

## **Brighton Local Provisions Schedule**

### **Amendment RZ 2022/05**

The Brighton Local Provisions Schedule is amended as follows:

- 1) To amend the planning scheme map to
  - a) rezone the land at:
    - 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, as shown in Annexure 1;
    - ii) part of 12, 14 and 15-17 Dylan St, Brighton from Rural Living to Rural as shown in Annexure 2;
    - iii) part of 33 Elderslie Road, Brighton from General Residential to Local Business as shown in Annexure 3; and
    - iv) part of 69 Brighton Rd, Brighton from Rural to Environmental Management as shown in Annexure 4.
  - b) amend the priority vegetation area overlay on several properties on Dylan St, Melinda Ct and 69 Brighton Rd and 33 Elderslie Road, Brighton as shown in Annexure 5.
  - c) Extend the Brighton Highway Services Precinct Specific Area Plan over parts of 12, 14 and 15-17 Dylan St as shown in Annexure 6.
  - d) Insert the South Brighton Specific Area Plan over part of 69 Brighton Rd, 33 Elderslie Rd, 25 & 27 William St and 1-11, 13, Dylan St and 1-13 Melinda Ct and parts of 12, 14 and 15-17 Dylan St as shown in Annexure 7.
- 2) To amend the Planning Scheme Ordinance to:
  - a) Introduce the South Brighton Specific Area Plan at clause BRI-S11.0 as shown in Annexure 8; and
  - b) Amend the provisions of the Brighton Highway Services Precinct Specific Area Plan at clause BRI-S3.0 as shown in Annexure 9.

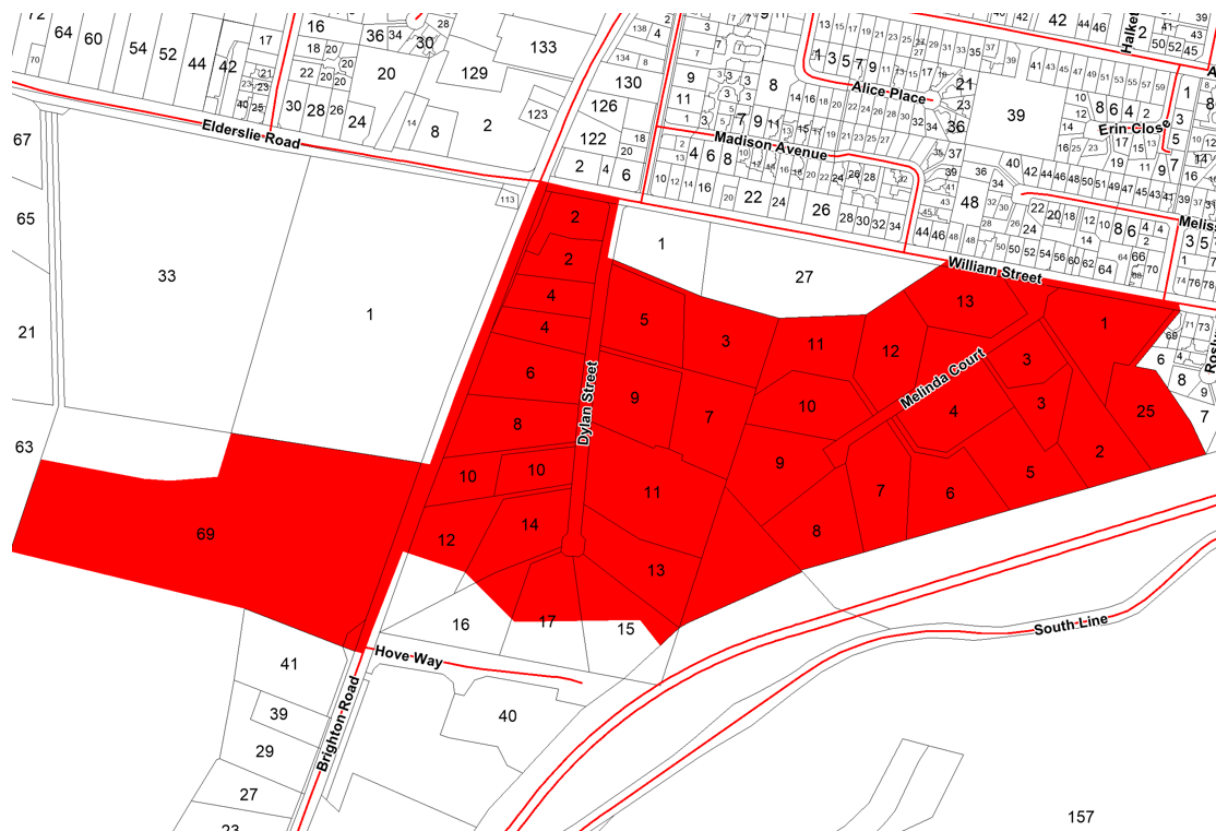
### Instrument of Certification

The Brighton Council Planning Authority resolved at its meeting held on 20 December 2022 that Amendment RZ2022/05 of the *Tasmanian Planning Scheme - Brighton* meets the requirements specified in Section 32 of the *Land Use Planning and Approvals Act 1993*.

The common seal of the Brighton Council is affixed below, pursuant to the Council resolution of 16 May 2006 in the presence of:

**General Manager**

## Annexure 1



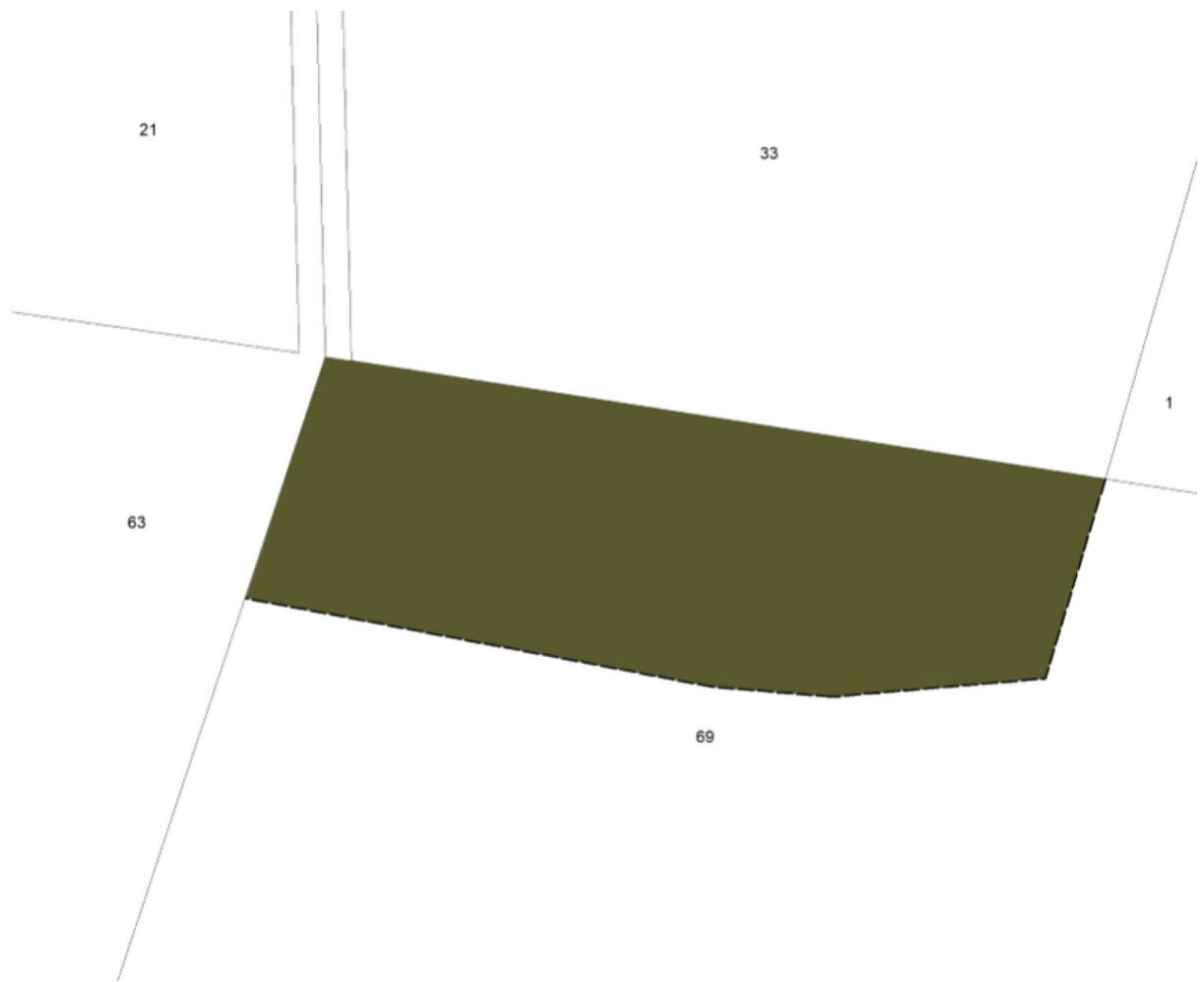
## Annexure 2



### Annexure 3



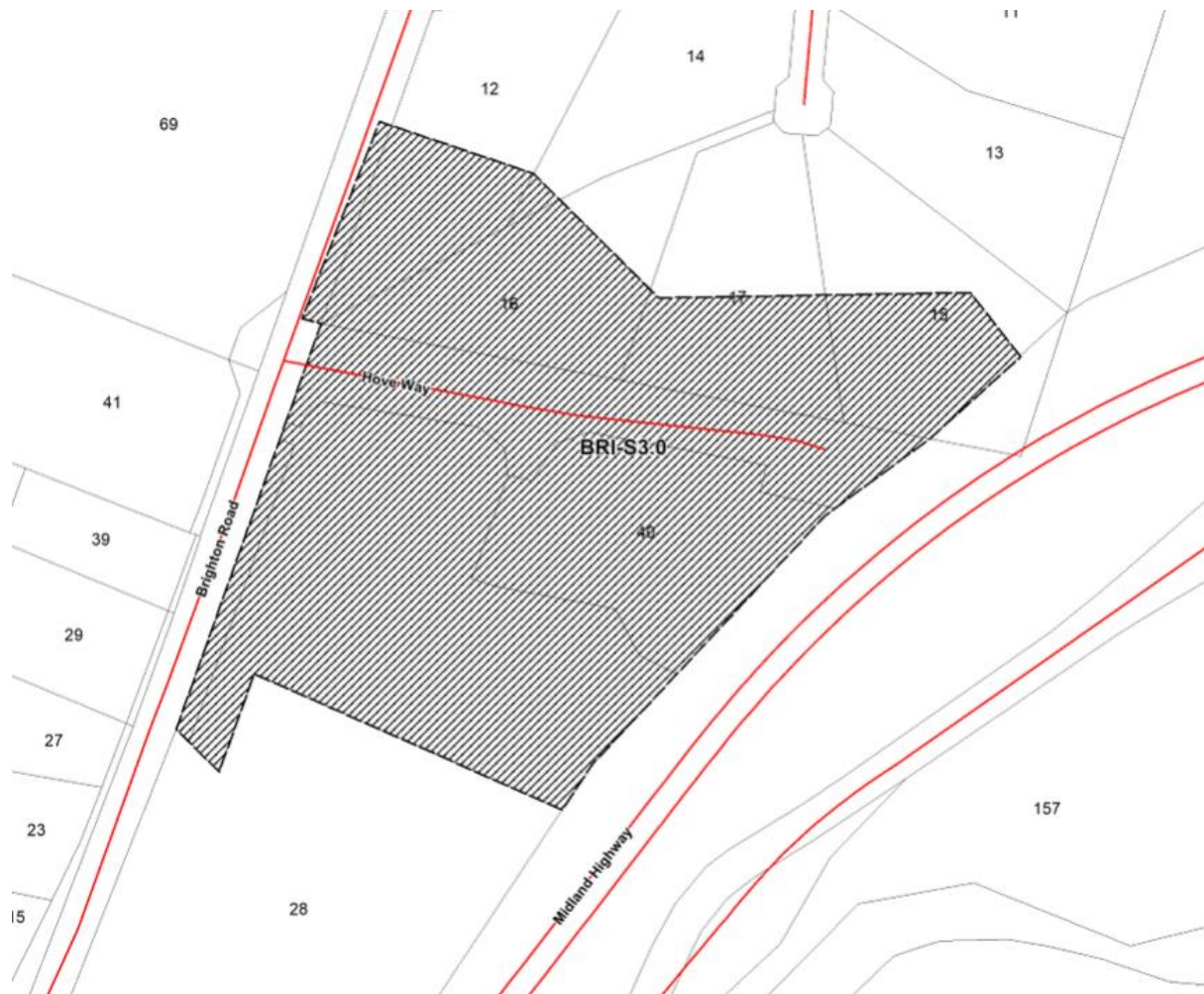
## Annexure 4



## Annexure 5

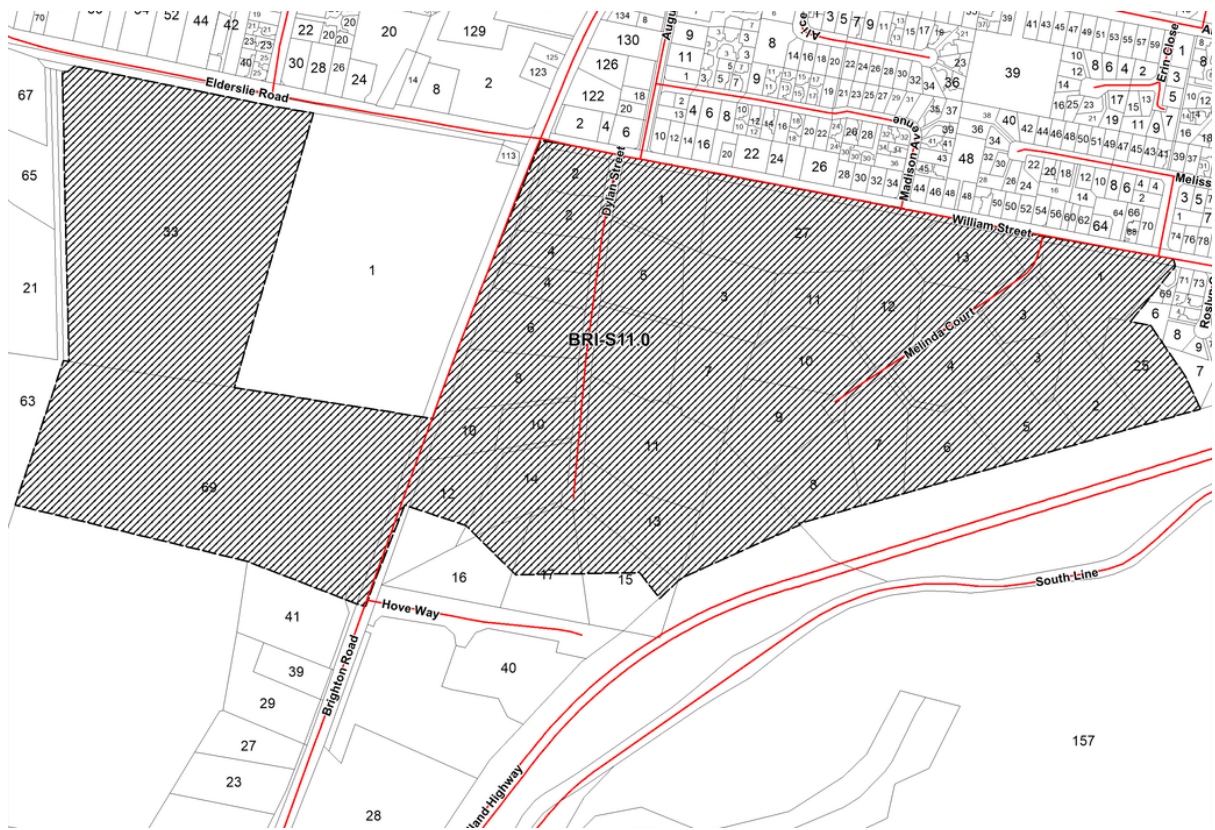


## Annexure 6





## Annexure 7



## Annexure 8

### BRI -S11.0 South Brighton Specific Area Plan

#### BRI-S11.1 Plan Purpose

The purpose of the South Brighton Specific Area Plan is:

BRI-S11.1.1	To implement the South Brighton Development Precinct Plan.
BRI-S11.1.2	To maximise and facilitate future development potential.
BRI-S11.1.3	To coordinate the provision of infrastructure and public open space.
BRI-S11.1.4	To create a safe and pleasant urban environment, through landscaping, connectivity between roads, the future high school and open spaces.
BRI-S11.1.5	To provide a range of lot sizes with higher density living in close proximity to open space, open space networks, services and public transport.
BRI-S11.1.6	To provide a road network that: (a) facilitates connection between lots; (b) encourages connectivity between the east and west side of Brighton Road; and (c) utilises and incorporates existing overland flowpaths.
BRI-S11.1.7	To facilitate a transition to a slower traffic environment and more pedestrian friendly environment for Brighton Road

#### BRI-S11.2 Application of this Plan

BRI-S11.2.1	The specific area plan applies to the area of land designated as the South Brighton Specific Area Plan on the overlay maps and shown in Figure BRI-S11.1.
BRI-S11.2.2	In the area of land, that this plan applies to, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of:  (a) 8.0 General Residential Zone; (b) 23.0 Environmental Management Zone (c) C3.0 Road and Railway Assets Code  as specified in the relevant provision.

#### BRI-S11.3 Local Area Objectives

This sub-clause is not used in this specific area plan.

#### BRI-S11.4 Definition of Terms

BRI-S11.4.1 In this Specific Area Plan, unless the contrary intention appears:

Term	Definition
Precinct A	means the area of land shown in Figure BRI-S11.3 as Precinct A.
Precinct B	means the area of land shown in Figure BRI-S11.3 as Precinct B.

### BRI-S11.5 Use Table

This sub-clause is not used in this specific area plan.

### BRI-S11.6 Use Standards

#### BRI-S11.6.2 Access to Brighton Road

This clause is in **addition** to Road and Railway Assets Code – clause C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

<b>Objective:</b>	
To provide safe access to Brighton Road.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>  Access ways to Brighton Road must provide for vehicles to enter and exit the site in a forward direction.	<b>P1</b>  Vehicular traffic to and from the site must minimise any adverse effects on the safety of a vehicle crossing having regard to:  (a) any increase in traffic caused by the use;  (b) the nature of the traffic generated by the use;  (c) the nature of the road;  (d) the speed limit and traffic flow of the road;  (e) any alternative access to a road;  (f) the need for the use;  (g) any traffic impact assessment; and  (h) any advice received from the rail or road authority.

### BRI-S11.7 Development Standards for Buildings and Works

#### BRI-S11.7.1 Building and Works

This clause is in **addition** to General Residential Zone – clause 8.4 Development Standards for Dwellings.

<b>Objective:</b>	
That buildings and works do not prejudice the efficient future utilisation of land for urban development.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>  Buildings and works must:	<b>P1</b>

<ul style="list-style-type: none"> <li>(a) be for an addition to an existing dwelling, a secondary residence or a home-based business;</li> <li>(b) be of a temporary nature able to be readily removed prior to the development of the land for urban purposes; or</li> <li>(c) be on a lot that has been created in accordance with the development framework in Figure BRI-S11.2</li> </ul>	<p>Buildings and works must not preclude or hinder the effective and efficient implementation of the development framework in Figure BRI-S11.2, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the topography of the site;</li> <li>(b) any existing access arrangements;</li> <li>(c) location of any services;</li> <li>(d) the purpose, location and extent of any building and works; and any alternative subdivision layout that achieves the Specific Area Plan Purpose.</li> </ul>
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## **BRI-S11.8 Development Standards for Subdivision**

### **BRI-S11.8.1 Landscaping**

This sub-clause is in **addition** to General Residential Zone – Clause 8.6 Development Standards for Subdivision

<b>Objective:</b>	
To encourage safe and attractive landscaped roads and open space.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b> A minimum of one street tree must be provided per lot, except for lots that are internal lots.	<b>P1</b> Street trees must be provided along the frontage of new lots, having regard to: <ul style="list-style-type: none"> <li>a) the width of lot frontages;</li> <li>b) location of infrastructure;</li> <li>c) the topography of the site;</li> <li>d) the safety and efficiency of the road network;</li> <li>e) the nature of the road; and</li> <li>f) existing vegetation that can be retained.</li> </ul>
<b>A2</b> Public open space or shared path links are not required on the land in accordance with the development framework in Figure BRI-S11.2	<b>P2</b> If subdivision includes the creation of new open space and/or shared path links in accordance with the development framework in Figure BRI-S11.2, landscaping must be provided having regard to: <ul style="list-style-type: none"> <li>a) enhancement of the open space or shared path link area</li> <li>b) provides a range of plant heights and forms to create diversity, interest and amenity;</li> <li>c) prevents the creation of concealed entrapment spaces;</li> <li>d) removal of existing invasive weed species; and</li> </ul>

	e) any advice from a suitably qualified person.
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### **BRI-S11.8.2 Infrastructure provision**

This clause is in **addition** to General Residential Zone - clause 8.6 Development Standards for Subdivision

<b>Objective:</b>	
To ensure that:	
<ul style="list-style-type: none"> <li>a) Subdivision design provides for land, services and easements that will enable further land development in accordance with the Development Framework and purpose of the Specific Area Plan; and</li> <li>b) Developer contributions are made towards the cost and provision of infrastructure in accordance with the relevant Policy adopted by the Council.</li> </ul>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>
<p>The provision and necessary upgrades of infrastructure, including stormwater, footpath, road, streetlighting, landscaping, and the like, must be:</p> <ul style="list-style-type: none"> <li>a) Provided entirely at the developer's expense; or</li> <li>b) If Council has adopted an Infrastructure Policy for this area, an agreement under Part 5 – Section 71 of the Act is entered into and registered on the title, providing for the schedule of costs and developer contributions toward infrastructure.</li> </ul>	<p>No Performance Criterion.</p>

### **BRI-S11.8.3 Development Standards for Subdivision - Precinct A**

#### **BRI-S11.8.3.1 Subdivision layout – Precinct A**

This clause is a **substitution** for General Residential Zone - clause 8.6.1 Lot design A1 and P1 and A4 and P4, and clause 8.6.2 Roads.

<b>Objective:</b>	
The subdivision layout is consistent with the purpose of the Specific Area Plan and the development framework.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A1</b>	<b>P1</b>
<p>The design and layout of lots (including lots proposed in a plan of subdivision), roads, public open space and pedestrian connections in Precinct A must:</p> <ul style="list-style-type: none"> <li>a) Be consistent with the development framework in Figure BRI-S11.2 and</li> </ul>	<p>The layout of lots, roads, public open space and pedestrian connections must be compatible with the purpose of the Specific Area Plan and the development framework in Figure BRI-S11.2 having regard to:</p> <ul style="list-style-type: none"> <li>a) the facilitation of high levels of vehicular and pedestrian connectivity in the</li> </ul>

<p>(i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <ul style="list-style-type: none"> <li>i. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</li> <li>ii. easements or other title restrictions that limit or restrict development; and</li> </ul> <p>(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; or</p> <p>(iii) be required for public use by the Crown, a council or a State authority; or</p> <p>(iv) be required for the provision of Utilities; or</p> <p>(v) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>subdivision and to open spaces and adjacent areas;</p> <ul style="list-style-type: none"> <li>b) the integration of landscaping into the road, pedestrian and open space network;</li> <li>c) avoid compromising the appropriate and reasonable future subdivision of the entirety of any balance lot or adjoining lot;</li> <li>d) any natural hazards or other site conditions that constrain future development;</li> <li>e) the topography of the site;</li> <li>f) facilitating higher lot densities around existing dwellings and adjoining public open space;</li> <li>g) the provision of the necessary road and service infrastructure;</li> <li>h) any relevant Codes; and</li> <li>i) any advice received from the road authority.</li> </ul>
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#### **BRI-S11.8.4 Development Standards for Subdivision - Precinct B**

##### **BRI-S11.8.4.1 Lot size - Precinct B**

This clause is in **substitution** for General Residential Zone - clause 8.6.1 Lot design A1 and P1 and A2 and P2

<b>Objective:</b>	
To provide for new lots that have higher densities close to services, facilities and public transport corridors.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) have an area of not less than the lot sizes specified in Table BRI-S11.9.1 and:</p> <ul style="list-style-type: none"> <li>(i) be able to contain a minimum building area as specified in Table BRI-S11.9.1 with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> <li>a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</li> </ul> </li> </ul>	<p><b>P1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the relevant requirements for development of buildings on the lots;</li> <li>(b) the intended location of buildings on the lots;</li> <li>(c) the topography of the site;</li> <li>(d) the presence of any natural hazards;</li> </ul>

<p>b. easements or other title restrictions that limit or restrict development; and</p> <p>(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>(e) adequate provision of private open space; and</p> <p>(f) the pattern of development existing on established properties in the area.</p>
<p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than specified in Table BRI-S11.9.1</p>	<p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <p>(a) the width of frontage proposed, if any;</p> <p>(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</p> <p>(c) the topography of the site;</p> <p>(d) the functionality and useability of the frontage;</p> <p>(e) the ability to manoeuvre vehicles on the site; and</p> <p>(f) the pattern of development existing on established properties in the area,</p> <p>and is not less than 3.6m wide.</p>

#### **BRI-S11.8.4.2 Movement network connections - Precinct B**

This clause is in **addition** to General Residential Zone - clause 8.6.2 Roads and Environmental Management Zone – clause 23.5.1 Lot design

<b>Objective:</b>	
The road layout, open space and pedestrian connections in Precinct B are consistent with the purpose of the Specific Area Plan and the development framework.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>The subdivision layout for Precinct B must include the road layout, open space and pedestrian connections so that it is consistent</p>	<p><b>P1</b></p> <p>The arrangement and construction of roads, open space and pedestrian connections within Precinct B must include:</p>

with the development framework in Figure BRI-S11.2.	<p>(a) connections to the existing roads abutting the Precinct along the northern and eastern boundary;</p> <p>(b) provide an active edge along the boundary of 1 Elderslie Road.</p> <p>(c) provide linkages through 33 Elderslie Rd and 69 Brighton Road; and</p> <p>(d) provide for new lots with frontage to Brighton Rd.</p>
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## BRI-S11.9 Tables

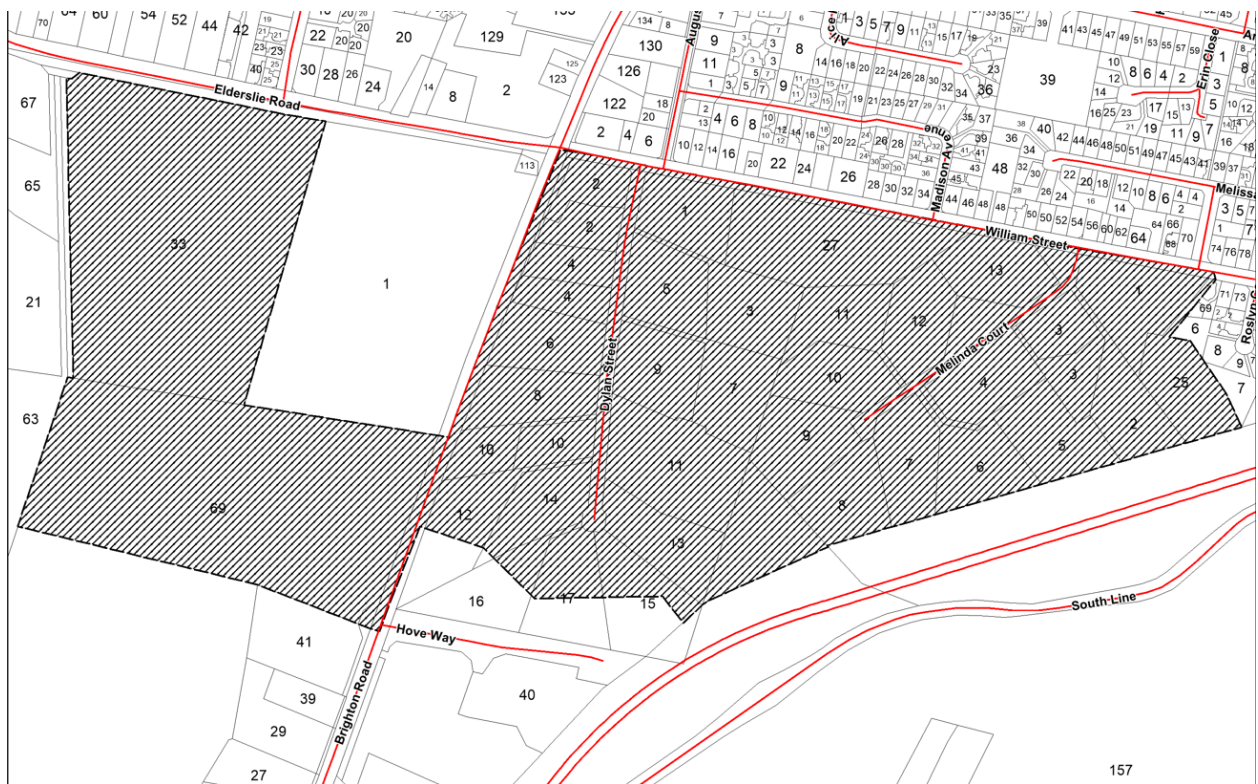
### BRI-S11.9.1

	Minimum Lot Size*	Minimum frontage	Minimum building area
Ordinary lot (i.e. not otherwise specified below)	450m <sup>2</sup>	12m	10m x 15m
Lots adjoining or opposite public open space, or Lots within 400m of a public transport corridor, or Lots within 200m walking distance of a business zone, local shop or school.	350m <sup>2</sup>	9m	9m x 12m

*\*Not including any fee simple access strip*



**Figure BRI-S11.1 The South Brighton Specific Area Plan Area**



**Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework**

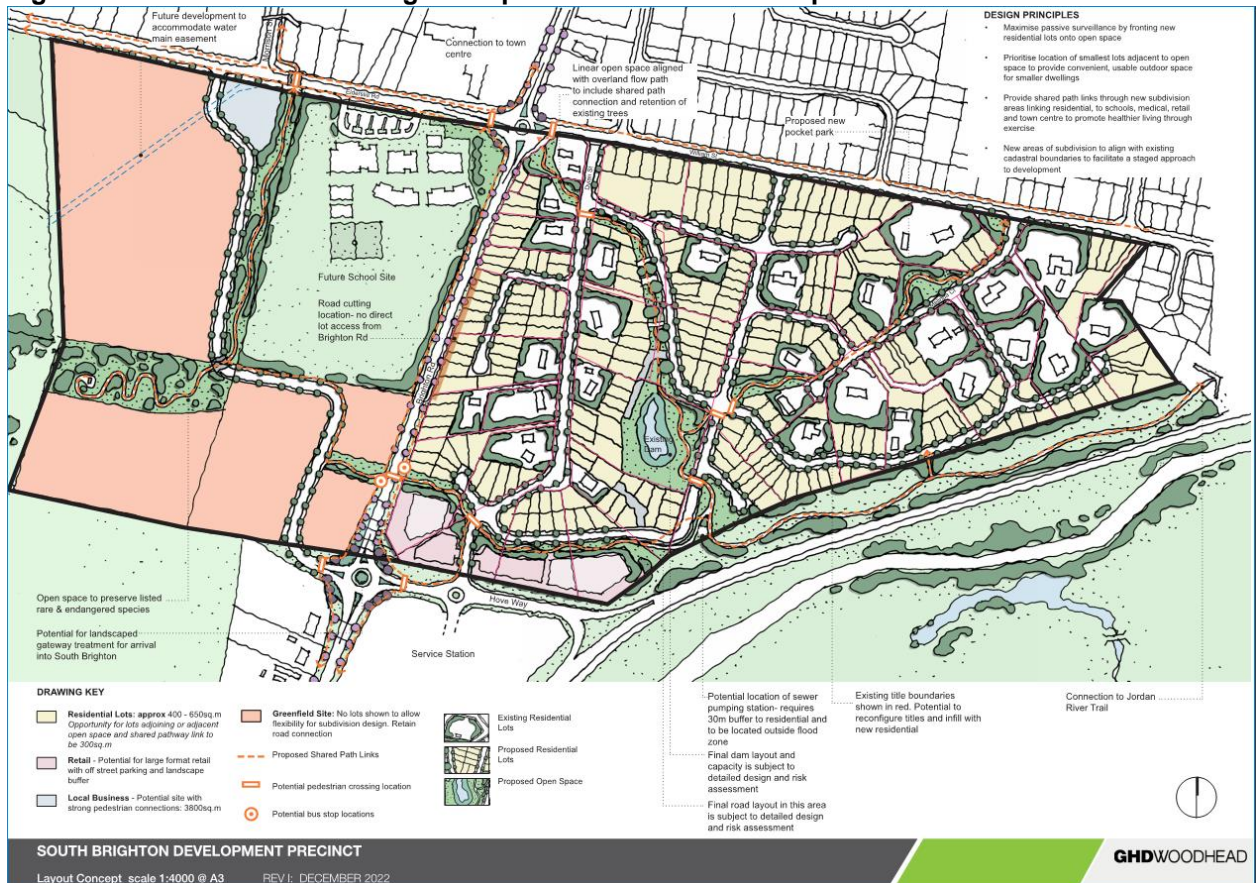


Figure BRI-S11.3 Precincts



## **BRI-S3.0 Brighton Highway Services Precinct Specific Area Plan**

### **BRI-S3.1 Plan Purpose**

The purpose of the Brighton Highway Services Precinct Specific Area Plan is:

- BRI-S3.1.1 To provide for fuel and food services for motorists traveling the Midland Highway.
- BRI-S3.1.2 To provide a location in Brighton for showrooms that primarily sell bulky goods and require large display areas.
- BRI-S3.1.3 To provide for use and development that is appropriate for, or requires, a location adjacent the Midland Highway.

### **BRI-S3.2 Application of this Plan**

- BRI-S3.2.1 The specific area plan applies to the area of land designated as Brighton Highway Services Precinct Specific Area Plan on the overlay maps
- BRI-S3.2.2 In the area of land this plan applies to, the provisions of the specific area plan substitute Signs Code – clauses C1.4.6.1 A1(a) and P1.2(a) with the following:
- (a) be a relevant sign type for the Commercial Zone set out in Table C1.6.
- BRI-S3.2.3 In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, and are in addition to the provisions of:
- (a) Rural Zone; and
- (b) Signs Code,
- as specified in the relevant provision.

### **BRI-S3.3 Local Area Objectives**

This clause is not used in this specific area plan.

### **BRI-S3.4 Definition of Terms**

This clause is not used in this specific area plan.

### **BRI-S3.5 Use Table**

This clause is a substitution for Rural Zone – clause 20.2 Use Table

Use Class	Qualification
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No Permit Required	
Natural and cultural values management	
Passive Recreation	
Utilities	If minor utilities
Permitted	
Bulky Goods Sales	
Food services	If for: (a) no more than two (2) takeaway food shops; and (b) no more than one (1) restaurant whether as a single use or as an ancillary use to a principle use.
Service Industry	If for car wash
Vehicle fuel sales and service	
Discretionary	
Community meeting & entertainment	If a cinema
Equipment and Machinery Sales and Hire	
Food Services	Except if permitted
General Retail and Hire	If for department store or bottle shop.
Resource Processing	If for food and beverage production
Sport and Recreation	
Tourist Operation	If for visitor centre
Utilities	Except if no permit required

Prohibited	
All other uses	

## BRI-S3.6 Use Standards

The use clauses are a substitution for all use standards in Rural Zone – clause 20.3

### BRI-S3.6.1 Hours of Operation

Objective:	Hours of operation do not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Hours of operation of a use within 50m of a residential zone must be within: (a) 7.00am to 9.00pm Mondays to Saturdays inclusive; (b) 8.00am to 6.00pm Sundays and Public Holidays. except for office and administrative tasks.		<b>P1</b> Hours of operation of a use within 50m of a residential zone must not have an unreasonable impact upon the residential amenity of land in a residential zone, having regard to: (a) commercial vehicle movements; (b) noise; (c) or other emissions that are unreasonable in their timing, duration or extent.

### BRI-S3.6.2 Noise

This clause is in substitution for Rural Zone – clause 20.3 Use Standards.

Objective:	Noise emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions		Performance Criteria
<b>A1</b> Noise emissions measured at the boundary of a residential zone must not exceed the following: (a) 55dB(A) (LAeq) between the hours of 7.00am to 7.00pm;		<b>P1</b> Noise emissions measured at the boundary of a residential zone must not cause environmental harm within a residential zone.



<p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 7.00pm to 7.00am;</p> <p>(c) 65dB(A) (LAmax) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	
<p><b>A2</b></p> <p>External amplified loud speakers or music must not be used within 50m of a residential zone.</p>	<p><b>P2</b></p> <p>No Performance Criteria.</p>

#### BRI-S3.6.3 External Lighting

This clause is in substitution for Rural Zone – clause 20.3 Use Standards.

Objective:	External lighting does not have unreasonable impact on residential amenity on land within a residential zone.	
Acceptable Solutions		Performance Criteria
<p><b>A1</b></p> <p>External lighting within 50m of a residential zone must comply with all of the following:</p> <p>(a) be turned off between 10:00pm and 6:00am, except for security lighting;</p> <p>(b) security lighting must not cause emission of light outside the zone.</p>		<p><b>P1</b></p> <p>External lighting within 50m of a residential zone must not adversely affect the amenity of adjoining residential areas, having regard to:</p> <p>(a) level of illumination and duration of lighting; and</p> <p>(b) (b) distance to habitable rooms in an adjacent dwellings.</p>

#### BRI-S3.6.4 Commercial Vehicle Movements

This clause is in substitution for Rural Zone – clause 20.3 Use Standards.

Objective:	Commercial vehicle movements do not have unreasonable impact on residential amenity on land within a residential zone.
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Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Commercial vehicle movements, (including load &amp; unloading and garbage removal) to or from a site within 50m of a residential zone must be within the hours of:</p> <p>(a) 7.00am to 7.00pm Mondays to Fridays inclusive;</p> <p>(b) 8.00am to 6.00pm Saturdays;</p> <p>(c) 9.00am to 5.00pm Sundays and Public Holidays.</p>	<p><b>P1</b></p> <p>Commercial vehicle movements, (including load &amp; unloading and garbage removal) to or from a site within 50m of a residential zone must not result in unreasonable adverse impact upon residential amenity, having regard to:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p> <p>(e) noise reducing structures between vehicle movement areas and dwellings;</p> <p>(f) the level of traffic on the road; and</p> <p>(g) the potential for conflicts with other traffic.</p>

BRI-S3.6.5 Outdoor Work Areas

This clause is in substitution for Rural Zone – clause 20.3 Use Standards.

Objective:	Use of outdoor work areas does not have unreasonable impact on residential amenity on land within a residential zone.
Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Outdoor work areas and noise-emitting services or activities such as those that involve the regular use of power tools must not be located within 50m of a residential zone.</p>	<p><b>P1</b></p> <p>Outdoor work areas and noise-emitting services or activities such as those that involve the regular use of power tools must be accompanied by effective acoustic screening in the intervening space.</p>

BRI-S3.6.6 Dust, Smell, Fumes and Other Emissions

This clause is in substitution for Rural Zone – clause 20.3 Use Standards.

Objective:	Dust, smell, fumes and other emissions do not cause environmental harm and do not have unreasonable impact on residential amenity on land within a residential zone.
Acceptable Solutions	Performance Criteria
<b>A1</b> A use must not emit dust or other particles, smell or fumes beyond the boundaries of its site.	<b>P1</b> The emission of dust or other particles, smell or fumes must not have unreasonable impact on the amenity and safety of any other property, having regard to: <ul style="list-style-type: none"> <li>(a) the hours of operation;</li> <li>(b) the frequency of the emission;</li> <li>(c) the nature of the emission and the degree of its impact on other land, including whether such land is in a residential zone;</li> <li>(d) whether the emission contains any harmful substance; and</li> <li>(e) whether surrounding land contains uses with similar emissions.</li> </ul>

BRI-S3.6.7 Discretionary uses

This clause is in substitution for Rural Zone – clause 20.3 Use Standards.

Objective:	That uses listed as Discretionary do not compromise or distort the activity centre hierarchy.
Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> A use listed as Discretionary must not compromise or distort the activity centre hierarchy, having regard to: <ul style="list-style-type: none"> <li>(a) the characteristics of the site;</li> <li>(b) the size and scale of the proposed use;</li> <li>(c) the function of the activity centre and the surrounding activity centres; and</li> <li>(d) the extent that the proposed use impacts on the other activity centres.</li> </ul>



## **BRI-S3.7      Development Standards for Buildings and Works**

### **BRI-S3.7.1      Building Height**

This clause is a substitution for Rural Zone – clause 20.4.1 Building height

<b>Objective:</b>	Building height contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b> Building height must be no more than 10m.	<b>P1</b> Building height must: (a) contribute positively to the streetscape and not result in unreasonable impact on residential amenity of land in a residential zone, having regard to: (i) the scale of nearby buildings; (ii) any overshadowing of adjacent public space; (iii) the transition in height between adjoining buildings; and (b) be no more than 12m.	
<b>A2</b> Building height within 10m of a residential zone must be no more than 8.5m.	<b>P2</b> Building height within 10m of a residential zone must: (a) be consistent with the building height of existing buildings on adjoining properties in a residential zone; and (b) not cause a loss of residential amenity, having regard to: (i) overshadowing; (ii) loss of sunlight or daylight; or (iii) visual bulk.	

### **BRI-S3.7.2      Setback**

This clause is a substitution for Rural Zone – clause 20.4.2 Setbacks

<b>Objective:</b>	Building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of land in a residential zone.
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Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Building setback (excluding signage) from a frontage must be no less than:</p> <p>(a) 15m to Brighton Road;</p> <p>(b) 20m to Midland Highway; and</p> <p>(c) 110m to a road in a residential zone.</p>	<p><b>P1</b></p> <p>Building setback from frontage (excluding signage) contribute positively to the streetscape and not result in unreasonable impact on residential amenity of land in a residential zone, having regard to:</p> <p>(a) the setback of adjoining buildings;</p> <p>(b) maintaining a continuous building line if evident in the streetscape;</p> <p>(c) the characteristics of the site, adjoining properties and the streetscape; and</p> <p>(d) opportunity for parking.</p>
<p><b>A2</b></p> <p>Building must have a setback from side and rear boundaries, irrespective of the zone of adjoining land, and inclusive of signage of no less than:</p> <p>(a) 5m; or</p> <p>(b) half the height of the wall, whichever is the greater.</p>	<p><b>P2</b></p> <p>Buildings (including signage) must be sited sufficiently from a residential zone to prevent unreasonable adverse impacts on residential amenity, having regard to:</p> <p>(a) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining properties to less than 3 hours between:</p> <p style="padding-left: 40px;">(i) 9.00am and 5.00pm on June 21; or</p> <p style="padding-left: 40px;">(ii) further decrease sunlight hours if already less than 3 hours;</p> <p>(b) overlooking and loss of privacy;</p> <p>(c) visual impact when viewed from adjoining properties; and</p> <p>(d) aspect and slope.</p>

BRI-S3.7.3 Design

This clause is an addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works

Objective:	That building design contributes positively to the streetscape, the amenity and safety of the public and adjoining land in a residential zone.
Acceptable Solutions	Performance Criteria

<p><b>A1</b></p> <p>Building design must address the street, having regard to:</p> <ul style="list-style-type: none"> <li>(a) provide the main pedestrian entrance to the building(s) facing the frontage or facing an effective internal frontage created by internal access roads, pedestrian and parking areas;</li> <li>(b) provide windows and door openings at ground floor level in the front façade no less than 30% of the surface area;</li> <li>(c) any single expanse of blank wall in the ground level front façade and facades facing other public spaces does not exceed 20m<sup>2</sup>;</li> <li>(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;</li> <li>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof; and</li> <li>(f) not include security shutters over windows or doors with a frontage to a street or public place.</li> </ul>	<p><b>P1</b></p> <p>Building design must enhance the streetscape, having regard to:</p> <ul style="list-style-type: none"> <li>(a) provide main accesses to buildings in a way that addresses the street or internal areas of pedestrian and vehicular movement;</li> <li>(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;</li> <li>(c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;</li> <li>(d) the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street; and</li> <li>(e) roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;</li> </ul>
<p><b>A2</b></p> <p>Walls of a building on land adjoining and facing a residential zone must:</p> <ul style="list-style-type: none"> <li>(a) be coloured in muted tones;</li> <li>(b) not have any single expanse of blank wall that exceeds 20m<sup>2</sup>;</li> </ul>	<p><b>P2</b></p> <p>Walls of a building on land adjoining a residential zone must:</p> <ul style="list-style-type: none"> <li>(a) be coloured in muted tones; and</li> <li>(b) if within 50m of a residential zone, any openings in walls facing a residential zone be accompanied by effective acoustic screening in the intervening space.</li> </ul>

BRI-S3.7.4      Passive Surveillance

This clause is an addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works

Objective:	That building design provides for the safety of the public.
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Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>Building design must:</p> <ul style="list-style-type: none"> <li>(a) provide the main entrance or entrances to a building so that they are clearly visible from the street and well-lit at night;</li> <li>(b) provide windows with clear glazing no less than the following: <ul style="list-style-type: none"> <li>(i) 40% of the facade of walls that front a street;</li> <li>(ii) 30% of the facade of walls that face public space or a car park for the building;</li> </ul> </li> <li>(c) avoid creating entrapment spaces around the building site, such as concealed alcoves near public spaces;</li> <li>(d) provide external lighting to illuminate car parking areas and pathways; and</li> <li>(e) provide well-lit public access at the ground floor level from any external car park.</li> </ul>	<p><b>P1</b></p> <p>Building design must provide for passive surveillance of public spaces, having regard to:</p> <ul style="list-style-type: none"> <li>(a) provide the main entrance or entrances to a building so that they are clearly visible from nearby buildings and public spaces;</li> <li>(b) locate windows to adequately overlook the street and adjoining public spaces;</li> <li>(c) incorporate shop front windows and doors for ground floor shops and offices, so that pedestrians can see into the building and vice versa;</li> <li>(d) locate external lighting to illuminate any entrapment spaces around the building site;</li> <li>(e) provide external lighting to illuminate car parking areas and pathways;</li> <li>(f) design and locate public access to provide high visibility for users and provide clear sight lines between the entrance and adjacent properties and public spaces; and</li> <li>(g) provide for sight lines to other buildings and public spaces.</li> </ul>

BRI-S3.7.5 Landscaping

This clause is an addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works

Objective:	That safe and attractive landscaping treatment enhances the appearance of the site and provides a visual break from land in a residential zone.	
Acceptable Solutions	Performance Criteria	
<p><b>A1</b></p> <p>If a building is set back from a road, landscaping treatment must be provided along the frontage of the site:</p> <ul style="list-style-type: none"> <li>(a) to a depth of not less than 6m; or</li> </ul>	<p><b>P1</b></p> <p>If a building is setback from a road, landscaping treatment must be provided along the frontage of the site, having regard to:</p>	

(b) not less than the frontage of an existing building if it is a lesser distance.	(a) the width of the setback; (b) the width of the frontage; (c) the topography of the site; (d) existing vegetation on the site; (e) the location, type and growth of the proposed vegetation; and (f) any relevant local area objectives contained within the relevant Local Provisions Schedule.
<b>A2</b>  Along a boundary with a residential zone landscaping must be provided for a depth no less than 5m.	<b>P2</b>  Along a boundary with a residential zone landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of adjoining land in a residential zone, having regard to:  (a) the characteristics of the site; and (b) the characteristics of the adjoining residentially-zones land.

#### BRI-S3.7.6 Outdoor Storage Areas

This clause is an addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works

Objective:	That outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.	
Acceptable Solutions		Performance Criteria
<b>A1</b>  Outdoor storage areas must:  (a) be located behind the building line and the goods and materials stored therein screened from public view; and  (b) not encroach upon car parking areas, driveways or landscaped areas.		<b>P1</b>  Outdoor storage areas must:  (a) be located, treated or screened to avoid unreasonable adverse impact on the visual amenity of the locality; and  (b) not encroach upon car parking areas, driveways or landscaped areas.

#### BRI-S3.7.7 Fencing

This clause is an addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works

Objective:	That fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.	
Acceptable Solutions		Performance Criteria
<b>A1</b>		<b>P1</b>
Fencing and gates must:		Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of land in a residential zone which lies opposite or shares a common boundary with a site, having regard to:
(a) not be erected within 10m of the frontage if greater in height than 1.5m;		(a) the height of the fence;
(b) be 50% transparent above a height of 1.2m if along a frontage; and		(b) the degree of transparency of the fence;
(c) be no more than 2.1m and must not contain barbed wire if along a common boundary with land in a residential zone .		(c) the location and extent of the fence;
		(d) the design of the fence;
		(e) the fence materials and construction;
		(f) the nature of the use; and
		(g) the characteristics of the site, the streetscape and the locality, including fences;

#### BRI-S3.7.8 Bowsers and Fuel Tanks

This clause is an addition to Rural Zone – clause 20.4 Development Standards for Buildings and Works

Objective:	That siting of bowsers and fuel tanks do not unreasonable adverse impact on residential amenity of land in a residential zone.	
Acceptable Solutions		Performance Criteria
<b>A1</b>		<b>P1</b>
Bowsers and fuel tanks and any vehicular access associated with such infrastructure must be separated from land in a residential zone by no less than 50m.		Bowsers and fuel tanks and any vehicular access associated with such infrastructure must not have an unreasonable impact on residential amenity of adjoining land.

### BRI-S3.8 Development Standards for Subdivision

#### BRI-S3.8.1 Lot design

This clause is a substitution for Rural Zone – clause 20.5.1 Lot design

Objective:	To provide for lots with appropriate area, dimensions, services, roads and access to public open space to accommodate development compatible with the Specific Area Plan Purpose.	
Acceptable Solutions		Performance Criteria
<b>A1</b>	No acceptable solution.	<b>P1</b> The size of each lot must be sufficient to accommodate development compatible with the Specific Area Plan Purpose.
<b>A2</b>	Each lot, or a lot proposed in a plan of subdivision, must have a building area of not less than 40m x 40m, with a gradient of not more than 1 in 10, clear of:  (a) frontage, side and rear boundary setbacks required by clause BRI-S3.7.2 A1 & A2; and  (b) easements or other title restrictions that would limit or restrict the development of a commercial building;	<b>P2</b> Each lot, or a lot proposed in a plan of subdivision must have sufficient useable area and dimensions suitable for its intended use, having regard to:  (a) the Specific Area Plan Purpose; (b) any Local Area Objectives; (c) on-site parking and manoeuvring, unless adequate arrangements are made for suitable alternative solutions to future likely demand generated by the development potential of the lot; and  (d) the need for earth works, retaining walls, and cut & fill associated with future development.
<b>A3</b>	The frontage for each lot must be no less than 25m.	<b>P3</b> The frontage of each lot must be sufficient to accommodate development having regard to:  (a) the Specific Area Plan Purpose; (b) any Local Area Objectives;
<b>A4</b>	No Acceptable Solution.	<b>P4</b> The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety, convenience and legibility for vehicles, pedestrians and cyclists, having regard to:  (a) the Specific Area Plan Purpose;

	<ul style="list-style-type: none"> <li>(b) any relevant road network plan adopted by the Planning Authority;</li> <li>(c) facilitating the potential of subdivision of adjoining land;</li> <li>(d) maximising levels of access, safety, convenience and legibility having regard to a road function hierarchy; and</li> <li>(e) provision of a single point of entry and exit for all land within the Specific Area Plan to both Brighton Road and Midland Highway.</li> </ul>
<p><b>A5</b></p> <p>Each lot must be connected to services adequate to support the likely future use and development of the land.</p>	<p><b>P5</b></p> <p>No Performance Criteria.</p>

## BRI-S3.9 Tables

This sub-clause is not used in this specific area plan.



