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**From:** Brian White <brian.white@brighton.tas.gov.au>  
**Sent:** Monday, 20 June 2022 9:16 AM  
**To:** TPC Enquiry  
**Subject:** Section 40K Report - Brighton Council - RZ 2022-01 & DA 2022/32  
**Attachments:** Attachment A - Representation .pdf; Report .docx; Attachment B - Amended Site Specific Qualification Ordinance and Mapping\_.pdf; Planning Minutes 14-06-22.pdf; TWDA 2022-00598-BTN.pdf

**Categories:** Tami

Good Afternoon,

In accordance with Section 40K of the Land Use Planning and Approvals Act 1993 and Practice Note 13 prepared by the TPC, with the please find attached:

- Planner's section 40K report;
- One (1) unredacted representation received by the Department of State Growth;
- A copy of the response to the referral to Taswater under section 56S of the *Water and Sewerage Industry Act 2008*;
- Minutes from the Brighton Council's Planning Authority meeting of the 14<sup>th</sup> June, 2022.

Could the TPC please send an invoice for the applicable fees?

Kind Regards,

**BRIAN WHITE**  
**PLANNING OFFICER**



**Brighton**  
going places



Click here to view the  
**2050**  
VISION

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*We acknowledge the traditional owners who once walked this country, the Mumirimina people, the original custodians of the skies, land and water of kotalayna (Jordan River). We forward our respect to the palawa/pakana (Tasmanian Aboriginal) community as the traditional and original owners of lutruwita (Tasmania).*

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## 5.2 COMBINED PERMIT AND AMENDMENT APPLICATION:

INSERT TWO SITE-SPECIFIC QUALIFICATIONS INTO THE BRIGHTON LOCAL PROVISION SCHEDULES TO ALLOW POLE/PYLON SIGNS IN THE UTILITIES ZONE AND PERMIT APPLICATION FOR TWO (2) POLE/PYLON SIGNS

### SECTION 40K & 42 REPORT

Author: Brian White (Planning Officer)

File Reference:	RZ 2022-01 & DA 2022/32
Author:	Brian White
Applicant:	Brighton Council
Owner:	The Crown
Location:	Midlands Highway
Zoning:	Utilities
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Date Received:	29 March 2022
Date Advertised:	30 <sup>th</sup> April 2021 to 30 May 2021
Attachments	A. Representation B. Amended Site Specific Qualification Ordinance and Map
Representations:	One (1)

### 1. Executive Summary

The report considers the exhibition period regarding a combined permit and amendment application to insert two (2) site-specific qualifications ('SSQ') into the Brighton Local Provision Schedules (LPS) to allow pole/pylon signs in the utilities zone and a permit application for two (2) pole/pylon signs on the following two properties within the Midland Highway road reserve: CT 52012/1 & CT 156374/1. The application was made by Council pursuant to Section 40T of the *Land Use Planning and Approvals Act 1993* ('the Act').

Council's Planning Authority, at its meeting of the 20<sup>th</sup> of April, 2022 agreed to the proposed planning scheme amendment made by Brighton Council (s.38 (2)) and therefore prepared and certified the draft amendment to the LPS (s. 40F) as meeting the LPS criteria (s. 34) under the Act. The application was accompanied by a permit application which was considered concurrently to the draft amendment and was approved subject to conditions (s. 40Y).

The combined permit and amendment application was then exhibited for a period of twenty-eight (28) days (s. 40H). One (1) representation was received from the Department of State Growth (DSG) regarding the draft amendment (s. 40J). The representation did not relate to matters regarding the permit application.

This is a report required by section 40K and 42(a) of the Act to be submitted to the Commission in relation to the representation received during advertising.

It is considered that the representation contains merit and that the draft amendment ought to be

modified to consider the representation (s. 40K (c)(i)).

A modified SSQ ordinance and mapping has been produced which is considered sufficient to respond to the DSG's concerns whilst still meeting the LPS criteria under the Act.

