



**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, 20 MAY 2025**

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

IN ATTENDANCE: Mr C Pearce-Rasmussen (Acting Chief Executive Officer); Mr A Woodward (Director Development Services); Ms G Browne (Director Corporate Services); Ms A Turvey (Manager Community Development & Engagement); Mr Leigh Wighton (Manager Development Engineering) Mrs J Blackwell (Manager Planning).

1. Acknowledgement of Country

2. Apologies / Applications for leave of absence

Cr Owen moved, Cr Murtagh seconded that Cr Irons be granted leave of absence.

CARRIED

VOTING RECORD

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

3. Confirmation of Minutes

3.1 Ordinary Council Meeting

The Minutes of the previous Ordinary Council Meeting held on the 15th April 2025 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the previous Ordinary Council Meeting held on 15th April 2025, be confirmed.

DECISION:

Cr Geard moved, Cr De La Torre seconded that the Minutes of the previous Ordinary Council Meeting held on 15th April 2025, be confirmed.

CARRIED

VOTING RECORD

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

3.2 Planning Authority Meeting

The Minutes of the Planning Authority Meeting held on the 6th May 2025 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Planning Authority Meeting held on the 6th May 2025, be confirmed.

DECISION:

Cr Curran moved, Cr Owen seconded that the Minutes of the Planning Authority Meeting held on 6th May 2025, be confirmed.

CARRIED

VOTING RECORD

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

3.3 Community Development Committee Meeting

The Minutes of the Community Development Committee Meeting held on the 6th May 2025 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Community Development Committee Meeting held on the 6th May 2025, be confirmed.

DECISION:

Cr De La Torre moved, Cr Curran seconded that the Minutes of the Community Development Committee Meeting held on 6th May 2025, be confirmed.

CARRIED

VOTING RECORD

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

4. Declaration of Interest

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

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

Cr Whelan declared an interest in Item 14.4.

5. Public Question Time and Deputations

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

There was no requirement for Public Question Time.

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

The Mayor's communications are as follows:

- 21/4 Media event re Seymour Street with Rebecca White
- 25/4 Anzac Day Service
- 29/4 STRLUS Meeting
- 1/5 Keynote Speaker event by New Bridgewater Bridge Project Director
- 2/5 Official Launch of Incat Hull 096
- 5/5 Briefing on the new Youth Justice Facility
- 6/5 Council Workshop

- 6/5 Community Development Committee Meeting
- 6/5 Planning Authority Meeting
- 9/5 TasWaste South Board Strategic Alignment Workshop
- 9/5 Conference call with Department of Infrastructure
- 12/5 Official Opening of Brighton Town Square
- 15/5 LGAT GMC Meeting
- 20/5 Council Meeting

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr McMaster moved, Cr Geard 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 McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

6.2 Reports from Council Representatives

- Cr Geard gave a verbal report on the Southern Municipal Emergency Liaison Group meeting that he recently attended.

RECOMMENDATION:

That the verbal reports from Council representatives be received.

DECISION:

Cr De La Torre moved, Cr McMaster 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 McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

7. Miscellaneous Correspondence

- Letter from the Treasurer dated 7th May 2025 regarding privatisation of public transport.

8. Notification of Council Workshops

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

One (1) Council workshop has been held since the previous Ordinary Council meeting.

- A workshop was held on the 6th May 2025 at 4.30pm in relation to the new Youth Justice Facility at Pontville.

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

Apologies: Nil.

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

11. Reports from Committees

11.1 Community Development Committee - 6 May 2025

The recommendations of the Community Development Committee held on 6th May 2025 are submitted to Council for adoption.

RECOMMENDATION:

That the recommendations of the Community Development Committee meeting held on 6th May 2025 be adopted.

DECISION:

Cr De La Torre moved, Cr Geard seconded that the recommendations of the Community Development Committee meeting held on 6th May 2025 be adopted.

CARRIED

VOTING RECORD

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

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 Draft Amendment to the Brighton Local Provisions Schedule to amend BRI-S11.0 South Brighton Specific Area Plan - RZ 2025/2 - Section 40K Report

Author: Planning Officer (D Van)
 Authorised: Manager Planning (J Blackwell)

File Reference:	RZ 2025/02
Type of Application:	Section 40K of the <i>Land Use Planning and Approvals Act 1993</i>
Address/Subject Site:	Various
Owner/s:	Various
Requested by:	Brighton Council
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Proposal:	<p>To amend Brighton Local Provisions Schedule ordinance in the BRI-S11.0 South Brighton Specific Area Plan, as follows:</p> <ul style="list-style-type: none"> Amend Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework; and Amend the wording of BRI-S11.8.2 P1.2 by removing '<i>Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.</i>' and replacing with '<i>Council's adopted Infrastructure Contributions Policy that is relevant to the land.</i>'
Date advertised:	9 th April 2025 to 13 th May 2025
Representations:	Four (4) received during and after the advertising period.
Attachments:	<p>Attachment A – Representation – TasWater</p> <p>Attachment B – Representation - Aboriginal Heritage Tasmania</p> <p>Attachment C – Representation – Even Boardman</p> <p>Attachment D – Representation - TasNetworks</p>

1. EXECUTIVE SUMMARY

Council's Planning Authority, at its meeting on 1st April 2025, agreed to initiate the proposed draft planning scheme amendment (draft amendment) made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act'), to amend the Brighton Local Provision

Schedule (LPS) by revising the BRI-S11.0 South Brighton Specific Area Plan (South Brighton SAP) as follows:

- Amend Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework; and
- Amend the wording of BRI-S11.8.2 P1.2 by removing '*Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.*' and replacing with '*Council's adopted Infrastructure Contributions Policy that is relevant to the land.*'

The amendment application was then exhibited for a period of twenty-eight (28) days, in requirements of s.40H of the Act.

This is a report required to be submitted to the Commission after the end of the exhibition period in relation to the draft amendment under the requirement of s.40K of the Act.

2. LEGISLATIVE REQUIREMENTS

In accordance with s.40H of the Act, the planning authority must exhibit the draft amendment RZ 2025-02 for twenty-eight (28) days.

Comment: The draft amendment was on public exhibition from 9th April 2025 until 13th May 2025.

Following exhibition, the planning authority must consider any representations and provide a report to the Commission within 35 days [s40K(1)].

Comment: The s.40K report and relevant documentation will be provided to the Commission within the above timeframe.

The report must include [s.40K(2)]:

- a copy of each representation made before the end of the exhibition period;
- a copy of each representation made after the end of the exhibition period;
- a statement of the planning authority's opinion as to the merit of each representation;
- a statement as to whether the planning authority is satisfied that the draft amendment meets the LPS criteria; and
- any other recommendations in relation to the draft amendment.

Comment:

- a copy of each representation received before the end of the exhibition period is attached with this report (Attachments A-C)*
- a copy of each representation received after the end of the exhibition period is attached with this report (Attachment D)*
- a planning authority's response on merit is included in this report.*
- a statement is included in this report.*
- no other recommendations.*

3. REPRESENTATIONS AND RESPONSE

Three (3) submissions were received during the public exhibition period, and one (1) additional submission was received after the exhibition period had concluded. Under s.40K(2), the report on representation must contain a copy of each representation made in relation to the draft amendment RZ 2025-02 before and after the end of the exhibition period.

Below is a summary of the four (4) representations received and the assessing officer's response on the merit of each representation as required by s.40K(2)(c) of the Act.

No.	Submission	Response on merit
Representation 1 – TasWater (Attachment A)		
1.	TasWater does not object to the draft amendment to the Brighton Local Provisions Schedule and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.	Noted. No response required.
Representation 2 – Aboriginal Heritage Tasmania (Attachment B)		
1.	<p>If there are future plans for any ground disturbance or construction on the properties (including for subdivision purposes which involves fencing, vegetation management etc.), please contact AHT in the very early planning stages.</p> <p>AHT's records indicate that this area has had a previous Aboriginal heritage assessment, with several Aboriginal heritage sites located within the project area footprint. Recommendations of the Aboriginal heritage assessments concluded that these sites be noted and avoided, one site to be conserved in situ and protected from any impacts via the recommended management strategies.</p>	It is noted that the proposal draft amendment does not involve any works or ground disturbance. No response required.
Representation 3 – Evan Boardman (Attachment C)		
<p>Council officers note that Representor 3 made a similar representation to the original planning scheme amendment and his client's concerns were considered by the Commission at that time. It is considered that Representor 3's concerns do not specifically address the draft amendment (s40J(5)). Nevertheless, the Representor's submission has been addressed below:</p>		
1.	<p>Fundamental Flaws in the South Brighton Specific Area Plan (SAP):</p> <ul style="list-style-type: none"> The SAP is fundamentally flawed and the Proposed Amendment does not address these flaws. The amendment imposes a static plan of subdivision, alters an already approved plan, and introduces an 	<p>The draft amendment does not fundamentally change the implications and objectives of the South Brighton SAP. Instead, it aims to correct inconsistencies in the current plan.</p> <p>Amendment to Figure BRI-S11.2:</p> <ul style="list-style-type: none"> Replace the South Brighton Master

