



# Draft Planning Scheme Amendment

## Land Use Planning and Approvals Act 1993

Notice is given pursuant to s40G of the *Land Use Planning and Approvals Act 1993* that the Brighton Planning Authority has certified draft Amendment RZ2024/04 to the Local Provisions Schedule.

A copy of the certified draft amendment and all other documents may be viewed on Council's website [www.brighton.tas.gov.au](http://www.brighton.tas.gov.au) and at the Council Offices, 1 Tivoli Road, Old Beach between 8.15am and 4.45pm Monday to Friday from **1<sup>st</sup> February 2025** until **3<sup>rd</sup> March 2025**.

### What land is affected by the amendment?

2 Strong Street, Bridgewater (CT 164049/1)

### What does the draft amendment seek to do?

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

### How can I be involved?

Any person may make representation about the draft amendment during the above period by letter addressed to the Chief Executive Officer, Brighton Council, 1 Tivoli Road, Old Beach 7017 or by email to [development@brighton.tas.gov.au](mailto:development@brighton.tas.gov.au).

Representations should include a daytime telephone number to allow council officers to discuss, if necessary, any matters raised.

**It is important, if you wish to make comment that you put your comments in writing to Council. This will allow you to be involved in future processes relating to the draft amendment.**

Further information regarding the draft amendment can be obtained from Development Services, ph: 03 62687041

**JAMES DRYBURGH**

**Chief Executive Officer**

**Brighton**  
going places

**Tasmanian Planning Scheme - Brighton  
Amendment RZ2024/04**

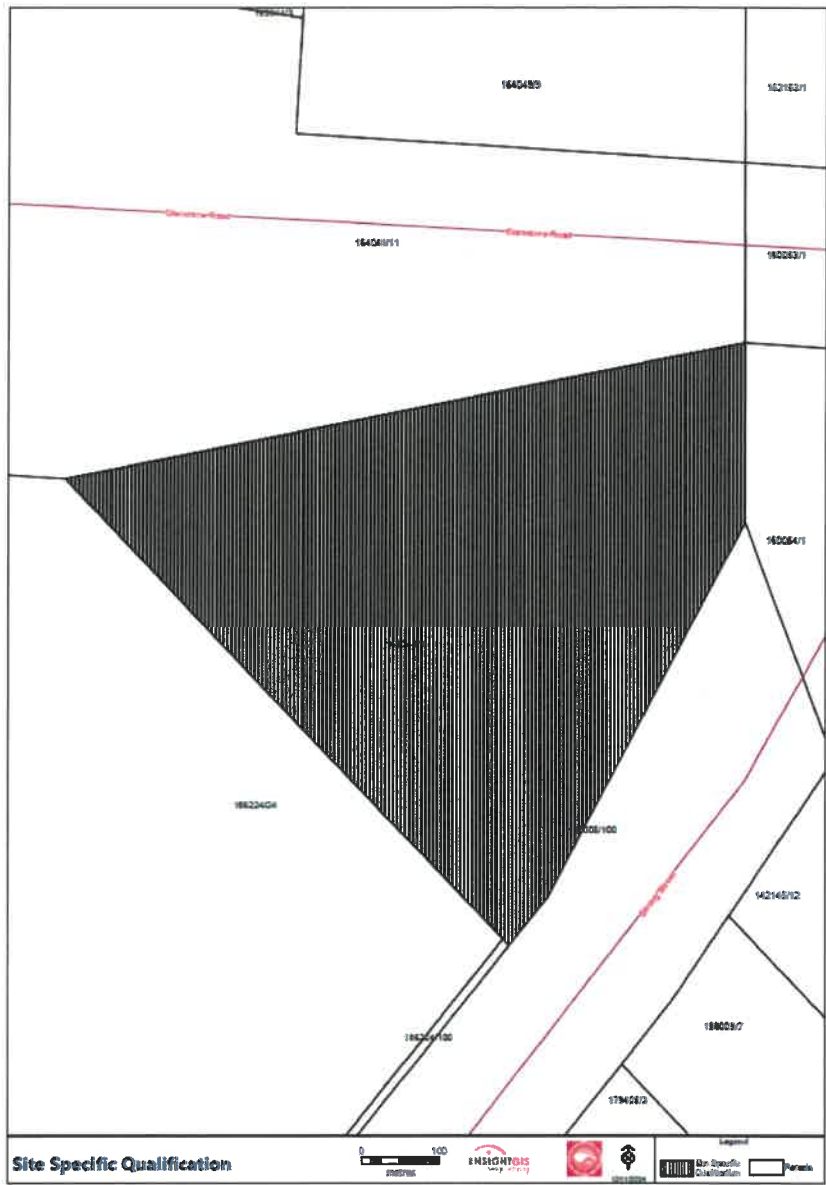
**Instrument of Certification**

- a) Amend the planning scheme ordinance to insert Site Specific Qualification BRI 21.3 as follows:

**BRI-Site-specific Qualifications**

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
BRI-19.1	1 Parkholme Drive, and 314 Midland Highway, Bridgewater	50853/1 156753/6 170481/1 170480/1	An additional Permitted Use Class for this site is: Extractive Industry	General Industrial Zone – clause 19.2 Use Table
BRI-20.1	29 Brighton Road, Brighton	63448/5	An additional qualification for the Discretionary Use class Storage for this site is:  "If self-storage."	Rural Zone – clause 20.2 Use Table
BRI-21.1	Midlands Highway, Bridgewater	Part of 156374/1	An additional Applicable Zone for one (1) Pole/Pylon Sign Type for this site – Utilities Zone.	Signs Code – clause C1.6 Sign Standards
BRI-21.2	Midlands Highway, Bridgewater	Part of 152012/1	An additional Applicable Zone for one (1) Pole/Pylon Sign Type for this site - Utilities Zone.	Signs Code – clause C1.6 Sign Standards
BRI- 21.3	1 Strong Street, Bridgewater	164049/1	An additional Permitted Use Class for this site is: Food Services (if for Mobile Food Vendor)	Utilities Zone – Clause 26.2 Use Table

- b) Amend the planning scheme maps to insert to insert a Site Specific Qualification overlay with annotation BRI-21.3 on Folio of Register CT 164049/1 as shown below:



**Instrument of Certification**

The Brighton Council Planning Authority resolved at its meeting held on 21<sup>st</sup> January 2025 that Amendment RZ2024/04 of the Tasmanian Planning Scheme – Brighton meets the requirements specified in Section 32 of the *Land Use Planning and Approvals Act 1993*.

