

5.1 PLANNING SCHEME AMENDMENT FOR THE BURROWS AVENUE SPECIFIC AREA PLAN

Type of Report:	Section 40F(1) of <i>Land Use Planning and Approvals Act 1993</i>
Application No:	RZ 2023 -04
Address:	<ul style="list-style-type: none"> 38, 40, 42, 44, 44A, 46, 48, 48A, 48B and 48D, 50, 52, 54, 56, 58, 60, 60A, 62, 62A – E, 64, 66, 68, 70, and 72 Racecourse Road, Brighton 10 - 15, 14A, 14B, 16, 16A, 16B, 18A - F, 19 – 26, 26A, 20A, 20B, 28, 30 Burrows Avenue, Brighton 2, 6, 8, 8A, 10, 14, 16, and 18 Brooke Street, Brighton 3, 5, 15, 17, 19, 21, 23, and 25 Morrison Street, Brighton 40, 42, 44, 52, 54, 60, 64, 70, 72, and 74 Elderslie Road, Brighton Subdivision road (C/T 150382/2) (cnr Racecourse and Cartwright Street)
Owner/s:	Various
Requested by:	Brighton Council
Proposal:	<p>Insert the Burrows Avenue Specific Area Plan over:</p> <ul style="list-style-type: none"> 38, 40, 42, 44, 44A, 46, 48, 48A, 48B and 48D, 50, 52, 54, 56, 58, 60, 60A, 62, 62A – E, 64, 66, 68, 70, and 72 Racecourse Road, Brighton 10 - 15, 14A, 14B, 16, 16A, 16B, 18A - F, 19 – 26, 26A, 20A, 20B, 28, 30 Burrows Avenue, Brighton 2, 6, 8, 8A, 10, 14, 16, and 18 Brooke Street, Brighton 3, 5, 15, 17, 19, 21, 23, and 25 Morrison Street, Brighton 40, 42, 44, 52, 54, 60, 64, 70, 72, and 74 Elderslie Road, Brighton

	<ul style="list-style-type: none"> Subdivision road (C/T 150382/2) (cnr Racecourse and Cartwright Street)
Attachments:	Attachment A: Instrument of Certification Attachment B: Property Identification Details
Author:	Senior Planner (Jo Blackwell)
Authorised:	Manager Development Services (David Allingham)

1. Executive Summary

The purpose of this report is for Council to consider whether to, of its own motion, initiate a draft planning scheme amendment made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('LUPAA'), to amend the Brighton Local Provision Schedule (LPS) to insert the Burrows Avenue Specific Area Plan (Burrows Avenue SAP).

The Burrows Avenue SAP is intended to cover an area of approximately 22ha, being 85 lots in the General Residential zone. Original subdivision of the land has resulted in narrow but deep rectangular lots being created, typically with each lot having a land area of approximately 4850-5000m² [dimensions of 40m x 120m (approx.)] between Elderslie Road and Burrows Avenue. Between Racecourse Road and Burrows Avenue lots are slightly smaller (3000m² approx.) [dimensions measuring approximately 40m x 75m]. The lot layout was considered suitable at the time to accommodate the Brighton horse racing industry, which once dominated the area.

Recently, the area has been subject to residential infill, predominantly in the form of multiple dwelling development. Existing lot layouts do not encourage subdivision, given the narrow widths of the lots. This has resulted in an increase in multiple dwelling developments, reduced green spaces and landscaping on private land, increased hard surfaces for parking and turning areas, lack of public infrastructure and a need for additional public open space.

In order to address the localised issues associated with the original division of the land, council officers have prepared the Burrows Avenue Specific Area Plan (Attachment B) for initiation by the Planning Authority. The Burrows Avenue SAP seeks to introduce planning controls which require developers:

- a) to provide public infrastructure when undertaking subdivision or multiple dwelling developments.
- b) to provide greater lot and housing diversity, and greater residential

amenity, while responding to constraints in existing land use patterns.

