

Department of State Growth

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Mr Ron Sanderson
General Manager
Brighton Council
1 Tivoli Road

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

Tasmanian Planning Scheme - Brighton Draft Local Provisions Schedule

Dear Mr Sanderson

Thank you for your invitation to comment on the draft Brighton Local Provisions Schedule (LPS). The Department of State Growth (State Growth) has reviewed the draft LPS, Supporting Report and other relevant mapping and overlay information and believes it largely reflects a sound translation from the *Brighton Interim Planning Scheme 2015* in accordance with the Tasmanian Planning Commission's Guideline No. 1 Local Provisions Schedule (LPS): zone and code application.

However, a detailed review has highlighted a small number of issues that will require rectification or further discussion with Council officers, particularly in terms of ensuring ongoing protection of regionally significant infrastructure and resources and the application of appropriate zoning to State Growth land. I have outlined each of the issues in the attached document for your consideration.

Please do not hesitate to contact Selena Dixon, Manager, Planning Policy on (03) 6166 3481 or email at Selena.Dixon@stategrowth.tas.gov.au who can arrange for relevant officers to meet with Brighton Council staff to enable the timely delivery of your LPS.

Yours sincerely

A handwritten signature in black ink, appearing to read "K. Evans".

Kim Evans
Secretary

11 June 2019

Extractive Industries

Bridgewater Quarry

It is acknowledged that:

- beneficial provisions once included in the Attenuation Code in the Brighton Interim Planning Scheme 2015 are unable to be translated directly into the Attenuation Code within the State Planning Provisions (SPP); and
- the site specific qualification (SSQ) within the Brighton IPS General Industrial Zone Use Table has been transitioned to the General Industrial Zone Use Table in the SPP as (BRI-19.1), albeit with adjusted and now correct CT references. The SSQ lists Extractive industry as Permitted, where it is otherwise Prohibited.

It is understood that the inability to transition provisions that served to protect the operation of the Bridgewater Quarry to the Attenuation Code in the SPP, has meant that a Specific Area Plan (SAP) has been prepared to provide the same protections when future use and development is proposed in close proximity to the Quarry.

State Growth has reviewed the draft Bridgewater Quarry SAP BRI-S4.0, and the following points are noted:

1. The attenuation map replicates the map in the Brighton IPS 2015
2. BRI-S4.6 Use Standards:

Consistent with current arrangements, sensitive uses are prohibited within the area of the draft Bridgewater Quarry SAP (substitute for clause C9.5.2 Sensitive use within an Attenuation Area). This is supported; but a specific provision that requires the planning authority to refer an application to the Bridgewater Quarry Operator for comment on use or development within the Bridgewater Quarry Attenuation Area is not.

Under the current IPS, the requirement for the planning authority to seek advice is explicit:

E9.5.2 – The planning authority must refer any application with 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.

Whilst the draft Bridgewater Quarry SAP includes Performance Criteria relating to this matter (clauses BRI-S4.7 & BRI-S4.8 (c) - any advice from the Bridgewater Quarry operator), it is argued that the proposed wording is vague.

State Growth is seeking reinstatement of a mandatory approach that ensures the planning authority will refer an application to the quarry operator consistent with E9.5.2 in the current Brighton IPS. It is proposed that this could be addressed via **BRI-S4.2**

Application of this Plan.

Quarry - 720 Boyer Road

The application of a 655m (rather than the standard 1000m) Attenuation Area at the Dromedary Quarry at 720 Boyer Road, through a Consent of Memorandum in late 2017 is noted.

Infrastructure and Transport

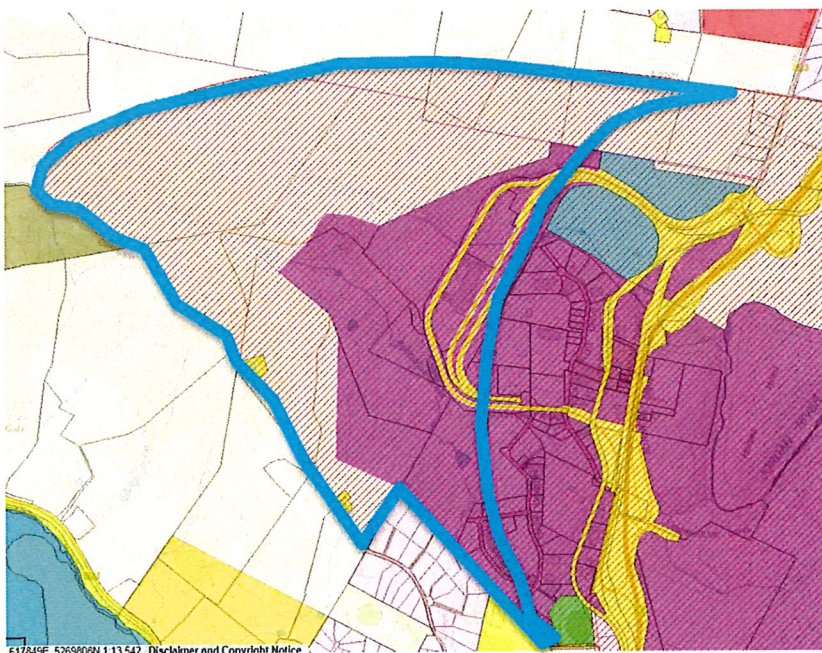
Brighton Transport Hub and Bridgewater Industrial Estate

The proposed attenuation mapping (Buffer Area) in the draft LPS mapping no longer includes the Attenuation Area that currently extends over, and to the west of, the Brighton Industrial Estate, including the regionally significant Brighton Transport Hub (the Hub) which comprises important road, rail and freight distribution functions (see annotated map below).

