



**Brighton  
Council**

**MINUTES OF THE ORDINARY COUNCIL MEETING  
OF THE BRIGHTON COUNCIL, HELD IN THE COUNCIL CHAMBERS,  
COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH  
AT 5.30P.M. ON TUESDAY, 17 DECEMBER 2024**

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

**IN ATTENDANCE:** Mr J Dryburgh (Chief Executive Officer) Mr C Pearce-Rasmussen (Director, Asset Services); Ms J Banks (Director, Governance & Regulatory Services); Ms G Browne (Director Corporate Services); Mrs J Blackwell (Acting Director, Development Services) and Ms A Turvey (Manager Community Development & Engagement).

**1. Acknowledgement of Country**

**2. Apologies/Applications for leave of absence**

*All members were present.*

**3. Confirmation of Minutes**

**3.1 Ordinary Council Meeting**

The Minutes of the previous Ordinary Council Meeting held on the 19<sup>th</sup> November 2024 are submitted for confirmation.

**RECOMMENDATION:**

That the Minutes of the previous Ordinary Council Meeting held on 19<sup>th</sup> November 2024, be confirmed.

**DECISION:**

*Cr Owen moved, Cr McMaster seconded that the Minutes of the previous Ordinary Council Meeting held on 19<sup>th</sup> November 2024, be confirmed.*

**CARRIED**

**VOTING RECORD**

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

**4. Declaration of Interest**

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

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

*Cr McMaster declared an interest in Item 13.1 and 14.4*

*Cr Murtagh declared an interest in Item 14.4*

**5. Public Question Time and Deputations**

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

*There was no requirement for Public Question Time.*

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

The Mayor's communications were as follows:

20/11 LGAT Mayor's Workshop

21/11 LGAT General Meeting

28/11 STCA AGM

29/11 IGA, Brighton Opening

16/12 STCA Meeting

17/12 Citizenship Ceremony

17/12 Council Meeting

**RECOMMENDATION:**

That the Mayor's communications be received.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

**6.2 Reports from Council Representatives**

- Cr Owen attended an on-line meeting of the Derwent Catchment Project on 11/12/2024.
- Cr Owen attended the JRLFSS Prize giving event, final Assembly at the Civic Centre on 12/12/2024.
- Cr Curran attended the Deputy Mayor's workshop in Launceston on 20/11/2024.
- Cr Curran attended an on-line workshop on Councillor resilience.

**RECOMMENDATION:**

That the verbal reports from Council representatives be received.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

## **7. Miscellaneous Correspondence**

- Email from Libraries Tasmania dated 9 December 2024 regarding Bridgewater Library Hours.

## **8. Notification of Council Workshops**

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

Nil Council workshops have been held since the previous Ordinary Council meeting.

## **9. Notices of Motion**

*There were no Notices of Motion.*

## **10. Consideration of Supplementary Items to the Agenda**

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

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

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

## **11. Reports from Committees**

*There were nil Reports from Committees.*

## **12. Council Acting as a Planning Authority**

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

## 12.1 Draft Amendment to the Brighton Local Provisions Schedule to amend the BRI-S11.0 South Brighton Specific Area Plan - RZ 2024/06 - Section 40D(b) Report

Author: Planning Officer (D Van)

Authorised: Acting Director Development Services (J Blackwell)

File Reference:	RZ 2024-06
Type of Application:	Section 40D(b) of <i>Land Use Planning and Approvals Act 1993</i>
Address/Subject Site:	Various
Owner/s:	Various
Requested by:	Brighton Council
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Proposal:	<p>To amend Brighton Local Provisions Schedule ordinance in the BRI-S12.0 Burrows Avenue Specific Area Plan, as follows:</p> <ul style="list-style-type: none"> <li>Amend the wording of BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2., by deleting '<i>Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.</i>' and inserting '<i>Council's adopted Infrastructure Contributions Policy or as amended or replaced from time to time that are relevant to the land.</i>'</li> </ul>

### 1. Executive Summary

The purpose of this report is for Council to consider whether to, of its own motion, initiate a draft planning scheme amendment made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act'), to amend the Brighton Local Provision Schedule (LPS) by revising subclause BRI-S11.8.2 P1.2 of the South Brighton Specific Area Plan (South Brighton SAP).

The South Brighton SAP (amendment RZ 2022-005) was approved by the Tasmanian Planning Commission (Commission) on 10 May 2024 and came into effect on 24 May 2024.

The purpose of the South Brighton SAP is:

- To implement the South Brighton Development Framework.
- To maximise and facilitate future development potential.
- To coordinate the provision of infrastructure and public open space.
- To create a safe and pleasant urban environment, through landscaping, connectivity between roads, the high school and open spaces.
- To provide a range of lot sizes close to public open space, services and public transport.
- To provide a road network that:
  - facilitates connection between lots;

- encourages connectivity between the east and west side of Brighton Road; and
- utilises and incorporates existing overland flowpaths.
- To facilitate a transition to a slow traffic and pedestrian friendly environment for Brighton Road.

In subclause BRI-S11.8.1 P1.2, there is reference to 'Council's adopted any Key Infrastructure Investments and Defined Infrastructure Charges Infrastructure Contribution policy'. This policy was renamed to "*Infrastructure Contributions Policy*" following the adoption of an amended policy by Council in October 2024.

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

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

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

## 2. Legislative & Policy Content

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

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

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

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

This report details the reasons for the officer's recommendation. The Planning Authority is not bound to adopt the recommendations in this report. The Planning Authority can either: (1) adopt the recommendation; or (2), vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.

## 3. Risk & Implications

There is no risk to initiating the planning scheme amendment.

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

#### 4. Planning Scheme Amendment Proposal

It is proposed to modify the wording of BRI-S11.8.2 P1.2 of the South Brighton SAP as follow:

##### Existing

.....

P1.2

*Where Council Infrastructure has been provided by Council, an infrastructure contribution must be paid having regard to Council's adopted any Key Infrastructure Investments and Defined Infrastructure Charges Infrastructure Contribution policy that is relevant to the land.*

##### Proposed:

.....

P1.2

*Where council infrastructure has been provided by Council, an infrastructure contribution must be paid, having regard to Council's adopted Infrastructure Contributions Policy as amended or replaced from time to time relevant to the land.*

#### 5. Rationale for the amendment

The South Brighton Specific Area Plan was approved by the Tasmanian Planning Commission (Commission) in May 2024. The Commission agreed the South Brighton SAP is consistent with the requirements of section 32(4)(b) of the Act<sup>1</sup>.

The Commission agrees that there is complexity associated with achieving increased housing density through infill development and providing associated infrastructure across a relatively large number of land parcels in different ownership in within the area. The Commission also accepts that without the South Brighton SAP, the cost of providing infrastructure within the subject area is likely to be spread over the Council's wider ratepayer base, rather than being attributed to the developer of each site<sup>1</sup>.

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

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



Figure 1: South Brighton Specific Area Plan map

### 5.1. Strategic Rationale

*Southern Tasmanian Regional Land Use Strategy 2010-2035*

*SD2: Holistically Managing Residential Growth*

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

*Brighton Structure Plan 2018 (BSP)*

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

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

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

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

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

### 6. The Draft Amendment

At subclauses BRI-S11.8.2 P1.2 of the South Brighton SAP, there is a reference to 'Key Infrastructure Investments and Defined Infrastructure Charges Infrastructure Contribution policy'.

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

The purpose of the updated *Infrastructure Contributions Policy* is to set guidelines by which Brighton Council can make key infrastructure investments. Council will recoup these investments via the imposition of a charge on the creation of new lots or the intensification of land that benefits directly from these investments.

The draft amendment to the South Brighton SAP is critical to address localised development issues within the SAP area by referring to the applicable Council policy and provision of public infrastructure. To prevent unnecessary amendment or modification in the future, the term 'or as amended or replaced from time to time relevant to the land' is added following the reference of the policy.

On that basis, the proposed draft amendment to the Brighton Local Provisions Schedule is to amend the planning scheme ordinance of South Brighton Specific Area plan as follow:

(a) At subclauses BRI-S11.8.2 P1.2, delete:

*For council infrastructure that has been provided by council, an infrastructure contribution must be paid, having regard to Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land"*

and insert the following

*For council infrastructure that has been provided by council, an infrastructure contribution must be paid, having regard to Council's adopted Infrastructure Contributions Policy as amended or replaced from time to time relevant to the land. The proposed amended Clauses BRI-S11.8.2 will be read as follows:*

#### BRI-S11.8.2 Infrastructure provision

This clause is in addition to General Residential Zone - clause 8.6 Development Standards for Subdivision.

