



# 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 WEDNESDAY,  
12 APRIL 2023**

PRESENT: Cr L Gray (Chairperson); Cr P Owen (Deputy Chairperson); Cr A De La Torre and Cr M Whelan.

IN ATTENDANCE: Ms J Banks (Governance Manager); Mr D Allingham (Manager Development Services) and Mrs J Blackwell (Senior Planner);

## **1. Acknowledgement of Country**

## **2. Apologies**

Cr Geard had requested leave of absence as he was interstate.

*Cr Owen moved, Cr Whelan seconded that Cr Geard, Cr Curran and Cr Irons be granted leave of absence.*

**CARRIED**

### **VOTING RECORD**

#### **In favour**

#### **Against**

Cr De La Torre  
Cr Gray  
Cr Owen  
Cr Whelan

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

*There was no requirement for public question time.*

#### 4. 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 5.3*

#### 5. Council Acting as Planning Authority

In accordance with the provisions of Part 2 Regulations 25 of the *Local Government (Meeting Procedures) Regulations 2015*, 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 6 on this agenda, inclusive of any supplementary items.

##### 5.1 Development Application DA 2022/0043 - Change of Use / Alterations and Additions to Heritage Listed Building (Educational and Occasional Care (Child Care Centre) and Community Meeting and Entertainment (Community Hall) at 23 Menin Drive, Brighton

Author: Jo Blackwell (Senior Planner)

Authorised: David Allingham (Manager Development Services)

Applicant:	Bright Camp Pty Ltd
Subject Site:	23 Menin Drive, Brighton
Proposal:	Change of Use / Alterations and Additions to Heritage Listed Building - Educational and Occasional Care (Child Care Centre) and Community Meeting and Entertainment (Community Hall)
Planning Scheme:	Tasmanian Planning Scheme - Brighton
Zoning:	Community Purpose Zone
Codes:	Signage Code Road and Railway Assets Code Parking and Sustainable Transport Code Local Historic Heritage Code
Local Provisions:	N/A

<b>Use Class:</b>	Educational and Occasional Care Community meeting and Entertainment
<b>Discretions:</b>	Hours of Operation Signage Road and Railway Assets Code Local Historic Heritage Code
<b>Representations:</b>	One (1) representation was received. The representors raised the following issues: Change in zoning and Noise
<b>Recommendation:</b>	Approval with conditions

## 1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2022/0043

The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

This report details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either:

- (1) adopt the recommendation, or
- (2) vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa).

Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

## 2. SITE ASSESSMENT

23 Menin Drive is an 8202m<sup>2</sup> flat, rectangular lot zoned Community Purpose. The adjoining land is known as Brighton Remembrance Park, which is zoned Open Space, and the location of the former Brighton Army Camp. The balance of the land surrounding the site is zoned General Residential (see Figure 1)



The property is subject to drainage and pipeline easements along its western and southern boundaries as well as an Electricity Infrastructure Easement in the north western corner (see Figure 3).

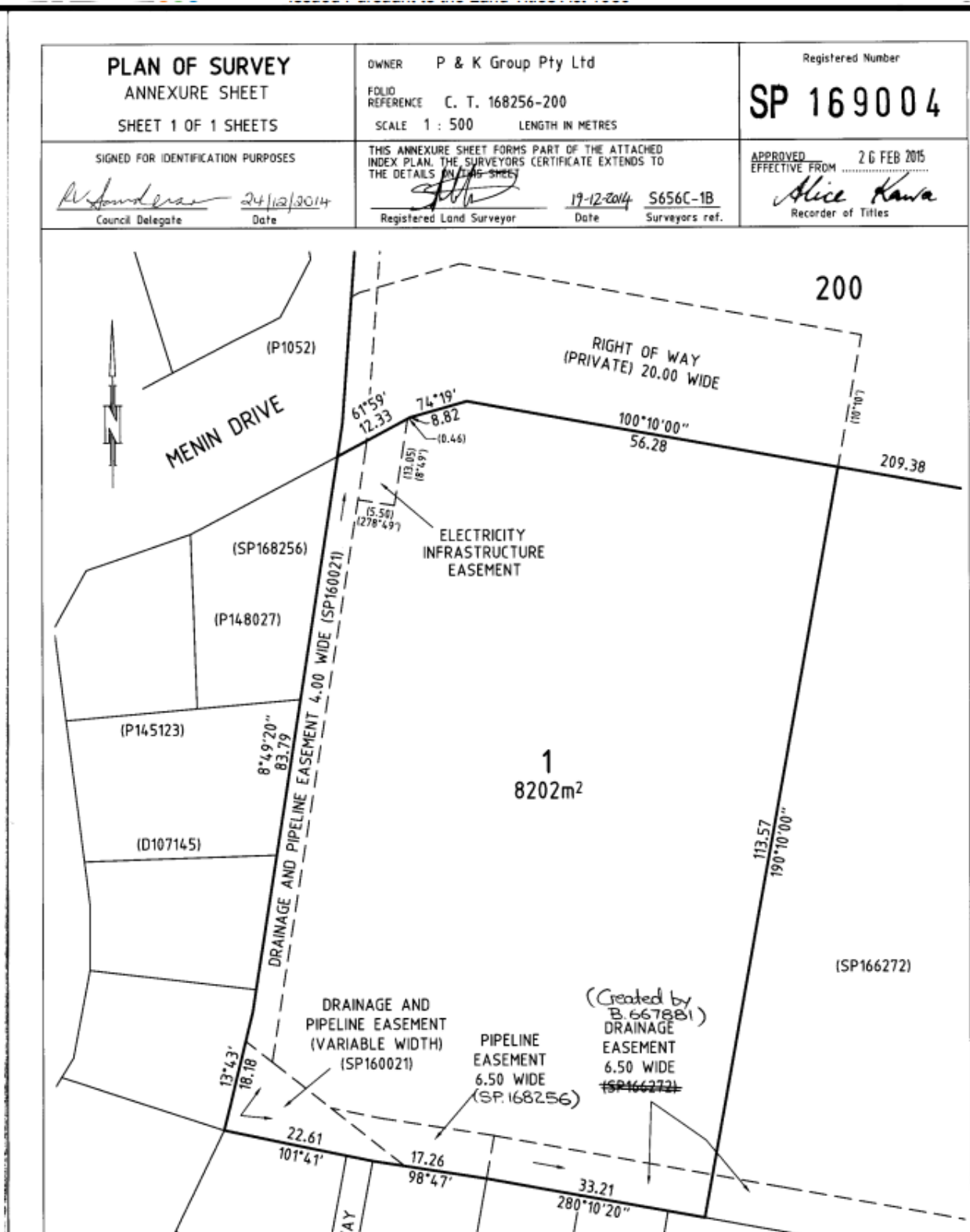


Figure 3: Sealed Plan 169004 showing burdening easements (Source: Certificate of Title Volume 169004 Folio 1; [www.listmap.tas.gov.au](http://www.listmap.tas.gov.au))

The Right of Way to the north is no longer relevant as the Menin Drive road reservation has been extended across the frontage.