- c) to provide improved road and pedestrian connectivity and landscaping that contributes to and improves the character of the area; and
- d) to construct the undeveloped road reserve and encourage subdivision in Precinct A.

To proceed, the Planning Authority must first agree to the amendment to the LPS. If the amendment is agreed to, the Planning Authority must notify the Tasmanian Planning Commission (the Commission) of the decision and commence public exhibition.

The Planning Authority will then decide whether any representations received warrant amending or refusing the draft amendment or the planning permit. If approved by the Planning Authority, the final decision will be made by the Tasmanian Commission who will likely invite any representors to attend a public hearing.

It is submitted that the amendment is necessary to address key issues arising from historical development within the SAP area, including greater residential amenity and housing diversity, provision of public infrastructure, and road and pedestrian linkages.

It is recommended that Council certify the draft amendment to the LPS.

2. Legislative & Policy Content

The purpose of this report is to consider whether to, of its own motion, prepare a draft amendment of an LPS as described in this report.

The amendment request is made under section 40D(b) of the *Land Use Planning and Approvals Act 1993* (the Act). The provisions of the Act establish the test of whether a planning scheme amendment is reasonable or not.

Section 40F(1) of the Act requires the Planning Authority to consider the criteria of the LPS when approving or refusing an amendment. The LPS criteria is contained in section 34 of the Act.

This report details the reasons for the officer recommendation. The Planning Authority is not bound to adopt the recommendations in this report. The Planning Authority can either: (1) adopt the recommendation; or (2), vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.

3. Risk & Implications

There may be financial implications for the delivery of infrastructure, should this application be refused. However, any financial implications will be subject to separate decisions of Council and will have no direct financial implication for the Planning Authority.

4. Site and Surrounds

The subject area contained within the proposed Burrows Avenue SAP is approximately 22ha, and is contained within the land bounded by Racecourse Road, Morrison Street and Elderslie Road, as indicated in the Figure 1 below:



Figure 1: Topographical image of the proposed BURROWS AVENUE SAP area, depicted by the blue line (Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania)

The Burrows Avenue SAP area (SAP area) is located approximately 370m west of Brighton Road and includes approximately 85 lots.

The land slopes up from Elderslie Road, with the crest of the hill covering the northern half of 52-64 Elderslie Road, and the southern portions of 15-21 Burrows Avenue, before falling slightly down to Racecourse Road. The area is largely unvegetated. Listmap identifies the soil type as "moderate to imperfectly drained black cracking soils developed on Tertiary basalt bedrock and colluvium on low undulating (3-10%) plateaus".

The entirety of the land is currently serviced by reticulated water. However, access to reticulated sewer services is intermittent across the SAP area (refer Figure 2).



Figure 2: Sewer Serviced Land (red lines) (Source: Base image and data from the LIST (www.thelist.tass.gov.au) © State of Tasmania)

5. Planning Controls

5.1. Zoning

The SAP area is located wholly within the General Residential zone.

Land to the north of the SAP area is zoned Recreation and includes the Brighton Horse Racing Track and the Ted Jeffries Memorial Park.

Land to the south is mixed, with the Community Purpose zone being attributed to 1 Elderslie Road (future Brighton High School site), General Residential (33 Elderslie Road) and Rural Living (Una Court properties).

Land to the west is zoned Rural and is subject to the Brighton Horse Racing Specific Area plan, and land to the East is zoned General Residential and Light Industrial (refer figure 3).

