



**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, 15 APRIL 2025**

PRESENT: Cr Gray; Cr Curran; Cr De La Torre; Cr Geard; Cr Irons; Cr McMaster; 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 Mrs J Blackwell (Senior Planner).

1. Acknowledgement of Country

2. Apologies / Applications for leave of absence

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
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 March 2025 are submitted for confirmation.

RECOMMENDATION:

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

DECISION:

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

CARRIED

VOTING RECORD

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

3.2 Planning Authority Meeting

The Minutes of the Planning Authority Meeting held on the 1st April 2025 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Planning Authority Meeting held on the 1st April 2025, be confirmed.

DECISION:

Cr De La Torre moved, Cr Irons seconded that the Minutes of the Planning Authority Meeting held on 1st April 2025, be confirmed.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
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.

- Councillor Owen addressed the Council, paying tribute to John Lennox of Old Beach, who recently passed away.

6. Reports from Council

6.1 Mayor's Communications

The Mayor's communications were as follows:

- 21/3 Launch of Joint Anti-Racism Campaign
- 27/3 TasWaste South Special Board Meeting
- 31/3 Business networking – SWN - Jobs Hub – Derwent Distillery (Councillors & Senior Staff also attended)
- 1/4 Council Workshop
- 1/4 Planning Authority Meeting
- 2/4 LGAT General Meeting
- 2/4 TasWaste South Local Government Forum
- 2/4 TasWaste South Board Meeting
- 4/4 Meeting with RTI Review Team
- 4/4 Meeting with Minister Kerry Vincent
- 7/4 Official Opening of Brighton High School
- 8/4 Media Event
- 8/4 Council Workshop

- 9/4 STRLUS Steering Committee Meeting
- 9/4 Meeting with Minister Jane Howlett
- 11/4 Official Opening of the Kitchen at the Material Institute
- 15/4 Council Meeting

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr Whelan moved, Cr Curran seconded that the Mayor's communications be received.

CARRIED

VOTING RECORD

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

6.2 Reports from Council Representatives

- Cr McMaster attended the Art exhibition at 9B Studios in New Norfolk recently.
- Cr McMaster, Cr Owen and Cr Gray attended the official opening of the new kitchen at Material Institute in Bridgewater on 11th April 2025.

RECOMMENDATION:

That the verbal reports from Council representatives be received.

DECISION:

Cr Irons moved, Cr De La Torre seconded that the verbal reports from Council representatives be received.

CARRIED

VOTING RECORD

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

7. Miscellaneous Correspondence

- Letter from Brian Mitchell MP dated 19 March 2025 congratulating Council on its successful application for funding through the Community Energy Upgrade at Pontville Pavilion.
- Letter sent to the Premier from the Mayor dated 24th March 2025 in regard to the potential privatisation of public transport in Tasmania.

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 1st April 2025 at 4.45pm in relation to Community Grant Applications; Revised Development Assessment Panels Bill 2025; Budget 2025/26 and 10 Year Plan.

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

Apologies: Cr Geard & Cr Murtagh

- A workshop was held on the 8th April 2025 at 4.30pm in relation to the Boyer Road Precinct Structure Plan (Presentation by Holmes Dyer)

Attendance: Cr Gray; Cr Curran; Cr De La Torre (online); Cr McMaster; Cr Owen and Cr Whelan

Apologies: Cr Geard; Cr Irons & Cr Murtagh

9. Notices of Motion

There were no Notices of Motion.

10. Consideration of Supplementary Items to the Agenda

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

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

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

11. Reports from Committees

Nil.

12. Council Acting as a Planning Authority

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

12.1 Development Application DA 2024/00104 - Fill & Associated Site Works (Retrospective) - 6 Woodrieve Road, Bridgewater

Author: Planning Officer (D Van)

Authorised: Director Development Services (A Woodward)

Applicant:	Little Island Building Design
Subject Site:	4, 6, and 8 Woodrieve Road, Bridgewater 32A Cobbs Hill Road, Bridgewater
Proposal:	Fill & Associated Site Works (Retrospective)
Planning Scheme:	Tasmanian Planning Scheme – Brighton (the 'Planning Scheme')
Zoning:	General Industrial Zone
Codes:	Natural Assets, Flood-prone Areas, and Bushfire-prone Areas
Local Provisions:	Brighton Industrial Hub Specific Area Plan
Use Class:	Not required to be categorised (Clause 6.2.6)
Discretions:	<ul style="list-style-type: none"> C7.6.1 P1.1 Works within a waterway and coastal protection area C12.6.1 P1.1 and P1.2 Works within a flood-prone hazard area
Representations:	<p>1 representation was received. The representor raised the following issues:</p> <ul style="list-style-type: none"> Stormwater & Erosion Risk: The proposed works will direct stormwater onto the representor's site without adequate drainage or sediment control along the southeast boundary, increasing runoff and erosion risks.

	<ul style="list-style-type: none"> Increased Excavation Depth & Costs: The proposed fill will increase the required excavation depth for the representor's stormwater connection, leading to additional construction complexity and costs. Flood hazard
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2024/104.

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

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

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

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

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

2. SITE ASSESSMENT

The application is a retrospective one for placement of fill on land at 6 Woodrieve, Bridgewater (CT182281/12), and which has extended onto land at 4 and 8 Woodrieve Road and 32a Cobbs Hill Road, Bridgewater

The site subject has approximately 6493 m² (see Figure 1).

The site is fully within the General Industrial Zone and the Brighton Industrial Hub Specific Area Plan (refer to Figure 2). It is also entirely within the Bushfire-Prone Areas Code overlay (Figure 3) and partially within the Waterway and Coastal Protection Area to the southwest.

A small section in the southeast is mapped as an overland flow area for a 1% AEP storm event in the Brighton Industrial and Bridgewater urban areas (Figure 4).

The site is subject to multiple easements (Figure 5):

- Pipeline easement (10.6m wide) in favour of the Crown,
- Pipeline and services easement (3m and 4m) in favour of the TasWater, and
- Pipeline and drainage easement (3m) in favour of Brighton Council.



Figure 1. Site Map (prior land fill) (source: Listmap)

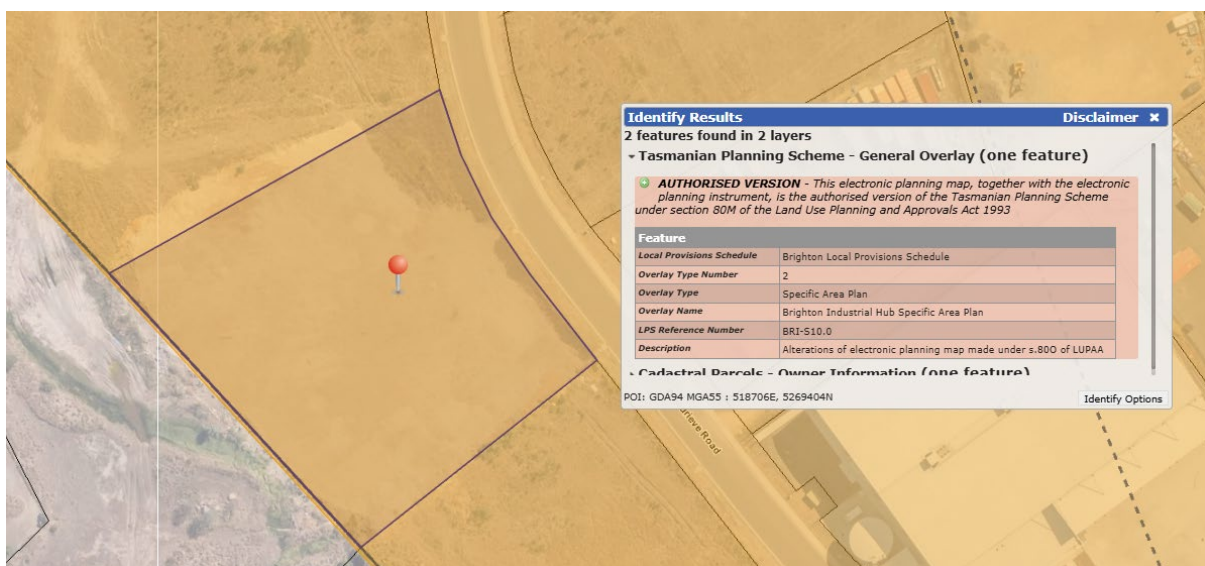


Figure 2. General Industrial Zone & Brighton Industrial Hub Specific Area Plan (Source: Listmap)

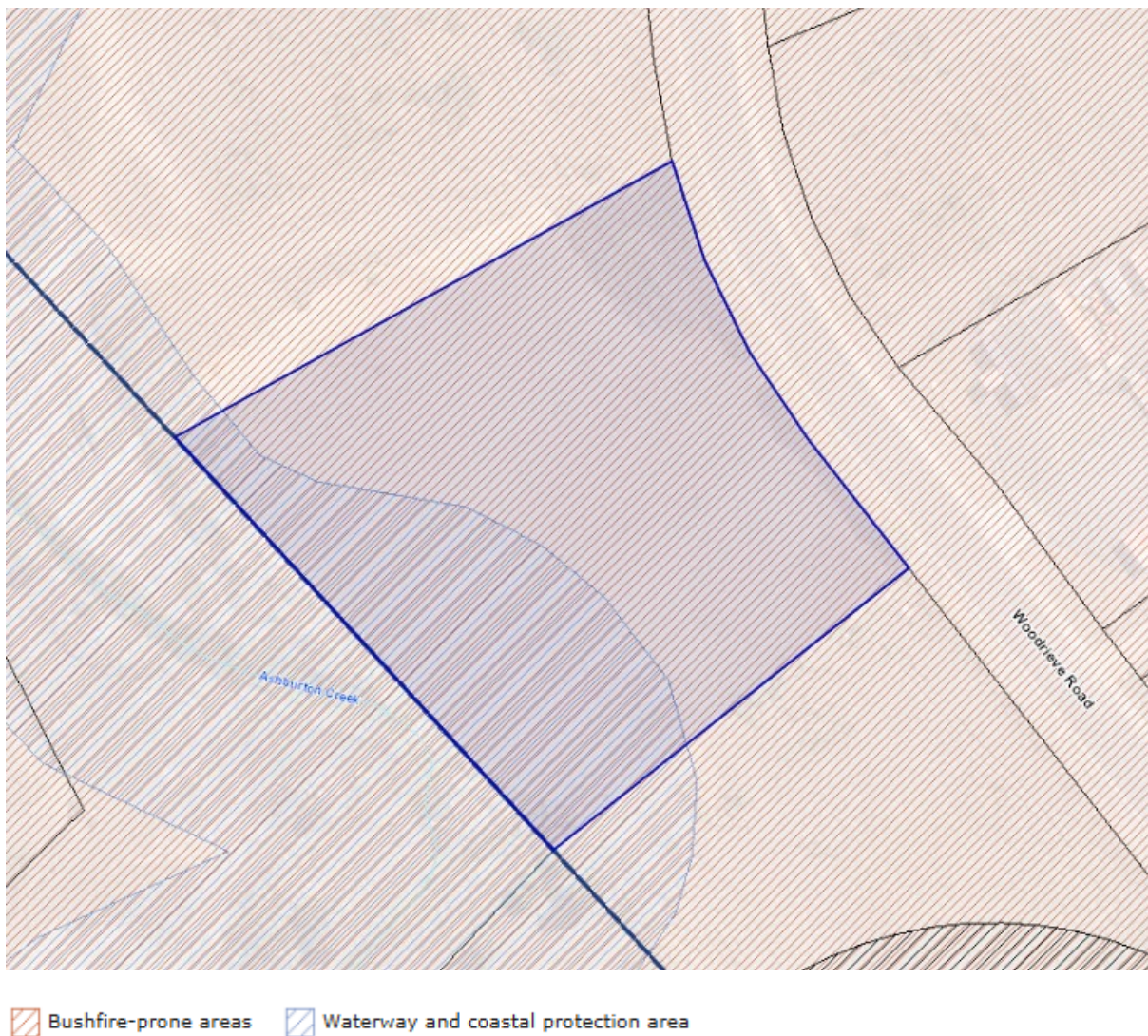


Figure 3. Bushfire Prone Areas Code and Natural Assets Code (Waterway and Coastal Protection Area) (source: Listmap)

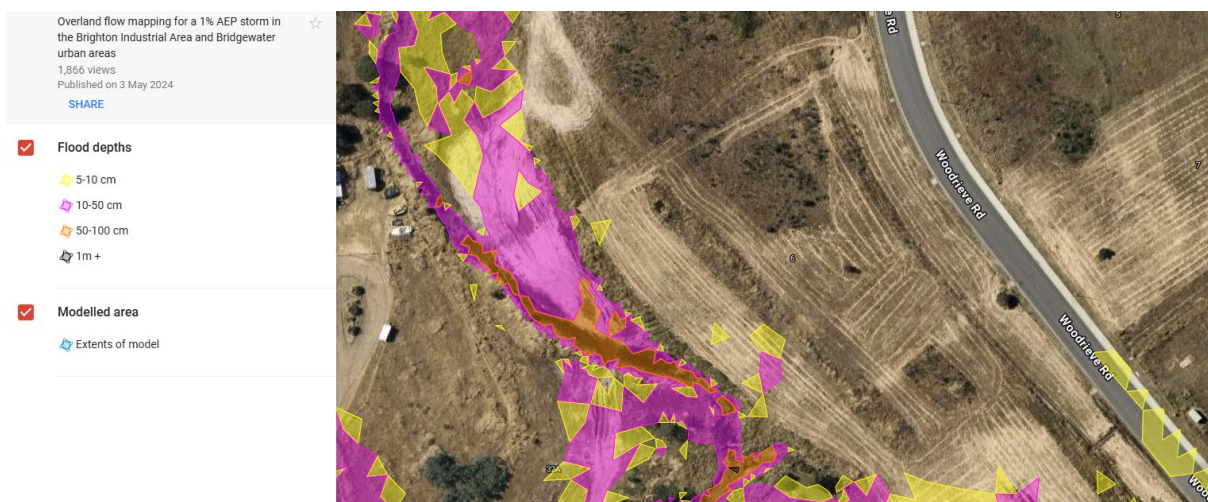


Figure 4: Overland flow mapping (source: Brighton Council)