The Electricity Infrastructure Easement is not currently utilised as the proposed substation was located further east on the adjacent title. The easement could impact on parking should it be required however the impacted parking spaces could easily be relocated.

The property has 2 existing vehicular accesses to Menin Drive. Only the western access is utilised as part of the proposed development. This will be widened to accommodate the passing and turning paths of the expected vehicles.

Sewer and water reticulation is available to the site.

### 3. PROPOSAL

This proposal is for a staged development. Stage 1 is to convert the majority of the existing building into a childcare centre, being the centre and eastern sections of the building. Stage 2 is the development of the western section of the building to create a community meeting space. Parts of the site has been set aside for a future stage 3 proposal.

Stage 1 consists of 700m<sup>2</sup> floor area being converted for the child care use, and will include four (4) learning areas, kitchen, indoor games areas, quiet areas, play areas and amenities (toilets, staff room, laundry, etc).

Stage 2 will encompass the community hall with a floor area of approximately 200m<sup>2</sup>.

The proposal is to provide 35 car parking spaces, 17 bicycle spaces and 4 motorcycle parking spaces, which exceeds the required parking spaces. A large green space to the east of the building is provided for outdoor play.

The application is supported by the attached plans, traffic impact assessment and heritage assessment.

### 4. PLANNING SCHEME ASSESSMENT

#### Compliance with Applicable Standards:

*5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.*

*5.6.2 A standard is an applicable standard if:*

- (a) the proposed use or development will be on a site within:*
  - (i) a zone;*
  - (ii) an area to which a specific area plan relates; or*
  - (iii) an area to which a site-specific qualification applies; or*
- (b) the proposed use or development is a use or development to which a relevant applies; and*

(c) *the standard deals with a matter that could affect, or could be affected by, the proposed use or development.*

5.6.3 *Compliance for the purposes of subclause 5.6.1 of this planning scheme consists of complying with the Acceptable Solution or satisfying the Performance Criterion for that standard.*

5.6.4 *The planning authority may consider the relevant objective in an applicable standard to determine whether a use or development satisfies the Performance Criterion for that standard.*

#### **Determining applications (clause 6.10.1):**

6.10.1 *In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:*

- (a) *all applicable standards and requirements in this planning scheme; and*
- (b) *any representations received pursuant to and in conformity with section 57(5) of the Act,*

*but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.*

#### **Use Class**

The Use Class is categorised as Educational and Occasional Care (childcare centre) and Community Meeting and Entertainment (community hall) under the Scheme. Table 27.2 identifies both uses as permitted in the Community Purpose Zone, and accordingly satisfies the Zone purpose.

#### **Compliance with Performance Criteria**

The proposal meets the Scheme's relevant Acceptable Solutions with the exception of the following.

#### **Clause 27.3.1 A1/P1 Non-Residential Use (Hours of operation)**

<b>Objective:</b>	
That non-residential use does not cause an unreasonable loss of amenity to residential zones.	
Acceptable Solution	Performance Criteria
A1 Hours of operation of a use, excluding Emergency Services, Hospital Services, Natural and Cultural Values Management, Passive Recreation or	P1 Hours of operation of a use, excluding Emergency Services, Hospital Services, Natural and Cultural Values Management, Passive Recreation or

<p>Utilities, within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must be within the hours of:</p> <p>(a) 8.00am to 8.00pm Monday to Friday;</p> <p>(b) 9.00am to 6.00pm Saturday; and</p> <p>(c) 10.00am to 5.00pm Sunday and public holidays.</p>	<p>Utilities, within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must not cause an unreasonable loss of amenity to an adjacent residential use having regard to:</p> <p>(a) the timing, duration or extent of vehicle movements; and</p> <p>(b) noise, lighting or other emissions.</p>
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The proposal seeks to operate the child care centre from 7am until 6pm Monday to Friday. This does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The proposal documents outline the manner in which the childcare centre is proposed to be operated, being:

**Staff arriving time: 8 educators + cook + director = 10 staff**

2 Educators arrive at 7 AM to open the centre,  
 Director and 2 educator arrive at 8 AM,  
 2 Educators arrive between 8.30 - 9.30 AM,  
 The Cook and the remaining 2 Educators arrive after 9.30 AM

**Staff departure time: 8 educators + cook + director = 10 staff**

The cook leaves at 2 PM,  
 Director and 2 educators leave at 3.30 PM,  
 2 educators leave at 4.30 PM,  
 2 educators leave at 5 PM,  
 The remaining 2 Educators leave at 6 PM.

Children arriving between 7am and 8am  
 Maximum 8 children

Accordingly, it is anticipated that between 7am and 8am (being the hours outside of the acceptable solution) a maximum of 18 vehicle movements will occur, being the arrival of 2 employees and dropping off a maximum of 8 children.

Council's Senior Technical Officer does not consider the number of vehicle movements significant.



Visitor parking spaces are provided along the western side of the proposed community hall, with staff parking at the southern end of the building. Parents will park their vehicles, walk children into the centre, and subsequently depart. It is considered that there is sufficient visitor parking directly adjacent to the building, which should be encouraged to be used by parents arriving within the earlier time slot. This will provide increased separation from the adjoining General Residential Zone.

It is considered that any noise associated with the arrival of staff and visitors prior between 7am and 8am can be mitigated through a condition which requires the installation of directional signage. That signage should request visitors to the centre to park on the eastern side of the car park, adjacent to the building when arriving prior to 8am.

A further condition requiring the installation of a 2.1m high acoustic barrier fence along the western boundary will further mitigate any increase in noise that may arise from the operation of the child care centre.

In relation to the hours of operation for the community hall, this has not been considered in the exhibited documents. However, subsequent clarification by the applicant confirms that the proposed hours of operation for the community hall will be in accordance with the acceptable solution. It is recommended that a condition to that extent be included in any permit approved, with advice that proposed operation outside of the nominated hours will require a new application, unless in accordance with the Planning Scheme.

Accordingly, the PC is satisfied with conditions.