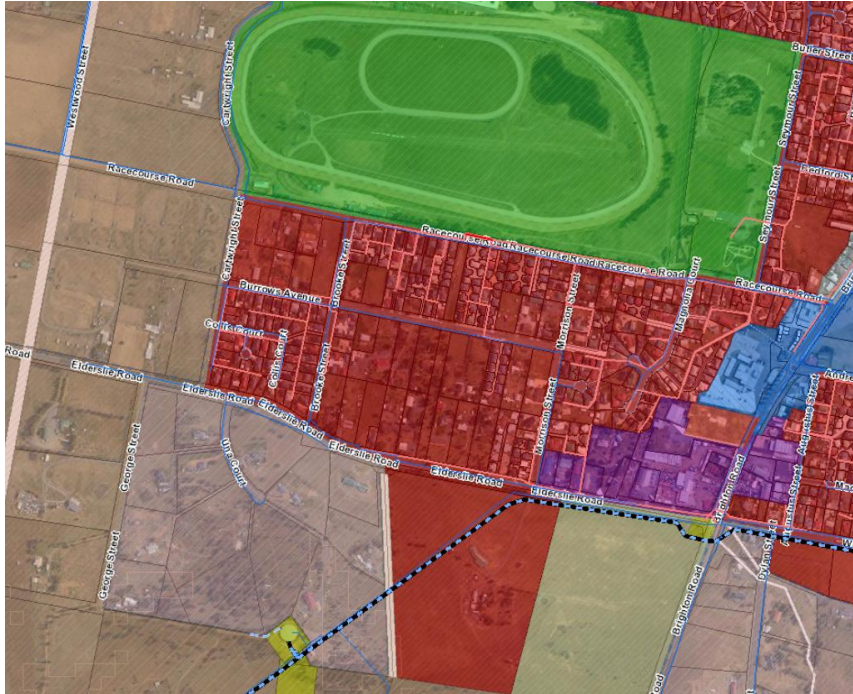


Figure 3: Zoning Map (Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania)

5.2. Overlays & Codes

Bushfire prone areas overlay

Two properties at 70 and 72 Racecourse Road are entirely covered by the Bushfire prone areas overlay. All of the subject properties fronting Elderslie Road have the overlay to a depth of approximately 31m.



Figure 4: The bushfire prone areas overlay is shown in orange. (Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania)

Adjoining land

The Brighton Horse Racing SAP applies to land at to the north and west of the SAP area. The Brighton Horse Racing SAP provides for the long term potential of the Brighton Training Facility as a horse training and stabling venue in southern Tasmania, and addresses land use conflict through appropriate location and management of horse related activities.

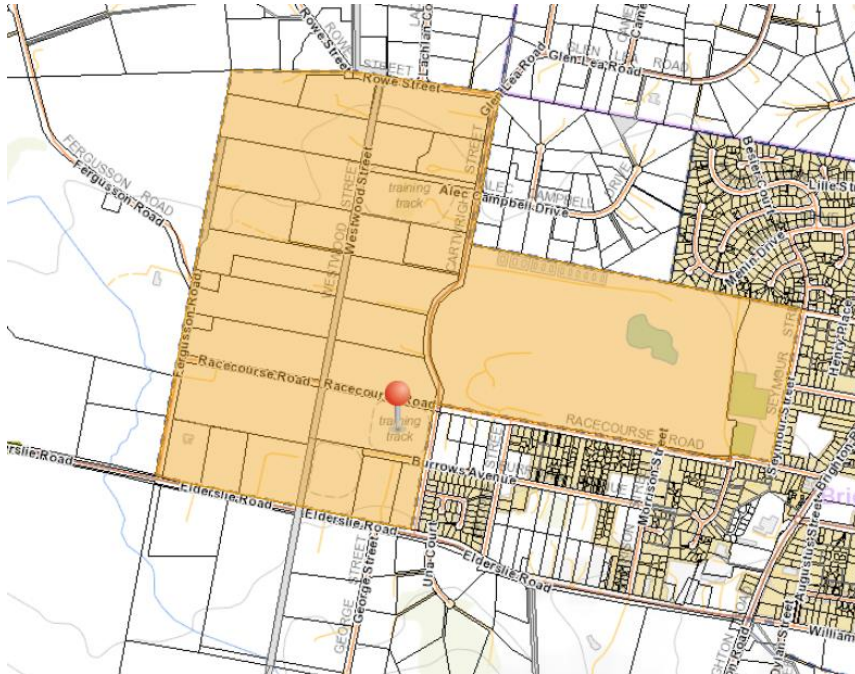


Figure 5: The Brighton Horse Racing Specific Area plan is shown in orange. (Source: Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania)

