From:	David Allingham <david.allingham@brighton.tas.gov.au></david.allingham@brighton.tas.gov.au>
Sent:	Thursday, 21 March 2024 4:45 PM
То:	Barlund, Paola
Cc:	TPC Enquiry
Subject:	RE: Tasmanian Planning Scheme - Brighton Draft amendment RZ-2022-05
Attachments:	Council Response to Directions table - March 2024.docx; BRI-S3.0 Highway Services Precinct SAP_TRACK CHANGES.docx; BRI-S11.0 South Brighton SAP - TRACK CHANGES.docx

Hey Paola

Please see attached documents to help guide discussion on Monday.

I have highlighted the Directions I would like to discuss in yellow in the "council response" paper and have provided some draft changes to both the SAPs.

See you Monday.

Cheers

Council's Response to Directions

Direction No.	Direction	Council comment	
Direction 1 – S	Direction 1 – South Brighton SAP		
1.0	Review the drafting conventions and formatting of the SAP. Make any necessary minor corrections, such as formatting or punctuation, perhaps using the template. A word version is available by contacting the Commission. Also, please see Practice Note 5 and Practice Note 8 for guidance on the drafting	Review	
	conventions, technical drafting requirements and writing style of the SPPs.		
2.1	Replace 'South Brighton Development Precinct Plan' with 'Development Framework' in clause BRI- S11.1.1.	Done – Check if "South Brighton" should be kept	
2.20 Delete 'future' from clause BRI-S11.1.4		Done	
2.30	In clause BRI-S11.1.5, remove 'with higher density living', replace 'in close proximity' with 'close', replace 'open space' with 'public open space' and remove 'open space networks'.	Done	
2.4	Remove the first refence to 'environment' from clause BRI-S11.1.7.	Done	
3.0	In clause BRI-S11.4, include definitions for: • 'Development Framework' referencing Figure BRI- S11.2 'Shared path link' And restructure in alphabetical order.	Done. Definitions included as per below: Development Framework means the South Brighton Specific Area Plan Development Framework shown in Figure BRI-S11.2.	
		Shared path-link	

		Means an area open to the public that is designated for the use of pedestrians, cyclists and other non-motorised users and links different areas as shown in the Development Framework.
3.1	To provide consistency with draft amendment RZ- 2023-004, change 'on' to 'within' within the definition of 'Street tree' in clause BRI-S11.4 and consider amending the definition to refer to Council's Street Tree Policy.	Suggested changes made. Referring to Council's "trees on Council Land" policy is not considered to provide any greater clarity for defining a "street tree" in the context of the SAP.
3.2	To provide consistency with draft amendment RZ- 2023-004, change the definition for 'Council Infrastructure' in clause BRI-S11.4, by amending the text, as follows: 'means infrastructure managed by Council including stormwater networks, footpaths, roads, streetlighting, landscaping, street trees and the like'.	Done
4.0	Remove ', or a home-based business' from clause BRI-S11.7.1 A1 (a).	No change The wording for BRI-S11.7.1 A1 (a) & (b)was taken from clause 30.4.1 from the SPPs which includes "home-based business". For consistency, Council's preference is for the clause to remain consistent with the SPPs
4.1	Remove 'readily' and 'for urban purposes' from clause BRI-S11.7.1 A1 (b).	No change. See above.
4.2	Change 'from an approved subdivision' to 'by a subdivision approved' in clause BRI-S11.7.1 A1 (c).	Done
5.0	Replace 'safe access' with 'safe vehicular access' in the clause BRI-S11.7.2 Objective.	Done
5.1	Remove 'ways' from clause BRI-S11.7.2 A1.	Done
6.0	Modify the Objective in clause BRI-S11.8.1 to include 'shared pathways'.	Updated to shared path links to have reference to new Definition created at 3.0 above.
6.1	To provide consistency with draft amendment RZ- 2023-004, consider whether the intent of clause BRI-	For discussion. Not sure any changes are required. An existing street tree would satisfy A1 and not necessarily require assessment under P1, but could be considered to contribute towards satisfying the PC.

