

VOTING RECORD

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

Cr Gray took the Chair.

10. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Council to act as a Planning Authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 10 on this agenda, inclusive of any supplementary items.

10.1 REPORT ON REPRESENTATIONS TO THE DRAFT BRIGHTON LOCAL PROVISIONS SCHEDULE:

AUTHOR: Senior Planner & Strategic Projects
(Mr D Allingham)

Purpose:

The purpose of this report is to consider the representations to the Draft Brighton Local Provisions Schedule (LPS) and provide recommendations to the Tasmanian Planning Commission (TPC) pursuant to section 35F of the *Land Use Planning and Approvals Act 1993* (the Act).

Background:

The Draft Brighton LPS was endorsed by the planning authority at its meeting on 19 June 2018 and submitted to the TPC. The TPC directed that the Draft LPS be publicly notified in accordance with the Act on 28 March 2019.

The draft LPS was publicly notified for 60 days on 6 April 2019, with the period for the submission of representations closing on 11 June 2019. In accordance with the requirements of the Act, a notice was placed in two editions of the Mercury newspaper and an article placed on Council's website on the "Home" and "Public Notices" page.

In addition to the requirements of the Act, an article was published in the Brighton Community News and a letter was sent to each property that was proposed to be located in a “new” Zone (i.e. Landscape Conservation, Agriculture and Rural), a “new” Specific Area Plan (SAP) (i.e. Bridgewater Quarry, Old Beach Quarry and Baskerville Raceway) or where the existing zoning was proposed to be changed.

At the conclusion of the exhibition period, 39 representations had been received.

Following public exhibition of the Draft LPS, Section 35F of the Act requires the planning authority to prepare a report containing:

- a copy of each representation made under s.35E(1);
- a statement of the planning authority's opinion as to the merit of each representation made, in particular as to:
 - whether the draft LPS should be modified; and
 - if recommended to be modified, the effect on the draft LPS as whole;
- a statement as to whether the planning authority is satisfied that the draft LPS meets the LPS criteria;
- the recommendation of the planning authority in relation to the draft LPS.

Following receipt of the planning authority report under Section 35F, the TPC will hold hearings into the representations made. The TPC will then seek the agreement of the Minister for Planning for the final form of the Brighton LPS before it is approved and commences operation.

Further, having considered the representations, Section 35G of the Act provides for the planning authority to provide advice to the TPC in a notice, that the planning authority is of the opinion that the State Planning Provisions (SPP's) should be altered.

There is no legislative timeframe or process for S.35G reports, however the TPC's Practice Note 10 states that the TPC's preference is for the S.35G report to be provided within 28 days of the S.35F report. Given the numerous issues identified in the SPP's and current resourcing in the planning department it may be difficult to meet this timeframe.

Consultation:

The Brighton Draft LPS has been subject to the statutory public exhibition requirements of the Act. In addition, an article was published in the BCN and a targeted mailout undertaken.

Further, the TPC issued a schedule of State agencies and authorities to be directly notified of the exhibition of the Draft LPS. Each of the agencies and authorities were notified in accordance with this direction. Representations are addressed in the attached report table.

A Draft s.35 Report was workshopped with Councillors on 13 August 2019.

Risk Implications:

The approval of the draft LPS is one of the final hurdles before Brighton Council moves to the Tasmanian Planning Scheme (TPS). Through the process of preparing the draft LPS it has become clear that the TPS is in many ways inferior to the existing *Brighton Interim Planning Scheme 2015*.

However, moving to the TPS and preparation of the s.35F Report is a statutory requirement under the Act which will be followed by Hearing with the TPC.

Planning staff will continue to advocate for improvements to the TPS.

Financial/Budget Implications:

There are no significant financial/budget implications to endorsing the recommendation.

Social Implications:

The LPS provides for managing some land-use conflict and also creating healthier communities. Generally, the LPS improves health and wellbeing standards provided in the SPP's. However, it is considered that the TPS has vastly inferior social outcomes than under the current *Brighton Interim Planning Scheme 2015*.

Environmental Implications:

Due to the Guidelines provided by the TPC, there are likely to be a number of bushland areas on agricultural land and Rural Living areas that have a bushland character that receive a lower level of vegetation protection than they do currently.

Economic Implications:

There are unlikely to be any significant economic implications.

Options:

1. As per the recommendation.
2. Reject the proposal and provide reasons.
3. Other

RECOMMENDATION:

It is recommended that the Planning Authority:

1. Endorse the attached document 'A - Brighton Draft Local Provisions Schedule Section 35F Report as its report pursuant to Section 35F of the Act and forward to the Tasmanian Planning Commission.
2. That the planning authority delegate to the General Manager its powers and functions to:

- a) modify the reports submitted under recommendation 1 if a request is received from the Tasmanian Planning Commission for further information; and
- b) represent the planning authority at hearings pursuant to Section 35H.

DECISION:

Cr Gray moved, Cr Geard seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

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

Cr Whelan moved, Cr Garlick seconded that the Council meeting be resumed.

CARRIED

VOTING RECORD

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Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

11. REPORTS FROM OFFICERS:

11.1 DELEGATIONS – BUILDING ACT 2016:

AUTHOR: Governance Manager
(Mrs J Banks)

Background:

The *Building Act 2016* and Building Regulations 2016 came into effect on 1st January 2017, and superseded the existing Building Act 2000, Building Regulations 2014 and Plumbing Regulations 2014.