



**Brighton
Council**

Planning Authority Agenda

5 August 2025

Name:

Brighton
going places

I N D E X

Planning Authority Meeting: 5 August 2025

NOTICE OF MEETING	3
AGENDA	4
2. ACKNOWLEDGEMENT OF COUNTRY	4
5. PUBLIC QUESTION TIME AND DEPUTATIONS	4
6. DECLARATION OF INTEREST	4
7. COUNCIL ACTING AS PLANNING AUTHORITY	5
7.1 Combined Draft Amendment to the Brighton Local Provision Schedule & Planning Permit Application - RZ 2025/01 & SA2025/004 - 594 & 596 Tea Tree Road, Tea Tree - Section 40K & 42 Report	5



**Brighton
Council**

Council Representatives: Cr L Gray (Chairperson); Cr P Owen (Deputy Chairperson);
Cr B Curran; Cr A De La Torre; Cr P Geard; Cr G Irons & Cr
M Whelan

NOTICE OF MEETING

Dear Councillor,

Notice is hereby given that the next **Planning Authority Meeting** of the Brighton Council will be held at **5.30 p.m. on Tuesday, 5th August 2025**, to discuss business as printed below.

Qualified Person Certification

I HEREBY CERTIFY that in accordance with Section 65 of the *Local Government Act 1993*, any advice, information and recommendation contained in the reports related to the Agenda have been prepared by persons who have the qualifications or experience necessary to give such advice, information and recommendations.

Dated at Old Beach this 31st day of July 2025.



Alex Woodward

ACTING CHIEF EXECUTIVE OFFICER

Being the General Manager as appointed by Brighton Council
pursuant to Section 61 of the *Local Government Act 1993*

AGENDA

1. STATEMENT BY THE CHAIRPERSON

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2025*, the Chairperson is to make a verbal statement at the beginning of the meeting to the effect that:-

- (a) An audio recording is being made of this meeting;
- (b) All persons attending this meeting are to be respectful of, and considerate towards, other persons attending the meeting; and
- (c) Language and conduct at the meeting that could be perceived as offensive, defamatory or threatening to a person attending the meeting, or listening to the recording, is not acceptable.

2. ACKNOWLEDGEMENT OF COUNTRY

Brighton Council acknowledges the palawa/pakana (Tasmanian Aboriginal) community as the traditional and original owners of the skies, land and water of lutruwita (Tasmania) and forward our respect to their elders both past and present.

Brighton Council acknowledges the continued connection the Tasmanian Aboriginal people still have to the skies, land and water of lutruwita that provides them with the food, medicine and craft celebrated through ceremony today.

3. APOLOGIES & REQUESTS FOR LEAVE OF ABSENCE

4. NOTIFICATION OF LEAVE OF ABSENCE FOR PARENTAL LEAVE

Nil.

5. PUBLIC QUESTION TIME AND DEPUTATIONS

6. DECLARATION OF INTEREST

In accordance with the requirements of Regulation 10(8) of the *Local Government (Meeting Procedures) Regulations 2025*, the chairperson of a meeting is to request Councillors to indicate whether they have, or are likely to have, an 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.

7. COUNCIL ACTING AS PLANNING AUTHORITY

In accordance with the provisions of Part 2 Regulations 25 of the *Local Government (Meeting Procedures) Regulations 2025*, the intention of the Council to act as 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 7 on this agenda, inclusive of any supplementary items.

7.1 Combined Draft Amendment to the Brighton Local Provision Schedule & Planning Permit Application - RZ 2025/01 & SA2025/004 - 594 & 596 Tea Tree Road, Tea Tree - Section 40K & 42 Report

Author: Planning Officer (D Van)

Authorised: Manager Planning (J Blackwell)

Type of report	Report to the Planning Authority – Section 40K and 42 Report
Application number	SA 2025/004 & RZ 2025/001
Planning instrument	Tasmanian Planning Scheme - Brighton
Applicant	<ol style="list-style-type: none"> For subdivision permit: PDA Surveyors, Engineers, & Planners (OBO Tea Tree Community Assoc. Inc.) for the subdivision application. For the draft amendment to the Brighton LPS: Brighton Council
Subject land & landowners	<ol style="list-style-type: none"> 594 Tea Tree Road, Tea Tree (CT 164781/1 – PID 3205343). Owner: Tea Tree Community Association Incorporated. 596 Tea Tree Road, Tea Tree (CT 182250/1 – PID 9604056). Owner: Trent Andrew Nus.
Proposal	<ol style="list-style-type: none"> Amend the Brighton Local Provisions Schedule to: <ol style="list-style-type: none"> Rezone 596 Tea Tree Road (CT164781/1) from Rural to Community Purpose; Rezone 4,401m² of 594 Tea Tree Road (CT182250/1) from Agriculture to Community Purpose; and Approve a re-organisation of boundaries (via subdivision) to add 4,401m² of 594 Tea Tree Road (CT182250/1) to 596 Tea Tree Road (CT164781/1).
Date Advertised:	25 June 2025 to 23 July 2025
Representations	Four (4) received during the exhibition period.
Attachments	<ol style="list-style-type: none"> Representation – TasNetwork Representation – TasRail Representation – NRE Tas Representation - TasWater Amended Subdivision Permit Drafted endorsed documents for the subdivision permit

1. Executive Summary

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

- a) Rezone 596 Tea Tree Road (CT164781/1) from Rural to Community Purpose;
- b) Rezone 4,401m² of 594 Tea Tree Road (CT182250/1) from Agriculture to Community Purpose; and
- c) Approve a re-organisation of boundaries (via subdivision) to add 4,401m² of 594 Tea Tree Road (CT182250/1) to 596 Tea Tree Road (CT164781/1).