	unenforceable development standard around infrastructure contributions.	<p>Plan Revision I with Revision J.</p> <ul style="list-style-type: none"> Revision J has already been used for Figure BRI-S11.4 Stormwater Catchments in the SAP and was previously submitted to the Commission during the 2023 process to introduce the South Brighton SAP. This change addresses the inconsistency between Figure BRI-S11.2 and BRI-S11.4 The modification is minor but considered to be critical to provide frontage so that both 10 and 10A Dylan St can be developed to their full potential. <p>Amendment to Subclause BRI-S11.8.2 P1.2:</p> <ul style="list-style-type: none"> Rename the policy from '<i>Key Infrastructure Investments and Defined Infrastructure Charges policy</i>' to '<i>Infrastructure Contributions Policy</i>'. This change was recognized as necessary by the Council at its Ordinary Meeting in October 2024 to provide clearer guidance on how the policy relates to the provision of infrastructure that is the responsibility of the Council. The amendment aims to prevent inconsistencies and confusion for future developments regarding infrastructure contributions. <p>Once approved, the draft amendment will ensure that the planning controls are more consistent, thereby better achieving the overarching objectives of the South Brighton SAP.</p>
2.	<p>Issues with Static Plan of Subdivision:</p> <ul style="list-style-type: none"> Inserting a static subdivision plan into the planning scheme locks it into delivering only the exact plan, regardless of unforeseen circumstances. Any changes to the static plan require amendments to the planning scheme, 	<p>Council's officers understand the static plan of subdivision as mentioned in the representation is referred to Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework (the Development Framework).</p> <p>The Development Framework is not a</p>

	<p>leading to potential endless rounds of amendments.</p>	<p>subdivision plan that locks development as it is. Instead, it provides a strategic framework for future subdivision in the South Brighton Area.</p> <p>The Development Framework was approved by the Commission during the previous process of introducing the South Brighton SAP in 2024. The current draft amendment seeks to address inconsistencies mentioned earlier and does not introduce any new framework.</p> <p>Any variations in implementing the frameworks in practice (e.g., a private developer proposing a different layout plan for their lot) do not necessarily require a planning scheme amendment. Instead, they must comply with the set Performance Criteria under BRI-S11.8.3.1 P1 (for Precinct A).</p>
3.	<p>Altering an Approved Plan of Subdivision:</p> <ul style="list-style-type: none"> • The Proposed Amendment benefits only two landowners, particularly Dourias MGH Pty Ltd, without providing strategic benefits to the municipality or region. • The amendment increases the length of a proposed road and adds four lots on 14 Dylan Street. • The Proposed Amendment lacks justification, raising concerns it may benefit a specific landowner. The representor's clients previously submitted a subdivision plan for their property at Melinda Court. If the Council can amend the SAP for others without strategic reasons, it should do the same for my clients. Without changes, the SAP would result in significant loss of my clients' land for public use without compensation. 	<p>The South Brighton SAP is designed to address the complexity of achieving increased housing density through infill development and providing associated infrastructure across many land parcels with different ownerships within the area.</p> <p>Implementing the South Brighton SAP through planning controls will benefit the area and region as a whole.</p> <p>Any proposed subdivision plan within the South Brighton SAP must comply with relevant standards. Since the draft amendment does not introduce new subdivision standards, this matter is considered not relevant.</p>
4.	<p>Flaws within the SAP Plans:</p> <ul style="list-style-type: none"> • The geographical extent of the SAP differs between figures, leading to inconsistencies. • The SAP applies inconsistently across separate areas, one of which is subject to a potentially conflicting SAP/Code. 	<p>Since the proposed draft amendment does not introduce a new geographical extent of the South Brighton SAP, this matter is considered not relevant.</p>

5.	<p>Development Standard for Infrastructure:</p> <ul style="list-style-type: none"> • The proposed development standard for infrastructure provision is inappropriate and does not address the issue of unequal infrastructure costs and benefits among landowners. • The Council's Infrastructure Policy is vague and lacks implementation details 	<p>The Commission accepted during the earlier process of introducing the South Brighton SAP into the Brighton LPS that, without the South Brighton SAP, the cost of providing infrastructure within the subject area would likely be spread over the Council's wider ratepayer base, rather than being attributed to the developer of each site.</p> <p>The Council's Infrastructure Policy and its previous versions have been adopted and implemented since 2018. This policy sets guidelines for how the Council can make key infrastructure investments. The Council will recoup these investments by imposing a charge on the creation of new lots or the intensification of land that benefits directly from these investments. This approach has proven effective in addressing the issue of unequal infrastructure costs and benefits among landowners.</p> <p>The draft amendment does not introduce any new policy regarding infrastructure contributions. Instead, it seeks to amend the old name to the new name of "Infrastructure Contributions Policy."</p>
6.	<p>Lack of Supporting Information:</p> <ul style="list-style-type: none"> • No supporting information or documentation is provided to demonstrate the necessity or strategic planning benefit of the Proposed Amendment. • The amendment fails to satisfy mandatory provisions of the <i>Land Use Planning and Approvals Act 1993</i>. 	<p>The South Brighton Master Plan and Development Framework were prepared by Brighton Council with relevant experts, considering various aspects such as infrastructure provisions, Aboriginal Heritage, land capability, natural values, and agricultural values. These plans were publicly consulted before being introduced to the planning scheme as a Specific Area Plan in 2024.</p> <p>The South Brighton Master Plan Revision I will be replaced with Revision J to correct a previous inconsistency identified during the introduction of the South Brighton SAP in 2024, following consultation with the Tasmanian Planning Commission. This update will not alter existing planning controls but ensures alignment with the South Brighton Development Framework,</p>

		<p>as reflected in Figure BRI-S11.4 Stormwater Catchments. Additionally, the 'Key Infrastructure Investments and Defined Infrastructure Charges Policy' will be reworded to 'Infrastructure Contributions Policy.' While minor changes have been made (see Table 1 below), the policy's core elements—including purpose, scope, objectives, and payment processes—remain unchanged, ensuring consistency in the Council's infrastructure investment approach.</p> <p>On this basis, the purpose and objective of the South Brighton Specific Area Plan remain unchanged, and it satisfies the LPS criteria under the Act.</p>
Representation 4 – TasNetworks (Attachment D)		
1	TasNetworks don't have any issues with the draft amendment.	Noted. No response required.

4. MODIFICATIONS TO THE DRAFT AMENDMENT

No modifications to the draft amendment RZ 2025-02 are required.

5. CONCLUSION

A total of four (4) representations were received during and after the public exhibition period for the draft amendment RZ 2025-02. The representations have been considered, and it has been determined that there are no reasons for the Planning Authority not to proceed with the Draft Amendment RZ 2025-02.

The proposed draft amendment still meets the LPS criteria as required by s.40K(2)(d) of the Act and does not require any modification (s.40K (2)(c)).

6. OPTIONS

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

RECOMMENDATION:

It is recommended that Council resolves that:

- a) Pursuant to section 40K(1) of the *Land Use Planning and Approvals Act 1993*, provide the Tasmania Planning Commission with a copy of this report.
- b) Pursuant to section 40K (2)(a)(b) of the *Land Use Planning and Approvals Act 1993*, provide to the Tasmanian Planning Commission a copy of each of the representations

that were received during and after the advertising of draft amendment RZ 2025-02.

- c) Pursuant to section 40K (2)(c) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the representations received during advertising do not warrant a modification to draft amendment RZ 2025-02 as detailed in this report.

DECISION:

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

CARRIED

VOTING RECORD

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

12.2 Development Application DA 2024/233 - Fill & Associated Site Works at 12, 15, 16, 17 Dylan Street, Brighton

Author: Planning Officer (D Van)

Authorised: Manager Planning (J Blackwell)

Applicant:	Hein Poortenaar
Subject Site:	12, 15, 16, & 17 Dylan Street, Brighton Volume: 2599061 – Folio 8, 9, 10, 12
Proposal:	Fill & Associated Site Works
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	Light Industrial Zone
Codes:	Bushfire prone
Local Provisions:	Brighton Highway Services Precinct Specific Area Plan
Use Class:	Not required to be categorised (Clause 6.2.6)
Discretions:	Clause 7.10.1
Representations:	1 representation were received. The representor raised the following issues: <ul style="list-style-type: none">Flooding concerns and lack of a flood assessment by a qualified engineer.
Attachments	1. Assessment documents 2. TasWater SPAN
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2024/233.

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 details a proposal for land filling on 12, 15, 16 and 17 Dylan Street, Brighton (the Site). The subjected lots were initially developed as a residential subdivision with Dylan Street accessed via William Street. The area fronting Hove Way was rezoned to the Light Industrial Zone to serve highway traffic.

The site has approximately 326m of frontage along Hove Way. The western part of the site is wide and flat, while the eastern part becomes progressively narrower and steeper, requiring fill to create a level platform.

The site covers approximately 4.941 hectares (see Figure 1). According to LISTMAP, the site contains a dam (water body) and a watercourse, as shown in Figure 1. Additionally, there is a Tasmanian Irrigation pipeline running at the southern end of the site.