The Common Seal of the Brighton Council is affixed, pursuant to the Council resolution of 16 May 2006 in the presence of:

Alex Woodward  
Director Development Services



# Form No. 1

## Owners' consent

Requests for amendments of a planning scheme or Local Provisions Schedule and applications for combined permits require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

### 1. Request made by:

Name(s):

Email address

Contact number:

### 2. Site address:

Address:

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

### 3. Consent of registered land owner(s):

**Every owner, joint or part owner** of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner :

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position  
(if applicable):

Signature:



**Delegate for the Minister administering  
the Roads and Jetties Act 1935**

Date:

20/12/2024

Registered owner  
(please print):

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position  
(if applicable):

Signature:

Date:

Registered owner  
(please print):

Property identifier (folio of the Register for all lots, PIDs, or affected lot numbers on a strata plan):

Position  
(if applicable):

Signature:

Date:

## NOTES:

### a. When is owners' consent required?

Owners' consent is required for:

- amendments to an interim planning scheme or to a Local Provisions Schedule<sup>1</sup>; or
- combined permits and amendments<sup>2</sup>.

Owners' consent must be provided before the planning authority determines to initiate, certify or prepare the amendment.

### b. Who can sign as owner?

Where an owner is a natural person they must generally sign the owner's consent form personally.

Where an owner is not a natural person then the signatory must be a person with legal authority to sign, for example company director or company secretary.

If the person is acting on behalf of the owner under a legal authority, then they must identify their position, for example trustee or under a power of attorney. Documentary evidence of that authority must also be given, such as a full copy of the relevant Trust Deed, Power of Attorney, Grant of Probate; Grant of Letters of Administration; Delegation etc.

Please attach additional pages or separate written authority as required.

### c. Strata title lots

Permission must be provided for any affected lot owner and for common property for land under a strata title under the *Strata Titles Act 1998*. For common property, permission can be provided in one of the following ways:

- i. a letter affixed with the body corporate's common seal, witnessed by at least two members of the body corporate (unless there is only one member, in which case the seal must be witnessed by that member) and which cites the date on which the body corporate or its committee of management met and resolved to give its consent to the application; or,
- ii. the consent of each owner of each lot on the strata plan.

### d. Companies

If the land is owned by a company the form is to be signed by a person with authority in accordance with the *Corporations Act 2001 (Cwth)*.

### e. Associations

If the land is owned by an incorporated association the form is to be signed by a person with authority in accordance with the rules of the association.

### f. Council or the Crown

If the land is owned by a council or the Crown then form is to be signed by a person authorised by the relevant council or, for Crown land, by the Minister responsible for the Crown land, or a duly authorised delegate.

The name and positions of those signing must be provided.

Effective Date: September 2021

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<sup>1</sup> under section 33(1) of the former provisions of the *Land Use Planning and Approvals Act 1993* or section 37 of the current provisions.

<sup>2</sup> under section 43A of the former provisions or section 40T of the current provisions of the Act

# Department of State Growth

Salamanca Building Parliament Square  
4 Salamanca Place, Hobart TAS  
GPO Box 536, Hobart TAS 7001 Australia  
Email [permits@stategrowth.tas.gov.au](mailto:permits@stategrowth.tas.gov.au) Web [www.stategrowth.tas.gov.au](http://www.stategrowth.tas.gov.au)  
Ref: SRA-24-849



Brian White  
Brighton Council  
By email: [brian.white@brighton.tas.gov.au](mailto:brian.white@brighton.tas.gov.au)

Dear Brian

## **Crown Landowner Consent Granted - Lot 1 Strong Street Bridgewater**

I refer to your recent request for Crown landowner consent relating to the application for a planning scheme amendment at Lot 1 STRONG ST BRIDGEWATER TAS 7030 for Amendment to Local Provision Schedule to allow food services to operate.

I, Fiona McLeod, Director Asset Management, the Department of State Growth, having been duly authorised by the Minister under section 37 (3) of the *Land Use Planning and Approvals Act 1993* (the Act), hereby give my consent to the making of the application, insofar as it affects the State road network and any Crown land under the jurisdiction of this Department.

The consent given by this letter is for the making of the application only insofar as that it impacts Department of State Growth administered Crown land and is with reference to your application dated 28 November 2024, and the approved documents, as accessible via the link below:

<https://files.stategrowth.tas.gov.au/index.php/s/ESYc30zIKRT0Dfj>

A copy of the Instrument of Authorisation from the Minister authorising me to sign under section 37 of the Act can also be accessed via the above link.

Please access and download these documents for your records as soon as possible as this link will expire six months from the date of this letter.

In giving consent to lodge the subject development application, the Department notes the following applicable advice:

### **Access – construction or alteration (Access works permit required)**

In giving consent to lodge the subject development application, the Department notes that the proposed access to the State road network will require the following additional consent:

The consent of the Minister under Section 16 of the *Roads and Jetties Act 1935* to undertake works within the State road reservation.

