



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, 21 JANUARY 2025

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); Mr A Woodward (Director Development Services); Mrs J Blackwell (Senior Planner); Mr L Wighton (Senior Officer – Development Engineering) and Ms M Braslin (Acting Director Corporate Services)

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 17th December 2024 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the previous Ordinary Council Meeting held on 17th December 2024, be confirmed.

DECISION:

Cr Owen moved, Cr McMaster seconded that the Minutes of the previous Ordinary Council Meeting held on 17th December 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.

There were no declarations of interest.

5. Public Question Time and Deputations

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

There was no requirement for Public Question Time.

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

The Mayor's communications were as follows:

- 18/12/24 Meeting with Susie Bower & CEO
- 8/1/25 STRLUS Steering Committee Meeting
- 10/1/25 Media event regarding Bridgewater Gymnastics facility
- 14/1/25 Meeting with Bridgewater Police Inspector & CEO
- 15/1/25 Media Event re \$10M Federal Grant – Brighton Council & TasWater

- 16/1/25 Meeting with Minister Kerry Vincent MP, Councillors & Senior staff
- 20/1/25 ABC Radio Interview
- 21/1/25 Triple M Radio Interview 'Mayor on the Air'
- 21/1/25 Council Meeting

RECOMMENDATION:

That the Mayor's communications be received.

DECISION:

Cr De La Torre moved, Cr Owen seconded that the Mayor's communications be received.

CARRIED

VOTING RECORD

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

6.2 Reports from Council Representatives

There were no reports from Council representatives.

7. Miscellaneous Correspondence

Nil.

8. Notification of Council Workshops

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

No 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:

- (a) the reason it was not possible to include the matter on the agenda, and
- (b) that the matter is urgent, and
- (c) 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

No Committee meetings were held in January.

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 Insert Site Specific Qualification Into the Brighton Local Provision Schedules to allow Food Services Use (if for Mobile Food Vendor) as Permitted Use within the Utilities Zone on Land at CT 164049/1

Author: B White (Strategic Planner)

Authorised: J Blackwell (Acting Director Development Services)

Type of Report	Section 40D
Applicant:	Brighton Council Officers
Subject Site:	1 Strong Street, Bridgewater
Title:	CT 164049/1
Proposal:	Amend the Brighton Local Provision Schedule by inserting a site-specific qualification to the Utilities Zone Use Table, permitting Food Services (if for a mobile food vendor), as an additional Permitted Use, on land at 1 Strong Street, Bridgewater (CT 164049/1).
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	Utilities

1. Purpose

This report details how proposed draft amendment RZ 2024-04 to the Brighton Local Provision Schedules ('LPS') meets the relevant requirements of the *Land Use Planning and Approvals Act 1993* ('LUPAA').

It is recommended, pursuant to Section 40D(b) of LUPAA, that the Council, of its own motion, prepare the draft amendment to the LPS for the reasons outlined herein.

2. Executive Summary

The draft amendment will enable the Council, pending the approval of a future development application, to host food vans at the soon-to-be-upgraded heavy vehicle rest area/ town square ('Park') on the corner of Strong Street and Glenstone Road in the Brighton Hub ("the site").

A key recommendation of the Brighton Industrial Estate Brand and Place Strategy 2020 ("the Strategy") is the construction of a town square within the Hub, which would include a dedicated area for social events, such as "Food Truck Fridays."

The site was selected by Council Officers because it includes an existing heavy vehicle rest area ('truck stop') owned by the Crown (Department of State Growth) in need of upgrading. The consent of the Crown for making the application is provided as **Attachment B**.

According to the Tasmanian Heavy Vehicle Driver Rest Area Strategy¹, this area requires upgrading to meet Class 3/4 standards of the Austroads Guidelines for Heavy Vehicle Rest Area Facilities (AP-R591). Choosing this site allows Council to provide a place for truck drivers, visitors and workers Hub to socialise and relax, while also improving overall placemaking outcomes in accordance with the Strategy.

In June 2024, Council received funding through the Commonwealth Government's Heavy Vehicle Rest Area initiative to construct the Park in alignment with the Council-endorsed Concept Plan ("the plan"), developed by Play Street. The plan is attached as **Attachment C**.

The plan's design followed an extensive consultation process with nearby landowners and businesses within the Hub, as well as with relevant infrastructure providers and state agencies with interests in the site. A summary of stakeholder feedback into the project is provided as **Attachment D**.

Overall, there was strong support from nearby businesses for the Park's design. Feedback from state agencies and infrastructure providers was addressed during the project, and no specific objections were raised regarding the inclusion of food vans at the site.

Council Officers are currently collaborating with Play Street on the detailed design for the Park, with construction anticipated to begin in early 2025.

1

https://www.transport.tas.gov.au/_data/assets/pdf_file/0005/271931/Tasmanian_Heavy_Vehicle_Driver_Rest_Area_Strategy.pdf

Currently, food services are a prohibited use class on land within the Utilities Zone. The Park is exempt from requiring planning approval. Therefore, an amendment to the Local Provisions Schedule (LPS) is required to permit this use on the site and allow the Council to issue licenses for food vans under its Mobile Food Vendors Policy ('Policy'). The Policy which will be amended once the amendment and development application processes are concluded.

3. Legislative & Policy Content

To proceed, the Planning Authority must prepare a draft amendment to the Local Provisions Schedule (LPS) and place it on statutory public notice. Once the advertising period concludes, the Planning Authority will review any representations received to determine if they justify amending or refusing the draft amendment or the planning permit. If approved by the Planning Authority, the amendment will be referred to the Tasmanian Planning Commission, which may invite representors to a public hearing.

This amendment is essential for implementing recommendations from key strategic planning documents developed with community input and endorsed by the Council.

It is recommended that the Council certify the draft amendment to the LPS.

This report provides detailed reasons supporting the officer's recommendation. However, the Planning Authority is not bound by this report's recommendations and may choose to: (1) adopt the recommendation; or (2) vary it by adding, modifying, or removing suggested reasons and conditions or by replacing an approval with a refusal (or vice versa). Any alternative decision must include a full statement of reasons to comply with the Judicial Review Act 2000 and the Local Government (Meeting Procedures) Regulations 2005.

4. Risk & Implications

Approval or refusal of this application will have financial implications for the Planning Authority as the Council has already allocated funds to the project.

5. Site and Surrounds

The proposal relates to crown owned land on the corner of Strong Street and Glenstone Road, Bridgewater. It is more particularly described In Certificate of Title Volume 164049 Folio 1, has an area of 2645m², and is shown in Figure 1 below.



Figure 1 Subject Site

The site is located adjacent to the Transport Hub Weighbridge to the northwest. There is an informal heavy vehicle rest area on the site which is accessed via an existing pathway from a truck parking area off Glenstone Road.



Figure 2 Existing Rest Area



Figure 3 Truck parking area adjacent to weigh bridge

The Brighton Hub is located approximately 1.5km to the southwest of the Brighton Township and approximately 1km to the northwest of Bridgewater.

Prominent land uses nearby consists of warehousing and transport depots such as Toll.

6. Roads and Infrastructure

Glenstone Road is a state-owned road, whilst Strong Street is owned by Council.

The site is burdened by several easements in favour of the following infrastructure providers/ agencies:

- a) TasWater
- b) TasNetworks
- c) TasGas
- d) Tasmanian Gas Pipeline

All of these providers were consulted during the design of the concept and will not be impacted by the use of the site for food vans.

7. Planning Controls

7.1 Zoning

The subject site is zoned Utilities under the Brighton LPS. The adjoining land is zoned General Industrial. The zoning is shown in Figure 2.

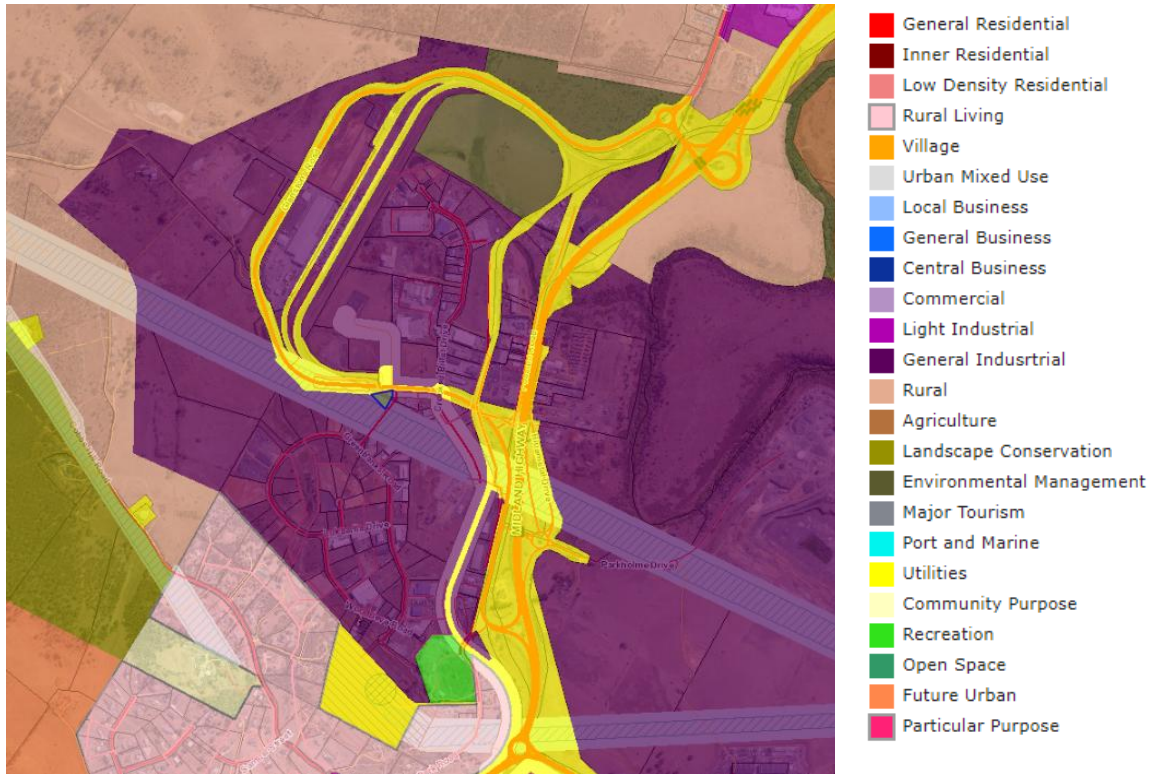


Figure 4 Zoning of the Estate and Surrounding Area

7.2 Overlays

Attenuation area (Bridgewater Quarry)

The site is located within the 'Attenuation Area' of the Bridgewater Quarry, so is subject to the Attenuation Code of the Brighton LPS. The Bridgewater Quarry Specific Area Plan provides use and development standards that are in substitution for, and are in addition to, the provisions of the Attenuation Code.

The proposal will have no impact on quarry operations.

Electricity Transmission Infrastructure Protection Code

The site is subject to the code as it is within a 'transmission corridor' and an 'Inner protection area'.

TasNetworks have been engaged extensively throughout the design of the truck stop and will be referred the draft amendment once initiated pursuant to section 40FA of LUPAA.

The proposal will have no impact on TasNetworks' operations.