## 2. The Representation and Response

Issue
<p>The Department of State Growth (DSG) have concerns that the SSQ ordinance and map contains too much ambiguity and could allow for the placement of one (1) pole/poly sign type at any location on each lot (CT156374/1, CT152012/1).</p> <p>DSG requested GIS coordinates be added to the SSQ ordinance. The representation is provided as attachment A to this report.</p>
Section 40K (2)(c)(i) Response – Amendment to SSQ
<p>It was considered that the representation contains merit and has therefore prepared an amended SSQ ordinance and mapping which contains a 10m x 10m 'building envelope' on each of the titles which further narrows the future location of the signage on the lots.</p> <p>The 10m x 10m was chosen rather than an exact GPS location 'point' to allow some flexibility on ground for the future construction of the sign noting that the approved permit application contains a site plan which requires the signs to be developed in specific locations on the lots.</p> <p>For the sake of clarity due adding GPS coordinates into the ordinance, the SSQ is also amended to split the two sites into a separate SSQ reference numbers rather than them both being under BRI- 21.1.</p> <p>The amended ordinance and mapping are provided as attachment B to this report.</p>
Section 40K (2)(c)(ii), (d) Response
<p>The proposed modification to the draft amendment is simply to further clarify the location of the signage on the lots should the current planning permit not be acted upon or modified in the future. The modification has a negligible overall impact on the draft amendment and so remains consistent with the LPS criteria.</p>

## 3. Conclusion

The representation by DSG raised a relevant matter in terms of the drafting of the SSQ. It is considered that the amended SSQ ordinance and mapping attached to this report adequately addresses the representation.

## 4. Options:

- a) To adopt the recommendation; or
- b) To adopt an alternative recommendation satisfying the provisions of section 40K of the Act, with a full statement of reasons as determined by Council.

## 4. Recommendation

It is recommended that Council resolves that:

- a) Pursuant to section 40K(1) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmania Planning Commission that one (1) representation was received during the

- exhibition of draft amendment RZ 2022-01 that related to the draft amendment.
- b) Pursuant to section 42(a) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmania Planning Commission that one representations were received during the exhibition of the draft amendment RZ 2022-01 and permit application DA 2022/32 that related to the permit application.
  - c) Pursuant to section 40K (2)(a) of the *Land Use Planning and Approvals Act 1993*, provides to the Tasmanian Planning Commission a copy of the representation that was received during the advertising of draft amendment RZ 2022-01.
  - d) Pursuant to section 40K (2)(c) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the representation received during advertising warrants modifications to the draft amendment by:
    - i. Amending the draft amendment mapping by inserting 10m x 10m building envelopes and GIS coordinates on each of the subject titles; and
    - ii. Including the GIS coordinates in an amended ordinance.
    - iii. Insert a new BRI reference 'BRI -21.2' into the SSQ Table.as provided in Attachment B to, and as explained in, this report.
  - e) Pursuant to section 40K (2)(d) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the modified draft amendment continues to meet the LPS criteria.
  - f) Pursuant to Section 40K and Section 42 of the *Land Use Planning and Approvals Act 1993* that this report and the attachments regarding draft amendment RZ 2022-01 be provided to the Tasmanian Planning Commission.

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# Brighton Council

**MINUTES OF THE PLANNING AUTHORITY MEETING  
OF THE BRIGHTON COUNCIL HELD  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES  
OLD BEACH AT 5.30 P.M. ON TUESDAY,  
14 JUNE 2022**

PRESENT: Cr Gray (Chairperson); Cr Curran (Deputy Mayor); Cr Geard; Cr Murtagh; Cr Owen and Cr Whelan.

IN ATTENDANCE: Mrs J Banks (Governance Manager); Mr C Pearce-Rasmussen (Manager Asset Services) and Mrs J Blackwell (Senior Planner)

## **1. Acknowledgement of Country**

## **2. Apologies**

*Cr Geard moved, Cr Whelan seconded that Cr De La Torre and Cr Jeffries be granted leave of absence.*

**CARRIED**

### VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Murtagh	
Cr Owen	
Cr Whelan	

## **3. Public Question Time and Deputations**

*There was no requirement for public question time.*

### 5.3 Combined Permit and Amendment Application: Insert Two Site-Specific Qualifications into the Brighton Local Provision Schedules to Allow Pole/Pylon Signs in the Utilities Zone and Permit Application for Two (2) Pole/Pylon Signs - Section 40k & 42 Report

Author: Brian White (Planning Officer)

File Reference:	RZ 2022-01 & DA 2022/32
Author:	Brian White
Applicant:	Brighton Council
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Location:	Midlands Highway
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Representations:	One (1)

#### 1. Executive Summary

The report considers the exhibition period regarding a combined permit and amendment application to insert two (2) site-specific qualifications ('SSQ') into the Brighton Local Provision Schedules (LPS) to allow pole/pylon signs in the utilities zone and a permit application for two (2) pole/pylon signs on the following two properties within the Midland Highway road reserve: CT 52012/1 & CT 156374/1. The application was made by Council pursuant to Section 40T of the *Land Use Planning and Approvals Act 1993* ('the Act').