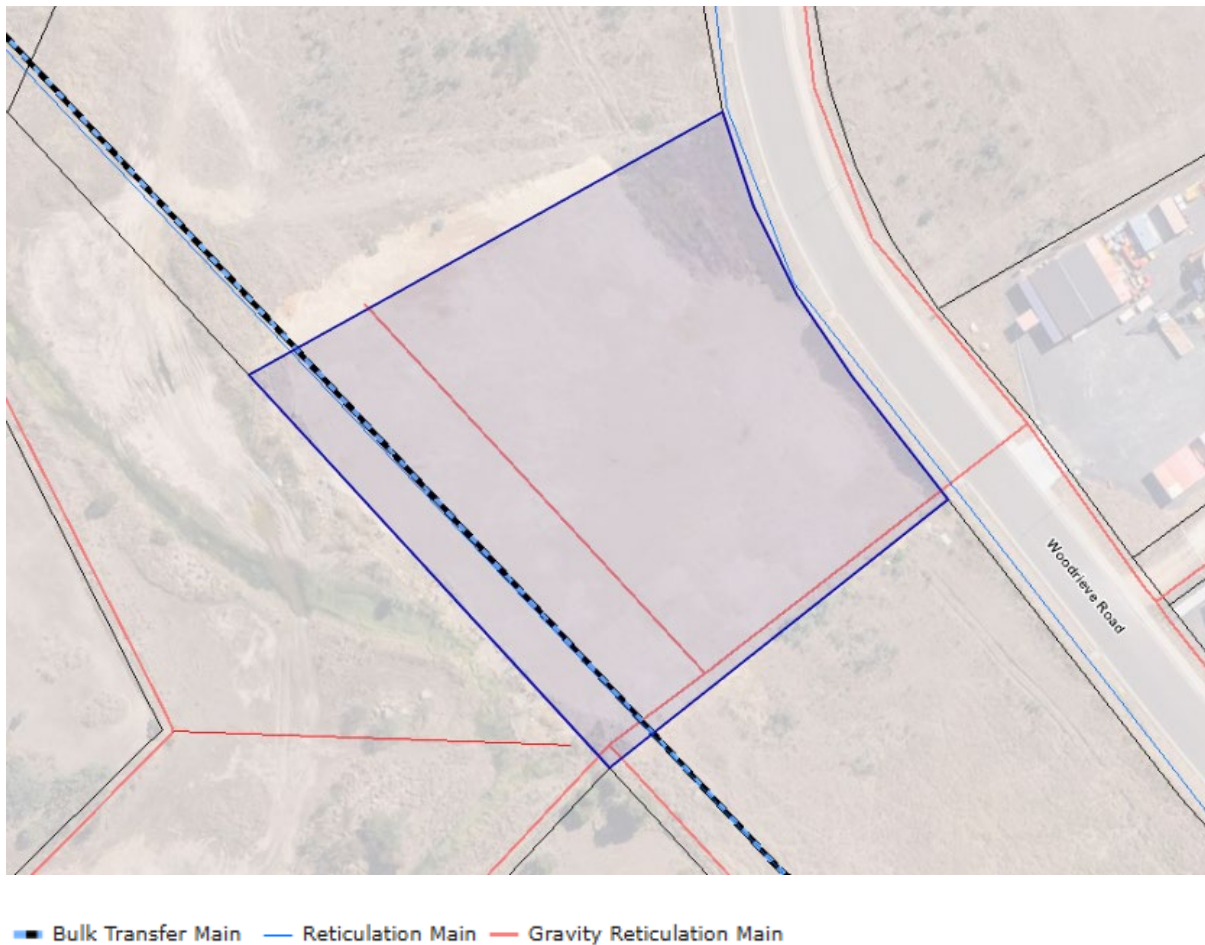


Figure 5. Pipeline and service easements in favour of TasWater (source: Listmap)

3. PROPOSAL

The development application was submitted in response to enforcement action regarding unapproved landfill at 6 Woodrieve Road (Figure 6). The fill had encroached onto adjacent Council land (CT140010/9), extending to the bank of Ashburton Creek, as well as onto 4 Woodrieve Road due to uncontrolled measures.

The proposal seeks retrospective approval, with revised plans ensuring no further extension of landfill onto adjoining properties. The fill depth varies from the original ground level, with a maximum depth of 2.544m.

To address environmental value and hazard concerns, the applicant has submitted:

- A Natural Values Assessment by ECOtas (dated 3 September 2024) for works within the Waterway and Coastal Protection Area.
- A Flood Hazard Report by Sustainable Engineer (dated 2 September 2024) for compliance with the Flood-Prone Areas Hazard Code.

The application was referred to TasWater, which issued a Submission to Planning Authority Notice (SPAN) on 28 February 2025, forming part of the permit conditions.

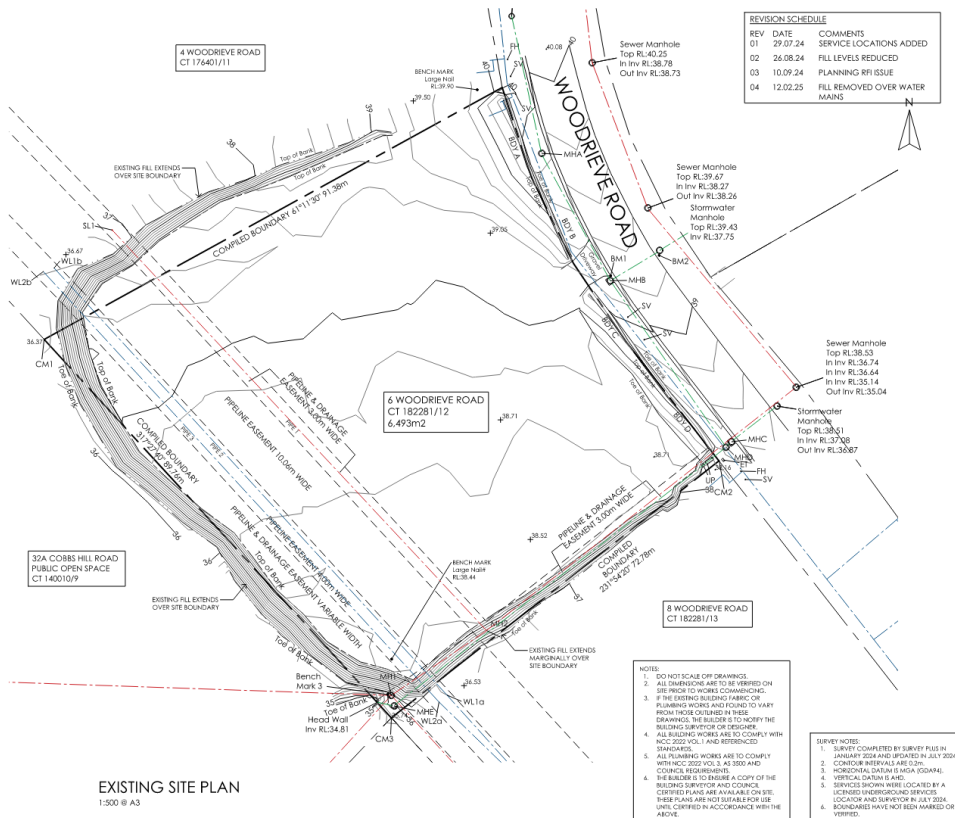


Figure 6. Existing site plan (with unapproved land fill) (source: the application)

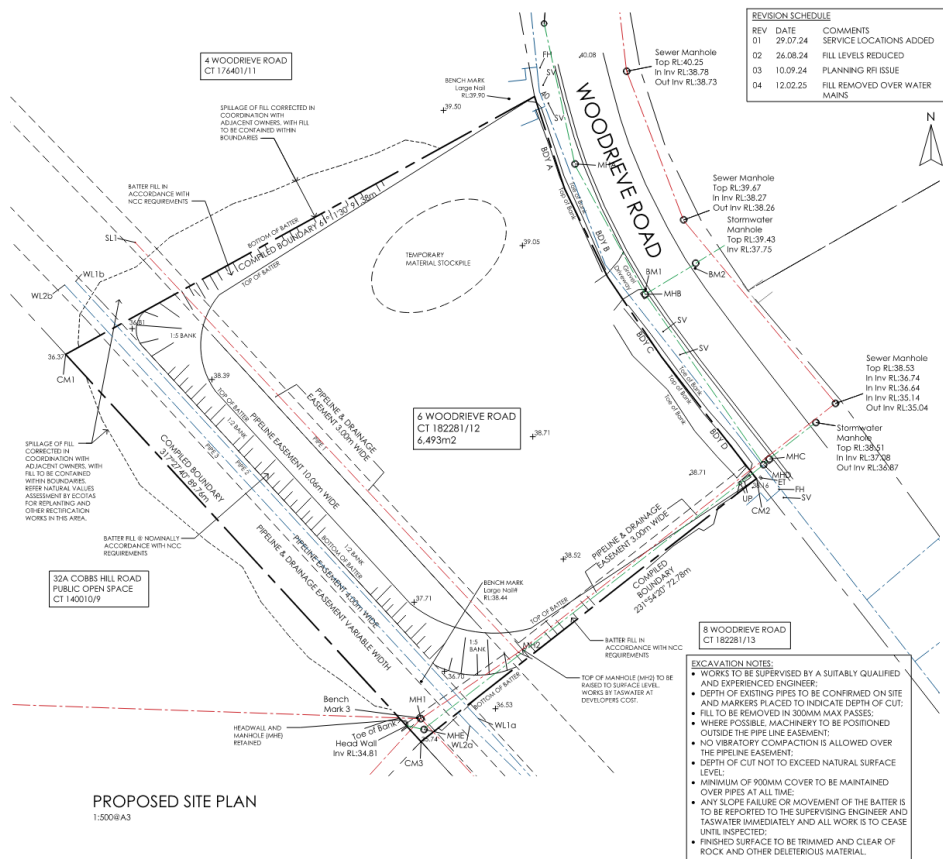


Figure 7. Proposed site plan (source: the application)

4. PLANNING SCHEME ASSESSMENT

4.1. Applicable provisions under the Planning Scheme

a) 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.

b) 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.

c) Use Class

The proposed development is for land filling, 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.*

6.8.2 *The planning authority has a discretion under clause 7.10 to refuse or permit a development that is not required to be categorised under sub-clause 6.2.6 of this planning scheme if:*

- (a) there are no applicable standards that apply to the development, or the development relies on any Performance Criteria to demonstrate compliance with an applicable standard; and*
- (b) the development is not Prohibited under any other provision of this planning scheme.*

d) Determining applications (clause 7.10.3)

7.10.1 *An application for development that is not required to be categorised into one of the Use Classes under sub-clause 6.2.6 of this planning scheme and to which 6.8.2 applies, excluding adjustment of a boundary under sub-clause 7.3.1, may be approved at the discretion of the planning authority.*

7.10.2 *An application must only be approved under sub-clause 7.10.1 if there is no unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area.*

7.10.3 *In exercising its discretion under sub-clauses 7.10.1 and 7.10.2 of this planning scheme, the planning authority must have regard to:*

- (a) the purpose of the applicable zone;*
- (b) the purpose of any applicable code;*
- (c) any relevant local area objectives; and*
- (d) the purpose of any applicable specific area plan.*

4.2. Planning assessment

4.2.1. Compliance with applicable standards

The proposal relies on the applicable standards of the Natural Assets Code and Flood-prone Areas Hazard Code for the works within the Waterway and Coastal Protection Area and Flood-prone area. Therefore, below applicable standards of those provisions require planning assessment.

- C7.6.1 A1/P1.1 Buildings and works within a waterway and coastal protection area
- C12.6.1 A1/P1.1 and P1.2 Buildings and works within a flood-prone hazard area

Assessment of those standards are provided below.

Clause C7.6.1 A1/P1.1 Buildings and works within a waterway and coastal protection 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.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Buildings and works within a waterway and coastal protection area must:</p> <ul style="list-style-type: none"> (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 5m 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. 	<p>P1.1</p> <p>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (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;

	<p>(j) building design that responds to the particular size, shape, contours or slope of the land;</p> <p>(k) minimising impacts on coastal processes, including sand movement and wave action;</p> <p>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</p> <p>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</p> <p>(n) the guidelines in the Tasmanian Coastal Works Manual.</p>
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Officer's comment:

The proposal does not comply with acceptable solutions and therefore requires assessment against P1.1. This standard requires that any works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, considering criteria (a) to (n).

The fill was undertaken without approval, creating a challenging situation for the Planning Authority to determine the acceptable extent, depth, and type of fill for approval. A Natural Values Assessment (NVA) has been submitted to address management methods to improve compliance with the relevant standards.