7.3 Specific Area Plans

Brighton Industrial Hub

The Brighton Industrial Hub Specific Area Plan (SAP) buffer area adds an additional attenuation zone to the Attenuation Code around the Estate which covers an area of approximately 1170ha. The SAP prohibits sensitive uses from establishing within the buffer area to protect the Brighton Industrial Hub from land use conflicts. The SAP will have no impact on the proposal.

Bridgewater Quarry

Approximately half the Estate is also covered by the Bridgewater Quarry SAP which adds an additional buffer area to the Attenuation Code of the Scheme. The SAP prohibits sensitive uses and adds additional development (including subdivision) standards, in addition to the Zone standards, for any buildings (including signs) and works within the buffer area.

8. Rationale for Draft Amendment

8.1 Tasmanian Heavy Vehicle Driver Rest Area Strategy

The Tasmanian Heavy Vehicle Driver Rest Area Strategy ('THVDRAS') sets out the principles and priorities for provision of contemporary heavy vehicle driver rest area facilities in Tasmania and contribute to the efforts of all parties in the transport chain of responsibility to manage driver fatigue and provide a safer road transport environment more generally.

A recommendation of the THVDRAS is that the Glenstone Road informal rest area/ HVPA be upgraded to meet class 3/4 of the Austroads Guidelines for Heavy Vehicle Rest Area Facilities (AP-R591). Specifically, it recommends that toilets are provided on the site.

8.2 The Brighton Structure Plan & Economic Assessment

The purpose of the BSP is to manage growth and change in the Brighton Municipality over a defined planning horizon (15 years), with a focus on housing, employment, and community infrastructure. The BSP makes a series of strategies and recommendations related to each category and provides an implementation framework.

The BSP recognises the Brighton Transport Hub and Industrial Estate as a **state-significant employment node** given the Transport Hub is the only intermodal freight facility in southern Tasmania, and the industrial estate is the largest in the Hobart region.

The BSP predicts demand for industrial land in Brighton Council will increase due to limited supply in established industrial areas within Greater Hobart. The BSP specifically predicts that demand for sites within the Brighton Industrial Estate will continue to increase.

Strategy 5 of the BSP is to: "Improve the functioning and presentation of the Brighton Transport Hub and Industrial Estate".

8.3 The Brighton Industrial Estate Brand and Place Strategy

The Brighton Industrial Estate Brand and Place Making Strategy is partly the result of the findings and recommendations of the BSP to improve the functioning and presentation of the Brighton Transport Hub and Industrial Estate.

The aim of the Brighton Industrial Estate Brand and Place Strategy is to set out a new vision and pathway, supported by practical actions, to reposition the Brighton Industrial Estate as an attractive prospect for future investors and support growth.

The Brighton Industrial Estate Brand and Place Strategy is made up of the Placemaking Strategy Report as well as the Brand Guidelines.

Place Making Strategy Report

The Placemaking Strategy Report has found that the Brighton Industrial Estate is an underutilised asset in Tasmania. In consultation with stakeholders in the Brighton Industrial Estate, the Strategy produced the following common themes and issues with the Estate:

- Hostile and empty
- Unwelcoming
- Low amenity
- Disconnected.

In response to the issues raised in consultation, ten ‘aspirational themes’ were developed to represent how the Brighton Industrial Estate stakeholders envision the future of the site. The themes included matters such as:

- improving pedestrian amenity and activity and the visual aesthetics;
- creating a recognisable identity through signage and wayfinding;
- improving the visual aesthetics through landscaping and maintenance;
- adding people focussed uses and places; and creating business networks.

The Place Vision for the site was established (“Where People Matter and Business Prospers”), along with four vision themes and objectives, as shown in Figure 5 below.



OPEN & WELCOMING

- Create an immediately recognisable identity.
- Enhance entry experience through landmark entry statements, landscape and wayfinding. Attract interest from entrepreneurs, investors and new tenants.
- Provide warm welcome to new arrivals.



PEOPLE FOCUSED

- Create places for people, filled with life and activity.
- Activate vacant land through ephemeral events and use.
- Connect employees and visitors through social events to cultivate place attachment and grow social capital.



FUNCTIONALLY EVOLVING

- Maintain industrial function, complimented with amenity and diversified land use.
- Establish a recognisable brand to grow the narrative of place.
- Embrace the unique local history and highlight through creative interpretation. Celebrate local characters and share their stories.



WITH DIRECTION

- Establish new strategic networks and alliances.
- Develop skills workforces skills through partnerships between industry and educational institutions.
- Cultivate a thriving '18-hour' opportunity zone, attractive to entrepreneurs, investors and employees.

Figure 5 Vision Themes and Objectives (Source: Design Jam)

The Place Vision emphasises employees and visitors feeling welcome in a place that values pedestrian movements and social interaction, which will be achieved via activity nodes, lunchtime recreation and special events. A business network and a strong brand identity will help to attract investment and ingrain a sense of pride of place and identity.

A Strategic Action Plan was developed which sets out prioritised actions to respond to each of the vision themes and objectives, as shown in Figure 6. As can be seen, there are a number of actions which this amendment supports, such as:

- Updating Mobile Food Vendor Policy
- Food truck Fridays
- Town centre location
- Amenity and activity nodes.

	Very High Priority	High Priority	Medium Priority	Low Priority
OPEN & WELCOMING	1. Consistent Maintenance 2. Landmark entrance experience 3. Road verge landscaping	4. Business frontage guidance 5. Wayfinding	6. Art wall	7. Integrated lighting upgrade
PEOPLE FOCUSED	8. Update Mobile Food Vendor Policy	9. Food truck Fridays 10. Walking tracks 11. Social club 12. Lunchtime seating nooks	13. Amenity and activity nodes	14. Activate vacant land 15. Biodiversity zones 16. Ashburton Creek recreation zone 17. Connective footpath upgrades
FUNCTIONALLY EVOLVING	18. Implementation of new name & brand narrative		19. Truck parking	20. Define car parking 21. Embed interpretation
WITH DIRECTION	22. Workforce development 23. Specific Area Plan 24. Business network	25. A new prospectus	26. Ambassador program 27. Business network website	28. Town centre location 29. Marketable recruitment services

Figure 6 Strategic Action Plan - (Source: Design Jam)

8.4 Mobile Food Vendor Policy No 4.1

Council's Mobile Food Vendor Policy No. 4.1 provides a framework under which Council issues permits for Food Trucks within a road maintained or owned by Council, or on Council land.

It is proposed that Council will enter into a lease with the Crown to take over the management of the site for the Park. Therefore, the Policy will apply to the site as Council will maintain the land under that legal agreement.

The Policy requires that Council apply for, and hold, a permit (for Food Services) under LUPAA for an 'approved locations' to be used for Food Trucks. Once a permit is granted for an approved site, Mobile Food Vendors can then apply for a Mobile Food Vendor Permit under the Policy.

As food services is currently a prohibited use in the Utilities zone, the required planning permit under the Policy is unable to be granted and food vans are currently unable to operate out of the site.

Once the amendment is approved Council Officers will apply for a planning permit for the use and amend the Policy to add the subject site as an approved location. Mobile Food Vendors will then be able to apply for a permit under the Policy to operate out of the site.

9. The Amendment – Site Specific Qualification

The proposed amendment to the Brighton Local Provisions Schedule is to insert a site-specific qualification to add Food Services (if for a mobile food vendor) as a permitted use in the Utilities Zone if on land at CT 164049/1.

The amendment is required as food services is a prohibited use in the Utilities Zone. However, the proposed Food Services Use is considered to be in harmony with the purpose of the zone as follows:

The purpose of the Utilities Zone is:

26.1.1 *To provide land for major utilities installations and corridors.*

26.1.2 *To provide for other compatible uses where they do not adversely impact on the utility.*

It is considered that the proposed additional Food Services use on the site is in harmony with the purpose of the zone as it will not affect the infrastructure on site and will complement an exempt use (i.e., the Park).

The use has been assigned a permitted status as the relevant utility providers will be consulted during the amendment process which will avoid duplication of approvals at a later date.

10. Planning Assessment – Draft Amendment of LPS Requirements of the Act

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

40D. Preparation of draft amendments

A planning authority –

(a) must prepare a draft amendment of an LPS, and certify it under [section 40F](#), within 42 days after receiving the request under [section 37\(1\)](#) to which the amendment relates, if –

(i) it decides under [section 38\(2\)](#) to prepare a draft amendment of an LPS; or

(ii) after reconsidering, in accordance with a direction under [section 40B\(4\)\(a\)](#), a request under [section 37\(1\)](#) whether to prepare a draft amendment of an LPS, it decides to prepare such an amendment; or

(b) may, of its own motion, prepare a draft amendment of an LPS; or

(c) must, if it receives under [section 40C\(1\)](#) a direction to do so, prepare a draft amendment of an LPS and submit it to the Commission within the period specified in the direction or a longer period allowed by the Commission.

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.

40F. Certification of draft amendments

(1) A planning authority that has prepared a draft amendment of an LPS must consider whether it is satisfied that the draft amendment of an LPS meets the LPS criteria.

(2) If a planning authority determines that –

(a) it is satisfied as to the matters referred to in [subsection \(1\)](#), the planning authority must certify the draft as meeting the requirements of this Act; or

(b) it is not satisfied as to the matters referred to in [subsection \(1\)](#), the planning authority must modify the draft so that it meets the requirements and then certify the draft as meeting those requirements.

(3) The certification of a draft amendment of an LPS under [subsection \(2\)](#) is to be by instrument in writing affixed with the common seal of the planning authority.

(4) A planning authority, within 7 days of certifying a draft amendment of an LPS under [subsection \(2\)](#), must provide to the Commission a copy of the draft and the certificate.

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

10.1 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. An LPS can contain site specific qualifications.

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

Response: Section 32 of the Act sets out the contents of the LPSs. The relevant parts of the Section that relate to site-specific qualification 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 –

(c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, 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 4(a):

The proposed development is considered to provide significant social and economic benefits to the southern region through improving the place making of a state significant Industrial estate and providing a much-needed heavy vehicle rest area for truck drivers utilising the Hub.

The proposed site-specific qualification of the LPS is necessary to implement the findings of the BSP and the Strategy.

The Hub is recognised in the Southern Regional Industrial Land Strategy as the key location to accommodate some 40% of future demand for industrial land up to 2041. The BSP acknowledges that demand for industrial land in the Brighton municipality and the Hub is set to continue. Ensuring that the Hub is an attractive place to invest and a welcoming place for workers is critical in ensuring the Estate continues to be *the* prominent location in the Region for regionally significant industrial uses.

Future investment in the Estate will continue to provide social and economic benefits to the Municipality given the high rates of the population being employed in construction, manufacturing, transport, postal and warehousing, and the fact that existing businesses draw a significant percentage of employees from the local area.

Overall, improving the appearance and place making of the Hub by implementing the recommendations of strategic planning documents will benefit the region by creating an attractive place for investment and one which workers and visitors can enjoy.

(c) *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 1 – RMPS Objective Assessment

Objective	Response
Part 1	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	The proposed amendment relates to a site with no known natural values.