For further information please visit

[https://www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings/new\\_or\\_altered\\_access\\_onto\\_a\\_road\\_driveways](https://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings/new_or_altered_access_onto_a_road_driveways) or contact [permits@stategrowth.tas.gov.au](mailto:permits@stategrowth.tas.gov.au).

On sealed State roads all new accesses must be sealed from the road to the property boundary as a minimum.

Pursuant to Section 16 of the *Roads and Jetties Act 1935*, where a vehicle access has been constructed from land to a State highway or subsidiary road, the owner of that land is responsible for the maintenance and repair of the whole of the vehicular access.

**Other types of works (pipeline, etc.) OR Construction of infrastructure in the road reserve/on Crown land (Works permit required)**

In giving consent to lodge the subject development application, the Department notes that the works in the State road network will require the following additional consent:

The consent of the Minister under Section 16 of the *Roads and Jetties Act 1935* to undertake works within the State road reservation.

For further information please visit

[https://www.transport.tas.gov.au/roads\\_and\\_traffic\\_management/permits\\_and\\_bookings](https://www.transport.tas.gov.au/roads_and_traffic_management/permits_and_bookings) or contact [permits@stategrowth.tas.gov.au](mailto:permits@stategrowth.tas.gov.au).

**Requires Crown Land lease/licence**

Prior to undertaking works, a Crown land lease/licence will be required to formalise the on-going use/occupation of the Crown land. Lease/licence establishment costs including the Crown's legal and valuation cost as well as an annual rental amount will be required to be covered by the Lessee/Licensee.

If your application includes works in the State road reserve, consent of the Minister under Section 16 of the *Roads and Jetties Act 1935* will also be required. For further information please visit [https://www.transport.tas.gov.au/road\\_permits/property\\_services/crown\\_land\\_leases\\_and\\_licences](https://www.transport.tas.gov.au/road_permits/property_services/crown_land_leases_and_licences) email [Property.Assets@stategrowth.tas.gov.au](mailto:Property.Assets@stategrowth.tas.gov.au)

**Other:**

The area shown as 'future road reserve' on the Play Street Concept Plan dated 10/10/2023 is not to be used for food van parking.

The Department reserves the right to make a representation to the relevant Council in relation to any aspect of the proposed development relating to its road network and/or property.

Yours sincerely



Fiona McLeod  
**DIRECTOR ASSET MANAGEMENT**

**Delegate for the Minister administering the *Roads and Jetties Act 1935***

20 December 2024

cc: General Manager, Brighton Council





# Brighton Council

**(EXTRACT OF) 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 17<sup>th</sup> December 2024 are submitted for confirmation.

### **RECOMMENDATION:**

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

**DECISION:**

*Cr Owen moved, Cr McMaster seconded that the Minutes of the previous Ordinary Council Meeting held on 17<sup>TH</sup> December 2024, be confirmed.*

**CARRIED**

**VOTING RECORD**

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

**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.*

## 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)

<b>Type of Report</b>	Section 40D
<b>Applicant:</b>	Brighton Council Officers
<b>Subject Site:</b>	1 Strong Street, Bridgewater
<b>Title:</b>	CT 164049/1
<b>Proposal:</b>	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).
<b>Planning Scheme:</b>	Tasmanian Planning Scheme - Brighton
<b>Zoning:</b>	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 Strategy<sup>1</sup>, 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.

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<sup>1</sup> [https://www.transport.tas.gov.au/\\_data/assets/pdf\\_file/0005/271931/Tasmanian\\_Heavy\\_Vehicle\\_Driver\\_Rest\\_Area\\_Strategy.pdf](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 2645m<sup>2</sup>, 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.