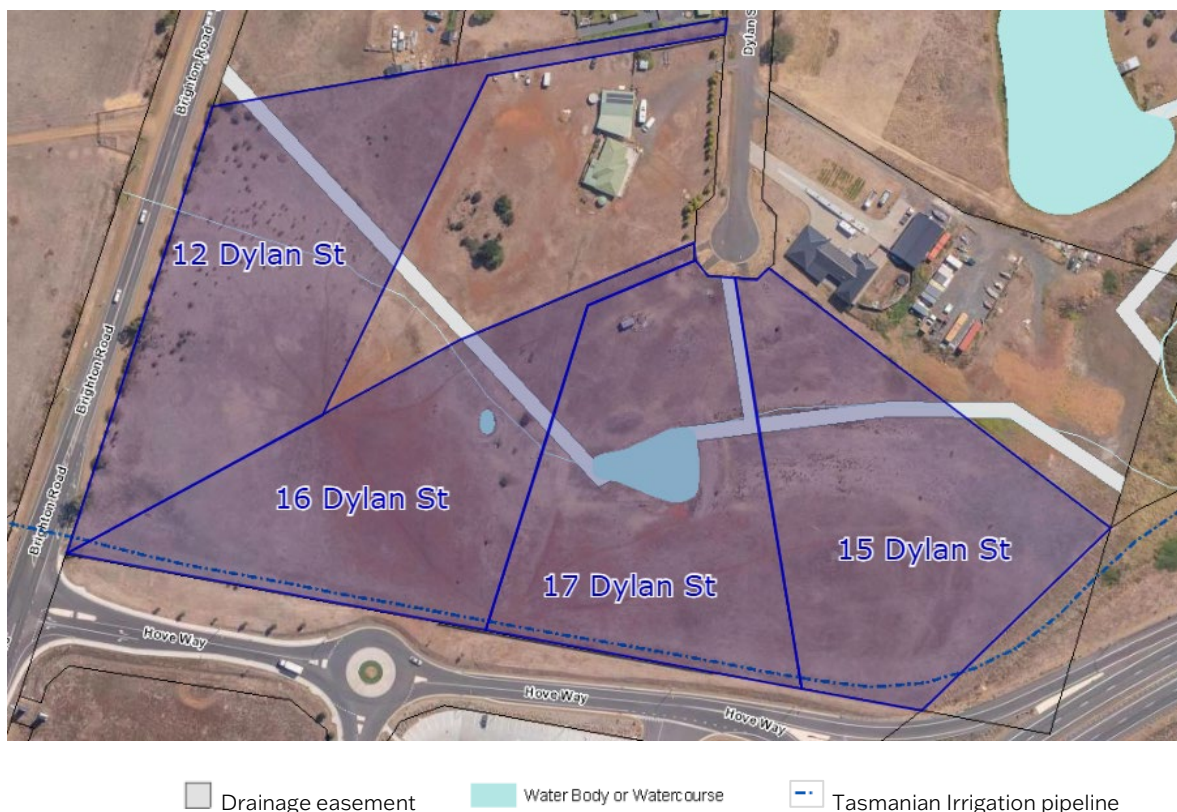


Figure 1. Site Map (source: LISTMAP)

The site has two zoning areas (Figure 2): the Light Industrial Zone to the south and the General Residential Zone to the north. It is overlaid by the South Brighton Specific Area Plan (for the General Residential Zone) and the Brighton Highway Services Precinct Specific Area Plan (for the Light Industrial Zone). The entire site falls within the Bushfire-Prone Areas Code overlay (Figure 3), and part of 15 Dylan Street is within the Priority Vegetation Overlay to the east. The proposal is confined to the Light Industrial Zone and does not extend into the Priority Vegetation Overlay.

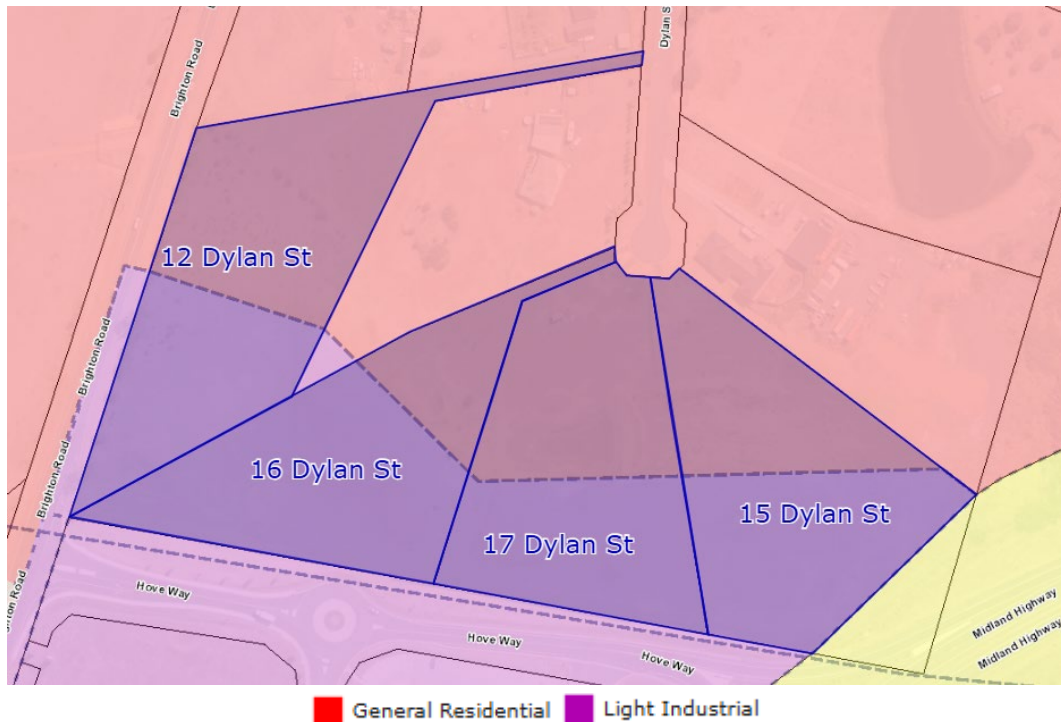


Figure 2. Zoning applied to the subject site (Source: the LISTMAP)

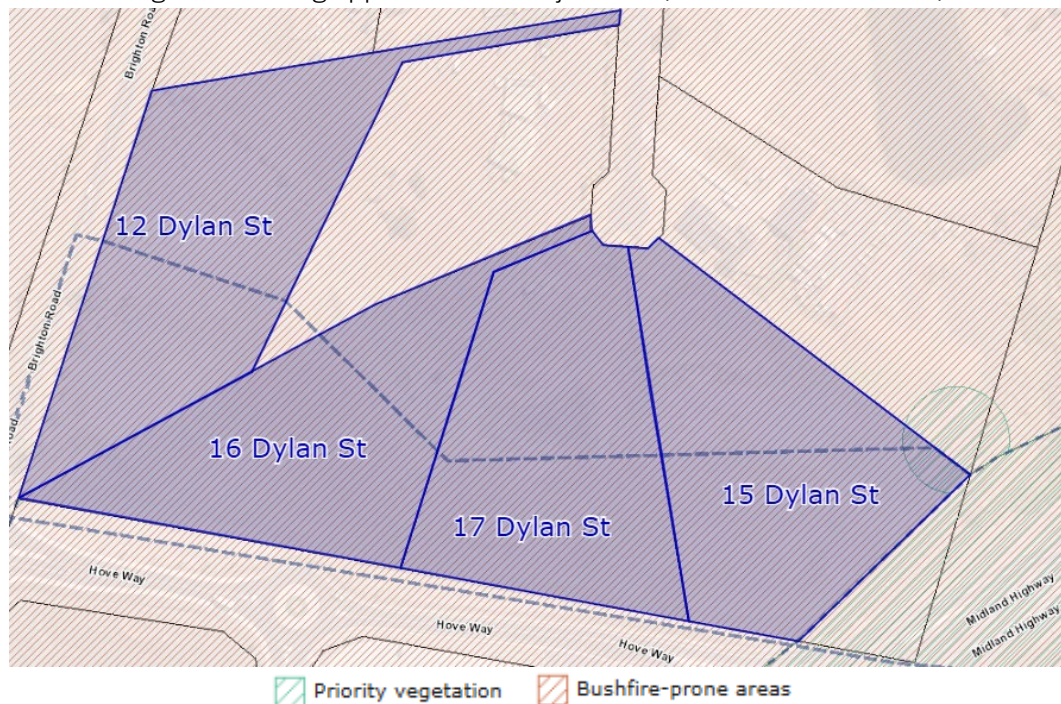


Figure 3. Planning overlay applied to the subject site (Source: the LISTMAP)



Figure 4. Overland flow mapping for a 1% AEP storm in the Brighton urban area

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

- All lots: Drainage easement 6m wide
- Lot 9: Drainage easement 5m wide
- Lots 10 & 12: Covenant for not to erect building or structure between the line marked 'A B' and the midland highway
- Lots 8 & 9: Covenant for not to erect any building or structure south of the line marked 'C D'

