street Masterplan upgrade works - Stage 3	8										
	Pontville Park - Parking, drainage and landscaping	2										
	Pontville Park Boundary fence	7										
	Bridgewater - Master Plan	9										
	Bridgewater Parkland “Stage 3” – finishing off area and around housing site	11										
	Weily Park – New Cricket Nets	7										
	Weily Park – Car Park works and stormwater	11										
	Walking tracks – ongoing funds for concreting	0										
	Walking tracks - Lighting	10										
	Walking tracks - Dog bin at each ingress/egress point	2										
	Shelters/shade and seats on foreshore walkways	0										
	Ferry Terminal for Bridgewater (contribution to est \$6.5M)	10										
Irrigation Systems	Oval Irrigation upgrades with remote operation	0										
Ovals												
	Gunn Oval - Shade Area	5										
	Fergusson Oval Upgrades (AFL Specification)	10										
	Weily Park Oval - Install drainage (water pooling at wicket etc)	6										
	Pontville Park Gunn Oval expansion	2										
	Pontville Park Gunn Oval – Lights	4										



COMMUNITY RESIDENTIAL FESTIVE LIGHTING GUIDELINES

PURPOSE:

The purpose of these guidelines is to assist residents in planning and creating festive lighting displays that are safe, respectful and enjoyable for all members of the community.

GENERAL CONSIDERATIONS:

Residents should take into account the following considerations when planning their display:

Use of Council Land and Infrastructure

- Decorations and lighting should not be placed on Council-owned land or infrastructure (e.g. nature strips/verges, footpaths, roads, stormwater drains, street signs, trees, or poles) without prior written approval from Council.
- A permit is required if any part of the display encroaches onto Council property.
- Any installation on Council land without approval may be removed or result in enforcement action.

Neighbourhood Amenity

- Displays should be designed to minimise disturbance to neighbouring properties.
- Consider the direction, brightness, and flashing patterns of lights to ensure they do not affect nearby homes, create unnecessary glare, or contribute to light pollution.
- Noise from accompanying music or sound effects should comply with noise regulations, particularly during night hours. Use of loudspeakers or external sound systems should be limited to reasonable hours (refer to the *Environmental Management and Pollution Control (Noise) Regulations*), unless otherwise approved.

COMMUNITY SAFETY AND VISITOR BEHAVIOUR:

The safety of both residents and visitors is paramount. Spectators are encouraged to observe the following guidelines to ensure a safe and respectful experience for all:

For Pedestrians

- Remain on designated footpaths and pedestrian areas.
- Do not enter onto private property unless invited.
- Supervise children and be cautious of uneven surfaces, cords or display items.

For Drivers

- Drive slowly and cautiously through residential streets.
- Be mindful of pedestrians and children, particularly during peak viewing times.
- Do not block driveways or intersections.

- Avoid stopping in the middle of the road to view displays.
- Follow all standard road rules and signage.
- Park legally and consider others when choosing where to stop.
- Report illegal or unsafe parking behaviour to Tasmania Police on the non-emergency number 131 444.

General Conduct

- Please take your rubbish with you – help keep the area clean and enjoyable for others.
- Do not damage or interfere with private displays or property.
- Be respectful of the surrounding neighbourhood.

SPECIAL EVENTS AND LARGE SCALE DISPLAYS:

In cases where a residential festive display is likely to attract a large number of visitors or includes additional features such as:

- Amplified sound/music
- Organised entertainment or performance
- Temporary food stalls or vendors
- Traffic management requirements
- Or the closure of part of a street

it may be classified as a Special Event.

In these situations, the property owner or organiser must contact Council to determine whether further permits, traffic management plans, or approvals are required. Early engagement is encouraged to allow time for necessary assessments and coordination.

CONTACT INFORMATION

For enquiries regarding this guideline, permits for displays on Council property, or to discuss a potential special event, please contact Council on:

Telephone: (03) 6268 7000

Email: admin@brighton.tas.gov.au or website www.brighton.tas.gov.au

ADMINISTRATIVE DETAILS:

Adopted by Council:

To be reviewed:



James Dryburgh
CHIEF EXECUTIVE OFFICER

TASMANIA

**LAND USE PLANNING AND APPROVALS
AMENDMENT (DEVELOPMENT ASSESSMENT
PANELS) BILL 2025**

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60AP. Fees under this Division

60AQ. Review of Division

PART 3 – HISTORIC CULTURAL HERITAGE ACT 1995 AMENDED

10. Principal Act

11. Section 33 substituted

33. Application of Planning Act to heritage works is subject to this Part

**LAND USE PLANNING AND APPROVALS
AMENDMENT (DEVELOPMENT ASSESSMENT
PANELS) BILL 2025**

*(Brought in by the Minister for Housing, Planning and
Consumer Affairs, the Honourable Felix Ashton Ellis)*

A BILL FOR

An Act to amend the *Land Use Planning and Approvals Act 1993* and to consequentially amend the *Historic Cultural Heritage Act 1995*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Land Use Planning and Approvals Amendment (Development Assessment Panels) Act 2025*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

*Land Use Planning and Approvals Amendment (Development
Assessment Panels) Act 2025
Act No. of 2025*

s. 3

Part 1 – Preliminary

3. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

Consultation Draft

*Land Use Planning and Approvals Amendment (Development
Assessment Panels) Act 2025*
Act No. of 2025

Part 2 – Land Use Planning and Approvals Act 1993 Amended

s. 4

**PART 2 – LAND USE PLANNING AND APPROVALS
ACT 1993 AMENDED**

4. Principal Act

In this Part, the *Land Use Planning and Approvals Act 1993** is referred to as the Principal Act.

5. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of *discretionary permit* and substituting the following definition:

discretionary permit means a permit to which –

- (a) section 57 applies or to which, but for section 40Y(5), section 57 would apply; or
- (b) Division 2AA of Part 4 applies;

6. Section 8A amended

Section 8A of the Principal Act is amended as follows:

- (a) by renumbering the section as subsection (1);

*No. 70 of 1993

*Land Use Planning and Approvals Amendment (Development
Assessment Panels) Act 2025*
Act No. of 2025

s. 6

Part 2 – Land Use Planning and Approvals Act 1993 Amended

(b) by inserting the following subsection after subsection (1):

(2) For the purposes of Division 2AA of Part 4, the Commission may issue guidelines for the purpose of assisting the Minister in determining whether –

(a) a development includes –

(i) social or affordable housing; or

(ii) a subdivision, within the meaning of Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, that includes social or affordable housing; or

(b) an application to the Minister under that Division should be referred to the Commission for the purpose of establishing an

*Land Use Planning and Approvals Amendment (Development
Assessment Panels) Act 2025*
Act No. of 2025

Part 2 – Land Use Planning and Approvals Act 1993 Amended

s. 7

Assessment Panel under
that Division.

7. Section 40BA inserted

After section 40B of the Principal Act, the
following section is inserted in Division 2:

40BA. Minister may review certain decisions

- (1) If a person has received notice from the planning authority under section 40B(6)(b) that the planning authority does not intend to prepare a draft amendment to the LPS, the person may apply to the Minister for a review of that decision of the planning authority (the *reviewable decision*).
- (2) An application to the Minister under subsection (1), in respect of a reviewable decision –
 - (a) is to be in a form approved by the Minister; and
 - (b) is to contain the information prescribed for the purposes of the application; and
 - (c) is to include a copy of the following documents:
 - (i) the notification given by the planning authority under section 40B(6)(b)

*Land Use Planning and Approvals Amendment (Development
Assessment Panels) Act 2025*
Act No. of 2025

s. 7

Part 2 – Land Use Planning and Approvals Act 1993 Amended

in respect of the
reviewable decision;

(ii) the notice of the
Commission given to the
applicant under
section 40B(5) in respect
of the reviewable
decision;

(iii) the notice under
section 38(3) to which the
reviewable decision
relates;

(iv) the request under
section 37(1) to which the
reviewable decision
relates;

(v) any other prescribed
document.

(3) If an application is made to the Minister
under subsection (1), in respect of a
reviewable decision –

(a) the Minister is to provide a copy
of the application to the relevant
planning authority and the
Commission; and

(b) within 7 days after receiving the
copy of the application –

*Land Use Planning and Approvals Amendment (Development
Assessment Panels) Act 2025*
Act No. of 2025

Part 2 – Land Use Planning and Approvals Act 1993 Amended

s. 7

-
- (i) the relevant planning authority is to provide the Minister, in writing, with its reasons for making the decision under section 40B(6) in respect of the reviewable decision and its opinion as to the merits of the reviewable decision; and
 - (ii) the Commission may provide the Minister, in writing, with any further information that the Commission considers relevant in respect of the reviewable decision.
 - (4) After receiving an application under subsection (1) and reviewing the information provided in respect of the application under subsection (3), the Minister may –
 - (a) in accordance with section 40C, direct the relevant planning authority to prepare a draft amendment on an LPS in relation to the request made under section 37(1) to which the relevant reviewable decision relates; or

*Land Use Planning and Approvals Amendment (Development
Assessment Panels) Act 2025*
Act No. of 2025

s. 7

Part 2 – Land Use Planning and Approvals Act 1993 Amended

- (b) refuse to take any action in respect of the application.
- (5) The Minister may only make a direction under subsection (4)(a) if, in the opinion of the Minister, the draft amendment meets the LPS criteria.
- (6) Before making a decision under subsection (4) in respect of an application, the Minister may inform himself or herself, in the manner the Minister thinks appropriate, in relation to any matter that is relevant to the application.
- (7) As soon as practicable after making a decision under subsection (4) in respect of an application, the Minister is to give written notice of the decision, and the reasons for the decision, to the relevant planning authority, the Commission and the applicant.
- (8) For the avoidance of doubt, an application may be made under this section in respect of a request under section 40B(1), whether or not an application has also been made under section 40T(1) that relates to the request.

*Land Use Planning and Approvals Amendment (Development
Assessment Panels) Act 2025*
Act No. of 2025

Part 2 – Land Use Planning and Approvals Act 1993 Amended

s. 8

8. Section 40C amended (Direction to prepare draft amendments of LPS)

Section 40C(1) of the Principal Act is amended by inserting after paragraph (d) the following paragraph:

- (da) to implement a decision of the Minister under section 40BA(4) to prepare a draft amendment;

9. Part 4, Division 2AA inserted

After section 60A of the Principal Act, the following Division is inserted in Part 4:

Division 2AA – Development Assessment Panels
Subdivision 1 – General

60AA. Interpretation of Division

- (1) In this Division –

Assessment Panel, in relation to an application under this Division, means the Development Assessment Panel that –

- (a) is constituted in accordance with section 60AB; and
- (b) is established, in respect of the application, by the

*Land Use Planning and Approvals Amendment (Development
Assessment Panels) Act 2025*
Act No. of 2025

s. 9

Part 2 – Land Use Planning and Approvals Act 1993 Amended

Commission under
section 60AE;

city has the same meaning as in section
16A of the *Local Government Act*
1993;

exhibition period, in relation to an
application under this Division,
means the 14-day period
commencing on the day specified
in the notice published under
section 60AH(1)(b) in respect of
the application;

Homes Tasmania has the same
meaning as in the *Homes*
Tasmania Act 2022;

party, in relation to an application,
includes –

- (a) the proponent for the
development to which the
application relates; and
- (b) the relevant planning
authority;

**registered community housing
provider** has the same meaning as
it has in the Community Housing
Providers National Law
(Tasmania);

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reviewing entity, in relation to an application under this Division, includes –

- (a) the planning authority for each relevant municipal area to which the application relates; and
- (b) the relevant regulated entity, within the meaning of Division 2A; and
- (c) the Heritage Council, within the meaning of the *Historic Cultural Heritage Act 1995*, if the application relates to a development that includes heritage works within the meaning of Part 6 of that Act; and
- (d) a pipeline licensee, within the meaning of Division 2A, if the application relates to land that is wholly or partly within a gas infrastructure planning corridor, within the meaning of the *Gas Industry Act 2019*;

subdivision, in relation to a development, has the same

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meaning as in Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

- (2) For the avoidance of doubt, the *Tasmanian Planning Commission Act 1997* applies to this Division as if a reference in this Division to an Assessment Panel were a reference to the Commission.