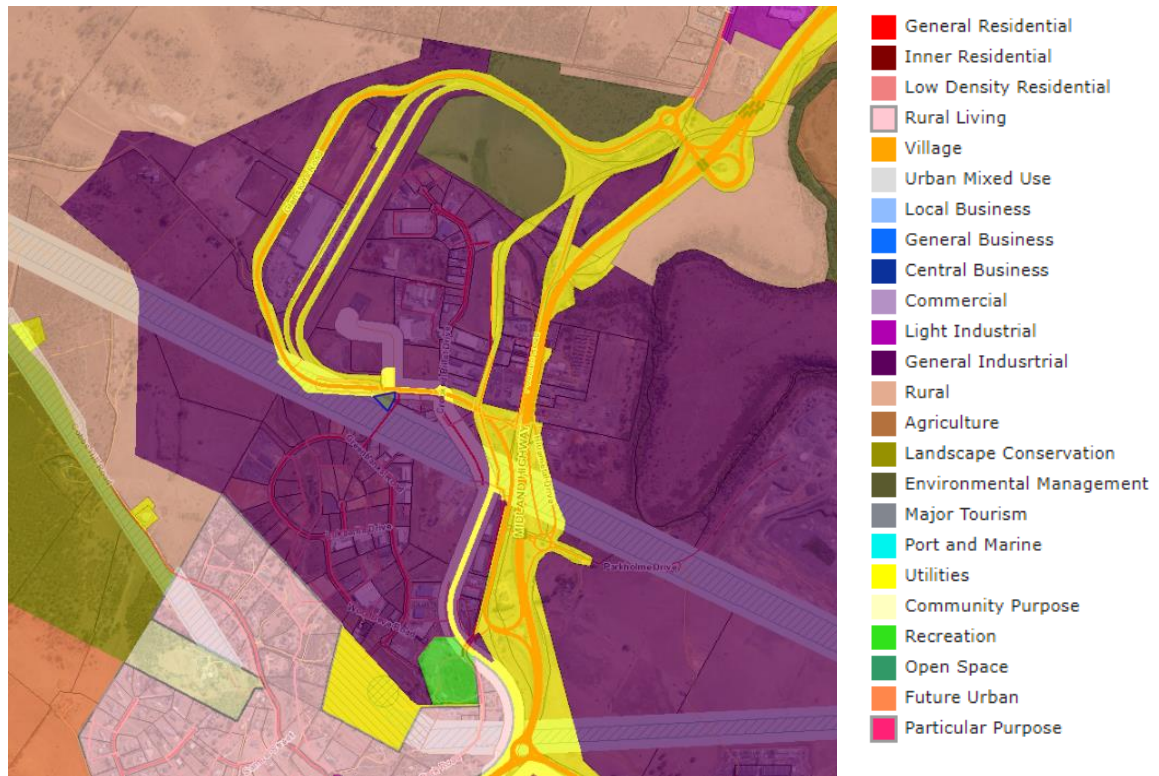


Figure 4 Zoning of the Estate and Surrounding Area

## 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
<b>Part 1</b>	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	The proposed amendment relates to a site with no known natural values.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water	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.
(c) to encourage public involvement in resource management and planning	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.
(d) to facilitate economic development in accordance with the objectives set out in	The proposed amendment will improve the appearance of the Estate and the facilities for truck drivers and

<p>paragraphs (a), (b) and (c); and</p>	<p>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><b>Part 2</b></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>

(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.	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.
(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	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.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	The proposal will allow for a future permit application to be made to establish a food services use on the site.
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	The proposal is to implement findings of the Placemaking Strategy which are to improve the amenity and placemaking of the Estate for workers and visitors.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	The site is not known to contain any heritage significance.
(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	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.
(i) to provide a planning framework which fully considers land capability.	The proposed sites are zoned utilities under the LPS so are not intended to be used for agriculture.

(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</p>

	<p>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>
<p><b><u>Consistent</u></b></p> <p>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>	
<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>
<p><b><u>Consistent</u></b></p> <p>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>	

<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><b><u>Consistent</u></b></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.*

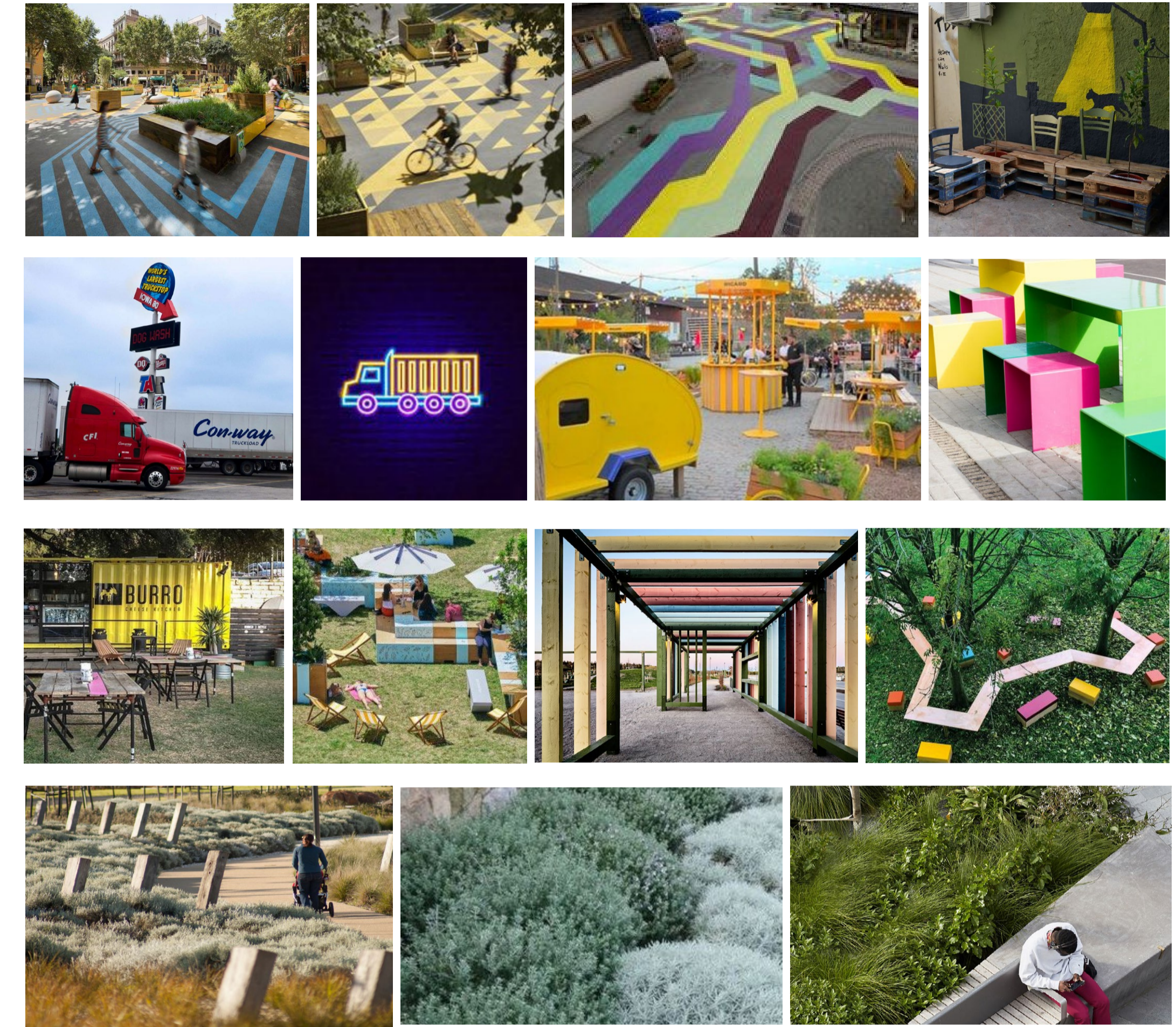
**CARRIED**

**VOTING RECORD**

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

**Design Intent & Precedent Images**

1. Colourful & playful design elements to form site identity, to include shelter from prevailing winds.
2. Utilise ground & vertical surfaces for art
3. Feature signage throughout, including key entry sign