<b>Objective:</b>	<p>That:</p> <p>(a) subdivision design provides for Council infrastructure that will enable further land development in accordance with the Development Framework and purpose of the Specific Area Plan; and</p> <p>(b) developer contributions are made towards the cost and provision of infrastructure in accordance with the relevant Policy adopted by the Council.</p>
Acceptable Solutions	Performance Criteria
A1	P1.1

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

No Acceptable Solution	<p>The provision, and upgrading of Council infrastructure, must be provided having regard to:</p> <ul style="list-style-type: none"> <li>(a) the demand the subdivision places on Council infrastructure;</li> <li>(b) the need for connecting Council infrastructure to common boundaries with adjoining land to facilitate future subdivision potential;</li> <li>(c) any existing Council infrastructure;</li> <li>(d) any upgrades to existing Council infrastructure that may be required;</li> <li>(e) topography and other site conditions; and</li> <li>(f) any advice from a State authority, regulated entity</li> </ul> <p><b>P1.2</b></p> <p>Where Council Infrastructure has been provided by Council, an infrastructure contribution must be paid having regard to Council's adopted Infrastructure Contributions Policy as amended or replaced from time to time relevant to the land.</p>
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## 7. Planning Assessment

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

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

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

### 7.1. Assessment of Section 34(2) of the Act.

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

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

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

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

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

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

### 32. Contents of LPSs

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

...

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

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

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

...

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

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

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

**Assessment of 32(4)(b):**

**South Brighton SAP**

Subclause BRI-S11.8.2 of the South Brighton SAP provides a development framework that will facilitate future subdivision of the area in a way that creates a practical extension to the residential community by providing good connectivity and a high level of amenity in an equitable manner. Correct reference to Council's relevant policy will ensure the objectives of the South Brighton SAP is upheld.

**(c) Further RMPS Objectives**

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

**Table 1 – RMPS Objective Assessment**

Objective	Response
<b>Part 1</b>	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	The proposed amendment is to resolve the naming of Council's policy to improve strategic planning outcomes.

(b) to provide for the fair, orderly and sustainable use and development of air, land and water	The draft amendment is considered to provide a mechanism to improve the existing character of the area. The proposed amendment will better meet the needs of a wider demographic through the provision of a range of housing types. As such the proposed amendment will provide for the fair, orderly and sustainable development of the area.
(c) to encourage public involvement in resource management and planning	The proposed draft amendment to the South Brighton SAP to modify subclauses BRI-S11.8.2 is considered minor and does not change the nature of the South Brighton SAP but will improve the practicality in implementation. There will be no public interest in this planning scheme amendment, and it is requested that the TPC exempt the draft amendment from public exhibition.
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The draft amendment will facilitate economic development arising from increased properties' value relative to the increased level of amenity, connectivity and public infrastructure in the SAP area.
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State	The proposed draft amendment is minor and does not require broader responsibility.

## Part 2

(a) to require sound strategic planning and coordinated action by State and local government	The proposed amendment is to resolve the naming of Council's policy to improve strategic planning outcomes.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	The proposed draft amendment has been found to be consistent with the contents of the LPS and has been drafted to achieve specific objectives and policies recommended in strategic planning documents endorsed by the Council.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	<p>The land contains no environmental values of any known significance. The proposed draft amendment is likely to result in better environmental outcomes considering stormwater management.</p> <p>In terms of social and economic effects, the South Brighton SAP will provide increased housing choice and improvement to</p>

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

**(d) Consistent with State Policies**

- **State Coastal Policy 1996**

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

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

The *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion of agricultural land to non-agricultural uses is subject to the principles of the PAL Policy.

All land in the SAP area is zoned General Residential and is not considered agricultural land.

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

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

- **National Environmental Protection Measures**

The National Environmental Protection Measures (NEPMs) have been adopted as State Policies. They relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled pollutant inventory.

The proposal does not trigger consideration under the NEPMs.

**(da) consistent with TPPs**

There are currently no Tasmanian Planning Policies in effect.

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

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

**Table 2 – STRLUS Assessment**

Policy	Action
SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability	<p>SRD2.1 Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.</p> <p>Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and protected by the planning scheme.</p> <p>SRD 2.6 Increase densities to an average of at least 25 dwellings per hectare (net density) within a distance of 400-850m of integrated transit corridors and Principal and Primary Activity centres, subject to heritage constraints.</p> <p>SRD 2.9 Encourage a greater mix of residential dwelling types</p>

	<p>across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.</p> <p>Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme:</p> <ol style="list-style-type: none"> <li>specify the spatial area in which biodiversity values are to be recognised and protected; and</li> <li>implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.</li> </ol>
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**Consistent:**

The proposed draft amendment seeks to modify subclause BRI-S11.8.2 of the South Brighton SAP to refer to the relevant Infrastructure Contributions Policy or its amendment from time to time relevant to the land.

The proposed draft amendment will provide a strong framework for developers and the Council to work together to achieve the target of sustainable living and residential density.

ROS 1	ROS 1.5
Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and wellbeing, amenity, environmental sustainability and the economy.	Ensure residential areas, open spaces and other community destinations are well connected with a network of high-quality walking and cycling routes.

**Consistent:**

The proposed draft amendment will bring the Infrastructure Contributions Policy into the planning process. This is a strategic approach to infrastructure investment to ensure that the Council delivers the highest appropriate opportunities for growth, whilst ensuring efficiency and amenity for the community, economy, and environmental sustainability.

PI 2	P1 2.2
Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.	Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.

**Consistent:**

The draft amendment makes provision for construction of, or contribution to, local infrastructure requirements.

LUTI 1	LUTI 1.6 Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.
<b><u>Consistent</u></b> The draft amendment makes provision for construction of, or contribution to, local infrastructure requirements.	

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

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

The proposed amendment is consistent with the following relevant strategies from the Brighton Council Strategic Plan 2019-2029:

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

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

***(h) Gas Pipeline safety***

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

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

**8. Relevant Issues**

***8.1 Section 40I (2) Application***

The planning authority also requests that the Tasmanian Planning Commission exempt the proposed amendment from public exhibition in accordance with Section 40I(2)(b)(ii) of the Act as the amendment is to amend the wording of a clause to correctly refer to its recently renamed Infrastructure Contributions Policy. It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

## 9. Conclusion

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

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

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2024-06 as detailed in this report and in the attachments.

## **RECOMMENDATION:**

1. That in accordance with s40D(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority, of its own motion, agrees to prepare a draft amendment, to be known as RZ 2024-06, by amending the planning scheme ordinance in relation to the South Brighton Specific Area Plan
2. That in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2024-06 satisfies the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*.
3. That in accordance with Section 40F(3) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2024-06 be certified by instrument in writing affixed with the common seal of the Council.
4. That in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2024-06 be given to the Tasmanian Planning Commission within seven (7) days.
5. That in accordance with Section 40I(2)(b)(ii) of the *Land Use Planning and Approvals Act 1993*, Council requests approval from the Commission to dispense with the public exhibition required by Section 40G(1) of the *Land Use Planning and Approvals Act 1993*.
6. That if consent to dispense with public exhibition pursuant to Section 40I(2)(b)(ii) of the *Land Use Planning and Approvals Act 1993* is not received from the Commission, that in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2024-06 be placed on public exhibition as soon as practicable.
7. That if consent to dispense with public exhibition pursuant to Section 40I(2)(b)(ii) of the *Land Use Planning and Approvals Act 1993* is not received from the Commission, that in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment RZ 2024-06 be provided to relevant agencies and those state service, or State authorities, that the planning authority considers may have an interest in the draft amendment.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

## 12.2 Draft Amendment to the Brighton Local Provisions Schedule to amend the BRI-S12.0 Burrows Avenue Specific Area Plan - RZ 2024/05 - Section 40D(b) Report

Author: Planning Officer (D Van)

Authorised: Acting Director Development Services (J Blackwell)

File Reference:	RZ 2024-05
Type of Application:	Section 40D(b) of <i>Land Use Planning and Approvals Act 1993</i>
Address/Subject Site:	Various
Owner/s:	Various
Requested by:	Brighton Council
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Proposal:	<p>To amend Brighton Local Provisions Schedule ordinance in the BRI-S12.0 Burrows Avenue Specific Area Plan, as follows:</p> <ul style="list-style-type: none"> <li>Amend the wording of BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2., by deleting '<i>Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.</i>' and inserting '<i>Council's adopted Infrastructure Contributions Policy or as amended or replaced from time to time that are relevant to the land.</i>'</li> </ul>

### 1. Executive Summary

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

The Burrows Avenue SAP (amendment RZ 2023-004) was approved by the Tasmanian Planning Commission (Commission) on 24 May 2024. The purpose of the Burrows Avenue SAP is:

1. To provide for infrastructure required for subdivision or multiple dwelling developments.
2. To provide for lot and housing diversity and residential amenity which respond to the constraints of the existing land-use pattern.
3. To provide road and pedestrian network connectivity.
4. To provide for landscaping that contributes to and improves the character of the area.
5. To provide for the construction of the undeveloped road reserve and encourage subdivision in accordance with the Burrows Avenue Specific Area Plan Precinct A Development Framework.

At subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2, there is reference to '*Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy*'. This policy was

renamed to “*Infrastructure Contributions Policy*” following the adoption of an amended policy by Council in October 2024.

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

Given the simplicity of the draft planning scheme amendment, the planning authority also requests that the Commission exempt the proposed amendment from public exhibition in accordance with Section 40I(2)(b)(ii) of the Land Use Planning and Approvals Act 1993 (the Act). It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

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

## 2. Legislative & Policy Content

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

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

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

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

This report details the reasons for the officer’s recommendation. The Planning Authority is not bound to adopt the recommendations in this report. The Planning Authority can either: (1) adopt the recommendation; or (2), vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.

## 3. Risk & Implications

There is no risk to initiating the planning scheme amendment.

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

## 4. Planning Scheme Amendment Proposal

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

- For council infrastructure that has been provided by council, an infrastructure contribution must be paid, having regard to Council's adopted Infrastructure Contributions Policy or as amended or replaced from time to time relevant to the land.

## 5. Rationale for the amendment

The Burrows Avenue Specific Area Plan was approved by the Tasmanian Planning Commission (Commission) in May 2024. The Commission agreed the Burrows Avenue SAP is consistent with the requirements of section 32(4)(b) of the Act<sup>3</sup>. The Commission agrees with the submission of the planning authority that without the SAP, the cost of providing infrastructure within the subject area is likely to be spread over the Council's wider ratepayer base, rather than being attributed to the developer of each site<sup>1</sup>.

Subclause BRI-S12.7.1 P1.2 of the Burrows Avenue SAP sets out the requirements for a contribution paid by the multiple dwellings' developers in order to allow the Council to invest for key infrastructure.

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



Burrows Avenue Specific Area Plan



Burrows Avenue Specific Area Plan – Precinct A

Figure 1: Burrows Avenue Specific Area Plan map<sup>4</sup>

### 5.1. Strategic Rationale

*Southern Tasmanian Regional Land Use Strategy 2010-2035*

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

<sup>4</sup> Base image and data from the LIST ([www.thelist.tas.gov.au](http://www.thelist.tas.gov.au)) © State of Tasmania

## *SD2: Holistically Managing Residential Growth*

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

### *Brighton Structure Plan 2018 (BSP)*

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

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

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

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

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

## **6. The Draft Amendment**

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

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

The purpose of the updated *Infrastructure Contributions Policy* is to set guidelines by which Brighton Council can make key infrastructure investments. Council will recoup these investments via the imposition of a charge on the creation of new lots or the intensification of land that benefits directly from these investments.

The draft amendment to the Burrows Avenue SAP is critical to address localised development issues within the SAP area by referring to the applicable Council policy and provision of public infrastructure. To prevent unnecessary amendment or modification in the future, the term 'or

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

as amended or replaced from time to time relevant to the land' is added following the reference of the policy.

On that basis, the proposed draft amendment to the Brighton Local Provisions Schedule is to amend the planning scheme ordinance of Burrows Avenue Specific Area plan at clause BRI-S12.0 to modify:

(b) At subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2, delete:

*'For council infrastructure that has been provided by council, an infrastructure contribution must be paid, having regard to Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land'*

and insert the following

*'For council infrastructure that has been provided by council, an infrastructure contribution must be paid, having regard to Council's adopted Infrastructure Contributions Policy as amended or replaced from time to time relevant to the land.'*

The proposed amended Clauses BRI-S12.7.1 and BRI-S12.8.1 will be as follows:

#### BRI-S12.7.1 Infrastructure provision for multiple dwellings

This clause is in addition to General Residential Zone – Clause 8.4 Development Standards for Dwellings

<b>Objective:</b>	<p>That:</p> <p>(a) multiple dwelling development delivers sufficient council infrastructure to provide for road and pedestrian network connectivity and amenity; and</p> <p>(b) developer contributions are made towards the cost and provision of council infrastructure in accordance with the relevant policy adopted by council</p>
<p><b>Acceptable Solutions</b></p> <p>A1 No Acceptable Solution</p>	<p><b>Performance Criteria</b></p> <p><b>P1.1</b> Council infrastructure must be provided or upgraded as required, having regard to:</p> <p>(a) the demand that the development places on council infrastructure;</p> <p>(b) any existing council infrastructure;</p> <p>(c) the topography and other site conditions; and</p> <p>(d) any advice from a State authority, regulated entity or council</p> <p><b>P1.2</b> For council infrastructure that has been provided by council, an infrastructure contribution must be paid, having regard to Council's adopted Infrastructure Contributions Policy as amended or replaced from time to time relevant to the land.</p>

## BRI-S12.8 Development standards for Subdivision

### BRI-S12.8.1 Subdivision - Precinct A

This clause is in substitution for General Residential Zone - Clauses 8.6.1 Lot design A1 and P1; and 8.6.1 A4 and P4.

<b>Objective:</b>	That subdivision within Precinct A provides for consistency with the purpose of the specific area plan and the development framework.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
A2 No Acceptable Solution.	<p><b>P2.1</b> Council infrastructure must be provided or upgraded as required, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the demand that the development places on council infrastructure;</li> <li>(b) any existing council infrastructure;</li> <li>(c) the topography and other site conditions; and</li> <li>(d) any advice from a State authority, regulated entity or council.</li> </ul> <p><b>P2.2</b> For council infrastructure that has been provided by council, an infrastructure contribution must be paid, having regard to Council's adopted Infrastructure Contributions Policy as amended or replaced from time to time relevant to the land.</p>

## 7. Planning Assessment

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

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

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

### 7.1. Assessment of Section 34(2) of the Act.

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

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

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

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

***(j) is in accordance with section 32; and***

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

***32. Contents of LPSs***

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

...

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

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

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

...

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

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

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

**Assessment of 32(4)(b):**

***Burrows Avenue SAP***

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

***(k) Furthers RMPS Objectives***

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

Table 3 – RMPS Objective Assessment

Objective	Response
<b>Part 1</b>	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	The proposed amendment is to resolve the naming of Council's policy to improve strategic planning outcomes.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water	The draft amendment is considered to provide a mechanism to improve the existing character of the area. The proposed amendment will better meet the needs of a wider demographic through the provision of a range of housing types. As such the proposed amendment will provide for the fair, orderly and sustainable development of the area.
(c) to encourage public involvement in resource management and planning	<i>The proposed draft amendment to the Burrows Avenue SAP to modify subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 is considered minor and does not change the nature of the Burrows Avenue SAP but will improve the practicality in implementation. There will be no public interest in this planning scheme amendment, and it is requested that the TPC exempt the draft amendment from public exhibition.</i>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The draft amendment will facilitate economic development arising from increased housing prices relative to the increased level of amenity, connectivity and public infrastructure in the SAP area.
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State	The proposed draft amendment is minor and does not require broader responsibility.
<b>Part 2</b>	
(a) to require sound strategic planning	The proposed amendment is to resolve the

and coordinated action by State and local government	naming of Council's policy to improve strategic planning outcomes.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	The proposed draft amendment has been found to be consistent with the contents of the LPS and has been drafted to achieve specific objectives and policies recommended in strategic planning documents endorsed by the Council.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	<p>The land contains no environmental values of any known significance. The proposed draft amendment is likely to result in better environmental outcomes considering stormwater management.</p> <p>In terms of social and economic effects, the Burrows Avenue SAP will provide increased housing choice and improvement to residential amenity. It will also encourage improved outcomes for connectivity.</p>
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	The referred Council's Policy in the Burrows Avenue SAP is consistent with regional planning documents and State Policies and legislation.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	<p>The referred Council's Policy will provide a clear framework for development approvals in the Brighton LPS.</p> <p>The approvals process is generally prescribed and the planning scheme amendment process has little impact on co-ordination of approvals.</p>
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	One of the purposes of the draft amendment is to provide for higher levels of residential amenity and connectivity that promotes health and wellbeing.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	There are no buildings or areas of interest within the SAP area.
(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public	One of the objectives of the SAP is to enable the orderly provision and coordination of public utilities and facilities, in an area where these are

utilities and other facilities for the benefit of the community	limited. The referred Infrastructure Contributions Policy will ensure the long-term benefit of the community is secured.
(i) to provide a planning framework which fully considers land capability.	The proposed draft amendment provides a planning framework which addresses existing land constraint to improve connectivity, public infrastructure and facilities and housing diversity.