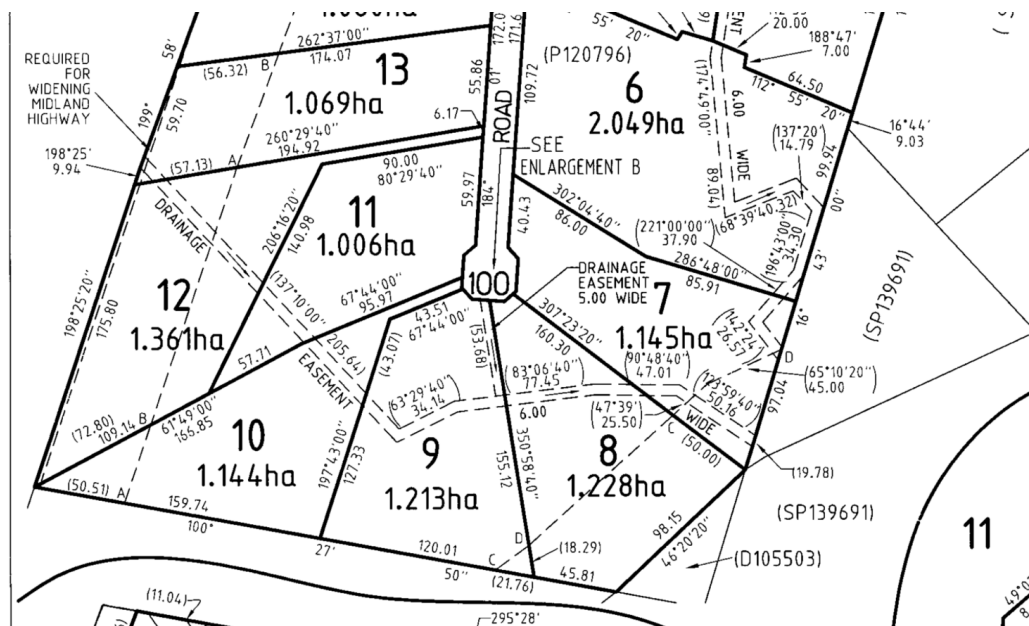


Figure 5. Excerpt Plan of Survey

3. PROPOSAL

The proposal details a total landfill of 45,000m³ in four stages, with the deepest fill reaching up to 5.5m. The first stage involves 10,000m³ of fill sourced from TasWater pump station works adjacent to 17 Dylan Street. The landfill will occur only within the Light Industrial Zone and will maintain a 5m setback from the Tasmanian Irrigation pipeline, ensuring no cut, fill, or traffic movements over the pipeline.

The filling is designed to create four platforms, stepping down towards the east.

- 12 Dylan Street: 4700 sqm
- 16 Dylan Street: 7700 sqm
- 17 Dylan Street: 4600 sqm
- 15 Dylan Street: 1900 sqm

Associated works include:

- Temporary works to access site
- Soil and water management
- Supply and stockpile suitable fill.
- Prepare surface by stripping topsoil and benching
- Mix fill and grade in layers and compact.
- Test each layer fill compaction
- Finish to design level, trim batters,
- Install surface drainage
- Remove temporary works
- Lightly grass or hydro mulch

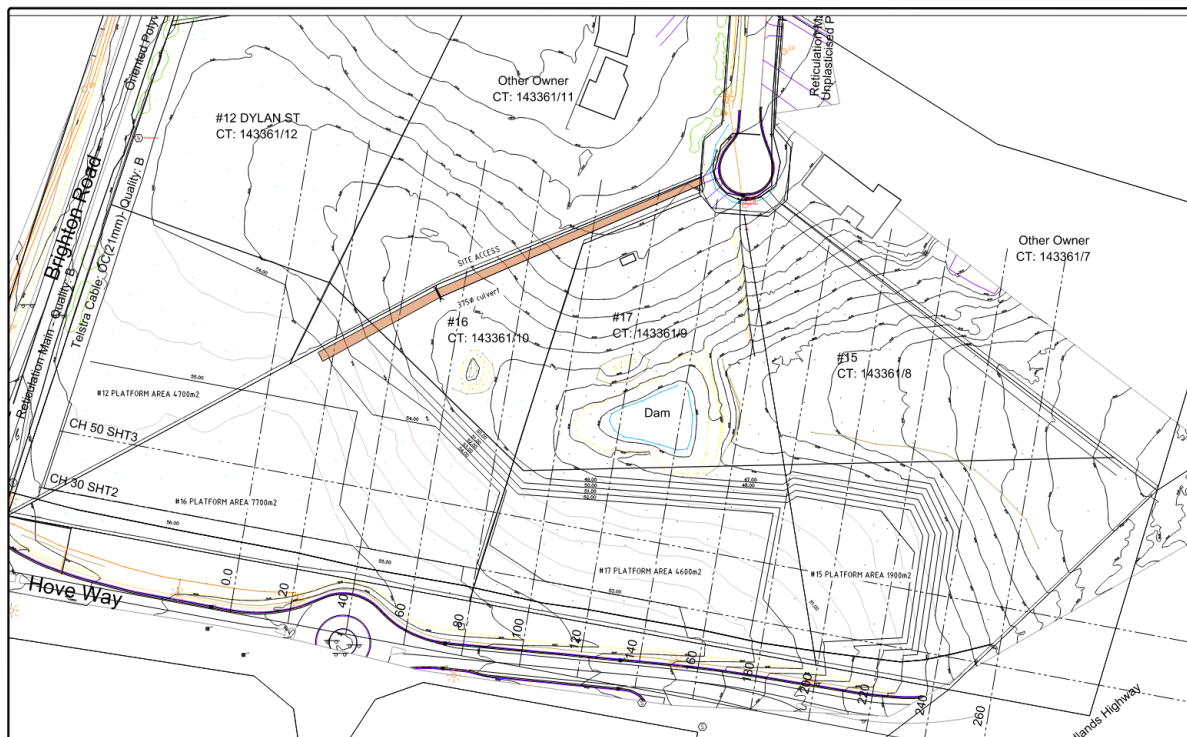
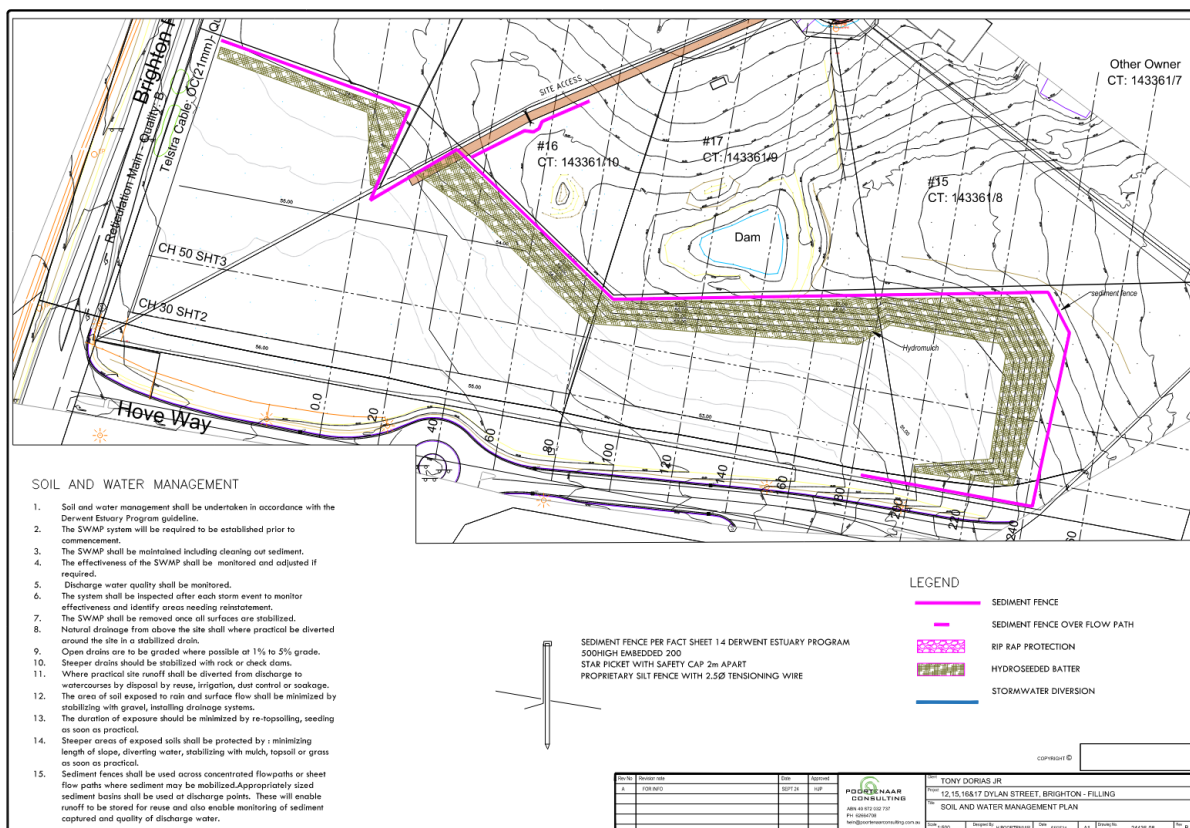


Figure 6. Proposed fill area (Source: the application)



4. PLANNING SCHEME ASSESSMENT

4.1. Applicable provisions under the planning scheme

Compliance with Applicable Standards:

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

5.6.2 A standard is an applicable standard if:

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

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

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

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

Determining applications (clause 6.10.1):

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

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

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

Use Class

The proposed development is for 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.*

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

There are no applicable standards under the planning scheme to assess the proposal. Under Clauses 7.10 and 6.8.2 of the planning scheme, the land fill must only be approved if there is no unreasonable detriment impact on adjoining uses or the amenity of the surrounding area.