60AB. Constitution of Assessment Panel

- (1) In establishing an Assessment Panel under this Division, the Commission is to appoint 3 persons as members of the Assessment Panel.
- (2) Despite subsection (1), the Commission may appoint more than 3 persons, but no more than 5 persons, as members of an Assessment Panel, in respect of a permit application, if the Commission –
- (a) is of the opinion that the scale, specialist nature or complexity of the development to which the application relates requires the Assessment Panel to include persons with particular qualifications or experience to assist in the assessment of the application; and

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- (b) the Commission is satisfied, on reasonable grounds, that more than 3 persons are required as members of the Assessment Panel to ensure that the Assessment Panel has those qualifications and experience.
 - (3) If a position on an Assessment Panel established under this Division is vacated, the Commission may appoint a person under this section to fill the vacancy.
 - (4) For the avoidance of doubt, the performance of a function or the exercise of a power of an Assessment Panel, under this Division, is not invalid solely on the basis that the function is performed, or the power is exercised, while –
 - (a) a member of the Assessment Panel is absent; or
 - (b) a position on the Assessment Panel is vacant.

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***Subdivision 2 – Certain applications may be determined by
Assessment Panel***

**60AC. Certain permit applications may be made to
Commission**

- (1) A person may apply to the Commission for an application for a discretionary permit to be determined by an Assessment Panel if –
 - (a) the application –
 - (i) is being made by, or on behalf of, Homes Tasmania or a registered community housing provider; and
 - (ii) relates to a development that includes social or affordable housing or a subdivision that includes social or affordable housing; or
 - (b) the application relates to a development that is valued in excess of –
 - (i) \$10 000 000 or such other amount as may be prescribed – if all, or any part, of the development

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is to be located in a city;
or

(ii) \$5 000 000 or such other
amount as may be
prescribed – in any other
case; or

(c) the council is both parties in
relation to the application, and the
application relates to a
development that is valued in
excess of \$1 000 000 or such
other amount as may be
prescribed; or

(d) the application falls within a class
of applications prescribed for the
purpose of this section.

(2) An application under subsection (1) –

(a) may only be made by –

(i) the applicant for the
discretionary permit; or

(ii) the relevant planning
authority, with the
consent of the applicant
for the discretionary
permit; and

(b) is to –

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- (i) be in a form approved by the Commission; and
 - (ii) contain the prescribed information; and
 - (iii) be accompanied by evidence that the application meets one or more of the requirements specified in subsection (1).
- (3) An application may not be made under subsection (1) if the application is an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies.
- (4) If the Commission requires further information in respect of whether an application falls under subsection (3), the Commission may seek further information from the Board, within the meaning of the *Environmental Management and Pollution Control Act 1994*.
- (5) Within 7 days after receiving an application under this section, the Commission is to do one or more of the following:
 - (a) request further information from either party to the application;

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- (b) return the application to the applicant if, in the opinion of the Commission –
 - (i) the application is an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies; or
 - (ii) the purported application does not meet the requirements for an application under this section;
 - (c) establish an Assessment Panel under section 60AE in respect of the application.

60AD. Minister may refer certain permit applications to Commission

- (1) A party to an application for a discretionary permit may request that the Minister direct the Commission to establish an Assessment Panel in respect of the application if –
 - (a) the application relates to a development that includes social or affordable housing, or a subdivision that includes social or

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affordable housing, for persons who may otherwise be unable to access suitable accommodation in the private rental or property market; or

(b) the application relates to a development that may be considered significant, or important, to –

(i) the area in which the development is to be located; or

(ii) the State; or

(c) either party to the application believes that the relevant planning authority does not have the technical expertise to assess the application; or

(d) the relevant planning authority may have, in respect of the proponent or development –

(i) a conflict of interest or a perceived conflict of interest; or

(ii) a real or perceived bias, whether for or against the proponent or development; or

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- (e) the application falls within a class of applications prescribed for the purpose of this section.
 - (2) An application for a discretionary permit, that is the subject of a request under subsection (1) –
 - (a) is to be in a form approved by the Commission; and
 - (b) must include a statement as to why the party to the application is making the request that the Minister refer the application to the Commission; and
 - (c) must be accompanied by evidence that the application meets one or more of the requirements specified in subsection (1); and
 - (d) must contain the prescribed information.
 - (3) If the Minister receives a request under subsection (1), in relation to an application for a discretionary permit, that is only made by one party to the application, the Minister is to ensure that each other party to the application is –
 - (a) provided with a copy of the request and the application; and

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- (b) notified that the party has a right to respond to the Minister, in respect of the request, within 7 days after the party is provided with a copy of the request under paragraph (a).
- (4) The Minister may refer an application for a discretionary permit to the Commission if, in the opinion of the Minister after considering any relevant guidelines issued under section 8A(2) –
 - (a) the application meets one or more of the requirements specified in subsection (1); and
 - (b) the application is not an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies.
- (5) Before the Minister refers an application for a discretionary permit under subsection (4), the Minister is to consult with such part of the Department, that is responsible for the administration of this Act, in respect of the application.
- (6) The Minister may refuse to refer an application for a discretionary permit to the Commission, under this section, for any reason.

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- (7) Within 7 days after receiving an application referred by the Minister under this section, the Commission may –
- (a) return the application to the applicant if, in the opinion of the Commission –
 - (i) the application is an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies; or
 - (ii) the purported application does not meet the relevant requirements under this Division for such an application; or
 - (b) establish an Assessment Panel under section 60AE in respect of the application.

60AE. Commission to establish Assessment Panel – new applications

- (1) The Commission is to establish an Assessment Panel to undertake an assessment of an application made under section 60AC, or an application referred to the Commission under section 60AD,

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if the Commission is satisfied, on reasonable grounds, that –

- (a) the application is not an application to which section 25 of the *Environmental Management and Pollution Control Act 1994* applies; and
 - (b) the application meets the relevant requirements of this Division for such an application.
- (2) If an Assessment Panel is established under this section in respect of an application, the *Historic Cultural Heritage Act 1995* does not apply in respect of the assessment of the application under this Division.

***Subdivision 3 – Assessment of applications by Assessment
Panel***

60AF. Applications for permits to be provided to certain entities

- (1) As soon as practical after the Commission establishes an Assessment Panel under section 60AE in respect of an application, the Assessment Panel is to provide a copy of the application to each reviewing entity for that application.

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- (2) Within 28 days after being provided a copy of an application under subsection (1) –
- (a) each planning authority must provide advice, to the Assessment Panel, relating to the application on the following matters:
 - (i) any matters that the planning authority would consider, in respect of the application, under the *Local Government (Building and Miscellaneous Provisions) Act 1993*;
 - (ii) issues and concerns that the planning authority has in respect of the matter to which the application relates including, but not limited to, engineering concerns or the impacts on assets or infrastructure owned or operated by the planning authority;
 - (iii) suggested terms and conditions that should be imposed on a permit if it is granted under the application and the

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reasons for those terms
and conditions;

(iv) any other matter that the
planning authority
considers relevant to the
application; and

(b) each planning authority may
provide advice, to the Assessment
Panel, relating to the application
of the relevant planning scheme
to the application; and

(c) each other reviewing entity for
the application is to provide
advice, to the Assessment Panel
relating to the application, on any
matter that the reviewing entity
considers relevant to the
application including, but not
limited to, suggested terms and
conditions that should be imposed
on a permit if it is granted under
the application and the reasons
for those terms and conditions.

(3) If the Heritage Council is provided with a
copy of an application under
subsection (1), the Heritage Council is to
have regard to the following matters
before providing advice in respect of the
application in accordance with
subsection (2):

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- (a) the likely impact of work performed under a permit, if granted under the application, on the historic cultural heritage significance, within the meaning of the *Historic Cultural Heritage Act 1995*, of –
- (i) the place or area on which the work is to be performed under the permit; and
 - (ii) any place or area adjoining the place or area on which the work is to be performed under the permit;
- (b) any relevant works guidelines, within the meaning of the *Historic Cultural Heritage Act 1995*, or matters prescribed for the purposes of section 39 of that Act;
- (c) any matters prescribed for the purposes of this subsection.
- (4) For the purposes of Division 5B of Part 3 of the *Electricity Supply Industry Act 1995* –
- (a) an application under this Division is taken to be an application for a

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permit within the meaning of that
Division of that Act; and

- (b) if an Assessment Panel is established in respect of an application under this Division, a reference to a planning authority in respect of an application, in that Division of that Act, is taken to be a reference to the Assessment Panel established in respect of the application.

60AG. Additional information may be required

- (1) Within 14 days after receiving a copy of an application under section 60AF(1), a reviewing entity may make a request to the Assessment Panel for further information in respect of the application to enable the reviewing entity to provide advice on the application under section 60AF.
- (2) A planning authority may only request further information under subsection (1) in relation to the following matters:
 - (a) for the purpose of determining the impact of the use and development on the infrastructure of the council in the relevant municipal area if the application were to be approved and the permit issued;

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- (b) any matter that the planning authority considers relevant for the purpose of preparing advice, to the Assessment Panel, relating to the application of the relevant planning scheme to the application;
 - (c) to assist in the preparation of recommended conditions to be imposed on the permit in respect of the impact of the use and development on the infrastructure of the council;
 - (d) any matters that the planning authority is entitled to consider, in respect of the application, under the *Local Government (Building and Miscellaneous Provisions) Act 1993*.
- (3) If a reviewing entity makes a request for further information under subsection (1) in respect of an application, the Assessment Panel may notify the reviewing entity, in writing –
- (a) that the Assessment Panel believes that the requested information is not relevant to the application; and
 - (b) the reasons for that belief; and

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- (c) that the requested information is not information that will be provided under this section.
- (4) At the expiry of 21 days after providing copies of an application under section 60AF(1), the Assessment Panel is to –
 - (a) make a request, in writing, that the applicant provide the further information requested under subsection (1), or such further information requested by the Assessment Panel, in respect of the application, as the Assessment Panel is satisfied that –
 - (i) the information is relevant to the application; and
 - (ii) the Assessment Panel does not already have the information; and
 - (b) send a copy of the written request to the reviewing entities for the application.
- (5) If an applicant provides further information to the Assessment Panel as the result of a request made under subsection (4) –

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- (a) the Assessment Panel is to provide a copy of the further information to all the reviewing entities for the application; and
 - (b) each reviewing entity is to notify the Assessment Panel if –
 - (i) the reviewing entity is satisfied that the additional information provided meets the requests so made; or
 - (ii) in the opinion of the reviewing entity, further information was requested and has not been provided by the applicant.
 - (6) Within 7 days after receiving further information as a result of a request under subsection (4), the Assessment Panel must –
 - (a) determine that –
 - (i) all further information so requested has been provided by the applicant; or
 - (ii) the applicant has provided all the further information so requested that is reasonably able to be

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provided by the applicant;
or

- (b) notify the applicant that the Assessment Panel is not satisfied that the applicant has complied with all requests under subsection (4) in respect of the application.
- (7) If an Assessment Panel makes a request to an applicant under subsection (4) for further information, all relevant time periods under this Act do not run in respect of the application until, in the opinion of the Assessment Panel, all requests for further information have been answered.
- (8) For the avoidance of doubt, nothing in this section entitles a reviewing entity to request new information, in respect of an application under section 60AF(1), if more than 14 days have passed since the Assessment Panel provided the reviewing entity with a copy of the application as required under this section.

60AH. Exhibition of applications

- (1) Within 14 days after the expiry of the period specified in section 60AF(2) in respect of an application, the Assessment Panel is to –

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- (a) prepare a draft assessment report in relation to the application; and
 - (b) ensure that an exhibition notice is published that specifies, in relation to the documents and information specified in paragraph (d) –
 - (i) the day on which the exhibition of the documents and information is to commence; and
 - (ii) that the documents and information are or will be available for viewing by the public during the exhibition period at the premises specified in the notice; and
 - (iii) that the documents and information may be downloaded by the public from the website specified in the notice; and
 - (c) provide a copy of a notice under paragraph (b) to all property owners who own land adjoining the land to which the application relates; and

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- (d) exhibit the following documents and information, in respect of the application, in accordance with the exhibition notice published under paragraph (b):
 - (i) the application;
 - (ii) each document, or piece of information, provided by a reviewing entity under section 60AF in respect of the application;
 - (iii) any further information provided by the applicant under this Act in accordance with section 60AG;
 - (iv) the draft assessment report;
 - (v) if the draft assessment report recommends that a permit be granted, a draft permit, including each proposed condition to be imposed in respect of the permit;
 - (vi) the date on which, and the location at which, a hearing under section 60AI may be held in respect of the

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application, being a date
that is not less than 10
days after the close of the
exhibition;

(vii) a statement that the
hearing may be cancelled
in accordance with
section 60AJ.