*(l) Consistent with State Policies*

- **State Coastal Policy 1996**

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

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

The *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion of agricultural land to non-agricultural uses is subject to the principles of the PAL Policy.

All land in the SAP area is zoned General Residential and is not considered agricultural land.

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

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

- **National Environmental Protection Measures**

The National Environmental Protection Measures (NEPMs) have been adopted as State Policies. They relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled pollutant inventory.

The proposal does not trigger consideration under the NEPMs.

*(da) consistent with TPPs*

There are currently no Tasmanian Planning Policies in effect.

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

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

**Table 4 – STRLUS Assessment**

Policy	Action
SRD 2  Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability	<p>SRD2.1</p> <p>Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.</p> <p>Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and protected by the planning scheme.</p> <p>SRD 2.6</p> <p>Increase densities to an average of at least 25 dwellings per hectare (net density) within a distance of 400-850m of integrated transit corridors and Principal and Primary Activity centres, subject to heritage constraints.</p> <p>SRD 2.9</p> <p>Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.</p> <p>Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme:</p> <ul style="list-style-type: none"> <li>a) specify the spatial area in which biodiversity values are to be recognised and protected; and</li> <li>b) implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.</li> </ul>
<b><u>Consistent:</u></b>  The proposed draft amendment seeks to modify subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the Burrows Avenue SAP to refer to the relevant Infrastructure Contributions Policy or its amendment from time to time relevant to the land.  The proposed draft amendment will provide a strong framework for developers and the Council to work together to achieve the target of sustainable living and residential density.	
ROS 1  Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community	ROS 1.5  Ensure residential areas, open spaces and other community destinations are well connected with a network of high-quality walking and cycling routes.

connectivity, community health and wellbeing, amenity, environmental sustainability and the economy.	
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**Consistent:**

The proposed draft amendment will bring the Infrastructure Contributions Policy into the planning process. This is a strategic approach to infrastructure investment to ensure that the Council delivers the highest appropriate opportunities for growth, whilst ensuring efficiency and amenity for the community, economy, and environmental sustainability.

PI 2	P1 2.2  Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.
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**Consistent:**

The draft amendment makes provision for construction of, or contribution to, local infrastructure requirements.

LUTI 1	LUTI 1.6  Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.
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**Consistent**

The draft amendment makes provision for construction of, or contribution to, local infrastructure requirements.

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

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

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

- 1.2 Build resilience and opportunity
- 2.4 Ensure strategic planning and management of assets has a long term-

sustainability and evidence-based approach

- 3.2 Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population.
- (o) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.*

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

**(p) Gas Pipeline safety**

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

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

**8. Relevant Issues**

**8.1 Section 40I (2) Application**

The planning authority also requests that the Tasmanian Planning Commission exempt the proposed amendment from public exhibition in accordance with Section 40I(2)(b)(ii) of the Act as the amendment is to amend the wording of a clause to correctly refer to its recently renamed Infrastructure Contributions Policy. It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

**9. Conclusion**

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

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

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2024-05 as detailed in this report and in the attachments.

**RECOMMENDATION:**

1. That in accordance with s40D(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority, of its own motion, agrees to prepare a draft amendment, to be known as RZ 2024-05, by amending the planning scheme ordinance in relation to the Burrows Avenue Specific Area Plan

2. That in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2024-05 satisfies the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*.
3. That in accordance with Section 40F(3) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2024-05 be certified by instrument in writing affixed with the common seal of the Council.
4. That in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2024-05 be given to the Tasmanian Planning Commission within seven (7) days.
5. That in accordance with Section 40I(2)(b)(ii) of the *Land Use Planning and Approvals Act 1993*, Council requests approval from the Commission to dispense with the public exhibition required by Section 40G(1) of the *Land Use Planning Act 1993*.
6. That if consent to dispense with public exhibition pursuant to Section 40I(2)(b)(ii) of the *Land Use Planning and Approvals Act 1993* is not received from the Commission, that in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2024-05 be placed on public exhibition as soon as practicable.
7. That if consent to dispense with public exhibition pursuant to Section 40I(2)(b)(ii) of the *Land Use Planning and Approvals Act 1993* is not received from the Commission, that in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment RZ 2024-05 be provided to relevant agencies and those state service, or State authorities, that the planning authority considers may have an interest in the draft amendment.

**DECISION:**

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

**CARRIED**

**VOTING RECORD**

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

## 13. Petitions

*Cr McMaster had declared an Interest in the following Item and left the meeting at 5.44pm*

### 13.1 Petition - Sorell Street Masterplan - proposed re-zoning of Cobbs Hill Road from rural-residential to residential

Attachment: Petition with 15 signatories

A petition via was received from Michelle Macpherson on the 29<sup>th</sup> November 2024 as an attachment to her submission regarding the Sorell Street Masterplan consultation.

**Petition Subject:**

*Oppose the proposed rezoning of Cobbs Hill Road from rural-residential to residential.*

**Petition statement and action requested:**

*We, the undersigned residents of Bridgewater, strongly oppose the proposed rezoning of Cobbs Road from rural-residential to residential. This development threatens the unique character of our neighbourhood by replacing spacious rural blocks with 280 high-density residential lots as small as 450sqm.*

*Our community values the quiet, semi-rural environment that makes this area special. It provides a much-needed contrast to suburban development and fosters a diverse mix of residents who appreciate the space, peace, and lifestyle it offers. This rezoning will not only destroy this balance but also place undue strain on local infrastructure, increase traffic congestion, and erode the very qualities that make this area desirable.*

*While we acknowledge the removal of the proposed through-road into Tranquility Crescent, we do not believe this change addresses the broader concerns. High-density housing in this location is incompatible with the community's identity and long-term interests.*

*We respectfully urge the Brighton Council to reject this rezoning proposal in favour of preserving the integrity, character and liveability of our community.*

This petition complies with Section 57 of the *Local Government Act 1993* and is accordingly tabled. In accordance with Section 58 of the Act the General Manager is to table the petition at the next ordinary meeting of the Council, enabling Council to receive it.

A recommendation in relation to the petition has been provided below.

#### **RECOMMENDATION:**

That:

- a) the Petition be received; and
- b) that the concerns raised by petitioners be noted and considered as part of the Sorell Street Master Plan consultation process.

**DECISION:**

*Cr Owen moved, Cr De La Torre seconded that the Petition be received; and that the concerns raised by petitioners be noted and considered as part of the Sorell Street Master Plan consultation process.*

**CARRIED**

**VOTING RECORD**

<b>In favour</b>	<b>Against</b>
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr Murtagh	
Cr Owen	
Cr Whelan	

*Cr McMaster rejoined the meeting 5.45pm*

## **14. Officers Reports**

### **14.1 Bridgewater Youth Hub - Progress Report**

**Author:** Manager, Community Development & Engagement (A Turvey)

**Authorised:** Chief Executive Officer (J Dryburgh)

#### **Background**

In 2023, Council agreed to progress the development of a Bridgewater Youth Hub in partnership with the Tasmanian Aboriginal Legal Service (TALS). In 2024, TALS appointed project officer Joselle Griffin, with the primary role of leading the initial community engagement phase in order to understand from young people themselves what a youth space in Bridgewater should be.

This is essentially a justice reinvestment project, which has begun with the goal of bringing the community together to identify the best way to nurture and grow our young people, prevent and reduce young people's contact with the criminal justice system, and using the strengths and voice of young people, cultural knowledge, lived experience and data, to design what will work best for our young people.

This report provides a progress report on the initial and ongoing community engagement elements of the project.

#### **Consultation Approaches**

The three main ways of collecting data have been:

1. Poster design - asking young people in schools to design a poster for our new youth hub highlighting what they feel is important to include.

2. One on one personal interviews conducted mainly by the Brighton Youth Action Group.
  3. Online survey.

February 2025 will see community brought together for a ‘youth summit’ to review where the project is at and build on insights and understandings so far.

BYAG has focused on recorded conversations and 'chats' with their peers in the local area by participating in many community activities.

Including:

- School holiday events
  - School consultations within Jordan River Senior School
  - ‘Sprintefest’
  - Under One Rainbow pop up
  - Multiple *kipli kani* events
  - Engage Youth Cove Creek opening event
  - BYAG meetings
  - Aboriginal community consultation group meetings
  - Brighton Youth Action Network and Brighton Alive activities.

*Key themes from our preliminary consultation findings include:*

1. **Need for Safe Youth Spaces:**
    - An emphasis on safety, welcoming environments, and inclusivity.
    - Very high concerns about youth having nowhere to hang out or engage productively.
  2. **Activities and Facilities:**
    - Popular suggestions include gaming, sports, arts and crafts, mental health support, and accessible facilities.
    - Specific requests for spaces catering to diverse interests, including quieter activities for neurodivergent youth.