6. Background and Rationale

6.1. Strategic Rationale

Southern Tasmanian Regional Land Use Strategy 2010-2035

SD2: Holistically Managing Residential Growth

The proposed SAP seeks to bring the SAP area into compliance with this recommendation to holistically manage residential growth by addressing specific difficulties arising from localised land use patterns.

Brighton Structure Plan 2018 (BSP)

The BSP acts as a guide for major changes to land use, built form and public spaces that together can achieve identified economic, social and environmental objectives for Brighton.

The BSP includes an analysis of housing supply in the Brighton area to meet the long-term needs based on population projections. The BSP predicts that the strongest population in the municipality will be in the suburbs of Brighton and Pontville of 2.7% per annum, or an increase of 3,040 people by 2033.

Strategy 2 of the BSP identifies that significant vacant and underutilised parcels need to be developed for multiple dwellings, which is occurring in the SAP area.

Strategy 3 of the BSP identifies that Brighton's housing supply should provide medium density options and to consider the provision of a range of lots sizes to avoid homogenous development outcomes. It is considered that the proposed Burrows Avenue SAP addresses that strategy.

6.2. Site History

Steps have been taken by council officers to facilitate connectivity and open spaces within the Burrows Avenue SAP area. An in-principle agreement for the two road parcels currently owned by the Crown (informally known as Fraser Street) which run between Racecourse Road and Elderslie Road are in the process of being transferred to Brighton Council. Given existing development either side of the northern parcel, this land is to be transferred to Council for the purposes of public open space and will also be utilised for pedestrian activities.

The southern portion is to be transferred to Council for road purposes. There are currently two approved subdivisions at 15 and 19 Burrows Avenue which require the construction of a road, ending in a cul-de-sac on the northern half of that parcel.

The development framework for Precinct A as set out in the Burrows Avenue SAP requires the construction of the southern portion of the land, should either lot at 54 and 60 Elderslie Road be developed.

Brighton High School

The Brighton High School is programmed to open for the 2025 school year.

Well managed vehicle and pedestrian connectivity within the Burrows Avenue SAP area is important, with the Traffic Impact Assessment for the proposed school identifying that it can be expected that 360 (approx.) vehicles will enter and leave the school each day. Additional road and pedestrian connections may assist to disperse traffic and pedestrian movements.

6.3. Community Consultation

Council officers have:

- written to all landowners and residents within the Burrows Avenue SAP areas and spoken to two owners to address queries.
- personally met with the owner of 60 Elderslie Road, Brighton regarding the proposed development framework for Precinct A.
- Spoken by telephone with the owner of 54 Elderslie Road, Brighton

regarding the proposed development framework for Precinct A.

- Liaised with Crown Property Services as to the transfer of the “Fraser Street” road reserve.

7. The Amendment

The proposed amendment to the Brighton Local Provisions Schedule is to:

7.1. Insert the Burrows Avenue Specific Area Plan over:

- 38, 40, 42, 44, 44A, 46, 48, 48A, 48B and 48D, 50, 52, 54, 56, 58, 60, 60A, 62, 62A – E, 64, 66, 68, 70, and 72 Racecourse Road, Brighton
- 10 - 15, 14A, 14B, 16, 16A, 16B, 18A - F, 19 – 26, 26A20A, 20B, 28, 30 Burrows Avenue, Brighton
- 2, 6, 8, 8A, 10, 14, 16, and 18 Brooke Street, Brighton
- 3, 5, 15, 17, 19, 21, 23, and 25 Morrison Street, Brighton
- 40, 42, 44, 52, 54, 60, 64, 70, 72, and 74 Elderslie Road, Brighton
- Subdivision road (C/T 150382/2) (cnr Racecourse and Cartwright Street)

The Burrows Avenue SAP is critical to address localised development issues within the SAP area, arising from irregular shaped lots, previous rural uses (horse stabling and management), and the provision of public infrastructure. It is considered that the Burrows Avenue SAP is consistent with the zone purpose for the General Residential Zone.