Assessments against each criterion is provided below.

(a) impacts caused by erosion, siltation, sedimentation and runoff

The fill within the waterway and coastal protection area has the potential to cause erosion if not properly managed. During a site inspection on 19 March 2025, Council's officer observed:

- The fill bank appears stable.
- The fill area is now invaded by a significant amount of weeds



Figure 8. Photo taken on the site on 19 March 2025

The NVA recommends the following measures to minimise erosion, siltation, sedimentation, and runoff:

- Minimizing the slope of the fill.
- Installing a temporary sediment barrier at the property boundary and potentially along the eastern bank of Ashburton Creek.
- Removing any overspill from Council's land.

The amended site plan reflects these recommendations, showing all fill contained within the property boundary.

(b) impacts on riparian or littoral vegetation

According to the planning scheme, riparian vegetation includes plants found within or adjacent to watercourses. Ashburton Creek is classified as a Class 2 watercourse, with a 30m buffer applied to each side.

Aerial imagery before and after the fill shows that the fill area may have covered some weeds along the property boundaries. The NVA identified no records of threatened flora and fauna in the vicinity of the site, but did find a substantial population of *Bolboschoenus medianus* (marsh clubsedge), listed as rare under the *Threatened Species Protection Act 1995*.



Figure 9. Before (2021) and after land filling

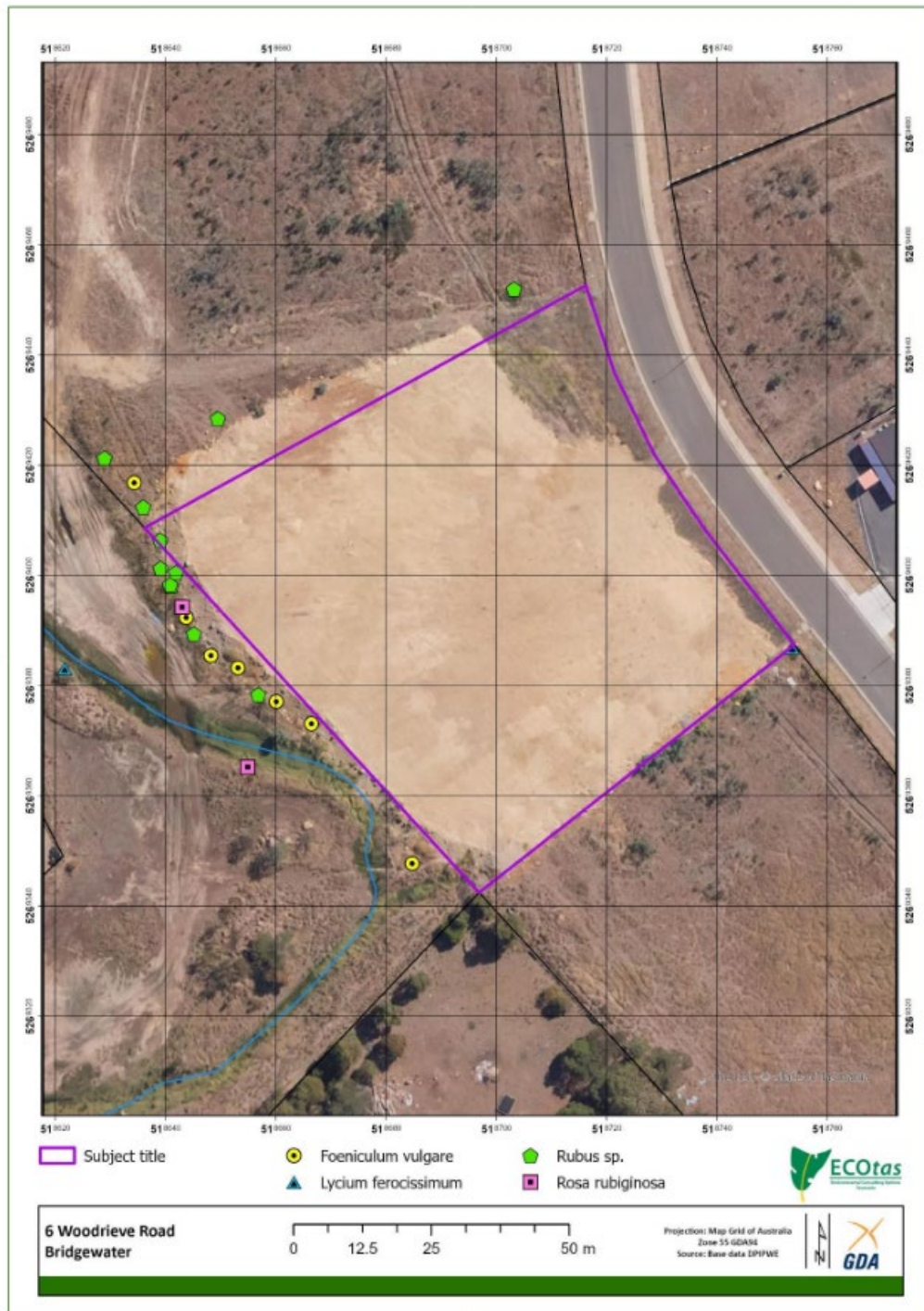


Figure 10. Distribution of declared and environmental weeds in vicinity of the site (Source: ECOTas)

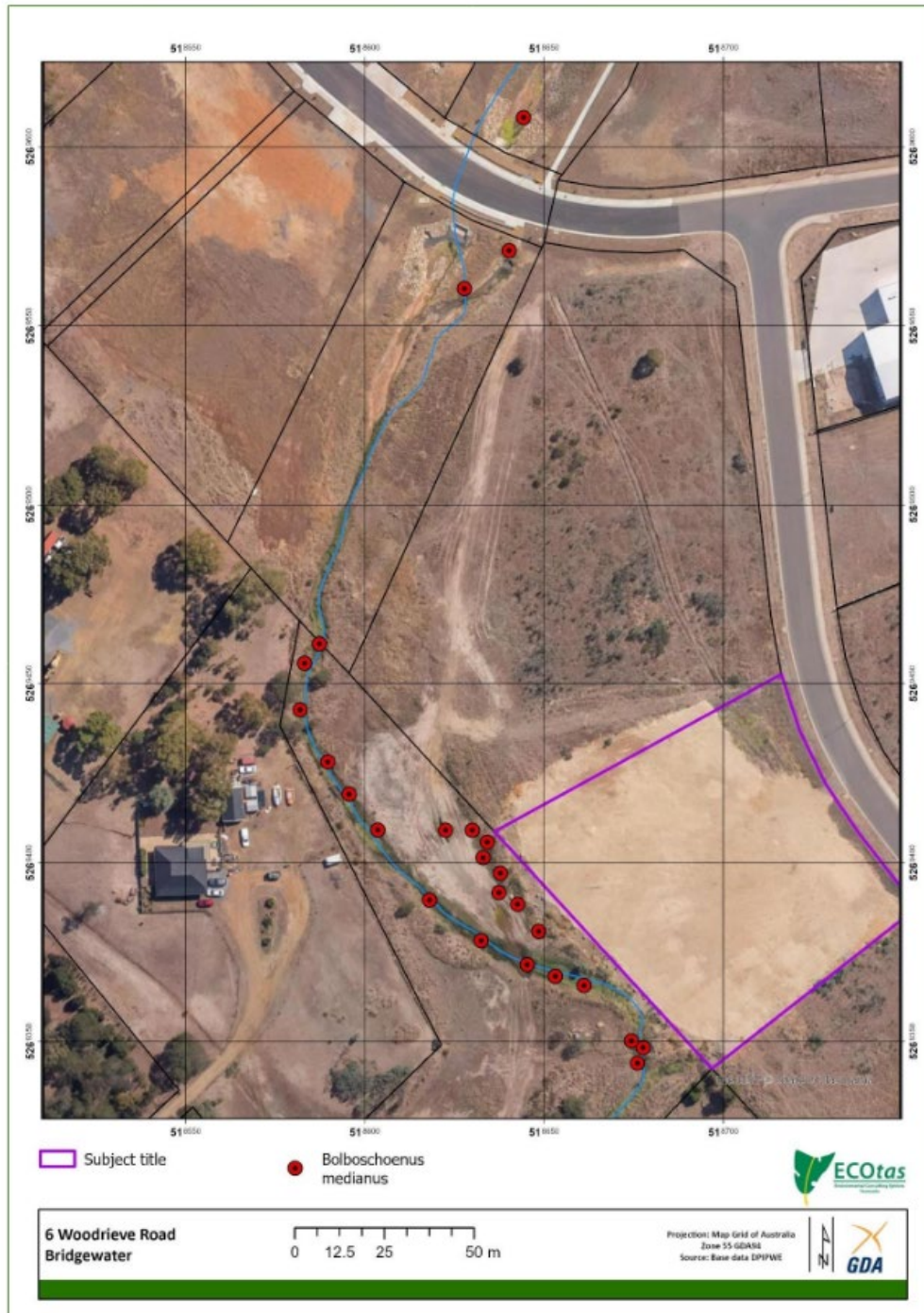


Figure 11. Distribution of *Bolboschoenus medianus* in vicinity of study area (context) – note that aerial imagery clearly suggests the species extends downstream and upstream of these mapped locations (Source: ECOTas)

The *B. medianus* population grows along the edges of Ashburton Creek and occupies shallow parts of the creek, extending onto adjacent flats. Given its preference for muddy conditions, it does not extend beyond low banks. The NVA concludes that the overspill is unlikely to have impacted the *Bolboschoenus medianus* population. Therefore, impacts on riparian vegetation are considered minor. No impacts on protected species.

(c) maintaining natural streambank and streambed condition, where it exists;

Ashburton Creek is an open streambank, and the fill may have impacted the bank where works were conducted near the stream.

The NVA proposes a management plan involving:

- Removing fill from Council's land.
- Reshaping exposed soil to approximate original natural ground levels with a gentle slope from the edge of the overspill to the private boundary.
- Implementing vegetation rehabilitation.
- Monitoring by a qualified professional.

The proposed management plan is reasonable, with no viable alternative to restore natural streambank conditions.

(d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation;

According to the NVA, there are no impacts on in-stream natural habitat.

(e) the need to avoid significantly impeding natural flow and drainage; and (f) the need to maintain fish passage, where known to exist;

The proposal will include conditions requiring removal of fill from Council's land, which will help restore natural ground levels along the creek bank and prevent further disruption to natural flow and drainage.

(g) the need to avoid land filling of wetlands;

No wetlands were identified within the site area.

(h) the need to group new facilities with existing facilities, where reasonably practical;

Not applicable to this proposal.

(i) minimising cut and fill;

Although the proposal involves cut and fill, the focus of assessment is on rehabilitation of natural values rather than minimising earthworks. However, the using of excavator to remove overspill should be wholly from within 6 Woodrieve and prior to works, the establishment of a sediment drift fence at the outer edge of Ashburton Creek is essential. The NVA outlines a suitable management plan, which will be conditioned and monitored by a qualified person to Council's satisfaction.

(j) building design that responds to the particular size, shape, contours or slope of the land;

Not applicable to this proposal.

(k) minimising impacts on coastal processes, including sand movement and wave action;

Not applicable to this proposal.

(l) minimising the need for future works for the protection of natural assets, infrastructure and property;

Rehabilitation of natural assets, monitored by a suitably qualified person along Ashburton Creek, is expected to restore natural conditions effectively. Protection of Council and TasWater infrastructure will be managed through permit conditions.

(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual;

Condition will be recommended to ensure all future corrective works follow the *Wetlands and Waterways Works Manual*.

(n) the guidelines In the Tasmanian Coastal Works Manual.

This criterion is not relevant to the proposal.

The proposed subdivision can meet the performance criteria and objectives of this standard, provided that corrective works and rehabilitation efforts are implemented. The management plan outlined in the NVA is reasonable and should be enforced through permit conditions to ensure compliance and restoration of natural assets.

Clause 12.6.1 A1/P1.1 and P1.2 Buildings and works within a flood-prone hazard area

Objective:	
<p>That:</p> <ul style="list-style-type: none"> (a) building and works within a flood-prone hazard area can achieve and maintain a tolerable risk from flood; and (b) buildings and works do not increase the risk from flood to adjacent land and public infrastructure. 	
Acceptable Solution	Performance Criteria
<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> <ul style="list-style-type: none"> (a) the type, form, scale and intended duration of the development; (b) whether any increase in the level of risk from flood requires any specific hazard reduction or protection measures; (c) any advice from a State authority, regulated entity or a council; and (d) the advice contained in a flood hazard report.

	<p>P1.2</p> <p>A flood hazard report also demonstrates that the building and works:</p> <ul style="list-style-type: none"> (a) do not cause or contribute to flood on the site, on adjacent land or public infrastructure; and (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..
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Officer's comment:

The proposal can comply with P1.1. It can achieve and maintain a tolerable risk from flooding for the following reasons:

Compliance with P1.1

- (a) The works involve landfilling to level the site in preparation for future development.
- (b) & (c) & (d) Local overland flow mapping indicates that in a 1% AEP rainfall event for the local catchment, minor inundation is expected in the northwest and southwest corners, with estimated flow depths ranging between 5-10 cm and 10-50 cm.

The submitted flood hazard report demonstrates that these areas do not align with the main flow path, which is dictated by the existing watercourse and topography. Instead, these appear to be spurious data points where the model has identified localized low areas and routed flow accordingly.