#### Clause C1.6.4 A1/P1 Signs on local heritage places

<b>Objective:</b>	
That the size, design and siting of signs is compatible with and does not have an unacceptable impact on the local historic heritage significance of a local heritage place, a local heritage precinct or a local historic landscape precinct as listed in the Local Historic Heritage Code.	
Acceptable Solution	Performance Criteria
<b>A1</b>  A sign located on a site that is a local heritage place, in a local heritage precinct or local historic landscape precinct listed under the Local Historic Heritage Code, must: <ul style="list-style-type: none"> <li>(a) be not more than 0.2m<sup>2</sup>;</li> <li>(b) not be an illuminated sign; and</li> </ul>	<b>P1</b>  A sign located on a site that is a local heritage place, in a local heritage precinct or local historic landscape precinct listed under the Local Historic Heritage Code must be located in a manner that does not have an unacceptable impact on the local

<p>(c) there must be not more than 1 sign per site.</p>	<p>historic heritage significance of the place or precinct, having regard to:</p> <p>(a) placement to allow the architectural details of the building to remain prominent;</p> <p>(b) the size and design not substantially diminishing the local historic heritage significance of the place or precinct;</p> <p>(c) where relevant, placement in a location on the building that would traditionally have been used as an advertising area;</p> <p>(d) any domination or obscuring of any historic signs forming an integral part of a building's architectural detailing or local historic heritage significance;</p> <p>(e) using fixtures that do not and are not likely to damage building fabric;</p> <p>(f) not projecting above a parapet or roof line if such a projection impacts on the local historic heritage significance of the building; and</p> <p>(g) not using internal illumination in a sign on a local heritage place unless it is demonstrated that such illumination will not detract from the local historic heritage significance of the place or precinct.</p>
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The proposed sign exceeds 0.2m<sup>2</sup>. Accordingly, the acceptable solution cannot be satisfied, and the performance criteria must be addressed.

The proposal documents show that the proposed ground-based sign is to be located in the landscape forecourt of the site. It is detached from the building, and considered moderate in scale, being approximately 3m long and 1.0m high (see Figure 4).



**Figure 4: Proposed signage**

The applicant has submitted a Heritage Impact Statement in support of the application, which considers the proposed signage satisfies the performance criteria and does not contradict the approved Conservation Management Plan (CMP).

Accordingly, the PC is satisfied.

#### Clause C6.6.7 A1/P1 Building alterations, excluding roof form and materials

Objective:	
That building alterations, excluding roof form and materials, are compatible with the local historic heritage significance of local heritage places.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>No Acceptable Solution</p>	<p>P1</p> <p>Building alterations, excluding roof form and materials, of an existing building that is a local heritage place must be compatible with and not detract from the local historic heritage significance of the place, having regard to:</p> <p>(a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values as identified in a report prepared by a suitably qualified person;</p> <p>(b) the design, period of construction and materials of the building on the site that the building alterations most directly relate to;</p> <p>(c) the dominant external building materials in the setting; and</p> <p>(d) the streetscape.</p>

The proposal provides for alterations to allow the building to be converted to a childcare centre. As there is no acceptable solution provided under this standard, the performance criteria must be relied upon.

A Heritage Impact Statement prepared by a suitably qualified heritage consultant has been submitted in support of the proposal. The assessment considers that the alterations are able to satisfy the performance criteria, as well as satisfying relevant conservation strategies of the Brighton Army Camp Conservation Management Plan, including:

- Maintain the relationship between the open grounds, entry and hospital building
- Find a new use for the hospital building that will continue the connection to the local Brighton Community

The report notes that the changes proposed are considered in compliance with the CMP, and has made recommendations in relation to the works to be undertaken. Two (2) conditions are recommended:

- that all works are to be undertaken in accordance with the Heritage Impact Assessment
- that certification is provided to demonstrate that all works have been completed in accordance with the recommendations of the Heritage Impact Assessment.

Accordingly, the PC can be satisfied with a condition.

#### Clause C6.6.9 A1/P1 Driveways and parking for non-residential purposes

Objective:	
That driveways and parking for non-residential purposes are compatible with the local historic heritage significance of local heritage places.	
Acceptable Solution	Performance Criteria
<p>A1</p> <p>Driveways and parking areas for non-residential purposes on local heritage places must be located behind the building line of buildings located or proposed on a site.</p>	<p>P1</p> <p>Driveways and parking areas for non-residential purposes must be compatible with the local historic heritage significance of a local heritage place, having regard to:</p> <p>(a) the historic heritage values of the local heritage place as identified in the relevant Local Provisions Schedule, or if there are no historic heritage values identified in the relevant Local Provisions Schedule, the historic heritage values</p>

	<p>as identified in a report prepared by a suitably qualified person;</p> <p>(b) the loss of any building fabric;</p> <p>(c) the removal of gardens or vegetated areas;</p> <p>(d) parking availability in the surrounding area;</p> <p>(e) vehicle and pedestrian traffic safety; and</p> <p>(f) the streetscape.</p>
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The proposal provides for parking forward of the building line, which does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The proposed parking area for stage 1 and 2 is to be located to the west of the existing building. The parking closest to the building is to be located slightly forward of the building line, whilst the westernmost parking will extend closer to the frontage. There will be no loss of building fabric, nor landscaped areas. The forecourt between the parking and the frontage is to be landscaped, which will minimise the visual impact of the parking areas on the streetscape.

The parking area has been designed to satisfy Australian Standards and provide pedestrian access through the site.

The Heritage Impact Statement considers that the location of the car parking area is in accordance with the CMP and any recommendations within that report should be adhered to.

Accordingly, the PC is satisfied.

#### Clause C3.5.1 A1.4 Traffic Generation

Objective:	
To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.	
Acceptable Solution	Performance Criteria
<p>A1.4</p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p>	<p>P1</p> <p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p>

<p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road.</p>	<p>(a) any increase in traffic caused by the use;</p> <p>(b) the nature of the traffic generated by the use;</p> <p>(c) the nature of the road;</p> <p>(d) the speed limit and traffic flow of the road;</p> <p>(e) any alternative access to a road;</p> <p>(f) the need for the use;</p> <p>(g) any traffic impact assessment; and</p> <p>(h) any advice received from the rail or road authority.</p>
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The proposal will generate in excess of 40 vehicle movements per day (vmpd), which does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The proposal was referred to Council's senior technical officer for assessment, who has considered the increase in traffic generation outlined in the TIA. That officer considers that the following information provided is satisfactory to address the performance criteria:

*"Traffic generation rates for the proposed uses are referenced to the NSW Guide to Traffic Generating Developments V2.2. For a child-care centre, the traffic generation rates are*

*0.8 trip (2-way) per hour per child in the morning drop-off period and 0.7 trip (2-way) per hour per child in the afternoon pick-up period. The majority of these rates relate to parents' traffic movements, with some allowance for staff arrival in the morning and staff departure in the evening.*

*The proposed 78-children child care centre will generate 62 trips (33 in, 29 out) in the morning peak hour (8am to 9am) and 55 trips (26 in, 29 out) in the afternoon peak hour (4pm to 5pm).*

*The level of additional traffic generation will not adversely impact on the operation of Menin Drive / Brighton Road intersection – given the roundabout control. It is expected that around 80 percent of the proposed child-care centre's traffic will pass through this intersection. The other 20 percent will filter in via a series of local streets to the west of the site.*

*The proposed community centre with a car parking requirement of 10 spaces will generate around 5 to 10 cars per hour during evenings and on weekends. Such low levels of traffic generation will not adversely impact on the operation of surrounding streets and intersections."*

The PC is satisfied.