- (2) An exhibition notice under
subsection (1)(b) is to be published as
prescribed.
- (3) An exhibition under subsection (1)(d) is
to be held for a period of 14 days from
the day specified in the notice published
under subsection (1)(b), excluding any
days on which the premises, where the
exhibition is occurring, are closed to the
public during normal business hours.
- (4) A person may make comments, and
provide feedback, to the Assessment
Panel in respect of an application during
the exhibition period for the application.
- (5) If the Assessment Panel has exhibited,
under subsection (1)(d), the date and
location of a hearing under section 60AI,
the Assessment Panel may do either or
both of the following by giving notice in
accordance with subsection (6):

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- (a) alter the date on which the hearing may be held to a later date specified in the notice;
 - (b) alter the location at which the hearing may be held to a location specified in the notice.
- (6) As soon as practicable after an Assessment Panel gives notice, under subsection (5), to alter a hearing under section 60AI in respect of an application, the Assessment Panel must ensure that a copy of the notice –
 - (a) is published in the manner prescribed under subsection (2); and
 - (b) is exhibited with the documents and information exhibited under subsection (1)(d) in respect of the application; and
 - (c) is given to –
 - (i) each party to the application; and
 - (ii) each reviewing entity; and
 - (iii) all persons who made a representation, in respect of the application, who have provided contact

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details to the Assessment
Panel.

60AI. Hearings in respect of applications

- (1) The Assessment Panel is to hold a hearing in respect of an application, as specified in the notice published under section 60AH(1)(b) in respect of the application, except where the hearing is cancelled in accordance with section 60AJ.
- (2) A hearing under this section, in respect of an application, is to be open to –
 - (a) each party to the application; and
 - (b) each reviewing entity; and
 - (c) all persons who made a representation in respect of the application.
- (3) A hearing under this section in respect of an application, if not cancelled in accordance with section 60AJ, must be completed –
 - (a) within 28 days after the close of the exhibition period in respect of the application or such further period as agreed under section 60AM; and

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- (b) before the Assessment Panel takes an action specified in section 60AL(1) in respect of the application.
- (4) Without limiting the ability of the Assessment Panel to regulate the proceedings of a hearing in respect of an application, the Assessment Panel may use such dispute resolution techniques including, but not limited to, mediation as part of a hearing under this section, if the Assessment Panel considers it appropriate in the circumstances.

60AJ. Hearing may be cancelled in certain circumstances

- (1) The Assessment Panel for an application under this Division may cancel a proposed hearing to be held under section 60AI in respect of the application if –
 - (a) during the assessment of the application, no reviewing entity requested that a hearing be held, under section 60AI, in respect of the application; and
 - (b) during the exhibition period for the application –

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- (i) no representations were made in respect of the application; or
 - (ii) the representations that were made in respect of the application were in support of the application or specified that the person making the representation does not wish to be heard at a hearing under section 60AI.
 - (2) If a hearing in respect of an application is cancelled in accordance with subsection (1), the Assessment Panel may direct the relevant planning authority to issue a permit in accordance with the draft assessment report prepared under this Division in respect of the application.
 - (3) If the Assessment Panel cancels a hearing under subsection (1) in respect of an application, the Assessment Panel is to give written notice that –
 - (a) the hearing is not to be held, under section 60AI, in respect of the application; and
 - (b) the relevant planning authority has been directed to issue a

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permit in respect of the
application.

- (4) A written notice under subsection (3) that relates to the cancellation of a hearing in respect of an application must be given to –
- (a) each party to the application; and
 - (b) each reviewing entity for the application; and
 - (c) each person who made a representation in respect of the application.
- (5) For the avoidance of doubt, nothing in this section requires the Assessment Panel to cancel a hearing under subsection (1).

60AK. Frivolous or vexatious representations

If, in the opinion of the Assessment Panel for an application, a representation that is frivolous or vexatious has been made during the exhibition period for the application –

- (a) as soon as practical after forming the opinion, the Assessment Panel is to notify the person who made the representation –

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- (i) that the Assessment Panel is of the opinion that the representation is frivolous or vexatious; and
 - (ii) of the grounds on which the Assessment Panel has formed that opinion; and
- (b) the representation is not a representation for the purposes of this Subdivision.

60AL. Determination of application by Assessment Panel

- (1) Within 28 days after the close of the exhibition period in respect of an application, the Assessment Panel must –
 - (a) refuse the application and notify the following persons of that decision:
 - (i) each party to the application;
 - (ii) each reviewing entity for the application;
 - (iii) each person who made a representation in respect of the application; or

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- (b) subject to subsection (3), approve the application and subsequently –
 - (i) notify the following persons of that decision:
 - (A) each party to the application;
 - (B) each reviewing entity for the application;
 - (C) each person who made a representation in respect of the application; and
 - (ii) direct the relevant planning authority to issue a permit as specified by the Assessment Panel in the direction.
- (2) In making a decision under subsection (1) in respect of an application, the Assessment Panel must –
 - (a) apply the provisions of the relevant planning scheme, as in effect on the day on which the application was made; and

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- (b) seek to further the objectives set out in Schedule 1; and
 - (c) have regard to any advice provided by a reviewing entity under section 60AF in respect of the application; and
 - (d) take into consideration –
 - (i) such of the prescribed matters as are relevant to the development to which the application relates; and
 - (ii) the matters set out in representations made to the Assessment Panel, under this Division, in respect of the application; and
 - (iii) the submissions made at any hearing held under section 60AI in respect of the application; and
 - (e) accept a relevant bushfire hazard management plan, or other prescribed management plan relating to environmental hazards or natural hazards, that has been certified as acceptable by an accredited person or a State Service Agency; and

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- (f) if the application relates to any land within Wellington Park, as defined in the *Wellington Park Act 1993*, take into account the standards, values and conditions set out in each management plan, within the meaning of that Act, in force as at the date of the application.
- (3) An Assessment Panel must not make a decision under subsection (1) in respect of an application if, had the application been made to a planning authority under section 51, the planning authority would have been unable to make the same decision in respect of the application under that section.
- (4) If a permit is granted under this section, section 53 applies to the permit as if a reference in that section to the planning authority were a reference to the Assessment Panel.

60AM. Extension of certain time periods

- (1) If an Assessment Panel needs an extension of the period specified in section 60AL(1), including for the purpose of extending the period specified in section 60AI(3), the Assessment Panel may make a request to the Minister that

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the period be extended in accordance with subsection (2).

- (2) At the request of the Assessment Panel under subsection (1), the Minister may grant one extension, of not more than 21 days, of the period specified in section 60AL(1) if the Minister considers the extension reasonable in the circumstances.
- (3) Subsections (1) and (2) do not apply to an Assessment Panel if the Assessment Panel and the applicant agree to –
 - (a) an extension of the period specified in section 60AL(1) in respect of an application; and
 - (b) the duration of that extension.
- (4) If an extension is granted under subsection (2) or agreed under subsection (3) in respect of an application, the Assessment Panel is to notify the following persons that the extension has been granted, or agreed, and the duration of that extension:
 - (a) each party to the application;
 - (b) each reviewing entity for the application;

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Part 2 – Land Use Planning and Approvals Act 1993 Amended

- (c) each person who made a representation in respect of the application.

Subdivision 4 – Miscellaneous

60AN. Application may be withdrawn by applicant

- (1) At any stage before an Assessment Panel gives a direction under section 60AJ(2) or section 60AL(1)(b) in respect of an application, the applicant may withdraw the application by written notice to the Assessment Panel.
- (2) If an application has been withdrawn under subsection (1), the Assessment Panel is to notify the following persons that the application has been withdrawn:
 - (a) each reviewing entity who has been provided with the application under section 60AF;
 - (b) if the application was exhibited in accordance with section 60AH, each person who made a representation under that section in respect of the application.

60AO. Effect of issuing permit in respect of certain applications

- (1) If a planning authority issues a permit at the direction of an Assessment Panel

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under section 60AJ(2) or
section 60AL(1)(b) –

- (a) the planning authority must issue the permit within 7 days after receiving the direction of the Assessment Panel; and
 - (b) the planning authority may only issue the permit as directed and may not impose any further conditions on the permit; and
 - (c) the permit comes into effect on the day on which it is issued or such later day as is specified by the Assessment Panel; and
 - (d) there is no right of appeal under this Act, in respect of the permit, on merit grounds; and
 - (e) the provisions of this Act relating to enforcement and minor amendments apply to the permit.
- (2) If a planning authority issues a permit at the direction of an Assessment Panel under section 60AJ(2) or section 60AL(1)(b) in relation to a subdivision, a reference in that Part to the council, in respect of a prescribed function or prescribed power of the council under that Part, includes a reference to the Assessment Panel.

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Part 2 – Land Use Planning and Approvals Act 1993 Amended

- (3) If a planning authority issues a permit at the direction of an Assessment Panel under section 60AJ(2) or section 60AL(1)(b) in relation to a heritage works within the meaning of Part 6 of the *Historic Cultural Heritage Act 1995*, that Act applies to the permit as if that Part had been complied with in respect of the application for the permit.

60AP. Fees under this Division

- (1) For the purposes of this Division, the regulations may prescribe one or more of the following:
- (a) the fees payable in respect of an application, matter or assessment under this Division;
 - (b) the maximum fees that may be payable in respect of an application, matter or assessment performed under this Division by an Assessment Panel or a planning authority;
 - (c) the method of calculating a fee that may be payable under this Division.
- (2) Nothing in this section limits or restricts a power to make regulations under section 87 in respect of this Division including, but not limited to, making

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provision for or with respect to a matter specified in section 87(2)(b).

- (3) The Commission may waive or remit all or any part of a fee that is payable under this Division.
- (4) A planning authority, or reviewing entity, may only charge a fee prescribed under this Act in respect of an application, matter or assessment under this Division.

60AQ. Review of Division

- (1) The Minister is to cause a review of the operation of this Division to be carried out as soon as practicable after the fifth anniversary of its commencement.
- (2) A review under subsection (1) may include, but is not limited to, the operation of any time period specified in this Division.
- (3) The persons who carry out the review under subsection (1) are to give the Minister a written report on the outcome of the review.
- (4) The Minister is to cause a copy of the report, given to the Minister under subsection (3), to be tabled in each House of Parliament within 10 sitting-days of that House after the report is given to the Minister.

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Part 3 – Historic Cultural Heritage Act 1995 Amended

**PART 3 – HISTORIC CULTURAL HERITAGE ACT
1995 AMENDED**

10. Principal Act

In this Part, the *Historic Cultural Heritage Act 1995** is referred to as the Principal Act.

11. Section 33 substituted

Section 33 of the Principal Act is repealed and the following section is substituted:

33. Application of Planning Act to heritage works is subject to this Part

(1) Subject to subsection (2), the provisions of this Part prevail, to the extent of any inconsistency, over the provisions of the Planning Act and any planning scheme or special planning order or planning directive in force under that Act.

(2) This Part does not apply to –

- (a) a permit application that is to be determined by an Assessment Panel under Division 2AA of Part 4 of the Planning Act; and
- (b) heritage works that are to be performed under a discretionary permit that is issued as a result of

*No. 117 of 1995

*Land Use Planning and Approvals Amendment (Development
Assessment Panels) Act 2025
Act No. of 2025*

Part 3 – Historic Cultural Heritage Act 1995 Amended

s. 11

a permit application referred to in
paragraph (a).

Consultation Draft



Revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025

Background Report for Consultation

February 2025

ATTACHMENT

AGENDA ITEM **14.4**

We acknowledge and pay our respects to all Aboriginal people in Tasmania; their identity and culture.

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Level 6 – 144 Macquarie Street | GPO Box 536, Hobart TAS 7001
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Email: spo@stateplanning.tas.gov.au

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1.0 Background

In July 2023, the Premier of Tasmania, the Honourable Jeremy Rockliff MP, announced the preparation of new legislation to introduce independent Development Assessment Panels (DAPs) to provide an alternative planning pathway for certain development applications.