	S11.8.1 A1/P1 is to require discretionary assessment	
	of existing trees, and if not, revise accordingly.	
6.2	Change clause BRI-S11.8.1 A2 by amending the text, as follows: 'The subdivision does not include any public open space lots.'	Done
6.3	Change 'provides' to 'providing' and 'prevents' to 'preventing' in clause BRI-S11.8.1P2.	Done
7.0	To provide consistency with draft amendment RZ- 2023-004, change clause BRI-S11.8.2 A1 by amending the text, as follows: 'No Acceptable Solution.	Done
7.1	Change 'upgrades' to 'upgrading' in clause BRI- S11.8.2 P1. Redraft clause BRI-S11.8.2 P1 to ensure the required infrastructure is subjected to a merit-based assessment by the planning authority having regard to: a. the demand the subdivision places on Council Infrastructure; b. any existing infrastructure; c. any upgrades to existing infrastructure that may be required; d. site conditions; and e. consistency with draft amendment RZ-2023-04.	For discussion. Policy intent: To ensure Council Infrastructure is provided or upgraded along frontage of new lots where it is not currently up to standard. This may include paying an infrastructure contribution to Council if a more efficient outcome would be for works to be delayed if deemed more efficient. If Council Infrastructure has been constructed by Council prior to an new subdivision being approved, that an infrastructure contribution is paid in accordance with the policy. Arguably the PC may just deal with infrastructure contribution as other clauses (e.g. 11.8.3) provide a head of power for provision and upgrading of infrastructure.
8.0	Include a reference to 'Precinct A' in the Objective and Acceptable Solution A1 of clause BRI-S11.8.3.1.	Done
8.1	Redraft clause BRI-S11.8.3.1 P1 as required to address the matters raised at the hearing. Please note that the clause should further the SAP Purpose and be consistent with relevant elements of the Development Framework.	For discussion The intent of the PC is to allow enough flexibility to deviate from the Development Framework, but not a pathway for a completely different outcome.

	Please also note clause BRI-S12.8.1 A2/P2 of draft amendment RZ-2023-004 and redraft the clauses accordingly.	Proposed amendment is to allow a more rigid PC at P1.1 which is "consistent" with the Development Framework without any "having regard to". This would effectively be substantially in accordance with the development Framework.
		P1.2 is introduced to have regard to the Sap Purpose and Development Framework, among other things. Wording before "have regard to" is taken from GRZ roads standards.
8.2	Consider redrafting clause BRI-S11.8.3.2 A1/P1 to address the matters discussed at the hearing, and	For discussion.
	specifically whether modification is required to cater for 'first movers'. Note: any new AS should reference 'Precinct A'.	The intent of this clause is to ensure that the entire catchment is considered when designing the stormwater system. It is not the intent of this clause to address the "first mover' principle, but it may assist.
		A second outcome of this standard is for council to be able to condition for contribution towards the stormwater system for early movers. For example, a two lot subdivision on 2 Dylan St may be the first application Council receives. The subdivision will likely contribute to an increase in stormwater runoff and should therefore contribute to the whole of catchement stormwater system. However, at this early stage it may be suitable for this subdivision to discharge to the existing overland flowpath. Council would then condition for a contribution to the overall stormwater system.
		Responsibility for who prepares the catchment wide stormwater mangemetn plan could be varied
		Option 1: Council prepares the initial stormwater management plan and approves it. Option 2: An applicant prepares the initial stormwater management plan and requests Council approve it.
		Option 3: Council and applicant co-design the stormwater management plan.

		It is likely that there may be several "approved" SMPs as applications are received. Council submit that the only change is to insert "arrangement and provision" into the standard so that it does not refer solely to design.
9.0	Remove 'new' and 'that have higher densities' from the Objective of clause BRI-S11.8.4.1.	Done
9.1	Include 'Precinct B' within the Objective of clause BRI-S11.8.4.1.	Done.
9.2	Modify BRI-S11.8.4.1 A1 to reference 'Precinct B'.	Done.
10.0	Change clause BRI-S11.8.4.2 A1 by amending the text, as follows: 'No Acceptable Solution'	
10.1	Remove 'abutting the Precinct' from clause BRI- S11.8.4.2 P1 (a) and replace 'linkages' with 'connections' in clause BRI-S11.8.4.2 P1 (c). Remove 'new' from BRI-S11.8.4.2 P1 (d). Include 'Development Framework' to the relevant matters in clause BRI-S11.8.4.2 P1.	For discussion Made changes and also amended clause to make it "have regard to" as follows: The arrangement and construction of roads and shared path linkages in Precinct B must provide for vehicular and pedestrian connectivity having regard to:: (a) connections to the existing roads along the northern and eastern boundary; (b) opportunities for passive surveillance and permeability along the boundary of 1 Elderslie Road; (c) connections through 33 Elderslie Rd and 69 Brighton Road; (d) provision for lots with frontage to Brighton Rd; and (e) the Development Framework.

