Brighton Council

Ordinary Meeting Agenda

16 September 2025

Name:

Brighton going places

I N D E X

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Brighton Council

NOTICE OF MEETING

Dear Councillor,

Notice is hereby given that the next **Ordinary Council Meeting** of the Brighton Council will be held at **5.30 p.m.** on **Tuesday, 16th September 2025**, to discuss business as printed below.

Qualified Person Certification

I HEREBY CERTIFY that in accordance with Section 65 of the *Local Government Act 1993*, any advice, information and recommendation contained in the reports related to the Agenda have been prepared by persons who have the qualifications or experience necessary to give such advice, information and recommendations.

Dated at Old Beach this *11th* day of *September 2025.*

James Dryburgh
CHIEF EXECUTIVE OFFICER

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

AGENDA

1. STATEMENT BY THE CHAIRPERSON

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2025*; the Chairperson is to make a verbal statement at the beginning of the meeting to the effect that:-

(a) An audio recording is being made of this meeting;

(b) All persons attending this meeting are to be respectful of, and considerate towards, other persons attending the meeting; and

(c) Language and conduct at the meeting that could be perceived as offensive, defamatory or threatening to a person attending the meeting, or listening to the recording, is not acceptable.

2. ACKNOWLEDGEMENT OF COUNTRY

Brighton Council acknowledges the palawa/pakana (Tasmanian Aboriginal) community as the traditional and original owners of the skies, land and water of lutruwita (Tasmania) and forward our respect to their elders both past and present.

Brighton Council acknowledges the continued connection the Tasmanian Aboriginal people still have to the skies, land and water of lutruwita that provides them with the food, medicine and craft celebrated through ceremony today.

3. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

4. NOTIFICATION OF LEAVE OF ABSENCE FOR PARENTAL LEAVE

Nil.

5. CONFIRMATION OF MINUTES

5.1 Ordinary Council Meeting

The Minutes of the previous Ordinary Council Meeting held on the 19th August 2025 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the previous Ordinary Council Meeting held on 19th August 2025, be confirmed.

DECISION:

5.2 Planning Authority Meeting

The Minutes of the Planning Authority Meeting held on the 2nd September 2025 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Planning Authority Meeting held on the 2nd September 2025, be confirmed.

DECISION:

6. DECLARATION OF INTEREST

In accordance with the requirements of Regulation 10(8) of the L*ocal Government (Meeting Procedures) Regulations 2025*, the chairperson of a meeting is to request Councillors to indicate whether they have, or are likely to have, an 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.

7. PUBLIC QUESTION TIME & DEPUTATIONS

In accordance with the requirements of Regulations 33, 36, 37 & 38 of the *Local Government (Meeting Procedures) Regulations 2025*, the agenda is to make provision for public question time.

8. REPORTS FROM COUNCIL

8.1 Mayor's Communications

22/8 Inception Meeting, Brighton Pontville Local Area Plan

28/8 ABC Radio Interview regarding Metro review

28/8 7 News Interview regarding Metro review

28/8 Briefing on Boyer Road Project

2/9 Council Workshop

2/9 Planning Authority Meeting

6/9 Meeting with Legislative Council President - Craig Farrell

6/9 Café Connections Awards Ceremony for the 2025 Bridgewater Jerry Photo Competition – Cr Owen also in attendance.

9/9 Big Tassie Walk Media Event

12/9 Online briefing session for GMC

16/9 GMC Meeting

16/9 Council Meeting

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

8.2 Reports from Council Representatives

RECOMMENDATION:

That the verbal reports from Council representatives be received.

DECISION:

9. MISCELLANEOUS CORRESPONDENCE

- Letter from Senator Wendy Askew dated 21 August 2025 in relation to arrangements for federal Liberal representatives.
- Letter to CEO of Andrew Walter Constructions dated 28th August 2025 congratulating them on receiving the Earth Awards 2025 for the Andrew Street upgrade and streetscape project.
- Letter to Mithun Bacheval dated 3rd September 2025 in regard to a request for Ministerial Discretion to consider a second PBS Pharmacy in Bridgewater.

10. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of Regulation 10(3) of the Local Government (Meeting Procedures) Regulations 2025, the agenda is to make provision for the date and purpose of any council workshop held since the last meeting.

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

A workshop was held on the 2nd September 2025 at 5.00pm to receive a presentation from Mithun Bacheval and Peter O'Brien in relation to a request to the Federal Minister for a second PBS Pharmacy in Bridgewater.

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

Apologies: Cr Geard & Cr Murtagh

11. NOTICES OF MOTION

Nil.

12. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Regulation 10(7) of the *Local Government (Meeting Procedures) Regulations 2025*, the Council, by absolute majority may decide to deal with a matter that is not specifically listed on the agenda if:-

(a) the general manager has reported the reason for which it was not possible to include the matter on the agenda; and
(b) the general manager has reported that the matter is urgent; and
(c) the general manager has certified under Section 65 of the Local Government Act 1993 that the advice has been obtained and taken into account in providing general advice to the council.

RECOMMENDATION:

That the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2025.*

DECISION:

13. REPORTS FROM COMMITTEES

13.1 Audit Panel - 16 May 2025

The minutes of the Audit Panel meeting held on 16th May 2025 be received and the recommendations are submitted to Council for adoption.

RECOMMENDATION:

That the Audit Panel minutes be received and the recommendations of the Audit Panel meeting held on 16th May 2025 be adopted.

DECISION:

14. COUNCIL ACTING AS A PLANNING AUTHORITY

Under the provisions of the *Land Use Planning and Approvals Act 1993* and in accordance with Regulation 29 of the *Local Government (Meeting Procedures) Regulations 2025*, the Chairperson is to advise the meeting that Council will act as a planning authority in respect to those matters appearing under Item 12 on this agenda, inclusive of any supplementary items.

14.1. Planning Scheme Amendment - 1 Hayfield Place, Bridgewater; 46 Gunn Street, Bridgewater; Lot 4 Nielsen Esplanade and Hayfield Place Road Reserve: for Multiple Dwellings (x 56); Boundary Adjustment and Ancillary Site and Infrastructure Works [DA2024/0035]

Author: Manager Planning (J Blackwell)

Applicant:	Prime Design
Subject Site:	1 Hayfield Place, Bridgewater; 46 Gunn Street, Bridgewater, Lot 4 Nielsen Esplanade and Hayfield Place Road Reserve
Proposal:	Multiple Dwellings x 56; Boundary Adjustment and Ancillary Site and Infrastructure works
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	General Residential Open Space Zone
Codes:	Signs Code C1.0 Parking and Sustainable Transport Code C2.0 Road and Railway Assets Code C3.0 Natural Assets Code (Waterway and Coastal Protection Area & Future Coastal Refugia Area) C7.0 Coastal Erosion Hazard Code C10.0 Coastal Inundation Hazard Code C11.0 Flood Prone Areas Code C12.0
Local Provisions:	BRI-C6.1.70 - Local Historic Heritage Place – “Fairfield” - (Signs)
Other	Historic Cultural Heritage Act – THC listed site #617, permanently listed
Use Class:	Residential
Discretions:	8.4.2A1(b)/P1 - Front Setback 8.4.2 A3/P3 - Building Envelope 8.4.3 A1/P1 - Site Coverage and Private Open Space for all dwellings

	8.4.8 A1/P1 - Waste Storage for Multiple Dwellings C1.6.4 A1/P1 Signs on local heritage places C2.5.1 A1/P1 Car Parking numbers C2.5.3 A1/P1 Motorcycle Parking C2.6.5 A1.1/P1 Pedestrian Access C3.5.1 A1.4/P1 Traffic Generation at a vehicle crossing, level crossing or new junction C7.6.1 A1/P1 Buildings and works within a waterway and coastal protection area C7.6.2 A2/P2 Buildings and works within a future coastal refugia area C7.6.1 A3/P3 Building and works involving stormwater point discharge to a watercourse C7.7.1A1/P1 Subdivision within a waterway and coastal area or future coastal refugia area C10.6.1 A1/P1 Building and works excluding coastal protection works within a coastal erosion hazard area C10.7.1 A1/P1 Subdivision with a coastal erosion hazard area C11.6.1 A1/P1 Building and Works excluding coastal protection works within a coastal inundation area C11.7.1 A1/P1 Subdivision within a coastal inundation hazard area C12.5.1 A1/P1 Uses within a flood-prone hazard area C12.6.1 A1/P1 Development and works within a flood-prone hazard area
Representations:	Two (2) representations were received. The representors raised the following issues: • Overlooking & Privacy • Devaluation of property • Loss of views • Soil composition • Recommendations for single dwellings and/or frosted/obscure glass • Proposal does not fit in with style of existing dwellings
Attachments:	• Attachment 1 - Proposal Plans and supporting reports • Attachment 2 - TasWater SPAN • Attachment 3 - Tasmanian Heritage Council Notice of Heritage Decision

Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2024/0035.

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 2025*.

2. SITE ASSESSMENT

The proposed site is located in Bridgewater, Tasmanian and comprises the following lots:

Address	C/T Reference	Owner
1 Hayfield Place,	176642/3	Centacare Evolve Housing Limited
46 Gunn Street	54813/13	Centacare Evolve Housing Limited
Hayfield Place Road Reserve	176642/6	Brighton Council
Lot 4 Nielsen Esplanade	176642/4	Brighton Council
Council Reserve	176642/7 & 8	Brighton Council

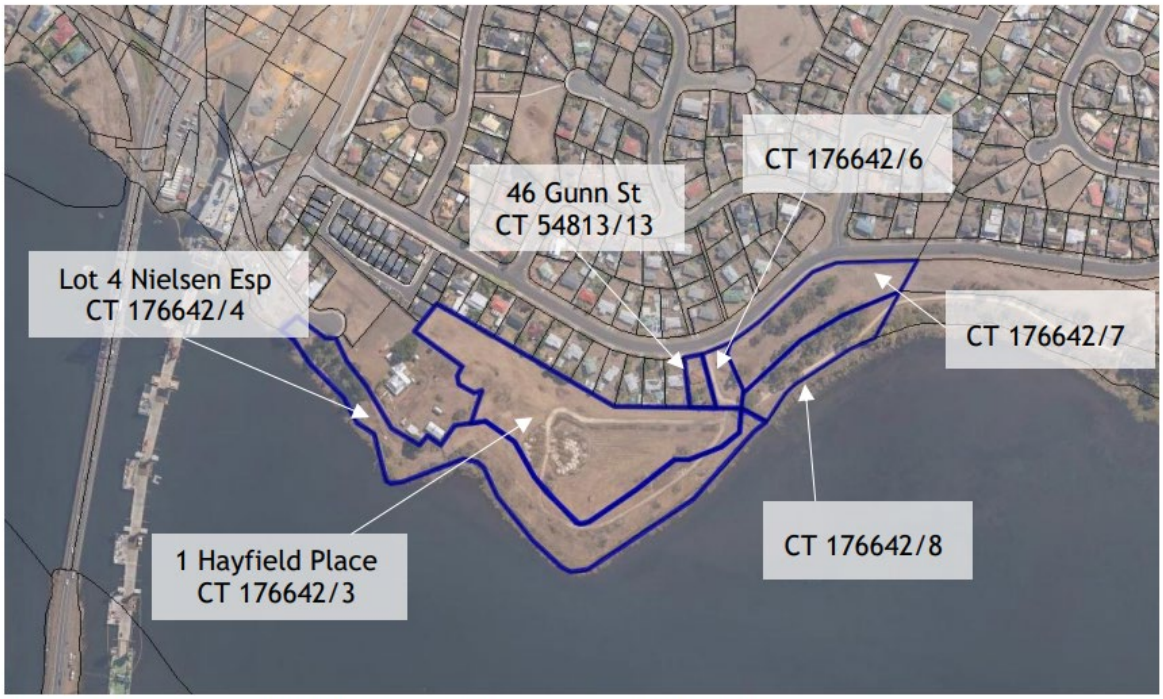

Figure 1. Subject Sites in dark blue (source: LISTmap, Accessed 11/01/2025)
Source: MC Planners Report, May 2025

1 Hayfield Street and 46 Gunn Street are situated in the General Residential zone, with the surrounding public reserves zoned Open Space. 1 Hayfield Street is a vacant lot. 46 Gunn Street is currently developed by a dwelling, which has separately been approved for demolition (DA2025/0036).

Hayfield Place Road Reserve is a council maintained, informally created, road lot. The Applicant is to construct Hayfield Place to the required standard. This road will provide access from Gunn Street to the site, via a 23m wide road parcel zoned Open Space. The road will be finalised through this development process, if approved by the planning authority.

