Brighton Council

MINUTES OF THE PLANNING AUTHORITY MEETING OF THE BRIGHTON COUNCIL, HELD IN THE COUNCIL CHAMBERS, COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH AT 5.40P.M. ON TUESDAY, 4 NOVEMBER 2025

PRESENT: Cr Gray (Chairperson); Cr Curran; Cr De La Torre; Cr Geard and Cr Owen.

IN ATTENDANCE: Cr McMaster; Cr Murtagh; Mr J Dryburgh (Chief Executive Officer); Mrs J Banks (Director Governance & Regulatory Services); Mr A Woodward (Director Development Services); Mr L Wighton (Acting Director Asset Services); Mrs G Browne (Director Corporate Services); Mrs J Blackwell (Manager Planning) and Mr D Van (Planning Officer).

1. STATEMENT BY THE CHAIRPERSON

2. ACKNOWLEDGEMENT OF COUNTRY

3. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

Cr Owen moved, Cr De La Torre seconded that Cr Irons and Cr Whelan be granted leave of absence.

CARRIED

VOTING RECORD

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

4. NOTIFICATION OF LEAVE OF ABSENCE FOR PARENTAL LEAVE

Nil.

5. PUBLIC QUESTION TIME AND DEPUTATIONS

There was no requirement for Public Question Time.

6. DECLARATION OF INTEREST

In accordance with the requirements of Regulation 10(8) of the *Local 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.

There were no declarations of interest.

7. COUNCIL ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Part 2 Regulations 25 of the *Local Government (Meeting Procedures) Regulations 2025*, the intention of the Council to act as planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted.

In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 7 on this agenda, inclusive of any supplementary items.

7.1 Development Application DA 2025/00135 - Establishment of a Food Service Use (Mobile Food Vendor) and construction of car parking at 2 Strong Street, Bridgewater

Author: Planning Officer (D Van)

Authorised: Manager Planning (J Blackwell)

Applicant:	Brian White obo Brighton Council
Subject Site:	2 Strong Street, Bridgewater
Proposal:	Establishment of a Food Service Use (Mobile Food Vendor) and construction of car parking
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	Utilities
Codes:	• Road and Railway Assets Code • Parking and Sustainable Transport Code • Electricity Transmission Infrastructure Protection Code • Bushfire Prone Areas Code • Attenuation Code
Local Provisions:	• Brighton Industrial Estate SAP • Bridgewater Quarry SAP • Site Specific Qualification BRI-26.1

Use Class:	Food Services and Passive Recreation
Discretions:	• Building or works within electricity corridor (cl C4.6.1 P1) • Buildings and works within Bridgewater Quarry SAP (Cl S4.7.1.P1)
Representations:	Nil
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2025/0135.

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 Tasmanian 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).

It is noted that there was no representation received during the public exhibition period.

This application requires a determination by a Planning Authority as it was prepared and submitted by Council's Officers, pursuant to *Council's Policy 6.4 Assessment of Council Related Development Applications.*

This report details the reasons for the planning officer's 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 development site is contained in CT 164049/1 (2 Strong Street) and has a total land area of 2661m^2. The land is owned by the Crown (Department of State Growth). It is a corner block on Glenstone Road and Strong Street with a high visibility in the Brighton Industrial Estate area.

The site is zoned Utilities and is affected by the following Codes/Overlays:

- Electricity Transmission Infrastructure Protection

- Bushfire Prone Areas Code
- Attenuation Code
- Road and Railway Assets Code
- Parking and Sustainable Transport Code

The site is also within Declared Gas Pipeline Planning Corridor.

It is within the Site-specific Qualification BRI-26.1 under Brighton Local Provisions Schedules to allow Food Services as a permitted use class.

In addition, two (2) Specific Area Plans (SAP) apply to the site, being the Bridgewater Quarry SAP and the Brighton Industrial Hub SAP.