Compliance with P1.2

The proposal can comply with P1.2 (a) & (b) As mentioned above, the overland flow map does not accurately illustrate the flood flow path on the site. Therefore, the land fill will not contribute to flood risk on the site or adjoining properties but will instead help mitigate the risk.

The submitted flood hazard report demonstrates that any future development on the site will be constructed on the fill pad, ensuring it remains well above the 1% AEP flood level and extent.

The application and supporting reports have been considered by council's development engineers, and considered to satisfactorily address the performance criteria.

On that basis, the proposed subdivision can meet this standard's objectives and performance criteria.

4.2.2. Compliance with Clause 7.10.3

Besides the above applicable standards, there are no other applicable standards that apply to the development. Under Clauses 7.10 and 6.8.2, the land fill must only be approved if there is no unreasonable detriment impact on adjoining uses or the amenity of the surrounding area.

In determining of the proposal can maintain no unreasonable detriment impact on adjoining uses or the amenity of the surrounding area, the planning authority must have regard to:

- (a) the purpose of the applicable zone;
- (b) the purpose of any applicable code;
- (c) any relevant local area objectives; and
- (d) the purpose of any applicable specific area plan.

Assessment of those standards are provided below.

The purpose of the General Industrial Zone is:	Officer's comment:
19.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where there may be impacts on adjacent uses.	The landfill is intended to prepare the site to support future industrial developments. The proposal does not adversely impact on industrial activity.
19.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.	Any potential issues can be appropriately managed through conditions in the planning permit. The proposal is considered compliant with the purpose of General Industrial Zone.

<p>The purpose of the Natural Assets Code is:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>C7.1.4 To minimise impacts on identified priority vegetation.</p> <p>C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.</p>	<p>Officer's comment:</p> <p>The proposal includes erosion and sediment control measures such as silt fences, sediment traps, and vegetation rehabilitation to prevent sediment-laden runoff from entering adjacent watercourses. According to the submitted Natural Value Assessment, the fill works are located outside of primary watercourses and will be corrected to avoid unreasonable impacts on riparian vegetation and creek conditions.</p> <p>Additionally, there is no identified priority vegetation within the area of the fill works. Under the Planning Scheme, priority vegetation is defined as native vegetation that meets one or more of the following criteria: (a) Forms part of a threatened native vegetation community under Schedule 3A of the <i>Nature Conservation Act 2002</i>; (b) Includes a threatened flora species; (c) Provides significant habitat for a threatened fauna species; or (d) Is identified as native vegetation of local importance.</p> <p>The overspill will be corrected within the property boundary and the area within the waterway and coastal protection area will be rehabilitated in accordance with the recommendation in the submitted natural value assessment report. The future works can be monitored and managed through permit conditions.</p> <p>Based on these considerations, the proposal is compliant with the relevant purpose of the Code.</p>
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<p>The purpose of the Flood-Prone Areas Hazard Code is:</p> <p>C12.1.1 To ensure that use or development subject to risk from flood is appropriately located and managed, so that:</p> <ul style="list-style-type: none"> (a) people, property and infrastructure are not exposed to an unacceptable level of risk; (b) future costs associated with options for adaptation, protection, retreat or abandonment of property and infrastructure are minimised; and (c) it does not increase the risk from flood to other land or public infrastructure. <p>C12.1.2 To preclude development on land that will unreasonably affect flood flow or be affected by permanent or periodic flood.</p>	<p>Officer's comment:</p> <p>Compliance with C12.1.1</p> <p>(a) Avoidance of Unacceptable Risk to People, Property, and Infrastructure</p> <p>The proposed fill works involve raising the development area to a level above the 1% AEP (Annual Exceedance Probability) flood level, thereby minimizing the potential risk of flooding to future development.</p> <p>The flood hazard report confirms that the main flood flow path is unaffected by the proposed works and that localized areas of inundation identified are not part of the primary flood pathway.</p> <p>Future development will be located on the raised fill pad, providing additional protection against flood hazards.</p> <p>(b) Minimization of Future Costs Associated with Adaptation, Protection, Retreat, or Abandonment</p> <p>By ensuring that the proposed fill pad is elevated above the 1% AEP flood level, the likelihood of damage from flood events is reduced, thereby minimising potential future costs associated with flood mitigation or property abandonment.</p> <p>(c) Prevention of Increased Risk to Other Land or Public Infrastructure</p> <p>The proposal does not increase the risk of flooding to adjoining properties or infrastructure as confirmed by the flood hazard report.</p> <p>The fill works are not located within the flood flow path, and proper drainage measures will be implemented to manage runoff and prevent adverse impacts on neighbouring properties or public assets.</p>
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	<p>Overland flow mapping indicates that minor inundation areas identified are the result of localized low points rather than part of a broader flood flow path.</p> <p>Compliance with C12.1.2</p> <p>The fill pad will be constructed to an elevation above the 1% AEP flood level, ensuring it is not subject to periodic or permanent flooding.</p> <p>By establishing a safe and stable development area, the risk of flood-related impacts is effectively mitigated.</p> <p>Further development of the subject property will require stormwater management to ensure there are no concentrated stormwater flows directed to adjacent properties.</p> <p>On that basis, the proposal complies with the purpose of this code.</p>
<p>The purpose of the Bushfire-Prone Areas Code is:</p> <p>C13.1.1 To ensure that use and development is appropriately designed, located, serviced, and constructed, to reduce the risk to human life and property, and the cost to the community, caused by bushfires.</p>	<p>Officer's comment:</p> <p>The proposal can be considered to enhance bushfire hazard reduction outcomes by filling and leveling the area, thereby creating a more suitable site for future development with improved access and defensible space.</p>
<p>Any relevant local area objectives;</p>	<p>Officer's comment:</p> <p>No relevant local area objectives applied</p>
<p>The purpose of the Brighton Industrial Hub Specific Area Plan is:</p> <p>BRI-S10.1.1 To protect the Brighton Industrial Hub from sensitive use establishing in the area.</p>	<p>Officer's comment:</p> <p>The proposal does not involve a sensitive use. The landfill is intended to prepare the site for future industrial development. Based on this purpose, the proposal is considered compliant with the Brighton Industrial Hub Specific Area Plan.</p>

5. OTHER MATTERS

5.1 Referrals

Development Officer/Engineer

The proposal was referred to Council's Development Officer/Engineer for assessment. The officers' comments are included in this report where applicable.

TasWater

TasWater have reviewed the proposal and have issued a Submission to Planning Authority Notice reference number TWDA 2024/00723-BTN dated 28th February 2025, which is to form part of any permit issued.

5.2 Part 5 Agreement

The property has several Part 5 Agreements registered in the title, including register numbers D75827, E135235, E224588, E239956, E255100, E275221.

The Part 5 Agreements are registered under section 71 of LUPAA between Brighton Council and the owners of the land. The owners have obligations to comply with any relevant requirements under the Agreements when conducting developments on the land. The Council's obligations under those agreements do not restrict its future statutory decisions regarding the permit or land.

Summary of requirements under those agreement are as follows:

- a. Any use or development of the lots shown on the plan of survey shall be carried out in accordance with best practice for Water Sensitive Urban Design principles.
- b. On-site roof-water storage of at least 5,000 litres (5kl) using water tanks or other authorised methods will be installed.
- c. A supply of recycled roof-water shall be provided to all toilet cisterns and laundry fixtures.

The requirements are not relevant to the proposed landfilling. Further development of the subject property will require stormwater management is to be develop in accordance with best practice for Water Sensitive Urban Design Principles. Relevant principle for Water Sensitive Urban Design (<https://www.derwentestuary.org.au/water-sensitive-urban-design/>) is improving the quality of runoff, stormwater and groundwater.

6. REPRESENTATIONS

One (1) representation was received during the statutory public exhibition period between 28th February 2025 and 18th March 2025. The representation items are summarised in Table 1.

TABLE 1: SUMMARY OF A REPRESENTATION

Issue Raised	Officer's Response
<p>Stormwater Management & Runoff Concerns</p> <ul style="list-style-type: none"> • The proposed remedial works will still direct stormwater towards the representor's site, increasing runoff. • The plans do not show any permanent sediment control or drainage along the southeast shared boundary with the representor. • Long-term stormwater detention on their site is needed to prevent excess water from flowing onto the representor's property. • The current design allows water to drain south, leading to potential erosion issues on the batter if it is not properly seeded or protected. • A boundary offset may be required to install an open drain, but this could impact the representor's development plans. • A suitable solution could be a well-designed aggregate drain or a small bund to mitigate runoff and sediment issues. • The preferred approach is to reduce the extent of fill by ensuring that the toe of their batter is at least 3.0m setback from the shared boundary, allowing space for a fence, drainage, and embankment stability while keeping the risk entirely on their Title. 	<p>Stormwater from the development must be contained within the site and must not be overflow onto other land. Relevant conditions will be imposed to ensure no stormwater runoff from the site onto adjoining land.</p> <p>An Erosion and Sediment Control Plan will be required in accordance with the guidelines <i>Erosion and Sediment Control, The fundamentals for development in Tasmania</i>, 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.</p> <p>There will be a condition requiring all disturbed land, including fill, to be loamed and seeded are recommended.</p> <p>On that basis, the landfill can be managed and controlled by permit conditions to resolve the representor's concerns.</p>

<p>Impact on Excavation Depth & Costs:</p> <ul style="list-style-type: none"> • The proposed works will increase excavation depth required for the representor's stormwater connection. • The revised drawings do not include a long section of the stormwater pipe, but estimates suggest the depth at our connection point has increased from 1.2m to approximately 1.8m, surpassing the 1.4m threshold that requires shoring or benching of trenching activities. • This will increase construction complexity and costs for the representor. • A possible solution is to temporarily strip the filled material during construction to facilitate access to the stormwater infrastructure. • Request: Can this be conditioned in any planning permit issued to ensure the representor's costs are not impacted by their development? • The representor's strong preference remains a 3.0m setback from the shared boundary to the toe of the fill batter to minimise additional excavation costs and future sediment control issues. 	<p>8 Woodrieve Road should already have a stormwater property connection. Irrespective the fill over the existing stormwater in the vicinity of any new property connection to 8 Woodrieve Rd would only increase by approximately 400mm.</p> <p>The existing sewer manhole within 6 Woodrieve will need to be raised and it may be possible for the new SW connection to be done at the same time.</p> <p>On that basis, the proposed landfill will not create unreasonable impacts on the adjoining land.</p>
<p>Flood prone area</p> <ul style="list-style-type: none"> • Question on if the application has addressed the flood-prone area hazard code 	<p>Council Flood mapping showed the subject property was subject to some localised inundation in a 1% AEP event. As such additional Information was requested to address the requirements of the Flood Prone Areas code.</p> <p>The applicant provided a report prepared by Sustainable Engineering. The report confirms that the area of flooding identified on Council's published flood mapping on the subject lot is a result of localised low points on the land prior to fill being placed and does not form part of the main flow path. The report concludes that:</p>

	<p><i>"The proposed fill works do not adversely impact the routing of flood flows or increase flood risk to adjacent or downstream property"</i></p> <p>Subsequently the extent of fill over the lower portion of the land has been reduced with the toe of the batter being approximately 10.5m off the south western boundary. The fill does not affect the overland flow paths to the south or through 8 Woodrieve Rd.</p> <p>Further development of the subject property will require stormwater management to ensure there are no concentrated stormwater flows directed to adjacent properties.</p> <p>On that basis, the proposed landfill can be managed to have no impact on flood risk on the site, adjoining land, and public infrastructure.</p>
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7. CONCLUSION

The proposal for **Fill & Associated Site Works (Retrospective)** at **6 Woodrieve Road, Bridgewater** in Tasmania, 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 DA 2024/104 for **Fill & Associated Site Works (Retrospective)** at **6 Woodrieve Road, Bridgewater** in Tasmania, for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) Where a conflict occurs between the application for planning approval, the endorsed drawings and conditions of this permit, the latter prevails.
- (3) 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*.
- (4) Stockpiling of fill material must occur only on approved part of the site (refer Drawing LI24008-02 Revision 04).

- (5) The nature of the material must comply with the definition of clean fill type 1 and type 2 as defined under the *Environmental Management and Pollution Control Act 1994*.
- (6) The development must be undertaken in accordance with the *6 Woodrive Road, Brighton (PID 9639793; C.T. 182281/12; LPI HWY64), Natural Values Assessment, Fill & Associate Works (Retrospective): DA2024/104* dated 3 September by Environmental Consulting Options Tasmania (ECOtas).

Advice: All earthworks should be undertaken in accordance with the relevant Australian Standard, AS 3798-2007: *Guidelines on Earthworks for Commercial and Residential Developments*

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*

Rehabilitation

- (7) Within **six (6)** months of the date of the permit being approved all overspill of fill material must be removed from adjacent properties and the affected land rehabilitated in accordance with the recommendations contained on page 28 of *6 Woodrive Road, Brighton (PID 9639793; C.T. 182281/12; LPI HWY64), Natural Values Assessment, Fill & Associate Works (Retrospective): DA2024/104* dated 3 September by Environmental Consulting Options Tasmania (ECOtas) and to the satisfaction of Council's Director Development Services.
- (8) Prior to any further works being undertaken, the developer must submit a detailed landscaping plan prepared by a suitably qualified person clearly showing:
 - (a) the planting of all areas impacted by the placement or removal of fill.
 - (b) a Weed Management Plan identifying method to control weeds.