Adjoining Council owned reserves [Lot 4 Nielsen Esplanade and the Council Reserve (CT 176642/7 and 8] are included within the application, to facilitate stormwater infrastructure and redirected public pathways. The proposal also includes discharge of stormwater to the River Derwent, for which Crown Consent has been provided. 177m2 of land on 1 Hayfield Place will be transferred to Council in order to maintain the existing gravel footpath from the road reserve to the foreshore trail.

The residential zoned properties have a combined site area of 19,800m2. The entirety of the site is generally level, with no significant vegetation identified. 1 Hayfield Place is subject to the Tasmanian Heritage Register, due to its association with the "Fairfield" Homestead (formerly "Hayfield").

Figure 1: Subject Site (source www.thelist.tas.gov.au/maps)

Crown consent has been issued for discharge of treated stormwater to the River Derwent.

Figure 2: Zoning Map (Red = General Residential; Green = Open Space) (Source: wwww.thelist.tas.gov.au/maps)

The site can be serviced for water and sewer.

The site is subject to a number of mapped overlays:

Coastal Inundation Hazard Code:

Figure 3: Low Band

Figure 4: Medium Band

Coastal Erosion Hazard Code:

Figure 5. High Band

Figure 6. Medium Band

Figure 7 Low Band

Natural Assets Code:

Figure 8: Future Coastal Refugia Area

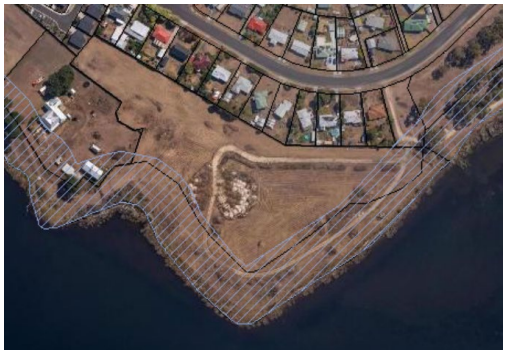

Figure 9: Waterway and Coastal Protection Area

Tasmanian Heritage Register

Figure 10: Fairfield (formerly Hayfield), Heritage Register ID: 617

In addition to the mapped overlays, the site is subject to the Signs Code, the Parking and Sustainable Transport Code and the Road and Railway Assets Code. Aboriginal cultural heritage has also been identified on the site.

Development on the land at 1 Hayfield Place is also subject to the following covenant, which has been demonstrated in the application documents:

"The owner of Lot 3 on the plan covenants with the Vendor (Medkes Development Pty Ltd and the Crown) and the owners for the time being of every other Lot shown on the Plan to the intent that the burden of this covenant may run with and bind the covenantor's Lot and every part thereof shall be annexed to and devolve with each and every part of every other Lot shown on the Plan to observe the following stipulations:-

1. *Not build any structure or dwelling or house or building whatsoever in the area marked "GFHIJKMNOP" shown on the Plan; and*
2. *Not to build any structure or dwelling or house or building whatsoever in the area marked "QRS" on the plan."*

Ancillary site works include the construction of a public road over the existing road reservation (which will also serve the existing TasWater pump station & Bridgewater Dog Park), an internal circulatory roadway, private services associated with the dwellings and a new stormwater outlet discharging to the River Derwent (via Crown Land).

3. PROPOSAL

The proposal seeks approval for:

- Demolition of existing dwelling and outbuildings (approved under DA 2025/36)
- Construction of 56 multiple dwellings
    - The dwellings comprise eight different dwelling layouts, comprising single and double storey dwellings, with 2 and 3 bedrooms designs. Some dwellings are conjoined, whilst others are villa style.
        - Unit type A (x4): 2 storey, 2 bedroom units with carport attached
        - Unit type B (x8): 2 storey, 2 bedroom units, roof top deck over carports
        - Unit type C (x6): 2 bedroom, single storey
        - Unit type D (x6): 2 storey, 3 bedroom conjoined dwellings with carport
        - Unit type F (x7): 2 storey, 3 bedroom conjoined dwellings
        - Unit type G (x18): 2 storey, 2 bedroom conjoined dwellings
        - Unit type H (x5): 2 storey, 3 bedroom, reverse living dwellings with garage
        - Unit type J (x2): 2 storey, 3 bedroom conjoined dwellings.
    - A mix of cladding including brick work, colorbond roof cladding and James Hardie light weight wall cladding
    - A variety of roof forms are provided across the various unit types.
- Ground based sign at entry to site
- 104 on site car parking spaces including 12 shared spaces and 11 visitor parking spaces)

- Boundary adjustment
    - Consolidation of titles for 1 Hayfield Place (CT 176642/3) and 46 Gunn Street (CT 54813/13)
    - Boundary adjustment of a portion of the consolidated lot to the road lot (CT 176642/6)
    - Excision of 177m2 to be transferred to Council to maintain access to existing pedestrian path.
- Access, waste collection, stormwater and associated infrastructure
    - stormwater main to be constructed via Lot 4 Nielsen Esplanade, to discharge to River Derwent
    - Construction and extension of Hayfield Place access to connect to the internal driveway at 1 Hayfield Place.
    - Redirection of pedestrian paths

The application is supported by the attached planning report from MC Planners dated May 2025 and supporting reports including Traffic Impact Assessment (Midson Traffic), Stormwater Management Report (Aldanmark), Coastal Vulnerability Assessment and Natural Values Assessment (Geo-Environmental Solutions), Flood Inundation Report (Flussig), and Bridgewater Test Pitting Excavation Report (Aboriginal Heritage) (Southern Archaeology).

The Tasmanian Heritage Commission indicated that they have an interest in the proposal and have provided a Notice of Heritage Decision containing conditions (refer section 5).

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 Use Class is categorised as Residential under the Scheme. In the General Residential Zone the Residential (Multiple Dwellings) use is Permitted.

General Provisions

7.10 Development not required to be categorised into a use class

As noted above, the proposal includes consolidation of titles for 1 Hayfield Place (CT 176642/3) and 46 Gunn Street (CT 54813/13). It also includes a boundary adjustment of portions of the consolidated lot with the road lot (CT 176642/6) and a transfer of 177m2 from 1 Hayfield Street to Council for the public foreshore (CT 176642/4). The above cannot be strictly considered a subdivision within the definition of 7.3 of the scheme, and as such needs to be considered as a subdivision. Clause 6.2.6 of the Scheme identifies a number of developments that are not required to be categorised into a use class, subdivision being one of those developments.

Clause 7.10 requires:

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.

The zone purpose statements for the ***General Residential*** zone are:

8.1.1 To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.

8.1.2 To provide for the efficient utilisation of available social, transport and other service infrastructure.

8.1.3 To provide for non-residential use that:

(a) primarily serves the local community; and

(b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

8.1.4 To provide for Visitor Accommodation that is compatible with residential character.

The zone purpose statements for the Open Space zone are:

29.1.1 To provide land for open space purposes including for passive recreation and natural or landscape amenity.

29.1.2 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.

The proposal for subdivision does not conflict with the Zone purpose statements.

In relation to 7.10.3 (b), applicable codes include C1.0 Signs Code, C2.0 Parking and Sustainable Transport Code, C3.0 Road and Railway Assets Code, C7.0 Natural Assets Code, C10.0 Coastal Erosion Hazard Code, C11.0 Coastal Inundation Hazard Code and C12.0 Flood Prone Areas Hazard Code.

The Code purpose for each is set out below:

C1.0 - Signs Code

C1.1.1 To provide for appropriate advertising and display of information for business and community activity.

C1.1.2 To provide for well-designed signs that are compatible with the visual amenity of the surrounding area.

C1.1.3 To ensure that signage does not disrupt or compromise safety and efficiency of vehicular or pedestrian movement.

C2.0 Parking and Sustainable Transport Code

C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.

C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.

C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.

C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.

C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.

C2.1.6 To provide for parking precincts and pedestrian priority streets.

C3.0 Road and Railway Assets Code

C3.1.1 To protect the safety and efficiency of the road and railway networks; and

C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

C7.0 Natural Assets Code

C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.

C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.

C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.

C7.1.4 To minimise impacts on identified priority vegetation.

C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

C10.0 Coastal Erosion Hazard Code

C10.1.1 To ensure that use or development subject to risk from coastal erosion is appropriately located and managed, so that:

(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;

(c) it does not increase the risk from coastal erosion to other land or public infrastructure; and

(d) works to protect land from coastal erosion are undertaken in a way that provides appropriate protection without increasing risks to other land.

C10.1.2 To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.

C11.0 Coastal Inundation Hazard Code

C11.1.1 To ensure that use or development subject to risk from coastal inundation is appropriately located and managed so that:

(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;

(c) it does not increase the risk from coastal inundation to other land or public infrastructure; and

(d) works to protect land from coastal inundation are undertaken in a way that provides appropriate protection without increasing risks to other land.

C11.1.2 To provide for appropriate use or development that relies upon a coastal location to fulfil its purpose.

C12.0 Flood Prone Areas Hazard Code

C12.1.1 *To ensure that use or development subject to risk from flood is appropriately located and managed, so that:*

(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.

C12.1.2 To preclude development on land that will unreasonably affect flood flow or be affected by permanent or periodic flood.

As outlined in the supporting planning report from MC Planners (pp8-11 inclusive), the proposal for subdivision does not conflict with the Code purpose statements.

There are no relevant local area objectives (7.10.3(c)) or applicable specific area plans for the site (7.10.3(d)).

Compliance with Performance Criteria

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

Clause 8.4.2 A1/P1 Frontage Setback

Objective:	
The siting and scale of dwellings: (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and (d) provides reasonable access to sunlight for existing solar energy installations.	
Acceptable Solution	**Performance Criteria**
A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.	P1 A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.

Units 1A and 1B have a setback to the 46 Gunn Street primary frontage in excess of 5m. Unit 1B has a setback of approximately 1.65m from the secondary frontage abutting the Hayfield Place reserve. The balance of the units have a setback exceeding 4.5m from the Hayfield Place frontage.

Hayfield Place is a public road reserve. Consequentially, the interface between Unit 1B and Hayfield Place is considered a secondary frontage, requiring a setback of 3m to satisfy the acceptable solution in A1(b) above. Therefore, assessment against the performance criteria is relied upon.

Pedestrian access to the unit is via a north facing frontage to Gunn Street, with vehicle access via the internal driveway once inside the property boundaries, refer figure 11.

Unit 1B will be the only dwelling with a street presence adjacent to Hayfield Place. Accordingly, the reduced setback is considered to accord with the PC.

Figure 11 - Location of unit 1B.

Clause 8.4.2 A3/P3 Building envelope

Objective:	
The siting and scale of dwellings: (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and (d) provides reasonable access to sunlight for existing solar energy installations.	
Acceptable Solution	**Performance Criteria**
A3 A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m	P3 The siting and scale of a dwelling must:

horizontally beyond the building envelope, must: (a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by: (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling: (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).	(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; and (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: (i) an adjoining property; or (ii) another dwelling on the same site.