The stated intent for introducing DAPs was ‘to take the politics out of planning’ by providing an alternate approval pathway for more complex or contentious development applications.

The State Planning Office (SPO) prepared a [Development Assessment Panel \(DAP\) Framework Position Paper](#) (the Position Paper) to explore these matters. The Position Paper included a draft DAP framework, based on statements made in the Premier’s announcement and initial consultation with key stakeholders. Submissions were invited on matters raised in the Position Paper and on the draft framework. There were 542 submissions received during the consultation period on the Position Paper which are published on the SPO [website](#).

A [Report on Consultation - DAP Framework Position Paper](#) (Report on Consultation) was published in October 2024. The Report on Consultation summarised the issues raised in the submissions, provided a response to those issues and outlined a revised DAP framework and model for the Minister to direct a planning authority to prepare a draft amendment to its LPS.

The findings from the Report on Consultation were used to inform the drafting of the [draft Land Use Planning and Approvals Amendment \(Development Assessment Panels\) Bill 2024](#) (DAP Bill 2024) which was open for a 5 week public consultation period, closing on 12 November 2024. A total of 461 submissions were received which are also available for viewing on the SPO [website](#). The draft DAP Bill 2024 underwent some modifications following consultation feedback prior to being tabled in Parliament on 19 November 2024.

A copy of the tabled DAP Bill 2024, related documents and results of debate in the House of Assembly and the Legislative Council, including access to Hansard records, can be found on the [Parliament website](#).

2.0 Summary of DAP Bill 2024

2.1 DAP assessment pathway

The DAP Bill 2024 provided an option for certain discretionary development applications to be determined by an independent DAP, established by the Commission, subject to the application satisfying one or more of the following criteria:

- being for social or affordable housing, including subdivision to facilitate social or affordable housing, proposed by or on behalf of Homes Tasmania or a registered community housing provider;

- where the applicant, or the planning authority with the consent of the applicant, requests a DAP to determine the application and the application is for development valued at over \$5M in metropolitan areas or over \$2M in non-metropolitan areas;
- where the council is both the applicant and planning authority, and the development is valued at over \$1M;
- it falls within a class of application prescribed by regulations; or
- an application that, upon request by the applicant or planning authority is deemed, by the Minister, to be suitable for DAP determination if:
 - it is for the provision of social or affordable housing, including subdivision to facilitate social or affordable housing, proposed by a developer other than Homes Tasmania or a registered community housing provider;
 - the development is significant or important to the local area or the State;
 - it requires a level of technical expertise that the planning authority is unable to provide;
 - it is controversial;
 - there is a real perceived conflict of interest or bias involving the planning authority; or
 - it falls within a class of application prescribed by regulations.

The DAP Bill 2024 allowed eligible applications to be lodged directly with a DAP or for applications to be transferred to a DAP by the Minister partway through the planning authority's assessment process.

Applications lodged directly with a DAP were subject to set statutory timeframes for the completion of assessment tasks. The time taken for the DAP to determine an application to a permit issued is 98 days or 112 days with a possible extension being granted. Applications referred to a DAP partway through the planning authority's assessment had their assessment process and timeframes determined by the DAP on an individual basis.

The requirement for the DAP to assess the application against the provisions of the planning scheme were strengthened in the draft Bill following submissions received during consultation that it was unclear.

The DAP was required to undertake public exhibition of the application, invite representations and hold public hearings. The decision of the DAP was final with no right of appeal based on planning merit.

2.2 Ministerial direction to prepare a draft amendment

The DAP Bill 2024 also enabled the Minister to direct a council to prepare a draft amendment to its LPS where the review process under section 40B of the Act had been exhausted.

The Ministerial direction can only occur if the Commission requests the council to reconsider its rejection of a draft amendment. A draft amendment prepared under the

Minister's direction only commences the Commission's assessment process rather than any approval or making of an amendment to the LPS.

3.0 Summary of changes - revised draft DAP Bill 2025

The following table provides a summary of the main changes made to the revised draft DAP Bill 2025 and the reasons for those changes.

Modification	Reason
Removal of the option for an applicant or planning authority to request the Minister to transfer an application to a DAP for determination partway through a council assessment process.	<p>This pathway was removed because it was overly complex and provided uncertainty to both the applicant and planning authority in the assessment process.</p> <p>It also causes the assessment process to take longer and potentially duplicating assessment tasks performed by the DAP and planning authority.</p>
Modifying the criteria for when the Minister can refer a new application to a DAP for determination by removing certain statements, such as where an application is likely to be 'controversial'.	<p>The removal of ambiguous or subjective criteria helps provide certainty regarding the eligibility of applications to enter the DAP assessment process.</p> <p>This matter is also helped by the requirement of the Commission to prepare guidelines for the Minister to use when making a determination to refer an application (see below for further details).</p>
Increasing the value thresholds for an application to be referred to a DAP from \$5 million to \$10 million in a city, and from \$2 million to \$5 million in other areas.	In response to concerns that the threshold values are too low and that it would allow too many applications to enter the DAP process.
Allowing the Commission to issue guidelines to assist the Minister in determining whether to refer an application to a DAP and a requirement for the Minister to take these guidelines into account when making that determination.	To provide greater certainty and accountability regarding what applications are eligible for referral to a DAP for determination.
Clarifying that the DAP can use alternate dispute resolution techniques when making a determination and trying to resolve issues between parties.	Although dispute resolution and mediation processes are implicit in the Commission's proceeding, the proposed inclusion of explicit provisions gives greater certainty to aggrieved parties.

Modification	Reason
Clarifying that the DAP can modify hearing dates and times subject to giving notice and that hearings can occur during an agreed extension of time.	Modification made to provide greater flexibility for conducting hearings to account for availability of the parties to attend hearings, or the need to add additional hearings days to consider the issues raised in the submissions.
Including provisions that allow the Commission to appoint a substitute panel member should a previously appointed member become unavailable.	Modification made to allow flexibility in the Panel membership in case a member becomes unavailable so that it does not hold up the assessment process.
Clarifying that the Heritage Council, in providing its advice to the DAP, are to have regard to the relevant matters that it would normally for an application under s.39(2) of the <i>Historic Cultural Heritage Act 1995</i> .	Modification made to clarify the extent of advice provided by the Heritage Council to the DAP.
Clarifying that the Heritage Council retains its normal enforcement functions following the issuing of a permit approved by the DAP.	Modification to clarify that the Heritage Council retains its enforcement function regarding any heritage conditions it may have recommended be imposed on the permit consistent with post approval functions under other assessment pathways.

The most significant changes to the revised draft Bill 2025 have been made to the scope of eligibility for applications to enter the DAP process.

The following provides a summary of the revised eligibility criteria:

A development application may be eligible for DAP determination if it is for a discretionary permit and is not subject to the *Environmental Management and Pollution Control Act 1994*.

An applicant, or the relevant planning authority with the consent of the applicant, can apply to the Commission for a development application to be determined by a DAP subject to satisfying one or more of the following:

1. The application relates to development that includes social or affordable housing or a subdivision to facilitate social and affordable housing, made by, or on behalf of, Homes Tasmania or a registered community housing provider.

2. The application relates to development that exceeds the following value thresholds:
 - a) over \$10 Million or such other amount prescribed, if all, or any part of the development, is located in a city;
 - b) over \$5 Million or such other amount prescribed, where the development is located elsewhere ;
 - c) over \$1 Million if council is the applicant and the planning authority, or such other amount prescribed in Regulations; or
 - d) a class of application prescribed in Regulations.

The applicant or the relevant planning authority may request the Minister to refer an application to the Commission to be determined by a DAP subject to the Minister being satisfied that one or more of the following criteria are met. In making this decision, the Minister must have regard to the guidelines prepared by the Commission:

1. The application relates to development that includes social or affordable housing, or a subdivision to facilitate social and affordable housing, for persons who may otherwise be unable to access suitable accommodation in the private rental or property market;
2. the application is for development that is considered to be of significance to the local area or State;
3. the applicant or planning authority is of the view that the planning authority does not have the technical expertise to assess the application;
4. the planning authority has, or is likely to have a conflict of interest, or there is perceived bias on the part of the planning authority; or
5. a class of application prescribed in Regulations.

4.0 Next Steps

A copy of the draft Bill 2025 is available for viewing and download on the SPO website.

The draft Bill will undergo a 8 week consultation period during which time submissions are invited through the SPO's [Have your say](#) platform.



16 April 2025

DRAFT

ATTACHMENT

AGENDA ITEM 14.4

Mr Anthony Reid
State Planning Office
Level 6, 144 Macquarie Street
HOBART TAS 7000

Dear Mr Reid

RE: REVISED LUPA (DEVELOPMENT ASSESSMENT PANELS) BILL 2025

Thank you for opportunity to provide comment on the Revised Land Use Planning and Approvals (Development Assessment Panels) Bill 2025.

Council is pleased to see that there have been positive changes to the Bill and generally supports many of the revisions. However, Council still feels that there are a number of key fundamental issues with the Bill which have not been addressed, and as such our position remains to oppose the Bill. The key reasons for our opposition are as follows:

1. Ministerial Interference on Planning Scheme Amendments

Despite previous concerns, the proposal for the Minister for Planning to direct preparation of planning scheme amendments remains unrevised at section 7 of the 2025 Bill. Council's concern with this section, is that there is a risk that planning decisions could be driven by political agendas rather than by long-term planning goals or community needs, which has been completed through the development of state, regional and local policies. This could create a situation where certain planning scheme amendments are progressed for reasons unrelated to their merits.

2. Reducing public involvement

Delaying exhibition until a recommended decision has been made and removing appeal rights appears to be contrary to the objectives of the Resource Management and Planning System of Tasmania which encourages public involvement in resource management and planning.

3. The unknowns

Key issues such as Guidelines and Regulations have yet to be provided. A proper assessment cannot be provided until this is available. Further to this there will be a significant impact on resources of Council, yet no detail has been provided on how this will be funded. Finally, as per our previous submission, given the shortage of planning and development engineering professionals nationwide, how will the DAP be undertaken by candidates with greater experience than those currently undertaking the assessments?

Thank you again for your enquiry. Please contact Council's Director Development Services, Alex Woodward on (03) 6268 7021 or via alex.woodward@brighton.tas.gov.au if you have any further queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'James Dryburgh', with a stylized, flowing script.

James Dryburgh
CHIEF EXECUTIVE OFFICER

**BOYER ROAD PRECINCT
STRUCTURE PLAN
STAGE 2 CONSULTATION
SUMMARY**

Prepared for:
Brighton Council

Date:
09.04.2025

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Stage 2 Consultation - Boyer Road Precinct Structure Plan

1. Consultation Overview

Stage 2 consultation commenced on 27 February 2025 and concluded on 20 March 2025, offering the precinct landowners, agency stakeholders and the local and wider community with the opportunity to review and provide feedback on the draft Boyer Road Precinct Structure Plan and Infrastructure Framework. Information was made available on Council's Have Your Say page (<https://www.brighton.tas.gov.au/community/have-your-say/>), and letters were sent to ~160 landowners in the vicinity of the Boyer Road Precinct. Emails were sent to members of the community who attended the community drop-in session as part of Stage 1 consultation in December 2024.

Formal feedback was welcomed via an online survey or in writing (email or post). The survey asked seven (7) questions and provided the opportunity for respondents to elaborate on their answers.

A copy of the survey is attached for reference (**Appendix 1**).

Ahead of consultation commencing, a briefing session was held on 24 February 2025 with the precinct landowners, which was attended by representatives from 5 of the 6 properties within the precinct. A second briefing session was held on 25 February 2025 for Council's elected members, which was attended by 6 members including the mayor.

At the close of consultation, 19 survey responses and 9 written responses had been received. (**Appendix 2 and Appendix 3**)

In addition to the formal consultation process described above, feedback was also received from Council's engineering team regarding the road layout and design. (**Appendix 4**)

1.1 Survey responses

Of the survey responses:

- 17 x responses were from community members who live in the vicinity of the Boyer Road precinct
- 2 x responses were received from landowners within the precinct.

It is apparent that the majority of people who responded to the survey reside in or adjacent to Serenity Drive, being the people who will be the most affected by the rezoning of the Boyer Road Precinct and future development for housing.

As a result, the majority of the survey responses indicate a lack of support for the future development of the Boyer Road Precinct for housing.

