



11 June 2019

Brighton Council
1 Tivoli Road
OLD BEACH TAS 7017

By email: development@brighton.tas.gov.au

REPRESENTATION - BRIGHTON DRAFT LPS

I write in response to the Brighton Draft LSP documents and specifically in relation to 2 properties (3 titles) at Old Beach, as follows:

Property Address	Title Reference	Area
31a Shelmore Drive, Old Beach	171249/1	5.951ha
89 Baskerville Road, Old Beach	59909/1	6.8ha
	49158/1	1.965ha

The following figures describe the location of the land and existing development of the sites and surrounds:



Figure 1: Location
including topographic plan aerial imagery and cadastre from www.theLIST.tas.gov.au © the State of Tasmania



Figure 2: Aerial

As Council is aware for many years the property at Clives Hill, 89 Baskerville Road, has operated as a quarry but that over a period of years the quarry has been in the process of closing. 31a Shelmore Drive is a balance title created after subdivision the neighbouring lots directly to the west which, being outside the quarry buffer area, were already zoned General Residential. For some years the land owners have been investigating the potential post quarry use and development of the subject land and various discussions have been held with Council and their officers over this time.

The quarry is today only being minimally kept active so that final stockpiles of material and final finishing of finished surface levels can be utilised in subdivision works once the property is able to transition to a future use and development.

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The current planning scheme provisions relating to the land under the *Brighton Interim Planning Scheme 2015* (BIPS 2015) reflect the history of the land relating to the quarry use in both the zoning and overlay maps in place to prevent residential development of the land within the mapped quarry buffer area. The resource and commercial protection which these planning scheme settings have provided are no longer required to protect either the resource or the ongoing commercial viability of the quarry.

Council undertook a strategic planning review in 2018, in drafting, undertaking public consultation and finalisation of the *Brighton Structure Plan 2018*. This Structure Plan, undertaken prior to the completion of the LPS, included review the area of land required for future residential development across Brighton in order to maintain sufficient land supply and identified the subject land as one of the areas desirable for residential zoning.

It is disappointing to find that in reviewing the LPS documents, the zones and overlays affecting the subject land have quarantined the area with like for like translation, which looks back to previous generations of outdated reviews, rather than the *Brighton Structure Plan 2018*.

In relation to the LPS we provide the following submissions:

ZONES

The LPS describes the subject land as being in the Rural Zone, with the exception of a small area at the western edge, which is within the General Residential Zone.

The purpose of the Rural Zone¹ is as follows:

- 20.1.1 *To provide for a range of use or development in a rural location:*
 - (a) *where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*
 - (b) *that requires a rural location for operational reasons;*
 - (c) *is compatible with agricultural use if occurring on agricultural land;*
 - (d) *minimises adverse impacts on surrounding uses.*
- 20.1.2 *To minimise conversion of agricultural land for non-agricultural use.*
- 20.1.3 *To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.*

These purpose statements are inconsistent with the strategic direction identified by Council and desired by the land owners for the post quarry development of the land. The zoning allows for a range of uses which would be inconsistent with the neighbouring residential areas and are no longer relevant to protect the future operation of the land for ongoing rural resource industry activity.

The alternative zoning would be one which provided a future sustainable use to allow for the strategic future development of the land.

While it is acknowledged that the land is not currently within the existing urban growth boundary of the *Southern Tasmanian Regional Land Use Strategy* (STRLUS), given that strategy was developed so many year ago, the *Tasmanian Planning Scheme* (TPS) provides a Future Urban Zone which protects land from incompatible development and immediate transition to urban development while acknowledging its identified future for residential development as described in the following purpose²:

¹ 20.1, *Tasmanian Planning Scheme, State Planning Provisions*

² 30.1, *Tasmanian Planning Scheme, State Planning Provisions*

- 30.1.1 To identify land intended for future urban use and development.
- 30.1.2 To ensure that development does not compromise the potential for future urban use and development of the land.
- 30.1.3 To support the planned rezoning of land for urban use and development in sequence with the planned expansion of infrastructure.

The above purpose is entirely consistent with protection of land such as the subject land which has been identified through strategic planning review.

SPECIFIC AREA PLAN

Review of the LPS SAP overlays indicates that the subject land, described in the figure below, has been provided with a set of specific controls through the **Old Beach Quarry Specific Area Plan**.

The mapped area is consistent with the area previously mapped as the buffer for the quarry, which currently restricts application of the Attenuation Code within BIPS 2015. The proposed SAP provides an alternate mechanism from the current BIPS 2015 where the seemingly unintended effect of this changed structure appears to be that the Attenuation Code of the TPS will apply to land outside the SAP overlay.