The proposal provides minimum 4m side setbacks (northern boundary), 2.685m rear setback (western boundary) and 5.6m setbacks (southern boundary) (Refer figures 12 - 15 inclusive)

Figure 12 - Northern Boundary minimum side boundary setbacks

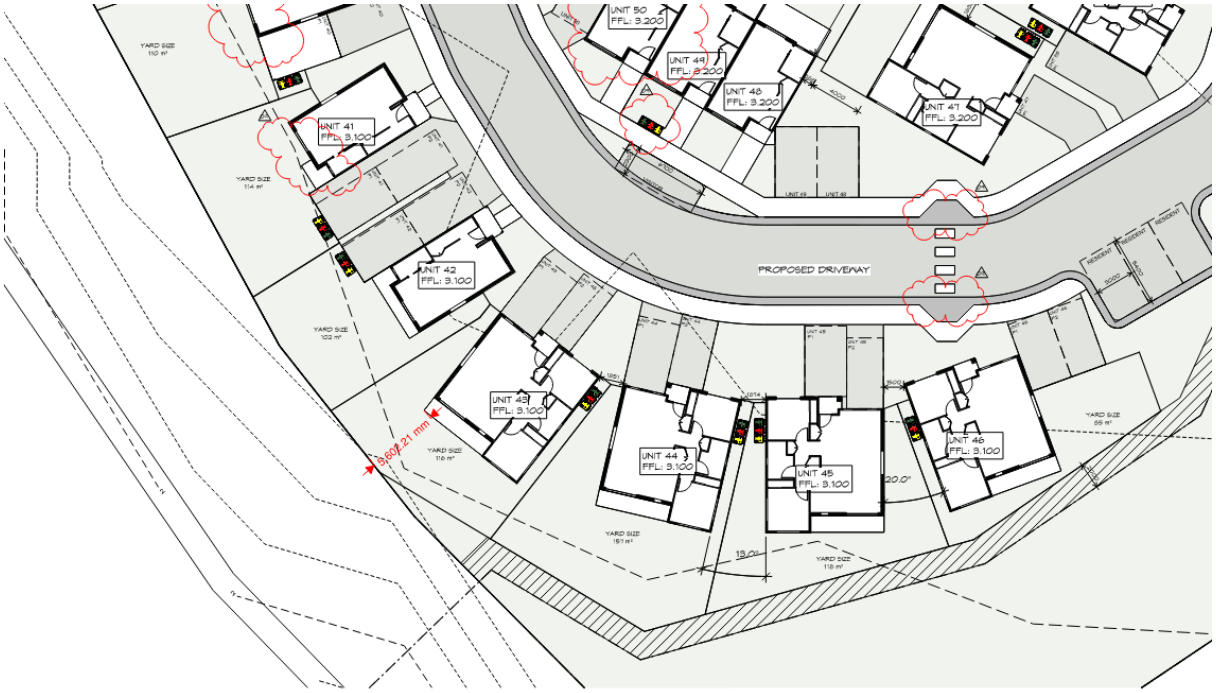

Figure 13 - Southern boundary minimum side boundary setbacks

Figure 14 Western boundary - minimum rear boundary setback

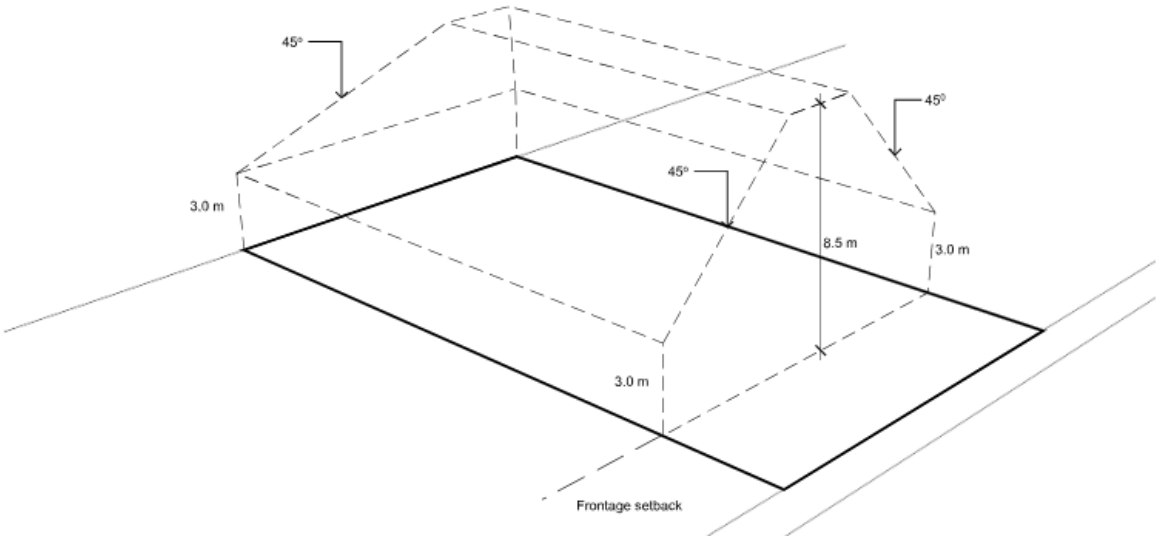

Figure 15 - Figure 8.2 Building Envelope as required by clause 8.4.2 A3(a) (Source - Tasmanian Planning Scheme Brighton

By way of example, and taking into account the irregular shape of the site and the inclusion of 46 Gunn Street in the calculations, a 2 storey dwelling with a setback of 4m will have an allowable wall height of 7m (calculated as permitted 3m wall height at the boundary plus 1m increase in wall height for each metre of setback), projecting from the boundary at height of 3m and an angle of 45 degrees to a maximum height of 8.5m, across the whole of the site (Figure 15).

Dwellings situated adjacent to the northern boundary (facing Gunn Street) have a wall height of 5.62m, and maximum building height of 7.4m, therefore requiring a setback of 2.62m to fit within the building envelope. The minimum setback provided along this boundary is 4m (refer Figure 12)

Figure 16 - Typical wall and building heights.

However, the proposal is reliant on performance criteria in relation to the building envelope, as the roof edge of Units 1A and 1B protrude from the building envelope relating to the frontage setback (Unit 1B) and a minor section of the north eastern corner elevation (Unit 1A) (refer Figure 17).

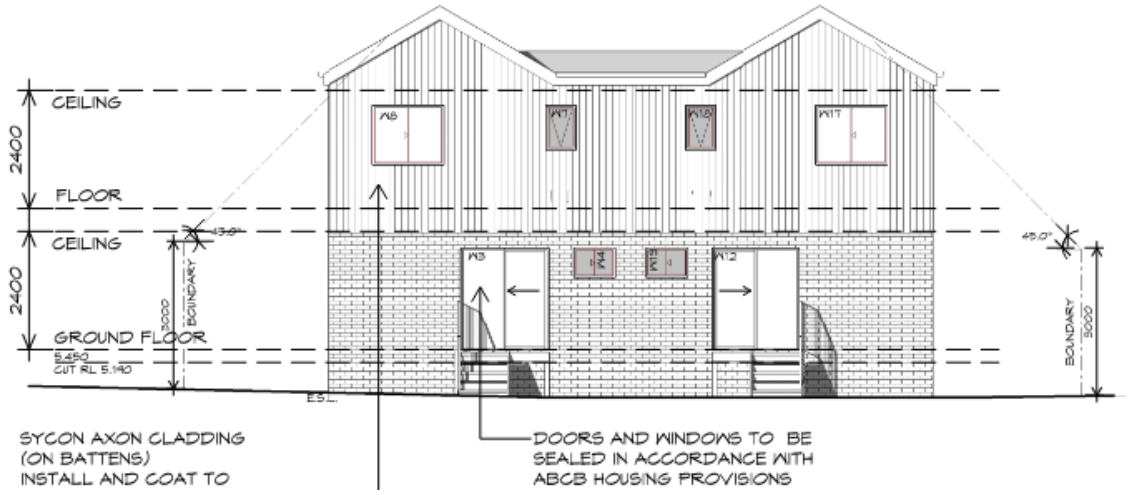

Figure 18: Building Envelope Units 1A and 1B (drawing PD23116-J-04, revision 04) (source: Application documents)

Therefore assessment against the performance criteria is relied upon.

In addressing the Performance Criteria, the hourly shadow diagrams provided as at 21 June, Units 1A and 1B demonstrate that there is likely to be some overshadowing of the property at 44 Gunn Street between 9am and 11am, with no overshadowing identified by 12 noon. Slight overshadowing is expected to occur at the western end of the site during the same time period.

Visually, the buildings are to be constructed with a mix of materials, being face brick and cladding, walls have been broken up through the use of windows. Further the applicant has provided a landscaping plan, which demonstrates the use of vegetation to soften the aesthetics of the dwellings. The dwellings are in keeping with those more recently constructed at 8-20 Gunn Street, and 14 Nielsen Esplanade

Similar setbacks between the proposed multiple dwellings and existing dwellings along Gunn Street have been demonstrated, with many of the existing dwellings being situated closer to side boundaries than the proposed units.

There is no adjoining vacant property to be considered, nor are there any solar panels on adjoining properties that will be affected by overshadowing.

According, the PC is satisfied.

Clause 8.4.3 A1/P1 - Site Coverage and Private Open Space for all dwellings

Objective:	
That dwellings are compatible with the amenity and character of the area and provide: (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.	
Acceptable Solution	**Performance Criteria**
A1 Dwellings must have:	P1 Dwellings must have:

(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).	(a) site coverage consistent with that existing on established properties in the area; (b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and (c) reasonable space for the planting of gardens and landscaping.

Site coverage for the proposed development is approximately 3638m^2 which equates to approximately 19%. However, eleven (11) units have less than 60m2 private open space, being units 2-9 inclusive, 49 and 55. The acceptable solution is not satisfied, and assessment against the performance criteria is relied upon.

Similar multiple dwelling development exists at 20 Gunn Street, 14 Nielsen Esplanade and 1-3 Waruga Street demonstrating consistency with established properties in the area.

The landscaping plan submitted with the application shows that planting and clothes drying can be accommodated. Each dwelling is able to provide in excess of the designated 24m^2 private open space required by 8.4.3 A2 of the Scheme. The site provides additional areas of open space its boundaries and is connected to the foreshore trail fronting the river front reserve. The site is approximately 500m from the Bridgewater Parklands.

It is considered that the reduced areas of POS are sufficient, when considered in conjunction with open space on the site, and the adjacent public reserves.

Accordingly, the PC is satisfied.

Clause 8.4.8 Waste Storage for Multiple Dwellings

Objective:	
To provide for the storage of waste and recycling bins for multiple dwellings.	
Acceptable Solution	Performance Criteria
A1 A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations:	P1 A multiple dwelling must have storage for waste and recycling bins that is: (a) capable of storing the number of bins required for the site; (b) screened from the frontage and any dwellings; and

(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or (b) a common storage area with an impervious surface that: (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.	(c) if the storage area is a common storage area, separated from any dwellings to minimise impacts caused by odours and noise.

The proposal includes waste storage for each unit, however some waste storage is at the front of each dwelling facing the internal road (units 3 - 8,17-21, 31-36 and 49) and therefore is not able to satisfy the acceptable solution.

The proposal is able to satisfy the performance criteria in that the proposal shows that each waste storage location is provided with screening for three bins. However, a condition will be included in any permit approved requiring screening of bins to be implemented.

Accordingly, the PC is satisfied with conditions.

Clause 1.6.4 A1/P1 Signs on local heritage places

Objective:	
That the size, design and siting of signs is compatible with and does not have an unacceptable impact on the local historic heritage significance of a local heritage place, a local heritage precinct or a local historic landscape precinct as listed in the Local Historic Heritage Code.	
Acceptable Solution	Performance Criteria
A1 A sign located on a site that is a local heritage place, in a local heritage precinct or local historic landscape precinct listed under the Local Historic Heritage Code, must: (a) be not more than 0.2m²; (b) not be an illuminated sign; and (c) there must be not more than 1 sign per site.	P1 A sign located on a site that is a local heritage place, in a local heritage precinct or local historic landscape precinct listed under the Local Historic Heritage Code must be located in a manner that does not have an unacceptable impact on the local historic heritage significance of the place or precinct, having regard to: (a) placement to allow the architectural details of the building to remain prominent; (b) the size and design not substantially diminishing the local historic heritage

	significance of the place or precinct; (c) where relevant, placement in a location on the building that would traditionally have been used as an advertising area; (d) any domination or obscuring of any historic signs forming an integral part of a building's architectural detailing or local historic heritage significance; (e) using fixtures that do not and are not likely to damage building fabric; (f) not projecting above a parapet or roof line if such a projection impacts on the local historic heritage significance of the building; and (g) not using internal illumination in a sign on a local heritage place unless it is demonstrated that such illumination will not detract from the local historic heritage significance of the place or precinct.

The proposal provides for a single ground based entry sign 4m x 1.8m to be located at the rear of 46 Gunn Street, facing Hayfield Place on land identified as a local heritage place.

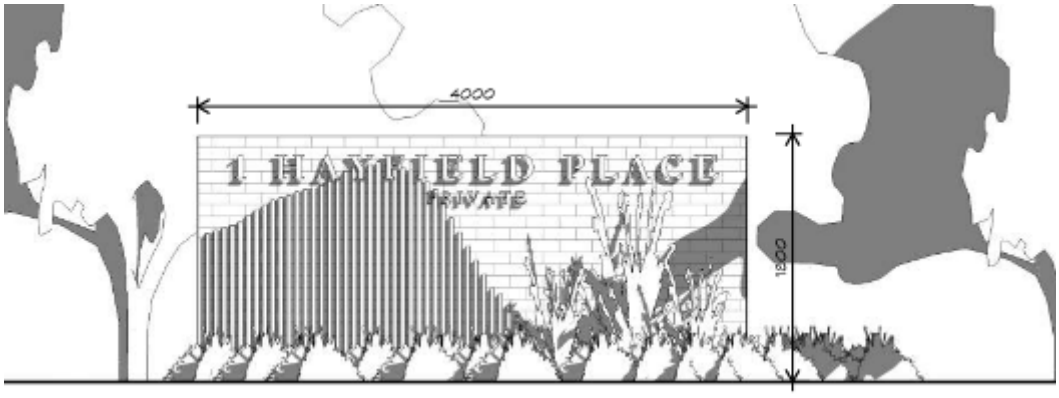

Figure 19: Proposed Signage

The dimensions of the ground based sign do not satisfy the acceptable solution. Therefore assessment against the performance criteria is relied upon.