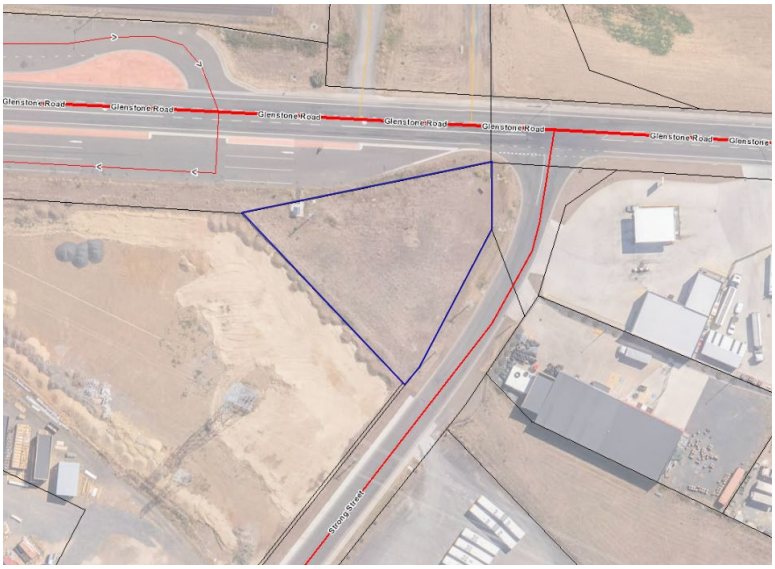

Figure 1: Location Map (Source: Listmap)

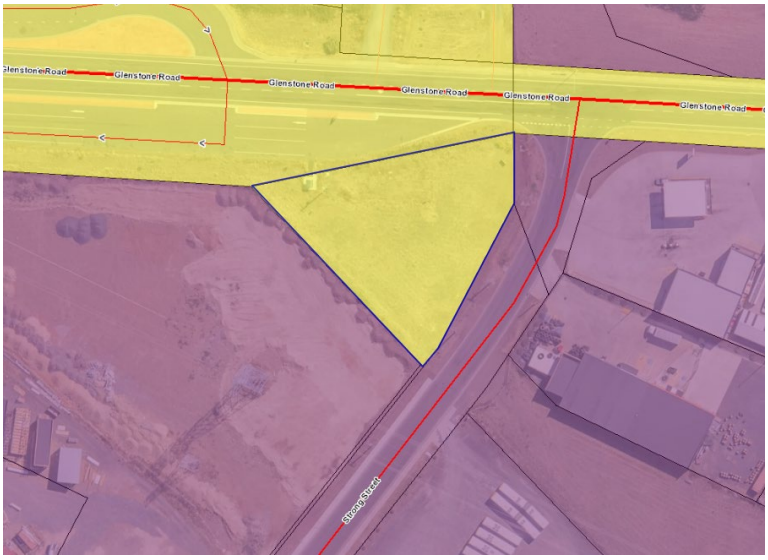

Figure 2: Zoning Map (Purple = General Industrial; Yellow = Utilities) (Source: Listmap)