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*

- (9) Any works in, or adjacent, the waterway must be carried out in accordance with the environmental best practice guidelines in the *Waterways and Wetlands Works Manual (DPIWE 2003)*.

Services

- (10) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision or development. Any work required is to be specified or undertaken by the authority concerned.
- (11) Upon completion of earthworks over, or adjacent, the drainage easement inside the south eastern boundary of the subject property a CCTV inspection survey is to be conducted, at the developer's expense, of the affected stormwater pipes to ascertain the condition of the pipe to determine if any damage may have occurred during construction. Any damage to the stormwater pipe or manholes is to be repaired to the satisfaction of Council at the developers cost.

Access to Public Road

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

Stormwater

- (12) Stormwater from the proposed development must be retained on site or drain to a legal point of discharge to the satisfaction of Council's Municipal Engineer and in accordance with the *Building Act 2016*.
- (13) No new stormwater point discharge is allowed to a watercourse as part of this development.

TasWater

- (14) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice TWDA 2024/00723-BTN, dated 28/02/2025.

Erosion and Sediment Control

- (15) 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*.

- (16) All disturbed surfaces on the land, except those set aside for vehicle access, footways and driveways, must be covered with topsoil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Director Development Services.
- (17) 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.

Maintenance and Defects Liability Period

- (18) The rehabilitation and landscaping works must be placed onto a twenty-four (24) month maintenance and defects liability period following completion of works (completion of planting) in accordance with approved landscaping plans and permit conditions.
- (19) Prior to placing the development onto the maintenance and defects liability period the developer must provide written confirmation from a suitably qualified person that the works comply with the permit and the approved plans.

- (20) Prior to placing the development onto the maintenance and defects liability period the developer must provide a security bond to Council in accordance with Section 3 of Council Policy 6.3. The value of the bond is to be no less than 10% of the Total Value of Works based on a detailed estimate of the works, including maintenance. The cost estimate is to be prepared by a suitably qualified person and agreed to by Council's Director Asset Services.

Construction Amenity

- (21) 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.
- (22) The use or development is not to cause an unreasonable nuisance to the owners or occupiers of land in the surrounding area by reason of noise, smell, fumes, dust, or other pollutants emanating from the site.
- (23) The road frontage of the development site including road, kerb and channel, footpath, and nature strip, should be:
- (1) 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.
 - (2) 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.

- (24) 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
- (25) 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.
- (26) 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 Chief Executive Officer.

- (27) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

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

DECISION:

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

CARRIED

VOTING RECORD

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

12.2 451 Tea Tree Road, Tea Tree - Resource Development (Agricultural) Resource Processing (Manufacturing and processing of perfume products), General Retail and Hire (Cellar Door) and Visitor Accommodation (Farm Stay) and Construction of Building and Parking Areas - DA 2024/0243

Author: Strategic Planner (B White)

Authorised: Director Development Services (A Woodward)

Applicant:	Liminal Studios (Elvio Brianese)
Subject Site:	451 Tea Tree Road, Tea Tree
Proposal:	Resource Development (Agricultural) Resource Processing (Manufacturing and processing of perfume products), General Retail and Hire (Cellar Door) and Visitor Accommodation (Farm Stay) and Construction of Buildings and Parking Areas.
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	Agriculture
Codes:	Local Historical Heritage Code; Natural Assets Code
Local Provisions:	N/A
Use Class/es:	Resource Development, Resource Processing, General Retail and Hire; and Visitor Accommodation
Discretions:	21.3.1 Discretionary uses 21.4.2 Setbacks C2.5.3 A1/P1 - Bicycle parking numbers (Parking and Sustainable Transport Code) C6.0 - Local Historic Heritage Code
Representations:	1 representation was received. The representor raised the following issues: <ul style="list-style-type: none"> • Impact of commercial use on agriculture • Boundary fencing • Use of reserved road • Vehicle access from Tea Tree Road
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2024/0243.

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

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

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

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

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

2. SITE ASSESSMENT

The subject site is located at 451 Tea Tree Road, Brighton, adjacent to Strathallen Rivulet (Figure 1).



Figure 1: Site Location (Source: www.thelist.tas.gov.au)

Located in the Agricultural zone, the internal site is accessed from Maiden Erleigh Lane via Tea Tree Road. Surrounding land uses are also zoned Agriculture, with rural living zoned land located west of the site (refer Figure 2).



Figure 2: Zoning map (Source: www.thelist.tas.gov.au)

The site is irregular in shape and situated between adjoining farmlands at 447 Tea Tree Road, and 503 Tea Tree Road.



Figure 3: Aerial Imagery of site (source: www.thelist.tas.gov.au)

The site is small for an agricultural parcel, with an area of approximately 4ha. The site includes the heritage homestead of Maiden Erleigh, which is listed on council's Local Heritage Register under the Local Provisions Schedule.

3. PROPOSAL

The Applicant identifies that the purpose of the proposal is to undertake the following uses:

1. Resource Development and Resource Processing:

To propagate, cultivate and harvest plants for the manufacture and bottling of essential oils distilled from native Tasmanian botanicals. The oils produced are to be used in the production of fragrances, scented candles and hydrosols. Accommodation guests will also have the opportunity to participate in a “hands-on” experience, resulting in the manufacture of a signature fragrance.

2. General Retail and Hire

The proposal includes an application to operate a “cellar-door” for the sale of the products manufactured and finished on site for wholesale, together with the operation of an e-commerce platform.

3. Visitor Accommodation

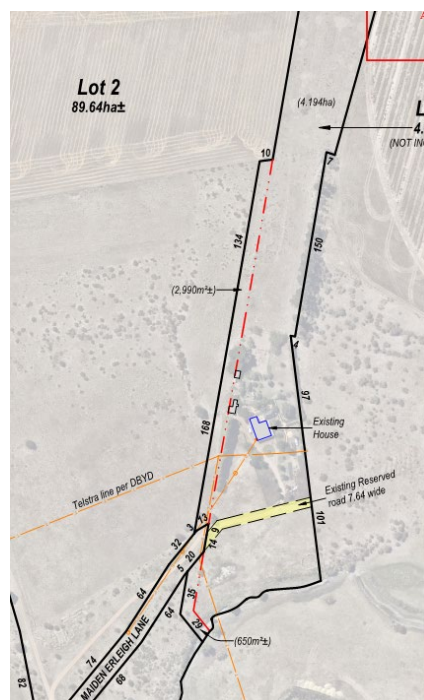
Accommodation is to be provided in a shared living space containing open plan living, kitchen, dining, breakout space with pond and 4 internal “pods” with private en-suites.

The application is supported by the attached plans, planning scheme response, wastewater report, and land capability assessment.

Following public exhibition, additional documents including an updated site plan and land capability assessment were provided to address issues raised in the representation.

BOUNDARY ADJUSTMENT - SA 2024/ 36

Relevant to this current application is an approved boundary adjustment between the subject site and the adjoining title to the west at 447 Tea Tree Road. The boundary adjustment added approximately 2,990m² of land from 447 to 451 Tea Tree Road, as shown below with the red line showing the additional land added to the subject site.



Council approved this boundary adjustment under SA 2024/36 but titles have not yet been issued.

The applicant has included the additional land to be added to the subject site in their application documents. The assessment of this current application will be on the basis that those titles have been issued.

4. PLANNING SCHEME ASSESSMENT

Compliance with Applicable Standards:

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

5.6.2 A standard is an applicable standard if:

- (a) the proposed use or development will be on a site within:

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

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

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

Determining applications (clause 6.10.1):

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

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

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

Use Class

The primary Use Class is categorised as Resource Development which is No Permit Required under the Scheme. Other uses proposed include:

Use Class	Classification
General Retail and Hire:	Permitted, if associated with Resource Development or Resource Processing
Resource Processing:	Discretionary
Visitor Accommodation:	Discretionary

As the Resource Processing and Visitor Accommodation Use Classes are discretionary, they must be consistent with the Zone Purpose as follows:

- 21.1.1 To provide for the use or development of land for agricultural use.
- 21.1.2 To protect land for the use or development of agricultural use by minimising:
 - (a) conflict with or interference from non-agricultural uses;
 - (b) non-agricultural use or development that precludes the return of the land to agricultural use; and
 - (c) use of land for non-agricultural use in irrigation districts.
- 21.1.3 To provide for use or development that supports the use of the land for agricultural use.

The proposed discretionary uses are considered to be consistent with the Zone purpose, as each of the discretionary uses, whilst able to operate separately, support the proposed resource development use.

Compliance with Performance Criteria

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

Clause 21.3.1 Discretionary uses

Objective:
That uses listed as Discretionary: <ul style="list-style-type: none"> (a) support agricultural use; and (b) protect land for agricultural use by minimising the conversion of land to non-agricultural use.

Acceptable Solution	Performance Criteria
<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>Complies with P1</p> <p>The two (2) discretionary uses are directly supportive of the proposed resource development (agriculture) use of the site. The agricultural use includes on site cropping, whilst the resource processing use is for the extraction of essential oils and perfumes. The visitor accommodation use will be for a guest experience (or farm stay) directly linked to the primary agricultural use of the site. This type of use is encouraged in the purpose of the Zone.</p> <p>The amended agricultural report states that:</p> <p><i>The proposal provides an excellent example of value adding of an agricultural product including diversification with a visitor and tourist experience</i></p> <p>It is considered that the proposed discretionary uses support the proposed agricultural use of the site and are required to locate on the site to do so.</p>	

<p>A2</p> <p>No Acceptable Solution.</p>	<p>P2</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) whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites.
<p>Complies with P2</p> <p>The amended agricultural assessment has addressed P2 as follows:</p> <p><i>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...</i></p> <p><i>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.</i></p> <p>It is agreed that the land where the discretionary uses are to be located has poor capability for agriculture. The proposed uses are separated a significant distance from cropping activities on the adjoining lot as evidenced in the agricultural report. That report also recommends that screening planting be placed along the eastern boundary of the site.</p>	
<p>A3</p> <p>No Acceptable Solution.</p>	<p>P3</p> <p>A use listed as Discretionary, excluding Residential, located on prime agricultural land must:</p> <ul style="list-style-type: none"> (a) be for Extractive Industry, Resource Development or Utilities, provided that: <ul style="list-style-type: none"> (i) the area of land converted to the use is minimised;

	<ul style="list-style-type: none"> (ii) adverse impacts on the surrounding agricultural use are minimised; and (iii) the site is reasonably required for operational efficiency; or (b) be for a use that demonstrates a significant benefit to the region, having regard to the social, environmental and economic costs and benefits of the proposed use.
N/A - there is no prime agricultural land on the site or adjoining land.	
<p>A4</p> <p>No Acceptable Solution</p>	<p>P4</p> <p>A Residential use listed as Discretionary must:</p> <ul style="list-style-type: none"> (a) be required as part of an agricultural use, having regard to: <ul style="list-style-type: none"> (i) the scale of the agricultural use; (ii) the complexity of the agricultural use; (iii) the operational requirements of the agricultural use; (iv) the requirement for the occupier of the dwelling to attend to the agricultural use; and (v) proximity of the dwelling to the agricultural use; or (b) be located on a site that: <ul style="list-style-type: none"> (i) is not capable of supporting an agricultural use; (ii) is not capable of being included with other agricultural land (regardless of ownership) for agricultural use; and (iii) does not confine or restrain agricultural use on adjoining properties.
N/A - no new residential use is proposed.	

Accordingly, the proposal satisfies the performance criteria in relation to discretionary use.

Clause 21.4.2 A1/P1 Setbacks

Objective:	
That the siting of buildings minimises potential conflict with use on adjoining properties.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Buildings must have a setback from all boundaries of:</p> <p>(a) not less than 5m; or</p> <p>(b) if the setback of an existing building is within 5m, not less than the existing building.</p>	<p>P1</p> <p>Buildings must be sited to provide adequate vehicle access and not cause an unreasonable impact on existing use on adjoining properties, having regard to:</p> <p>(a) the bulk and form of the building;</p> <p>(b) the nature of existing use on the adjoining properties;</p> <p>(c) separation from existing use on the adjoining properties; and</p> <p>(d) any buffers created by natural or other features.</p>
<p>Complies with P1</p> <p>Subject to the boundary adjustment being finalised / titles being issued, all proposed buildings are setback at least 5m from all boundaries. Conditions are recommended in this regard.</p> <p>Accordingly the PC can be satisfied, with conditions.</p>	

Clause 21.4.2 A2/P2 Setbacks

Objective:	
That the siting of buildings minimises potential conflict with use on adjoining properties.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Buildings for a sensitive use must have a setback from all boundaries of:</p> <p>(a) not less than 200m; or</p>	<p>P1</p> <p>Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use, having regard to:</p>

<p>(b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</p>	<p>(a) the size, shape and topography of the site;</p> <p>(b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties;</p> <p>(c) the location of existing buildings on the site;</p> <p>(d) the existing and potential use of adjoining properties;</p> <p>(e) any proposed attenuation measures; and</p> <p>(f) any buffers created by natural or other features.</p>
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The proposal visitor accommodation use is a sensitive use, which is defined by the Scheme as:

"a residential use or a use involving the presence of people for extended periods except in the course of their employment such as a caravan park, childcare centre, dwelling, hospital or school."

and affirmed in *ACEN Robbins Island Pty Ltd v Circular Head Council [2024] TASCAT 48*.