The sign is to be located at the south western end of Hayfield Place, south of the proposed dwellings on 46 Gunn Street, and approximately 33m north east of the proposed dwellings on the lot proper. It is not proposed to illuminate the sign, and earth tones will be utilised to minimise any adverse impacts. The sign is separated from the adjoining Hayfield homestead by the proposed residential development, and is not considered to detract

from the local historical significance of the place given the siting, scale, materials and colour scheme proposed.

Heritage Tasmania did not provide any comment on the proposed signage when considering the proposal.

Accordingly, the PC is satisfied.

Clause C2.5.1 A1/P1 Car Parking Numbers

Objective:	
That an appropriate level of car parking spaces are provided to meet the needs of the use.	
Acceptable Solution	Performance Criteria
A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, less the number of car parking spaces that cannot be provided due to the site including container refund scheme space, excluding if: (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or (ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: N = A + (C- B) N = Number of on-site car parking spaces required	P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to: (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; (b) the ability of multiple users to share spaces because of: (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (g) the effect on streetscape; and (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development. P1.2

A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.	The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to: (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area.

The proposal provides for 104 on site car parking spaces consisting of 93 spaces dedicated to residents and 11 visitor car parking spaces. Pursuant to Table C2.1, a total of 131 car parking spaces are required. Therefore the proposal cannot satisfy the acceptable solution, and assessment against the performance criteria is relied upon.

The proposal was referred to Council's Manager of Development Engineering, who has considered the submitted Traffic Impact Assessment which formed part of the application documents.

The TIA assesses demands against the Roads and Maritime Services NSW *Guide to Traffic Generating Developments* (2002) (RMS Guide). The RMS Guide is currently endorsed by the Department of State Growth in the TIA Guidelines document dated August 2020.

In addressing the performance criteria, the TIA confirms the RMS Guide indicates a requirement for 85 parking spaces. Therefore the proposed 104 vehicle spaces are considered acceptable given the nature of the development and the likelihood it will not impact on street parking.

Accordingly, the PC is satisfied.

Clause C2.5.3 A1/P1 Motorcycle Parking

Objective:	
That the appropriate level of motorcycle parking is provided to meet the needs of the use.	
Acceptable Solution	Performance Criteria
A1 The number of on-site motorcycle parking spaces for all uses must: (a) be no less than the number specified in Table C2.4; and (b) if an existing use or development is extended or intensified, the number of on-site motorcycle parking spaces must be based on the proposed extension or intensification, provided the existing number of motorcycle parking spaces is maintained.	P1 Motorcycle parking spaces for all uses must be provided to meet the reasonable needs of the use, having regard to: (a) the nature of the proposed use and development; (b) the topography of the site; (c) the location of existing buildings on the site; (d) any constraints imposed by existing development; and

	(e) the availability and accessibility of motorcycle parking spaces on the street or in the surrounding area.

Based on 104 car parking spaces, the proposal requires 4 motorcycle parking spaces as identified by Table C2.4 Motorcycle Parking Space Requirements. The proposal shows 2 motorcycle parking spaces. Therefore assessment against the performance criteria is relied upon.

The applicant has not addressed the shortfall of motorcycle parking in its application. Upon assessment, there is sufficient area on the site to provide the required number of motorcycle parking spaces. A condition requiring that 4 motorcycle parking spaces be provided on site is recommended

Accordingly, the PC is satisfied with conditions.

Clause C2.6.5 A1.1/P1 Pedestrian Access

Objective:	
That pedestrian access within parking areas is provided in a safe and convenient manner.	
Acceptable Solution	Performance Criteria
A1.1 Uses that require 10 or more car parking spaces must: (a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by: (i) a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or (ii) protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and (b) be signed and line marked at points where pedestrians cross access ways or parking aisles. A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.	P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to: (a) the characteristics of the site; (b) the nature of the use; (c) the number of parking spaces; (d) the frequency of vehicle movements; (e) the needs of persons with a disability; (f) the location and number of footpath crossings; (g) vehicle and pedestrian traffic safety; (h) the location of any access ways or parking aisles; and (i) any protective devices proposed for pedestrian safety.

The proposal is not able to satisfy A1.1. A1.2 is not applicable in this instant.

The development provides a 1m wide internal footpath for the length of the internal roadway. Where units exist on both sides of the road, footpath is provided along both

frontages. All crossing points are delineated by zebra marking and includes pedestrian ramps.

Council's Manager Development Engineering has considered the proposal, including the TIA and considers that the low-speed environment coupled with the mitigation measures provided in the application can satisfy the performance criteria.

Accordingly, the PC is satisfied.

Clause C3.5.1 A1.4/P1 Traffic Generation at a Vehicle Crossing, level crossing or new Junction

Objective:	
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
Acceptable Solution	**Performance Criteria**
A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority. A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority. A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than: (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road. A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.	Vehicular traffic means traffic composed of motor vehicles as motor vehicle is defined in section 3 of the Vehicle and Traffic Act 1999. to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to: (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.

The proposal is not able to satisfy the acceptable solutions as the increase in vehicular traffic will exceed that provided for in Table C3.1. Assessment against the performance criteria is relied upon.

The TIA notes that:

- the proposal will generate vehicle movements equating to 336 vehicle movements per day, with a peak generation of 34 vehicles per hour, equating to slightly more than 1 vehicle every 2 minutes on average.
- the traffic is residential in nature and consistent with that in the surrounding area,
- Hayfield Place and Gunn Street are local residential roads that carry predominantly residential traffic
- The general urban speed limit of 50KM/h applies
- There is no alternative access
- The access is required to provide vehicular access to the residential units associated with the development only.

The proposal was referred to Council's Manager of Development Engineering, who has considered the submitted Traffic Impact Assessment addresses the performance criteria sufficiently.

Accordingly, the PC is satisfied.

Clause C7.6.1 A1/P1.1 & P1.2 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
A1 Buildings and works within a waterway and coastal protection area must: (a) be within a building area on a sealed plan approved under this planning scheme; (b) in relation to a Class 4 watercourse, be for a crossing or bridge not more than 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.	P1.1 Buildings and works within a waterway and coastal protection area must avoid or minimise adverse impacts on natural assets, having regard to: (a) impacts caused by erosion, siltation, sedimentation and runoff; (b) impacts on riparian or littoral vegetation; (c) maintaining natural streambank and streambed condition, where it exists; (d) impacts on in-stream natural habitat, such as fallen logs, bank overhangs, rocks and trailing vegetation; (e) the need to avoid significantly impeding natural flow and drainage;

	(f) the need to maintain fish passage, where known to exist; (g) the need to avoid land filling of wetlands; (h) the need to group new facilities with existing facilities, where reasonably practical; (i) minimising cut and fill; (j) building design that responds to the particular size, shape, contours or slope of the land; (k) minimising impacts on coastal processes, including sand movement and wave action; (l) minimising the need for future works for the protection of natural assets, infrastructure and property; (m) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and (n) the guidelines in the Tasmanian Coastal Works Manual. P1.2 Buildings and works within the spatial extent of tidal waters must be for a use that relies upon a coastal location to fulfil its purpose, having regard to: (a) the need to access a specific resource in a coastal location; (b) the need to operate a marine farming shore facility; (c) the need to access infrastructure available in a coastal location; (d) the need to service a marine or coastal related activity; (e) provision of essential utility or marine infrastructure; or (f) provisions of open space or for marine-related educational, research, or recreational facilities.

The proposal includes works for a new stormwater discharge point to be located within the foreshore reserve and discharging to the Derwent River within the waterway and coastal protection area which does not satisfy the acceptable solution. Therefore assessment against the performance criteria is relied upon.

The Crown (NRE) have considered the proposal and provided Crown consent pursuant to s52(1B) of the *Land Use Planning and Approvals Act* 1993.

The application is supported by a Natural Values Assessment (NVA) against the Natural Assets Code. That report notes:

- Any development works approved should be approved with an appropriate, site specific soil and water management plan to reduce the risk of environmental harm and erosion. The site should regularly maintain and progressively stabilised (sic) through vegetation and landscaping to reduce the potential for erosion
- There is no riparian or littoral vegetation present on the site
- There are no proposed works in the streambank
- The in-stream natural habitat will not be disturbed under the current proposal
- The watercourse is well-defined, the proposed works are located well away from the watercourse.
- No wetlands are located at the project area
- The project area is a vacant lot which doesn't have any existing facilities on site
- There is only minimal cut and fit proposed for the site
- The proposed development works are strategically position to accommodate multiple units with low impact to the natural values. The proposed units placement allows for efficient site development, minimising the need for unnecessary excavations, while ensuring convenient access from Hayfield place
- No further protection works are required other than regular maintenance
- All works should be undertaken in compliance with the Wetlands and Waterways Works Manual (DPIWE 2003)
- All proposed works should be following the guidelines of the Tasmanian Coastal Works manual

Council officers have considered the supporting report and accept that it suitably addresses the performance criteria. As recommended by the NVA, a condition requiring the submission of a site specific soil and water management plan for Council officers' approval prior to commencement of any works on site is recommended.

Accordingly, the PC is satisfied with conditions

Clause C7.6.2 A2/P2 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**
A2	P2.1

Buildings and works within a future coastal refugia area must be located within a building area on a sealed plan approved under this planning scheme.	Buildings and works within a future coastal refugia area must allow for natural coastal processes to continue to occur and avoid or minimise adverse impacts on natural assets, having regard to: (a) allowing for the landward transgression of sand dunes and the landward colonisation of wetlands, saltmarshes and other coastal habitats from adjacent areas; (b) avoiding the creation of barriers or drainage networks that would prevent future tidal inundation; (c) allowing the coastal processes of sand deposition or erosion to continue to occur; (d) the need to group new facilities with existing facilities, where reasonably practical; (e) the impacts on native vegetation; (f) minimising cut and fill; (g) building design that responds to the particular size, shape, contours or slope of the land; (h) the impacts of sea-level rise on natural coastal processes and coastal habitat; (i) the environmental best practice guidelines in the Wetlands and Waterways Works Manual; and (j) the guidelines in the Tasmanian Coastal Works Manual. P2.2 Buildings and works within a future coastal refugia area must be for a use that relies upon a coastal location to fulfil its purpose, having regard to: (a) the need to access a specific resource in a coastal location; (b) the need to operate a marine farming shore facility; (c) the need to access infrastructure available in a coastal location; (d) the need to service a marine or coastal related activity;

	(e) provision of essential utility or marine infrastructure; and (f) provision of open space or for marine-related educational, research, or recreational facilities.

The proposal includes works for a new stormwater discharge point to be located within the foreshore reserve and discharging to the Derwent River within the future coastal refugia area. There is no building area shown on the title. Accordingly, the acceptable solution is not met, and assessment against the performance criteria is relied upon.

The Crown (NRE) have considered the proposal and provided Crown consent pursuant to s52(1B) of the *Land Use Planning and Approvals Act 1993.*

Council's Manager Development Engineering has considered the supporting report, and accepts that it suitably addresses P2.1 as the site cut and fill is relatively minor. P2.2 is not applicable.

The NVA incorrectly states that no works are proposed in the future coastal refugia area.

Council officers have considered the proposal, and notes that the site cut and fill is relatively minor for the works, which will not have an adverse effect on the area. Accordingly, it is considered that the performance criteria can be met via a condition requiring the submission of site specific soil and water management plan as outlined above.

Accordingly, the PC is satisfied with conditions

Clause C7.6.1 A3/P3 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
A3 Development within a waterway and coastal protection area or a future coastal refugia area must not involve a new stormwater point discharge into a watercourse, wetland or lake.	P3 Development within a waterway and coastal protection area or a future coastal refugia area involving a new stormwater point discharge into a watercourse, wetland or lake must avoid or minimise adverse impacts on natural assets, having regard to: (a) the need to minimise impacts on water quality; and (b) the need to mitigate and manage any impacts likely to arise from erosion, sedimentation or runoff.