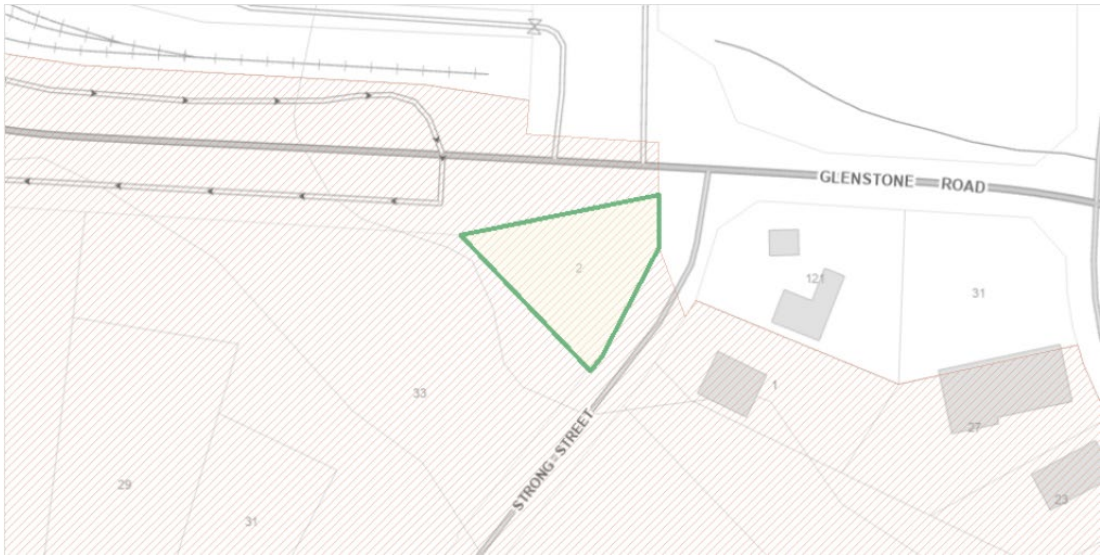

Figure 3: Bushfire-prone areas overlay (Source: Listmap)

Figure 4: Attenuation area overlay (Bridgewater Quarry) (Source: Listmap)

Figure 5: Electricity Transmission Infrastructure Protection area overlay (Source: Listmap)

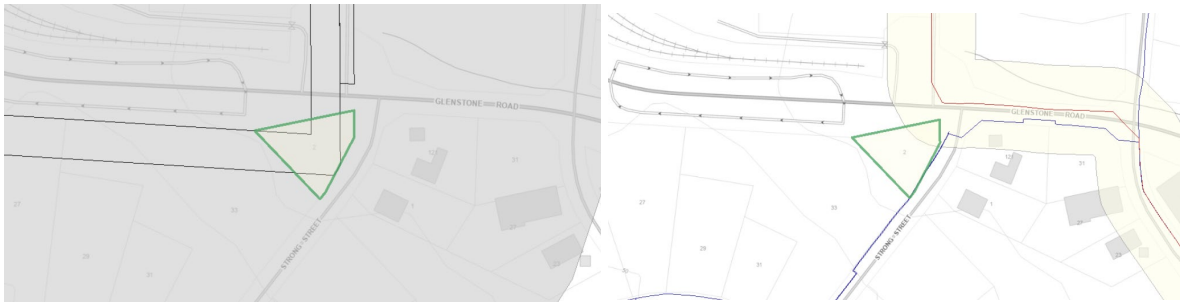

Figure 6: Tasmanian Gas Pipeline Planning Corridor (left) Tas Gas Networks Declared Gas Pipeline Planning Corridor (right) (Source: Listmap)

Background

The proposal continues the Brighton Hub – Truck Stop Upgrades / Town Square Project, which began in 2024 following Council's successful funding through the Commonwealth Government's Heavy Vehicle Rest Area initiative.

The Brighton Industrial Estate Brand & Place Strategy sets a new vision to reposition the area as a more attractive destination for investment and growth. It recommends creating a 'town centre' within the Hub to provide recreational space for workers and visitors, support food trucks, and host social and community events—while also upgrading the existing truck stop.

Consultation for the Strategy highlighted that the Hub lacked inviting public spaces. Council Officers selected the site for the town centre as it includes an existing Crown-owned truck stop in need of improvement, which could serve both truck drivers and Hub users.

In June 2024, Council received funding to construct the Park in line with the endorsed Concept Plan by Play Street. The plan was shaped through consultation with nearby businesses, infrastructure providers, and state agencies, and includes space for mobile food vendors as recommended.

The plan received strong support from local businesses, and feedback from agencies was addressed with no objections to food vans. Council endorsed the plan on 17 October 2024. Detailed design drawings have been prepared, with construction expected to begin in late 2025.