Explanatory notes for the SAP standards are provided in Table 1 below:

Table 1: Explanatory Notes

Clause No.	Provision	Commentary
BRI-S12.1 Purpose of the Specific Area Plan		
BRI-S12.1.1	To provide for infrastructure required for subdivision or multiple dwelling developments.	The statements under clause BRI-S12.1 outline the overall intent of the specific area plan and the desired character that is to be achieved through future subdivision and development.
BRI-S12.1.2	To provide for greater lot and housing diversity and residential amenity which	

	respond to the constraints of the existing land-use pattern.	The purpose statements also articulate the need for the Specific Area Plan above the standard provisions within the General Residential Zone
BRI-S12.1.3	To provide improved road and pedestrian network connectivity.	
BRI-S12.1.4	To provide for landscaping that contributes to and improves the character of the area.	
BRI-S12.1.5	To provide for the construction of the undeveloped road reserve and encourage subdivision in Precinct A.	
BRI-S12.2 Application of the Specific Area Plan		
BRI-S12.2.1	The specific area plan applies to the area of land designated as Burrows Avenue Specific Area Plan on the overlay maps.	Application of the specific area plan to an application for a planning permit is to be determined by reference to Figure BRI-S12.2.1 .
BRI-S12.2.2	In the area of land this plan applies to, the provisions of the specific area plan are in substitution for, or in addition to, the provisions of: (a) 8.0 General Residential zone as specified in the relevant provision.	The SAP is only needed in addition to or substitution for the provisions of the General Residential Zone.
BRI-S12.3 Local Area Objectives – Precinct A		
BRI-S12.3.1	Precinct A, shown on overlay map as BRI-12.1.	The local area objectives for the Precinct A are to: (a) facilitate the development of the road reserve as a public access for vehicle and pedestrian thoroughfare.

		Facilitate new residential development with lots fronting the road reserve.
BRI-S12.7 Development Standards for Buildings and Works		
BRI-S12.7.1	Frontage Infrastructure	<p>This development standard is intended to prevent any buildings and works from being undertaken without providing for public infrastructure along the length of a lot's frontage.</p> <p>The development standard is intended to specifically support Purpose Statement BRI-S12.1.1, BRI-S12.1.3 and BRI-S12.1.4.</p>
BRI-S12.7.2	Landscaping	<p>This development standard is intended to further purpose statement BRI-S12.1.4 by requiring a minimum standard of landscaping and areas free from impervious surfaces per unit.</p>
BRI-S12.7.3	Housing Diversity	<p>This development standard is intended to further purpose statement BRI-S12.1.2.</p> <p>It requires a less homogeneous approach than has been previously been constructed, to provide for a range and mix of dwelling types for multiple dwelling developments.</p>
BRI-S12.7.4	Development and Works in Precinct A	<p>This development standard is intended to further purpose statement BRI-S12.1.5.</p> <p>The standard considers development that does not</p>

		prejudice future utilisation of the land adjoining the Precinct A road reserve.
BRI-S12.8 Subdivision standards		
BRI-S12.8.1	Subdivision – Precinct A	<p>This subdivision standard is intended to achieve purpose statement BRI-S12.1.1, BRI-S12.1.3 and BRI-S12.1.5</p> <p>The Performance Criteria provides for some flexibility. It is considered, however, given the unique layout of the lots in Precinct A, development is constrained</p> <p>Allowing lots to have frontage to the Precinct A road reserve is an important factor in creating additional vehicle and pedestrian connectivity.</p>

8. Planning Assessment – Draft Amendment of LPS Requirements of the Act

Section 40D (b) of the Act allows a planning authority to prepare a draft amendment of an LPS of its own motion;