The proposal includes stormwater discharge to the River Derwent, and therefore does not satisfy the acceptable solution. Assessment against the performance criteria is relied upon.

The NVA does not directly address the stormwater outlet proposed to be discharged to the River Derwent. However the application notes that the stormwater is to be directed through a stormwater quality device and a headwall installed with scour protection to protect against erosion. There is no realistic alternative to the proposal.

The outlet is to be constructed on Crown Land, to which Crown have given consent and have indicated specific consent will be required at the time of construction.

Accordingly, the PC is satisfied with conditions.

Clause 7.7.1 A1/P1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

Objective:	
That: (a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and (b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on natural assets.	
Acceptable Solution	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must: (a) be for the creation of separate lots for existing buildings; (b) be required for public use by the Crown, a council, or a State authority; (c) be required for the provision of Utilities; (d) be for the consolidation of a lot; or (e) not include any works (excluding boundary fencing), building area, services, bushfire hazard management area or vehicular access within a waterway and coastal protection area or future coastal refugia area.	P1 Each lot, or a lot proposed in a plan of subdivision, within a waterway and coastal protection area or a future coastal refugia area, must minimise adverse impacts on natural assets, having regard to: (a) the need to locate building areas and any associated bushfire hazard management area to be outside a waterway and coastal protection area or a future coastal refugia area; and (b) future development likely to be facilitated by the subdivision

The subdivision layout provides for Lot 2 as a utilities lot and Lot 3 is being transferred to for public open space. However Lot 1 requires stormwater infrastructure to service the proposed development. Accordingly, the proposal does not satisfy the acceptable solution and assessment against the performance criteria is relied upon.

The subdivision reduces the existing area of Lot 1 by transferring small portion of land to Council for Public Use (foreshore footpath). Buildings remain outside the waterway and

coastal protection area and future coastal refugia area. Lot 1 effectively remains unchanged. The land is not Bushfire prone. There is minimal vegetation in the vicinity which will be affected by the works. The headwall has been designed to include scour protection and the stormwater system will include treatment devices. No further development is likely to be facilitated by the subdivision.

Accordingly, the PC is satisfied.

Clause C10.6.1 A1/P1 Building and Works, excluding Coastal Protection Works within a Coastal Erosion Hazard Code

Objective:	
That: (a) building and works, excluding coastal protection works, within a coastal erosion hazard area, can achieve and maintain a tolerable risk from coastal erosion; and (b) buildings and works do not increase the risk from coastal erosion to adjacent land and public infrastructure.	
Acceptable Solution	**Performance Criteria**
A1 No Acceptable Solution.	P1.1 Buildings and works, excluding coastal protection works, within a coastal erosion hazard area must have a tolerable risk, having regard to: (a) whether any increase in the level of risk from coastal erosion requires any specific hazard reduction or protection measures; (b) any advice from a State authority, regulated entity or a council; and (c) the advice contained in a coastal erosion hazard report. P1.2 A coastal erosion hazard report demonstrates that: (a) the building and works: (i) do not cause or contribute to any coastal erosion on the site, on adjacent land or public infrastructure; and (ii) can achieve and maintain a tolerable risk from a coastal erosion event in 2100 for the intended life of the use without requiring any specific coastal erosion protection works; (b) buildings and works are not located on actively mobile landforms, unless for engineering or remediation

	works to protect land, property and human life.

The proposal includes works within the mapped coastal erosion hazard area, for which there is no acceptable solution. Therefore assessment against the performance criteria is relied upon.

Crown consent has been provided for the lodgement of the application based on the information provided to it by the applicant.

A Coastal Vulnerability report addressing the performance criteria has been submitted in support of the application.

Council officers have reviewed the documentation and consider that the risk of coastal erosion for the development is deemed tolerable until 2100, the extent of the development are clear of the possible expected coastal erosion and it lies within a stable foundation zone.

No specific measures are required to mitigate coastal erosion at the site.

Accordingly, the PC is satisfied.

Clause C10.7.1 A1/P1 Subdivision with a coastal erosion hazard area

Objective:	
That subdivision within a coastal erosion hazard area does not create opportunity for use or development that cannot achieve and maintain a tolerable risk from coastal erosion	
Acceptable Solution	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, within a coastal erosion hazard area, must: (a) be able to contain a building area, vehicle access, and services, that are wholly located outside a coastal erosion hazard area; (b) be for the creation of separate lots for existing buildings; (c) be required for public use by the Crown, a council or a State authority; or (d) be required for the provision of Utilities, and not be located on an actively mobile landform	P1 Each lot, or a lot proposed in a plan of subdivision, within a coastal erosion hazard area must not create an opportunity for use or development that cannot achieve and maintain a tolerable risk from coastal erosion, having regard to: (a) any increase in risk from coastal erosion for adjacent land; (b) the level of risk to use or development arising from an increased reliance on public infrastructure; (c) the need to minimise future remediation works; (d) any loss or substantial compromise, by coastal erosion, of access to the lot on or off site; (e) the need to locate building areas outside the coastal erosion hazard area;

	(f) any advice from a State authority, regulated entity or a council; and (g) the advice contained in a coastal erosion hazard report, and works must not be located on actively mobile landforms unless for engineering or remediation works to protect land, property and human life.

Lot 2 is for utilities, and Lot 3 is provided for public open space, however Lot 1 requires works for the provision of stormwater infrastructure to serve the future development. Therefore the acceptable solution is not satisfied and assessment against the performance criteria is relied upon.

Council requested the subdivision of Lot 1 to occur to facilitate the continuation of the Bridgewater foreshore track and enable public road and infrastructure to be wholly maintained in Council land.

The subdivision reduces the existing area of Lot 1 by transferring small portions of land to Council for Public Use. It does not increase risk from coastal erosion to adjacent land, increase reliance on public infrastructure, nor will it impact future remediation works.

The suitability of, and risk to both lot access and building areas is addressed under 10.6 and considered acceptable.

The coastal erosion hazard report does not specifically address subdivision but confirms the proposed buildings and works are not located on actively mobile landforms and present a tolerable risk. The subdivided lots only serve to provide land to Council for public use.

Accordingly, it is considered that the performance criteria can be satisfied.

Clause 11.6.1 A1/P1 Buildings and Works, excluding coastal protection works, within a coastal inundation hazard area

Objective:	
That: (a) building and works, excluding coastal protection works, within a coastal inundation hazard area, can achieve and maintain a tolerable risk from coastal inundation; and (b) buildings and works do not increase the risk from coastal inundation to adjacent land and public infrastructure.	
Acceptable Solution	**Performance Criteria**
A1 No Acceptable Solution.	P1.1 Buildings and works, excluding coastal protection works, within a coastal inundation hazard area must have a tolerable risk, having regard to: (a) whether any increase in the level of risk from coastal inundation requires

	any specific hazard reduction or protection measures; (b) any advice from a State authority, regulated entity or a council; and (c) the advice contained in a coastal inundation hazard report. P1.2 A coastal inundation hazard report also demonstrates that the building or works: (a) do not cause or contribute to coastal inundation on the site, on adjacent land or public infrastructure; and (b) can achieve and maintain a tolerable risk from a 1% annual exceedance probability coastal inundation event in 2100 for the intended life of the use without requiring any specific coastal inundation protection works.

The proposal includes works within the mapped coastal inundation hazard area, for which there is no acceptable solution. Therefore assessment against the performance criteria is relied upon.

Crown consent has been provided for the lodgement of the application based on the information provided to it by the applicant.

A Coastal Vulnerability Report (GES, 2022) addressing the performance criteria has been submitted with the application.

Council officers have reviewed the documentation and considers:

(a) The expected inundation due to Coastal impact is exceeded by that caused by *Flooding.* The *Flood Hazard Report* indicates finished floor levels of all habitable buildings exceed the minimum required under the Brighton Council local provisions schedule for Coastal Inundation. The *Flood Hazard Report* confirms no other works require specific measures & present a tolerable risk.

(b) The local provision schedule specifies the minimum FFL for Coastal Indundation (this is exceeded in all instances).

(c) The requirements of the *Flood Hazard Report* exceed that required by the *Coastal Inundation Hazard Report.*

Further, the report confirms the works do not cause or contribute to coastal inundation on the site, or adjacent land & can achieve and maintain a tolerable risk in 2100.

Accordingly, the PC is satisfied.

Clause C11.7.1 A1/P1 Subdivision within a coastal inundation hazard area

Objective:	
That subdivision within a coastal inundation hazard area does not create an opportunity for use or development that cannot achieve and maintain a tolerable risk from coastal inundation.	
Acceptable Solution	Performance Criteria
A1 Each lot, or a lot proposed in a plan of subdivision, within a coastal inundation hazard area, must: (a) be able to contain a building area, vehicle access, and services, that are wholly located outside a coastal inundation hazard area; (b) be for the creation of separate lots for existing buildings; (c) be required for public use by the Crown, a council or a State authority; or (d) be required for the provision of Utilities.	P1 Each lot, or a lot proposed in a plan of subdivision within a coastal inundation hazard area must not create an opportunity for use or development that cannot achieve and maintain a tolerable risk from coastal inundation, having regard to: (a) any increase in risk from coastal inundation for adjacent land; (b) the level of risk to use or development arising from an increased reliance on public infrastructure; (c) the need to minimise future remediation works; (d) any loss or substantial compromise, by coastal inundation, of access to the lot on or off site; (e) the need to locate building areas outside the coastal inundation hazard area; (f) any advice from a State authority, regulated entity or a council; and (g) the advice contained in a coastal inundation hazard report.

Lot 2 is for utilities, and Lot 3 is provided for public open space, however Lot 1 requires works for the provision of stormwater infrastructure to serve the future development. Therefore the acceptable solution is not satisfied and assessment against the performance criteria is relied upon.

Council requested the subdivision of Lot 1 to occur to facilitate the continuation of the Bridgewater foreshore track and enable public road and infrastructure to be wholly maintained in Council land.

The subdivision reduces the existing area of Lot 1 by transferring small portions of land to Council for Public Use. The subdivision does not increase risk from coastal inundation to adjacent land, reliance on public infrastructure, nor does it impact future remediation works.

The suitability of, and risk to both lot access and building areas is addressed under 11.6.1 above and considered acceptable.

The coastal inundation hazard report does not specifically address subdivision, however the subdivided lots only serve to provide land to Council for public use.

Accordingly, it is considered that the performance criteria can be satisfied.

Clause 12.5.1 A1/P1 Uses within a flood-prone hazard area

Objective:	
That a habitable building can achieve and maintain a tolerable risk from flood.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution.	P1.1 A change of use that, converts a non--habitable building to a habitable building, or a use involving a new habitable room within an existing building, within a flood-prone hazard area must have a tolerable risk, having regard to: (a) the location of the building; (b) the advice in a flood hazard report; and (c) any advice from a State authority, regulated entity or a council. P1.2 A flood hazard report also demonstrates that: (a) any increase in the level of risk from flood does not require any specific hazard reduction or protection measures; or (b) the use can achieve and maintain a tolerable risk from a 1 % annual exceedance probability flood event for the intended life of the use without requiring any flood protection measures.

The proposal includes works within the mapped coastal inundation hazard area, for which there is no acceptable solution. Therefore assessment against the performance criteria is relied upon.

Crown consent has been provided for the lodgement of the application based on the information provided to it by the applicant.

A Flood Inundation Report (Flussig, 2024) addressing the performance criteria has been submitted with the application.

Council officers have reviewed the documentation and considers that the performance criteria are suitably addressed, and make the following comments:

The development is within a shallow, slow moving flood inundation area. Entrances and parking areas are situated in areas away from inundation. There is no increase in risk level from the pre-development scenario, with the maximum hazard rating at the generally being H1 both pre- and post- development.

Accordingly, the PC is satisfied.

Clause 12.6.1 A1/P1 Development and works within a flood-prone hazard area.

<table>
<tr><td colspan="2">Objective:</td></tr>
<tr><td colspan="2">That:
(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.</td></tr>
<tr><td>Acceptable Solution</td><td>Performance Criteria</td></tr>
<tr><td>A1
No Acceptable Solution.</td><td>P1.1
Buildings and works within a flood-prone hazard area must achieve and maintain a tolerable risk from a flood, having regard to:
(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.
P1.2
A flood hazard report also demonstrates that the building and works:
(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.</td></tr>
</table>

The proposal includes works within the mapped coastal inundation hazard area, for which there is no acceptable solution. Therefore assessment against the performance criteria is relied upon.

A report addressing the performance criteria has been submitted with the application. Crown consent has been provided for the lodgement of the application based on the information provided to it by the applicant.