The key concerns raised by respondents relate to:

- Density, with a preference for 5,000sqm lots
- Impact on native vegetation and wildlife
- Impact on rural character and loss of farming land
- Increase in social issues
- Noise and traffic
- Increased pressure on existing services
- Lack of public transport and footpaths / cycleways

1.1.1 Landowner Responses

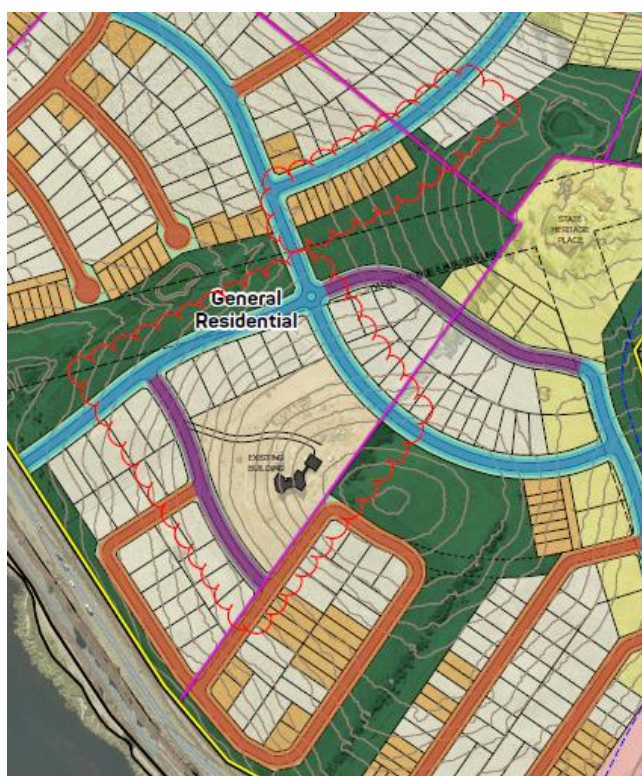
Notwithstanding that the survey was anonymous, respondents were asked to nominate whether they were a landowner within the precinct, whether they reside nearby, or whether they were a member of the wider community. As such, we were able to discern that 2 responses were received from landowners with the precinct. One of landowners advised they support the proposed structure plan as presented. The other (the owner of 170 Boyer Road) provided comprehensive feedback on the proposed Development Framework as it relates to her property, and in particular sought for amendments to be made to provide a larger curtilage around the existing dwelling on the site, and to minimise the number of higher-density lots adjacent the existing dwelling. In addition, the submission sought a review of the amount of land within 170 Boyer Road that had been dedicated to a view corridor to Genappe Homestead, on the basis that there was potential for some additional yield to be achieved whilst still maintaining views to the state heritage property.

1.1.2 Response to Landowner Feedback

In response to this feedback, the Development Framework was revised (**Appendix 5**) as follows:

- » The curtilage around the dwelling was increased from 7000m² to 15000m² (consistent with Genappe Homestead)
- » Lots identified as being within Precinct A were changed to Precinct B, to ensure a minimum lot size of 500m².
- » Additional Precinct A lots were added to the western side of the open space network within 170 Boyer Road to replace the yield lost as a result of the changes listed above, whilst maintaining an appropriate view corridor width.

Figure 1. 170 Boyer Road - amendments clouded



1.2 Written responses

Of the written responses:

- 9 x were from community members
- 2 x were from state agencies (Tasmanian Fire Service, Homes Tasmania)
- 1 x was from the adjacent Northern Christian School.

2. Response to Submissions

The following table provides a summary of the matters raised and the response.

Table 1. Community Submissions - Summary and Response

Matters Raised	Response
Environmental	
The development will impact native wildlife and bushland.	<p>The three northern-most lots within the Boyer Road Precinct are located within both the Landscape Conservation Zone and the Future Urban Zone. 25ha of the land within the Landscape Conservation Zone is further subject to a Conservation Covenant.</p> <p>Land in the Landscape Conservation Zone is proposed to be retained as-is, noting that this portion of the precinct is densely vegetated compared with the sparsely vegetated nature of the Future Urban land, which has historically been used for low-level farming practices such as grazing.</p> <p>A Natural Values Constraints report was prepared by North Barker to inform the structure plan and development framework.</p> <p>The report advised that:</p> <ul style="list-style-type: none"> • Five native vegetation communities and three non-native or modified land units were identified • 4 species listed as declared weeds were identified • Suitable habitat for the threatened Tasmanian devil, spotted-tailed quoll, eastern quoll, blue-winged parrot, swift parrot, and eastern barred bandicoot is available within the study area predominantly within the balance area outside the proposed precinct area. • Only the eastern barred bandicoot, if present, are likely to utilise the ungrazed paddock areas within the agricultural areas. <p>» It is considered unlikely that any future development options would reduce the carrying capacity of the habitat at all given that this species is known to be successful in peri urban environments and the extent of suitable habitat in the broader area.</p>

- The proposed PSP is situated within largely modified agricultural land between native forest vegetation to the north and the Derwent estuary to the south.
- While native wildlife may venture into this area to feed or use water sources, or occasionally pass through to the estuary, the forest vegetation represents primary core habitat and restricted movement opportunity into or through the PSP does not represent a key threat to fauna.

The North Barker report made the following recommendations:

- Lower housing density and larger lot sizes should be located along the northern precinct boundary adjacent to core habitat areas;
- Reduction of roadkill by provision of wildlife road-crossing points;
- Existing drainage lines, road verges, and other greenspace should be retained and improved;
- Fencing should be installed along the northern boundary of the future urban area to minimise impact of domestic predators on wildlife; and
- Consider internal road layout and design with respect to decreasing likelihood of wildlife entering roadways.

These recommendations have guided the Development Framework and Specific Area Plan for the precinct.

Notably:

- Precinct C, which abuts the Landscape Conservation Zone, will be a low-density precinct with a minimum lot size of 1000m².
- A wide buffer area will be provided between the Landscape Conservation Zone and Precinct C to protect key habitat areas and identified scattered trees.
- Natural drainage lines and the intermittent creek that runs through the land will be maintained within large tracts of open space biodiversity corridors as part of the Development Framework and reinforced in the Specific Area Plan.
- The Specific Area Plan will include development standards regarding fencing.

The development will result in the loss of farming land.

Pinion Advisory was engaged to review the agricultural value of the land within the Boyer Road Precinct. The report advised that the land is “severely constrained for agricultural land use activity due to the low/very low land capability of the ground, extensive coverage of native vegetation, absence of irrigation water and the land is divided into six separate titles which limits any potential scale and level of intensification” and confirmed that precinct “holds a negligible level of local and regional agricultural prominence”,

particularly noting that 5 of the lots are currently predominately used for residential purposes. The report concludes that “development of the Future Urban zoned land...is consistent with the Protection of Agricultural Land (PAL) policy and could be undertaken without undue and unnecessary loss and negative impacts to agricultural land”.

Zoning / Density

The land should be zoned for rural-residential / minimum lot size should be 5,000m².

Rezoning the land for rural-residential lots would not be an efficient use of one of the remaining greenfield sites in Brighton Council. However, the Boyer Road Precinct has been divided into 4 sub-precincts (Precincts A, B, C and D) to provide for a diversity of lot sizes, including larger (1000m²) lots within Precinct C, which interfaces with land in adjoining low-density zones.

Furthermore, the Southern Tasmanian Regional Land Use Strategy requires that land within the Urban Growth Boundary, which is land identified for future residential growth to meet the region’s demand, should achieve a density of 15 dwellings per hectare. Having lot sizes of 5,000m² within the Urban Growth Boundary would not be a sustainable or desirable town planning outcome given Brighton’s strained supply of residential zoned land to meet anticipated demand.

Stormwater Management

The development of the land will lead to increased water run-off from the Precinct toward Riverside Drive.

Based on previous feedback from the community, Holmes Dyer is aware that currently, runoff from Serenity Drive properties affects 50 Boyer Drive and some properties at the eastern end of Riverside Drive.

Future development of the precinct will be required to be undertaken in accordance with a stormwater management plan designed to ensure that run-off is equal to or less than pre-development flows.

The preliminary stormwater investigations that have been undertaken to inform the Structure Plan indicate that a stormwater basin will be required in the south-eastern corner of the precinct (within 50 Boyer Road), which should assist with capturing stormwater from properties that back onto 50 Boyer Road that currently runs directly downstream.

Impact on adjoining farmland

Interface conflicts between residential land and farming land.

The introduction of new housing adjacent to land used for farming purposes can give rise to interface conflicts due to incoming residents not always understanding that noise and odour can be generated by farming practices.

Lawfully operating uses on adjacent land have existing use rights. The future development of the Boyer Road Precinct will not remove these rights.

When a subdivision application is submitted over land adjacent the Agriculture Zone, a Part 5 Agreement could be entered into which notes that

the land is within proximity to agricultural use and that there may be associated emissions such as dust, noise, odour etc.

To mitigate the potential for conflict:

- The Development Framework nominates a ‘shelter belt’ along the western boundary of the Boyer Road Precinct.
- The Specific Area Plan requires the shelter belt to comprise a dense mix of native species, including hardy short shrubbery and taller trees to provide screening 8-10 metres high and 3-4 metres wide.
- Land located closest to the existing farmland at 232 Boyer Road will comprise of open space and Precinct C lots with a minimum lot size of 1000m². There is also a generous buffer provided between the adjoining land and smaller lots provided by the perimeter road design.



Affordable Housing

The precinct needs to provide affordable housing options for first home buyers

The Boyer Road Precinct Development Framework and Specific Area Plan deliberately provides for a wide range of lot sizes to accommodate a diversity of housing typologies to meet various needs and price points, including that of first home buyers and low-medium income earners.

Compatibility with Existing Bridgewater Township

Impact on existing rural character of the surrounding area

The Future Urban zoned land within the Boyer Road Precinct currently presents as open farmland with a dwelling on each lot. The future rezoning of this land and subsequent development will undoubtedly change this outlook. However, the land is located within the Urban Growth Boundary and has been earmarked for future urban development for some time.

The Development Framework for the precinct has been carefully designed to ensure there will be a substantial open space buffer between the existing residences along Serenity Drive (that currently back onto the Boyer Road

Precinct area) and that future housing in this area will be sited on generously sized allotments. Significant, best practice landscape architecture inputs have guided the design of the precinct which has had regard to the scenic qualities of the site and the surrounding area.

Existing Services

Additional houses and people will place undue pressure on existing services in the area i.e., healthcare and education.

A review of the current social infrastructure has determined that by 2042, the Brighton region will experience deficiencies in childcare, healthcare facilities, and local community spaces which could be readily accommodated for within the precinct.

The Boyer Road Precinct includes 'Precinct D', which is a mixed-use precinct capable of accommodating a mix of non-residential uses to support the local catchment (i.e., childcare centre, medical centre, local grocer etc) together with medium density housing typologies, as appropriate.

Social Issues

The development will intensify existing social issues (e.g. crime and violence)

The perception that existing social issues are intensified through urban development is unfounded, with the Development Framework intended to provide a diverse range of housing typologies which will support a varied demographic.

To mitigate unwanted social behaviour, additional development standards surrounding Crime Prevention Through Environmental Design (CPTED) and passive surveillance will be included within the Specific Area Plan.

Impact on mental health due to denser living environments and more noise.

The overarching vision for the precinct is to create a low-speed, pedestrian-friendly walkable neighbourhood to foster community spirit and interactions between neighbours.

To this end, the Development Framework has been designed to provide for a diverse range of housing typologies to support a varied demographic, with minimum lot sizes ranging from 200m² to 1000m². The precinct will include significant areas of open space designed to provide connectivity across the site and encourage active forms of transport.

Traffic and Public Transport

Concern regarding the volume of traffic generated by the precinct when fully developed (together with Sorrell Street Precinct Master Plan).

The Traffic Impact Assessment undertaken by Midson Traffic (February 2025) concludes that:

- Traffic modelling indicates that the new access junctions on Boyer Road will operate at acceptable levels of service, with minimal impact on existing traffic conditions.
- SIDRA intersection modelling analysis confirms that the Boyer Road and Old Main Road intersection, which is being modified as part of the Bridgewater Bridge project, will continue to function efficiently under

future 2034 traffic conditions, with all movements maintaining a Level of Service (LOS) of C or better.