3. **Barriers to Access:**
    - Common barriers include transport issues, lack of funding, and insufficient facilities or services in the Brighton region.
  4. **Role of the Community:**
    - Adults are encouraged to be mentors, listeners, and facilitators of safe spaces.

- Young people want to be actively engaged in maintaining and contributing to the space.

## 5. Desired Support Services:

- Highlighted needs include mental health services, legal and financial advice, sexual health resources, and culturally safe services.



## Bridgewater Youth Hub Project Team

A community project team has been established and provides strategic advice and subject matter expertise to TALS and Council, ensuring genuine consultation across community occurs and that the inputs from community are an accurate reflection of what is expressed by community.

The project team meets on a monthly basis and acts as an advisory and support mechanism. The team does not have the delegation to make binding decisions.

The project team consists of eight (8) positions as follows:

- Two (2) young community members (12-25 years)
  - Two (2) community members
  - One (1) TALS representative
  - One (1) Brighton Council representative
  - One (1) community services organisation representative
  - One (1) education representative from Department of Education, Children and Young People (DECYP)

## Youth Hub Site and Design of the Space

Negotiations with the State Government continue regarding the best way forward with securing the preferred site on the corner of Greenpoint Road and Eddington Street. This site is currently on a DECYP land title.

Council's Asset Services team has assigned a project officer for managing site negotiations, grant applications, design and construction of infrastructure.

A shortlist of potential design firms has been developed by the project officer.

For the purpose of having design concepts for potential grant applications that open middle of 2025, it is proposed that we aim to have an architect/design firm on board by January/February

2025, draft artist impressions ready by May, and refined versions of the concept designs by June. This will give sufficient time to prepare the grant applications.

The preferred design firm would be invited to attend the 'youth summit' end of February 2025 to immerse in community and the insights from the community engagement work.

### **Consultation**

Youth Hub Project Team, TALS, Brighton Council CEO, Community Development Officer, Youth Worker, BYAG, Community Creators, Brighton community broadly.

### **Risk Implications**

Nil.

### **Financial Implications**

Nil.

### **Strategic Plan**

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

Goal 3: Manage infrastructure and growth effectively.

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

### **Social Implications**

This project has the potential to be a significant social infrastructure investment to address current and future social needs, specifically for young people aged 12-25 years in our region.

It will strengthen the collaboration between a full range of youth services, stakeholders (including BYAG) and different levels of government, by bringing everyone together in one location or precinct.

The project demonstrates local government collaborating with and investing at a local level to make a significant difference to the health and well-being outcomes and day to day lives of youth in our area. A place-based solution rather than a 'cookie cutter' approach brought in by 'others'. This will be a Hub for all youth. Although TALS as a key stakeholder, has a primary interest in Tasmanian Aboriginal youth justice, it is strongly acknowledged this will service our entire community and no young person will be excluded.

It will be a safe space for young people to meet, visit, connect and seek support services.

### **Environmental or Climate Change Implications**

Not Applicable.

### **Economic Implications**

Unknown.

### **Other Issues**

Currently unknown.

## Options

1. As per the recommendation.
  2. Other.
- 

## **RECOMMENDATION:**

That Council receives and notes the information in this Bridgewater Youth Hub progress report as presented in December 2024.

## **DECISION:**

*Cr Curran moved, Cr Murtagh seconded that Council receives and notes the information in the Bridgewater Youth Hub progress report as presented in December 2024.*

**CARRIED**

### VOTING RECORD

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

## **14.2 Keep Australia Beautiful Tasmania - 2024 Sustainable Communities Awards**

**Author:** Manager, Community Development & Engagement (A Turvey)  
**Authorised:** Chief Executive Officer (J Dryburgh)

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### Background

In November 2024, Council had the pleasure of hosting the 2024 Keep Australia Beautiful (KAB) Tasmania Awards. Given Bridgewater was the overall state winner in 2023, it was Brighton Council's turn to host the awards lunch.

**Launceston City Council** was announced as the **overall winner for 2024** and will go to the nationals in Beechworth Victoria next year.

We had approximately 70 attendees from all over Tasmania come to Bridgewater for the awards lunch at the Brighton Civic Centre.

Whereas in 2023 Council focussed on entering community initiatives from the Bridgewater area, in 2024 the focus was on projects and initiatives from the Herdsman Cove and Gagebrook area.

Once again, our community shone. This report details the community achievements that were recognised and honoured for 2024.

**Major Category Winners were as follows:**

1. Local Hero – **MICHAEL CASEY**
2. Community Health & Wellbeing – **KUTALAYNA COLLECTIVE**
3. Behaviour Change (Joint winners) - **UNDER ONE RAINBOW & REMINDER TO BE KINDER (LAUNCESTON CITY COUNCIL)**
4. Young Legends – **ENGAGE YOUTH COVE CREEK**
5. Litter (Highly Commended) – **BRIGHTON COUNCIL AND CENTACARE EVOLVE HOUSING FOR 'BIN TO WIN'**

**Population Category (2,000-3,000)**

Winner: Gagebrook/Herdsman's Cove

**Certificates of Excellence by Category**

*Waste Prevention & Reduction*

- Material Institute – Bond Place – Zero Waste

*Community Health & Wellbeing*

- Brighton Council “Doing My Bit” Video – Stories from Volunteers
- Brighton Council – Cris Fitzpatrick Park Playground, Gagebrook
- Brighton Council – Swan Park Upgrade, Herdsman's Cove
- Brighton Council – Community Creators
- Jordan River Service Inc. – Gagebrook Community House (Waterbridge Community Food Pantry)
- Material Institute – Bond Place

*Environment & Sustainability*

- Brighton Council – Greening Brighton Strategy 2024-2033

*Heritage & Culture*

- Kutalayna Collective – kipli and kani

**Consultation**

SMT, Community Development Officer, Youth Worker

**Risk Implications**

Nil.

**Financial Implications**

Nil.

### Strategic Plan

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

### Social Implications

The KAB Tasmania awards provide an opportunity for individuals, community groups, and other organisations that are predominantly made up of local volunteers, to receive recognition for their hard work and achievements that can often go unnoticed on a day to day basis. For many small community organisations, the awards provide acknowledgement and an opportunity to reflect and feel a sense of pride in their achievements.

### Environmental or Climate Change Implications

Not Applicable.

### Economic Implications

Nil.

### Other Issues

Nil.

### Options

1. As per the recommendation.
2. Other.

### **RECOMMENDATION:**

That Council formally acknowledges all of those from the Brighton community who were winners at the 2024 Keep Australia Beautiful – Tasmanian Sustainable Communities Awards in November and sincerely congratulates each and every one of them.

### **DECISION:**

*Cr Curran moved, Cr Geard seconded that Council formally acknowledges all of those from the Brighton community who were winners at the 2024 Keep Australia Beautiful – Tasmanian Sustainable Communities Awards in November and sincerely congratulates each and every one of them.*

**CARRIED**

### **VOTING RECORD**

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

Cr Owen  
Cr Whelan

### **14.3 Quilters Easter Showcase - request to waive Civic Centre hire fees**

**Author:** Admin & Facilities Management Officer (I Singh)

**Authorised:** Director Corporate Services (G Browne)

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#### **Background**

Mrs Pam Harvey has written to Council requesting support to use the Civic Centre for the Quilters Easter Showcase event. This event, organized by a group of volunteers, has been held annually on the Saturday before Easter at the Civic Centre. It is a social gathering for people from across the state, open to the public, and welcoming all participants.

The entry fee will be \$5 per person, and a fundraiser will be held during the event. A portion of the proceeds will go towards operational costs, with any remaining profit being donated to a local community group. In the past, donations have included \$600 to the school farm and \$2,000 to the Food Hub.

Mrs Harvey has contacted the Council to request support in the form of free use of the Civic Centre Hall and Theatrette on 12th April 2025. As the Quilters Easter Showcase is run by volunteers and is not an incorporated organisation, they are also seeking the Council's assistance in waiving the casual hire insurance fee.

#### **Consultation**

Pam Harvey (Quilters Showcase Organiser), Gillian Browne (Director Corporate Services)

#### **Risk Implications**

Risks are low from waiving the Civic Centre hire fees.

#### **Financial Implications**

Fees that would have been applicable will need to be recognised as a donation from Council. The day rate for Civic Centre is \$481 and casual hire insurance is \$34, totalling \$515. Groups like this would ordinarily be allowed a 50% discount on the hire fee.