<p>(b) to provide for the fair, orderly and sustainable use and development of air, land and water</p>	<p>The amendment is to implement the recommendations of local strategic planning documents which relate to the Brighton Industrial Estate. The Estate is identified as regionally significant in regional planning strategies so ensuring its success is crucial for orderly strategic planning for the region and the municipality.</p>
<p>(c) to encourage public involvement in resource management and planning</p>	<p>Landowners/ businesses in the Hub were directly involved in the design of the park. They will also be afforded an opportunity to comment during the statutory amendment process.</p>
<p>(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and</p>	<p>The proposed amendment will improve the appearance of the Estate and the facilities for truck drivers and workers. This will assist in continuing to attract investment and maintain its role as a key industrial estate in the Region and the State.</p>
<p>(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</p>	<p>The proposed amendment relates to a site owned and managed by the State Government. The consent of the relevant minister for the making of the application has been provided.</p>
<p>Part 2</p>	
<p>(a) to require sound strategic planning and coordinated action by State and local government</p>	<p>The proposed amendment is to implement the recommendations of regional and local strategic planning documents and is consistent with relevant policies within the Southern Tasmanian Regional Land Use Strategy.</p>
<p>(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.</p>	<p>The proposed amendment adds an additional site-specific amendment to the LPS to allow a permit application to be made allow a food service use on the site.</p> <p>The proposed 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.</p>

<p>(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>	<p>The proposal does not allow for use and development with the potential to cause environmental harm. There are no significant natural values on the sites.</p>
<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</p>	<p>Revitalising the Hub through a new town square is recommended in local strategic planning documents endorsed by the Council and is consistent with regional planning documents and State Policies and legislation.</p>
<p>(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>	<p>The proposal will allow for a future permit application to be made to establish a food services use on the site.</p>
<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</p>	<p>The proposal is to implement findings of the Placemaking Strategy which are to improve the amenity and placemaking of the Estate for workers and visitors.</p>
<p>(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value</p>	<p>The site is not known to contain any heritage significance.</p>
<p>(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</p>	<p>If certified the draft amendment will be referred to all relevant Infrastructure providers and state agencies with an interest in the site. It is noted that the relevant parties have been involved in the design of the park.</p>
<p>(i) to provide a planning framework which fully considers land capability.</p>	<p>The proposed sites are zoned utilities under the LPS so are not intended to be used for agriculture.</p>

(d) *Consistent with State Policies*

10.1.1 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.

10.1.2 State Policy on the Protection of Agricultural Land 2009

The *State Policy on the Protection of Agricultural Land 2009* 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 Policy. The subject land is zoned Utilities, so the Policy is not applicable.

10.1.3 The State Policy on Water Quality Management 1997

There will be no direct impact on water quality as a result of the amendment and permit application.

10.1.4 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 3 below.

Table 2 - STRLUS Assessment

Policy	Action
<p>IA 1</p> <p>Identify, protect and manage the supply of well-sited industrial land that will meet regional need across the 5, 15 and 30 year horizons.</p>	<p>IA 1.1</p> <p>Ensure industrial land is relatively flat and enables easy access to major transport routes, other physical infrastructure such as water, wastewater, electricity and telecommunications</p> <p>IA 1.2</p> <p>Locate new industrial areas away from sensitive land uses such as residentially zoned land.</p>

	<p>IA 1.3</p> <p>Provide for a 30-year supply of industrial land, protecting such land from use and development that would preclude its future conversion to industrial land use - in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.</p> <p>IA 1.4</p> <p>Provide a 15-year supply of industrial land, zoned for industrial purposes within the new planning schemes - in accordance with the recommendations within the Southern Tasmania Industrial Land Strategy 2013.</p> <p>IA 1.5</p> <p>Aim to ensure a minimum 5-year supply of subdivided and fully serviced industrial land.</p> <p>IA 1.6</p> <p>Take into account the impact on regional industrial land supply, using best available data, prior to rezoning existing industrial land to non-industrial purposes.</p>
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Consistent

The proposed amendment is to improve the appearance and entrance experience of the Estate as recommended in the BSP and the Placemaking Strategy. The Southern Tasmania Industrial Land Strategy 2013 identifies the Brighton Estate as a key location to meet a significant amount of future demand for industrial land in the Region up until 2041. Ensuring the Estate is an attractive place for investment is therefore consistent with the Southern Tasmania Industrial Land Strategy 2013 and the above actions.

<p>IA 2</p> <p>Protect and manage existing strategically located export orientated industries.</p>	<p>IA 2.1</p> <p>Identify significant industrial sites through zoning and ensure that other industrial uses not related to its existing function do not diminish its strategic importance.</p>
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Consistent

The proposed amendment allows an application to be made to utilise the subject site for a food services use. The site has been chosen due to it already containing a heavy vehicle rest area and being constrained for future industrial use due to its zoning and significant number of easements. The proposal to allow a Food Services use within the new park will improve the placemaking of the Hub and reinforce it as a regionally significant industrial area.

<p>IA 3</p> <p>Ensure industrial development occurs in a manner that minimises regional environmental impacts and protects environmental values.</p>	<p>IA 3.1</p> <p>Take into account environmental values and the potential environmental impacts of future industrial use and the ability to manage these in the identification of future industrial land.</p>
<p><u>Consistent</u></p> <p>The subject site does not contain any known environmental values.</p>	

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 2023-2033:

- 1.3 - *Ensure attractive local areas that provide social, recreational and economic opportunities*
- 1.4 - *Encourage a sense of pride, local identity and engaging activities*
- 3.3 – *Community facilities are safe, accessible and meet contemporary needs*

(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 add an additional site-specific qualification to the LPS which will have no impact on the LPS of adjacent municipal areas. The amendment has been assessed as being consistent with the STRLUS.

(h) Gas Pipeline safety

The subject site is affected by gas infrastructure. The relevant agencies have been consulted throughout the design of the Park. Using the site for a Food Services use will have no impact on the gas infrastructure that exists on the site as it involves no development and/or works. Both Tasgas and the Tasmanian Gas Pipeline will be referred the draft amendment once initiated.

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

11. 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*.

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2024-04.

RECOMMENDATION:

- A. That, in accordance with Section 40D(b) of the *Land Use Planning and Approvals Act 1993*, Council prepares draft amendment RZ 2024-04 to the LPS.
- B. That, in accordance with Section 40F of the *Land Use Planning and Approvals Act 1993*, Council certifies draft amendment RZ 2024-04 to the LPS by instrument in writing affixed with the common seal of the planning authority.
- C. That, in accordance with Section 40F and of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2024-04 be given to the Tasmanian Planning Commission within seven (7) days.
- D. That, in accordance with Section 40FA(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment be provided to relevant agencies those State Service Agencies, or State authorities, that the planning authority considers may have an interest in the draft amendment.
- E. That in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2024-04 be placed on public exhibition.

DECISION:

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

CARRIED

VOTING RECORD

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

12.2 Subdivision (4 lots) and Boundary Adjustment at 1/221 Glenstone Road, Bridgewater, 5/221 Glenstone Road, Bridgewater, 175 Cobbs Hill Road, Bridgewater and 251 Glenstone Road, Bridgewater - SA 2024/0025

Author: J Blackwell (Acting Director Development Services)

Applicant:	Andrew Bullock
Subject Site:	1/221 Glenstone Road, Bridgewater, 5/221 Glenstone Road, Bridgewater, 175 Cobbs Hill Road, Bridgewater and 251 (Lot 2) Glenstone Road, Bridgewater
Proposal:	Subdivision (4 lots) and Boundary adjustment
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	<ul style="list-style-type: none"> • General Industrial • Rural
Codes:	<ul style="list-style-type: none"> • Bushfire Prone Areas Code • Natural Assets Code
Local Provisions:	Brighton Industrial Hub Specific Area Plan
Use Class:	N/A. Subdivision does not require classification (refer 6.2.6 of TPS)
Discretions:	<ul style="list-style-type: none"> • Subdivision - 7.10.1 • Natural Assets Code - C7.7.1 A1/P1
Representations:	<p>2 representations were received.</p> <p>The representors raised the following issues:</p> <ul style="list-style-type: none"> • Documentation advertised is not sufficient • The application is made without the agreement of the owners of Unit 5. • Lot Design • Existing strata • Stormwater management • The application documents do not clearly indicate the site as compared to the proposal. • Request for specific conditions from Tas Irrigation
Recommendation:	Approval with conditions

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2024/0025.

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

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

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

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

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

2. BACKGROUND

DA 2021/0200 – 221 Glenstone Road, Bridgewater

Recycling and Waste Disposal – Approved 8th February 2022.

- Includes approval for Use and Development including workshop, shed, 3 bunded areas for stockpiling recyclable materials and associated access:

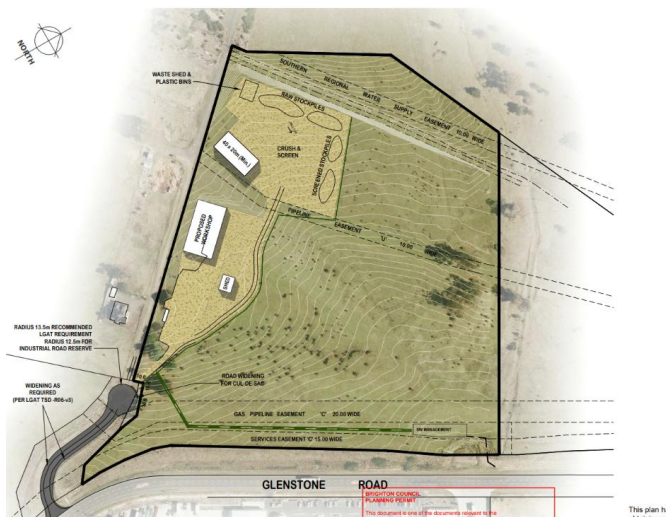


Figure 1 - Approved work site under DA 2021/200

DA 2022/0078 – 221 Glenstone Road, Bridgewater - Approved 30/5/2022

- Construction of Junction, Access and Associated Services/Works –

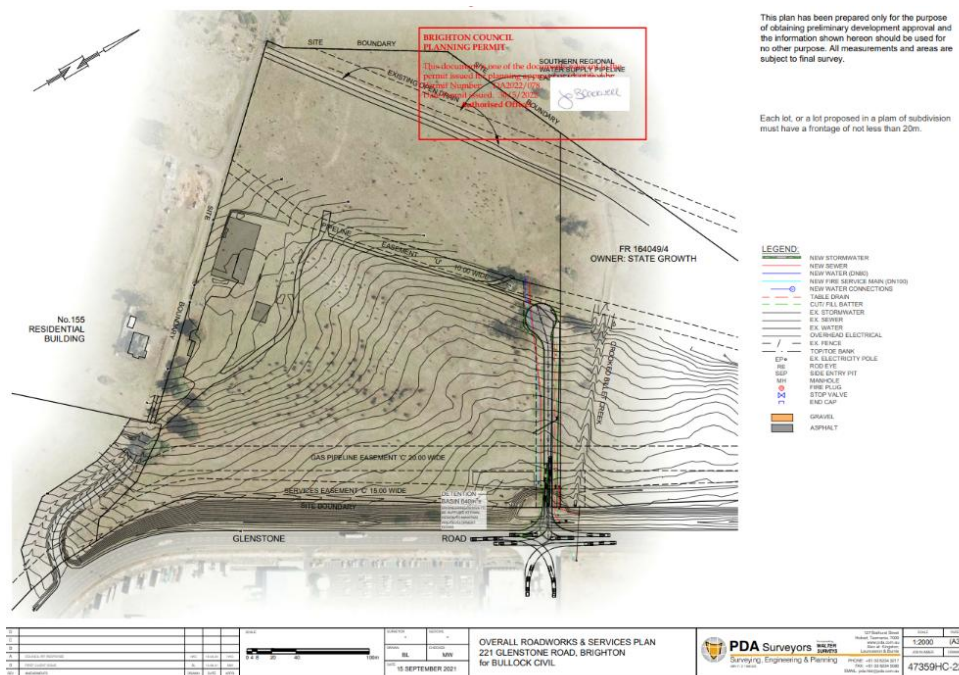


Figure 2 - Approved access under DA 2022/0078

SA 2022 /0028 Strata Plan division of 221 Glenstone Road, Bridgewater – Approved 23/6/2023

- Staged Development Scheme to create 5 lots. Masterplan, common property and Lot 5 created.