DIRECTIO	DIRECTION 2 – Brighton Highway Services SAP	
1.0	Review the drafting conventions and formatting of the SAP. Make any necessary minor corrections, such as formatting or punctuation, perhaps using the template. A word version is available by contacting the Commission. Also, please see Practice Note 5 and Practice Note 8 for guidance on the drafting conventions, technical drafting requirements and writing style of the SPPs.	
2.0	Please provide GIS files in MapInfo or ArcInfo for the application of the Light Industrial Zone.	Need to attach.
2.1	Confirm whether the spatial extent of the area subject to the Brighton Highway Services SAP requires modification. Should this area be different to that certified, the planning authority is to provide GIS files in MapInfo or ArcInfo. If significant, any revisions should be supported by an explanation for the change.	Have sent to Dourias for comment
3.0	Change 'control' to 'manage' and 'residential properties' to 'residential zones' in the clause BRI- S3.1.4.	Done
4.0	Remove clause BRI-S3.6.1 Noise, and renumber subsequent clauses accordingly.	Done
5.0	Remove clause BRI-S3.6.2 Dust, Smell, Fumes and Other Emissions, and renumber subsequent clauses accordingly.	Done
6.0	Remove references to "(excluding signage)" in clause BRI-S3.7.1 Setbacks A1/P1.	Done

7.0	Consider redrafting clause BRI-S3.7.2 Design A2/P2 as required to more adequately respond to the stated objective. It is noted that the AS prescribes visual standards yet the PC requires consideration of both visual and acoustic impacts. To provide a direct correlation between the AS and corresponding PC, consideration should be given to prescribing these as separate matters in separate standards.	The Design clauses have been amended to provide greater consistency with the Design clause at 15.4.3 in the General Business Zone in the SPPs. This provides greater consistency and clarity. Consider need for additional or amended purpose as the standard is more related to design and on-site amenity rather than managing off-stie impacts on residential zones. For example: To encourage building design that positively contributes to the public realm.
8.0	Change clause BRI-S3.7.5 Fencing A1 by amending the text, as follows: 'No Acceptable Solution.' It is also noted that the SPPs include exemptions for frontage fences. These exemptions need to be refenced via a footnote annotated in the Acceptable Solution (see clause 8.5.1 A4 of the SPPs for guidance).	Done
9.0	Change 'compatible' to 'consistent' in the Objective of clause BRI-S3.8.1 Lot design.	Done
9.1	Remove references to 'Local Area Objectives' in clause BRI-S3.8.1 P2 and renumber subsequent clauses accordingly.	Done
9.2	Change clause BRI-S3.8.1 P3 by amending the text, as follows: 'The frontage of each lot must be sufficient to accommodate development in accordance with the Specific Area Plan Purpose.'	Done
9.3	Change 'point of entry and exit' to 'access' in clause BRI-S3.8.1 P4(e).	

Means an area open to the public that is designated for the use of pedestrians, cyclists and other non-motorised users and provides connectivity as shown in the Development Framework.

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 Framework
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 high school and open spaces.
BRI-S11.1.5	To provide a range of lot sizes close to public open space, 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 slow traffic and pedestrian friendly environment
	for Brighton Road

BRI-S11.2 Application of this Plan

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	area of land that this plan applies to the provisions of the apositic area plan are
in sub (a) (b) (c)	area of land, that this plan applies to, the provisions of the specific area plan are ostitution for, and are in addition to the provisions of: 8.0 General Residential Zone; 23.0 Environmental Management Zone C3.0 Road and Railway Assets Code ecified 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		
	Term	Definition

Council infrastructure	means infrastructure managed by Council including stormwater networks,
	footpaths, roads, streetlighting, landscaping, street trees and the like.
Development	means the South Brighton Specific Area Plan Development Framework
Framework	shown in Figure BRI-S11.2.
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.
Shared path-link	Means an area open to the public that is designated for the use of pedestrians, cyclists and other non-motorised users and links different areas as shown in the Development Framework.
Street tree	Means a tree that has the centreline of its trunk within a road reserve and grows to a minimum height of 3 metres.