Pursuant to Clause 7.10.3 of the planning scheme, 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.

Assessment criteria of Clause 7.10.3	Comments
<p>(a) the purpose of the applicable zone;</p> <p>The purpose of the Light Industrial Zone is:</p> <p>18.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off site impacts are minimal or can be managed to minimise conflict with, or unreasonable loss of amenity to, any other uses.</p> <p>18.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.</p>	<p>The proposed landfill is to provide the supports of future industrial and commercial activities on the site by providing level ground ready. The fill can be done without adversely impact on adjoining land and any public infrastructure. It satisfies 18.1.2.</p>
<p>(b) the purpose of any applicable code;</p> <p>Applicable code is Bushfire-prone areas.</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>The proposal can be considered to enhance bushfire hazard reduction/mitigation outcomes by filling and leveling the area, thereby creating a more suitable site for future development with improved access and defensible space.</p>
<p>(c) any relevant local area objectives;</p>	<p>no relevant local area objectives</p>
<p>(d) the purpose of any applicable specific area plan.</p> <p>The purpose of the Brighton Highway Services Precinct SAP is:</p> <p>BRI-S3.1.1 To provide for fuel and food services for motorists traveling the Midland Highway.</p> <p>BRI-S3.1.2 To provide a location in Brighton for showrooms that primarily sell bulky goods and require large display areas.</p>	<p>The proposed landfill will provide more opportunity for future activities that are encouraged by the Brighton Highway Services Precinct Specific Area Plan.</p>

<p>BRI-S3.1.3 To provide for use and development that is appropriate for, or requires, a location adjacent the Midland Highway.</p> <p>BRI-S3.1.4 To manage potential off-site amenity impacts on surrounding residential zones.</p> <p>BRI-S3.1.5 To encourage building design that positively contributes to public places.</p>	
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The proposed landfill can comply with all the requirements of 7.10.3, having regard to the above table.

5. REFERRALS

Development Engineer

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

TasWater

TasWater have reviewed the proposal and have issued advice only through a Submission to Planning Authority Notice reference number TWDA 2025/00146-BTN dated 4th March 2025.

Tasmanian Irrigation

The application was referred to Tasmanian Irrigation for comments. They have provided the following advice:

- Prohibition of Permanent Structures: No permanent structures are to be constructed over the TI pipeline.
- Pipeline Cover and Vehicle Loading: The TI pipeline must maintain a minimum cover of 700 mm. Any additional vehicle loading designed to traverse the pipeline must be reviewed and approved by TI. Road crossings will need to be re-engineered, if necessary, to ensure the pipeline can safely bear the proposed vehicle loads.
- No additional excess fill to be placed over the TI pipeline without direct approvals from TI.
- Pipeline Exposure: Any exposure of the TI pipeline must be conducted under the supervision of a TI representative.
- Relocation or Redesign: Above-ground air valves associated with the TI pipeline must be confirmed onsite as part of the final design. Any relocation or redesign of these valves will be at the developer's expense.
- Easement and Legislative Protection: TI assets are installed under the provisions of the Irrigation Clauses Act and may not always be covered by a registered easement.

The above advice from Tasmanian Irrigation was forwarded to the applicant and the proposal was amended to have 5m setback from the Irrigation pipeline. The amended proposal was referred back to Tasmanian Irrigation when the application was advertised and no further comments were received.

NRE

NRE (Water Licences and Dam Permits) has reviewed the proposal and have no objection to it.

Environmental Protection Authority

No referral required

6. REPRESENTATIONS

One (1) representation was received during the statutory public exhibition period between 12th April 2025 and 5th May 2025. The representation items are summarised in Table 1.

<i>Representor's concerns</i>	<i>Planning Response</i>
<ul style="list-style-type: none"> Concerns about flooding and significant overland flow during rainfall events. No flood assessment or report submitted by a qualified engineer. Development involves filling within an active overland flow path, potentially increasing flood risk to neighbouring properties. No geotechnical or civil engineer engaged for earthworks or drainage plans. Requesting Council to: <ul style="list-style-type: none"> Require a flood impact assessment by a qualified engineer. Ensure earthworks are designed, supervised, and certified by qualified engineers. Withhold approval until it is proven that the development will not increase flood risk. 	<p>The application was assessed under the Tasmanian Planning Scheme – Brighton. Each relevant development standard in the planning scheme was considered, including flood risks.</p> <p>Under Clause C12.2.4 of the C12.0 Flood-prone Areas Hazard Code of the planning scheme, the planning authority may only request a flood hazard report prepared by a suitably qualified person if there is information in its possession indicating that the land is subject to flood risk or has the potential to cause increased flood risk.</p> <p>Council's officers have assessed the proposed land fill and believe that the flood risk is unlikely to increase due to the proposal. Therefore, the Flood-prone Areas Hazard Code is not triggered, and a flood hazard report is not necessary in this case.</p> <p>The proposed works are clear of the overland flow mapping for a 1% AEP storm in the Brighton urban area, as shown in Figure 4 of Brighton Council's flood mapping. Due to the nature of the site, a minor incursion of fill into the modelled flow path will have no material impact on the flood extents. The current proposal will not increase flow from the site.</p>

	<p>The construction environment management plan, included in the proposal, details the proposed fill procedure. Generally, the proposal aligns with <i>DIER Roadworks Specification R22 Earthworks</i>. The proposal pertains to filling the land for the purpose of filling only. Should the land be used for future development, additional requirements regarding the placement and compaction of fill may be necessary.</p>
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7. CONCLUSION

The proposal for **Fill & Associated Site Works** at **12, 15, 16, 17 Dylan Street, Brighton** 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 2024/233 for Fill & Associated Site Works at 12, 15, 16 and 17 Dylan Street, Brighton, 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 material must only occur within the area defined for fill on the plan attached to this permit.
- (5) The 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.
- (6) The material used for the filling of site shall meet the requirements of *Clean Fill (Type 1 and 2)* as defined by the *Environmental Management and Pollution Control Act 1994*. No disposal of putrescible waste, controlled waste and inert waste is permissible.

- (7) As so far as reasonably practicable, the developer shall make enquiries about the source of the fill and keep a record of the clean fill deposited on the land. These records shall be presented to Council for review and approval at the completion of works. Record must include:
- (a) The type of clean fill (clean fill type 1 or clean fill type 2);
 - (b) The quantity of clean fill;
 - (c) The address of the source location of the clean fill;
 - (d) The identity of the person delivering the clean fill; and
 - (e) The location where the clean fill has been received, stored, reused or disposed of on the land.
- (8) Following the completion of works the developer shall engage a registered surveyor to prepare a plan of the completed works. As a minimum the plan must:
- Record all fill levels.
 - Record the location of the top and bottom of all slopes.
 - Record batter slopes.
 - Confirm that no point on the completed batters vary from the design by more than 100mm measured normal to the batter.
 - Confirm that no point on the fill platforms vary from the design by more than 50mm.

Advice: This permit only relates to the filling of the land for the purpose of filling. It does not imply, nor grant, any other approval nor consent that may be required by the Building Act, the EPA or other Authority.

Erosion and Sediment Control

- (9) A copy of the approved Erosion and Sediment Control Plan (here referred to as a 'ESCP'), attached as part of this permit, is to be kept on site for the duration of the works. The ESCP shall be enacted prior to the commencement of any construction works occurring on site.
- (10) 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.
- (11) The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed ESCP for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's Municipal Engineer.
- (12) All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with topsoil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

Construction Amenity

- (13) 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.
- (14) The road frontage of the development site and Dylan Street shall be:
- (a) Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
 - (b) Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.
- In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion, existing or otherwise, may be deemed a result of construction activity and require replacement or repair to the satisfaction of Council's Municipal Engineer.
- (15) The depositing of material on the site must not occur outside the following hours:
- 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
- (16) 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.
- (17) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's General Manager.
- (18) 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. Aboriginal Heritage Tasmania records indicate that this area may contain several Aboriginal heritage sites within the project footprint. A permit under the Aboriginal Heritage Act 1975 must be sought and obtained prior to proceeding with any works. To assist in making the application for a permit under the Act, please visit www.aboriginalheritage.tas.gov.au where you can find important information and a permit application form.
- D. While the subject land does not currently contain TasWater assets or infrastructure, the proposed fill should be engineered and placed to allow for the future installation of water and/or sewer infrastructure to service future development.
- E. Any works in proximity to the Irrigation Pipeline must obtain the relevant permits from Tasmanian Irrigation.
- F. 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 Geard moved, Cr Owen seconded that the recommendation be endorsed.