On 1st April 2025, the Tasmanian Planning Commission approved an amendment to the Brighton LPS to insert site specific qualification BRI26.1 at 2 Strong Street, Bridgewater, folio of the register 164049/1, for an additional Permitted Use Class for Food Services with the qualification 'if for mobile food vendor'.

Council has now finalised a lease and licence with the Crown to take over the management of the site for the park and to operate food vans.

Proposal

Brighton Council Officers are seeking planning approval from the Brighton Council Planning Authority for the use and development of land at 2 Strong Street, Bridgewater. Specifically, approval is sought for the following:

a) Establishment of a Food Services Use (if for mobile food vendor)

b) Construction of a car park to service the passive recreation use and food services use on site.

Figure 8: Proposed concept plan

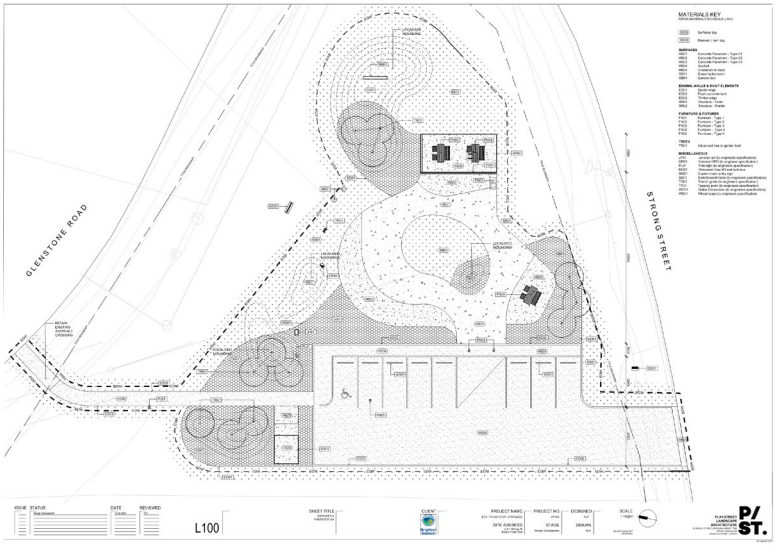

Figure 9: Proposed surfaces and finishes plan

Figure 10: Proposed section plan

The balance of the works required to complete the project are exempt pursuant to Section 4.2 of the Tasmanian Planning Scheme – Brighton, being works to be undertaken by or on behalf of Council.

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 Classes are categorised as Food Services and Passive Recreation under the Scheme. In the Utilities Zone, the *Passive Recreation Use* is a No Permit Required use. *Food Services* use is a Permitted use under Site-specific Qualification BRI-26.1 added for 2 Strong Street site, provided it is for a mobile food vendor.

Compliance with Performance Criteria

The proposal meets the Scheme's relevant Acceptable Solutions except for the following:

- Buildings or works within electricity corridor - C4.6.1 P1
- Buildings and works within Bridgewater Quarry Specific Area Plan - BRI-S4.7.1 P1

Assessment against each performance criteria of the above standards are provided below.

Clause C4.6.1 Buildings or works within electricity corridor

Objective:	
That buildings or works within an electricity transmission corridor are located at appropriate distances from transmission lines or cables to: (a) ensure operational efficiencies, access to, and security of, existing or future electricity transmission infrastructure; and (b) protect against a safety hazard associated with proximity to existing or future electricity transmission infrastructure.	
Acceptable Solution	**Performance Criteria**
A1 Buildings or works within an electricity transmission corridor must not be within: (a) an inner protection area; or (b) a registered electricity easement.	**P1** Buildings or works within an electricity transmission corridor must not cause an unreasonable impact on the safety, security, operation of, or access to, existing or future electricity transmission infrastructure, having regard to: (a) the nature, height and materials of the buildings and works; (b) the extent of encroachment of the buildings and works into the electricity transmission corridor;

	(c)	the location of the buildings and works within the electricity transmission corridor; and
	(d)	any advice from the electricity entity.