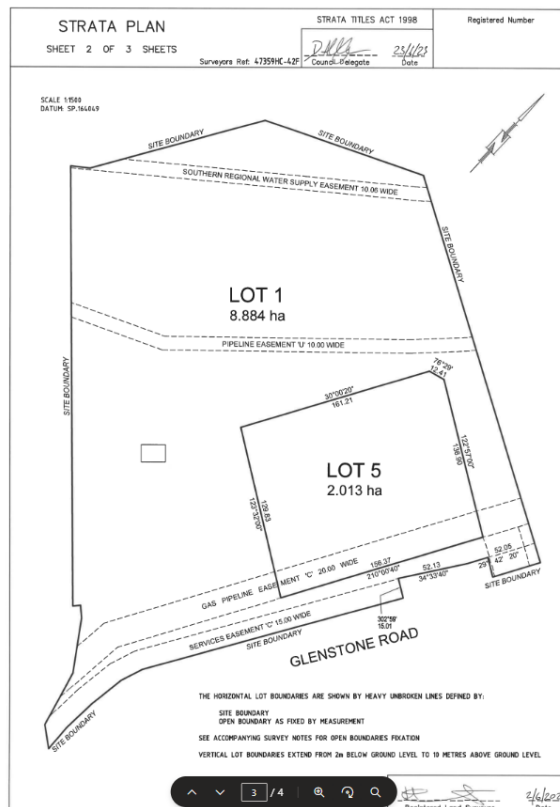


Figure 3: Page 3 of approved Strata Plan 185369 showing lot division to date

DA 2022/0085 – Lot 5/221 Glenstone Road, Bridgewater - Approved 12/7/2022

- Manufacturing and Processing – (alternative owner and applicant)

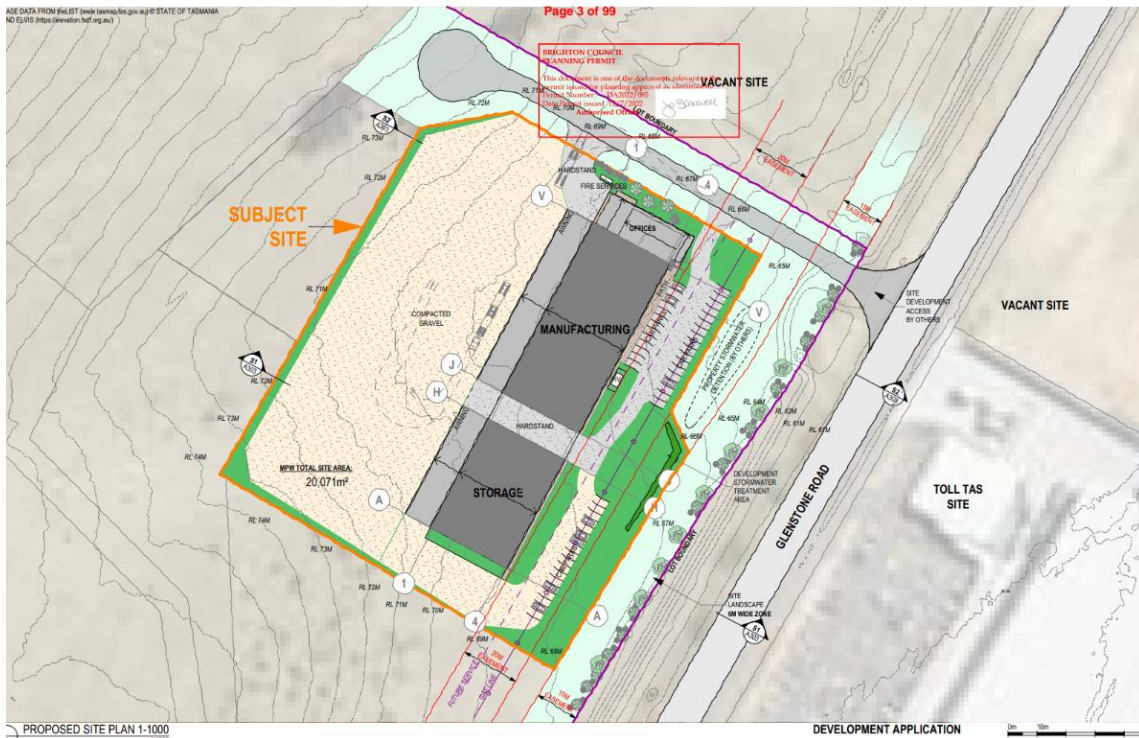


Figure 4: Approved site Plan 5/221 Glenstone Road, Bridgewater

SA 2024/0026 - Application to cancel Strata Plan 185369

- Not yet determined, pending determination of SA 2024/25

DA 2024/241 – 221 and 251 Glenstone Road and 175 Cobbs Hill Road, Bridgewater

- Relocation of Recycling and Waste Disposal Use and Storage (Retrospective)
- Not yet determined

3. SITE ASSESSMENT

The subject site is located at 221 and 251 (Lot 2) Glenstone Road, Bridgewater and 175 Cobbs Hill Road Bridgewater as shown in figure 5.



Figure 5: Site Location (Source: Listmap)

The Glenstone Road lots are both zoned General Industrial, with 175 Cobbs Hill Road being dual zoned General Industrial and Rural (Refer figure 6).

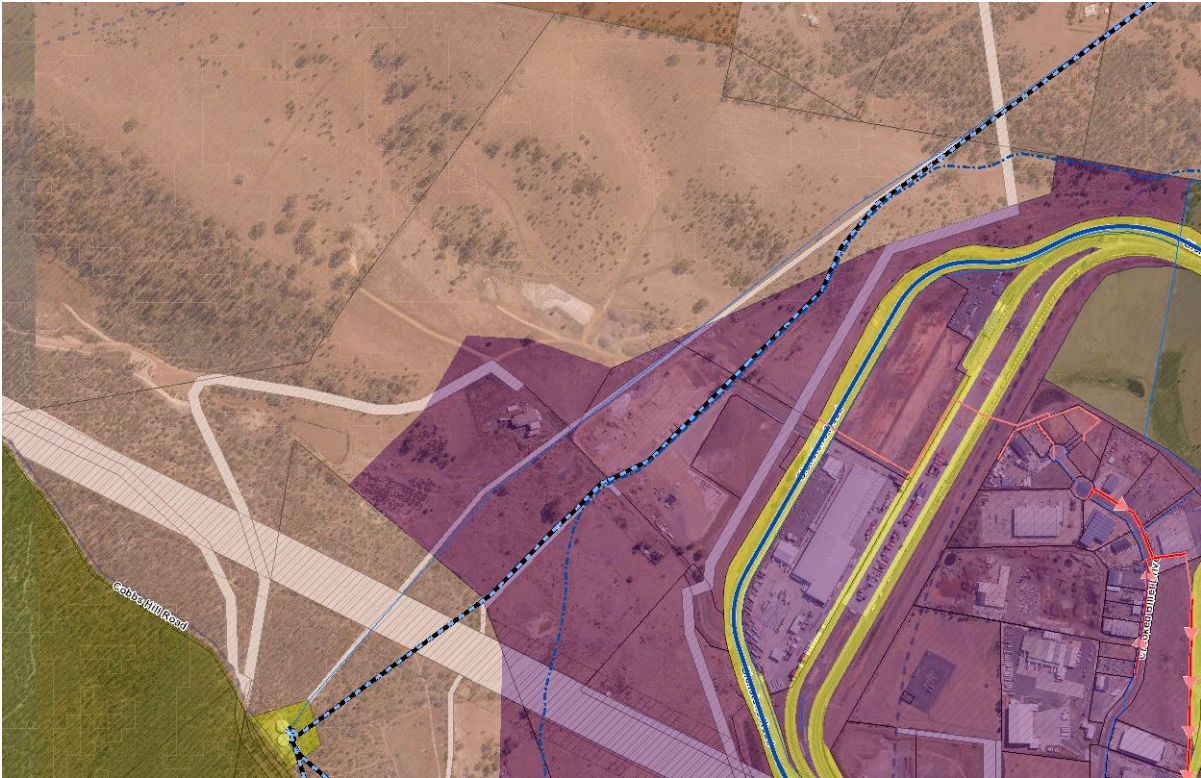


Figure 6: Zoning and Easements Map (Purple = General Industrial, Beige = Rural) (Source: Listmap)

As shown in Figure 6, the site is dissected by a number of easements:

- a) Right of Carriageway which provides access to the northern corner of the adjoining site from Cobbs Hill Road to 155 Cobbs Hill Road
- b) TasWater Reticulation main
- c) TasWater Bulk Transfer Main
- d) Tasmanian Irrigation – Pipeline
- e) Gas Pipeline.

A section of 221 Glenstone Road has been approved for Recycling and Waste Disposal Use relating to the approved use under DA 2021/200 (refer Figure 1) which use has expanded across the entirety of Lot 1 as shown in figure 7.



Figure 7: Current expanse of use on site (source: Listmap)

These works and additional works on 175 Cobbs Hill Road and 251 Glenstone Road are the subject of the retrospective DA 2024/241 currently under assessment. DA 2024/241 is reliant on the approval of the boundary adjustment [lot 3] under this application for the proposed development in the southern corner of 175 Cobbs Hill Road to occur.

221 Glenstone Road has access to reticulated water via the common property included in the Strata Plan 185369 and 251 (lot 2) Glenstone Road has access to sewer (Refer Figure 8.) 175 Cobbs Hill Road is currently unserved.



Figure 8: Access to Infrastructure servicing (reticulated water – blue line; reticulated sewer – red line)

Access to all lots, other than lot 2, will be via the northern access from Glenstone Road. Lot 2 will be accessed via the established southern access,

4. PROPOSAL

The proposed subdivision is to divide 221 Glenstone Road into 4 lots (including a road lot and balance lot) (refer Lots 1, 2, 4 and 100 on the proposal plan shown in Figure 9). The application also seeks approval to undertake a boundary adjustment between 221 Glenstone Road with both 175 Cobbs Hill Road (refer lot 3) and 251 Glenstone Road, Bridgewater (refer lot 5). It is the applicant's intention that that the proposed subdivision, once approved will replace the existing strata plan for 221 Glenstone Road, Bridgewater.