## 5. Referrals

### *Senior Technical Officer*

The proposal was referred to Council's Senior Technical Officer for comment. That officer's comments have been integrated into the report, where necessary.

### *TasWater*

The proposal was referred to TasWater, who have issued a Submission to Planning Authority Notice (SPAN). The SPAN is to be attached to any permit approved.

## 6. Representations

One (1) representation was received during the statutory public exhibition period between 22<sup>nd</sup> March 2023 and 5<sup>th</sup> April 2023.

The concerns of the representors are summarised below:

Representor's concerns	Planning Response
The representor is concerned about the change in use zoning and increased noise	<p>The proposal does not include a change to the zoning of the site, which is zoned Community Purpose. The proposed uses are both permitted uses under Table 27.2 of the Planning Scheme.</p> <p>In relation to noise, the applicant seeks to rely on performance criteria to seek approval for an extension to the hours of operation, to allow the childcare centre to open at 7am. That criterion has been addressed within the body of this report.</p>

## 7. Conclusion

The proposal for Change of Use / Alterations and Additions to Heritage Listed Building (Educational and Occasional Care (Child Care Centre) and Community Meeting and Entertainment (Community Hall) at 23 Menin Drive, Brighton satisfies the relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for approval.

## **Recommendations**

That:

- A. Pursuant to the *Tasmanian Planning Scheme - Brighton*, Council approve application DA 2022/0043 for **Change of Use / Alterations and Additions to Heritage Listed Building (Educational and Occasional Care (Child Care Centre) and Community Meeting and Entertainment (Community Hall) at 23 Menin Drive, Brighton** for the reasons outlined in the officer's report and a permit containing the following conditions be issued:

### ***General***

- (1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- (2) Where a conflict between the application for planning approval, endorsed drawing and conditions of this permit, the latter prevails.
- (3) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.

### ***Hours of Operation***

- (4) The Childcare Centre must only operate between the following hours, unless otherwise approved by Council's Manager Development Services:

Monday to Friday	7:00am to 6:00pm
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- (5) The Community Hall must only operate between the following hours, unless otherwise approved by Council's Manager Development Services.

Monday to Friday	8.00am to 6.00pm
Saturday	9.00am to 6.00pm
Sunday and Public holidays	10.00am to 5.00pm

- (6) Prior to commencement of use, signage directing patrons arriving prior to 8am to utilise the parking spaces adjacent to the western wall of the community hall must be installed.



### *Noise*

- (7) Prior to commencement of works or issue of building and plumbing permits, a plan showing fencing along the western boundary must be submitted to and approved by Council's Manager Development Services. The plan should must show a 2.1m high acoustic barrier fence, proposed materials and construction methods, and muted colours to complement the proposed colour scheme for the existing building.

### *Lighting*

- (8) External lighting must:
- a) not operate between 9:00pm and 6:00am, excluding any security lighting; and
  - b) if for security lighting, must be baffled so that direct light does not extend into the adjoining property.

### *Heritage*

- (9) The land area identified as "Stage 3 Land Under Future Proposal 955SQM" must be maintained as grassed areas, unless otherwise approved under separate permit.
- (10) Prior to commencement of any works, a schedule specifying the finish and colours of all external surfaces and samples must be approved by Paul Johnston, in accordance with the Heritage Impact Statement (Johnston, Jan 23). The approved schedule must be submitted to and approved by Council's Manager Development Services. The Schedule must provide for a paint finish colour that is subdued in tone and compatible with existing surfaces including the existing roofing, as required by the Heritage Impact Statement.
- (11) The use and development must comply with the recommendations of the Heritage Impact Statement (Johnston, January 2023) as attached to this permit.
- (12) Prior to commencement of use, certification from a suitably qualified heritage consultant must be provided confirming that all works have been undertaken in accordance with the recommendations of the Heritage Impact Statement (Johnston, January 2023).

### *Amenity*

- (13) All external metal building surfaces must be clad in non-reflective pre-coated metal sheeting or painted to the satisfaction of the Manager Development Services.

- (14) Prior to commencement of use all trees, landscaping and paths must be planted and installed in accordance with the approved Landscaping Plan to the satisfaction of the Council's Manager Development Services. Evidence showing compliance with this condition must be submitted to and approved by the Manager Development Services within 30 days of planting.
- (15) Replacement trees and landscaping in accordance with the approved Landscaping Plan must be planted if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.

### *Services*

- (16) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision or development. Any work required is to be specified or undertaken by the authority concerned.
- (17) Services located under the proposed driveways are to be provided with trafficable covers to the requirements of the relevant authority and to the satisfaction of Council's Municipal Engineer.

### *Parking and Access*

- (18) The existing vehicle access to Menin Drive must, unless approved otherwise by Council's Municipal Engineer, be widened in accordance with the following;
  - a) Regular-use vehicles must be able to enter and exit the site without crossing the centreline of the public road to the extent that there is any interaction with the opposing direction of travel.
  - b) Occasional-use vehicles (including garbage trucks) can enter and exit the site within the existing road carriageway
  - c) Be constructed in reinforced concrete within the road reservation,
  - d) Council's Standard Drawings and Specification;
  - e) Australian Standard AS 2890 - Parking facilities, Parts 1-6; and
  - f) to the satisfaction of Council's Municipal Engineer.
- (19) At least thirty five (35) car parking spaces, including at least four (4) accessible parking spaces must be provided in the proposed car park at all times for the use of the development.
- (20) At least four (4) motorcycle parking spaces must be provided on the land at all times for the use of the development.
- (21) At least seventeen (17) bicycle parking spaces must be provided on the land at all times for the use of the development.
- (22) Pedestrian paths must be signed and line marked at points where pedestrians cross access ways or parking aisles.

- (23) All parking, access ways, manoeuvring and circulation spaces must be provided in accordance the endorsed drawings, Australian Standard AS 2890 - Parking facilities, Parts 1-6, or as otherwise required by this permit, and include all of the following;
- a) be constructed with a durable all weather pavement;
  - b) be drained to the public stormwater system;
  - c) be surfaced by concrete or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.
  - d) provide for vehicles to enter and exit the site in a forward direction; and
  - e) be delineated by line marking or other clear physical means.
- (24) Prior to the development commencing, or application for building or plumbing permits, the developer must submit to Council a parking plan including:
- a) The widened access onto Menin Drive,
  - b) pavement details,
  - c) design surface levels and gradients,
  - d) drainage,
  - e) turning and travel paths (where required to demonstrate compliance with this permit),
  - f) dimensions (including clearances),
  - g) line marking,
  - h) lighting (where provided),
  - i) pedestrian paths (including any signage, line marking, protective devices such as bollards, guard rails or planters),
- (25) The parking plan is to be certified by an engineer and shall form part of the permit once accepted.
- (26) The completed parking and associated turning areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
- (27) All areas set-aside for parking and associated turning, and access must be completed before the use commences and must continue to be maintained to the satisfaction of the Council's Municipal Engineer.

### ***Access to Public Road***

#### **Advice:**

*No works on or affecting any Council road reservation is to be commenced until the Brighton Council has issued a WORKS IN ROAD RESERVATION PERMIT. Application for the issue of the necessary works permit is to be made to the Brighton Council's Asset Services Department prior to the proposed date of commencement of any works.*

### ***Stormwater***

- (28) Stormwater from the proposed development must drain to the public stormwater system to the satisfaction of Council's Municipal Engineer and in accordance with the Building Act 2016.
- (29) The stormwater drainage system for the proposed development must be designed to comply with all of the following:
  - a) Stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure
  - b) Stormwater from the proposed development must be treated prior to entering the public stormwater system to:
    - i. achieve that the quality targets in accordance with the State Stormwater Strategy 2010.
    - ii. ensure runoff entering the public stormwater system is visually free of any hydrocarbons.
- (30) The stormwater system within the development must continue to be maintained to ensure the quality targets, in accordance with the State Stormwater Strategy 2010, and flow rates discharging to the public stormwater system are maintained as per the approved design and water is conveyed so as not to create any nuisance to adjacent properties.
- (31) Prior to the lodgement of building or plumbing applications the developer must submit a Stormwater Management Report to Council's Municipal Engineer.

The Stormwater Management Report must be prepared and certified by a suitably qualified person, in accordance with section 2.6.2 of DEP & LGAT (2021). Tasmanian Stormwater Policy Guidance and Standards for Development. Derwent Estuary Program and Local Government Association of Tasmania (Hobart, Australia) and include calculations, design, construction and maintenance details of stormwater treatment, detention, and conveyance. The report must clearly demonstrate that the requirements of this permit are met and that adjacent and downstream properties will not be adversely impacted by the stormwater system. Once approved the Stormwater Management Report will form part of this permit.

**Advice:**

*General Manager's consent is required for connection to the public stormwater system in accordance with the Urban Drainage Act. Providing the planning permit conditions are met General Managers Consent will be granted.*

**TasWater**

- (32) The development must meet all required Conditions of approval specified by Tas Water Submission to Planning Authority Notice TWDA 2022/00263-BTN, dated 21/02/2023.

**Soil and Water Management**

- (33) A soil and water management plan (here referred to as a 'SWMP') prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's Manager Development Services before development of the land commences. The SWMP shall form part of this permit when approved.
- (34) Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's Manager Development Services until the land is effectively rehabilitated and stabilised after completion of the development.

**Construction Amenity**

- (35) The developer must make good any damage to the road frontage of the development site including road, kerb and channel, footpath and nature strip to the satisfaction of Council's Municipal Engineer.
- (36) The road frontage of the development site including road, kerb and channel, footpath and nature strip, should be:
- a) Surveyed prior to construction, photographed, documented and any damage or defects be noted in a dilapidation report to be provided to Council's Asset Services Department prior to construction.
  - b) Be protected from damage, heavy equipment impact, surface scratching or scraping and be cleaned on completion.
- (37) In the event a dilapidation report is not provided to Council prior to commencement, any damage on completion, existing or otherwise, may be deemed a result of construction activity and require replacement or repair to the satisfaction of Council's Municipal Engineer.

- (38) Works associated with the development must only be carried out between the following hours unless otherwise approved by the Council's General Manager
- Monday to Friday 7:00 am to 6:00 pm
  - Saturday 8:00 am to 6:00 pm
  - Sunday and State-wide public holidays 10:00 am to 6:00 pm
- (39) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- a) Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - b) The transportation of materials, goods and commodities to and from the land.
  - c) Obstruction of any public footway or highway.
  - d) Appearance of any building, works or materials.
- (40) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's General Manager.
- (41) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

**THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:**

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. A separate permit is required for any signs not otherwise approved under this permit or exempt under Council's planning scheme.
- C. A separate permit is required for any extension to the hours of operation for the Community Hall.

- D. The issue of this permit does not ensure compliance with the provisions of the Commonwealth Disability Discrimination Act 1992 in relation to access to or use of premises that the public can enter or use. Building access issues may also arise under other Disability Discrimination Act 1992 provisions relating to employment, access to services and accommodation provisions. The operator may be liable to complaints in relation to any non-compliance with the Disability Discrimination Act 1992.

There are currently no standards prescribed for compliance with the Disability Discrimination Act 1992, however, Australian Standards associated with the Act, including AS 1428.1-2001 - Design for access and mobility - General requirements for access - new building work and the Building Code of Australia (BCA) may apply to occupants of the building. It is recommended that you obtain further information concerning the Disability Discrimination Act 1992 from the Office of the Human Rights and Equal Opportunities Commission or the Tasmanian Anti-Discrimination Commission.

- E. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

### **DECISION:**

*Cr De La Torre moved, Cr Whelan seconded that the recommendation be adopted.*

**CARRIED**

#### **VOTING RECORD**

##### **In favour**

##### **Against**

Cr De La Torre  
Cr Gray  
Cr Owen  
Cr Whelan

*Cr De La Torre moved, Cr Whelan seconded that the committee suspend standing orders.*

**CARRIED**

#### **VOTING RECORD**

##### **In favour**

##### **Against**

Cr De La Torre  
Cr Gray  
Cr Owen  
Cr Whelan

## 5.2 Planning Scheme Amendment for the South Brighton Development Precinct

Type of Report	Section 40K of <i>Land Use Planning and Approvals Act 1993</i>
File Reference:	RZ 2022-05
Requested by	Brighton Council Officers
Owner:	Various
Location:	<p>69 Brighton Rd</p> <p>33 Elderslie Rd</p> <p>25 &amp; 27 William St</p> <p>1-17 Dylan St</p> <p>1-13 Melinda Ct, including Lot 2 Melinda Ct</p> <p>Elderslie Road (road lot)</p> <p>Dylan St (road lot)</p> <p>Melinda Ct (road lot)</p>
Proposal:	<p>A. Amend the planning scheme maps to:</p> <p>a. rezone the land at:</p> <ul style="list-style-type: none"> <li>i. 25 William St, 2-11, 13, Dylan St, 1-13 Melinda Ct and parts of 12, 14 and 15-17 Dylan St, Brighton from Rural Living to General Residential and part of 69 Brighton Rd, Brighton from Rural to General Residential;</li> <li>ii. parts of 12, 14 and 15-17 Dylan St, Brighton from Rural Living to Rural;</li> <li>iii. part of 33 Elderslie Road, Brighton from General Residential to Local Business; and</li> <li>iv. part of 69 Brighton Rd, Brighton from Rural to Environmental Management.</li> </ul> <p>b. amend the priority vegetation area overlay on several properties on Dylan St, Melinda Ct and 69 Brighton Rd and 33 Elderslie Road, Brighton;</p> <p>c. Extend the Brighton Highway Services Precinct Specific Area Plan over parts of 12, 14 and 15-17 Dylan St;</p>



	<p>d. Insert the South Brighton Specific Area Plan over part of 69 Brighton Rd, 33 Elderslie Rd, 25 &amp; 27 William St and 1-11, 13, 14 Dylan St and 1-13 Melinda Ct and parts of 12, and 15-17 Dylan St;</p> <p>B. To amend the Planning Scheme Ordinance to:</p> <p>a. Introduce the South Brighton Specific Area Plan at clause BRI-S11.0; and</p> <p>b. Amend the provisions of the Brighton Highway Services Precinct Specific Area Plan at clause BRI-S3.0.</p>
<b>Planning Instrument:</b>	Tasmanian Planning Scheme - Brighton
<b>Date Advertised:</b>	20 <sup>th</sup> January 2023 to 21 <sup>st</sup> February 2023
<b>Representations:</b>	Ten (10)
<b>Author</b>	David Allingham (Manager Development Services)

## 1. Executive Summary

The report considers the exhibition period regarding a draft planning scheme amendment that will provide the framework for implementing the South Brighton Development Precinct Master Plan (the “Master Plan”).

Council’s Planning Authority, at its meeting of the 20<sup>th</sup> of December 2022, agreed to initiate the proposed planning scheme amendment made by Brighton Council under s.38(2) of the *Land Use Planning and Approvals Act 1993* (the Act) 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 (s. 40H).

This is a report required by section 40K to be submitted to the Commission in relation to the ten (10) representations received during advertising.

It is considered that one of the representations to the draft amendment warrants a small modification to the Master Plan and subsequently to the proposed South Brighton Specific Area Plan (SAP) planning scheme ordinance.

## 2. Legislative requirements

In accordance with s.40H the planning authority must exhibit the draft amendment for twenty eight days.

Following exhibition, the planning authority must consider any representations and provide a report to the Commission. The report must include [section 40K]:

- (a) a copy of each representation, including any agreed to be accepted after the end of the exhibition period;
- (b) the planning authority’s views on the merit of each representation;

- (c) a recommendation as to whether the draft amendment should be modified to take into account the representation and the effect on the LPS as a whole in implementing the recommendation; and
- (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.

The planning authority has 35 days from the close of the exhibition period to forward its report to the Commission. An extension to this timeframe has been requested to allow Council to workshop the representations and for it to be considered at the April planning authority meeting. The Commission has approved the extension of time.

### 3. The Representations and Response

The draft planning scheme amendment was on public exhibition from Saturday the 21st January 2023 until the 22nd February 2023.

Below is a summary of the 10 representations received during the public exhibition period and response on the merit of each representation as required by s.40K(b) of the Act.

Submission	Response on merit
<b>Rep 1 - Homes Tasmania</b>	
The land was purchased by Homes Tas as it was zoned for residential lots with an expected yield of 150 lots. The proposed local business zone makes this difficult to achieve.	There are options for providing residential housing on LBZ. Discussions with HT have indicated that they are not interested in pursuing residential development on the LBZ.
Small, isolated pockets of Local Business Zone has caused problems with vandalism and empty tenancies.	Whilst there is merit to this statement, the proposed Local Business Zone is not considered isolated as it is opposite an existing Light Industrial Zone and adjacent to the high school. It is considered to be an extension of the existing activity centre.
Local Business Zone provides for incompatible uses with a High School. These include tobacco outlets (General Retail and Hire), alcohol sales and gambling (Hotel Industry).	Whilst there is some merit in this submission, a residential use is also a permitted use in this zone so it cannot be considered a land use conflict.
<b>Rep 2</b>	
The Master Plan was recently amended to relocate the cul-de-sac away from the dwelling at 10A Dylan, leaving 10 Dylan St with no lots shown or access.	This is a legitimate concern, and the Master Plan has been amended to relocate the cul-de-sac to the boundary of 10A Dylan St, so that it has frontage for lots on 10 Dylan St (see Attachment A).

Rep 3	
<p>Trying to understand how subdivision infrastructure will be developed and how compensation for provision of land for infrastructure will be provided.</p> <p>Council has indicated that property owners collaborate the fund infrastructure, but this is unlikely to be workable.</p> <p>Council should develop and communicate a comprehensive business plan via which the subdivision can be implemented before any planning scheme amendments are considered for approval .</p>	<p>Council's preference continues to be for owners/developers to work together to find solutions to development.</p> <p>Provision of land for infrastructure generally does not require compensation as this is a cost of development. Compensation would be from other landowners that enjoy the benefit of the infrastructure.</p>
Rep 4	
<p>Has provided a preferred indicative lot layout for 5 Dylan St that they would like to be incorporated in an amended Master Plan.</p> <p>The revised layout would:</p> <ul style="list-style-type: none"> <li>• Increase lot yield from 5 to 10 lots</li> <li>• Pipe the SW under Dylan St and divert the natural watercourse</li> <li>• Road can be constructed on natural contour (GHD version is financially unviable.</li> <li>• The layout can be contained within lot boundaries and not rely on neighbouring properties.</li> </ul>	<p>The land at 5 Dylan St is heavily constrained by overland flow and floods regularly. There is a natural drainage course that runs through the property. The proposed design by GHD takes a conservative approach of not altering the natural watercourse which is considered best practice.</p> <p>The alternative layout proposes to alter the natural watercourse and overland flowpath using pipes and fill.</p> <p>The alternative proposal may be a feasible solution, however the detailed design work has not been done. The SAP framework provides sufficient flexibility for the alternative proposal to be considered through a discretionary pathway if the amendment is approved.</p> <p>However, it is preferable to retain the current conservative approach shown in the existing Master Plan.</p>
Rep 5	
<p>Against revised layout on 9 Melinda Ct for following reasons:</p> <ul style="list-style-type: none"> <li>• Imposed greater restrictions and limitations to future use.</li> <li>• Walkway widened which is</li> </ul>	<p>The walkway is considered to be critical and has been shown in all the versions of the Master Plan to date.</p> <p>From an urban design perspective, the walkway provides pedestrian connectivity</p>

<p>unacceptable and it is not needed.</p> <ul style="list-style-type: none"> <li>• There are other walkable options from Melinda Ct along proposed roads</li> <li>• The layout wipes out existing outbuilding and amenities to rear and side of house.</li> </ul> <p>Submitted an alternative layout on 9 Melinda Ct with road in council owned land to South west.</p>	<p>to the proposed parkland on 11 Dylan St and assists in providing a walkable loop around the proposal. It also opens up the Melinda Ct cul-de-sac and gives clear view lines to the proposed parkland and intersection.</p> <p>Whilst there is some scope for the walkway to be narrowed, having a wider walkway is preferred from a safety perspective as it provides for greater surveillance.</p> <p>The proposed 4-way intersection also provides an important connection for road users and permeability within the area.</p> <p>The alternative layout provides no consideration of how the lot layout on the adjoining land will be impacted.</p> <p>There may be some scope to investigate slightly amending the road layout if the SAP purpose is achieved as part of a future subdivision application, but it is preferred not to amend the Master Plan to reflect the alternative layout.</p>
<b>Rep 6 - DSG</b>	
Preference that traffic be encouraged to avoid Hove Way	This is a matter for DSG to implement through appropriate signage.
Supports bus stops and suggest alternative locations on southern side of Elderslie/William intersection	Indicative bus stops are shown. More detailed locations and design can be addressed at subdivision stage.
The through site links are encouraged and supported	Noted.
Design of future road should not preclude bus movements	Can be addressed at subdivision stage.
Suggest that access to properties from Brighton Rd is avoided. This will reduce conflict between pedestrian and vehicles	<p>Not supported. The intent is to create a walkable inviting neighbourhood which includes properties fronting Brighton Rd as per the streetscape to the north of the master plan area.</p> <p>It is expected that speed limits will be reduced and there is a requirement in the SAP framework for vehicles to be able to</p>

	enter and exit in a forward manner from properties fronting Brighton Road.
<b>Rep 7 - TasRail</b>	
The DSG culvert under the Midland Hwy is substantially larger than the rail culvert, meaning inflows to the rail culvert can be above the capacity of the rail drainage system. This exposes the integrity and safety of rail infrastructure and assets to significant risk, and with high potential to cause derailment risk.  TasRail requests detailed modelling and any upgrades to the culvert to be done at the cost of Council or a developer	This is certainly an issue, but one that can be addressed through future subdivision applications.
TasRail will not permit shared pathways to be located within State Rail Network Land.	No shared pathways are proposed on TasRail land.
A condition to the amendment is requested to ensure that any increase in traffic flows with potential to impact on a railway crossing or other rail interface must be jointly risk assessed (ALCAM) by Council as the Road Manager and TasRail as the Rail Infrastructure Manager, in accordance with Rail Safety National Law.	The only rail crossing in the vicinity of the master planned area is at William St. There is no reason why traffic would increase over this rail crossing as part of the amendment.
<b>Rep 8 - TFS</b>	
Urban development around the Brighton High School is supported as it will reduce bushfire risk to a vulnerable use.	Noted
The western, southwestern and southeast edges of the SAP area with interface with non-urban land. It is important that future subdivision design can accommodate setbacks to achieve BAL-19 along these interfaces, as required by the Bushfire-Prone Areas Code. It is important that the final version of the SAP ordinance allows discretion in relation to minimum lot sizes to ensure lots can be designed in accordance with the Code	Noted
<b>Rep 9 - TasWater</b>	
TasWater has requested that the infrastructure assessment prepared by	After discussions with TasWater, they agree that the land can be serviced



<p>GHD be updated to include all the relevant land needing reticulated sewerage (e.g. 1 &amp; 33 Elderslie Rd and 69 Brighton Rd).</p>	<p>without the need for an updated report. This should be sufficient for the purposes of approving the planning scheme amendment.</p> <p>TasWater are concerned that they may end up with several pieces of infrastructure that they don't want rather than a single pump station that services the entire area.</p> <p>The purpose of their submission is to try and achieve the most efficient outcome for the master planned area and to get parties to work together. However, if Council updated the servicing plan there is no guarantee that the recommendation will be implemented as each party can investigate different ways to service the land.</p> <p>Council staff will continue to work with key stakeholders to try and get the most efficient servicing solution for the area.</p>
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#### 4. Modifications to the draft planning scheme amendment

As noted above, the representation regarding the indicative lot layout on 10 Dylan St has merit and a small modification to the draft planning scheme amendment is proposed.

The proposed modification is shown in Table 1 below:

**Table 1:** Proposed change to South Brighton Master Plan lot layout on 8, 10 & 10A Dylan St

	
<p>South Brighton Master Plan that was publicly exhibited.</p>	<p>Proposed modification to South Brighton Master Plan with relocated cul-de-sac and indicative lots shown on 10A Dylan St.</p>

The proposed modification will require *Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework* to be replaced with the amended South Brighton Plan as per Attachment B to this report.

The modification has no impact on the LPS as a whole.

## 5. Conclusion

Ten representations were received during the public exhibition period for the South Brighton draft planning scheme amendment, one of which had merit and required a small modification to the South Brighton Specific Area plan ordinance. The proposed draft planning scheme amendment with the modified ordinance still meets the LPS criteria as required by s.40K(d) of the Act.

## 6. 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.

## 7. Recommendation

It is recommended that Council resolves that:

- a) Pursuant to section 40K(1) of the *Land Use Planning and Approvals Act 1993*, provide the Tasmania Planning Commission with a copy of this report.
- b) Pursuant to section 40K (2)(a) of the *Land Use Planning and Approvals Act 1993*, provide to the Tasmanian Planning Commission a copy of each of the 10 representations that were received during the advertising of draft amendment RZ 2022-05
- c) 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 warrant a modification to draft amendment RZ 2022-05 as detailed in this report.

*Cr Owen moved, Cr De La Torre seconded that committee resume standing orders.*

**CARRIED**

## VOTING RECORD

In favour	Against
Cr De La Torre	
Cr Gray	
Cr Owen	
Cr Whelan	

## **DECISION:**

Cr Whelan moved, Cr De La Torre seconded that:-

In accordance with s.40K(e) of the Land Use Planning and Approvals Act 1993, the planning authority recommend that the South Brighton planning scheme amendment (RZ2022/05) be modified so that the land above the 100m contour on 69 Brighton Road, Brighton be zoned Landscape Conservation for the following reasons:

- a) to protect the skyline and scenic values of Lodge Hill;
- b) to ensure consistency with the height of general residential zone application across the municipality and greater Hobart in exposed visual landscapes; and

- c) TasWater having raised issues with servicing above the 100m contour;
- d) Because a vast majority of the land above the 100 contour and has a slope of greater than 1 in 5 (in some circumstances beyond 1 in 3.5) and therefore cannot comply with objectives of the zone and the Tasmanian subdivision standards.