There are a small portion of works within the registered electricity easement (see Figure 11). Assessment against P1 is required.

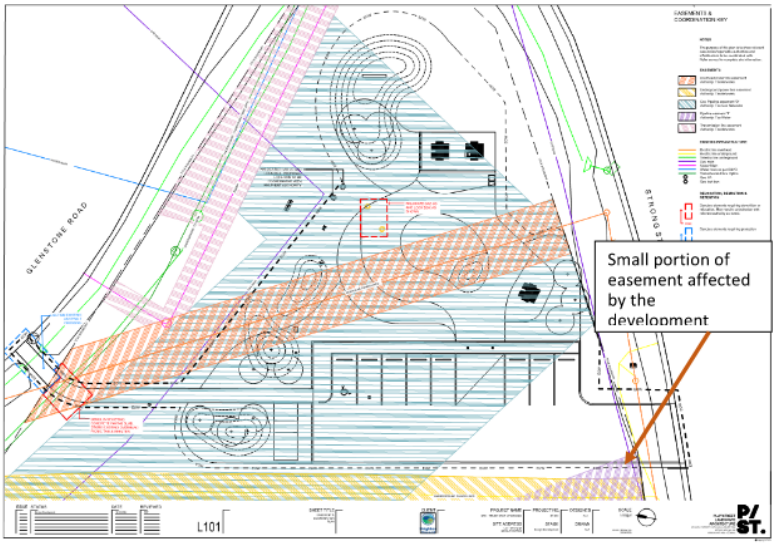

Figure 11. Registered electricity easement affecting the site

a) The only works proposed within the easement area a very small amount of sealed carparking. No significant earthworks are proposed.

b) The encroachment is minor and highly unlikely to affecting TasNetworks' operations.

c) No building is proposed within the registered electricity easement.

d) The application was referred to TasNetworks for comment, who have provided no objections.

Given the minor nature of the works, it is considered that the proposal satisfies Performance Criteria P1 and objective of this standard.

Clause S4.7.1 A1/P1 Bridgewater Quarry SAP

Objective: That development is compatible with the operations of the Bridgewater Quarry.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution	P1 Buildings and works must not result in potential to interfere or conflict with quarry operations having regard to: (a) the nature of the quarry; including: (i) operational characteristics; (ii) scale and intensity; (iii) degree of hazard or pollution that may be emitted from the activity; (b) the degree of encroachment of development or use into the Bridgewater Quarry Attenuation Area; and (c) measures in the design, layout and construction of the development to eliminated, mitigate or manage effects of the quarry; and (d) any advice from the Bridgewater Quarry operator.

There is no acceptable solution for this standard. Accordingly, the performance criteria must be addressed.

The proposed development is within the overlay of the Bridgewater Quarry Specific Area Plan and, therefore, subject to compliance with this standard.

No building is proposed for this development, and only the development of the subservient car park can be considered 'works'. Given the intended use, the scale and nature of the proposed car park, it is unlikely that the development would create conflict or interfere with the operation of the Bridgewater Quarry.

The application was referred to Boral for comment, who have provided no objections.

On that basis, the proposal can comply with this standard's objective and performance criteria.

3. REFERRALS

Development Engineering

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

TasWater

The application was referred to TasWater, who have issued a Submission to Planning Authority Notice reference number TWDA 2025/01079-BTN dated 25 September 2025, which is to be annexed to any permit issued.

Department of State Growth

The application was referred to the Department of State Growth for comment. That authority does not have any concerns with the proposal.