#### **Strategic Plan**

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

- S1.1: engage with and enable our community.
- S1.3: Ensure attractive local areas that provide social, recreational, and economic opportunities.
- S1.4: Encourage a sense of pride, local identity, and engaging activities.

#### **Social Implications**

Providing a facility for the showcase and fundraising for this group will contribute to building positivity and community connection.

## Assessment

The Quilters showcase has been held in the municipality for many years. Their purpose is to provide social gathering opportunities and activities for members of all ages of the community. The club only keeps enough funds to cover costs and sustain themselves, all raised proceeds are donated to a local group in the municipality. This show case provides support and encourages the establishment and activities for quilting and crafting groups.

Allowing free use of the Civic Centre will reduce the groups ongoing financial viability and increase the donation proceeds.

## Options

1. As per the recommendation.
  2. Council approves the 50% discount for the use of the Civic Centre with insurance coverage.
- 

## **RECOMMENDATION:**

Council approves waiving the hire fees and casual hirer public liability insurance coverage fee for use of the Civic Centre for one day on 12<sup>th</sup> April 2025 for the Quilters Easter Showcase.

That the waive of the hire fees be recorded as a grant in Council's Annual Report in accordance with Section 77 of the *Local Government Act 1993*.

## **DECISION:**

*Cr De La Torre moved, Cr Curran seconded that Council approves waiving the hire fees and casual hirer public liability insurance coverage fee for use of the Civic Centre for one day on 12<sup>th</sup> April 2025 for the Quilters Easter Showcase.*

*That the waive of hire fees be recorded as a grant in Council's Annual Report in accordance with Section 77 of the Local Government Act 1993.*

**CARRIED**

### VOTING RECORD

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

*Cr Murtagh and Cr McMaster had declared an Interest in the following items and left the meeting at 5.57pm*

## 14.4 Sorell Street Master Plan

**Author:** Acting Director Development Services (J Blackwell)

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### Purpose

This report seeks endorsement of the Sorell Street Master Plan.

### Background

The Sorell Street Master Plan (the MP) is a crucial step in addressing the ongoing pressure on housing supply by identifying land for densification within the Sorell Street precinct. This land has previously been identified for densification at both local and regional level. The site was identified in the Brighton Structure Plan 2018. The site also sits within the Urban Growth Boundary ('UGB') of the Southern Tasmanian Regional Land Use Strategy ('STRLUS'). By way of explanation, an UGB is a boundary that defines the long-term limits of urban expansion by limiting urban sprawl within a designated area, thereby promoting more efficient use of land and infrastructure.

The Bridgewater Waterfront Masterplan endorsed by Council at its meeting on 21<sup>st</sup> November 2023, further identifies and supports the rezoning of the project area in response to the improved transport connectivity and accessibility that will be enabled by the new bridge and associated infrastructure.

As outlined previously, Realm Studios have been engaged to prepare the MP for the Sorell Street precinct (Attachment A), which contains 25 rural living zoned properties. The MP was informed by several background studies including a Traffic Impact Assessment, Natural Values Assessment and an Aboriginal Heritage Assessment.

At its Ordinary Council Meeting in October 2024, Council endorsed the MP for community consultation.

### Consultation

The MP was formally exhibited for comment between 1st – 29th November 2024. The consultation was conducted in a similar manner to the Enquiry by Design process which was undertaken in July 2024. Notification and engagement activities included:

- Writing to all landowners in the precinct, as well as in the surrounding area including Serenity Drive, Tranquillity Crescent, Riverside Drive, Wallace Street, Boyer Road, Sorell Street and Old Main Road, Bridgewater.
- Additional correspondence was hand delivered to the above locations after identifying that most of the Australia Post deliveries had not reached their destination.
- A drop in session at the Civic Centre between 4.00pm and 6.00pm on Wednesday 20<sup>th</sup> November 2024.
- State agencies such as TasNetworks, TasWater, TasRail and the Department of State Growth were contacted.

The community and state agencies participated in the engagement as follows:

- 12 people attended the drop-in session at the Civic Centre on Wednesday 20<sup>th</sup> December 2024
- 17 email submissions were received, including 3 from TasWater, TasNetworks and Department of State Growth. Of the 17 email submissions received:
  - 3 submissions were received from inside the precinct; 2 were in support, 1 against.
  - 14 submissions were received from residents outside the precinct, all against.
- A petition under the *Local Government Act 1993*. The petition contained 15 signatures. Of the 15 signatures:
  - 3 people resided in precinct,
  - 11 people resided adjacent to the precinct,
  - 1 person resided in an alternative LGA.

The submissions received identified several issues, as follows:

- Querying the acquisition process for land identified for public open space.
- Location of internal roads on 17 Samuel Street and 7-9 Sorell Street.
- Need for TIA to address additional issues, in relation to Boyer Road and Cobbs Hill Road traffic.
- Change to local character.
- Loss of green space.
- Impact on native fauna.
- Increase in crime.
- Increase in social and affordable housing.
- Loss of indigenous culture.
- Declining property values.

As demonstrated, the issues more fully addressed in Table 1 (attached), do not relate to any proposed modification of the masterplan. It is also pertinent to note that other than one (1) written submission in opposition, and three signatories to the petition, there is no opposition to the MP from residents or land owners within the precinct area.

### Risk Implications

Brighton municipality is rapidly growing, experiencing increasing housing shortage and additional residential land is needed with increasing urgency.

Master planning the area reduces the risk of a poorly designed subdivision layout.

There is a risk that the draft Master Plan will not be supported by the Tasmanian Planning Commission when it comes to inserting it into the Brighton Local Provisions Schedule. Ongoing consultation with the community will improve chances of it being approved.

### Financial Implications

Addressing the actions may result in further costs for the consultants to amend the draft MP or supporting documentation.

Implementing the draft MP may have financial implications through infrastructure contributions.

### Strategic Plan

- |         |     |  |
|---------|-----|--|
| Goal 1: | 1.1 | Engage with and enable our community   |
|         | 1.2 | Build resilience and opportunity   |
| Goal 3  | 3.2 | Infrastructure development and service delivery are guided by strategic planning to cater for the needs of a growing and changing population |
|         | 3.4 | Advocate and facilitate investment in our region   |
| Goal 4  | 4.1 | Be big picture, long term and evidence-based in our thinking   |

### Social Implications

There are some members of the community that would prefer to see the area remain as it is, and who would like to preserve the large lot sizes that presently exist. There is a belief that increased housing will put more pressure on existing services and detract from the area.

However, the site has been earmarked for residential growth for nearly a decade. The MP has been designed to create strong social links through increased community amenities such as pedestrian paths and public open space, providing improved safety access and passive surveillance. The generous open space along Ashburton Creek has been designed to protect the little remaining native vegetation and preserve Aboriginal heritage features.

The site is strategically placed, within an existing suburban area. It is also within short walking or driving distance of Old Main Road, Bridgewater. Council is working to renew the Old Main Road area, as proposed in the Bridgewater Waterfront Masterplan, which will facilitate social and economic opportunities within the Bridgewater area and benefit from improved public transport access facilitated by the New Bridgewater Bridge Development.

### Economic Implications

The MP is anticipated to increase economic activity in the area through increased construction jobs and opportunities that come from increased population in the area. In the longer term, increased population in the area will help sustain the renewal of the Old Main Road in Bridgewater and support the small businesses in the area.

## Assessment

Strategic assessment of the precinct has long identified it as a growth area for Bridgewater. Understandably, whilst some respondents are concerned about the area's changing character, others are excited by the opportunities the proposal will bring to Bridgewater.

There are seen to be reciprocal benefits for the endorsement of the MP in conjunction with the future regeneration of the Old Main Road strip following the finalisation of the Bridgewater Bridge project, as identified in the Bridgewater Waterfront Masterplan.

The Traffic Impact Assessment will need to be updated, considering the more recent Boyer Road Project being underway. This may impact the proposed access to both Boyer Road and Cobbs Hill Road. However, the updated report can be undertaken through a future planning scheme amendment process.

It is recommended that the Masterplan be endorsed.

## Options

1. As per the recommendation
2. Other.

## **RECOMMENDATION:**

That Council endorse the Sorell Street Master Plan.

