

# Brighton Interim Planning Scheme 2015

## *Land Use Planning and Approvals Act 1993*

### **Section 87C and Schedule 6, Clauses 1, 8, 8A(1), 8D(2)**

This document has been prepared by the Department of Justice, Planning Policy Unit to clarify the operation of the of the Minister's declarations made in accordance with Schedule 6, Clauses 8(4), 8A(1), and 8D(3) of the *Land Use Planning and Approvals Act 1993* ("the Act"). This document identifies the provisions to which the Minister's declarations do not apply, specifically:

- particular purpose zones, specific area plans and site-specific qualifications that are subject to Schedule 6, Clause 8(1) of the Act (refer to Schedule 1);
- particular purpose zones, specific area plans and site-specific qualifications that are not subject to Schedule 6, Clause 8A(1) of the Act (refer to Schedule 2); and
- code-applying provisions that are subject to Schedule 6, Clause 8D(2) (refer to Schedule 3).

This document also provides information on specific provisions in the Brighton Interim Planning Scheme 2015 that do not meet the definition of site-specific qualification or specific area plan under Schedule 6, Clause 1 of the Act.

### **Schedule 1**

#### **Particular Purpose Zones, Specific Area Plans and Site-specific Qualifications subject to Schedule 6, Clause 8 of the Act**

<b>Provision</b>	<b>Application</b>
34.0 Particular Purpose Zone – St Ann's Precinct	Particular Purpose Zone
35.0 Particular Purpose Zone – School Farm	Particular Purpose Zone
E25.0 Brighton Horse Racing Code	Specific Area Plan
E26.0 Quoin Ridge Code	Specific Area Plan
F1.0 Brighton Highway Services Precinct	Specific Area Plan
General Industrial Zone – 25.2 Use Table Extractive Industry permitted – 'only for Folios of the Register Volume 50853 Folio 1, Volume 125841 Folio 2, Volume 148856 Folio 1, Volume 156753 Folio 6, and Volume 166072 Folio 1'.	Site-specific Qualification

Provision	Application
<p>Attenuation Code – E9.5.2 Application Requirements</p> <p>‘The planning authority must refer any application within the Bridgewater Quarry Attenuation Area to the Bridgewater Quarry operator for advice on potential conflict between the proposed use or development and the quarry operations. Council must not determine an application until the quarry operator has provided its advice, or until 14 days from the date of referral, whichever occurs first.’</p>	Specific Area Plan or Site-specific Qualification

## Schedule 2

### Particular Purpose Zones, Specific Area Plans and Site-specific Qualifications not subject to Schedule 6, Clause 8A(1) of the Act

Provision	Reason
<p>General Business Zone – 21.2 Use Table.</p> <p>Manufacturing and Processing discretionary – ‘only if for the manufacture of wine casks at 23 Hurst Street, Bridgewater (folio of the Register volume 34145 folio 2020)’.</p>	The provision is provided for by the State Planning Provisions General Business Zone which includes Manufacturing and Processing as an unqualified discretionary use in the Use Table 15.2.

## Schedule 3

### Code-applying Provisions subject to Schedule 6, Clause 8D(2) of the Act

Code-applying Provision	Application
<p>E9.0 Attenuation Code</p> <ul style="list-style-type: none"> <li>The Attenuation Area overlay</li> </ul>	For application through the Local Provisions Schedule as the Attenuation Area overlay for the State Planning Provisions Attenuation Code.
<p>E13.0 Historic Heritage Code</p> <ul style="list-style-type: none"> <li>Table E13.1 Heritage Places,</li> <li>Cultural Landscape Precincts overlay,</li> <li>Table E13.3 Cultural Landscape Precincts, except for clause (f) of the Design Criteria/Conservation Policy,</li> </ul>	<p>Table E13.1 Heritage Places is for application through the Local Provisions Schedule as the Local Heritage Places list for the State Planning Provisions Local Historic Heritage Code.</p> <p>Cultural Landscape Precincts overlay is for application through the Local Provisions Schedule as the Local Historic</p>

Code-applying Provision	Application
<ul style="list-style-type: none"> <li>Figure E13.1 Pontville Heritage Protection Areas (HPAs)</li> </ul> <p>unless the place, precinct, figure or overlay has been inserted or removed by amendment after the commencement day.</p>	<p>Landscape Precincts overlay for the State Planning Provisions Local Historic Heritage Code.</p> <p>Table E13.3 Cultural Landscape Precincts and Figure E13.1 Pontville Heritage Protection Areas (HPAs) is for application through the Local Provisions Schedule as the Local Historic Landscape Precincts list for the State Planning Provisions Local Historic Heritage Code, except for clause (f) of the Design Criteria/Conservation Policy.</p>
<p>E15.0 Inundation Prone Areas Code</p> <ul style="list-style-type: none"> <li>The Riverine Inundation Hazard Area overlay</li> </ul>	<p>For application through the Local Provisions Schedule as the Flood-prone Hazard Area overlay for the State Planning Provisions Flood-prone Areas Hazard Code.</p>

## Schedule 4

### Provisions that do not meet the definition of a Specific Area Plan or Site-specific Qualification under Schedule 6, Clause 1 of the Act

Provision	Reason
<p>Rural Living Zone – 13.5.1 A1 and Table 13.1</p> <p>Permitted minimum lot size of :</p> <ul style="list-style-type: none"> <li>Rural Living Zone Area A – 5000m<sup>2</sup></li> <li>Rural Living Zone Area B – 1ha</li> <li>Rural Living Zone Area C – 2ha</li> </ul>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provisions do not modify, substitute or add to the provisions of the planning scheme as it simply establishes minimum lot sizes for different areas.</p> <p>Does not meet the definition of a Specific Area Plan under Schedule 6, Clause 1 of the Act as the provisions do not modify, substitute or add to the provisions of the planning scheme as it simply establishes minimum lot sizes for different areas.</p>
<p>General Business Zone – 21.4.1 A1 Building Height</p> <p>Building height must be no more than:</p> <ul style="list-style-type: none"> <li>Green Point Precinct: 10 m.</li> <li>Cove Hill Precinct: 15 m</li> <li>Brighton Town Centre Precinct: 9 m</li> </ul>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision does not modify, substitute or add to the provisions of the planning scheme as it simply establishes building heights for different areas.</p> <p>Does not meet the definition of a Specific Area Plan under Schedule 6, Clause 1 of the Act as the provision does not modify, substitute or add to the provisions of the planning scheme as it simply establishes building heights for different areas.</p>
<p>General Business Zone – 21.4.2 A1 Setback</p> <p>Building setback from frontage must be parallel to the frontage and must be no more than:</p> <ul style="list-style-type: none"> <li>3 m, if fronting Brighton Road, Cove Hill Road, Green Point Road, Hurst Street and Scott Road.</li> <li>nil m, if fronting the East Derwent Highway.</li> </ul>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision does not specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p>

Provision	Reason
<p>General Business Zone – 21.5.1 A3 Subdivision</p> <p>The frontage for each lot must be no less than:</p> <ul style="list-style-type: none"> <li>• Green Point Precinct: 10 m.</li> <li>• Cove Hill Precinct: 10 m</li> <li>• Brighton Town Centre Precinct: 15 m</li> </ul>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision does not modify, substitute or add to the provisions of the planning scheme as it simply establishes minimum frontages for different areas.</p> <p>Does not meet the definition of a Specific Area Plan under Schedule 6, Clause 1 of the Act as the provision does not modify, substitute or add to the provisions of the planning scheme as it simply establishes minimum frontages for different areas.</p>