BRI-S11.5 Use Table

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

BRI-S11.6 Use Standards

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

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.

Objective:	
That buildings and works do not prejudice the efficient	ent future utilisation of land for urban development.
Acceptable Solutions	Performance Criteria
A1	P1
 Buildings and works must: (a) be for an addition to an existing dwelling; (b) be of a temporary nature able to be readily removed prior to the development of the land for urban purposes; or (c) be on a lot, excluding a balance lot, that has been created by an approved subdivision under this Specific Area Plan. 	 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: (a) the topography of the site; (b) any existing access arrangements; (c) location of any services; (d) the purpose, location and extent of any building and works; and (e) any alternative subdivision layout that achieves the Specific Area Plan Purpose.

BRI-S11.7.2 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

Objective:	
To provide safe vehicular access to Brighton Road	
Acceptable Solutions	Performance Criteria
A1	P1
Access to Brighton Road must provide for vehicles to enter and exit the site in a forward direction.	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-S11.8 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

Objective:		
To encourage safe and attractive landscaped roads, shared path links and open space.		
Acceptable Solutions	Performance Criteria	
A1	P1	
A minimum of one street tree must be provided along the frontage of a new lot, which may include an existing street tree, except for lots that are	Street trees must be provided along the frontage	
	of new lots, having regard to:	
internal lots.	a) the width of lot frontages;	
	b) location of infrastructure;	
	c) the topography of the site;	
	d) the safety and efficiency of the road	
	network;	
	e) the nature of the road; and	

	f) existing vegetation that can be retained.
A2 The subdivision does not include any open space lots.	 f) existing vegetation that can be retained. P2 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: a) enhancement of the open space or shared
	 b) provideing a range of plant heights and forms to create diversity, interest and amenity; c) preventing the creation of concealed entrapment spaces; d) removal of existing invasive weed species; and e) any advice from a suitably qualified person.

BRI-S11.8.2 Infrastructure provision

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

a) Subdivision design provides for Council infrastructure that will enable further land development in accordance with the Development Framework and purpose of the Specific Area Plan; and		
 b) Developer contributions are made towards the cost and provision of infrastructure in accordance with the relevant Policy adopted by the Council. 		
Performance Criteria		
P1.1		
 The provision, and upgrading of Council infrastructure, must be provided having regard to: a) the demand the subdivision places on Council infrastructure; the need for connecting Council infrastructure to common boundaries with adjoining land to facilitate future subdivision potential; c) any existing Council infrastructure; d) any upgrades to existing Council infrastructure; e) topography and other site conditions; and f) the Development Framework; P1.2 		

 An infrastructure contribution must be paid to Council having regard to: a) the demand the subdivision places on Council infrastructure; b) the need for connecting Council infrastructure to common boundaries with adjoining land to facilitate future subdivision potential; c) any existing Council infrastructure; d) any upgrades to existing Council infrastructure that may be required; e) topography and other site conditions; f) the Development Framework; and
 g) any Infrastructure Policy adopted by Council that is relevant to the land. OR
Where Council Infrastructure has been provided by Council an infrastructure contribution must be paid as specified in any Infrastructure Contribution policy that is relevant to the land.

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 A4 and P4, and clause 8.6.2 Roads.

Objective:		
The subdivision layout in Precinct A provides for:		
a) consistency with the purpose of the Specific Area Plan and the Development Framework. b)		
Acceptable Solutions Performance Criteria		
A1	P1.1	
Each lot, or a lot proposed in a plan of subdivision, must:	The layout of lots, roads, public open space and pedestrian connections in Precinct Amust be	
 (a) Be required for public use by the Crown, a council or a State authority; 	consistent with the purpose of the Specific Area Plan and the Development Framework;	
(b) be required for the provision of Utilities; or	or;	
(c) be for the consolidation of a lot with another lot provided each lot is within the same zone.	P1.2	
	The layout of lots, roads, public open space and pedestrian connections must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:	

a)	the facilitation of high levels of vehicular and pedestrian connectivity in the subdivision and to open spaces and adjacent areas;
b)	the integration of landscaping into the road, pedestrian and open space network;
c)	avoid compromising the appropriate and reasonable future subdivision of the entirety of any balance lot or adjoining lot;
d)	any natural hazards or other site conditions that constrain future development;
e)	the topography of the site;
f)	facilitating higher lot densities around existing dwellings and adjoining public open space;
g)	the provision of the necessary road and service infrastructure;
h)	any relevant Codes;
i)	any advice received from the road authority;
j)	the Development Framework; and
k)	the purpose of the Specific Area Plan.