40D. Preparation of draft amendments

A planning authority –

- (a) *must prepare a draft amendment of an LPS, and certify it under [section 40F](#), within 42 days after receiving the request under [section 37\(1\)](#) to which the amendment relates, if –*
 - (i) *it decides under [section 38\(2\)](#) to prepare a draft amendment of an LPS; or*
 - (ii) *after reconsidering, in accordance with a direction under [section 40B\(4\)\(a\)](#), a request under [section 37\(1\)](#) whether to prepare a draft amendment of an LPS, it decides to prepare such an amendment; or*

- (b) may, of its own motion, prepare a draft amendment of an LPS; or
- (c) must, if it receives under [section 40C\(1\)](#) a direction to do so, prepare a draft amendment of an LPS and submit it to the Commission within the period specified in the direction or a longer period allowed by the Commission.

Section 40F (1) of the Act requires that, where a planning authority has prepared a draft amendment of an LPS (under Section 40D(b)), it must be satisfied the draft amendment of an LPS meets the LPS criteria under Section 34 of the Act.

40F. Certification of draft amendments

(1) A planning authority that has prepared a draft amendment of an LPS must consider whether it is satisfied that the draft amendment of an LPS meets the LPS criteria.

(2) If a planning authority determines that –

(a) it is satisfied as to the matters referred to in [subsection \(1\)](#), the planning authority must certify the draft as meeting the requirements of this Act; or

(b) it is not satisfied as to the matters referred to in [subsection \(1\)](#), the planning authority must modify the draft so that it meets the requirements and then certify the draft as meeting those requirements.

(3) The certification of a draft amendment of an LPS under [subsection \(2\)](#) is to be by instrument in writing affixed with the common seal of the planning authority.

(4) A planning authority, within 7 days of certifying a draft amendment of an LPS under [subsection \(2\)](#), must provide to the Commission a copy of the draft and the certificate.

The LPS criteria is provided under Section 34 of the Act. Section 34(2) is addressed below where relevant to the proposed amendment.

8.1. Assessment of Section 34(2) of the Act.

A discussion of those relevant parts of Section 34(2) are provided below.

The LPS criteria to be met by a relevant planning instrument are that the instrument –

- (a) contains all the provisions that the SPPs specify must be contained in an LPS; and

Response: the amendment does not affect the provisions that must be contained in an LPS. An LPS can contain specific area plans.

(b) is in accordance with [section 32](#) ; and

Response: Section 32 of the Act sets out the contents of the LPSs. There are no changes to the zoning or overlays that apply to the LPS. The relevant parts of the Section that relate to specific area plans require further consideration and are provided below.

32. Contents of LPSs

(3) Without limiting [subsection \(2\)](#) but subject to [subsection \(4\)](#) , an LPS may, if permitted to do so by the SPPs, include –

...

(b) a specific area plan, being a plan consisting of –

(i) a map or overlay that delineates a particular area of land; and

(ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs;

...

(4) An LPS may only include a provision referred to in [subsection \(3\)](#) in relation to an area of land if –

(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or

(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

Assessment of 32(4)(b):

Burrows Avenue SAP

The proposed Burrows Avenue SAP is necessary to address the unique spatial qualities that arises from historical development, originally developed to support the Brighton horse racing industry. More recently, due to the deep but narrow lots, the SAP area has experienced an increase in multiple dwelling developments characterised by impervious surfaces, hard stand parking and turning areas, and reduced levels of landscaping. Lots in the SAP area are typically 4850-5000m² [dimensions of 40m x 120m (approx.)] between Elderslie Road and Burrows Avenue and approximately 3000m² between Racecourse Road and Burrows Avenue [dimensions measuring approximately 40m x 75m].