Over the past decade the Tasmanian Government has made significant investment in intermodal infrastructure including the Brighton Transport Hub, which is a purpose-built road-rail hub located on the Burnie to Hobart freight corridor. It has played a key role in opening up large areas of general industrial land close to Hobart, with direct access to high standard road and rail networks.

Whilst the Bridgewater Quarry continues to benefit from protection provided by its specific Attenuation Area, the general industrial land including the hub, will no longer benefit from similar mapping. This means that the development for sensitive uses and subdivision for sensitive uses in close proximity to the General Industrial Zone will no longer be prohibited, potentially resulting in increased land use conflict. This is particularly concerning given that General Industrial zoned land specifically allows for use and developments that operate on a 24 hour basis and have the potential to generate noise, dust and other emissions.

State Growth considers that the implementation of a mapped Attenuation Area is the most effective means of minimising the potential for land use conflict and therefore seeks its reinstatement.



Future Bridgewater Bridge - Assessment against Southern Tasmania Regional Land Use Strategy (STRLUS)

In response to STRLUS strategy PI 2.3 which requires that existing and future infrastructure corridors and sites are identified, protected and managed, the supporting report states that State Growth has not mapped the future Bridgewater Bridge corridor and has already acquired the necessary land for the Bridgewater Bridge replacement.

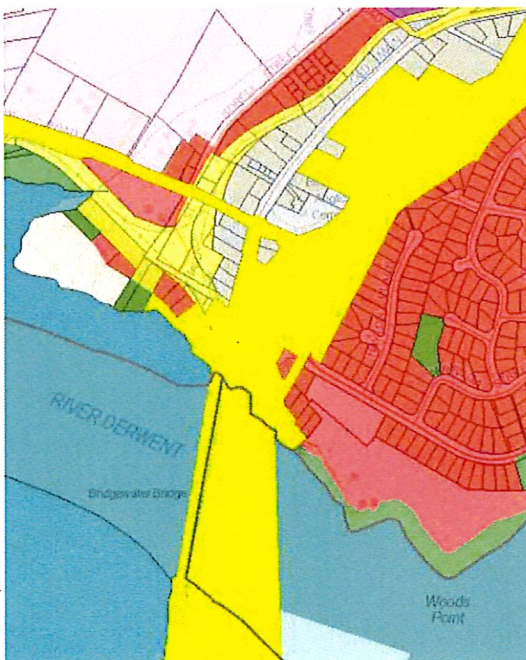
In respect of the above, State Growth can advise that a specific corridor will not be mapped, but land acquired to date for the development of the Bridgewater Bridge has been included in the State Road Casement layer (ListMAP), noting that the Bridgewater Bridge design process has not been progressed to the extent that all necessary land requirements have been determined at this point in time.

Zoning of State Growth land along Old Main Road set aside for the new Bridgewater Bridge

Whilst the map on page 76 of the Local Provisions Schedule (LPS) Supporting Report indicates all lots purchased by State Growth, the actual zoning layer on the online mapping tool has not included 36 Old Main Road (CT219070/1) in the suite of properties owned by State Growth. The Utilities zoning will need to be extended across this title to reflect the State Road Casement layer.

The zone extending across Derwent River – Bridgewater Bridge and location of new bridge alignment, is zoned Environmental Management. However, a key issue identified on p. 59 of the LPS Supporting Report regarding 'Provision of needed infrastructure, Council has noted the importance of zoning land required for new infrastructure as Utilities, including the new Bridgewater Bridge.

Consistent with this approach, State Growth is requesting that the land currently identified for the new Bridgewater Bridge as depicted on the State Road Casement layer is zoned Utilities accordingly (see image below). It is noted that this approach is also consistent with the Zone Application Guideline.



Boyer Road

State Growth has provided the State Road Casement layer which has been uploaded to ListMap and can be applied to all roads as defined in the Tasmanian State Road Hierarchy (1 to 5) including Boyer Road.

Application of Road and Rail Attenuation Area

The LPS Supporting Report notes that *“Both TasRail and DSG have requested that the 50m Attenuation Area be mapped along the following major roads or railways as it gives a good visual indicator to landholders:*

- *The entirety of the rail corridor in the municipality*
- *Midland Highway*
- *East Derwent Highway*
- *Tea Tree Road”.*

It is unclear whether TasRail sought this outcome, but State Growth has maintained the view that it is unnecessary for the Attenuation Area to be mapped for the State road network unless site specific situations warrant variation in the 50m attenuation area. This avoids regular planning scheme amendments to accommodate adjustments in road reserve boundaries due to regular road improvements or changes in road alignments.

Future zoning of State Growth land outside of the State Road Casement Layer

There are number of parcels of land owned by State Growth that require further consideration regarding future zoning application based on:

- a) not being part of the proclaimed State Road network as identified in the State Road Casement Layer; and
- b) the availability of zones that more closely reflect the presence of environmental values and potential uses.

Three such parcels of land have been identified and included in the table below. However, there are further smaller parcels of land that are also located outside of the Road Casement Layer and are surplus to requirements that State Growth is willing to discuss as part of the transition to the new LPS.

Location or Certificate of Title	Draft LPP Zone	Suggested Zone	Rationale
William Street, Brighton CT108441/1	Utilities	General Residential (portion of lot not subject to State Road Casement)	Fully serviced and adjacent to General Residential land. Not part of State Road Casement (surplus to requirements)
Midland Highway CT164315/1	Rural	Environmental Management	Contains environmental offsets
Midland Highway CT162615/1	Recreation	Environmental Management	Contains environmental offsets