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This is a report required by section 40K and 42(a) of the Act to be submitted to the Commission in relation to the representation received during advertising.

It is considered that the representation contains merit and that the draft amendment ought to be modified to consider the representation (s. 40K (c)(i)).

A modified SSQ ordinance and mapping has been produced which is considered sufficient to respond to the DSG's concerns whilst still meeting the LPS criteria under the Act.

## 2. The Representation and Response

Issue
<p>The Department of State Growth (DSG) have concerns that the SSQ ordinance and map contains too much ambiguity and could allow for the placement of one (1) pole/poly sign type at any location on each lot (CT156374/1, CT152012/1).</p> <p>DSG requested GIS coordinates be added to the SSQ ordinance. The representation is provided as attachment A to this report.</p>
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<p>It was considered that the representation contains merit and has therefore prepared an amended SSQ ordinance and mapping which contains a 10m x 10m 'building envelope' on each of the titles which further narrows the future location of the signage on the lots.</p> <p>The 10m x 10m was chosen rather than an exact GPS location 'point' to allow some flexibility on ground for the future construction of the sign noting that the approved permit application contains a site plan which requires the signs to be developed in specific locations on the lots.</p> <p>For the sake of clarity due adding GPS coordinates into the ordinance, the SSQ is also amended to split the two sites into a separate SSQ reference numbers rather than them both being under BRI- 21.1.</p> <p>The amended ordinance and mapping are provided as attachment B to this report.</p>
Section 40K (2)(c)(ii), (d) Response
<p>The proposed modification to the draft amendment is simply to further clarify the location of the signage on the lots should the current planning permit not be acted upon or modified in the future. The modification has a negligible overall impact on the draft amendment and so remains consistent with the LPS criteria.</p>

## 3. Conclusion

The representation by DSG raised a relevant matter in terms of the drafting of the SSQ. It is considered that the amended SSQ ordinance and mapping attached to this report adequately addresses the representation.

## 4. Options:

- a) To adopt the recommendation; or

- b) To adopt an alternative recommendation satisfying the provisions of section 40K of the Act, with a full statement of reasons as determined by Council.

## 5. Recommendation

It is recommended that Council resolves that:

- a) Pursuant to section 40K(1) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmania Planning Commission that one (1) representation was received during the exhibition of draft amendment RZ 2022-01 that related to the draft amendment.
- b) Pursuant to section 42(a) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmania Planning Commission that one representation was received during the exhibition of the draft amendment RZ 2022-01 and permit application DA 2022/32 that related to the permit application.
- c) Pursuant to section 40K (2)(a) of the *Land Use Planning and Approvals Act 1993*, provides to the Tasmanian Planning Commission a copy of the representation that was received during the advertising of draft amendment RZ 2022-01.
- d) Pursuant to section 40K (2)(c) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the representation received during advertising warrants modifications to the draft amendment by:
- i. Amending the draft amendment mapping by inserting 10m x 10m building envelopes and GIS coordinates on each of the subject titles; and
  - ii. Including the GIS coordinates in an amended ordinance.
  - iii. Insert a new BRI reference 'BRI -21.2' into the SSQ Table. as provided in Attachment B to, and as explained in, this report.
- e) Pursuant to section 40K (2)(d) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the modified draft amendment continues to meet the LPS criteria.
- f) Pursuant to Section 40K and Section 42 of the *Land Use Planning and Approvals Act 1993* that this report and the attachments regarding draft amendment RZ 2022-01 be provided to the Tasmanian Planning Commission.

## **DECISION:**

*Cr Owen moved, Cr Whelan seconded that the recommendation be adopted.*

**CARRIED**

### VOTING RECORD

In favour	Against
Cr Curran	
Cr Geard	
Cr Gray	
Cr Murtagh	
Cr Owen	
Cr Whelan	



The meeting closed at 5.45pm.

Confirmed:

\_\_\_\_\_

(Mayor)

Date:

\_\_\_\_\_ 21 June 2021 \_\_\_\_\_