The use will be located less than 200 metres from site boundaries.

The subject site is a highly irregular and unusual shape making it not possible for any current or future sensitive use on the site to comply with the 200m boundary setback. Given this unusual shape it is difficult to compare the proposed boundary setbacks with those on adjoining lots.

The amended agricultural report has provided a discussion of the existing and potential agricultural uses on the adjoining lots and whether the proposed sensitive use (visitor accommodation) is likely to conflict or interfere with those uses.

It is stated that:

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.

The representation received raised issues relevant to the proposed sensitive use and the use of recycled water on the adjoining lot to the east. The agricultural report was amended to address the representation and the issue of recycled water.

The report states:

...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.

Council has received correspondence from TasWater confirming that there are no permits to apply re-use water or biosolids on adjoining Certificates of Title.

The agricultural report recommends that screening vegetation/ shelter belt is established along the eastern boundary adjacent to the visitor accommodation use which will be a condition on the permit.

Accordingly, the PC is satisfied with conditions.

Clause C2.5.3 A1/P1 - Bicycle parking numbers

Objective:	
That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Bicycle parking spaces must:</p> <ul style="list-style-type: none"> (a) be provided on the site or within 50m of the site; and (b) be no less than the number specified in Table C2.1. 	<p>P1</p> <p>Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the likely number of users of the site and their opportunities and likely need to travel by bicycle; and (b) the availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.

Table C2.1 of the Scheme requires 1 bicycle space per 100m² of floor area for the General Retail and Hire use and 1 space per 5 employees for the Resource Processing use.

No bicycle spaces are proposed.

Given the location of the site, it is highly unlikely there will be demand for these types of parking spaces. Nonetheless, there is ample space on site to park bicycles, if necessary.

The proposal satisfied P1.

Clause C6.6.2 A1/P1 - Site Coverage

Objective:	
That site coverage is compatible with the local historic heritage significance of local heritage places.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1 The site coverage must be compatible with the local historic heritage significance of a local heritage place, having regard to: (a) the topography of the site; and (b) 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

The description for Maiden Erleigh Homestead contained in BRI-C6.1.13 of the Local Historic Heritage Code List notes that the property is a *“single storey stone house with hipped roof and boxed eaves. The front has a central timber door with fanlight and 12 large panel windows either side. Glassed in addition is at the rear of the house”*. Therefore, the Local Historic Heritage Code applies.

The applicant has provided a response to the performance criteria as follows:

The proposed development complies with site coverage standards by ensuring that roofed structures do not exceed 2% of the total site area. Native landscaping has been planned to complement and maintaining heritage character, reducing visual impacts by descaling the proposed built forms.

It is agreed the proposed site coverage will not be overbearing of the heritage listed dwelling on site and the existing and proposed landscaping will soften the visual impacts of the proposed developments.

The proposal satisfies P1.

Clause C6.6.3 A1/P1 - Height and bulk of buildings

Objective:	
That the height and bulk of buildings are compatible with the local historic heritage significance of local heritage places.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1 The height and bulk of buildings must be compatible with the local historic heritage significance of a local heritage place, having regard to: (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; (b) the character and appearance of the existing building or place; (c) the height and bulk of other buildings in the surrounding area; and (d) the setting of the local heritage place.

The applicant has provided a response to P1, as follows:

The design of the buildings respects the height limitations, ensuring structures remain below 5m metres. 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.

It is agreed that the proposed buildings have been designed to be compatible with the existing heritage place and the surrounding rural area, whilst not mimicking the heritage place.

It is also noted that the site is setback well away from any Council maintained road so views of the place are only prominent from within the site or directly adjoining.

The proposal satisfies P1.

Clause C6.6.4 A1/P1 – Siting of buildings and structures

Objective:	
That the siting of buildings is compatible with the local historic heritage significance of local heritage places.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1 The front, side and rear setbacks of a building must be compatible with the local historic heritage significance of the place, having regard to: (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; (b) the topography of the site; (c) the size, shape, and orientation of the lot; and (d) the setbacks of other buildings in the surrounding area.

The applicant has provided the following response to P1:

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.

It is agreed that the development has been separated from the heritage listed place on site a sufficient distance so as to not detract from its significance. It is considered that the unusual shape of the lot has been considered in the design.

The proposal satisfies P1.

Clause C6.6.5 A1/P1 – Fences

Objective:
That fences are compatible with the local historic heritage significance of local heritage places.

Acceptable Solution	Performance Criteria
<p>A1</p> <p>New fences and gates on local heritage places must be designed and constructed to match existing original fences on the site.</p>	<p>P1</p> <p>New fences and gates must be compatible with the local historic heritage significance of a local heritage place, having regard to:</p> <ul style="list-style-type: none"> (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; (b) the architectural style of the buildings on the site; (c) the dominant fencing style in the setting; (d) the original or previous fences on the site; and (e) the proposed height and location of the fence.

The applicant has not provided information to address Clause C6.6.5 A1/P1 regarding the proposed 2.1m lattice fences. The fencing is not designed and constructed to match existing original fences on the site. A condition requiring further details of fencing is recommended, with a requirement that the fencing is compatible with the local historic heritage significance of a local heritage place.

Subject to conditions the proposal can satisfy P1.

Clause C6.6.6 A1/P1 – Roof form and Materials

Objective:
That roof form and materials are compatible with the local historic heritage significance of local heritage places.

Acceptable Solution	Performance Criteria
<p>A1</p> <p>Replacement roofs on local heritage places which will be visible from any road or public open space adjoining the site, must be of a form and material to match the existing roof being replaced.</p>	<p>P1</p> <p>Roof form and materials must be compatible with the local historic heritage significance of a local heritage place, having regard to:</p> <ul style="list-style-type: none"> (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; (b) the design, period of construction and materials of the building on the site that the roof directly relates to; (c) the dominant roofing style and materials in the setting; and (d) the streetscape

The applicant has provided the following information to address P1:

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.

Council Officers agree with the applicant's design rationale regarding roofing and consider that the design is sympathetic to the heritage place. A condition will require that all finishes are non-reflective.

The proposal satisfies P1.

Clause C6.6.8 A1/P1 – Outbuildings and structures

Objective:
That the siting of outbuildings and structures are compatible with the local historic heritage significance of local heritage places.

Acceptable Solution	Performance Criteria
<p>A1</p> <p>Outbuildings and structures on local heritage places must:</p> <ul style="list-style-type: none"> (a) not be located in the front setback; (b) not be visible from any road or public open space adjoining the site; (c) not have a side that is longer than 3m; (d) have a gross floor area less than 9m²; (e) have a combined total area of all outbuildings on the site of not more than 20m²; (f) have a maximum height less than 2.4m above existing ground level; (g) not have a maximum change of level as a result of cut or fill of more than 1m; and (h) not encroach on any service easement or be located within 1m of any underground service. 	<p>P1</p> <p>Outbuildings and structures must be compatible with the local historic heritage significance of a local heritage place, having regard to:</p> <ul style="list-style-type: none"> (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; (b) the bulk, form and size of buildings on the site; (c) the bulk, form and size of the proposed outbuilding or structure; (d) the external materials, finishes and decoration of the outbuilding or structure; and (e) the visibility of the outbuilding or structure from any road or public open space adjoining the site.

The applicant has provided the following response to P1:

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.

The proposed outbuildings are required for the agricultural enterprise proposed for the site. They have been designed to be sympathetic to the heritage place. A condition will require they be non-reflective.

The proposal satisfies P1.

Clause C6.6.9 A1/P1 – Driveways and parking for non-residential purposes

Objective:	
That driveways and parking for non-residential purposes are compatible with the local historic heritage significance of local heritage places.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>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.</p>	<p>P1</p> <p>Driveways and parking areas for non-residential purposes must be compatible with the local historic heritage significance of a local heritage place, having regard to:</p> <ul style="list-style-type: none"> (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; (b) the loss of any building fabric; (c) the removal of gardens or vegetated areas; (d) parking availability in the surrounding area; (e) vehicle and pedestrian traffic safety; and (f) the streetscape.

The applicant provided the following information regarding P1:

The proposed driveway and parking areas will be primarily used 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.

The proposal includes significant landscaping as well as retaining vegetation on site which will assist in minimising the visual impacts of the carparking. No significant gardens or vegetated areas will be impacted by the proposed driveways or parking areas. The new parking areas are required for the proposed agricultural enterprise on site.

The proposal complies with P1.

Clause C7.6.1 A1/P1 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.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Buildings and works within a waterway and coastal protection area must:</p> <ul style="list-style-type: none"> (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 5m 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. 	<p>P1</p> <p>Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to:</p> <ul style="list-style-type: none"> (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;

	<p>(l) minimising the need for future works for the protection of natural assets, infrastructure and property;</p> <p>(m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and</p> <p>(n) the guidelines in the Tasmanian Coastal Works Manual.</p>
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The proposed visitor accommodation building and its onsite wastewater infrastructure will be within the Waterway and coastal protection area overlay due to the watercourse along the south of the site (Strathallan Rivulet). The applicant has provided a report which addresses the Code.

The report concludes that the development within the overlay would comply with P1 based on the following:

- a) The development and works area are located well away from the waterway.
- b) 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.
- c) Any development within the overlay area should only be approved with an appropriate, site specific soil and water management plan to reduce the risk of environmental harm and erosion.
- d) There will be no impacts on riparian vegetation and only minimal cut and fill is proposed.
- e) All works within the overlay area be undertaken in accordance with the 'Wetlands and Waterways Works Manual'.

Subject to conditions, the proposal satisfies P1.

5. REFERRALS

Technical Officer

The proposal was referred to Council's technical officers and their comments have been integrated into the report.

6. REPRESENTATIONS

One (1) representation was received during the statutory public exhibition period between 4th March and 20th March 2025.

The concerns of the representors are summarised below:

Representor's concerns	Planning Response
<p><i>Is there a staged development of the project, ie does Council require the agricultural part of the development need to be completed before commercial developments such as accommodation occurs</i></p>	<p><i>There is no staging proposed.</i></p>
<p><i>Will there be a change in zoning or would a new development have any objections that may change or impact the way we conduct our business, as we do irrigated cropping to the boundary of 451 where we have approvals for and are able to use reuse water, biosolids, crop herbicides and insecticides, crop pollination services such as bees, organic fertilisers such as chicken manure and sometimes we grow some smelly crops such as brassicas.</i></p>	<p><i>No zoning change is required.</i></p> <p><i>Whilst it is understood that reuse water and biosolids are applied in the Tea Tree area, TasWater have advised that there are no permits to apply re-use water or biosolids on adjoining Certificates of Title.</i></p> <p><i>The applicant has provided an amended agricultural report which has addressed the concerns in the representation regarding land use conflict from the sensitive use and adjoining agricultural activities.</i></p> <p><i>The amended submission found that the proposed visitor accommodation use is located well away from existing or proposed irrigation zones. This is due to the buffer created from the existing dwelling on site, and the buffer to the south of the site due to the waterway.</i></p> <p><i>The report states that 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.</i></p> <p><i>The area of riparian vegetation along the waterway to the site will provide a natural buffer to activities on adjacent properties to the south for the proposed visitor accommodation use. The report recommends that an additional vegetation buffer be installed along the eastern boundary of the site which 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.</i></p>

	<i>A condition will require this landscaping be provided.</i>
<p><i>There is also an issue that we need resolved is the southern boundary by the Strathallan Rivulet. It was our understanding with the previous owner Chris Rowe (Surveyor General) who bought, surveyed and put the subdivision application with the Council in 1977, that the boundary is the fence immediately to the North of the rivulet. Now, especially that 451 will be open to the public we wish the boundary is respected (at the fence) as there could be bio security issues for livestock, as well as trespass and public liability issues.</i></p> <p><i>Also, with accommodation only metres away from this fence, what steps will the proponents take to stop people trespassing on our land.</i></p>	<p><i>The boundary is defined by the Certificates of Title issued by the Land Titles Office, based on the survey plans submitted to it.</i></p> <p><i>Boundary fencing is a civil matter for property owners to agree upon.</i></p>
<p><i>There is a reserve road that runs through 451 which in the past has been used by large trucks and heavy farm machinery, we wish to be able to do the same in the future, will there be restrictions?</i></p>	<p><i>Use of the reserved road would be via agreement from the land owner, and for a more formal access, require a licence from Crown Land.</i></p> <p><i>Council Officers have advice from the Crown that there is currently no legal agreement for the Reserve Road to be used to access 503 Tea Tree road.</i></p>
<p><i>The final issue we seek some clarification on is at the intersection of the Maiden Erleigh Road and Tea Tree Road. It is our understanding that Brighton Council owns Maiden Erleigh Road, the state government owns the Tea Tree Road, is this correct?</i></p> <p><i>We, as an essential part for the viability of our farming operations have stock easements to pass stock underneath the Tea Tree Road and rail line, need to move stock across the Maiden Erleigh Road at the intersection with the Tea Tree Road. This has not been an issue in the past with traffic when moving stock as with only two residences use this road, but we see an issue if we are moving sheep across the</i></p>	<p><i>Yes, this is correct.</i></p> <p><i>The amended agricultural report recommends that a site traffic management plan for signage be provided to inform visitors and guests to the property of stock and machinery movements both along Maiden Erleigh Lane and the stock easement.</i></p> <p><i>The report states that the frequency of stock movements for a grazing operation in the local area is generally minimal and the existing fencing allows for an exclusion/ easy movement of stock.</i></p> <p><i>Further, there is sufficient areas on the laneway and property driveway for vehicles to</i></p>