There is a lack of public transport to service the precinct.

Currently, public transport servicing Boyer Road is limited due to its location on the urban outskirts. However, the development of the Boyer Road Precinct may generate enough demand to justify additional public transport service routes being established within the area.

The Development Framework has made allowance for a bus route through the site, ensuring that all lots are within 400 metres of the route. A logical path for the bus route would be along the central road corridor, connecting the westernmost and easternmost junctions with Boyer Road.

There is a lack of footpaths and cycleways in the area. People will be car dependent.

The Development Framework is expected to generate a moderate level of pedestrian activity, with walking paths proposed throughout the Precinct to connect with the surrounding network, including Boyer Road and Cobbs Hill Road.

Pedestrian paths will be provided through the Precinct, connecting Cobbs Hill Road with the internal roads that link to Boyer Road. An existing walking track runs along the foreshore, south of the railway line, connecting the western end of Riverside Drive to Tongatabu Road.

Whilst pedestrian movements are encouraged within the subdivision network, it is not recommended to promote pedestrian movements to and from Boyer Road, as it is a rural highway with an 80 km/hr speed limit and lacks formal footpath provisions.

Nonetheless, there is an opportunity to eventually provide a footpath between the precinct and the Old Main Road Activity Centre in the future.

Aboriginal Presence	
It is important to acknowledge that the community has a strong Aboriginal presence.	<p>The development of the Specific Area Plan and Boyer Road Master Plan has considered investigations regarding Aboriginal Heritage undertaken by Cultural Heritage Management Australia (CHMA).</p> <p>The Aboriginal Heritage Assessment has identified one Registered Aboriginal Site of scattered artefacts, one isolated artefact (not found), an area of High Potential Archaeological Sensitivity (HPAS). The adopted approach is to retain the Registered site and the HPAS site within open space reserves, and to undertake further investigations as a precursor to any future land division to confirm the location of the isolated artefact, and to evaluate the potential for further finds in the moderately sensitive archaeological zone.</p>

Table 2. Stakeholder Submissions – Summary and Response

Northern Christian School	
The provision of pedestrian networks, including a pedestrian link to Northern Christian School from the proposed residential development to the school's west, is supported.	Agreed and noted.
Tasmanian Fire Service	
Supports the reduction in the number of residential allotments along the northern perimeter of the precinct and the perimeter road.	Noted.
It is recommended that the number of cul-de-sacs is reduced by incorporating through-roads where possible to support safe and efficient access/egress in the event of a bushfire.	<p>The Development Framework has been reviewed by Novaland, the bushfire consultant engaged for the project, who has advised that:</p> <ul style="list-style-type: none"> • Only one cul-de-sac is currently within 100m from bushfire-prone vegetation. • A hazard management area between bushfire-prone vegetation and proposed dwelling lots has been incorporated into the Development Framework. • Specific wording can be added to the SAP regarding the design of cul-de-sacs to encourage the use of fire trails or links to nearby Council roads.
It is recommended that public open space design incorporates appropriate buffers to adjoining residential lots and provides fuel breaks to reduce the opportunity for fire spread and makes provision for firefighter access.	This has been addressed through the Specific Area Plan, which includes development standards to ensure appropriate buffers and fuel breaks are provided as part of future open space design.
Homes Tasmania	
Supports the retention of the Landscape Conservation Zone.	Agreed and noted.
Supports the rezoning of the Future Urban Zone to General Residential Zone.	Agreed and noted.
Does not support increasing the amount of Low Density Residential zoned land within the Greater Hobart Urban Growth Boundary.	Agreed and noted.

Supports the inclusion of development controls within the Specific Area Plan to ensure appropriate management of bushfire risk.	This has been addressed through the Specific Area Plan, which includes development standards to ensure appropriate management of bushfire risk.
Recommends the Specific Area Plan makes provisions for a variety of housing types, including smaller, more accessible dwellings suitable for single occupants or small families, people living with disability who need modified environments and older Tasmanians.	The Specific Area Plan provides for 4 distinct precincts to support a range of housing types to meet various household compositions.
Recommends that the Specific Area Plan make some discretionary uses in the General Residential Zone (Business and Professional Services, Community Meeting and Entertainment, Food Services, General Retail and Hire) permitted in strategically appropriate locations within the Precinct Structure Plan.	The Specific Area Plan provides for a mixed-use precinct with tailored scheme standards to provide uses such as those recommended.
Recommends that staging surrounding developments including the Bridgewater Waterfront Masterplan and the Sorell Street Residential Masterplan should be considered in the context of the Boyer Road site, prioritising public and active transport access to new activity centres.	Noted. This falls outside the scope of the Boyer Road Precinct Structure Plan project.

Table 3. Council Engineering Feedback – Summary and Response

Road Reservation Widths	
It is recommended that a number of the 15m-wide roads with lots will be located on both sides are increased to 18m.	Noted.
An 18m road reserve typically provides a road pavement width of around 8.9m, which allows for a car parked on one side of the street and two travel lanes whilst keeping travel lanes narrow enough to naturally slow traffic and maintain a pedestrian-friendly streetscape.	The Development Framework has been revised to increase the width of nominated roads to 18m. This has not resulted in any loss of yield.

Appendix 1. Survey



Stage 2 Consultation - Boyer Road Precinct Structure Plan

* Required

This survey relates to the Boyer Road Precinct, which is located to the west of Bridgewater and comprises 109 hectares of land currently zoned Future Urban and Landscape Conservation. The precinct has been identified by Brighton Council as an area where future housing could go, subject to investigations and a Planning Scheme Amendment.

This survey is aimed at capturing your thoughts on the investigations that have been undertaken so far and the proposed Master Plan and Development Framework for the Boyer Road Precinct. Your feedback will inform the preparation of a Planning Scheme Amendment and Specific Area Plan, which will guide the future development of the Precinct.

Please read the Boyer Road Precinct Structure Plan & Infrastructure Funding Framework or Report Snapshot before filling out this survey.

Both documents can be found here:

<https://www.brighton.tas.gov.au/community/have-your-say/>

Please note that you will have the option to provide further information at the end of the survey.

1

1. Have you read either the **Boyer Road Precinct Structure Plan & Infrastructure Funding Framework** or the **Report Snapshot**?

*

☐ Yes

☐ No

2

Which of the following best describes your interest in the Boyer Road Precinct. *

- ☐ I am one of the 6 landowners within the Boyer Road Precinct
- ☐ I live/own land near the Boyer Road Precinct
- ☐ I am a community member with a general interest in the project
- ☐ Other

3

The Boyer Road Precinct includes land in the Landscape Conservation Zone and the Future Urban Zone. Investigations indicate that the land in the Landscape Conservation Zone should remain unchanged, and the land in the Future Urban Zone can be rezoned for residential purposes (General Residential Zone) without affecting the natural values of the land.

Do you support this? *



- ☐ Yes
- ☐ No
- ☐ Maybe

4

Please elaborate on your answer to Question 3 regarding the proposed zoning.

5

A high-level Master Plan below has been prepared to demonstrate how the land within the Future Urban Zone could be developed once it has been rezoned to General Residential Zone. Do you support the Master Plan? *



- ☐ Yes
- ☐ No
- ☐ Maybe - with reservations

6

Please elaborate on your answer to Question 5 regarding the proposed Master Plan.

7

The Master Plan has formed the basis of a Development Framework. The Development Framework underpins the Specific Area Plan, and shows the location of open space networks, the layout of roads and access points to Boyer Road, dwelling densities, and a 20m Hazard Management Area.

Do you support the Development Framework? *



- ☐ Yes
- ☐ No
- ☐ Maybe - with reservations

8

Please elaborate on your answer to Question 8 regarding the proposed Development Framework.

9

It is proposed to split the residential areas within the Boyer Road Precinct into separate precincts to provide a range of lot sizes and dwelling types to support the changing needs to the community.

Precinct A - Higher density, min. lot area 250m²
 Precinct B - Lower density, min. lot area 500m²
 Precinct C - Lower density, min. lot area 1000m²
 Precinct D - Higher density, min. lot area 200m² with potential for small shops, e.g. cafe

Do you support the proposed Precincts? *



- ☐ Yes
- ☐ No
- ☐ Maybe

10

Please elaborate on your answer to Question 9 regarding the proposed Precincts.

11

The Boyer Road Precinct Structure Plan has been informed by a series of investigations as outlined in the report and snapshot document. Are there any other investigations that you think we should undertake? *

- ☐ Yes
- ☐ No

12

Please elaborate on which other investigations you think are required.

13

Do you have any additional comments or suggestions to make regarding the Boyer Road Precinct Structure Plan & Infrastructure Funding Framework?

This content is neither created nor endorsed by Microsoft. The data you submit will be sent to the form owner.

Appendix 2. Survey Responses

#	Have you read either the Boyer Road Precinct Structure Plan & Infrastructure Funding Framework or the Report Snapshot?	Which of the following best describes your interest in the Boyer Road Precinct.	Do you support retention of the Landscape Conservation Zone and re-zoning of the Future Urban land to the General Residential Zone	Please elaborate on your answer to Question 3 regarding the proposed zoning.	Do you support the Master Plan?	Please elaborate on your answer to Question 5 regarding the proposed Master Plan.
1	Yes	I live/own land near the Boyer Road Precinct	No	Although Tasmania is in a housing crisis this area should be left well enough alone and not forcing land owners to sell up land!!!!	No	This will increase traffic and crime in the area and with a school that prides itself on being a small and bush country style will have a massive negative impact
2	Yes	I live/own land near the Boyer Road Precinct	Maybe	Development after development are happening, it would be nice to see larger land lots remain, while incorporating more natural vibe in the area.	Maybe - with reservation	It would be nice to see larger land lots remain rather than to folding to the pressure of the realestate market to condense and lot sizing and thus not allow room for nature.
3	Yes	I live/own land near the Boyer Road Precinct	No	We regularly see wedge tail eagles, snakes, and other protected species always entering this area daily. This development should not be allowed to happen. The Bridgewater bridge works has already impacted this area. Major development like this is terrible for this area so close to the river bank	No	This will absolutely ruin the native animals that are already living in this area and on the property including echidnas wedge tail eagles snakes owls Tasmanian devils and other species
4	Yes	I live/own land near the Boyer Road Precinct	No	I don't want the area rezoned. I don't want to see all these extra house in the area . It has a rural feel now with no crime. It will turn into a ghetto. I don't believe your survey results when all of areas close by are against this development.	No	You have not listened to the local residents. And this was always going to get approval. Because of corruption

5	Yes	I live/own land near the Boyer Road Precinct	No	We moved out this way to experience the peace and quiet this side of the community has to offer. We wish to raise our kids on land and away from ‘suburbia’ This is not what we want or need. Or what was sold to us.	No	Stop being greedy on rates. This is not what anyone in this area supports.
6	Yes	I am a community member with a general interest in the project	Yes	Important that the conservation zone remains	Maybe - with reservation	These master plans often look great but in reality don’t end up happening this way and seem a sales tool to generate public support - eg: Tivoli Subdivision in Old Beach
7	Yes	I am one of the 6 landowners within the Boyer Road Precinct	Yes	I support the current planned zoning change and the specific area plan proposed.	Yes	As a land owner I support the proposed Master Plan as it currently stands.
8	No	I live/own land near the Boyer Road Precinct	No	We live in a peaceful rural setting, where huge amounts of native wildlife live and breed, wombats, devils, native cats, also rosellas and small native pardelope breeding birds very rare. This area was 20 years ago a dumping ground for thieves etc while this small rural subdivision was being built, the amount your imposing on us will bring no security to us or benifits, just low cost unemployed while we work. Keep rural as it is.	No	Brings so much more problems and without a proper youth infrastructure we are going to be targets of bored teens and lack of parenting
9	Yes	I live/own land near the Boyer Road Precinct	No	I would prefer no new development	No	I do not support this
10	Yes	I live/own land near the Boyer Road Precinct	No	I do not support small city size blocks. This is a semi rural area, and residents live here for their privacy, quietness and large property sizes. I would support 1.5 or 2+ acre blocks for the proposal.	No	