CARRIED

VOTING RECORD

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

13. Petitions

Nil.

14. Officers Reports

14.1 Donation Request - Butterflies & Boots Gala Ball for Women

Attachment:	Email from Butterflies & Boots Volunteer dated 13 May 2025
Author:	Manager Community Development (A Turvey)
Authorised:	Chief Executive Officer (J Dryburgh)

Background

Community members and volunteers Nicki Kastner and Kira Robertson, who both have lived experience of domestic violence, are planning a Gala Ball for women who have experienced domestic and family abuse and violence (DFA). This event is being held in honour of all the women and children who have experienced domestic and family abuse. It is to be an uplifting celebration of the resilience and tenacity of women and children. The aim is to nurture women who have experienced abuse and provide a safe, enjoyable space and event for them to feel wonderful, acknowledged and respected. The Gala Ball also aims to banish the shame associated with DFA and raise awareness of the impacts of DFA not just on individuals but on communities as a whole.

The volunteer organisers aim for this to become an annual event with support from not for profits and corporate sponsorship.

To make the event accessible, tickets are only \$20 each or free depending on an individual's circumstances.

Nicki and Kira have written to Council and requested a fee waiver for hire of the Brighton Civic Centre for Saturday 31 May from 9am until 11pm and this is provided as a separate report for Council's consideration.

This report relates to a request from Butterflies and Boots volunteer Ondine Adey, for a donation of \$500 to assist with catering for the event.

Consultation

Facilities Management Officer, Community Development Officer.

Risk Implications

Any donations towards catering must be stipulated as for food purchase/catering only and not for the purchase of alcoholic beverages.

Financial Implications

Funds of \$500 or less could be disbursed from the grants and donations budget.

Strategic Plan

The recommendations further the following strategies from Council's strategic plan:

1.1: Engage with and enable our community.

1.2: Build resilience and opportunity.

4.2: Be well-governed.

4.4: Ensure strong engagements and relationships to shape the agenda and advocate for our community.

Social Implications

The event aims to raise awareness of domestic violence and family abuse (DFA) in our community, whilst assisting with banishing the shame associated with DFA. It is positioned as an uplifting and affirming event that provides women the opportunity to enjoy themselves in a safe place.

Environmental or Climate Change Implications

Nil.

Economic Implications

Nil.

Other Issues

Nil

Assessment

This is an inaugural event initiated by two women with lived experience of DFA. There are clear objectives of what the volunteers want to achieve for this year and into the future. The volunteers have plans to become a registered not for profit and apply for grants and sponsorship in 2026, making them less reliant on small donations and in-kind support.

Options

1. As per recommendation.
2. Other.

RECOMMENDATION:

That Council approves a donation of \$500 to the Butterflies and Boots volunteers for the purchase of food or catering services for the Butterflies and Boots Ball to be held on Saturday 31 May 2025. Funds to be paid from Council's grants and donations budget and payment to be made upon provision of receipts or invoices from food/catering suppliers.

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

DECISION:

Cr Murtagh moved, Cr De La Torre seconded that Council approves a donation of \$500 to the Butterflies and Boots volunteers for the purchase of food or catering services for the Butterflies and Boots Ball to be held on Saturday 31 May 2025. Funds to be paid from Council's grants and donations budget and payment to be made upon provision of receipts or invoices from food/catering suppliers.

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

CARRIED

VOTING RECORD**In favour****Against**

Cr Curran

Cr De La Torre

Cr Geard

Cr Gray

Cr McMaster

Cr Murtagh

Cr Owen

Cr Whelan

14.2 Request for Fee Waiver for Civic Centre - Butterflies & Boots Gala Ball for Women

Attachment:	Request for waiver of hire fees
Author:	Admin & Facilities Management Officer (I Singh)
Authorised:	Director Corporate Services (G Browne)

Background

Nicki Kastner and Kira Robertson are organising a Gala Ball at the Civic Centre on the 31st May 2025 for women that have experienced domestic violence. Both women have been personally affected by domestic violence and would like to make a difference in this sector.

The event will be targeted at those who have experienced domestic violence and give them a place to be uplifted and nurtured in an environment surrounded by those who have also lived the experience.

As part of this event twenty ladies will be nominated to receive an afternoon of pampering which will include hair, makeup and nails professionally done also a gown, child care and transport if required.

As this is the inaugural event corporate sponsorship has not been obtained, and the event organisers are relying on donations and offers of volunteer support to make this happen.

Ticket prices are a nominal twenty dollars and will provide the funding for refreshments, transport and childcare on the night.

Consultation

Director Corporate Services

Risk Implications

The hire of the whole Civic Centre reduce availability for other paid bookings. Waiving fees could set a precedent for other community-based groups to request similar concessions.

Financial Implications

The organisers for Butterflies and Boots are requesting the Council to waive the \$481 hire fee for the day.

Strategic Plan

This request aligns with Councils Strategic Goals:

Goal 1.1 – Engage with and enable our community

Goal 1.2 – Build resilience and opportunity.

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

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

Social Implications

By providing the venue for an event such as this, it will give women a safe, enjoyable space for them to enjoy themselves for the night after experiencing the trauma of domestic violence. It will also give them a chance to interact with other women that have gone through the same experiences as them and gives women a voice to raise awareness to help someone else.

Environmental or Climate Change Implications

N/A

Economic Implications

N/A

Other Issues

NIL

Assessment

Granting a fee waiver for the Civic Centre for this event would enable the organisers to allocate the revenue generated from ticket sales towards providing an enjoyable evening for women who have experienced trauma.

Options

1. As per recommendation.
2. Refuse to waive hire fees and apply only a 50% discount as typically granted to similar groups.
3. Not waive the fees.

RECOMMENDATION:

That Council approves a hire fee waiver of \$421 for the Butterflies and Boots Gala Ball for the 31st May 2025 at the Civic Centre.

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

DECISION:

Cr Curran moved, Cr Geard seconded that Council approves a hire fee waiver of \$421 for the Butterflies and Boots Gala Ball for the 31st May 2025 at the Civic Centre.

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Geard	

Cr Gray
Cr McMaster
Cr Murtagh
Cr Owen
Cr Whelan

14.3 Risk Appetite Statements - Strategic Risks

Attachment:	Marsh Risk Appetite Report
Author:	Executive Officer Risk & Property (M Braslin)
Authorised:	Director Corporate Services (G Browne)

Background

The purpose of this report is to review the Risk Appetite Statements of the 10 Strategic Risks which were adopted at the Ordinary Council Meeting held in April 2024.

The Risk Appetite Statements for Brighton Council are based on the amount of risk that the Council is willing to take, retain or accept in pursuit of its objectives over the life of the current Strategic Plan period. Appetites for risk can vary across the different operations in pursuit of Strategic Objectives. Therefore, Council's Risk Appetite Statements have been developed by senior staff and Councillors against each of Council's Strategic Risk Categories with the assistance of Marsh Consulting.

Consultation

Senior Management Team

Risk Implications

Inadequate risk management can result in non-compliance with legal and regulatory requirements. Appropriately considered and determined risk appetite is another important high-level tool to assist council in its decision making.

Financial Implications

Uncertain risk appetite can impact financial planning and budgeting.

Strategic Plan

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

1.2 Build resilience and opportunity

Goal 4 Ensure a progressive, efficient, and caring Council.

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

4.2 Be well-governed, providing quality service and account

4.4 Ensure financial and risk sustainability

Social Implications

The consequences of risk mismanagement can extend to the community. For example, failure to adequately assess and mitigate risks related to public safety or environmental concerns can lead to harm to individuals or communities, damaging social cohesion and trust in the council's ability to protect and serve the public interest.

Environmental or Climate Change Implications

Having a Risk Appetite Statement for the strategic risk category 'Environment, Heritage and Sustainability' will help to guide decisions made relating to this risk category.

Economic Implications

Reviewing Councils risk appetite statements is essential for council to enhance economic resilience, promote sustainable growth, and safeguard their financial interests.

Other Issues

Nil.

Assessment

Developing and implementing a robust risk appetite statement is essential for councils to enhance resilience, clearly guide decision-making, and achieve their strategic objectives effectively.

Council's goals or operations evolve, its willingness and capacity to take risks may shift. The risk appetite must stay aligned with strategic objectives there for the need for regular review.

Risk appetite statements can assist councils to make decisions around innovation, growth, as well as assist in the council's ability to adapt to changing circumstances or seize strategic opportunities.