<p><i>Maiden Erleigh Road which can take up to ten minutes and as a tourism venture which we imagine will be popular, where do cars and buses park on Tea Tree Rd while waiting for us to move the stock? If there is a crash, do we have any liability? If there is any upgrade to the intersection will our movement of stock be taken into account? maybe a stock underpass?</i></p>	<p><i>pull to the side and allow machinery or stock movement if required.</i></p> <p><i>Council's technical officers have also considered the representation regarding traffic matters. That response is provided below:</i></p> <p><i>The Maiden Erleigh road reservation and current configuration allows for vehicle passing when required and does not provide an impediment to current agricultural pursuits including movement of stock.</i></p> <p><i>The proposal will see an increase in vehicle movements using Maiden Erleigh Lane. The increase is considered acceptable and the road suitable to accommodate the increased volume and knowledge of the users.</i></p> <p><i>There are no planned upgrades that Council is considering for Maiden Erleigh Lane or are aware of by State Growth for Tea Tree Rd. The permit may make recommendations considered improvements to better manage vehicular passage and raise public awareness of road conditions along Maiden Erleigh Lane. Advertising and directional signage required to support the business should include this information in lieu of it being Council supplied.</i></p> <p><i>The present road conditions do not support taking any measures above what is already in place by default.</i></p>
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7. CONCLUSION

The proposal for Resource Development (Agricultural), Resource Processing (Manufacturing and processing of perfume products), General Retail and Hire (Cellar Door) and Visitor Accommodation (Farm Stay) and Construction of Buildings and Parking Areas at 451 Tea Tree Road, Tea Tree, 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 DA 2024/0243 at 451 Tea Tree Road, Tea Tree for Resource Development (Agricultural) Resource Processing (Manufacturing and processing of perfume products), General Retail and Hire (Cellar Door) and Visitor Accommodation (Farm Stay) and Construction of Buildings and Parking Areas for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

General

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) Where a conflict between the application for planning approval, endorsed drawing and conditions of this permit, the latter prevails.
- (3) 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*.
- (4) Prior to the commencement of any works or application for building permits under the Building Act 2015, whichever occurs first, the acquisition of adjoining land required to meet access, turning and setback requirements must be finalised through the sealing of a Final Plan of Survey in accordance with SA 2024/36

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*.

Amenity

- (5) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Director Development Services.
- (6) Before any work commences a schedule specifying the finish and colours of all external surfaces must be submitted to and approved by the Council's Director Development Services. The schedule shall form part of this permit when approved and must be completed within three (3) months or otherwise approved by Council's Director Development Services.
- (7) Prior to the use commencing, a schedule of signage must be provided to the satisfaction of Council's Director Asset Services which inform visitors and guests to the property of stock and machinery movements both along Maiden Erleigh Lane and the stock easement.

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

Landscaping

- (8) Before any work commences submit a landscape plan prepared by a suitably qualified person for approval by Council's Director Development Services. The landscape plan must include:
- (a) A survey of all existing vegetation to be retained and/or removed.
 - (b) The areas to be landscaped,
 - (c) Details of surface finishes of paths and driveways.
 - (d) Details of fencing.
 - (e) A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
 - (f) Landscaping and planting within all open areas of the site.
 - (g) Screening along the eastern boundary of the site adjacent to the proposed visitor accommodation.
 - (h) A statement addressing how the proposed fencing and landscaping is compatible with the local historic heritage significance of the local heritage place.

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.

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

Parking and Access

- (12) At least sixteen (16) car parking spaces must be provided on the land at all times for the use of the development, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
- (13) Unless approved otherwise by Council's Municipal Engineer all parking, access ways, maneuvering and circulation spaces must be provided in accordance with the endorsed drawings and the Australian Standard AS 2890.1 - 2004 – Parking Facilities Parts 1 – 6 and must include all of the following,

- a. be constructed with a durable all-weather pavement,
 - b. be drained to convey stormwater away from buildings, neighbours and not to create a nuisance,
 - c. have gradients in accordance with the applicable Tasmanian Standard Drawings, and meet the requirements of any applicable Bushfire Hazard Management report.
- (14) All areas set aside for parking, turning and access must be completed before the use commences and must continue to be maintained to the satisfaction of Councils Municipal Engineer.

Engineering

- (15) Prior to the application for building and plumbing approval being lodged with Council, the developer must submit to Council for approval an engineered parking plan that includes all of the following,
- (a) Design surface levels and gradients,
 - (b) Pavement details,
 - (c) Drainage,
 - (d) Turning and travel paths to demonstrate compliance with Australian Standard AS2890:1,
 - (e) Dimensions,
 - (f) Pedestrian pathways,
 - (g) Line marking and surface delineation,
 - (h) Signage.
 - (i) All requirements of this permit.

The parking plan must be certified by a practicing engineer and shall form part of the permit once 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.

- (16) The completed parking, accessways, maneuvering and circulation spaces must be certified by a practicing civil engineer on completion to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
- (17) All parking, accessways, maneuvering and circulation spaces must be completed before the use commences and must continue to be maintained to the satisfaction of Councils Municipal Engineer.

Stormwater

- (18) Stormwater drainage from the proposed development must drain to a legal point of discharge to the satisfaction of Councils General Manager and in accordance with a Certificate of Likely Compliance or Plumbing Permit issued by the permit authority in accordance with the Building Act 2016.

- (19) The driveways must be drained to minimise surface runoff over adjoining land in accordance with the requirements of Council's Municipal Engineer and in accordance with the Building Act 2016.

Services

- (20) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

Soil and Water Management

- (21) A soil and water management plan (here referred to as a '**SWMP**') prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Municipal Engineer before development of the land recommences.
- (22) Before any work commences temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's Municipal Engineer until the land is effectively rehabilitated and stabilised after completion of the development.
- (23) All development within the Waterway and Coastal Protection Overlay is to be done in accordance with the Tasmanian Wetlands and Waterways Works Manual.

Construction amenity

- (24) 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.
- (25) The development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
- | | | | | | |
|---|-------|----|----|------|----|
| • Monday to Friday | 7:00 | AM | to | 6:00 | PM |
| • Saturday | 8:00 | AM | to | 6:00 | PM |
| • Sunday and State-wide public holidays | 10:00 | AM | to | 6:00 | PM |
- (26) All works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function, and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
- emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property; and/or
 - transport of materials, goods, or commodities to or from the land; and/or
 - appearance of any building, works or materials.
- (27) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the land in an approved manner. Burning of such materials on-site will be permitted unless in accordance with the landscaping plan requiring disposal by such means.

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. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.
- D. The issue of this permit does not ensure compliance with the provisions of the Commonwealth Disability Discrimination Act 1992 in relation to access to or use of premises that the public can enter or use. Building access issues may also arise under other Disability Discrimination Act 1992 provisions relating to employment, access to services and accommodation provisions. The operator may be liable to complaints in relation to any non-compliance with the Disability Discrimination Act 1992.

There are currently no standards prescribed for compliance with the Disability Discrimination Act 1992, however, Australian Standards associated with the Act, including AS 1428.1-2001 - Design for access and mobility - General requirements for access - new building work and the Building Code of Australia (BCA) may apply to occupants of the building. It is recommended that you obtain further information concerning the Disability Discrimination Act 1992 from the Office of the Human Rights and Equal Opportunities Commission or the Tasmanian Anti-Discrimination Commission.

- E. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

DECISION:

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

CARRIED

VOTING RECORD

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

13. Petitions

Nil.

14. Officers Reports

14.1 March 2025 Quarterly Finance Report

Author: Director Corporate Services (G Browne)

Background

The Quarterly report was for consideration.

It contained the year-to-date Comprehensive Income Statement to 31st March 2025.

Consultation

Nil

Risk Implications

Nil

Financial Implications

Not Applicable

Strategic Plan

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

Social Implications

Not Applicable

Environmental or Climate Change Implications

Not Applicable

Economic Implications

Not Applicable

Other Issues

Nil

Assessment

Not Applicable

Options

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

RECOMMENDATION:

That the March 2025 Quarterly Financial Report be received.

DECISION:

Cr De La Torre moved, Cr McMaster seconded that March 2025 Quarterly Financial Report be received.

CARRIED

VOTING RECORD

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

14.2 10 Year Capital Plan

Author: Director Asset Services (C Pearce-Rasmussen)

Background

Councillors are collectively responsible for the setting and monitoring of council's strategic plans. Good strategic planning allows council to set its future direction and balance the needs and aspirations of the community with the resources that it has available.

It is important that the capital works program for coming decade is planned for and well understood to allow council to confirm alignment with it's long term financial plan.

Following two council workshops in which projects have been discussed and prioritised, a 10 year plan for council's new capital program has been proposed.

Consultation

Councillors & Senior Management Team

Risk Implications

Council's capital works plan must give consideration to the future needs of the community to ensure provision of the required infrastructure as demand increases with changes in demographics and growth. Failure to do so introduces the risk of council's infrastructure falling behind the requirements of the community. Potentially leading to reduced service levels, increased maintenance costs, and missed opportunities to support economic development and liveability

Financial Implications

Council's forward works program must integrate with the long term financial plan to ensure the financial sustainability of the organisation.

Strategic Plan

S1.2 Build resilience and opportunity

S1.3 Ensure attractive local areas that provide social, recreation and economic opportunities

S1.4 Encourage a sense of pride, local identity and engaging activities

S2.2 Encourage respect and enjoyment of the natural environment

S3.1 Implement strategic long-term asset management plan aligned to long-term financial plan

S3.2 Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population

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

S4.1 Be big picture, long-term and evidence based in our thinking

S4.4 Ensure financial and risk sustainability

Social Implications

Thoughtful infrastructure planning can foster community engagement and promote health and well-being through increased physical activity opportunities.

Additionally, careful selection of infrastructure projects can encourage a sense of pride and local identity by creating attractive, inclusive local areas that provide social, and recreational opportunities.

Environmental or Climate Change Implications

Capital infrastructure planning needs to give consideration to environmental impact through use of sustainable materials, energy efficient construction and design, protection of local biodiversity as well as management of waste and by-products of construction.

Careful infrastructure planning plays a significant role in establishing resilient communities, positioning the municipality to adapt to the changing climate and its impacts as required.

Economic Implications

Designing and maintaining a built environment that supports businesses, encourages physical activity and fosters a sense of community allows council to create vibrant and economically prosperous areas across the municipality.

Outdated or insufficient infrastructure can hinder local economic growth, deter investment and reduce the council's ability to support industry, tourism and growth of the region.

Other Issues

Nil.

Assessment

The 10 year capital plan has been drafted through joint discussion between councillors, senior staff and the Asset Services Department.

The plan encompasses a range of projects and gives consideration to the forecast changes within the municipality over the coming decade.

It is noted that the plan will be reviewed periodically and adjustments will be made within the next 2-3 year period, as council remains responsive to the changing needs of the community.

Options

1. As per the recommendation.
2. An alternative motion as proposed by Council.

RECOMMENDATION:

That Council adopt the 10 Year Plan 2025 for implementation.

DECISION:

Cr De La Torre moved, Cr Curran seconded that Council adopt the 10 Year Plan 2025 for implementation.

CARRIED

VOTING RECORD

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

14.3 Community Residential Festive Lighting Guidelines

Author: Senior Project Engineer (L Ali-Lavroff)

Authorised: Director Asset Services (C Pearce-Rasmussen)

Background

Over recent years, Council have received complaints from residents regarding the impacts of residential Christmas lighting displays. While these displays contribute to the festive spirit and are enjoyed by many in the community, they can also result in unintended issues such as excessive pedestrian activity, traffic congestion, blocked driveways and general disruption to the surrounding area.

In response to these concerns, Council has developed the *Community Residential Festive Lighting Guidelines* to assist residents in planning and managing their displays in a way that ensures safety, minimises disruption and maintains the enjoyment for all.

This document provides guidance on appropriate considerations and expectations, helping strike a balance between festive celebration and community wellbeing.

Consultation

Director Asser Services (C Pearce-Rasmussen)

Risk Implications

Nil.

Financial Implications

Nil.

Strategic Plan

S1.1 Engage with and enable our community

S1.2 Build resilience and opportunity

S1.3 Ensure attractive local areas that provide social, recreation and economic opportunities

S1.4 Encourage a sense of pride, local identity and engaging activities

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

S4.3 Ensure strong engagements and relationships to shape the agenda and advocate for our community

Social Implications

Without the provision of these guidelines, the social impacts of unmanaged Christmas lighting displays could escalate, leading to increased community frustration, safety risks, and neighbourhood disputes. The absence of clear expectations may result in displays that unintentionally disrupt residents' daily lives through traffic congestion, noise, and reduced access to private properties.

By not addressing these issues, Council may also be perceived as unresponsive to community concerns, potentially undermining trust and social cohesion during what should be a positive and inclusive time of year.

Environmental or Climate Change Implications

Nil.

Economic Implications

Nil.

Other Issues

Nil.

Assessment

The preparation of these guidelines demonstrates Council's proactive approach to supporting community traditions while promoting safety and neighbourhood harmony. By providing clear and practical guidance, Council aims to engage residents in a positive and collaborative manner, encouraging responsible planning of Christmas lighting displays. This not only reflects Council's commitment to community wellbeing but also helps balance festive celebrations with the needs of all residents, fostering inclusivity, safety, and goodwill during the holiday season.