11	Yes	I live/own land near the Boyer Road Precinct	No		No	
12	Yes	I live/own land near the Boyer Road Precinct	No	I and a few others own property in between the Boyer Road proposal and the Sorell proposal. We bought our property thinking we would have large 5000 square metre properties all around us. Now we find ourselves caught in the middle of so many little properties of only a couple of hundred square meters. If this is how the area goes will we be able to subdivide our property so our 3 kids can build their own house next to ours? We live In Tranquility Crescent Bridgewater. We would also prefer not to have the Samuel Street extension to join onto Tranquility Crescent in the Sorell proposal.	No	We are stuck between the Sorell proposal and the Boyer Road proposal and we would like to subdivide our property too if this is how the area is going to change. Our kids can then build there and my wife and I can move away.
13	Yes	I live/own land near the Boyer Road Precinct	No	Loss of community diversity, irreversible environmental impact, increased noise pollution, further strain on services already not capable of supporting current residents - doctors etc, impact on property values, current rural-residential zoning adds value in a low socio-economic area, overdevelopment has the potential to change that appeal and reduce property values. I support development of rural residential lots in keeping with existing character but strongly oppose standards residential rezoning	No	As above. No consideration has been given to current residents of area
14	Yes	I live/own land near the Boyer Road Precinct	Yes		Yes	
15	Yes	I live/own land near the Boyer Road Precinct	No		No	

16	Yes	I live/own land near the Boyer Road Precinct	No	<p>The project shouldn't go ahead at all. The landscape shouldn't be touched No and the current area can't sustain another 300 homes (2.5 people in each, 750 people in that area).</p> <p>No matter what 'upgrades' you do to sewerage infrastructure, the Bridgewater treatment plant is already at capacity.</p> <p>The bird life and serenity will be disrupted by greedy property developers who just want money and don't care about the locals, but have it under the guise of 'families will move in and it helps the economy'</p> <p>No, it just lines the pockets of investors and destroys the natural atmosphere of the people living in the immediate area.</p> <p>No amount of 'upgrades' to the area will be sustainable as the current infrastructure (treatment plants, exchange stations, etc) can keep up as it's an aging area.</p> <p>No amount of small cafes and shops, different zoning and hazard reduction areas fixes the fact people live in the rural zones of serenity dr and tranquility cres for the reasons of the street names, which is the tranquility and serenity of the area. People bought into those places, and into riverside dr for the reasons of peace and quiet, nice views and open spaces around them.</p> <p>They don't want a busier Boyer road, civil construction for the next few years, reduction in wildlife and more noise in the area.</p> <p>Please regard this answer and the answer to all following questions.</p>	No	See the logical answer of question 4.
17	Yes	I live/own land near the Boyer Road Precinct	Maybe	keeping to conservation areas yes further development no	No	should be large block sizes only min1000sq plus

18	Yes	I am one of the 6 landowners within the Boyer Road Precinct	Yes	status quo should continue on the designated conservation zone.	No	<p>1) I do not support the VISTA Corridor through 170 Boyer Road as designated on the master plan The red brick shed is not considered of any Heritage value and the area of land reserved as open space for "Vista Corridor" is excessive and it diminishes my development potential in the N/E corner.</p> <p>2) Re Figure 33, denotes the excessive amount of land designated as a Vista Corridor that is not a heritage listed item (5). This excessive open space corridor is starkly evident when comparing figure 33 with Fig 36 structure plan.</p> <p>3) I do not support the amount of land allocated for my existing house outbuildings, orchard and gardens as designated on the Master Plan Fig 38. This area is only approx 5732 m². My present intent is to retain a house block of 2.023 ha.</p> <p>Road access is incompatible to the way my property has been developed. The proposed layout deprives me of an entrance in keeping with my original design criteria, plantings, landscaping, and other improvements undertaken to date. Furthermore under the indicative staging guide lines has shown Fig 39 that stage one development does not provide me with any access to my house.</p>
19	Yes	I live/own land near the Boyer Road Precinct	Maybe	The landscape conservation zone should remain untouched and undeveloped.	No	All land within the future urban zone should be lower density - like the proposal developments in precincts B and C. No high density development in this area.

##	The Master Plan has formed the basis of a Development Framework. The Development Framework underpins	Please elaborate on your answer to Question 8 regarding the proposed Development Framework.	It is proposed to split the residential areas within the Boyer Road Precinct into separate precincts to provide a range of lot sizes and dwelling types to support the changing needs to the community.	Please elaborate on your answer to Question 9 regarding the proposed Precincts.	Are there any other investigations that you think we should undertake?
1	No	No!!!	No		No;
2	No	See above responses	No	Keep more at lower density	No;
3	No		No		Yes;
4	No	I don't support this . As with so many other people in the area	No	To many houses and unit. I don't support it	Yes;

5	No	Where is the end point?? Is farming land no longer important? Do we no longer need farms and agriculture? Build housing in the city, if it's people in beds that the state needs put them closer to town. Build and build closer to the CBD. Can't have low level buildings in the city due to restrictions forcing people out... people move out and out even further to places like this for a reason. I guess building in the city doesn't put money into the hands of Brighton City Council...	No		Yes;
6	Yes	See question 7	Maybe	So long as the larger lot sizes are not used for multiple dwellings. Important that council Invest is safe pedestrian footpaths and cycleways from any development along Boyer Road to safely reach the highway. Are the shops ever actually going to happen. Council and developers need to support the establishment of services within these new developments. What was included in the Tivoli master plan and what has or hasn't happened many years later?	Yes;
7	Yes	I support the proposed level of dwelling density and the amount of area that has been left for open landscapes and setbacks for hazard reduction.	Yes	I think having a range of block sizes enables people with different requirements to be accommodated within the development. Too higher a density would be overcrowded. If all the blocks were 1000+ sq.m the land price would be out of the reach for many people, particularly those trying to buy/build their first home.	No;
8	No	No proper reason or notice	No	Way to dense for the services now	Yes;
9	No	I do not support this	No	This area is rural . I do not want to see it developed	Yes;
10	No		No		No;

11	No		No		No;
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12	No	It's too high density, this isn't what Tasmania is all about.	No	The properties are far too small.	Yes;
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13	No	As above	No	As above	Yes;
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14	Yes		Yes		Yes;
----	-----	--	-----	--	------

15	No		No		No;
----	----	--	----	--	-----

16	No	See the answer to question 4.	No	See the answer to question 4.	Yes;
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17	Yes		Maybe	separate Precincts great block sizes to small	No;
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18	No	<p>Refer to my comments in question 8 regarding the proposed Development Framework.</p> <p>I do not support the treatment of my existing house as shown on Fig 38 on the Master Plan. Road access is incompatible to the way the property has been developed and the area is too confined.</p>	No	<p>I am concerned as to whether variations to the specific area plan would be permitted to accommodate any changing economic and or marketing circumstances at the time when actual sub divisional development occurs.</p> <p>2) Refer to my comments in (6) above.</p> <p>3) I do not support the inclusion of battleaxe blocks, particularly on any adjoining boundary with my existing dwelling.</p> <p>4) The precinct plan Fig 37 shows a predominance of Hi density lots "A" in the area adjoining my dwelling there is a predominance of "B" lots</p> <p>There should be permissible flexibility to accommodate "C" designated lots adjoining my house block that would complement and enhance that precinct.</p>	No;
19	No	<p>No high density dwellings. Green spaces and connecting walkways are good . No vehicle access from Cobbs hill road.</p>	No	<p>No high density development like proposed for precinct A. Larger lot sizes create a healthier community and attract diversity to the area. Mass multi level dwellings are not appropriate for this area.</p>	No;

###	Please elaborate on which other investigations you think are required.	Do you have any additional comments or suggestions ?
1	This project along with the Sorell street should not go ahead	This should not be for discussion and simply should not go ahead as land and home owners have a petition against the proposed project
2		
3	The native animals that visit this area!	It should not go ahead!!!
4	Do a real survey of the surrounding residents. Not these fake survey results	Was there any point even asking for locals opinion. When it was already approved

5	Listen to the nearby land owners. Environment is one thing, noise, traffic volume and everything in between but listen to the land owners!	Does anyone from council of 'decision makers' live between the Bridgewater bridge and upper Dromedary/New Norfolk?? I'd be interested to know.
6	Traffic cannot truly be measured or understood until the Bridge is finished and in use	General comment: if council wants to continue development it needs to be prepared to look after and improve existing residential zones. There are a lot of residential zones in the Brighton municipality (Brighton/Old Beach in particular) that are currently being considered for in-fill develop. Council needs to ensure that improvement of basic services are budgeted for - eg: quality sealed roads, added footpaths and drainage. Additional development is, and will continue to put demands on facilities that simply have either not been built at all or not designed for the level of usage that is occurring.
7		
8	Have already said	Look after what you have properly, instead of us having to beg to get simple grass cut etc
9	Aboriginal sites. Endangered tassie devils, sea eagle. Trees	Don't turn this area into another housing estate
10		

11		
12	Allow the owners of land in between the two proposals of Boyer Road and Sorell Road to subdivide their property in Serenity Drive and Tranquility Crescent in Bridgewater.	<p>The two proposals in Boyer road and Sorell Road are going to destroy the tranquility that we came in search of so allow us to subdivide our land so we can move away.</p> <p>It's a win win for the council between there will be more properties to collect rates from and it will provide more housing.</p> <p>If you allow us to subdivide, which many of my neighbours say they would then council could increase the land sizes up from 250 square metres in the Boyer proposal.</p>
13	Alternative Development Study - a study of long term demand for housing in this area. an investigation into whether rural residential lots could better meet housing needs of this area. Consideration of other under-utilised urban areas that could be developed instead. Noise and pollution impact study. A social and economic impact study - a property value impact analysis. An independent review of how the development will impact crime rates etc.	<p>Once this land is lost to high density development, it is gone forever - it's wildlife, its tranquility and its value as a diverse and unique part of Bridgewater can never be restored. We must make planning decisions that respect both our community's future and the environment, not just short-term housing targets</p>
14	Traffic travelling along Boyer road and enforcement of speed limit and traffic congestion out of Boyer road to highway.	
15		<p>Stop wasting good money on investigating this. Developed other areas in Bridgewater and Brighton precinct that are already suitable and set up ready. The council is only looking at the money it will receive from rates ect and not considering what impact it has on land owner that will be surrounding this proposal.</p>

16

Further consultation with the community, Taswater, tasnetworks, tas roads and other authorities as it's well known the treatment plant in Bridgewater is already at capacity, the area already gets power drop outs because of the grid capacity and the general outrage from the community during the first meeting you had at Brighton council headquarters which was an overwhelming no.

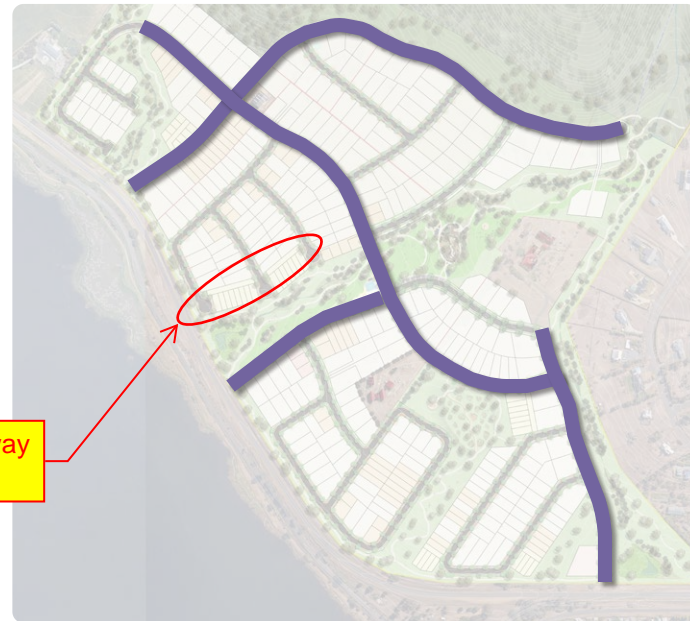
Don't let it go ahead, current people living in the area don't win. Wildlife doesn't win. The only people that win are property developers and investors who will buy several properties at a time and rent them out to make some money with no regard for the people who are already in the area.