The increase in multiple dwelling approvals over those for subdivision has placed

an increased burden on existing infrastructure services. Under the Tasmanian Planning Scheme there is no head of power for Council's to require that developers undertake the necessary frontage upgrades for multiple dwelling units as they would with a subdivision. In the absence of requirements relating to infrastructure contributions, there are limited opportunities for Council to require developers to contribute to public infrastructure. Accordingly, a user-pays approach is the most appropriate way to achieve a suitable outcome, with the developer being responsible for funding the intensification of the demand on existing infrastructure networks.

The Burrows SAP provides a development framework that will facilitate future development of this land in a way that creates a practical extension to the residential community by providing good connectivity and a high level of amenity in an equitable manner.

(c) Furthers RMPS Objectives

The objectives of the Resource Management and Planning System (RMPS) must be furthered by the rezoning request and are addressed in the following table:

Table 1 – RMPS Objective Assessment

Objective	Response
Part 1	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	<p>Land in the SAP area has been developed and significantly modified from what it would have been traditionally. Minimal native vegetation remains, and exotic species introduced.</p> <p>The SAP area does not include any threatened vegetation listed under Schedule 3A of the <i>Nature Conservation Act 2000</i> or any threatened flora or fauna species listed under the <i>Tasmanian Threatened Species Protection Act 1995</i>. The site is mapped as FUR (urban areas) (agricultural, urban and exotic vegetation) by TASVEG 3.0.</p>

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(b) to provide for the fair, orderly and sustainable use and development of air, land and water	The amendment is considered to provide a mechanism to improve the existing character of the area. The proposed amendment will better meet the needs of a wider demographic through the provision of a range of housing types. As such the proposed amendment will provide for the fair, orderly and sustainable development of the area.
(c) to encourage public involvement in resource management and planning	<p>As noted in section 6.3 above, there has been community consultation on the proposal to date.</p> <p>The public will be further involved in the draft planning scheme amendment through opportunity to make representations and attend public hearings.</p>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The amendment will facilitate economic development arising from increased housing prices relative to the increased level of amenity, connectivity and public infrastructure in the SAP area.
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State	The proposed amendment has had input from the community, the Tasmanian Government and Brighton Council officers. If approved, ongoing responsibility will continue through the planning process.
Part 2	
(a) to require sound strategic planning and coordinated action by State and local government	The proposed amendment is to implement the recommendations of regional and local strategic planning documents and is consistent with relevant policies within the Southern Tasmanian Regional Land Use Strategy.

(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	The proposed amendment has been found to be consistent with the contents of the LPS and has been drafted to achieve specific objectives and policies recommended in strategic planning documents endorsed by the Council.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	<p>The land contains no environmental values of any known significance. The proposed SAP is likely to result in better environmental outcomes considering stormwater management.</p> <p>In terms of social and economic effects, the Burrows Avenue SAP will provide increased housing choice and improvement to residential amenity. It will also encourage improved outcomes for connectivity.</p>
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	The proposal is recommended in local strategic planning documents endorsed by the Council and is consistent with regional planning documents and State Policies and legislation.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	<p>The proposal will provide a clear framework for development approvals in the Brighton LPS.</p> <p>The approvals process is generally prescribed and the planning scheme amendment process has little impact on co-ordination of approvals.</p>
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	One of the purposes of the planning scheme amendment is to provide for higher levels of residential amenity and connectivity that promotes health and wellbeing.

(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	There are no buildings or areas of interest within the SAP area.
(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community	One of the objectives of the SAP is to enable the orderly provision and coordination of public utilities and facilities, in an area where these are limited.
(i) to provide a planning framework which fully considers land capability.	The proposed amendment provides a planning framework which addresses existing land constraint to improve connectivity, public infrastructure and facilities and housing diversity.

(d) Consistent with State Policies

8.1.1. State Coastal Policy 1996

The *State Coastal Policy 1996* applies to land within 1 km of the high-water mark. The subject land is more than 1km from the high-water mark and this policy does not apply.

8.1.2. State Policy on the Protection of Agricultural Land 2009

The *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion of agricultural land to non-agricultural uses is subject to the principles of the PAL Policy.