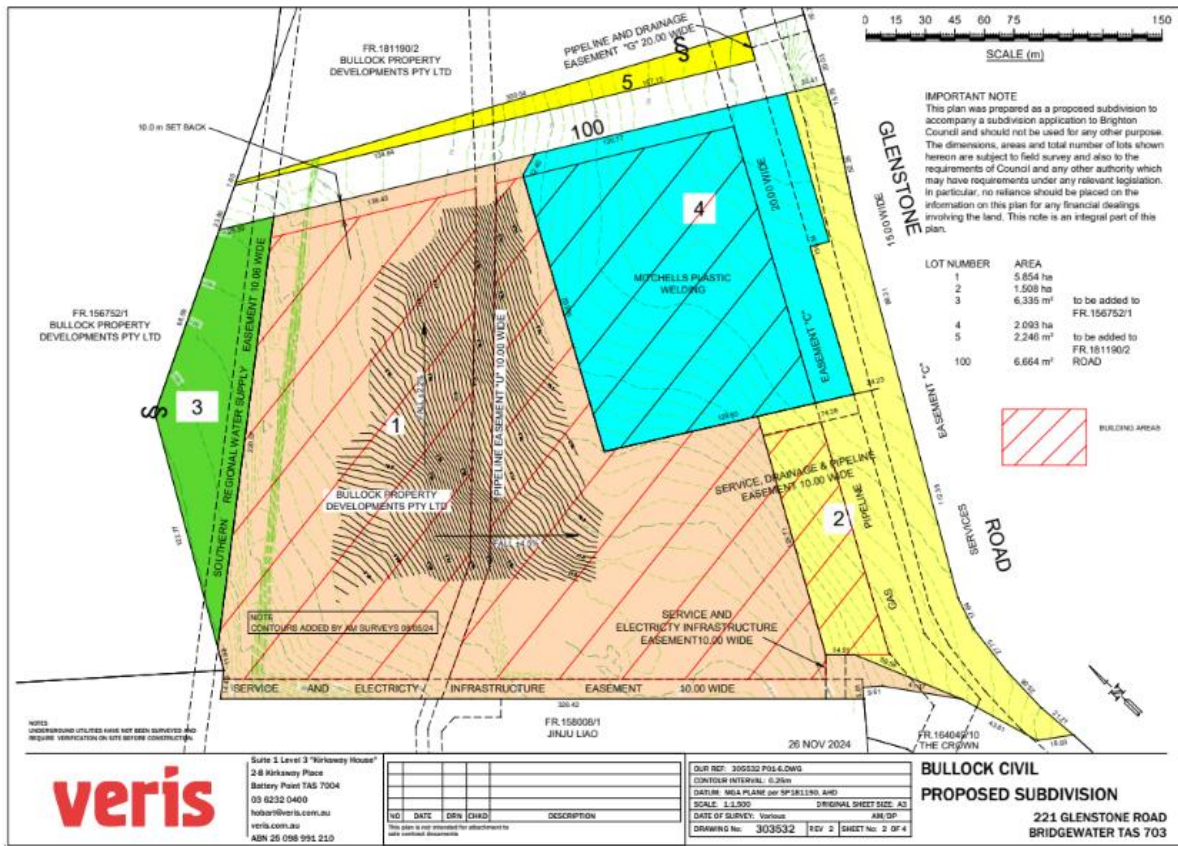


Figure 9: Proposed Subdivision layout

The application is supported by the attached plans, Traffic Impact Assessment, Natural Values Assessment, and Bushfire Hazard Management Plan.

5. PLANNING SCHEME ASSESSMENT

Compliance with Applicable Standards:

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

5.6.2 A standard is an applicable standard if:

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

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

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

Determining applications (clause 6.10.1):

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

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

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

Use Class

The proposed development is for subdivision, which, pursuant to clause 6.2.6 of the Scheme, is not required to be categorised into a use class:

6.2.6 *Notwithstanding sub-clause 6.2.1 of this planning scheme, development which is for subdivision, a sign, land filling, retaining walls or coastal protection works does not need to be categorised into one of the Use Classes.*

Notwithstanding this, the site is within the General Industrial Zone and the Rural Zone, and future development of the site will be assessed against the provisions of the relevant zones.

Compliance with Performance Criteria

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

Clause C7.7.1 A1 /P1 Subdivision within a waterway and coastal protection area or a future coastal refugia area

Objective:
That:
(a) works associated with subdivision within a waterway and coastal protection area or a future coastal refugia area will not have an unnecessary or unacceptable impact on natural assets; and

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

The proposal seeks approval for works within an existing mapped waterway to extend the access approved by DA 2022/0078. The waterway and coastal protection overlay crosses the norther corner of 221 Glenstone Road (CT185369/1), (Lot 1 on the proposed plan of survey), which does not satisfy the acceptable solution in (e) above, therefore assessment against the performance criteria is relied upon.

Historical satellite imagery shows that Crooked Billet Creek, through 251 (Lot 2) Glenstone Road was heavily modified and converted to an open drain as part of the earlier Transport Hub development (refer figures 10-13).



Figure 10 (April 2009) (Source: Google Earth Pro)

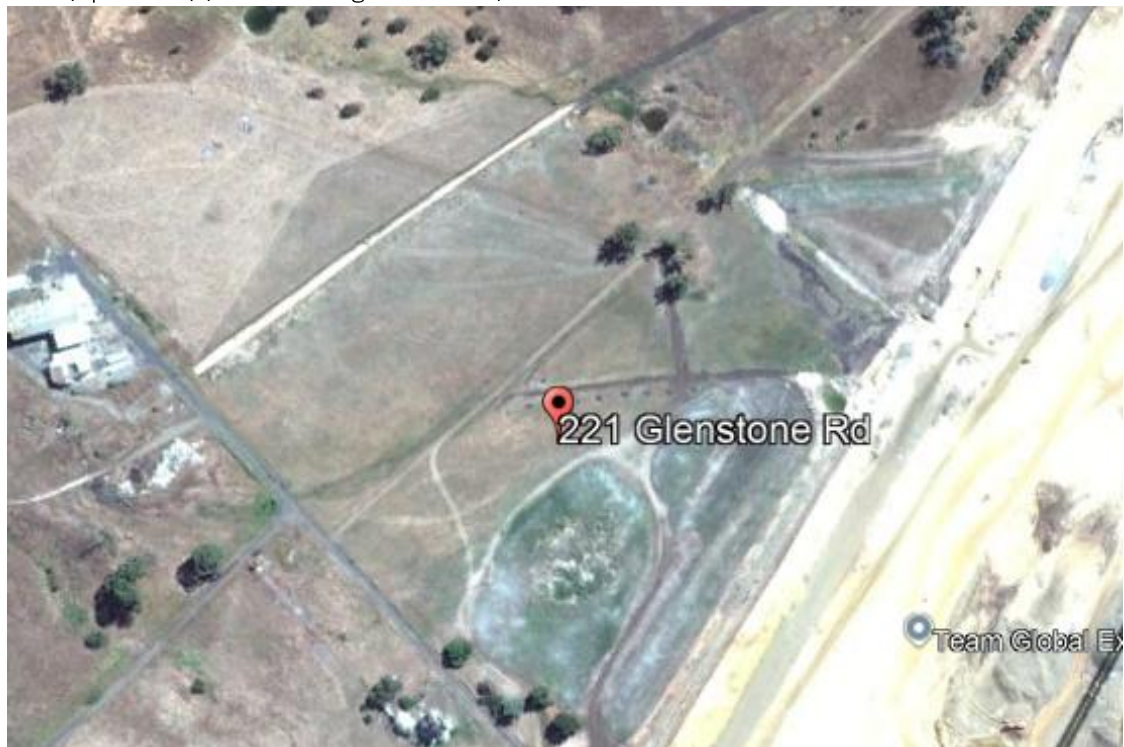


Figure 11 February 2010 (Source: Google Earth Pro)



Figure 12: June 2011 (source: Google Earth Pro)



Figure 13: Existing watercourse.

In addressing the performance criteria, the building areas shown on the proposal plan are located clear of the waterway and are separated from the waterway by the proposed road. The extension of the road construction will require the implementation of stormwater management measures addressed above (clause 19.5.1 A3/P3), which will be required to mitigate any impact on the diverted watercourse.

Accordingly, the PC is satisfied with conditions

6. Referrals

Senior Technical Officer

The application was referred to council's Senior Technical Officer, whose comments are included throughout this assessment.

TasWater

The application was referred to TasWater, who have issued a Submission to Planning Authority Notice dated 3rd December 2024, reference number TWDA 2024/01389-BTN, which includes conditions for inclusion on any permit approved.

Department of State Growth

The application was referred to the Department of State Growth who advised:

1. That Department of State Growth Consent was not required for the making of the subdivision application
2. That advice from the Applicant confirming that the southern access will only service Lot 2 did not raise any concerns.

Department of Natural Resources and Environment Tasmania (NRE)

The application included consent issued by NRE on behalf of the Crown insofar as the proposed development relates to Crown Land managed by NRE, for the lodgement of this application only. That consent also requires that all fire buffer areas (Hazard Management Areas and Fuel Modified Areas) are maintained wholly within freehold title boundaries and not on neighbouring Crown or Reserved land. The Bushfire Hazard Management Plan submitted identifies that the proposed subdivision is able to provide a Hazard Management Area to BAL-19 within the proposed lot boundaries.

NRE's correspondence also states that the consent does not constitute or imply, any approval to undertake works, or that any other approvals required under the Crown Lands Act 1976 have been granted. If planning approval is given for the proposed development, the applicant will be required to obtain separate and distinct consent from the Crown before commencing any works on Crown land.

Advice to this effect will be included in any permit approved.

TasNetworks

The proposal was referred to TasNetworks for consideration, who replied in the following terms:

Thank you for your email on 25/10/2024 referring to the above development.

Currently there is one point of supply for the title, but with the proposed subdivision provision will need to be made for a separate point of supply of electricity to each lot.

TasNetworks currently have a project on behalf of the developer that is at the design stage, with an estimated completion of late 2025. Reference number CN24-257619.

This date is an estimated date for completion and is subject to change due to conditions such as weather, materials availability and other unforeseen circumstances.

Supply to the new lots is not available until TasNetworks achieve completion of this project and the final commissioning of new assets installed has been carried out.

Tas Gas Network (TGN)

The application was referred to TGN, who provided advice that they have no objection to the proposed subdivision.

Tasmanian Gas Pipeline

The proposal was referred to The Tasmanian Gas Pipeline. That authority has advised that they have no objection to the proposed subdivision.

Tasmanian Irrigation

Tasmanian Irrigation made a representation to the proposal during the public exhibition period, which is addressed in section 8 below. That authority has requested additional conditions and pipeline specifications be included in any permit granted.

TasRail

TasRail provided a response during the public exhibition period. TasRail do not raise any objections in relation to the proposed subdivision. However, it does request being kept informed of any future development of the lots. TasRail also requested a copy of the TasRail Standard Notes (attached) be included with any council permits, in order to inform all parties relevant to developing land adjoining the rail corridor.