Council officers have reviewed the documentation and considers that the performance criteria can be met as the report compares the pre and post development flood conditions which demonstrates that there will be no displacement of flood water onto neighbouring properties. The peak discharge from the site increases slightly following development, however peak flood depths and risk categories remain generally unchanged at H1, except for a small area surrounding units 31-33. This is considered acceptable.

Accordingly, the PC is satisfied.

5. REFERRALS

Manager Development Engineering

The proposal has been considered by Council's Manager Development Engineering. That officer's comments have been included within the assessment.

TasWater

The proposal was referred to TasWater. TasWater have issued a Submission to Planning Authority Notice TWDA 2024/00278-BTN dated 30th April 2025 which will be attached to any permit issued.

TasNetworks

The porposal was referred to TasNetworks for advice. TasNetworks have advised that based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

Advice is included in the draft permit encouraging to make early contact with TasNetworks.

Tasmanian Heritage Council

The proposal was referred to the Tasmanian Heritage Council. The Tasmanian Heritage Council have issued a Notice of Heritage Decision on 4th September 2025 which includes conditions relating to ground disturbance and exterior colours and materials.

6. OTHER

6.1 Public Open Space Requirements

Public Open Space Requirements for public open space no longer sit in the planning scheme. However, Council has powers and responsibilities under Sections 116 and 117 of the Local Government (Buildings and Miscellaneous) Act 1993 in relation to public open space. Further guidance is provided by Council's Public Open Space Policy. These provisions enable Council to

a) Require a subdivider to provide to Council up to 5% of land being subdivided; or

b) Require a subdivider to make a contribution cash-in-lieu of the provision of land, either in part or in whole.

The proposed subdivision will result in the creation of a lot for public open space (177m^2) to be transferred to Council, and otherwise incorporates realignment of boundaries to accommodate public services and consolidation of title.

Accordingly, no additional contribution of public open space is required.

6.2 Aboriginal Cultural Heritage

The applicant submitted a Test Pitting Excavation Report prepared by Southern Archaeology Aboriginal Heritage Report dated 15th August 2024. That report notes that the proposal documents were amended to protect existing Aboriginal heritage sites AH7776 and AH14389 and by creating a 2m wide exclusion zone to ensure no disturbance during development works or future use of the site Based on the findings of Southern Archaeology, a number of recommendations have been made.

A condition requiring all development to be in accordance with the recommendations of the report is recommended.

6.3 Public Transport

Gunn Street is serviced by Metro Tasmania, via services 520, X20, 521 X21, and 522. Existing stops and route are identified in Figures 20 and 21 below:

Figure 20 - Metro Tasmania bus route - Hobart North -Gunn/Eddington Streets, Bridgewater (source:www.metrotas.com.au)

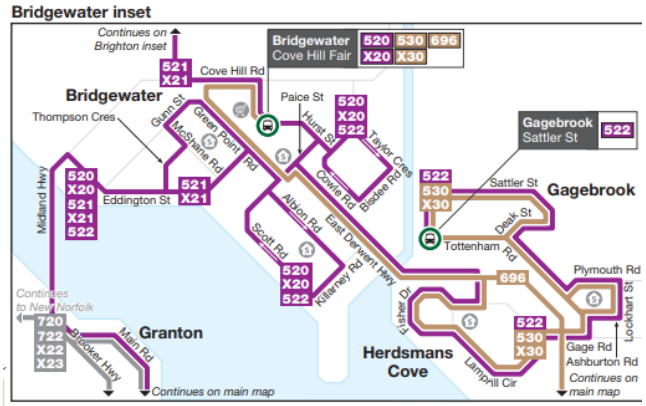

Figure 21: Except from 20200 DSG Network Map

7. REPRESENTATIONS

Two (2) representations were received during the statutory public exhibition period between 16th August and 1st September 2025.

The concerns of the representors are summarised below:

Representor #	Representor's concerns	Planning Response
1, 2	Devaluation of property	*Property values are not a planning consideration. The land is zoned General Residential and able to be developed for residential use, in accordance with planning scheme requirements*

1, 2	Loss of River and Mountain Views	*The land is zoned General Residential and able to be developed for residential use, in accordance with planning scheme requirements. There is no provision in the zone standards relating to loss of views.*
1, 2	Privacy - Windows facing existing dwellings, overlook pool and play area	*The proposal meets the acceptable standard for privacy, being a minimum of 3m setback from side boundaries and 4m from the rear boundary, where a finished floor level is more than 1m above existing ground level.* *Whilst the proposal satisfies the acceptable solutions in relation to privacy, the representors concerns were referred to the Applicant for comment. The Applicant's response is that the setbacks provided are in accordance with the planning scheme, and are therefore not required to be screened.*
1, 2	Frosted/Obscure windows to increase privacy or "small windows that you cannot see through on the top levels but light can travel through"	
1	Previous advice from Mines Department that nothing could be built on the site due to black clay and movement	*Engineering design is not a planning consideration. However, the application is supported by a coastal vulnerability assessment (GES 2022) which identified the presence of clay material on the site. That report further notes that the more resilient layers above the clay will provide significant protection, preventing excessive erosion of the underlying clays. The report determines that the proposal represents a tolerable risk from coastal erosion for the live of the development and use.*
1, 2	Recommendation for single level dwellings	*The proposal accords with the acceptable solutions or performance criteria as set out in this report.*
1	Unit developments only create ghettos and interruption and conflicts	*Multiple dwellings are a permitted use under the Residential Use class for the General Residential zone. The proposal satisfies the acceptable solution for density prescribed by 8.4.1 of the Scheme, being a site area of no less than 325m^2*
2	The development does not fit in with the existing style of current Australian homeowners in the street.	*The area is characterised by a mix of dwellings, ranging from 1970s one-storey single dwellings, to 21st Century one- and two-storey multi-dwelling developments, both conjoined and villa style.*

		The proposed development is similar in scale and design to more contemporary developments at 14 Nielsen Esplanade and 8-20 Gunn Street, Bridgewater.

8. CONCLUSION

The proposal for Multiple Dwellings x 56; Boundary Adjustment and Ancillary Site and Infrastructure Works at 1 Hayfield Place, Bridgewater; 46 Gunn Street, Bridgewater, Lot 4 Nielsen Esplanade and Hayfield Place Road Reserve 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 2024/0035 for **Multiple Dwellings x 56; Subdivision, Boundary Adjustment and Ancillary Site and Infrastructure works** at **1 Hayfield Place, Bridgewater; 46 Gunn Street, Bridgewater, Lot 4 Nielsen Esplanade and Hayfield Place Road Reserve**, 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) 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.

Signs

(3) The Ground based sign (refer sheet PD23113-05 Revision 9) must be sited a minimum of 2m from the boundary adjoining the Hayfield Place Road Reserve.

Waste Storage

(4) Waste storage bins must be screened from the internal road frontage and from other dwellings.

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.

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.*

(6) Before any work commences, a schedule specifying the finish and colours of all external surfaces and samples must be submitted to and approved by the Council's Director Development Services. The schedule should show primary materials used for the exterior cladding of units must be of materials and finishes. The primary materials and colours for units 31 to 37 must be of materials that are of neutral colours and tones and visually recessive relative to the heritage building

(refer condition 10). The schedule shall form part of this permit when approved by Council's Director Development Services.

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

(7) Before any work commences submit an amended landscape plan prepared by a suitably qualified person for approval by Council's Director Development Services. The landscape plan must include:

(a) Landscaping and planting within all open areas of the site.

(b) 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.

(c) One street per 15m of frontage along Hayfield Place,

(d) A survey of all existing vegetation to be retained and/or removed.

(e) Details of surface finishes of paths and driveways.

(f) Details of fencing including screening of waste bins.

Advice:

- *The Brighton Greening Strategy 2024-2033 provides advice as to suitable planting.*
- *The Natural Values Assessment (GES, 2024) recommends that the site be progressively stabilised through vegetation and landscaping to reduce the potential for erosion.*

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.*

(8) The landscaping plan must have regard to:

(a) proposed and existing underground infrastructure.

(b) safety of pedestrian use and movement

(c) safety and efficiency of the road network

(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 first occupancy, 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.

TasWater

(12) The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA 2024/278-BTN dated 30th April 2025, as attached to this permit.

Tasmanian Heritage Council

(13) The use and/or development must comply with the requirements of the Tasmanian Heritage Council as detailed in the Notice of Heritage Decision, Works Application No 8387 dated 4 September 2025, as attached to this permit.

Aboriginal Heritage

(14) Prior to commencement of any works on the site, copies of all permits issued under the Aboriginal Heritage Act 1975 must be provided to the Director Development Services.

Natural Values

(15) All works should be undertaken in compliance with:

a. the Wetlands and Waterways Works Manual (DPIWE, 2003); and

b. Tasmanian Coastal Works Manual

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 works must be undertaken in accordance with the recommendations of the Test Pitting Excavation Report Aboriginal Heritage Report (Southern Archaeology, 15th August 2024).

Crown Land

(17) Prior to the commencement of any works the developer must obtain all necessary approvals required under the Crown Lands Act 1976 and/or the National Parks and Reserves Management Act 2002.

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.*

(18) Prior to the use commencing the developer must obtain a licence over a 12 x 12 metre section of River Derwent Marine Conservation Area directly below the project's stormwater outlet. A copy of the licence must be provided to Council prior to the issue of Certificates of Occupancy under the Building Act 2016.

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.*

Private open space

(19) The private open space must be formed or constructed to the satisfaction of Council's Director Development Services before the use commences.

Subdivision

(20) Prior to the use commencing;

(a) The Titles for 1 Hayfield Place (CT176642/3), and 46 Gunn Street (CT 54813/13) must be consolidated.

(b) A road lot must be created over the portions of 1 Hayfield Place (CT176642/3) and 46 Gunn Street (CT 54813/13) containing new public road and footpath and transferred to Brighton Council.

Advice: *All roads or footways must be shown as "Road" or "Footway" on the Final Plan of Survey and transferred to the Council by Memorandum of Transfer submitted with the Final Plan of Survey.*

(c) The portions of 1 Hayfield Place (CT176642/3) containing the existing foreshore walkway is to be transferred to Brighton Council as Public open Space.

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.*

Easements

(21) Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's General Manager and the relevant authority. The cost of locating and creating the easements shall be at the subdivider's full cost.

Final plan

(22) A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.

(23) Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Southern Midlands Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Act 1993. The amount of the security shall be determined by the Council's General Manager in accordance with Council Policy following approval of any engineering design drawings.

(24) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied.

(25) The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Services

(26) 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.

(27) Services located under the proposed driveway are to be provided with trafficable covers to the requirements of the relevant authority and to the satisfaction of Council's Municipal Engineer.

Roadworks

(28) Public roadworks and drainage must be constructed in accordance with the standard drawings and specifications prepared by the IPWE Aust. (Tasmania

Division) and to the requirements of Council's Municipal Engineer or as otherwise required by this permit.

(29) Prior to the use commencing Hayfield Place (CT 176642/6) must be constructed as a public road and must, unless approved otherwise by Council's Municipal Engineer, include: -

a) Road reservation widening such that the entirety of the public road and footpath is contained entirely on public land;

b) 6.9m min. carriageway width;

c) Tee type turning head

(d) Kerb and channel;

(e) 1.5m min. width concrete footpath on one side;

(f) Kerb ramps; and

(g) Piped stormwater drainage.

Parking and Access

(30) At least one hundred and four (104) car parking spaces must be provided on site at all times for the use of the development, including:

a) At least one (1) dedicated parking space per dwelling.

b) At least eleven (11) dedicated visitor car parking spaces.

c) At least four (4) motorcycle parking spaces must be provided on the land at all times for the use of the development.

(31) The existing gravel foreshore path is to be connected to the new public footpath in Hayfield Place in accordance with the endorsed documents and to the satisfaction of Council's Municipal Engineer.

(32) All parking, access ways, manoeuvring and circulation spaces must be provided in accordance with the endorsed drawings, Australian Standard AS 2890 - Parking facilities, Parts 1-6, or as otherwise required by this permit, and include all of the following;

a) be constructed with a durable all weather pavement;

b) be drained to the public stormwater system; and

c) be surfaced by asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.

d) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6;

d) provide for vehicles to enter and exit the site in a forward direction;

f) have an internal access width not less than 5.5m;

g) have a vertical clearance of not less than 2.1m above the parking surface level; and

(h) be delineated by line marking or other clear physical means.