Summary of Councils Risk Appetite Position on 10 Strategic Risk Categories:

Risk Category	Avoid	Resistant	Accept	Receptive
Financial Management		Primary	Secondary	
People & Culture		Primary	Secondary	
Health & Safety	Primary			
Reputational		Primary	Secondary	
Environment, Heritage & Sustainability			Primary	
Governance, Legal & Compliance	Primary			
IT & Cybersecurity	Secondary	Primary		
Infrastructure & Asset Management		Primary	Secondary	
Business & Service Delivery		Primary	Secondary	
Strategic Projects			Primary	Secondary

Risk Appetite Levels and Definitions:

AVOID	RESISTANT	ACCEPT	RECEPTIVE
(little-to-no appetite)	(small appetite)	(medium appetite)	(larger appetite)
Avoidance of adverse exposure to risks even when outcome benefits are higher	A general preference for safer options with only small amounts of adverse exposure	Options selected based on outcome delivery with a reasonable degree of protection	Engagement with risks based more on outcome benefits than potential exposure

Best practice is to review the Risk Appetite Statements thoroughly at least on an annual basis and also every time there is a substantial shift in Brighton Council's operating environment.

Reviewing Risk Appetite Statements will help Council to continue an upward trajectory towards risk management maturity, and ultimately facilitate a capability for robust, repeatable, and consistent quality decision-making.

Options

1. As per the recommendation.
2. Do not adopt the recommendation.
3. Other

RECOMMENDATION:

That Council maintains the existing Risk Appetite Statements for Councils 10 Strategic Risk categories for the upcoming year without any modifications.

DECISION:

Cr Whelan moved, Cr De La Torre seconded that Council maintains the existing Risk Appetite Statements for Councils 10 Strategic Risk categories for the upcoming year without any modifications.

CARRIED

VOTING RECORD

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

Cr Whelan declared an interest in Item 14.4 and left the meeting at 5.56 pm.

14.4 Hobart Gymnastics Academy, Hurst Street, Bridgewater - Rent Reduction Extension

Author: Executive Officer Risk & Property (M Braslin)

Authorised: Chief Executive Officer (J Dryburgh)

Background

A decision was made at the February 2024 Ordinary Council Meeting to reduce the rent to 50% payable by the Hobart Gymnasium Academy (HGA) for a 12-month period. During this time Council was to explore opportunities with HGA with the goal to develop a new purpose-built gym facility in the Brighton municipality.

To date Council has received funding for the Gymnasium Facility Feasibility Study.

Council have identified a preferred site location on the existing Jordan River Learning Federation land (between the school and TAFE).

Due diligence investigations have been completed, including planning assessments, geotechnical studies, high-level traffic assessments, and contaminated land investigations. These have confirmed the site is suitable for the proposed facility.

The project is now with Active Tasmania, who are engaging with Ministers to initiate the formal process of transferring the land for the new Gymnastics facility.

A business case for the Gymnastics Centre has also been completed. Based on this, the estimated construction cost is approximately \$8 million. The State Government has committed \$2.5 million towards the project.

Although progress has been made regarding the opportunities, we still have more to explore. Some further work will be required utilising government funds to get the project to grant ready status. It is reasonable to continue the reduced rent as we continue collaboration on a longer-term solution.

Consultation

CEO, Senior Project Engineer

Risk Implications

Low risk of a possible business failure. Risk of not receiving enough funding to complete the project.

Financial Implications

50% rent reduction of the current rent amount of \$65,857 (exclusive of GST).

Strategic Plan

Goal 1 Inspire a proud community that enjoys a comfortable life at any age (1.3)

Goal 2 Ensure a sustainable environment (2.4)

Goal 3 Manage infrastructure and growth effectively (3.3)

Social Implications

The Gymnasium serves as a hub for social interaction and community engagement in our community, it being one of the biggest sporting clubs in the municipality.

Communities that participate in sport and recreation develop strong social bonds, are safer places and the people who live in them are generally healthier and happier than places where physical activity isn't a priority.

Environmental or Climate Change Implications

No significant climate or environmental-related issues. Any tenant will be required to engage in activities to promote sustainable living behaviours.

Economic Implications

Not applicable

Other Issues

Nil.

Assessment

Given the ongoing discussion for future plans for the Gymnasium it is reasonable to extend the discounted rent period again.

Options

1. As per the recommendation.
2. Do not adopt the recommendation.
3. Other

RECOMMENDATION:

That Council approves a further 12 month extension of the 50% rent discount for Hobart Gymnastics Academy (backdated to March 2025), while continuing to explore options for a new facility.

DECISION:

Cr De La Torre moved, Cr Owen seconded that Council approves a further 12 month extension of the 50% rent discount for Hobart Gymnastics Academy (backdated to March 2025), while continuing to explore options for a new facility.

CARRIED

VOTING RECORD

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

Cr McMaster
Cr Murtagh
Cr Owen

Cr Whelan returned to the meeting at 6.00 pm.

14.5 Dog Registration & Kennel Licence Fees 2025/2026

Author: Director Corporate Services (G Browne)

Background

Under Brighton's Dog Management Policy, Council is required to adopt dog registration and kennel licence fees annually.

Currently the fee structure is set so that dogs registered after the due date of 31st July attracts an additional \$15.00 to those that are registered prior to this date. This fee structure has led to confusion and disputes with dog owners, particularly when payments are made during the early days of August. It also means that there is a great deal of administration time and resources spent chasing up the extra \$15.00 that the dog owner owes, if they pay by alternate means.

It is proposed that for the 2025/2026 financial year, Council adopts a "one fee" payment. This aims to eliminate confusion for dog owners and allows administrative efforts to be redirected towards other essential tasks.

Based on the current fee structure and payment estimates for the 2025/2026 year, the revenue is expected to align with that of previous years. There will be a requirement for a minor change to the Dog Management Policy (Policy 4.8) to reflect these changes.

Consultation

Director Governance & Regulatory Services

Risk Implications

Nil.

Financial Implications

Not Applicable.

Strategic Plan

Goal 4: Ensure a progressive efficient and caring Council.

4.4 Ensure Financial & Risk Sustainability

4.2 Be well-governed, providing quality service and accountability to our community.

Social Implications

Not Applicable.

Environmental or Climate Change Implications

Not Applicable.

Economic Implications

Not Applicable.

Other Issues

Nil.

Assessment

As briefed at the workshop held on the 6th May 2025, a minor amendment to Council's Dog Management Policy (Policy 4.8) will need to be endorsed. Removal of wording from Section 6.3 in the policy is required - *"During this time discounts apply to the fees for each relevant registration category. Full fees apply following 31st July each year"*. The Dog Management Policy is due for review in January 2026.

A comparison between the current (2024-2025) and proposed dog registration and kennel licence fees for the 2025-2026 financial year are as follows:

DOG REGISTRATIONS	CURRENT 2024-25	FULL RATE 2024-25	PROPOSED RATE 2025-2026
	<i>Paid by July 31</i>	<i>Paid after July 31</i>	
Domestic Dog (desexed)	\$41.00	\$56.00	\$45.00
Domestic Dog (not desexed)	\$99.00	\$114.00	\$105.00
Working Dog	\$59.00	\$74.00	\$60.00
TGRB registered Greyhound	\$59.00	\$74.00	\$60.00
Pure Bred Dog kept for breeding	\$59.00	\$74.00	\$60.00
Dangerous Dog <i>(declared under the Act)</i>	\$570.00	\$570.00	\$600.00
Assist Dog	\$0.00	\$0.00	\$0.00

The following concession rates can apply to **ONE** dog only per owner and a Pensioner Concession Card or Health Care Card must be sighted at the time of payment.

CONCESSION RATES	CURRENT 2024-2025	FULL RATE 2024-2025	PROPOSED RATE 2025-2026
	<i>Paid by July 31</i>	<i>Paid after July 31</i>	
Domestic Dog (desexed)	\$35.00	\$50.00	\$40.00
Domestic Dog (not desexed)	\$64.00	\$79.00	\$65.00

Renewal of kennel licences and other related dog/animal fees are as follows:-

KENNEL LICENCES & FEES	CURRENT 2024-2025	FULL RATE 2024-2025	PROPOSED RATE 2025-2026
	<i>Paid by July 31</i>	<i>Paid after July 31</i>	
New & Renewal	\$150.00	\$160.00	\$190.00
Dog Complaint Fee – Reimbursed	\$100.00	\$100.00	\$100.00
Replacement Tags	\$5.00 each	\$5.00 each	\$5.00 each
Animal Agistment Fee	\$50.00 per day	\$50.00 per day	\$50.00 per day
Reclaim Fees from the Dogs Home	\$80.00 per dog	\$80.00 per dog	\$80.00 per dog

Options

1. As per the recommendation.
2. That Council does not adopt the Animal Control Fees for the 2025-2026 financial year.

RECOMMENDATION:

That Council

- A. adopts the proposed Animal Control Fees for the 2025-2026 financial year, as listed in the report; and
- B. endorses a minor amendment to Section 6.3 of the Dog Management Policy (Policy 4.8) i.e. removing the words *“During this time discounts apply to the fees for each relevant registration category. Full fees apply following 31st July each year.”*

DECISION:

Cr De La Torre moved, Cr Owen seconded that Council

- A. *adopts the proposed Animal Control Fees for the 2025-2026 financial year, as listed in the report; and*
- B. *endorses a minor amendment to Section 6.3 of the Dog Management Policy (Policy 4.8) i.e. removing the words “During this time discounts apply to the fees for each relevant registration category. Full fees apply following 31st July each year”.*

CARRIED

VOTING RECORD

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

Cr Murtagh
Cr Owen
Cr Whelan

14.6 Budget 2025-2026

Attachment: Draft Budget 2025-2026
Author: Director Corporate Services (G Browne)

Background

The draft 2025-2026 Budget and Fees & Charges Register has been provided to all Councillors. The budget workshop has been undertaken and the draft budget has been completed in accordance with the Councillors' demands and it is now ready to be adopted in principle.