17

18	Not at the moment.	<p>At this state I have not been provided with a copy of the "preliminary costings" report I believe we are still awaiting these from the consultants.</p> <p>1) Whilst I am the land owner, I may not necessarily be the developer of this estate, these funding commitments should only form part of a relevant agreement between Council and the actual developer during the final approval stages of the Subdivision. Having existing land owners commit to unknown shared development costs is premature and imposes severe, financial obligations, especially when faced with uncertainty in respect of the unknown development costs, inflation and variations.</p> <p>2) The proposed funding scenario implies a legal nightmare of commitment upfront and caveats on my land title which would significantly impair my unencumbered enjoyment and welfare on this property.</p> <p>3) As per Heritage Tasmania advise in the report 6.5.3 the hedgerows adjoining my common boundary with No 50 Boyer Road are noxious, invasive weeds and dangerous with their long spiky thorns, that continue to be a danger even after poisoning of the shrub and should be dealt with accordingly by council. Per your quote "the hedge row were not seen as essential to the history of the farm" as most were planted post 1946. Further in 7.3. under legal and cultural opportunities constraints " these hedgerows are a declared weed (Boxthorn) yet have some heritage value" This is in conflict with your above comment 6.5.3 This is an invasive and hazardous weed that have cost me thousands of dollars in a losing battle to eradicate the spread of this weed on a continuous basis across my property as it also damaging the common fence as well as other fencing.</p> <p>4) The specific area plan will incorporate key design guidelines including for Reserve Interface Allotments having a direct frontage to a reserve.</p> <p>I am concerned as to what impact that designation will have on my land visually, for privacy and financially.</p>
19		<p>Development in this area should complement the adjoining neighbourhood. High density dwellings will detract from and deter a diversity of residents wanting to live here. Mass high density living does not support healthy communities and this area of Bridgewater does not have the services to support such a jump in population. There is no public transport along Boyer road, no shopping centres and no public schools in the area. Respect the residents that choose to live in this community and do not create another mass housing development set up to fail. Crime and other antisocial behaviour is very low on this side of Bridgewater. It is unique and peaceful place for people to call home. Any development here should be larger lot sizes. This should not be an “urban” development zone with high density housing - it is still very much treasured rural living area and should be kept that way as much as possible.</p>

04.5 Notional Road Reserve Layouts

Location Plan - 20m Road Reserve



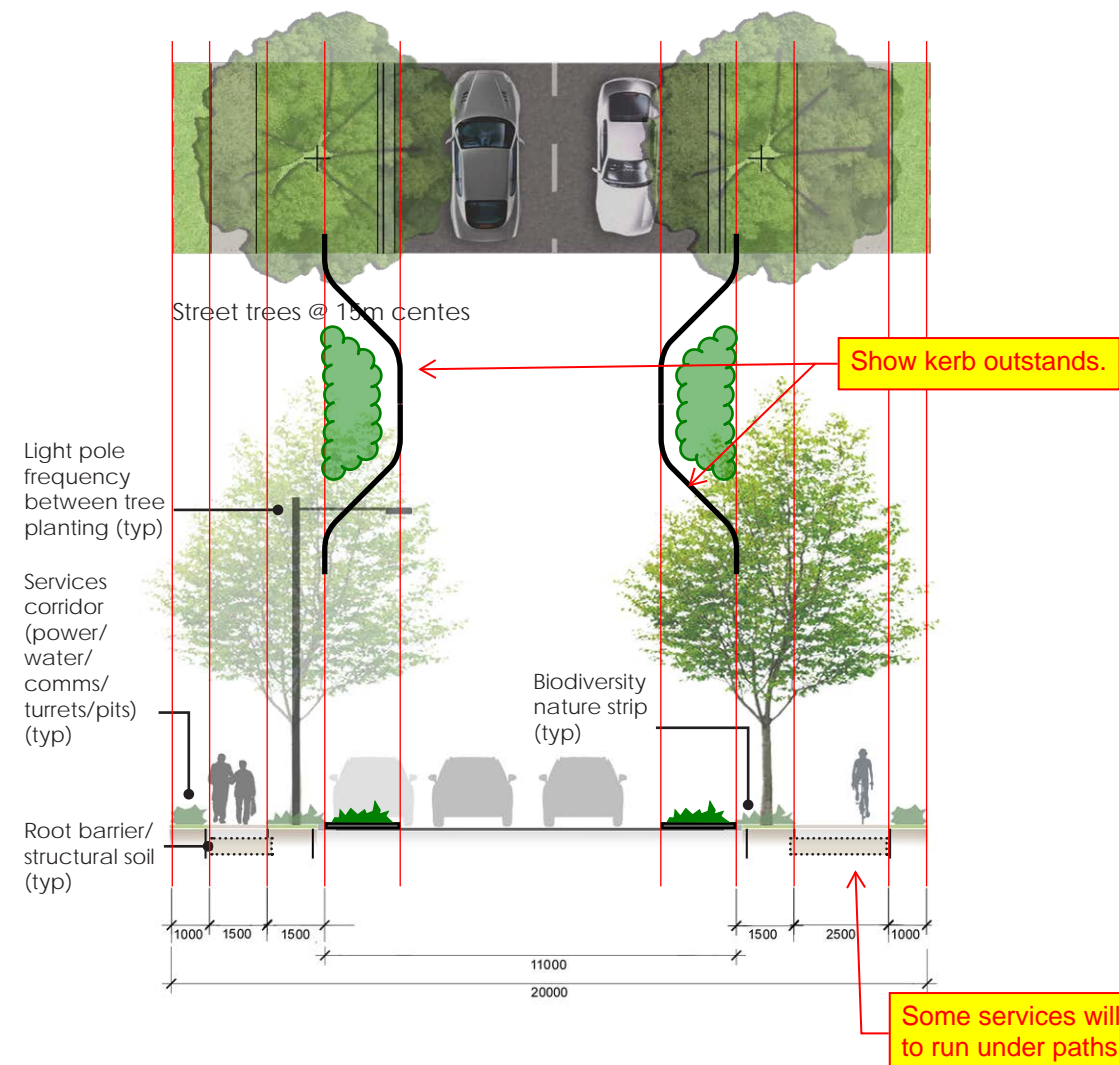
Location Plan - 18m Road Reserve



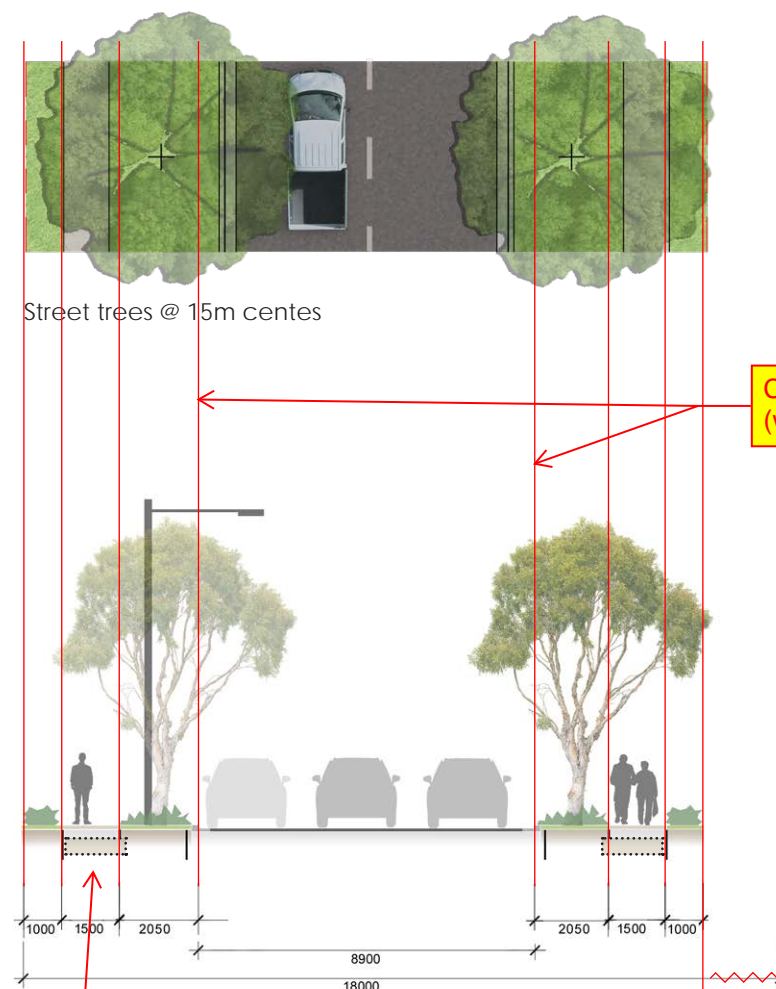
Location Plan - 15m Road Reserve



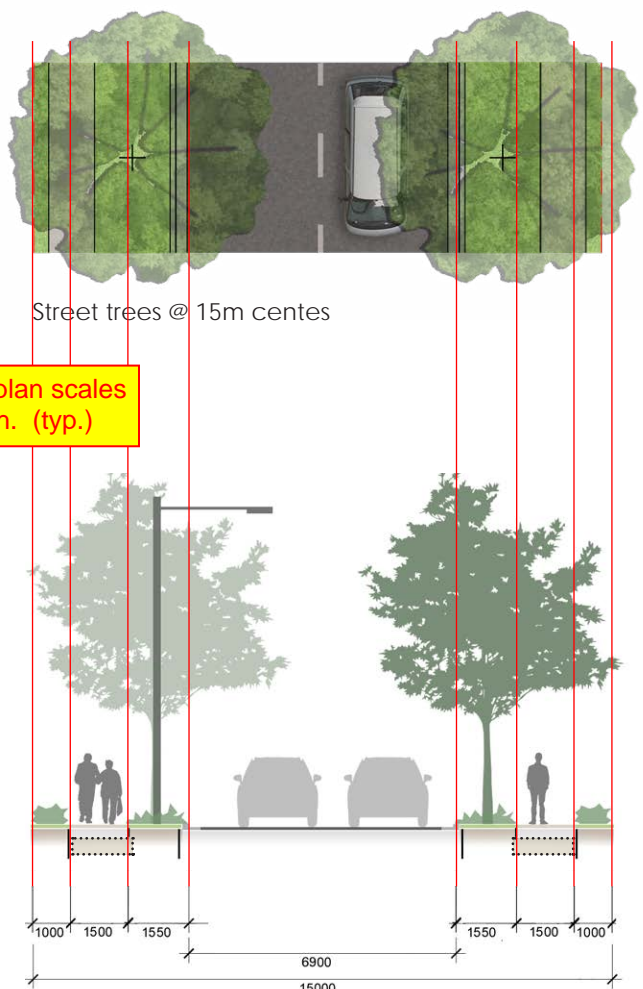
Detail - Collector Road
20m Road Reserve



Detail - Local Road
18m Road Reserve



Detail - Access Road
15m Road Reserve



Appendix 5. Revised Development Framework



Bridgewater Terrapin Building

Brighton Council Elected Members

Via email: admin@brighton.tas.gov.au

19 February 2025

Dear Elected Members,

I write on behalf of the Brighton Community Food Hub in relation to the Terrapin building located at the rear of the Bridgewater Civic Centre.

In late 2023, Council wrote to the Health Minister Guy Barnett to enquire about the suitability of the building for use by the Brighton Community Food Hub. In his response, Minister Barnett indicated that the Health Department had commissioned a structural report which deemed the building unsuitable for use by the Department and therefore a decision had been taken to dispose of this asset.

The Minister stated that as a part of the disposal process the Department would engage with Brighton Council to determine if Council would be interested in obtaining this asset.

I understand the building is in need of repairs however I have not seen the structural report so I'm unaware of the extent of the repairs required or whether these are major or minor repairs. Should Council be prepared to accept the building in its current state the Brighton Community Food Hub would be in a position to offer funds to assist with the required repairs with a view to entering into a long term lease arrangement with Council.

We acknowledge Council's substantial contributions to the Food Hub over the past three years and we're very grateful for that support. We believe this building would be a valuable community asset once repairs are complete. It would provide a permanent home for the Food Hub and a central place for Food Hub customers to access vital affordable food without the burden of travelling to the Old Beach Hub Shop. Having said that, we also acknowledge and accept that the present state of this building may render it an unacceptable liability for Council to take on and, at the end of the day, it may also prove to be far too costly for the Food Hub.

Yours Sincerely

Geoff Hull
President

Brighton Community Food Hub Inc. (ABN 95525567321)

Winner of the 2023 Australia Day Volunteer of the Year Award (Brighton LGA)
Finalist of the 2023 Australia Day Community Event of the Year Award (Brighton LGA)