(33) Prior to the development commencing, or application for building or plumbing permits, the developer must submit to Council a parking plan including:

a) pavement details,

b) design surface levels and gradients,

c) drainage,

d) turning and travel paths (where required to demonstrate compliance with AS2890),

e) dimensions (including clearances),

f) line marking,

g) lighting (where provided),

h) pedestrian paths (including any signage, line marking, protective devices such as bollards, guard rails or planters),

i) signage

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.*

(34) The parking plan is to be certified by an engineer and shall form part of the permit once accepted.

(35) The parking plan must clearly show a medium Rigid Vehicle can turn at the end of the driveway adjacent units 29 and 30 with the turning movement confined to the carriageway or show there is sufficient space for bin collection for units 25 to 30 at the turning circle.

Advice: The proposal plans show a Medium Rigid Vehicle must mount the kerb to turn outside unit 30.

(36) The completed parking and associated turning areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the proposed hospital is occupied.

(37) All areas set-aside for parking and associated turning, and access must be completed before the use commences and must continue to be maintained to the satisfaction of the Council's Municipal Engineer.

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

(38) Unless approved otherwise by Council's Municipal Engineer the stormwater system for the proposed development must be substantially in accordance with *STORMWATER REPORT, Centacare – Development, 1 Hayfield Place, Bridgewater TAS 7030, 250513 SR 23 E 99 - 113 REV B*, prepared by Aldanmark Engineering.

(39) Stormwater from the proposed development must drain to the public stormwater system or a legal point of discharge to the satisfaction of Council's Municipal Engineer and in accordance with the *Building Act 2016*.

(40) The stormwater drainage system for the proposed development must be designed to comply with all of the following:

a) be able to accommodate a storm with a 5% AEP, when the land serviced by the system is fully developed;

b) Stormwater from the proposed development must be treated prior to entering the public stormwater system to:

c) achieve that the quality targets in accordance with the State Stormwater Strategy 2010.

d) The development must incorporate overland flow paths through the site to accommodate a 1% AEP (plus climate change) rainfall event.

(41) The stormwater system within the development must continue to be maintained to ensure the quality targets, in accordance with the State Stormwater Strategy 2010, and flow rates discharging to the public stormwater system are maintained as per the approved design and water is conveyed so as not to create any nuisance to adjacent or downstream properties.

(42) The driveway must be drained to minimise surface runoff over adjoining land (including road reservation) in accordance with the requirements of the Municipal Engineer and the Building Act 2016.

(43) Prior to the lodgement of building or plumbing applications the developer must submit a revised (for construction) Stormwater Management Report to Council's Municipal Engineer. The Stormwater Management Report must be prepared and certified by a suitably qualified person, in accordance with section 2.6.2 of *DEP &LGAT (2021). Tasmanian Stormwater Policy Guidance and Standards for Development. Derwent Estuary Program and Local Government Association of Tasmania (Hobart, Australia)* and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The report must clearly demonstrate that the requirements of this permit are met and that adjacent and downstream properties will not be adversely impacted by the stormwater system. Once approved the Stormwater Management Report will form part of this permit.

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

Erosion and Sediment Control

(44) Prior to the lodgement of building or plumbing applications the developer 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. 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.*

(45) 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.

Construction Amenity

(46) 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.

(47) The road frontage of the development site including road, kerb and channel, footpath, and nature strip, should be:

a) Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.

b) Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.

c) In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion, existing or otherwise, may be deemed a result of construction activity and require replacement or repair to the satisfaction of Council's Municipal Engineer.

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

(48) Works associated with 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

(49) 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.

(50) 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.

(51) 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.

Engineering

(52) Public works must be carried out and constructed in accordance with the:

(i) Tasmanian Subdivision Guidelines

(j) Tasmanian Municipal Standard – Specifications

(k) Tasmanian Municipal Standard – Drawings

as published by the Local Government Association of Tasmania and to the satisfaction of Council's Municipal Engineer.

(53) Engineering design drawings for all public works must be submitted to and approved by Council's Municipal Engineer before any works associated with development of the land commence.

Advice:

- *Public works include all works within, or affecting, the road reservation including, but not limited to, kerb and channel, footpath, stormwater mains.*
- *The engineering drawings submitted with the application are considered to be concept plans and may require alterations prior to consideration for approval.*

(54) Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, and must show –

(a) all existing and proposed services required by this permit;

(b) all existing and proposed roadwork required by this permit;

(c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;

(d) measures to be taken to limit or control erosion and sedimentation;

(e) any other work required by this permit.

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

(56) The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of public works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the public works.

Maintenance and Defects Liability Period

(57) Public works provided as part of the development must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.

Advice: *A bond is to be lodged with Council during the maintenance and defects liability period works in accordance with Council Policy 6.3.*

(58) Prior to placing works onto the maintenance and defects liability period the Supervising Engineer must provide certification that the works comply with the Council's Standard Drawings, specification, and the approved plans.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

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

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

B. This permit does not imply that any other approval required under any other legislation or by-law has been granted.

C. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.

D. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved public engineering works (minimum of $300.00), or as otherwise specified in Council's Schedule of Fees, must be paid to Council prior to the approval of engineering plans.

E. If any Aboriginal heritage material is identified by contractors (or others involved in the development) during proposed works outside permitted areas, work should cease immediately, and the process outlined in the Unanticipated Discovery Plan should be enacted, as outlined in the Test Pitting Excavation Report Aboriginal Heritage Report (Southern Archaeology, 15th August 2024)

F. Consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to this development. To understand what these requirements may entail, it is recommended you contact TasNetworks on 1300 137 008 or submit an application via our website connections portal https://connections.tasnetworks.com.au/Identity/Account/Login at your earliest convenience.

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

DECISION:

15. PETITIONS

No petitions have been received.

16. OFFICERS REPORTS

16.1 Donation Request - Spring in the Vines Banners

Attachments:	Email from Vice President Wine South dated 4 September 2025
	Quotation from Sign Nation
Author:	Manager Community Development & Engagement (A Turvey)
Authorised:	Chief Executive Officer (J Dryburgh)

Background

Wine South organises two annual events throughout the year called Spring in the Vines and Southern Open Vineyards Weekend. These events are a celebration of the wine regions in southern Tasmania and to encourage people to get out and explore those regions and try different vineyards, particularly new cellar doors, ones they haven't tried or heard of before or ones that aren't usually open to the public. It's an opportunity to meet owners, growers, winemakers and to hear the stories of how the vineyards came to be what they are today. The regions are the Tasman, Derwent, Huon/Channel and the Coal River Valley- this includes, Cambridge, Richmond/Penna, Tea Tree, Campania/Colebrook.

Spring in the Vines is held around the first weekend of November. This year it will be 31 October to 2 November 2025. This is to celebrate the start of the new growing season and new release wines from the previous vintage.

Southern Open Vineyards Weekend is held around the last weekend in February / first weekend of March. This is to celebrate the growing season and upcoming harvest.

Some vineyards hold ticketed events such as guided vineyard tours and dinners. Some have food vans and music, some offer something a little different to their usual offerings, such as special cellar releases. Others offer specials/discount, some host other vineyards and some just throw open their gates for the weekend.

The Brighton Municipality has a total of 13 producing vineyards in Tea Tree, of which 8 of these participate in both events annually. There a four (4) small cellar doors that operate by appointment, along with Pressing Matters being open 7 days a week. The Mapleton Vineyard cellar door is almost complete, and Stargazers is in the process of building one.

All are a part of the Coal River Valley Wine Region, but most people associate this region with Richmond and the Clarence City Council, when in fact Tea Tree, Campania/Colebrook and even Penna are part of the Coal River Valley. This means that the region falls within four local government areas: Clarence, Brighton, Southern Midlands and Sorell. This possibly makes the Coal River Valley Region one of the largest wine regions in Tasmania, with Clarence and Brighton having the majority of vineyards and cellar doors within our wine region.

Council has been approached by Wine South to request a donation to produce the 'open vineyard' banners for these two annual events.

Previously the Clarence City Council covered the cost for all of the flags for participants but this meant that all regions had flags with the Clarence logo on them. As it has come time to replace these older banners, Wine South is asking if each council will help with the vineyards that fall in their municipality. This way, vineyards can proudly promote and display which municipality they are in.

There will be eight (8) flags required for the vineyards in Tea Tree, all of which are located in the Brighton Municipality.

Listed below are the usual participating vineyards/cellar doors. The registration forms for the Spring in the Vines have only just been sent out, so not all of these have confirmed as yet but have participated every other year.

1. Pressing Matters - Middle Tea Tree Rd

2. Charles Reuben Estate - Middle Tea Tree Rd

3. Mapleton Vineyard - Middle Tea Tree Rd

4. Merriworth Wines - Merriworth Rd

5. Drew Wines + Third Child - Merriworth Rd

6. Ese` Vineyard/Torchbearer Wines - Tea Tree Rd

7. Petrichor Wines - Back Tea Tree Rd

8. Stargazers - Back Tea Tree Rd

Consultation

Acting CEO, SMT

Risk Implications

That other businesses/associations in our region see this as a precedent for funding of promotional banners sponsored by Council.

Financial Implications

Funds to be disbursed from the grants and donations budget.

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

Strategic Plan

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

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

3.4: Advocate and facilitate investment in our region.

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

Social Implications

The event aims to raise awareness of our wine industry and promote our local vineyards making our local community aware of what we have on our doorstep, as well as an opportunity for Council to support and engage with our agricultural/agritourism community in Tea Tree and help promote and show Council's support for the industry in a small way.

Environmental or Climate Change Implications

Nil.

Economic Implications

The support of events such as Spring in the Vines helps promote our Tea Tree vineyards as an important wine destination for local residents and visitors within the broader Coal River Valley Wine Region, turning some focus to our agricultural and visitor economy.

Other Issues

Nil

Assessment

The funding and sponsorship of the banners (through use of Council's logo) for a well established wine event such as Spring in the Vines provides an opportunity for Brighton Council to openly promote our valuable agricultural and agritourism industry based in Tea Tree in the form of eight (8) well established and successful vineyards within the broader Caol River Valley Wine Region. At this stage Wine South requires eight (8) banners. This quote has provided Wine South with a quote for 8 but with the discount for 10. This works out at $109 per banner or $872 in total.

Options

1. As per recommendation.
2. Other.

RECOMMENDATION:

Brighton Council approves a donation of $872.00 to Wine South for the purchase of vineyard banners for the 8 vineyards located at Tea Tree in the Brighton municipality. The banners will promote Spring in the Vines and include the Brighton Council logo.

DECISION:

16.2 Old Beach Fire Brigade - Waiving of Waste Transfer Station Fees

Attachment: Email received from Matt Rowbottom
Author: Director Corporate Services (G Browne)

Background

An email has been received on behalf of the Old Beach Fire Brigade to request the waiving of fees for the Waste Transfer Station on Sunday, 21st September 2025.

The Old Beach Fire Brigade will be conducting a working bee on this day to have a general tidy up around the station. It is estimated that there will be a tandem trailer of general waste to dispose of.

Consultation

Director Asset Services

Risk Implications

Nil

Financial Implications

The brigade estimates that they will dispose of a tandem trailer load of general waste, which would have a value of approximately $85.00.

Strategic Plan

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

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

Social Implications

N/A

Environmental or Climate Change Implications

Nil

Economic Implications

Nil

Other Issues

Nil

Assessment

The Old Beach Volunteer Fire Brigade has operated within the Brighton municipality for over fifty years. There is no monetary amount that can be put on the benefit that the community receives by having these volunteers available to fight fires. The Brigade operates autonomously out of their premises in Old Beach. They previously requested

free entry to the waste transfer station in June 2024 where they only used one of the three vouchers that were allocated to them.

Options

1. As per the recommendation.
2. Not approve the recommendation.

RECOMMENDATION:

That Council agrees to waive the waste transfer fees for the Old Beach Volunteer Fire Brigade and record this entry in the Annual Report. The brigade will also be advised to write into Council as part of its annual allocation of waste vouchers to be considered in the budget process.

That delegation be made for the Chief Executive Officer to use their own discretion to give free entry to the waste transfer station on any amount under $100.00 and for this to be recorded in the annual report.

DECISION:

16.3 K-9 Kube - Purchase outside Budget (Animal Control)

Author: K9 Brochure

Authorised: Director Corporate Services (G Browne)

Background

On the 24th July 2025, a Council employee incurred an injury whilst trying to load a dog into the Animal Control Vehicle. Initially the dog was encouraged to jump into the back of the vehicle. However, when this failed, the ramp was installed for the dog to walk up. When the dog neared the top of the ramp it turned and caused an injury to the employee's face. The employee had to undergo surgery and was off work for several days due to the injury. The employee had undertaken a training course in dog handling and had experience in picking up stray dogs. There have also been other instances where it has been difficult to entice the stray dog into the back of the vehicle and therefore the animal is lifted or a ramp is used.