**Planting Strategy & Indicative Images**

1. Native planting to enhance site character
2. Use mounding/landforming to create sheltered environment to protect against prevailing westerly winds
3. Under prune trees to maintain site lines



*Eucalyptus pauciflora*   *Hymenosporum flavum*   *Correa alba*   *Austrosilpa stipoides*   *Poa poliformis*  
*Westringia fruticosa*   *Cassinia aculeata*   *Correa alba 'Silver Star'*   *Casuarina glauca 'Cousin It'*   *Craspedia glauca*  
*Dichelachne crinita*   *Deschampsia cespitosa*   *Anigazanthos flavidus*   *Lasiopetalum macrophyllum*   *Disphyma crassifolium*



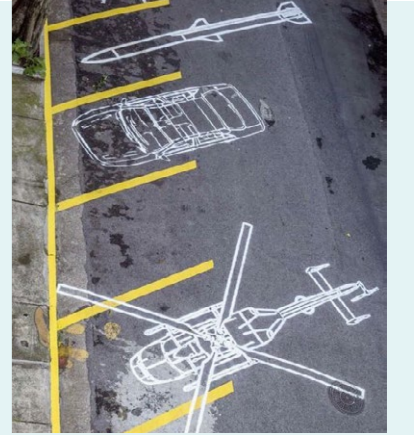
**Legend**

- |                                              |                                |                                                                                                                                                        |
|----------------------------------------------|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Existing:</b>                             | <b>Proposed:</b>               |                                                                                                                                                        |
| — Overhead Power Lines                       | ① Heavy vehicle parking        | ⑥ Platform seating node<br>With wind rated umbrellas                                                                                                   |
| — Sewer Main                                 | ② Light vehicle parking        | ⑦ Toilet block<br>2 x DDA toilets M   F                                                                                                                |
| — Gas Main                                   | ③ Food truck parking           | ⑧ Shelter with seating & bins<br>Designed to provide shelter from westerly winds while framing views to Mt Dromedary                                   |
| * Post & Lock Box - Gas<br>(To be relocated) | ④ Concrete footpath, 1.2m wide | ⑨ Art 01 - Ground surface mural                                                                                                                        |
| — Underground Power Lines                    | ⑤ Large Lawn                   | ⑩ Art 02 - Wall mural                                                                                                                                  |
| — Water Main                                 |                                | ⑪ Buffer planting<br>Native planting to boundary to enhance character & create sheltered environment. CPTED principles applied to maintain view lines  |
| — Underground TasNetworks Fibre Optics       |                                | ⑫ Entry Sign                                                                                                                                           |
| * I/O Gas<br>(To be relocated)               |                                | <b>NOTE:</b><br>Construction methodology/details for any structures or vegetation located within an easement to be coordinated with relevant authority |