## **DECISION:**

*Cr Irons moved, Cr Geard seconded that Council endorse the Sorell Street Master Plan.*

**CARRIED**

### VOTING RECORD

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

**Table 1: Issues Raised in Submissions and Planning Response**

Issues Raised	Response
<p><b>Local Character</b></p> <p>Need to preserve Bridgewater's character of the area</p> <p>Rezoning will undermine the unique character of the rural setting and will create a densely populated area lacking community cohesion</p>	<p>The MP sets aside a considerable area of land for open space, which would be taken as part of development contributions. This land is currently privately held and contains some remnant native vegetation along Ashburton Creek, which is negatively impacted by weed infestation, grazing, and farming.</p>

Issues Raised	Response
<p>The precinct and the surrounding streets are predominantly an owner occupier area and should be protected as such.</p>	<p>As part of the open space, a network of walking paths and connections is proposed that will improve active transport access through the area. Tree planting and vegetation rehabilitation within the open space, and along all new streets are also proposed that will increase tree canopy in the area and enhance the biodiversity and water quality in the Timtumili Minanya / Derwent Estuary.</p> <p>All lots are privately owned (i.e. not owned by Council), so landowners can determine who they sell to and whether they rent their properties out.</p>
<p><b>Increased Density</b></p> <p>Increased density will lead to higher crime rates and noise pollution,</p> <p>Increased traffic</p> <p>Increased noise</p> <p>Suburb is already home to a high proportion of affordable housing. Introducing even smaller lots risks overcrowding and reducing the diversity of housing options in the area. The existing mix of suburban and semi-rural zones attracts a broad range of people fostering a more inclusive and balanced community.</p> <p>Development must prioritise sustainability and long term wellbeing of the Community. Thoughtless rezoning that prioritises short term gains over long term community benefits will harm the very people that Council is meant to serve</p> <p>The existing mix of residents offers a wide range of cultures and a balanced and inclusive community that would be lost in an overcrowded, high density development.</p> <p>Why would council recommend position 450m<sup>2</sup> blocks next to 6000m<sup>2</sup> blocks this arrangement will appear inconsistent and create a sense of congestion for all residents in the area</p>	<p>There continues to be a high demand for housing supply across Tasmania.</p> <p>The precinct currently provides no diversity for housing options, given the restrictions of a RLZ lot to one dwelling on 5000m<sup>2</sup>.</p> <p>The site is located well-within the UGB and as such is identified as being suitable for higher density development, based on location, existing and availability of future service infrastructure.</p> <p>The site has been identified in long-term regional and local strategies, which identifies it suitable for infill development and is a natural extension of the existing general residential zoned land.</p> <p>The resident mix is not something determined at the planning level. However, inclusive communities can be formed in any environment.</p> <p>The precinct has been defined to create an appropriate buffer to larger lots, given existing setbacks to dwellings outside the precinct.</p> <p>The minimum lot size is stipulated by the Tasmanian Planning Scheme, and the State Planning Provisions. That does not mean that every landowner must develop to the minimum lot size, nor does it mean they must develop at all.</p>

Issues Raised	Response
<p>Council should be focussing on areas bordering land already zoned general residential before rezoning land with existing residents. Why has this development been prioritised? There are more suitable options for a mass development than this area of land.</p>	
<p><b>Environmental Impacts</b></p> <p>Environmental destruction, Loss of green spaces, Harm to local wildlife, Devastating consequences for local environment which are vital habitats for native species, threatened wildlife, impact on ecological services</p> <p>Area can't lose any more wildlife corridors to development.</p>	<p>The precinct land is currently all privately owned with minimal vegetative cover or habitat. There are two sections along Ashburton Creek that classify as the state-listed (NCA) threatened 'Wetlands' ecological community. However, this area is currently threatened by grazing and weed infestation. There are no clear wildlife corridors, other than what might occur along Ashburton Creek.</p> <p>It is proposed to maintain Ashburton Creek in its current form as an overland flow path, with adjoining open space on either side, which will protect the existing wetlands ecological community and fauna. Rezoning the Creek area will improve planning protections of the threatened community.</p>
<p><b>Cultural and Historical Significance</b></p> <p>These areas represent connections to their ancestors, stories and cultural heritage. Rezoning Cobbs Hill Road and Boyer Road disrespects this heritage and perpetuates a pattern of cultural erasure.</p> <p>Council acknowledges its commitment to paying respect to Aboriginal peoples yet this proposal reflects a failure to uphold that commitment. Despite the significant aboriginal presence in Bridgewater and its surroundings, we have had little voice or consultation in decisions that directly affect our land and community. Rezoning Cobbs Hill Road disregards the cultural and historical importance of this area, perpetuating the erasure of our connection to land</p>	<p>As part of the masterplanning process, Aboriginal Heritage consultants were engaged to undertake an assessment of the project area.</p> <p>The MP designates additional land to be used for Open Space. That land is currently within private ownership and will continue to remain in private ownership unless developed in accordance with the MP by providing significant public open space adjacent to Ashburton Creek. Further, the "road reserve" between Samuel Street and Tranquillity Crescent is being maintained as open space, which will creating walking trails to facilitate access to the Creek area.</p> <p>In addition to residents, local aboriginal communities were invited to be part of the consultation process.</p>

Issues Raised	Response
<p><b>Infrastructure</b></p> <p>Strain on already limited infrastructure, such as public transport, schools, healthcare and other essential services.</p> <p>Infrastructure is already under significant strain. Development must align with the capacity of local infrastructure and the community's needs</p> <p>Australia Post no longer deliver parcels as the area is classed as rural.</p> <p>Lack of public transport</p>	<p>The Masterplan has considered impacts on service infrastructure via consultation with state agencies with TasNetworks and Tas Water generally supporting of the masterplan.</p> <p>The Masterplan identifies that road widening and pedestrian paths will need to be installed as part of future development of the sites, either by developers or in accordance with Council's Infrastructure Policy.</p> <p>Council continues to advocate for increased efficiencies in relation to transport, healthcare and other essential services on behalf of its entire community.</p> <p>The area proposed for rezoning is in close proximity to schools and is well-placed for young families. This includes the Northern Christian School which caters for 185 primary students. The school has advised that due to strong residential growth in the Brighton/Bridgewater area, the school has seen enrolment growth over the past 10 years and expects demand to continue to grow as more young families move into the area. The school has sufficient land to double the number of primary students in the medium term, and potentially expand to a secondary school in the long term.</p>
<p><b>Community Consultation</b></p> <p>Lack of Transparency</p> <p>Residents are ill-informed or have no knowledge of masterplan.</p> <p>Lack of engagement undermines the Council's duty to represent its constituents fairly and demonstrates a disregard for the voices of those most impacted by</p>	<p>Disagreed. Council has undertaken due processes of engagement and communication to the community at all stages of the project. Council officers have offered opportunities for engagement including participation in an enquiry by design process, and formal consultation including drop-in sessions.</p> <p>Notification including writing to individual land owners and tenants, letter box dropping (when it was identified correspondence had not been delivered), Council's social media and its Have Your Say page on the Council website were all utilised to inform the process.</p>

Issues Raised	Response
	Further QR codes are included on correspondence, so that correspondence recipients are able to link directly to Council's Have Your Say page.
Disregard for cultural and community values. It prioritises short term profit over sustainability, diversity and long-term well-being	The masterplanning process is the next step in the long-term planning process, which commences with State, regional and local strategies, which typically consider land use planning for next 20 years or so, based on population forecasts, existing and proposed land use, etc, to inform continuing social, economic and environmental growth.
<b>Acquisition Process</b> Queries how the acquisition process work Request for council to purchase land encumbered by POS (specific address)	Any future acquisition will be assessed on state legislation including the Land Acquisition Act 1993 (acquisition) and the Local Government (Building and Miscellaneous Provision) Act 1993 (public open space) as well as Council's Public Open Space Policy.
<b>Local Opposition</b> The community has voiced significant opposition to this proposal through petitions and discussions. No opposition from residents of Cobbs Hill Road	Refer to the assessment in the report. Most negative opposition to the master plan has come from residents of Serenity Drive and Tranquillity Crescent. This area is disconnected from the subject site, and accesses from Boyer Road. This means that they have little reason to drive through the site. During the consultation period, 3 submissions (including the petition) from Cobbs Hill Road residents in the Precinct were received (2 against).
Issues Raised	Response
<b>Mental Health</b> The Cobbs Hill Road area serves as a sanctuary for residents, offering tranquillity and a connection to nature. Overdevelopment threatens to erode these benefits and replaces them with urban sprawl that can increase stress and reduce community cohesion Stress of increased housing and the population and behaviours that go with it would be intolerable for existing residents.	It is not intended to alter the character of the upper area of Cobbs Hill Road. The properties within the precinct generally have cleared their land, and vegetated with introduced species, such as pines. Further, the MP provides for a substantial area of land to be used as open space, which would not have otherwise been accessible to the public and seeks to improve active transport connectivity through the site to increase the amenity for walking and cycling.