Consultation

Director Governance & Regulatory Services, Animal Control Officer, Corporate and Risk Officer

Risk Implications

Nil

Financial Implications

The K9 Kube is an out of budget purchase at a cost of $35,623.50. This will mean there will be a balance sheet movement reducing the bank account and increasing the vehicle asset account.

Strategic Plan

Goal 4.4 Ensure financial and risk sustainability

Goal 4.5 Ensure Council is a desirable place to work with exceptional workplace culture, attracting and retaining high performing, committed and fulfilled staff.

Social Implications

N/A

Environmental or Climate Change Implications

Nil

Economic Implications

Nil

Other Issues

Nil

Assessment

Council is responsible for ensuring employee safety in the workplace. There is a requirement to consider alternative methods for loading stray animals safely and minimizing risks to both employees and animals. Currently the Animal Control Officer loads stray dogs into the vehicle by getting them to jump in, lifting them, or using a ramp. Lifting dogs could result in the dog becoming distressed and puts, even a skilled handler at risk of injury or of being bitten.

After the event in July, staff were informed about a K9 Kube that is currently used at a number of Councils both in the State and Nationwide. The Animal Control Officer and the Director of Governance and Regulatory Services went and observed procedures at Southern Midlands and Derwent Valley Council, where the K9 Kube is used for animal control. The K9 Kube attaches to the back of a flat tray utility vehicle and features a hydraulic system that lowers the cage to ground level, allowing the stray animal to be guided into the cage, there is even an option for a retractable cord to pull the animal into the cage if it is being stubborn. This method reduces the risk of injury to employees and stress to animals when loading. Additionally, the K9 Kube can be transferred between vehicles when assets are replaced.

As the current animal control vehicle is a tub tray with a canopy there is a need to alter this to a flat tray for the Kube to be fitted. The cost to modify the existing vehicle and purchase the K9 Kube is approximately $35,623 including GST.

Options

1. As per the recommendation.
2. Not approve the recommendation.

RECOMMENDATION:

That Council purchase the K-9 Kube and arrange for the existing Animal Control vehicle to have the relevant modification for this to be fitted.

DECISION:

16.4 Outstanding Rates and Sundry Debt - 23 Bromley Street, Bridgewater

Author: Senior Rates Officer (J Evans)

Authorised: Director Corporate Services (G Browne)

Background

Council has not received payment for rates on the property located at 23 Bromley Street, Bridgewater since 20th March 2020. Mail was returned from this property in December 2023 with the notation of owner deceased. In June 2024 the house was set alight by arsonists and Council was advised by Tasmania Police that there was no next of kin. A Building Surveyor attended the site and because the integrity of the building was intact, Council arranged for the access to the building to be boarded up.

Once again in May 2025 the building was targeted by arsonists. Council arranged for the Building Surveyor to inspect the building which resulted in an emergency order being issued on the 29th May 2025. This emergency order required the building to be demolished within three days. As the owner is deceased this meant that Council was required to organise and pay for this. Quotes were obtained and the building was demolished by Council and the invoice raised as a property debt.

Consultation

Director Corporate Services

Risk Implications

Nil

Financial Implications

Currently there are outstanding rates and debtor invoices for this property that will not be paid. The rates debt will continue to accrue as there is no next of kin to forward these notices to.

Strategic Plan

4.4 – Ensure financial and risk sustainability.

Social Implications

N/A

Environmental or Climate Change Implications

N/A

Economic Implications

N/A

Other Issues

N/A

Assessment

As rates have been outstanding for greater than three years Council has the ability to sell that land Under Section 137(1) of the *Local Government Act 1993.* Should Council approve the sale of the land all costs that are attributable to the sale and advertisement of the property would be covered by any profit that is made. The current outstanding amount is as follows:

Rates outstanding	$7,395.27
Sundry debt outstanding	$64,822.75
Estimated Advertising Fee	$1,600
Estimated Real Estate Marketing Fee	$1,200
Estimated Real Estate Commission	$4,000
Estimated Legal Fees & Disbursements	$2,000
Total Estimated Liability	$81,018.02

As at 1st July 2025 the adjustment factor given by the Valuer General is 2.0 for Bridgewater, making the current government land value $110,000. Council is confident that with the sale of this land the outstanding debt and any additional expenses will be covered by the sale of the property.

Options

1. As per the recommendation.
2. Council does not proceed with the sale

RECOMMENDATION:

That Council proceeds with the sale of the property located at 23 Bromley Street, Bridgewater in accordance with Section 137 Part 9 of the *Local Government Act 1993* under which the outstanding rates, sundry debt and other costs can be recouped by Council.

DECISION:

16.5 Tivoli Green Master Plan - 1st Consultation results and Draft Plans for 2nd Consultation

Attachment(s): A – Consultation Report

B – Tivoli Green Park Master Plan Report

C - Tivoli Green Park Master Plan (poster)

Author: Planning Officer (D Van)

Authorised: Director Development Services (A Woodward)

Background

This report:

a) Reviews the submissions received during the initial phase of community consultation; and

b) Seeks Council's endorsement of the Draft Tivoli Green Park Master Plan for progression to the second phase of consultation.

Tivoli Green is a flagship development within Brighton Municipality, with stages of the project extending across Gage Brook, a degraded creek and wetland area. This area is envisioned to serve as the central public open space for Tivoli Green and a significant future asset for Brighton Council.

The Tivoli Green Park is located within the Tivoli Green Specific Area Plan under the Brighton Local Provisions Schedule. This designation emphasises the importance of central open space surrounded by higher-density subdivisions, fostering social interaction through:

- Active and healthy living: Integration of walking trails, recreational spaces, and pedestrian networks.
- Water-sensitive urban design: Harmonizing infrastructure with sustainable water management systems.
- Community-oriented design: Providing accessible, functional, and visually appealing public spaces.

To guide this process, Brighton Council engaged Playstreet to develop a Master Plan and lead community consultation for the redevelopment of Tivoli Green Park. The objective was to listen to the community, gather ideas, and understand the aspirations of local residents, community groups, and park users.

The overall project timeline is illustrated in the figure below:

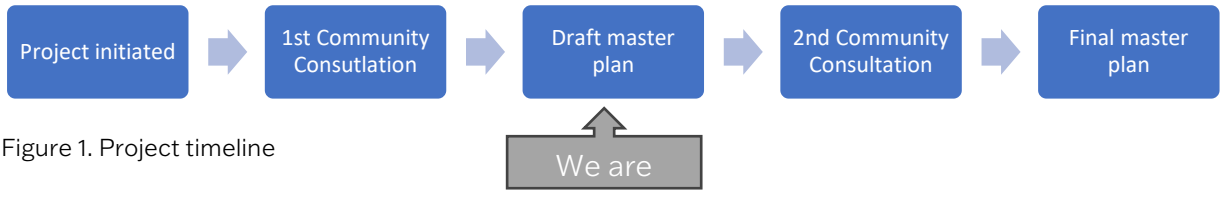

Figure 1. Project timeline

1. Key Findings from the 1st consultations and the draft master plans

To ensure meaningful input, Brighton Council identified key stakeholders and worked closely with PlayStreet to develop a tailored engagement strategy. This included a combination of online surveys and in-person activities, resulting in strong community participation—particularly during the co-design day, which saw an excellent turnout and enthusiastic contributions.

The first phase of community consultation was delivered through the following approaches:

- Co-design Session:

  17 May 2025 (10am–12pm) – A hands-on community workshop held on site.

- Online Engagement:

  28 April to 19 May 2025 – Survey and interactive social map hosted via Project page: https://haveyoursay.brighton.tas.gov.au/tivoli-green-park-master-plan

- Stakeholder Group Consultations:
  - Tivoli Green Pty Ltd (Benton van Dorsselaer, Tivoli Green representative)
  - Mark Nolan (landowner of 205 Old Beach Road, Old Beach)

Summary of the consultation findings are as follow:

- Community Engagement: The Tivoli Green consultation received a moderate level of online engagement, with 34 responses submitted. However, attendance at the co-design day was low, with only two participants. This may have been influenced by the wintry and blustery weather conditions on the day. A detailed summary of the consultation outcomes is provided in the Consultation Report (Attachment A).
- Developer Input: Tivoli Green Pty Ltd expressed strong support for achieving a high-quality outcome. The developer highlighted the importance of building on previous work, including the Realm report, and noted that a playspace design had already been prepared for a grant application. They advocated for a nature-based design that includes walking paths, shelters, and BBQ facilities, while avoiding overly artificial or “plastic fantastic” elements. To support the design process, Tivoli Green representatives also provided information on future stormwater infrastructure for the adjacent development stages, offering greater certainty for planning.
- Community Feedback: Mr Nolan met with the Playstreet team on-site and shared his aspirations for the project. He expressed a desire for walking tracks and a playground suitable for young children, noting that his grandchildren would be regular users. He emphasised the importance of creating a space that is both beautiful and beneficial for the broader community.

Figure 2. Photo taken on the community co-design day

Following the community consultation process, three key themes emerged that reflect the community's aspirations for Tivoli Green. These themes encompass both tangible design elements—such as play equipment—and experiential qualities, including environmental enhancement and community connection.

The proposed plan aims to deliver improved recreational facilities that are ideally integrated with a future commercial strip. Play and leisure opportunities should cater to all age groups, featuring a nature-inspired, sensory-rich playground, walking paths, shelters, BBQs, and seating areas.

Environmental enhancement is a central priority. The community supports retaining the natural character of the site, increasing tree cover and garden areas, supporting local flora and fauna, and building on the existing wetland ecosystem. Additional features such as a community garden and a waterway connection are also proposed to strengthen ecological and social value.

2. Second Phase Consultation

Council's review and endorsement of the draft master plans and supporting reports is required before proceeding to the second phase of community consultation.

This next phase will be delivered primarily through the Social Pinpoint project page: https://haveyoursay.brighton.tas.gov.au/tivoli-green-park-master-plan

The following engagement approaches are planned:

- Interactive Social Mapping: featuring interactive elements for community voting and feedback.
- Online Survey: focusing on gathering feedback on key design proposals.
- Community Posters:

To raise awareness and encourage participation, posters will be displayed at key local locations, including:

- Gagebrook Primary School
- JRLF - Herdsmans Cove Primary School

- Local stores in Old Beach
- Council Chambers
- On-site at Tivoli Green Park

Risk Implications

There may be some risks associated with stakeholders/community members not agreeing with the Draft Masterplan. This second phase of consultation is to enable these concerns to be heard. Other risks may include expectation as to the timing of works to be undertaken. This will be addressed through communication channels after the project is completed.

Financial Implications

Nil. The project will be delivered within its assigned budget.

Strategic and Annual plan

This project aligns with the following strategies:

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

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

The projects align with Brighton Council Annual Plan 2025-2026.

Conclusion

The Draft Tivoli Green Park Master Plan has been developed based on community aspirations and an analysis of existing site conditions. It is recommended that Council consider the following options.

Options

1. As per the recommendation; or
2. Do not endorse the Draft Master Plans for second phase consultation.
3. Other.

RECOMMENDATION:

That Council

1. Notes the first consultation outcomes; and
2. Endorses the Draft Master Plans and Reports for the purpose of second round Consultation.

DECISION:

17. COUNCILLORS QUESTION TIME

17.1 Questions on Notice

In accordance with Regulation 35 of the *Local Government (Meeting Procedures) Regulations 2025*, a councillor, at least seven days before an ordinary Council Meeting or a Council Committee Meeting, may give written notice to the Chief Executive Officer of a question in respect of which the councillor seeks an answer at that Meeting.

17.2 Questions without Notice

In accordance with Regulation 34 of the *Local Government (Meeting Procedures) Regulations 2025*, a councillor at a meeting may ask a question without notice. The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question. The chairperson may require a councillor to put a question without notice in writing.

The following question was raised by Cr Owen at the Ordinary Council Meeting on 19 August 2025.

> *Question regarding whether Section 14 of the Local Government (Meeting Procedures) Regulations 2025 applied to in relation to the Planning Authority meeting scheduled to have been held on the 5th August 2025, and if those members who attended should be recorded?*

Response from the Chief Executive Officer:

At the August Ordinary Council Meeting, I committed to seeking clarification on this matter. Advice has been sought from the Office of Local Government; however, no response has been received to date. Once a response is provided, it will be circulated to Councillors.