Options

1. As per recommendation.
2. Decline preparation of guidelines for community Christmas lighting

RECOMMENDATION:

That Council adopt the *Community Festive Lighting Guidelines* to provide clear direction for residents and promote safe, enjoyable and respectful festive displays across the municipality.

DECISION:

Cr Owen moved, Cr Geard seconded that Council place the Community Festive Lighting Guidelines out for community consultation for a period of 3 weeks.

CARRIED

VOTING RECORD

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

14.4 Submission on the Land Use Planning and Approvals (Development Assessment Panels) Bill 2025

Author: Director, Development Services (A Woodward)

Background

In 2023, the Premier announced the development of new legislation to allow certain development applications to be determined by an independent Development Assessment Panel (DAP) appointed by the Tasmanian Planning Commission. At the time, Council resolved to write a submission outlining a number of issues and urging the government to make amendments. Following this a Draft Bill was produced and the submissions of Council were not addressed. The Bill failed to pass the state's upper house in December 2024 and was ultimately lost.

The Minister for Planning has now released a revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025 (revised draft DAP Bill) for consultation from 26 February 2025 to 24 April 2025 along with a Background Report.

The key changes in the revised Bill are:

- Removal of the ability to request transfer of an application to a DAP process partway through a council assessment process.
- Reduction in the subjective grounds upon which the Minister can refer a new application to a DAP (no longer if an application is 'controversial').
- 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.
- 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.
- Other changes relate to alternate dispute resolution techniques, modified hearing dates, substitute panel members and Heritage Council involvement in the process.

The revised DAP Bill eligibility criteria now includes:

- 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;
- The application is for development that is considered to be of significance to the local area or State;
- The applicant or planning authority is of the view that the planning authority does not have the technical expertise to assess the application;
- 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
- a class of application prescribed in Regulations.

Consultation

A workshop with Council on the new DAP Bill was held on 1 April 2025.

Risk Implications

Nil

Financial Implications

Nil

Strategic Plan

- 4.1 Be big picture, long-term and evidence based in our thinking.
- 4.2 Be well-governed, providing quality service and accountability

- 4.3 Ensure strong engagements and relationships to shape the agenda and advocate for our community

Social Implications

Nil

Environmental or Climate Change Implications

Nil

Economic Implications

Nil

Other Issues

Nil

Assessment

Officers have reviewed the new Draft Bill and feel that the changes are generally positive in nature. However, there are still the fundamental issues that exist with the legislation. These issues formed part of the Council's previous submission which are still yet to be addressed.

Ministerial Direction on Planning Scheme Amendments

In summary, a person may apply to the Minister for Planning for a direction to instruct a planning authority to prepare an amendment to the Planning Scheme, if the same request was refused by the Planning Authority following a review of that decision by the Tasmanian Planning Commission (Commission).

If an application is lodged with the Minister for review, it may be referred to Council and the Commission who then have 7 days to respond to any request from the Minister to an application. The Minister may refuse a request, or direct the Planning Authority to prepare an amendment.

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.

Reducing public involvement

Delaying exhibition until a recommended decision has been made and removing appeal rights is contrary to the objectives of the Resource Management and Planning System of Tasmania, which encourages public involvement in resource management and planning.

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 DAP assessments be undertaken by candidates with greater experience than those currently undertaking the assessments?

Considering the above matters, a response in Attachment 3 is recommended.

Options

1. As per the recommendation.
2. As per the recommendation with amendments.
3. Other.

RECOMMENDATION:

That Council make a submission to the State Planning Office *on the revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025* as per Attachment 3.

DECISION:

Cr Irons moved, Cr Curran seconded that Council make a submission to the State Planning Office on the revised Land Use Planning and Approvals (Development Assessment Panel) Bill 2025 as per attachment 3.

CARRIED

VOTING RECORD

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

14.5 Boyer Road Precinct Structure Plan & Infrastructure Funding Framework - Stage 2 Community Consultation

Author: Strategic Planner (B White)

Authorised: Director Development Services (A Woodward)

Purpose

This report aims to consider Holmes Dyer's responses to feedback received during stakeholder consultation (Stage 2) of the Boyer Road Precinct Structure Plan and Infrastructure Funding Framework ('the Project').

Background

Brighton Council received funding under the Federal Government's Housing Support Program (HSP) Stream 1 to prepare a precinct structure plan, infrastructure funding framework and a planning scheme amendment, for the rezoning of land along Boyer Road, Bridgewater ('Boyer Road Precinct'), currently zoned 'Future Urban'.

The Boyer Road Precinct is identified in the Southern Tasmanian Regional Land Use Strategy ('STRLUS') as a 'Greenfield Development Precinct'. Prior to these areas being rezoned and released for residential development, a precinct structure plan must be prepared. This is the basis for the Project.

Brighton Council awarded the tender for the Project to Holmes Dyer.

Holmes Dyer have prepared a draft Precinct Structure Plan and Masterplan (also referred to as a 'development framework') for the Boyer Road Precinct based on a range of background reports and stakeholder/ community consultation.

A project page on Council's Have Your Say page contains all relevant background reports and factsheets on the project. It has regularly been updated throughout the project.

It is noted that as of the 9th April 2025, Council has moved to using 'Social Pinpoint' for consultation on projects moving forward. A new project page will be created on Social Pinpoint to keep stakeholders informed of the Project's progress.

However, the previous consultation page will still be available for viewing on Council's website under "Previous Consultations".

1st Round Consultation

The first stage of consultation on the Boyer Road Precinct Structure Plan concluded on 20 January 2025.

The consultation presented the initial findings from a series of investigations into the capability of the Boyer Road Precinct to accommodate future housing, and sought feedback from:

- The 6 landowners within the precinct;
- Surrounding landowners;

- The wider community; and
- Service providers.

The feedback received has been used to prepare a Boyer Road Precinct Structure Plan & Infrastructure Framework, which details the investigations that have been undertaken to inform the future rezoning of the Precinct to support residential development, and a series of plans (including a Master Plan) to guide the future development of the land and associated infrastructure requirements.

2nd Round Consultation

Stage 2 consultation commenced on 27 February 2025 and concluded on 20 March 2025. The same stakeholders were invited to complete a survey and make written submissions as were invited to comment on Stage 1.

At the conclusion of the consultation period, 19 survey response and 9 written responses were received. Responses to the survey included 17 from community members who live in the vicinity of the Boyer Road precinct and 2 from landowners within the precinct.

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

The results of the survey and submissions received, and Holmes Dyer's responses to the issues raised, are provided as Attachment A.

Council Officers have worked with Holmes Dyers to respond to the submissions received and to amend the Development Framework accordingly.

The amended Development Framework is provided as Attachment B.

Next Steps

The next step of the Project is the preparation of a planning scheme amendment and specific area plan, to be considered by Council for initiation at its meeting of the 6th May 2025.

Risk implications

Nil.

Financial Implications

Nil.

Strategic plan

This project aligns with the following strategies:

- Goal 1: Inspire a community that enjoys a comfortable life at every age,
 - 1.1 Engage with and enable our community
 - 1.3 Ensure attractive local areas that provide social, recreational and economic opportunities
 - 1.4 Encourage a sense of pride, local identity and engaging activities
- Goal 2: Ensure a sustainable environment
 - 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
- Goal 3: Manage infrastructure and growth effectively
 - 3.2 Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population

Social implications

Nil

Economic implications

Nil.

Environmental or climate change implications

Nil.

Other Issues

Nil.

Assessment

The Boyer Road Precinct Structure Plan presents a unique opportunity for Council to lead a greenfield development project that incorporates best practices and contemporary town planning principles. This project has the potential to increase Brighton's 'shovel-ready' housing supply and deliver a sustainable, liveable community in a strategically advantageous location.

Holmes Dyer and Council officers have carefully considered the submissions received during the Stage 2 consultation and have responded accordingly. In relation to the adjoining Rural Living zoned properties to the east, which raised concerns throughout the project, it is important to note that Holmes Dyer have intentionally designed the Development Framework with a generous buffer between the subject site and this area. This buffer includes a transition of lot sizes and a strip of open space along the boundary.

Concerning the concerns raised by the landowner within the subject site, particularly regarding the increase in curtilage around that property, Council officers are confident that, should the landowner wish to revise the curtilage, the Development Framework and Specific Area Plan provisions will offer sufficient flexibility to accommodate future subdivision of the curtilage, thus increasing lot yield. It's also noted that the lot yield reduced by the expanded curtilage has been compensated for by the addition of smaller lots along the main open space spine.

Council officers are satisfied with Holmes Dyer's response to the submissions and the changes made to the Development Framework.

Options

1. As per the recommendation; or
2. Do not note Holmes Dyer's responses to stage 2 consultation; or
3. Other.

RECOMMENDATION:

It is recommended that Council notes Holmes Dyer's response to submissions received during stage 2 consultation of the Boyer Road Precinct Structure Plan and Infrastructure Funding Framework project.

DECISION:

Cr De La Torre moved, Cr Whelan seconded that Council notes Holmes Dyer's response to submissions received during stage 2 consultation of the Boyer Road Precinct Structure Plan and Infrastructure Funding Framework project.

CARRIED

VOTING RECORD

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

14.6 Request from Brighton Community Food Hub - Terrapin Building, 27 Green Point Road, Bridgewater

Author: Director Development Services (A Woodward)

Background

Council has been approached by the Brighton Community Food Hub (BCFH) to consider engaging with the Tasmanian Government to consider purchasing the Terrapin building behind the Brighton Community Health Centre, at 27 Green Point Road, Bridgewater.

As outlined in the letter, correspondence between Council and the Minister have indicated that it is the Government's intention to dispose of the Terrapin building. The reason for this decision is that the building has been deemed unsuitable for their future use due to structural issues, extensive damage and accessibility issues, and it would not be economically viable to refurbish and maintain it.

Council was recently provided with a copy of an Inspection Report undertaken by an independent qualified Building Surveyor. The report conducted a complete assessment of the building and found that the floor framework, external fabric and internal linings were all in poor quality. Most of the other structural components were in fair condition. The report generally found that the building would have negligible risks to able bodies occupants, but would however represent extreme risks to wheelchair users, due to access limitations in and throughout the building.

Terrapin Structures were historically designed and constructed as temporary solutions, with an expected life span of approximately 25 years. It is noted that this building was erected in 1991 and is considered to be at the end of its serviceable life.

However, the terrapin is situated in a prime community hub in the heart of Bridgewater, where community spaces for community groups to meet or operate a service are at capacity. The terrapin is currently still being utilised by the local knitting group and a drumming group from the School for Seniors. The Brighton Community Food Hub believe that they need to be back in a Bridgewater location to improve access for a broader audience. As anticipated, Old Beach does present transport and access challenges for those living in Bridgewater, Gagebrook and Herdsmans Cove.

There is the option that Council approaches the State Government to lobby for the possibility of a lease agreement directly between State Government and the Brighton Community Food Hub rather than Council taking on the liability of a State Government asset. In a similar manner to the Scout Hut at Old Beach, the Brighton Community Food Hub has indicated that they have some funds to repair and fit out the building. If this avenue was to be progressed, Council could be supportive through a financial contribution to be agreed in the future, to help with the renovations required.

Consultation

SMT, Community Development, Brighton Community Food Hub (BCFH).

Risk Implications

There may be some risk that the BCFH will be disappointed with the recommendation, however by providing an explanatory letter, this would go towards addressing these concerns. It is considered that by taking ownership of the terrapin building this would expose Council to an unacceptable level of risk and financial liability in its current state. If Council were to agree to purchasing the building and seeking a lease over the land, this would also come with additional risks. This potentially includes the possibility that the crown may not agree to the building being used in its current form due to the structural issues.

Financial Implications

There are no material financial implications associated with this motion.

Strategic Plan

- 1.1 Engage with and enable our community.
- 1.2 Build resilience and opportunity.
- 1.3 Ensure attractive local areas that provide social, recreational and economic opportunities.
- 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
- 3.3 Community facilities are safe, accessible and meet contemporary needs
- 4.4 Ensure financial and risk sustainability

Social Implications

At present the BCFH do not feel they are in the ideal location for the services they provide. It is Officers' position that staff will continue to work with BCFH to find a more suitable location moving forward. The BCFH is a critical initiative for our communities, providing affordable access to food against the backdrop of the continued rising cost of living. The numbers of people accessing this service demonstrates the all too real experience of food poverty in our communities and beyond. Council has a social responsibility to continue to support this initiative in any way possible.

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. Other

RECOMMENDATION:

That Council:

1. Resolves not to proceed with the investigation into the purchase of the terrapin building located at 27 Green Point Road, Bridgewater; and
2. Writes to the Brighton Community Food Hub advising that Council will not be purchasing the terrapin but will support the Food Hub in advocating for a lease directly with State Government to deliver a place based solution for Tasmania Department of Health to support health and wellbeing initiatives in our communities.

Cr Owen moved, Cr Curran seconded that Council suspend standing orders.

CARRIED

VOTING RECORD

In favour

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

Cr Owen moved, Cr Geard seconded that Council resume standing orders.

CARRIED

VOTING RECORD

In favour

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

DECISION:

Cr Irons moved, Cr McMaster seconded that Council resolves to continue discussions with the State Government and Food Hub to seek a practical outcome.

CARRIED

VOTING RECORD

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

15. Questions on Notice

There were no Questions on Notice for the April meeting.

Meeting closed: 6.40pm

Confirmed: _____
(Mayor)

Date: 20 May 2025