Aboriginal Heritage Tasmania

The applicant provided search results from Aboriginal Heritage Tasmania which confirms there is no risk in terms of Aboriginal heritage on 221 Glenstone Road. Advice advising how to manage the discovery of any potential artefact through an Unanticipated Discovery Plan (attached) is to be included in any permit issued.

7. Other

7.1 Public Open Space Requirements

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

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

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

In this instance, there is no land that is suitable for quality open space and a cash-in-lieu contribution is required for 5% of the unimproved value of the land contained in lot 1.

8. Representations

Two (2) representations were received during the statutory public exhibition period between 7th December 2024 and 23rd December 2024. Following site inspection by one of the representors, a supplementary response was received on 10th January 2025.

The concerns of the representors are summarised below:

Representor 1	Response
<p>The development as advertised should not be approved. The documentation is not sufficient. From what is indicated it is clear the drainage servicing is unsuitable. The proposed lot layout is inappropriate and will lead to bad outcomes for the site, for authorities and specifically for Unit 5 of the Strata.</p>	<p>See below</p>
<p>The proponent makes application over land subject to strata title but does so without our agreement.</p> <p>The subject site is a staged strata title and currently required to be developed in accordance with the Strata Master Plan. Whilst transitioning to free-hold titles from the strata is required, and is desired by us, a suitable industrial subdivision plan cannot be a copy/paste of the Strata Master Plan. The strata plan has obligations over the development lot to provide and maintain access and services for unit 5 including stormwater detention, however the proposal provides no information regarding the design and capacity of proposed new services.</p>	<p>The land owner of Lot 5 was notified in writing of the making of the application by Gray Planning in correspondence dated 19th September 2024, in accordance with s52(1) of the Land Use Planning and Approvals Act 1993.</p> <p>Further, the subdivision cannot be undertaken without the owners of Unit 5 (future Lot 4) releasing the strata. Contractual obligations between owners is not a planning consideration.</p> <p>The existing strata relies on a shared stormwater management system for treatment and detention. It is proposed each lot of the new subdivision manage stormwater treatment and detention within their own lot. A portion of the land proposed for SW management under the proposed strata has been added to Unit 5 of the strata to create proposed Lot 4.</p> <p>A condition requiring a Part 5 Agreement be placed on each lot to provide stormwater treatment and detention is recommended.</p>

<p>An important aspect of the strata master plan pertains to the land between unit 5 and Glenstone Road. The area cannot be developed or used by a future owner, it is designated for the establishment and maintenance of the stormwater management for the site, this is appropriate in the frontage to Glenstone road. The existing strata holds common ground that provides connection from easements to Glenstone road this is vital for future services to unit 5. The proposal to pass this area over to lot 2 will be a poor outcome, the land can't be built on, the very long and narrow strip will become a basket case, either as a fire hazard or a junk yard. Neither the objective of the lot design provision nor the purpose for the zone can support the proposed arrangement.</p>	<p>Council officers do not disagree that the lot layout for Lot 2 is a poor outcome. However, the proposed subdivision satisfies the acceptable solutions provided in the Development Standards for Subdivision contained in Clause 19.5.1 of the Tasmanian Planning Scheme - Brighton.</p>
<p>This area currently identified for stormwater management plus common area is effectively remnant land under any proposal for subdivision. This remnant land should be apportioned to the 3 interests, to authority land, to lot 4, and then to lot 2 in a fair and sensible arrangement. A suitable arrangement is one that prioritises connections from public land, divides the area evenly for lot 2 and 4 stormwater detention and maintains a lot design that is suitable for the area. The only fair design that does that is what is sketched and provided by this representation.</p>	<p>Council officers are obliged to assess the proposal submitted for assessment.</p> <p>Lot arrangement is a separate matter for the owner/s of Lots 1, 2 and 4 to discuss.</p>
<p>The documentation of the application is not suitable for assessment. Even from what be interpreted in the drawings it is clear that the proposed service connections to proposed lot 4 would be limited. Stormwater and sewer connections must be provided at a suitable depth and to a suitable location that can service the whole site. In this area the constraints of the high-pressure gas main are especially pertinent, the</p>	<p>Sewer and Stormwater connections are required to be installed to each as part of the subdivision. The servicing arrangement for Lot 4 as shown on the proposal plan is consistent with what was approved under the previous Strata.</p> <p>The application was referred to TasWater who have provided a SPAN.</p>

<p>sewer and SW connection should be at the lowest point of the site.</p>	<p>A condition requiring each lot be connected to a reticulated sewerage system is recommended.</p> <p>A condition requiring the development be in accordance with TasWater’s SPAN is recommended.</p> <p>A condition requiring each lot be provided with a stormwater property connection capable of servicing the entirety of the lot by gravity is recommended.</p> <p>Detailed engineering design plans will need to be submitted for further approvals. The location of the proposed services for Lot 4 may need to be relocated subject to depth of other services and this can and will be assessed at the time of submission.</p>
<p>The application documents do not clearly indicate the site as compared to the proposal. Proposed lot 1 has significant earthworks including a large fill area directly above land of Unit 5. There is no suitable cutoff drainage or overland flow considerations noted in the plans, all of lot 4 is graded to overflow directly to unit 5. No information is provided to indicate how the subdivision manages overland flow from beyond the site, nor within the proposed subdivision. Without due consideration of the waterways code, and without consideration of discharge characteristics, the proposal is not suitable for assessment. As the owner most effected we insist this detail should be provided as part of the proposal.</p>	<p>The earthworks on Lot 1 are subject to a separate development application.</p> <p>The stormwater management plan for the strata indicated a cutoff drain above Lot 4.</p> <p>A condition requiring a Stormwater Management Plan that also considers overland flow is recommended.</p>
<p>Considering the shortcomings of the application it is not suitable for the current drawings to be part of any permit for subdivision, even with conditions of permit. When the design is improved along the lines of our sketches below, and when a suitable response to the overland flow risk is design, new drawings may be</p>	<p>Council officers are obliged to assess the application submitted to it.</p>

<p>suitable to achieve a planning permit that delivers a sound result for all owners.</p>	
<p>Representor 2</p>	<p><i>Response</i></p>
<p>A representation was received in relation to protection of Tasmanian Irrigation infrastructure, seeking conditions to be contained in any permit issued:</p> <p>1. Prohibition of Permanent Structures: No permanent structures are to be constructed over the TI pipeline. As the TI pipeline is located adjacent to the TasWater easement, the no-build zone must be extended to include the TI pipeline.</p> <p>2. Pipeline Cover and Vehicle Loading: The TI pipeline must maintain a minimum cover of 700 mm. Any additional vehicle loading designed to traverse the pipeline must be reviewed and approved by TI. Road crossings will need to be re-engineered, if necessary, to ensure the pipeline can safely bear the proposed vehicle loads.</p> <p>3. Pipeline Exposure: Any exposure of the TI pipeline must be conducted under the supervision of a TI representative.</p> <p>4. Air Valve Relocation or Redesign: Above-ground air valves associated with the TI pipeline must be confirmed onsite as part of the final design. Any relocation or redesign of these valves will be at the developer’s expense.</p> <p>5. Easement and Legislative Protection: TI assets are installed under the provisions of the Irrigation Clauses Act and may not always be covered by a registered easement.</p>	<p>Conditions for compliance with Tasmanian Irrigation requirements are recommended.</p>
<p>Representor 2 – Supplementary Representation</p>	<p><i>Response</i></p>
<p>Tasmanian Irrigation (TI) submits this written representation regarding the abovementioned planning permit application in addition to previous correspondence on the same matter</p>	<p>The conditions and specifications requested by the representor have been included in the recommended permit conditions.</p>

dated 11th December 2024 (letter) covering the standard conditions and 20th December 2024 (email) requesting that all works cease over the TI pipeline until further notice. TI representatives re-attended site on the 9th of January 2025 to find works had continued.

TI maintains that no works should be continued until the following criteria is met:

1. The Brighton Council Development Application (DA) has been approved and Tasmanian Irrigation is notified accordingly by the Contractor (Developer) that works are commencing.
2. To facilitate the completion of the DA for acceptance by TI:
 - a. Detailed site plans showing location of the TI pipeline in respect to the subdivision infrastructure.
 - b. Detailed trench design drawing, showing the road layer works above the TI pipeline trench in the road crossing and the services installation below the TI pipeline.
 - c. Proposed relocation of the air valve with existing and new co-ordinates and levels.
3. TI will require the following information for the construction works in the absence of having the TI Supervisor on site during the excavation works:
 - a. Detailed photographs of the in-situ pipeline as exposed condition
 - b. Pipe Embedment and Backfill Material source and specification.
 - c. Method statement for the compaction over the pipeline, type and size of compaction equipment used.
 - d. Field and Laboratory Test results for compaction method.

Note that TI reserves the right to not accept the works due to non-compliance(s) to the Tasmanian Irrigation pipe trench specification (TI-TS-008 provided) for both of the design and construction phases of the Development and request the

<p>Developer to remedy the Works at his cost to ensure that the integrity of TI assets are maintained.</p> <p>Upon completion of the Works, the Developer is to provide the As-Constructed drawings to Tasmanian Irrigation (in particular):</p> <ol style="list-style-type: none"> 1. Layout, alignment and co-ordinates of relocated assets, 2. Pipe cover depths (minimum and maximum) in the road corridor. <p>We appreciate your attention to these requirements and request that they be reflected in the assessment and conditions of the planning permit.</p>	
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9. Conclusion

The proposal for Subdivision (4 Lots) and Boundary Adjustment at 1/221 Glenstone Road, Bridgewater, 5/221 Glenstone Road, Bridgewater, 175 Cobbs Hill Road, Bridgewater and 251 Glenstone Road, Bridgewater – SA 2024/0025 satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

RECOMMENDATION:

That pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approve application SA 2024/0025 for Subdivision (4 Lots) and Boundary Adjustment at 1/221 Glenstone Road, Bridgewater, 5/221 Glenstone Road, Bridgewater, 175 Cobbs Hill Road, Bridgewater and 251 Glenstone Road, Bridgewater for the reasons outlined in the officer’s report and a permit containing the following conditions be issued:

General

- (1) The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) Prior to Council sealing the final plan of survey for any stage the developer must provide certification from a suitably qualified person that all requirements of the approved Bushfire Hazard Management Plan has been complied with.
- (3) Prior to the approval of engineering design plans the developer must submit and amended proposal plan showing:
 - (i) splayed boundaries at the intersection of the proposed road (Lot 100) and Glenstone Road. The splays must be sufficient to accommodate existing and potential future services and maintain minimum sight lines.

- (ii) a widened road reservation to accommodate a cul de sac with a minimum 31m radius to the boundary.
- (iii) The boundary for lot 3 clear of the TasWater easement (refer condition 21 TasWater SPAN)

Once approved the amended proposal plan will form part of the endorsed documents.

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

- (4) Where a conflict between the application for planning approval, endorsed drawing and conditions of this permit, the latter prevails.
- (5) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.

Agreements

- (6) Agreements made pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be prepared by the applicant on a blank instrument form to the satisfaction of the Council and registered with the Recorder of Titles. The subdivider must meet all costs associated with the preparation and registration of the Part 5 Agreement.
- (7) Prior to the sealing of the Final Plan of Survey for any stage an agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be entered into for the proposed lot, to the effect that the owner covenants and agrees with the Brighton Council that:
 - (a) Prior to connecting to the public stormwater system each lot must provide on site treatment of stormwater to meet the following:
 - Standard Stormwater Treatment Requirements specified in Table 3 Water Quality Treatment Targets in DEP AND LGAT TASMANIAN STORMWATER POLICY GUIDANCE AND STANDARDS FOR DEVELOPMENT 2021 V1.
 - Runoff from the developments must be 'visually free' of hydrocarbons prior to entering the public stormwater system.
 - (b) Refer to Stormwater condition 46 for requirement relating to Part 5 Agreement.

Staged development

- (8) The subdivision development must not be carried out in stages except in accordance with a staged development plan submitted to and approved by Council's Director - Development Services.

Transfer of reserves

- (9) All roads or footways must be shown as “Road” or “Footway” on the Final Plan of Survey and transferred to the Council by Memorandum of Transfer submitted with the Final Plan of Survey.

Public open space

- (10) In accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey. The cash contribution amount is to be equal to 5% of the value of the land being subdivided, described as lots 1, 2 and 4 in the plan of subdivision at the date of lodgement of the Final Plan of Survey.

The value is to be determined by a Land Valuer within the meaning of the Land Valuers Act 2001 at the developers' expense.

- (11) The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey.

Easements

- (12) Easements must be created over all drains, pipelines, wayleaves, and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

Final plan

- (13) A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
- (14) Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Brighton Council. The security must be in accordance with section 86(3) of the Local Government (Building & Miscellaneous Provisions) Council 1993. The amount of the security shall be determined by the Council's Municipal Engineer in accordance with Council Policy 6.3 following approval of any engineering design drawings and shall not to be less than \$5,000.
- (15) All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied.
- (16) The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Landscaping

- (17) The road reserves and public open space must be landscaped by trees or plants in accordance with a detailed landscape plan prepared by a landscape architect or other person approved by Council.

The landscaping plan must be submitted to Council for approval with the engineering drawings. The landscape plan must show the areas to be landscaped, the form of landscaping, and the species of plants and estimates of the cost of the works. Landscaping must generally be in accordance with Council Policy 6.5 LANDSCAPING.

- (18) Unless approved otherwise by Council's Director Development Services, street trees must be a minimum of 2 metres in height at the time of planting.

Advice: Planting shall be equivalent to a minimum of 1 tree per lot or 20 metres frontage, whichever is greater, using advanced plants that suit the character of the locality. No plants listed as noxious weeds within Tasmania or displaying invasive characteristics shall be used in the landscaping of the road.

Engineering

- (19) The subdivision must be carried out and constructed in accordance with the:

- a. *Tasmanian Subdivision Guidelines*
- b. *Tasmanian Municipal Standard – Specifications*
- c. *Tasmanian Municipal Standard – Drawings*

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

- (20) Before any works associated with development of the land commence engineering design drawings, to the satisfaction of the Council's Municipal Engineer, must be submitted to and approved by Council.

Advice: Any engineering drawings submitted with the application are considered to be concept plans and may require alterations prior to consideration for approval.

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

- (21) Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, in accordance with the *Tasmanian Subdivision Guidelines October 2013*, and must show –

- a) all existing and proposed services required by this permit;
- b) all existing and proposed roadwork required by this permit;

- c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - d) measures to be taken to limit or control erosion and sedimentation;
 - e) any other work required by this permit.
- (22) Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
- (23) The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

Services

- (24) The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.
- (25) Any existing services shared between lots are to be separated to the satisfaction of Council's Municipal Engineer.
- (26) Property services must be contained wholly within each lot served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.

Tasmanian Irrigation

- (27) Prohibition of Permanent Structures: No permanent structures are to be constructed over the Tasmanian Irrigation (TI) pipeline. As the TI pipeline is located adjacent to the TasWater easement, the no-build zone must be extended to include the TI pipeline.
- (28) Pipeline Cover and Vehicle Loading: The Tasmanian Irrigation (TI) pipeline must maintain a minimum cover of 700 mm. Any additional vehicle loading designed to traverse the pipeline must be reviewed and approved by TI. Road crossings will need to be re-engineered, if necessary, to ensure the pipeline can safely bear the proposed vehicle loads.
- (29) Pipeline Exposure: Any exposure of the Tasmanian Irrigation (TI) pipeline must be conducted under the supervision of a TI representative.
- (30) Air Valve Relocation or Redesign: Above-ground air valves associated with the Tasmanian Irrigation (TI) pipeline must be confirmed onsite as part of the final design. Any relocation or redesign of these valves will be at the developer's expense.
- (31) Prior to undertaking any works over or adjacent the Tasmanian Irrigation (TI) pipeline the developer must submit detailed engineering plans to TI for approval. The plans must include:

- (i) Detailed site plans showing location of the TI pipeline in respect to the subdivision infrastructure.
 - (ii) Detailed trench design drawing, showing the road layer works above the TI pipeline trench in the road crossing and the services installation below the TI pipeline.
 - (iii) Proposed relocation of the air valve with existing and new co-ordinates and levels.
- (32) The Contractor (Developer) must notify Tasmanian Irrigation (TI) prior to any works over or adjacent the TI pipeline commencing.

Advice: Tasmanian Irrigation (TI) assets are installed under the provisions of the Irrigation Clauses Act and may not always be covered by a registered easement.

- (33) Prior to accepting any works already completed over or adjacent the Tasmanian Irrigation (TI) pipeline TI will require the following information:
- (i) Detailed photographs of the in-situ pipeline as exposed condition
 - (ii) Pipe Embedment and Backfill Material source and specification.
 - (iii) Method statement for the compaction over the pipeline, type and size of compaction equipment used.
 - (iv) Field and Laboratory Test results for compaction method.
- (34) Note that Tasmanian Irrigation (TI) reserves the right to not accept the works due to non-compliance(s) to the Tasmanian Irrigation pipe trench specification (TI-TS-008 provided) for both of the design and construction phases of the Development and request the Developer to remedy the Works at his cost to ensure that the integrity of TI assets are maintained.
- (35) Upon completion of the Works, the Developer is to provide the As-Constructed drawings to Tasmanian Irrigation (in particular):
- (i) Layout, alignment and co-ordinates of relocated assets,
 - (ii) Pipe cover depths (minimum and maximum) in the road corridor.

Roadworks

- (36) Roadworks and drainage must be constructed in accordance with the standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's Municipal Engineer or as otherwise required by this permit.
- (37) Roadworks must, unless approved otherwise by Council's Municipal Engineer, include: -
- a. New Subdivision Road
 - i. 20m min. reservation width generally and 31m min. at the cul de sac head;
 - ii. 11.0m min. carriageway width;

- iii. 25.0m min. dia. (carriageway) cul de sac
- iv. Kerb and channel;
- v. 1.5m min. width concrete footpath on one side;
- vi. Formation for future 1.5m wide footpath on the opposite side of the road to the constructed footpath; and
- vii. Piped stormwater drainage.

- (38) A temporary turning head with a minimum radius of 12.5 metres is to be provided at the termination of the public road for stage 1. Unless approved otherwise by Council's Municipal Engineer, temporary turning heads are to be surfaced with hotmix asphalt within 12 months of the plan of survey being sealed for the relevant stage.
- (39) All carriageway surface courses must be constructed with a hotmix asphalt with a minimum compacted depth of 50mm, in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's Municipal Engineer.
- (40) An industrial standard (heavy vehicle) concrete vehicle access must be provided to the property boundary of each lot.
- (41) Vehicle accesses must be in accordance with Council's standard drawings, Australian Standard AS 2890.2, Parking facilities - Part 2: Off-Street, commercial vehicle facilities, for the types of vehicles likely to use the site and to the satisfaction of Council's Municipal Engineer.
- (42) Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's Municipal Engineer.

Stormwater

- (43) The developer is to provide a piped stormwater property connection to each lot capable of servicing the entirety of each lot by gravity in accordance with Council standards and to the satisfaction of Council's Municipal Engineer.

Stormwater Capacity

- (44) The piped system within the subdivision must be able to accommodate a storm with a 2% AEP when the land serviced by the system is fully developed;
- (45) Stormwater detention must be provided such that peak flows for up to a 2% AEP event, to the existing public stormwater system, are limited to pre-existing or no greater than that which can be accommodated in the downstream system, whichever is the lesser;
- (46) Prior to the sealing of the Final Plan of Survey an agreement pursuant to Part 5 of the Land Use Planning and Approvals Act 1993 must be entered into for each lot, to the effect that the owner covenants and agrees with the Brighton Council that:

- (i) Prior to connecting to the public stormwater system on site stormwater detention must be provided such that peak flows from the site to the public stormwater system for up to a 2% AEP event are limited to pre-existing;
- (47) Alternatively to condition 46 above; the public stormwater system downstream of the development must be upgraded to accommodate any increase in peak flows from the subdivision once the land is fully developed for up to a 2% AEP rainfall event.
- (48) The subdivision must incorporate overland flow paths to accommodate a 1% AEP (plus climate change) rainfall event.

Advice: *Overland flow paths are to be contained wherever possible to roads or reserves. Where overland flow paths run through lots easements are to be provided.*

Stormwater Treatment

- (49) Stormwater from the proposed subdivision must be treated prior to entering the existing public stormwater system to:
 - (i) Standard Stormwater Treatment Requirements specified in Table 3 Water Quality Treatment Targets in DEP AND LGAT TASMANIAN STORMWATER POLICY GUIDANCE AND STANDARDS FOR DEVELOPMENT 2021 V1.

Alternatively, Council may consider a financial contribution towards the provision of stormwater treatment for the road component (Lot 100).

- (50) Stormwater Quality Improvement Devices installed as part of the subdivision must be consistent with other systems adopted by Council and approved by Council's Municipal Engineer.
- (51) Water Sensitive Urban Design Principles (where incorporated) must be in accordance with the *Water Sensitive Urban Design Procedures for Stormwater Management in Tasmania*, and to the satisfaction of the Council's Municipal Engineer.
- (52) A Stormwater Management Report and Plan must be submitted to Council's Municipal Engineer in conjunction with the engineering design plans for approval. The Stormwater Management Report must be prepared and certified by a suitably qualified person, in accordance with section 2.6.2 of *DEP & LGAT (2021). Tasmanian Stormwater Policy Guidance and Standards for Development. Derwent Estuary Program and Local Government Association of Tasmania (Hobart, Australia)* and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The report must clearly demonstrate that the requirements of this permit are met and that adjacent and downstream properties will not be adversely impacted by the stormwater system. Once approved the Stormwater Management Report will form part of this permit.

Advice: *General Manager's consent is required for connection to the public stormwater system in accordance with the Urban Drainage Act. Providing the planning permit conditions are met General Managers Consent will be granted.*

Access to Road

- (53) Prior to undertaking any works in the State road reservation, a Works permit is required from the department of State Growth in accordance with Section 16 of the Roads and Jetties Act 1935.
- (54) Prior to the concentration and discharge of stormwater to the State road reservation, consent is required under Section 17B(1) of the Roads and Jetties Act 1935.