The application was made by Council Officers pursuant to Section 40T of the *Land Use Planning and Approvals Act 1993* ('the Act').

Council's Planning Authority, at its meeting of the 17th of June 2025 agreed to the proposed planning scheme amendment made by Brighton Council 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). Four (4) submissions were received.

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

It is considered that the representation to the draft amendment does not raise matters that warrant its modification.

It is considered that the representations relating to the draft permit contain merit and that the draft permit ought to be modified to consider the representations and include reference to the TasRail Standard Notes (s.42). A modified draft permit is provided as Attachment E.

2. Legislative requirements

In accordance with s.40H of the Act, the planning authority must exhibit the draft amendment RZ 2025-02 for twenty-eight (28) days.

Comment: The draft amendment was on public exhibition from 25 June 2025 to 23 July 2025.

Following exhibition, the planning authority must consider any representations and provide a report to the Commission within 35 days [s40K(1)].

Comment: The s.40K report and relevant documentation will be provided to the Commission within the above timeframe.

The report must include [s.40K(2)]:

- (a) a copy of each representation made before the end of the exhibition period;
- (b) a copy of each representation made after the end of the exhibition period;
- (c) a statement of the planning authority's opinion as to the merit of each representation;

- (d) *a statement as to whether the planning authority is satisfied that the draft amendment meets the LPS criteria; and*
- (e) *any other recommendations in relation to the draft amendment.*

It must also include [s42]:

- (a) *a copy of each representation made under [section 41\(1\)](#) in relation to –*
 - (i) *the application for a permit to which the request relates; or*
 - (ii) *the decision in relation to the application –*
- (b) *a statement of its opinion as to the merit of each representation including, in particular, its views as to the need, in light of that representation, for modification of the planning authority's decision in relation to the application for a permit; and*
- (c) *the recommendations, in respect of the decision in relation to the application for a permit, that the planning authority thinks fit.*

Comment: A copy of each representation received before and after the end of the exhibition period is attached with the report. The statement and response to the merit of each representation are provided in the following sections.

3. The Representations and Response

Four (4) submissions were received during the public exhibition period. Under s.40K(2) and s42(b)&(c), the report on representation must contain a copy of each representation made in relation to the draft amendment RZ 2025-02 and Permit Application SA 2025-004

Below is a summary of the four (4) representations received and the assessing officer's response on the merit of each representation as required by s.40K(2)(c) and s.42(b)(c) of the Act.

No.	Submission	Response on merit
Representation 1 – TasNetworks		
1.	No objection	Noted. No response required.
Representation 2 – TasRail		
1.	TasRail has advised the developments that are adjacent to the corridor must follow their standard notes.	Council's Officer is of the opinion that TasRail's Standard Notes should be included in the planning permit to ensure the developer is aware of future development considerations within the railway corridor.
Representation 3 – NRE Tas		
1.	No issues or concerns	Noted. No response required.
Representation 4 - TasWater		
1.	TasWater does not object to the proposed amendment to the Planning Scheme as mentioned and has no	Noted. No response required.

	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.	
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4. Conclusion

The representation from TasRail has merit. The draft permit has been modified to include reference to the TasRail's Standard Note as detailed in this report. It is recommended that the Planning Authority approves the amended draft permit and that this report and the relevant attachments are forwarded to the Tasmanian Planning Commission for determination.

5. Options:

- a) To adopt the recommendation; or
- b) To adopt an alternative recommendation satisfying the provisions of section 40K and 42 of the Act, with a full statement of reasons as determined by Council.

RECOMMENDATION:

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 four (4) representations were received during the exhibition of draft amendment RZ 2025-01 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 four (4) representations were received during the exhibition of the draft amendment RZ 2025-01 and permit application SA 2025-04 that related to the permit application.
- c) Pursuant to section 40K(2)(a) and 42(a) of the *Land Use Planning and Approvals Act 1993*, provide to the Tasmanian Planning Commission a copy of the representations that were received during the advertising of draft amendment RZ 2025-01 and draft permit SA 2025-04.
- d) Pursuant to section 40K(2)(c) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the representations received during advertising do not warrant modifications to draft amendment RZ 2025-01 as detailed in this report.
- e) Pursuant to section 42(b) and (c) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the representations received during advertising warrant modifications to draft permit SA 2025-04 as detailed in this report.
- f) Pursuant to Section 40K and Section 42 of the *Land Use Planning and Approvals Act 1993* that this report and the relevant attachments regarding draft amendment RZ 2025-01 and DA 2025-04 be provided to the Tasmanian Planning Commission.

DECISION: