



**BRIGHTON DRAFT  
LOCAL PROVISIONS SCHEDULE**

**HEARINGS DIRECTIONS SUBMISSION**

DECEMBER 2019

**1. Regarding the recommendation in the s.35F report on pages 17-20 about 110 Baskerville Road, Old Beach (174865/1):**

***(a) advise the recommended subdivision minimum lot size (A, B, C or D as described in Table 11.1 of the State Planning Provisions (SPPs)) that should apply to the land if it were to be rezoned from Agriculture Zone to Rural Living Zone;***

The land should be zoned Rural Living Area C so that the minimum lot size is 5ha. This would prevent any further subdivision of the land. As noted in the s.35F report Council were reluctant to approve the subdivision in the first place and there is no strategic impetus to allow further subdivision of the site.

***(b) clarify the recommended zoning of the 2 areas shown with yellow hatching on the diagram on page 18 of the s.35F report;***

The 2 areas shown with the yellow hatching in the image below should be zoned Environmental Management as both areas contain significant ecological and scenic values. Council has no intention of developing the land except for facilitating passive recreation opportunities which is consistent with the Environmental Management Zone purpose.



Figure 1: Approved subdivision layout under permit SA2003/13. Lots 1-14 recommended to be zoned Rural Living Area C and yellow hatched areas recommended to be zoned Environmental Management.

**(c) clarify the location of any recommended split zone boundaries via a map and description consistent with the Commission's Practice Note no.7;**

Section 2.4 of Practice Note 7 encourages zone boundaries to align with cadastral boundaries or road centrelines. Where use of other zone boundaries is necessary for planning reasons, the zone boundaries must be based on features that are identifiable on the ground.

In this instance it is proposed to align the zone boundary with the *future* cadastral boundary of the areas shown with the yellow hatching as approved by subdivision permit SA2003/13. Attempting to align the zone boundary based on features identifiable on the ground is likely to result in errors when the subdivision is completed and titles issued.

The proposed zoning is shown in Figure 2 below.



Figure 2: Recommended zoning of 110, 160 & 166 Baskerville Rd Old Beach. The pink area is Rural Living Zone (Area C) and the dark Green is Environmental Management Zone.

**(d) clarify how the Priority Vegetation Area overlay would be applied to the land via a map;**

The Priority Vegetation Area overlay is recommended to be applied to the land as per the Regional Ecosystem Model (see Figure 3). The Priority Vegetation Area overlay will be introduced to 110 Baskerville Road and a small portion of 166 Baskerville Rd.



*Figure 3: Application of the Priority Vegetation Area overlay to 110 & 166 Baskerville Road.*

**(e) clarify that the recommendation in the s.35F report affects land beyond the representor's land at 110 Baskerville Road, in particular 160 and 166 Baskerville Road, Old Beach; and**

The recommendation will affect 160 and 166 Baskerville Road, Old Beach which is beyond the representors land.

**(f) provide a copy of the submission on this matter to Michael Ball (obo Ms S M Roberts), Mark Jakins, and Jenna Pogorzelski (representors 18, 20 and 27 respectively).**

A copy of the submission was sent to the above at the same time as it was sent to the Commission.

**2. Regarding the recommendation in the s.35F report on pages 26-28 and in the further submission about 356 Baskerville Road, Old Beach:**

**(a) clarify the location of any recommended split zone boundaries between the Rural Living Zone B and Landscape Conservation Zone, as discussed at the hearing with Aaron Wells (representor 39), via a map and description consistent with the Commission's Practice Note no.7; and**

The split zone boundary is shown in Figure 4 below.



*Figure 4: Recommended split zone boundary at 356 Baskerville Road, Old Beach.*

Practice Note 7 requires that zone boundaries that do not align with property boundaries are to be based on features that are identifiable on the ground.

The zone boundary is based on the location of a post and wire fence which effectively separates the cleared area of land from the vegetated area of the land. The post & wire fence is identifiable on the ListMap as shown in Figures 5 &6 and was confirmed on-site. The zone boundary is considered to satisfy the requirements of Practice Note 7.





*Figure 5 & 6: The location of the post and wire fence depicting the split zone boundary at 356 Baskerville Rd, Old Beach is clearly shown on ListMap within the red circles.*

**(b) provide a copy of the submission on this matter to Aaron Wells (representor 39)**

A copy of the submission was sent to the above at the same time as it was sent to the Commission.

**3. Regarding the recommendation in the s.35F report on pages 53-54 and in the further submission about 14 Tarquin Road, Old Beach:**

**(a) clarify the location of any recommended split zone boundaries between the Rural Living Zone A and Landscape Conservation Zone, as discussed at the hearing with David McCulloch (representor 19), via a map and description consistent with the Commission's Practice Note no. 7; and**

The location of the split zone boundary is shown in Figure 7. Practice Note 7 requires that zone boundaries that do not align with property boundaries are to be based on features that are identifiable on the ground.

The zone boundary is between points A & B.

Point A is defined by the corner of a cadastral point.

Point B is defined is 700m along the south boundary from the most south western point.

The zone boundary is considered to satisfy the requirements of Practice Note 7.



*Figure 7: Recommended split zone boundary for 14 Tarquin Drive is between points A & B*

**(b) provide a copy of the submission on this matter to David and Phillipa McCulloch (representor 19).**

A copy of the submission was sent to the above at the same time as it was sent to the Commission.