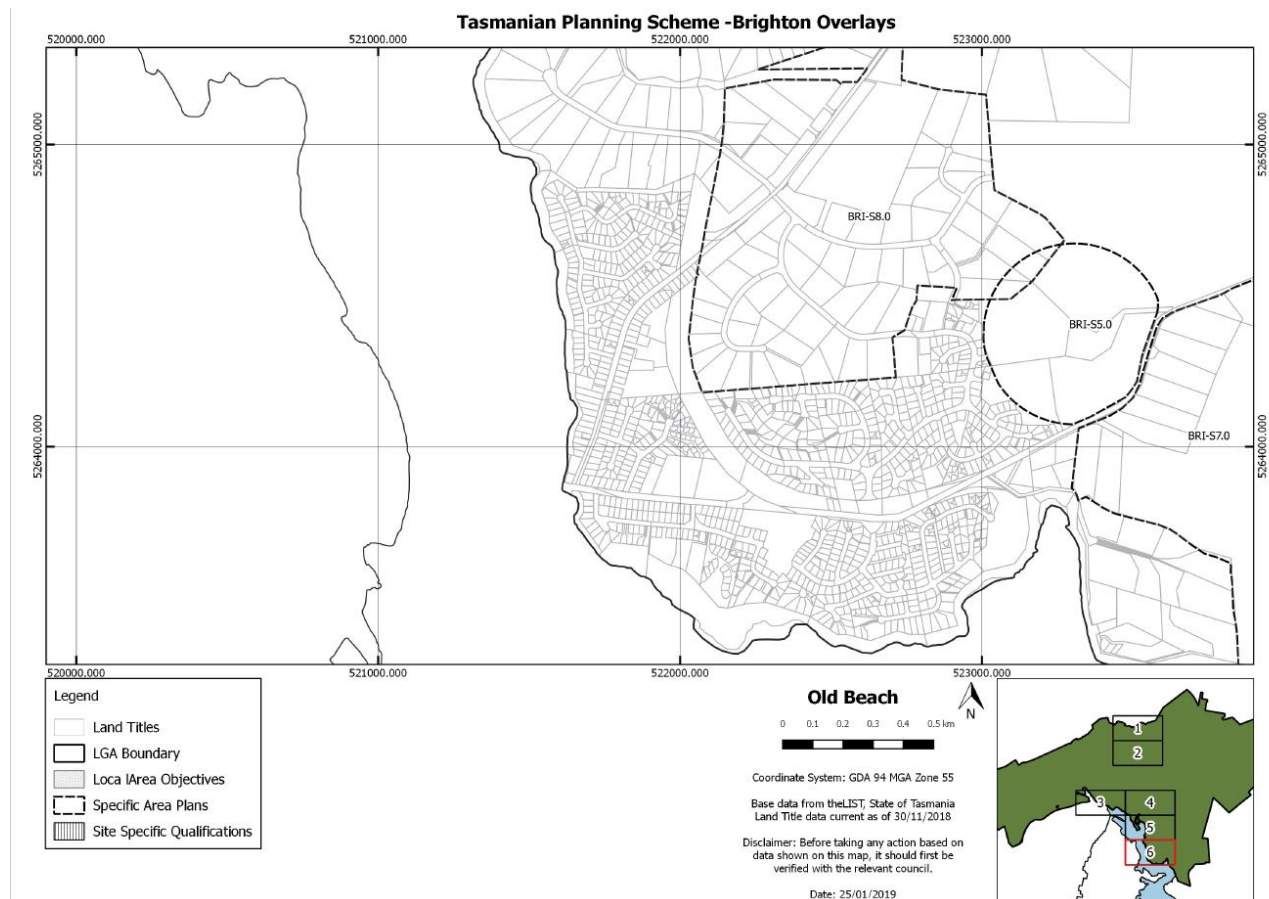


Figure 3: Overlays map - Draft Brighton LPS

The current Purpose of the SAP provides as follows:

BRI-S5.1 Plan Purpose

The purpose of the Old Beach Quarry Specific Area Plan is:

BRI-S5.1.1 To protect the operations of the Old Beach Quarry from incompatible or conflicting use or development.

It is considered that in conjunction with the Future Urban Zone a SAP may be a suitable mechanism to control the transition of the affected land from the previous quarry to its future uses, however the purpose of the SAP should better reflect the future planning by modification of the Purpose of the SAP as follows:

BRI-S5.1 Plan Purpose

The purpose of the Old Beach Quarry Specific Area Plan is:

BRI-S5.1.1 *To protect new sensitive use ~~the operations of the Old Beach Quarry~~ from incompatible or conflicting use or development.*

CODES

The LPS Natural Assets mapping has included some part of the land as described in the figure below:

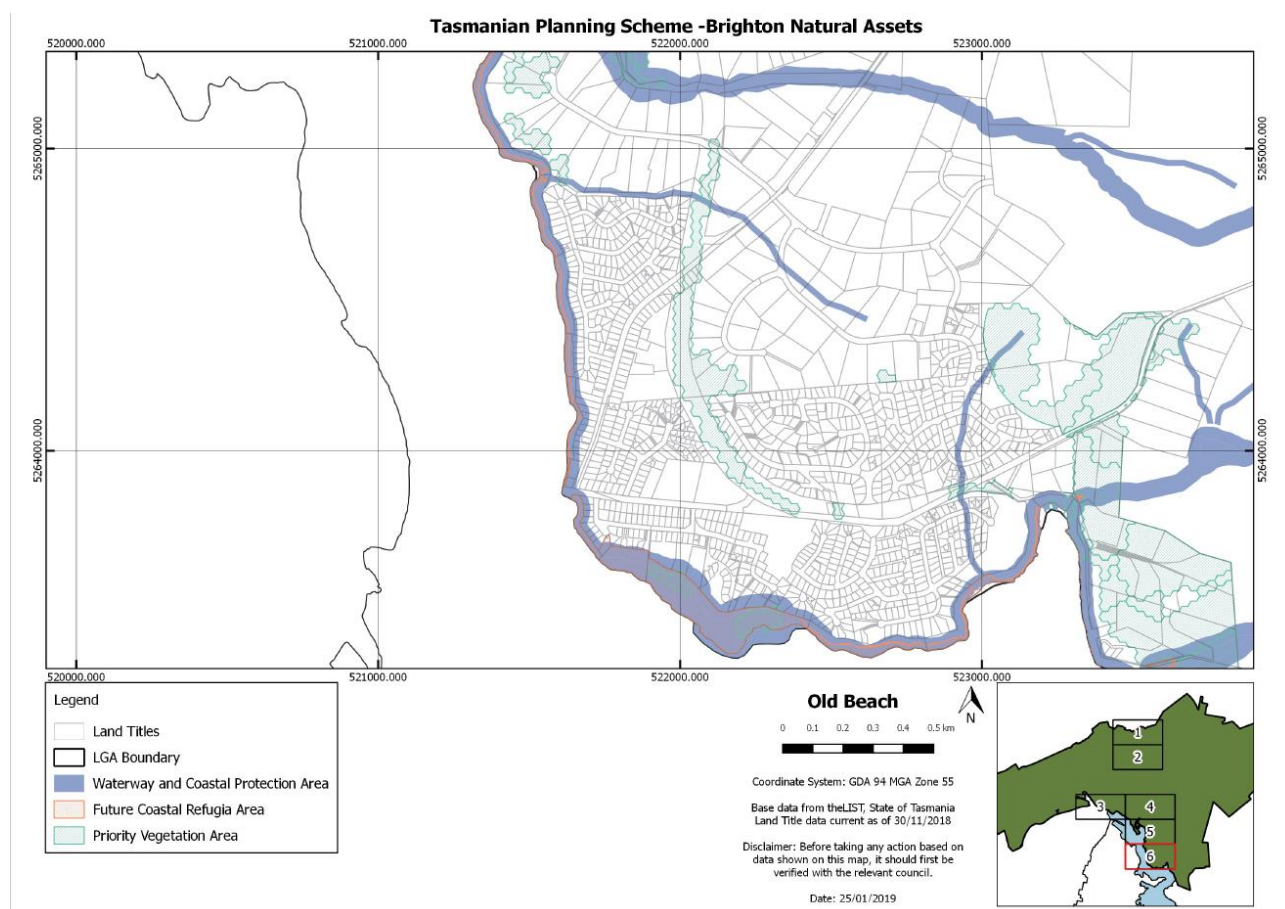


Figure 4: Overlays map - Draft Brighton LPS

The purpose of this TPS Natural Assets Code relevant to the land relates to minimising impacts on priority vegetation. The Code defines priority vegetation as follows:

means native vegetation where any of the following apply:

- (a) *it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the Nature Conservation Act 2002;*
- (b) *is a threatened flora species;*
- (c) *it forms a significant habitat for a threatened fauna species; or*
- (d) *it has been identified as native vegetation of local importance.*

The native community and species observations mapping available on LISTMap, as well as previous onsite investigations of the land, do not identify any currently listed communities or species present or other values. Unlike other areas in proximity of the site where listed communities are identified, the subject land does not include any identified values which would be understood to warrant the mapping for the application of this Code.

On the basis of the above it is submitted that the Zone map, the Natural Values map and the Old Beach Quarry Specific Area Plan ordinance provisions should be amended as described.

If there are any queries in relation to any of the above please contact me on 03 6234 9281 or email on jacqui@ireneinc.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jacqui Blowfield', with a stylized flourish at the end.

Jacqui Blowfield
Senior Planner
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