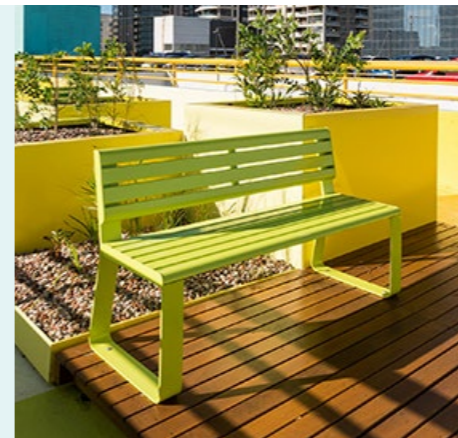
FEATURE SIGNAGE



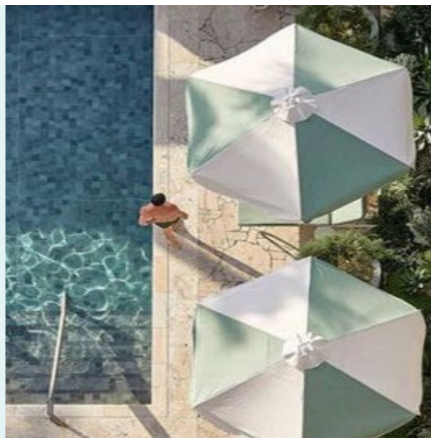
UTILISE GROUND PLANE + WALLS FOR ART



COLOURFUL + PLAYFUL DESIGN ELEMENTS



FURNITURE & STRUCTURES CONFIGURED TO CREATE HUMAN SCALE SPACE



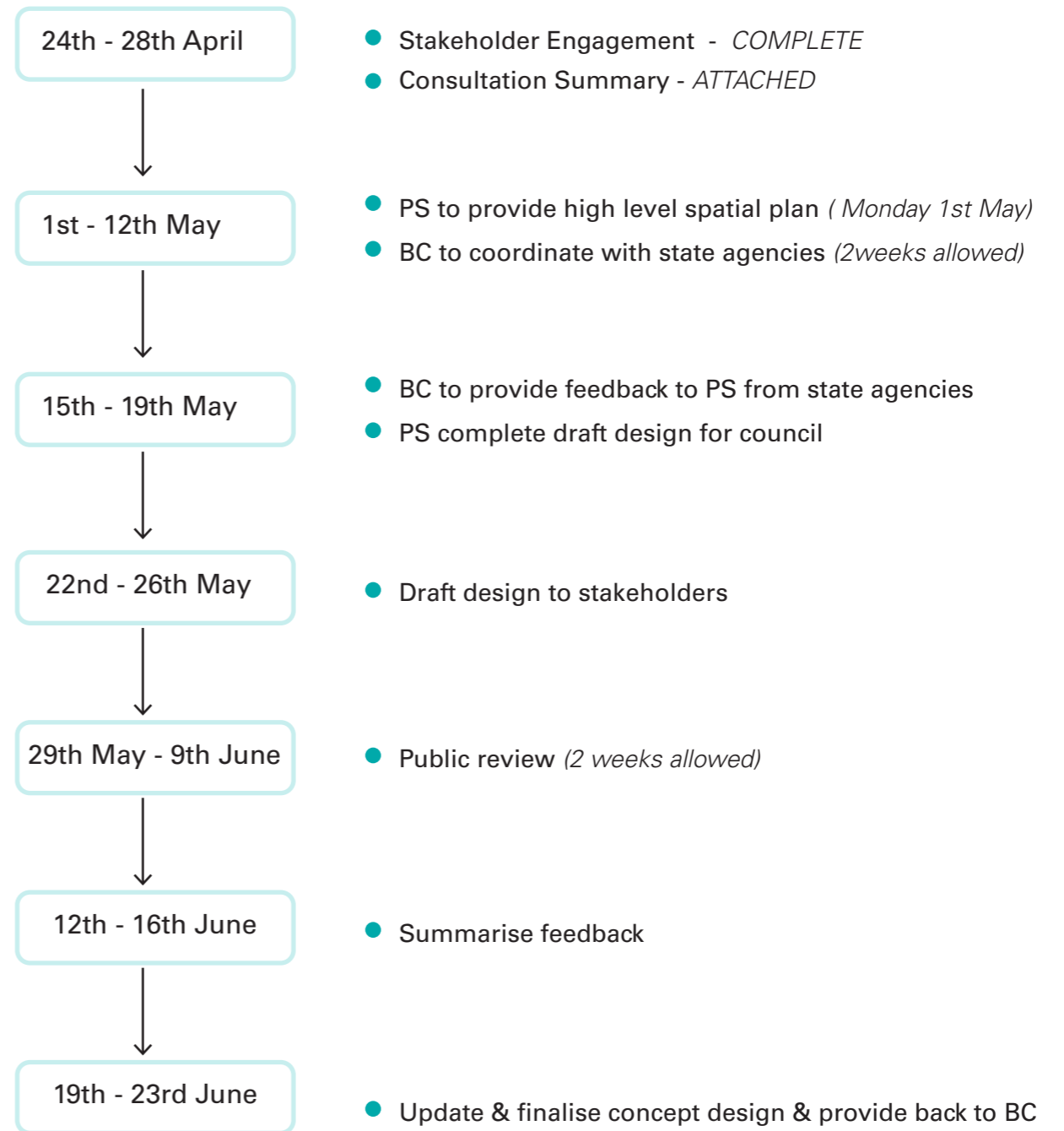
## Key Dates

**Brighton Transport Hub -  
Truckstop Upgrades**

**Preliminary consultation & spatial plan**

27 April 2023

**PLAY**  
**/ST.**



# Stakeholder Feedback

Site priorities based on feedback:

POSSIBLE FACILITIES & AMENITIES		COMMENTS
Toilets	●●●●●●●●●●	Almost the first thing mentioned by all stakeholders. Adjacent business frustrated by how often they are asked if their facilities can be used. One business has put up signs to indicate that they do not have public bathrooms. Several stakeholders commented that it is essential to locate toilets next to truck parking due to the difficulty of parking large trucks in popular public areas. Comments that better facilities encourage women into the industry.
Shelter	●●●●●●●●●●	Westerly winds major issue on site, 'It warm some of the year and cold for some but it's always windy!' Also comments about the fog in winter. Solar charging points suggested.
Rubbish bins	●●●●●●●●	Several people commented that there weren't any bins on site currently, though it was noted that there had been a brief period where bins appeared for about two weeks before being removed.
Bbq	●●●●●●●●	Mixed feedback. Some commented this would be excellent for team social activities and others said they have bbq at their own locations.
Seating & Furniture	●●●●●●●●	Essential. Seating needs to be properly protected from the elements. Current bench seat/shade not adequate. Ability to sit communally desired.
Exercise equipment	●	Very little support for this.
Soft Landscaping	●●●●●●●●●●	Make more attractive' & 'low maintenance so it's easily cared for' was the general comment. Some suggestion that plants may be stolen. Maintain site lines within any tree planting so as to create a security issue at night. Some frustration at the vegetation removed as part of the new development on Greenbanks Rd.
Would you visit the site to purchase food & drink?	●●●●●●●●●●	General frustration at the lack of food & coffee options. The shop on Crooked Bilet drive is only local vendor. Several commented they drive into Brighton town centre daily for coffe and said a coffee van would do very well. A food truck initiative would be welcomed but people would like to know that its regularly occurring ,e.g. every Friday. One stakeholder responded that they wouldn't want the corner stop to lose business to food vans.
Once revitalised would you/staff visit the site with some regularity?	●●●●●●●●	The response on this was mixed, some saw it as place to hold meetings and team activities but others see it purely as spot for truckies and think they have all the amenities they need on their own premises.
OTHER CONSIDERATIONS & SUGGESTIONS		COMMENTS
Security	●●●	Comment from one stakeholder that the area is a 'ghostown' in terms of people after 6pm, however lots of traffic in terms of heavy vehicle refuelling. These business have large flood lights and many feel that facilities should be well lit if open at night.
First aid & Prayer room	●	SRT Logistics commented they provide a first aid room that doubles as a prayer room at the request of staff and it has been used heavily since introduced.
Parking	●●	Comments that if food vans got really popular could parking may fill up quickly due to size of trucks that park there. Others disagreed.