BRI-S11.8.3.2 Stormwater – Precinct A

This clause is in **addition** to General Residential Zone - clause 8.6.3 Services.

Objective:	
That the subdivision of land provides for a public stormwater system for each catchment in Precinct A	
Acceptable Solutions	Performance Criteria
A1	P1
No Acceptable Solution	The arrangement and provision of the stormwater system is to be in accordance with an approved stormwater management plan for the relevant catchment(s) as shown in Figure BRI-S11.4

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

Objective:	
To provide for lots close to services, facilities and public transport corridors in Precinct B.	
Acceptable Solutions	Performance Criteria
A1	P1
Each lot, or a lot proposed in a plan of subdivision, in Precinct B must: (a) have an area of not less than the lot sizes	Each lot, or a lot proposed in a plan of subdivision, in Precinct B must have sufficient useable area and dimensions suitable for its intended use, having regard to:
specified in Table BRI-S11.9.1 and: (i) be able to contain a minimum	(a) the relevant requirements for development of buildings on the lots;
building area as specified in Table BRI- S11.9.1 with a gradient not steeper than 1 in 5, clear of:	(b) the intended location of buildings on the lots;
a. all setbacks required by clause 8.4.2 A1, A2 and A3, and	(c) the topography of the site;
8.5.1 A1 and A2; and	(d) the presence of any natural hazards;
 b. easements or other title restrictions that limit or restrict development; and 	(e) adequate provision of private open space; and
(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	(f) the pattern of development existing on established properties in the area.
(b) be required for public use by the Crown, a council or a State authority;	
(c) be required for the provision of Utilities; or	
(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.	
A2	P2
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	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:
	(a) the width of frontage proposed, if any;
	(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;
	(c) the topography of the site;
	(d) the functionality and useability of the frontage;

(e) the ability to manoeuvre vehicles on the site; and
(f) the pattern of development existing on established properties in the area,
and is not less than 3.6m wide.

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

Objective:		
	strian connections in Precinct B are consistent with the purpose	
of the Specific Area Plan and the development framework.		
Acceptable Solutions A1	Performance Criteria	
AI	FI	
No Acceptable Solution.	The arrangement and construction of roads and shared path linkages in Precinct B must provide for vehicular and pedestrian connectivity having regard to::	
	 (a) connections to the existing roads along the northern and eastern boundary; 	
	(b) opportunities for passive surveillance and permeability along the boundary of 1 Elderslie Road;	
	(c)	
	connections through 33 Elderslie Rd and 69 Brighton Road; (d) provision for lots with frontage to Brighton Rd; and	
	(e) the Development Framework.	

BRI-S11.9 Tables

BRI-S11.9.1

Minimum Lot Size*	Minimum frontage	Minimum building area
		urou

Ordinary lot (i.e. not otherwise specified below)	450m ²	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	350m ²	12m	9m x 12m
school.			

*Not including any fee simple access strip





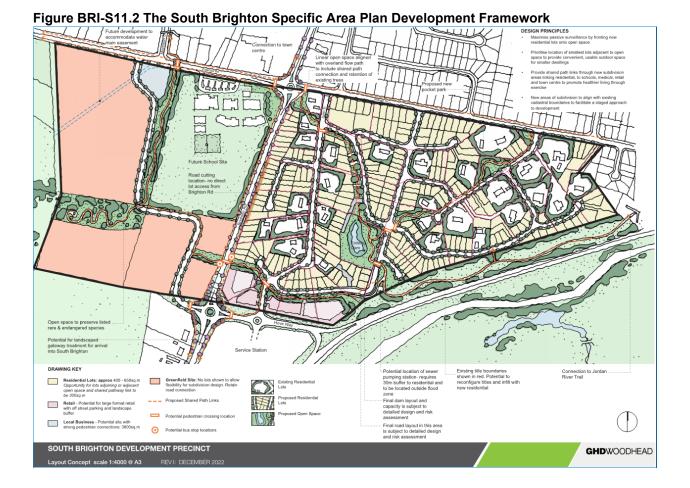


Figure BRI-S11.3 Precincts



Figure BRI-S11.4 Stormwater catchments