Issues Raised	Response
There are clear negative effects on mental health that comes with living in built up urban areas.	
<b>Purchase of Site</b> In June 2023, advised no planned changes. If had been aware of zoning changes would not have purchased the property	The Masterplan is not intended to rezone this (specific) site nor any site in Tranquillity Crescent or Serenity Drive.
<b>Property Values</b> No one will buy into an area with high density housing in the next street. We only need to look at what happens in Gagebrook to know what life will be like in a future like that as proposed for Cobbs Hill by the potential rezoning changes	Typically, it can be argued that upzoning (i.e. RLZ to GRZ) potentially increases a property's value by allowing for more intensive use of the land, increasing development potential and attracting investors.
It was implied at the meeting (drop in session) that the owner of the large acreage at 17 Samuel Street had agreed to the planning of the roadway and is potentially going ahead with the development.	The vehicle access to 17 Samuel Street has been designed for future infill development, whether for rural living or general residential zoning, given that it is approximately 15 in width. Whilst not discussed, it is highly conceivable that should the land be rezoned to general residential, the owners will seek to develop the site.
Road alignment along top of open space make future subdivision costs prohibitive. Seeks redesign of road alignment to the west to provide for lot yield on both sides of the road.	The road has been mapped as an indicative location that works with the topography and provides passive surveillance to open spaces, which increases safety and access. This design principle is considered 'best practice', any future subdivision plans of the site will need to justify the location of their road network in regards to the open space amenity, transport connectivity and safety of the overall site.
Area of land proposed for open space appears to be well in excess of 5% contribution provided for under current legislation	This is a matter that would form part of future development of the site, following an approval for rezoning. Public Open Space will be calculated in alignment with the provisions of the Local Government (Building and Miscellaneous Provisions) Act 1994, the Land Acquisition Act 1993 and Council's Public Open Space Policy (AP13)
Where is the greenbelt along existing northern boundary fences from Samuel Street which was proposed in February 2021	During initial consultation with land owners in 2021, one of the issues raised was that maybe a greenbelt could be used to provide

Issues Raised	Response
	<p>separation between the existing dwellings and the land at 17 Samuel Street. This was at a time when the Low Density Residential Zone was being considered as an option for the northern section of the project area.</p> <p>Pursuant to the Tasmanian Planning Commission s8A Guidelines, to be able to apply the Low Density Residential zone, there is a requirement that the land is heavily constrained in relation to providing reticulated service infrastructure or environmental constraints. However, investigations have shown that the MP precinct is not constrained and accordingly, the General Residential zone must be applied.</p>
<p>On your road plan, can you please explain how you can just put roads through the owners property. Are they planning to develop or is council taking the land.</p>	<p>The Plan is an indicative plan showing where roads could be located, based on lot layouts and topography. The land owner would need to design future subdivision lots to accord with the MP, in accordance with a future Specific Area Plan.</p>
<p>Time and money should be put into upgrading infrastructure and promoting investment in the Old Main Road precinct, before this level of development could be considered sustainable, as there are limited access to provisions, being only takeaway and bottleshop.</p>	<p>Council endorsed the Bridgewater Waterfront Masterplan in 2023, which sets a plan for revitalisation throughout Old Main Road and along the foreshore. The activation of Old Main Road will rely on increased density in the Sorell Street and Boyer Road precincts to make it economically viable.</p> <p>Each of the projects is strategically positioned to work hand in hand to support the others.</p>
<p>How can council justify the rezoning and development of this area based upon the wishes of one individual. The surrounding land owners have voiced their opposition to this development. Where is the duty to existing residents over the proposals of a single developer</p>	<p>This project is a council-initiated project based on actions recommended in strategies adopted by the council and the state government. Other than one written submission in opposition and three signatories to the petition, there is no opposition to the MP from residents or landowners within the precinct.</p>
<p>Understand there is a housing crisis, but are opposed to rezoning from RLZ to GRZ to support low density multi dwelling development</p>	<p>The RLZ limits dwelling density in the precinct to one dwelling per 5000sqm. Rezoning to GRZ is required to achieve</p>

Issues Raised	Response
	additional density and meet housing targets in alignment with State housing targets.
Agencies	Response
<p>Department of State Growth</p> <ul style="list-style-type: none"> <li>• TIA <ul style="list-style-type: none"> <li>Does not consider the access to Boyer Road, 10 year horizon, reason for assumption that development traffic will use Boyer Road west of Old Main Road</li> <li>Expected delays and queuing for the interstation of Boyer Road/Old Main Road</li> <li>Commentary on the proposed form of the intersection of Boyer Road/Old Main Road</li> <li>TIA doesn't consider how the development of the area will interact with the rail network including the potential for increased traffic volumes at level crossing</li> </ul> </li> <li>• Public and Active Transport – Future subdivisions should therefore be designed to provide good connections to bus routes and stops including providing pedestrian cut-throughs, footpaths and crossings.</li> <li>• Strategic context – area is physically separated from major residential, commercial and service centres by the Midland Highway and likely to have a high car dependence</li> </ul> <p>It would be useful to understand how growth across these areas relates to future housing demand and supply for Brighton and to infrastructure and service provision.</p> <p>Review of STRLUS currently underway</p> <p>The easternmost extent of the infill area currently proposed in the draft</p>	<p>The matters outlined by DSG have been raised with the consultant. An updated report can be provided to support future application for rezoning which also considers future development identified for Boyer Road.</p> <p>It is not considered that an updated TIA will significantly affect the MP, however, in the event that changes are required to the MP, an amendment can be considered.</p> <p>The site is being considered along with master planning for the Boyer Road Future Urban Precinct, based on the recommendations of the Bridgewater Waterfront Master Plan. Both the Sorell Street and Boyer Road precincts are contained within the Urban Growth Boundary identified in STRLUS and will be maintained in the proposed STRLUS review</p>

Issues Raised	Response
<p>Sorell street masterplan should be the limit of residential development.</p> <ul style="list-style-type: none"> <li>The southern end of the master plan area is approximately 500metres from new bus stops planned as part of the new Bridgewater Bridge project, which will replace existing bus stops on the Midland Highway and Gunn Street. Pedestrian infrastructure and access to these bus stops should be prioritised.</li> <li>The design principles are supported from an urban mobility perspective. Option 1 is preferred as the road network is adjacent to the proposed open space and shared path network which allow for a more passive surveillance.</li> </ul>	
<p><b>TasNetworks</b></p> <p>Identifies land subject to low and high voltage powerlines extending through the Masterplan area, and some high voltage underground cables in the eastern part of the masterplan area.</p> <p>TasNetworks have a standard requirement that electricity network infrastructure should be located or relocated over publicly owned land. But other than those matters being recognised do not have any concerns regarding future aspirations for the areas outlined by the masterplan.</p>	Noted.
<p><b>Taswater</b></p> <p>The Masterplan will likely require some upgrades/works to external to existing TasWater Infrastructure as it proceeds, depending on how development progresses, eg timing, connection point, demand.</p> <p>Overall TasWater does not object to any rezoning and each subsequent planning application would be assessed and advised under the standards, requirements and developer charges policy in place at the time.</p>	Noted.

*Cr McMaster and Cr Murtagh rejoined the meeting 6.35pm.*

## **15. Questions on Notice**

*There were no Questions on Notice for the December meeting.*

## **16. Closed Meeting**

Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015* provides that Council may consider certain sensitive matters in Closed Meeting.

Matters are listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

### **RECOMMENDATION:**

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, Council move into Closed Session and the meeting be closed to members of the public to deal with the following items:

<u>Item:</u>	<u>Closed under:</u>
16.1 –Sale Agreement	15(2)(b)

### **DECISION:**

*Cr De La Torre moved, Cr McMaster seconded that in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015, Council move into Closed Session and the meeting be closed to members of the public to deal with the following item.*

*Item 16.1 – Sale Agreement 15(2)(b)*

**CARRIED**

### **VOTING RECORD**

<u>In favour</u>	<u>Against</u>
Cr Curran	
Cr De La Torre	
Cr Geard	
Cr Gray	
Cr Irons	
Cr McMaster	
Cr Murtagh	
Cr Owen	
Cr Whelan	

## 16.1 Sale Agreement

Author: Chief Executive Officer (J Dryburgh)

Authorisation to move out of Closed Session & Release of Information to the Public

### **RECOMMENDATION:**

That Council, having met and dealt with its business formally moves out of Closed Session and resolves to report that it has determined the following:

Agenda item	Matter	Outcome
16.1	Sale Agreement	Decision not to be released.

### **DECISION:**

*Cr Irons moved, Cr McMaster seconded that Council, having met and dealt with its business formally moves out of Closed Session and resolves to report that it has determined the following:*

Agenda item	Matter	Outcome
16.1	Sale Agreement	Decision not to be released.

CARRIED

### VOTING RECORD

In favour      Against

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

Meeting closed: 7.12pm

Confirmed: \_\_\_\_\_

(Mayor)

Date: 21 January 2025