Tasmanian Gas Pipeline

The application was referred to Tasmanian Gas Pipeline (TGP), which reviewed the proposal and raised no objection. However, TGP recommended that a permit be granted subject to further discussion and confirmation of details regarding the relocation of existing TGP infrastructure, mechanical protection for the pipeline, and management of vibration, compaction, and heavy vehicle use within the easement. Additional requirements include provisions for underground utilities, entering into an MoU for future access and development, and supervision by TGP field personnel during works, including temporary fencing where necessary.

TasNetworks

The application was referred to TasNetworks for assessment. TasNetworks provided a response indicating no objection to the proposal.

Boral

The application was referred to Boral for comment. Boral does not have any concerns with the proposal.

4. REPRESENTATIONS

No representation was received during the statutory public exhibition period between 1st October 2025 and 15th October 2025.

5. CONCLUSION

The proposal for Establishment of a Food Service Use (Mobile Food Vendor) and Construction of Car Parking at 2 Strong Street, Bridgewater, 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 2025/0135 for Establishment of a Food Service Use (Mobile Food Vendor) and Construction of Car Parking at 2 Strong Street, Bridgewater, 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 permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993.*

(3) When a conflict occurs between the endorsed plans and this permit the latter will take precedence.

Mobile Food Vendor

(4) The use must operate in accordance with Council's Mobile Food Vendor Policy.

(5) No liquid waste, including but not limited to wastewater and oil, is permitted to be discharged on the site.

Signage

(6) The custom neon entry sign (SN01), as shown on Drawing Plan L100 prepared by Play Street and dated 12/08/2024, is not approved under this permit.

Landscaping

(7) Prior to commencement of use, all trees and landscaping must be planted and installed in accordance with the approved Concept 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.

(8) 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

(9) The use and/or development must comply with the requirements of TasWater, as detailed in the Submission to Planning Authority Notice, Reference No TWDA 2025/01079-BTN dated 25/09/2025, as attached to this permit.

Services

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

(11) All service covers located in vehicle access ways are to be constructed as trafficable, to the appropriate standard and to the satisfaction of Councils Municipal Engineer.

Parking and Access

(12) At least seven (7) car parking spaces must be provided on the land at all times for the use of the development, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off-Street Car Parking; Standards Australia, Sydney.

(13) Unless approved otherwise by Councils Municipal Engineer all parking, access ways, maneuvering and circulation spaces must be provided in accordance with the endorsed drawings and the Australian Standard AS 2890.1 - 2004 – Parking Facilities Parts 1 – 6 and must include all of the following,

(a) Be constructed with a durable all-weather pavement,

(b) Be drained to the public stormwater system,

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

(d) have gradients in accordance with the applicable Tasmanian Standard Drawings,

(e) provide for all vehicles to enter and exit the site in a forward direction,

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

(14) 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.*

(15) All areas set aside for parking, turning and access must be completed before the use commences and must continue to be maintained to the satisfaction of Councils Municipal Engineer

Stormwater

(16) Stormwater must drain to a legal point of discharge to the satisfaction of Councils Chief Executive Officer and in accordance with a Certificate of Likely Compliance or Plumbing Permit issued by the permit authority in accordance with the *Building Act 2016*.

Erosion and Sediment Control

(17) An erosion and sediment control plan (here referred to as a **'ESCP'**) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Municipal Engineer before development of the land commences.

(18) Before any work commences 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 Municipal Engineer until the land is effectively rehabilitated and stabilised after completion of the development

Construction amenity

(19) The development must only be carried out between the following hours unless otherwise approved by the Council's Director Development Services:

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.

(20) 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, wastewater, 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.

(21) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Director Development Services.

(22) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Municipal Engineer.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

A. Please contact your private building surveyor to ascertain what approvals (if any) are required under the *Building Act 2016*.

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

C. The developer must consult with Tasmanian Gas Pipeline prior to the commencement of any construction works.

D. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

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

DECISION:

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

CARRIED

VOTING RECORD

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

Meeting closed: 5.50pm

Confirmed: _____

(Mayor)

Date: 18 November 2025