Consultation

Councillors & Senior Management

Risk Implications

Nil.

Financial Implications

As per the budget.

Strategic Plan

Goal 3 : Manage Infrastructure and growth effectively

Goal 4.4: Ensure Financial & Risk Sustainability

Social Implications

Considered within the budget.

Environmental or Climate Change Implications

Considered within the budget.

Economic Implications

Considered within the budget.

Other Issues

Nil.

Assessment

In accordance with the *Local Government Act 1993*, the budget may not be adopted more than one month before the start of that financial year. It is intended that the budget be adopted in principle only.

Options

1. As per the recommendation.
 2. Review the budget and make further changes prior to adoption in principle.
-

RECOMMENDATION:

That Council adopts the 2025-2026 budget in-principle.

DECISION:

Cr Owen moved, Cr Whelan seconded that Council adopts the 2025-2026 budget in-principle.

CARRIED

VOTING RECORD

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

14.7 Submission on the New Youth Justice Facility Masterplan and Youth Justice Facility Development Bill 2025

Attachment: Attachment 1 – New Youth Justice Facility Masterplan
Attachment 2 – Youth Justice Facility Development Bill 2025
Attachment 3 – Draft Response to Masterplan
Attachment 4 – Draft Response to Bill

Author: Director Development Services (A Woodward)

Background

In September 2021, the State Government announced the closure of Ashley Youth Detention Centre, to be replaced with a new facility. In 2023, feedback on two shortlisted sites (Pontville and Risdon) was sought from stakeholders and the community. Based on this feedback and the Commission of Inquiry's final report, 466 Brighton Road, Pontville, was selected as the preferred site. It is noted that this site is located within the Southern Midlands Council's municipal boundary.

On the 6th April 2025, the State released a copy of the masterplan for the site for feedback. In addition to this an announcement was made that a *Youth Justice Facility Development Bill 2025* (the Bill) had been developed to fast track the approval process. The consultation for both items will close on the 25th May 2025. The Bill will then be debated in parliament on the 27th May 2025.

The Masterplan

The State has outlined that:

The purpose of the Facility is to provide:

- *A safe, secure and rehabilitative facility for children and young people.*
- *A facility where healing and wellbeing is the primary focus.*
- *An environment where children and young people are supported to address their offending behaviour and successfully return to the community as positive, contributing members of society.*
- *An environment where children, young people, staff and visitors feel safe and supported.*
- *The community with confidence that children and young people in detention are in a safe, purpose-built facility that provides a high standard of care and rehabilitation support.*

The Facility will be built at 466 Brighton Road, Pontville, with access off Rifle Range Road. Rifle Range Road will be upgraded to support this use.

The Facility will provide an environment where children and young people experience the highest standards of child centred, rights-based and therapeutic care. It will also provide them with education, services and opportunities that support them to enhance connections and return successfully to the community.

The Facility will have a non-institutional feel and be low-lying in the landscape. A 'Building as Perimeter' model has been adopted. This means views from within the buildings and houses in the Facility will have clear sight lines to the surrounding rural land and the hills forming the valley in which it sits.

The large site (~32ha) allows the Facility to sit approximately 150m away from surrounding uses. It is expected that the open space around the Facility will continue to be used as horse grazing land. This provides further opportunity for windows from the facility to look directly out to the landscape.

The design of the Facility is being guided by a Model of Care which adopts evidence-based trauma-informed principles to provide a therapeutic environment that acknowledges the trauma histories that exist for many of the children and young people in the youth justice system.

The safety, both physical and psychological, of children and young people, staff and neighbours will be at the forefront as the design for the Facility progresses.

The masterplan delivers:

- *Sixteen residential beds, plus two treatment beds in the health centre and two orientation beds in the admissions area (20 in total). The sixteen residential beds will be delivered in two four-bed houses, two three-bed houses and two single bed studios (for transition of care or individual specialised care).*
- *A health centre providing health and mental health support.*
- *Education and outdoor recreation facilities.*
- *A cultural centre and garden. This will provide greater opportunity for connection to family, community and country.*

The site will be protected by both physical and electronic security systems."

The Bill

The Bill essentially provides for the accelerated delivery of the facility. A copy of the Bill can be found in [Attachment 2](#). The key components of the Bill are as follows:

- A section that covers the declaration of the project such that the Act will only apply to development:
 - for the purpose of constructing a youth justice facility for, or on behalf of, the State
 - up to a certain size (both floor area and height)
 - where appropriate setbacks are provided
 - where on-site waste water treatment is below a certain threshold
- A section emphasising that the *Aboriginal Heritage Act 1975* applies to the project and that all works performed on the relevant site, or adjacent land, in relation to the declared project are to be performed in a manner that minimises, as far as is practicable, the impact on Aboriginal heritage.

- A section allowing for the Minister to direct the Recorder of Titles to create, amend, re-arrange or extinguish a folio of the Register in relation to land that is affected, directly or indirectly, by the declared project to facilitate adhesion of the 466 Brighton Road title (the site) and the 36 Rifle Range Road title (for the access road).
- A section providing for assessment to be undertaken under the Land Use and Planning Approvals Act 1993 but providing for certainty of the outcome of such an assessment by not allowing the Planning Authority to refuse the development, nor for there to be third party appeals.
- A section providing certainty to the construction commencement date by removing the need for notifications prior to protection work being undertaken under the Building Act 2016 as well as removing the ability for disagreements on protection works to delay construction.
- A section providing for a resolution of both Houses of Parliament such that the project would be exempt from the Public Works Committee Act 1914.

Consultation

A workshop was held with Council on the 6th May 2025 and the Masterplan was presented by members of the project team.

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 both documentation and have formed a position which is outlined below.

The Masterplan

The Masterplan appears to be well designed and goes towards achieving the purpose statements. Regarding impacts on Brighton Council area, the key issues that arise are access via Rifle Range Road (council owned), stormwater management and the potential impact on neighbouring uses.

Rifle Range Road has low traffic volumes as it services only a handful of properties, with the main traffic generator currently being Tasmanian Botanics. The proposed Youth Justice Facility will likely generate a significant portion of total traffic movements to and from Rifle Range Road during construction and once operational. It is expected that some upgrades to Rifle Range Road including widening, intersection upgrades, extending the seal, roadside drainage and pedestrian path will be required. The application will likely require Council CEO consent as it will involve works on Council's land (road reservation). Council will be able to use this process to ensure best outcomes for Council and its residents.

It has been raised with the project team that there is potential to be land use conflict with the existing Tasmanian Botanics, a medicinal cannabis farm. Council has been made increasingly aware of localised odour in the area from the production of crops, particularly as they mature in the warmer months. As this facility will be considerably closer than other sensitive uses, it is believed that this is an issue that will need consideration. It is understood that an odour assessment will be undertaken, however it is not yet fully understood what the potential impact would be and if it would have the potential to impact on the current operations at Tasmanian Botanics.

It is recommended that Council submit feedback to the Tasmanian Government in the form of [Attachment 3](#).

The Bill

The Bill has been drafted to expediate the assessment and make the approval of the facility mandatory. Officers are not supportive of this approach as it undermines confidence in the Tasmanian Planning system and ignores natural justice principals. The rationale for the decision is due to timeframes, however the initial announcement of the closure was in 2021 and then the site was selected in 2023. It is not considered appropriate that good planning practices be removed for reasons of time delays.

As mentioned previously, the potential odour from the nearby Tasmanian Botanics is a cause for concern. If an odour report comes back identifying this as a significant issue, this will mean that the application will need to be approved knowing that there is an issue.

Further to this, 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.

Given the above issues, it is recommended that Council submit a feedback on the Bill (in the form of [Attachment 4](#)) to the government and members of Parliament outlining these issues.

Options

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

RECOMMENDATION:

That Council

1. Make a submission on the new Youth Justice Facility Masterplan as per Attachment 3.
2. Make a submission to the Minister and all members of Parliament on the Youth Justice Facility Development Bill 2025 as per Attachment 4.

DECISION:

Cr Whelan moved, Cr De La Torre seconded that Council

1. *Make a submission on the new Youth Justice Facility Masterplan as per Attachment 3.*
2. *Make a submission to the Minister and all members of Parliament on the Youth Justice Facility Development Bill 2025 as per Attachment 4.*

CARRIED

VOTING RECORD

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

15. Questions on Notice

There were no Questions on Notice for the May meeting.

Meeting closed: 6.16pm

Confirmed: _____
(Mayor)

Date: 17 June 2025