Note:  
Above table based on 10 responders consulted at their premises on 24.04.24

**1.**  
**PROVIDE PUBLIC TOILETS & RUBBISH BINS**

- Make provision for the delivery of accessible toilet facilities as part of the site master planning process
- Provide adequate rubbish collection

**2.**  
**ESTABLISH SHELTER ON SITE**

- Locate shelter to protect from prevailing westerly winds & sun
- Adequate size for picnic style seating within
- Opportunity to frame views to Mt Dromedary
- Consider incorporating lighting & solar charging

**3.**  
**IMPROVE SITE LANDSCAPING**

- Site barren apart from grass
- Enhance site character through a diverse native planting palette
- Species to be robust & low maintenance
- Frame views away from overhead power lines with strategic planting design

**4.**  
**ENCOURAGE FOOD & BEVERAGE VENDORS**

- Create clear parking zones for food vendors
- Ensure adequate shelter, seating, rubbish bins to aid the success of this initiative

**5.**  
**PROVIDE RANGE OF FURNITURE CONFIGURATIONS**

- Furniture to provide for a range of seating & dining configurations,
- Communal dining for group events, food truck days etc.
- Private seating nooks for truck drivers in need of respite.





# Brighton Council

**POLICY NAME:** Mobile Food Vendor

**POLICY No:** 4.1

## **PURPOSE:**

The purpose of this policy is to provide a framework under which Council will grant and issue permits for Food Trucks within a road maintained or owned by Council or on Council land.

## **SCOPE:**

Mobile Food Vendors operating on Council roads within the Brighton Municipality.

## **DEFINITIONS:**

In this policy:

“*Council*” means the Brighton Council.

“*Mobile Food Vendor*” means a person or persons trading from a mobile structure equipped to a specified standard as a moveable kitchen from which to commercially cook and sell food in a variety of locations. This includes both registered vehicles such as vans, caravans, and trailers, and non-registered vehicles such as coffee carts or hotdog carts. Food is served directly from the mobile food premises, typically in disposable containers (preferably bio-degradable), to customers for immediate consumption either in the vicinity or as take-away.

“*Mobile Food Premises*” is a Mobile Food Vendor registered as a mobile food premises within Tasmania under the Food Act 2003 that seeks to trade within public and Council owned spaces.

“*Road*” includes part of a road, road reservation, footpath, or walkway or nature strip which are wholly or partly maintained by Council or under the control of Council.

“*Mobile Food Vendor permit*” means a permit issued in accordance with this policy.

“*Council land*” means any land owned, or managed by, or under the control of the Council and includes part of that land and a natural area and a park, but does not include a road or local highway under the control and management of the Council.

“*Motor vehicle*” has the same meaning as defined in the Vehicle and Traffic Act 1999.

## **POLICY**

### **1. PERMITS**

1.1 Council will apply for, and hold, a permit under the *Land Use Planning and Approvals Act 1993* for each of the approved Trading Locations (identified below).

1.2 Permits are:

- a) only applicable to the locations identified in clause 4.1 of this Policy
- b) payable on application.
- c) not automatically renewed.
- d) issued to one vehicle only and are not transferrable.
- e) valid for either:

- a single occasion, to a maximum of three (3) single occurrence permits;
- a period of three (3) months; or
- a period of Twelve (12) months

from the date of issue respectively or until such time as the vendor ceases to trade.

- f) there is no partial refund of permit fees if the vendor wishes to cease trading.
- g) may be revoked by Council at any time due to non-compliance with any of the permit conditions.

### 1.3 A Mobile Food Vendor:

- a) must not operate on Council land without a valid permit.
- b) must display the permit within the Mobile Food Premises at all times.
- c) must comply with all conditions of the permit at all times of operation.
- d) does not require a permit if the vendor is nominated to trade as an integral part of an organised community or special event on Council land for which the Council has granted a separate permit.

## 2. ENVIRONMENTAL HEALTH

- 2.1 Any individual/business applying for a Mobile Food Vendor Permit must be licensed under the *Food Act 2003* and operate as per the conditions of this license and to the satisfaction of Council's Senior Environmental Health Officer.

## 3. APPLICATION FORM AND FEE

- 3.1 All Mobile Food Vendors intending to operate within the Brighton municipality must complete an Application for Permit and pay the required fee, as set per Council's fee schedule.
- 3.2 Copies of the following documents must be completed and submitted with the application of the permit:
  - a) Current certificate of registration of a Statewide Mobile Food Business.
  - b) Current Public Liability and Product Liability Insurance Certification (minimum \$20 million cover).
  - c) Current ABN/ACN details.
  - d) Current road vehicle registration.

## 4. TRADING LOCATIONS AND TIMES

- 4.1 Council has identified the following Mobile Food Vendor locations as preferred sites from which to operate within the Brighton municipality, or as otherwise agreed in writing by Brighton Council (refer to Appendix 1 for map):

Location	Permissible Operating Hours
Cris Fitzpatrick Park, Gagebrook	7am – 9pm
Lennox Park, Old Beach	7am – 9pm
Seymour Street Car Park, Brighton	7am – 9pm
2A Eddington Street, Bridgewater	7am – 9pm

241 Brighton Road, Brighton/Army Camp (Menin Drive frontage)	7am – 9pm
Brighton Council Car Park – Old Beach	7am – 9pm
Bridgewater Civic Centre Car Park, Bridgewater	5.30pm – 9pm unless otherwise agreed in writing by Council

- 4.2 Council may consider adding additional locations if suitable sites are identified by Applicant or the public.
- 4.3 No more than three (3) Mobile Food Vendors may operate from any one site at the same time, unless otherwise exempt from this policy pursuant to clause 1.3 above.
- 4.4 Mobile Food Vendors must only trade within any one approved trading location on not more than three days in any one calendar week and for not more than four (4) hours at a single location on any day.
- 4.5 Mobile Food Vendors are prohibited from trading from any road area under the management of Council, unless specifically approved in the approved trading locations.
- 4.6 Mobile Food Vendors are required to move on from a trading spot within one (1) hour of ceasing trading in any one location and are not allowed to remain parked in the same position for trade or otherwise for more than six hours.
- 4.7 Mobile Food Vendors are not permitted to operate:
- a) within 100 metres from an existing food and beverage business during normal trading times, unless the written permission of the business owner has been provided.
  - b) within 100 metres of the boundary of a market, festival, fair or similar special event that includes food and beverage traders within the event footprint.
- 4.8 Mobile Food Vendors wishing to trade on private land within the *Brighton Interim Planning Scheme 2015* should contact Council staff for information on application processes.