Advice: *The proposed subdivision road will result in an increase in stormwater runoff from the previously approved development.*

Sewer & Water

- (55) Each lot must be connected to a reticulated potable water supply.
- (56) Each lot must be connected to a reticulated sewerage system.

Tas Water

- (57) The development must meet all required Conditions of approval specified by Tas Water Amended Submission to Planning Authority Notice TWDA 2024/01389-BTN, dated 05/12/2024.

Telecommunications and electrical reticulation

- (58) Electrical and telecommunications services must be provided underground to each lot in accordance with the requirements of the responsible authority and to the satisfaction of Council's Municipal Engineer.
- (59) Street lighting must be provided to the satisfaction of Council's Municipal Engineer.
- (60) Prior to the work being carried out a drawing of the electrical reticulation and street lighting, and telecommunications reticulation in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's Municipal Engineer.
 - (a) Prior to sealing the final plan of survey the developer must submit to Council: A "Provisioning of Telecommunications Infrastructure – Confirmation of final payment" or "Certificate of Practical Completion of Developer's Activities" from NBN Co.
 - (b) Written advice from TasNetworks confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections (basic connection) at the time each lot is further developed.

Erosion and Sediment Control

- (61) An Erosion and Sediment Control Plan (here referred to as a 'ESCP') prepared in accordance with the guidelines Erosion and Sediment Control, The fundamentals for development in Tasmania, by the Derwent Estuary Programme and Tamar Estuary and Esk Rivers Program, must be approved by Council's Director Development Services before development of the land commences. The ESCP shall form part of this permit when approved.

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

- (62) Temporary run-off, erosion and sediment controls must be installed in accordance with the approved ESCP and must be maintained at full operational capacity to the satisfaction of Council's Director Development Services until the land is effectively rehabilitated and stabilised after completion of the development.
- (63) The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed ESCP for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's Municipal Engineer.
- (64) All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

Construction Amenity

- (65) The developer must make good any damage to the road frontage of the development site including road, kerb and channel, footpath, and nature strip to the satisfaction of Council's Municipal Engineer.
- (66) Prior to commencement of any works, the road frontage of the development site including road, kerb and channel, footpath, and nature strip, should be:
- (i) Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
 - (ii) Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.

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

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

- (67) Works associated with the development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
- Monday to Friday 7:00 am to 6:00 pm
 - Saturday 8:00 am to 6:00 pm
 - Sunday and State-wide public holidays 10:00 am to 6:00 pm
- (68) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function, and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- (a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - (b) The transportation of materials, goods and commodities to and from the land.
 - (c) Obstruction of any public footway or highway.
 - (d) Appearance of any building, works or materials.
- (69) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Director Development Services.
- (70) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

Survey pegs

- (71) Survey pegs are to be stamped with lot numbers and marked for ease of identification.
- (72) Prior to the works being taken over by Council, evidence must be provided from a registered surveyor that the subdivision has been re-pegged following completion of substantial subdivision construction work. The cost of the re-peg survey must be included in the value of any security.

Maintenance and Defects Liability Period

- (73) The subdivision must be placed onto a twelve (12) month maintenance and defects liability period in accordance with Council Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.
- (74) Water Sensitive Urban Design elements provided as part of the subdivision are to be placed and an extended maintenance and defects liability period to be determined at the detailed design stage, but not less than twenty four (24) months.

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

As Constructed Drawings

- (76) Prior to the works being placed on the maintenance and defects liability period "as constructed" drawings and data for all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council's Municipal Engineer. These drawings and data sheets must be prepared by a qualified and experienced civil engineer or other person approved by the Municipal Engineer in accordance with Council's Guidelines for As Constructed Data.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works (minimum of \$300.00), or as otherwise specified in Council's Schedule of Fees, must be paid to Council prior to the approval of engineering plans.
- D. All fire buffer areas (Hazard Management Areas and Fuel Modified Areas) are to be maintained wholly within freehold title boundaries and not on neighbouring Crown or Reserved land.
- E. Crown Consent (NRE) does not constitute or imply, any approval to undertake works, or that any other approvals required under the Crown Lands Act 1976 have been granted. The applicant is required to obtain separate and distinct consent from the Crown before commencing any works on Crown land.
- F. Any works or development adjacent to TasRail infrastructure must comply with the TasRail Standard Notes (attached).
- G. Any works or development within proximity to the Tasmanian Irrigation pipeline is to be in accordance with Tasmanian Irrigation Pipeline Specification (attached)
- H. The issue of this permit does not ensure compliance with the provisions of the Aboriginal Heritage Act 1975. If any potential artefact is uncovered as part of any physical works on the site, action must be undertaken in accordance with the Unanticipated Discovery Plan (attached).
- I. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

DECISION:

Cr Irons moved, Cr Owen seconded that the recommendation be endorsed.

CARRIED

VOTING RECORD

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

13. Officers Reports

13.1 December Quarterly Financial Report

Author: Director, Corporate Services (G Browne)

Background

The finance Quarterly report was submitted for consideration.

It contained the year-to-date Comprehensive Income Statement to 31st December 2024.

Consultation

Nil

Risk Implications

Nil

Financial Implications

Not Applicable

Strategic Plan

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

Social Implications

Not Applicable

Environmental or Climate Change Implications

Not Applicable

Economic Implications

Not Applicable

Other Issues

Nil

Assessment

Not Applicable

Options

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

RECOMMENDATION:

That the December Quarterly Report be received.

DECISION:

Cr De La Torre moved, Cr Murtagh seconded that the December Quarterly Report be received.

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	

13.2 New Policy - Dispute Resolution Policy

Authorised: Chief Executive Officer (J Dryburgh)

Background

In accordance with the *Local Government Act 1993* (Section 28JA) and the *Local Government (General) Regulations 2015*, all Councils are required to have their own dispute resolution policy in place no later than 10 September 2025.

This new policy supports the resolution of disputes with, and between, councillors before a Code of Conduct complaint is lodged.

The dispute resolution approach is now embedded in legislation with the *Local Government Act 1993* (Section 28V) requirement that a Code of Conduct complainant detail why the outcome from a council's dispute resolution process was not satisfactory or where the process was not used, why the dispute resolution process was not appropriate for the circumstances.

LGAT have supported Council's by providing a model policy for adoption as well as providing a register of various dispute resolution advisers to support our requirements under the Code of Conduct framework.

Consultation

SMT; Executive Officer, Governance

Risk Implications

Council is required to comply with the requirements of the *Local Government Act 1993* when adopting this policy. Non-compliance may expose Council to risk.

Financial Implications

Not applicable.

Strategic Plan

S4.2: Be well-governed, providing quality service and accountability to our community.

Social Implications

Not applicable.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Council adopt the Dispute Resolution Policy (Policy 2.8) with a copy to be made publicly available on Council's website.

DECISION:

Cr De La Torre moved, Cr Geard seconded that Council adopt the Dispute Resolution Policy (Policy 2.8) with a copy to be made publicly available on Council's website.

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

13.3 Council Policy Reviews

Author: Director, Governance & Regulatory Services (J Banks)

Background

A comprehensive review of all Council endorsed policies is in progress.

Below is a summary of the policies that are submitted to Council for either adoption or rescindment.

No:	Policy Name:	Comments:
2.1	Gifts & Donations	<ul style="list-style-type: none"> Policy reviewed. Included in attachment with tracked changes.
2.2	Councillor Expenses, Entitlements & Professional Development	<ul style="list-style-type: none"> Policy reviewed and name changed. Included in attachment with tracked changes.
2.5	Attendance at Conferences & Seminars	<ul style="list-style-type: none"> Rescind Policy. Consolidated into policy 2.2. Attached for reference.
3.2	Staff – Industrial Relations	<ul style="list-style-type: none"> Rescind Policy. Attached for reference.
4.3	Dogs – Kennel Licences	<ul style="list-style-type: none"> Policy reviewed. Included in attachment with tracked changes.
6.16	Tasmanian Municipal Standards	<ul style="list-style-type: none"> Rescind Policy. Attached for reference.
7.1	Donations & Community Support	<ul style="list-style-type: none"> Policy reviewed, name changed and included in attachment with tracked changes. Policy previously named ‘Education Bursary Jordan River Learning Federation’. Policy 7.1 now consolidates policy 7.1, 7.2 & 7.9.
7.2	Citizenship Prize – Local Schools	<ul style="list-style-type: none"> Rescind Policy. Consolidated into policy 7.1 Attached for reference.
7.7	Donation Brighton Agricultural Show Society	<ul style="list-style-type: none"> Rescind Policy.

No:	Policy Name:	Comments:
		<ul style="list-style-type: none"> • MoU in place. • Attached for reference.
7.9	Application for Sporting Achiever Grants	<ul style="list-style-type: none"> • Rescind Policy. • Consolidated into policy 7.1. • Attached for reference.
7.6	Welcome to Country & Acknowledgement of Country	<ul style="list-style-type: none"> • Policy reviewed. • Included in attachment with tracked changes.
7.8	Media Releases	<ul style="list-style-type: none"> • Policy reviewed. • Included in attachment with tracked changes.
7.10	Australian Citizenship Ceremony Dress Code	<ul style="list-style-type: none"> • Policy reviewed. • Included in attachment with tracked changes.
7.14	Financial Request from Council	<ul style="list-style-type: none"> • Rescind Policy. • Attached for reference.

Policies that have been recommended to be rescinded are either outdated and no longer relevant or have been incorporated into other policies.

There will also be a range of administrative measures taken in addition to the adoption of these policies including all policies being made publicly available on council’s website (or removed if a rescinded policy).

The remaining policy reviews will be submitted to the February Ordinary Council Meeting.

Consultation

SMT; Executive Officer, Governance

Risk Implications

Regular review and monitoring of council policies will be undertaken to ensure compliance with relevant legislation.

Financial Implications

Not applicable.

Strategic Plan

S4.2: Be well-governed, providing quality service and accountability to our community.

Social Implications

Not applicable.

Environmental or Climate Change Implications

Not applicable.

Economic Implications

Not applicable.

Options

1. As per the recommendation.
2. Other.

RECOMMENDATION:

That Council

1. **adopt** the following policies:
 - 2.1 Gifts & Donations Policy
 - 2.2 Councillor Expenses and Entitlements/Professional Development Policy
 - 4.3 Dogs – Kennel Licences Policy
 - 7.1 Donations & Community Support Policy
 - 7.6 Welcome to Country & Acknowledgement of Country
 - 7.8 Media Releases
 - 7.10 Australian Citizenship Ceremony Dress Code
2. **rescind** the following policies:
 - 2.5 Attendance at Conferences & Seminars
 - 3.2 Staff – Industrial Relations
 - 6.16 Tasmanian Municipal Standards
 - 7.2 Citizenship Prize – Local Schools
 - 7.7 Donation Brighton Agricultural Society
 - 7.9 Application for Sporting Achiever Grants
 - 7.14 Financial Requests from Council

DECISION:

Cr De La Torre moved, Cr Irons seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

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

14. Questions on Notice

There were no Questions on Notice for the January meeting.

Meeting closed: 6.16pm

Confirmed: _____
(Mayor)

Date: _____
18 February 2025