MOTION LOST

#### VOTING RECORD

In favour	Against
Cr Owen	Cr De La Torre
Cr Whelan	Cr Gray

*Cr Owen moved, Cr De La Torre seconded that the recommendation be adopted.*

CARRIED

#### VOTING RECORD

In favour	Against
Cr De La Torre	Cr Whelan
Cr Gray	
Cr Owen	

*Cr Owen declared an interest in the following item.*

### 5.3 Amendment to the Southern Tasmania Regional Land Use Strategy (STRLUS) Urban Growth Boundary (UGB) for Greater Hobart

Type of Report:	Planning Authority
Address:	Greater Hobart
Requested by:	Minister for Planning
Proposal:	Amendment to the Southern Tasmania Regional Land Use Strategy (STRLUS) Urban Growth Boundary for Greater Hobart
Author:	Senior Strategic Planner (Brian White)
Authorised:	Manager Development Services (David Allingham)

#### Background

The purpose of this report is to enable the Planning Authority to determine whether to support an amendment to the Southern Tasmanian Regional Land Use Strategy (STRLUS) Urban Growth Boundary (UGB) by the Minister of Planning.



The amendment is proposed as a short-term solution to address current growth pressures in greater Hobart identified in the work done so far on the Greater Hobart Plan ('GHP'). This work has identified anomalies and errors with the currently mapped UGB, and a number of small to moderate sized parcels adjoining the current UGB which should logically be included without requiring extensive strategic planning justification.

The amendment allows additional land to be rezoned for urban/ residential purposes adjacent to the existing UGB which is consistent with the initial findings of the GHP and the strategic intent of the STRLUS. Further work on the UGB will occur once the GHP's implementation and settlement strategy is finalised and released.

The amendment to the STRLUS consists of two elements:

1. Mapped changes to the UGB to address the anomalies and errors identified by the GHP preparation process
2. Text change to policy SRD 2.1.

### Mapped Changes to UGB

The mapped changes to the UGB includes two (2) sites in the Brighton Municipality, as shown below:

<b>Site: Brighton Road, Brighton</b>	
Municipality	Brighton
Area	62.0 ha
Current Zoning(s)	Industrial, Environmental Management, Rural, Utilities
Current Use	Industrial, Residential, Vacant, Roads
Reason for Inclusion within the UGB	Logical extension. Connects industrial estate with southern edge of existing urban area.



**Figure 1:** Site One – Brighton Road, Brighton

<b>Site: Ashgrove Crescent, Old Beach</b>	
Municipality	Brighton
Area	7.0 ha
Current Zoning(s)	General Residential, Rural Living
Current Use	Residential, vacant land
Reason for Inclusion within the UGB	Logical extension. Already zoned and developed for residential use. Located immediately adjacent to land identified for potential future expansion of the UGB (refer Brighton Structure Plan August 2018 - Site 9: Old Beach Quarry).



Figure 2 – Site Two - Ashgrove Crescent, Old Beach

### Text change to policy SRD 2.1.

The text change to policy SRD 2.12 replaces a previous amendment to the same policy in September 2021 which enabled the consideration of a rezoning proposal for a lot with an area of up to 2ha that is outside, but adjoining, the Greater Hobart Urban Growth Boundary (UGB).

This current amendment removes that 2ha maximum limit but introduces the following requirements:

*Notwithstanding SRD 2.2 and SRD 2.8, and having regard to the strategic intent of the Urban Growth Boundary under SRD 2 to manage and contain growth across greater Hobart, land outside the Urban Growth Boundary shown in Map 10 may be considered for urban development if it:*

- a) *shares a common boundary with land zoned for urban development within the Urban Growth Boundary;*
- b) *only provides for a minor and logical extension to land for urban development and does not constitute a significant increase in land zoned for urban development in that locality;*
- c) *is identified in a settlement strategy or structure plan produced or endorsed by the relevant planning authority; and*
- d) *results in minimal potential for land use conflicts with adjoining uses*

### Legislative & Policy Context

The Minister of Planning can declare amendments to the STRLUS by virtue of section 5A (3) of the *Land Use Planning and Approvals Act 1993* ('LUPAA'). In amending STRLUS, LUPAA (s. 5A(7)) requires that he or she must firstly consult with:

- a) *the Commission;*
- b) *the planning authorities; and*
- c) *the State Service Agencies, and State authorities, as he or she thinks fit.*

This submission is a response to the Ministers consultation with the Brighton Council.

### Risk & Implications

It is acknowledged that the current amendment is an early action of the Government to implement the initial findings of the GHP to modestly increase land supply in Greater Hobart on land adjoining the current UGB.

There appear to be no real risks to Council as any future rezoning applications on land subject to the amendment will be assessed by the Planning Authority according to the current legislation.

### Assessment

Council Officers support the mapping amendment to the UGB, and the policy wording change, as proposed in the documents prepared by the Department.

Whilst site 1 is on land currently constrained for future sensitive uses by virtue of the Bridgewater Quarry and Brighton Industrial Hub Specific Area Plans, the land is adjacent to the site of the new high school and the proposed master planned 'South Brighton' residential area. Including it in the UGB will allow parts of it to potentially be investigated for a zoning to provide for 'urban development'.

Site 2 is a logical expansion of the UGB, and has been included as part of the ongoing Old Beach Zoning review study. The land is partially covered by the Old Beach Quarry overlay, however the quarry is no longer in use and has been rehabilitated.

Council Officers have also reviewed the sites in other municipalities and have no comment on these.

The proposed wording is a modest change from the previous amendment in September 2021. The only real concern with the wording is that the policy should either be amended or removed in the new STRLUS, with any rezoning outside of an updated UGB should either be forbidden or required to fix an error or anomaly.

## Conclusion

Council Officers support the amendment to STRLUS made by the Minister of Planning.

## RECOMMENDATION:

That Council resolve to:

- A. Receive the Report; and
- B. Provide the following response to Minister of Planning:

*Brighton Council has no objection to the Amendment to the Southern Tasmania Regional Land Use Strategy (STRLUS) Urban Growth Boundary for Greater Hobart as provided in attachments A – C of this report.*

*Brighton Council suggests that policy SRD 2.12 should either be amended or removed in the new STRLUS, with any rezoning outside of an updated UGB either being forbidden or required only to fix an error or anomaly in the mapping.*

## **DECISION:**

*Resolved that this Item be deferred to the April Ordinary Council meeting.*

Meeting closed: 6.25pm

Confirmed:

\_\_\_\_\_  
(Mayor)

Date:

\_\_\_\_\_  
18 April 2023