## 5. ROLES AND RESPONSIBILITIES OF THE MOBILE FOOD VENDOR

- 5.1 Mobile Food Vendors must:
- 5.1.1 **Community**
- a) Maintain access to parking, taxi loading and bus zones, as well as footpaths, roads, driveways and wheelchair access ramps at all times
  - b) Ensure that all trade is wholly from within the Mobile Food Premises and that food or beverage preparation, booking and serving equipment are not installed or erected outside the Mobile Food Premises to display, prepare or serve food.
  - c) Not provide tables, trestles, marquees, tents, chairs, boxes, crates or similar items for patrons to use as tables, or seats if the Mobile Food Premises is trading directly on or onto a paved footpath or other pedestrian thoroughfare.
  - d) Ensure access to all street furniture, such as public seats, bicycle parking, drinking fountains and rubbish bins is not compromised as a result of permitted trade.

- e) Ensure that all advertising or signage is fixed securely to the Mobile Food Premises and does not protrude onto roads or footpaths.
- f) Ensure that customers do not queue across footpaths, onto roadways, driveways or other pedestrian or trafficked accesses.
- g) Acknowledge that the Council reserves the right to change or limit the time, duration, frequency and location that Mobile Food Vendor trading may take place, taking into account weather conditions, conditions of roads, footpaths, public reserves and parks, and any repairs and maintenance as may be required.
- h) Acknowledge that the Council reserves the right to limit the number of vendors trading in or to stop trade in any location at any one time if health and safety, vehicular or community access or environmental obligations require this.

#### 5.1.2 Waste

- (a) Be responsible for providing rubbish collection receptacles at the site and ensure all rubbish generated from their use at the site is removed and disposed of responsibly.
- (b) Ensure all liquid waste including but not limited to wastewater, oil etc must be contained/stored by the operator and not discharged on site.
- (c) Ensure that no wastewater, oil or other liquid is deposited into the stormwater system.
- (d) Ensure that no hosing down of the mobile food vehicle or trading site takes place.
- (e) Where the Council has to undertake extra cleaning and/or removal of litter as a direct result of a Brighton Food Truck permit holders trade, the responsible permit holder will reimburse Council for all costs incurred for the cleaning and/or tidying of the area.

#### 5.1.3 Noise

- a) Where possible, use power sources that generate low or no noise and/or air pollution.
- b) Ensure that all noise associated with trade, including customer activity, is kept to a minimum
- c) Ensure that amplified music or public address system are not used.

#### 5.1.4 Electricity

- a) Are responsible for providing their own energy source at all Mobile Vendor Locations.

#### 5.1.5 General

- a) Pay all permit fees as required by the due date.
- b) Not transfer the permit to another person or business unless the business and/or mobile food vehicle have/has been sold.
- c) Inform Council of intention to cease trading within four (4) weeks prior to the last day of trade.
- d) Follow all instructions issued by duly authorised officers of Brighton Council.

- e) Assume responsibility for any and all liabilities that arise as a direct result of Mobile Food Vendor trading within the Council municipal area.
- f) Cover the cost of any damage caused to trees and/or public infrastructure, such as public seats, bicycle parking, drinking fountains and rubbish bins that is a direct result of trading as a Mobile Food Vendor within the Council municipal area.
- g) Acknowledge that Council reserves the right to alter, add, or remove any of the conditions within this permit at any time with the understanding that as much notice as possible of such change will be given to permit holders.
- h) Mobile food premises that are not contained within a fixed mobile structure must provide floor coverage when operating on unsealed areas to the satisfaction of Council's Senior Environmental Health Officer to reduce cross contamination risks.

## 6. EXCLUSIVE USE NOT GUARANTEED

- 6.1 A permit issued by Council does not guarantee availability or exclusive use of the site.

## 7. LEGISLATION

- 7.1 The relevant legislation is:

- *Food Act 2003* in relation to arrangements for the safe handling and sale of food.
- *Land Use Planning and Approvals Act 1993* in relation to the use and development of land for mobile food vending.
- *Local Government Act 1993* in relation to the management of Council land and the setting of fees for a Mobile Food Vendors permit.

### ADMINISTRATIVE DETAILS:

- Policy compiled: August 2020  
Policy Adopted: OCM 18/8/2020; OCM 21/12/2021  
Review date: October 2021  
To be Reviewed: December 2023  
Responsibility: Manager Development Services



GENERAL MANAGER

APPENDIX 1  
APPROVED SITES (Clause 4.1)

Bridgewater Sites

*South-western Corner, Civic Centre Car Park, Green Point Road, Bridgewater*



*2A Eddington Street, Bridgewater*



Gagebrook/Old Beach Approved Sites

*Cris Fitzpatrick Park Car Park*



*Brighton Council Offices, Carpark or Lawn, Old Beach*



Old Beach Sites:

*Lennox Park Car Park*



Brighton Sites:

*Seymour Street Car Park*





Remembrance Park, 241 Brighton Road, Brighton.

