



**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 5.30 P.M. ON TUESDAY, 16 JANUARY 2024**

1. Acknowledgement of Country

2. Attendance

Cr Gray (Mayor); Cr Curran (Deputy Mayor); Cr Geard, Cr Irons; Cr McMaster; Cr Owen, Cr Whelan

IN ATTENDANCE: Mr J Dryburgh (General Manager); Ms J Banks (Director Governance & Regulatory Services); Mr C Pearce-Rasmussen (Director, Asset Services); Ms G Browne (Director, Corporate Services) and Mrs J Blackwell (Acting Director, Development Services).

3. Applications for Leave of Absence

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

CARRIED

VOTING RECORD

| In favour | Against |
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| Cr Curran | |
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| Cr Geard | |
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| Cr Gray | |
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| Cr Irons | |
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| Cr McMaster | |
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| Cr Owen | |
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| Cr Whelan | |
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4. Confirmation of Minutes

4.1 Ordinary Council Meeting

The Minutes of the Ordinary Council Meeting held on the 19th December 2023 are submitted for confirmation.

RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held on the 19th December 2023, be confirmed.

DECISION:

Cr Irons moved, Cr Curran seconded that the Minutes of the Ordinary Council Meeting held on the 19th December 2023, be confirmed.

CARRIED

VOTING RECORD

| In favour | Against |
|------------------|----------------|
| Cr Curran | |
| Cr Geard | |
| Cr Gray | |
| Cr Irons | |
| Cr McMaster | |
| Cr Owen | |
| Cr Whelan | |

5. 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 general manager, in writing, the details of any interest(s) that the councillor has declared within 7 days of the declaration.

Cr Owen declared an interest in Item 13.1 and Item 14.1

Cr Irons declared an interest in Item 14.1

Cr Owen rejoined the meeting at 5.40pm

13.2 Combined Permit and Amendment Application: Planning Scheme Amendment Application - 27 Scott Road, Bridgewater - Section 40K Report

Author: K Tran (Planning Officer)

Authorised by: J Blackwell (Acting Director Development Services)

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|-----------------------------|--|
| File Reference: | RZ 2023 - 03 |
| Applicant: | Brighton Council |
| Owner: | Director of Housing |
| Location: | 27 Scott Road, Bridgewater |
| Zoning: | Open Space |
| Planning Instrument: | Tasmanian Planning Scheme - Brighton |
| Date Advertised: | 4 th November 2023 to 2 nd December 2023 |
| Representations: | One |

1. Executive Summary

The report considers the exhibition period regarding a combined permit and amendment application to:

- Rezone land of 27 Scott Road, Bridgewater (C/T 6706/983 & C/T 10085/1) from Open Space to Inner Residential;

The application was made by Council Officers pursuant to Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act').

Council's Planning Authority, at its meeting of the 3rd October 2023 agreed to the proposed planning scheme amendment made by Brighton Council (S.40(b)) and therefore prepared and certified the draft amendment to the LPS (s. 40F) as meeting the LPS criteria (s. 34) under the Act.

The amendment application was then exhibited for a period of twenty-eight (28) days (s40H). One representation was received during the period of public exhibition.

This is a report required by section 40K of the Act to be submitted to the Commission in relation to the representations received during advertising.

2. The Representations and Response

One submission was received during the public exhibition period from TasWater. TasWater (as per the Submission to Planning Authority Notice at attachment A) has advised that it “does not object and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.” Accordingly, no modifications to the draft planning scheme amendment are required as a result of TasWater’s submission.

3. Conclusion

It is recommended that this report be forwarded to the Tasmanian Planning Commission for determination.

Options:

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

RECOMMENDATION:

It is recommended that Council resolves to:

- a) Pursuant to Section 40K(1) of the *Land Use Planning and Approvals Act 1993*, provide this report and the representations provided as attachment A regarding draft amendment RZ 2023/ 003 to the Tasmanian Planning Commission.
- b) 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 2023/ 003 that related to the draft amendment.
- c) Pursuant to section 40K(2)(a) of the *Land Use Planning and Approvals Act 1993*, provide to the Tasmanian Planning Commission a copy of the representation that was received during the advertising of draft amendment RZ 2023/ 003.
- 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 does not warrant modification to draft amendment RZ 2023/ 003 as detailed in this report.
- e) Pursuant to section 40(K)(2)(d) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the planning authority is satisfied that the draft amendment of the LPS meets the LPS Criteria.

DECISION:

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

CARRIED

VOTING RECORD

| In favour | Against |
|------------------|----------------|
| Cr Curran | |
| Cr Geard | |
| Cr Gray | |
| Cr Irons | |
| Cr Owen | |
| Cr Whelan | |