All land in the SAP area is zoned General Residential and is not considered agricultural land.

8.1.3. The State Policy on Water Quality Management 1997

There will be no direct impact on water quality as a result of the amendment. Any impact on water quality will be regulated through future development applications.

8.1.4. National Environmental Protection Measures

The National Environmental Protection Measures (NEPMs) have been adopted as State Policies. They relate to ambient air quality, diesel vehicle emissions,

assessment of site contamination, used packing material, movement of controlled pollutant inventory.

The proposal does not trigger consideration under the NEPMs.

(da) consistent with TPPs

There are currently no Tasmanian Planning Policies in effect.

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and

As required under s.34(2)(e) the proposed amendment must be, as far as practicable, consistent with regional land use strategies. In southern Tasmania, the relevant regional land use strategy is the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS). The policies that are relevant to the amendment are addressed in Table 3 below.

Table 2 – STRLUS Assessment

Policy	Action
SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability	SRD2.1 Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development. Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and protected by the planning scheme. SRD 2.6 Increase densities to an average of at least 25 dwellings per hectare (net density) within a distance of 400-850m of integrated transit corridors and Principal and Primary Activity centres, subject to heritage constraints. SRD 2.9 Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic

	<p>change including an ageing population.</p> <p>Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme:</p> <p>a) specify the spatial area in which biodiversity values are to be recognised and protected; and</p> <p>b) implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.</p>
<p><u>Consistent:</u></p> <p>The proposed amendment seeks to allow for the SAP area to holistically manage residential growth by addressing specific difficulties arising from localised land use patterns, continuing infill development and provision of homogenous housing stock. There are no biodiversity values recognised and protected by the planning scheme.</p> <p>The SAP area is serviced by public transport, with bus stops located on Elderslie Road, Brooke Street, Burrows Avenue and Morrison Street, and within 400m of each lot. The SAP area is situated between 500m and 1.3km from the Brighton shopping strip (Rural Services Centre).</p> <p>The proposed SAP aims to provide a mix of dwelling types to provide housing diversity across the SAP area, to address the homogenous development of two bedroom strata title units.</p>	
<p>ROS 1</p> <p>Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and wellbeing amenity, environmental sustainability and the economy.</p>	<p>ROS 1.5</p> <p>Ensure residential areas, open spaces and other community destinations are well connected with a network of high-quality walking and cycling routes.</p>

<p><u>Consistent:</u></p> <p>The amendment includes requirements for construction of footpaths, and roadways in the SAP area to increase connectivity to the wider community.</p>	
<p>PI 2</p> <p>Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.</p>	<p>P1 2.2</p> <p>Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.</p>
<p><u>Consistent:</u></p> <p>The amendment makes provision for construction of, or contribution to, local infrastructure requirements.</p>	
<p>LUTI 1</p> <p>Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.</p>	<p>LUTI 1.6</p> <p>Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.</p>
<p><u>Consistent</u></p> <p>The Precinct A development framework supports road connectivity between Elderslie Road and Burrows Avenue.</p>	

As such, it is considered that the proposed amendment continues to further the requirements of the STRLUS.

(f) Brighton Council Strategic Plan 2019-2029

The proposed amendment is consistent with the following relevant strategies from the Brighton Council Strategic Plan 2019-2029:

- S1.1 – Understand/Improve Health & Wellbeing
- S1.2 - Create Housing/Employment/Play/Education (Liveability)
- S1.4 – Support Connected Communities
- S1.5 - Build a resilient community and environmentally sustainable future.
- S3.3 - Enabling Infrastructure

(g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.*

The proposed amendment will not impact the LPS of adjacent municipal areas. The amendment has been assessed as being consistent with the STRLUS.

(h) *Gas Pipeline safety*

The subject land is not affected by the Gas Pipeline. Accordingly, there are no issues of gas pipeline safety associated with the draft amendment.

The proposed amendment is therefore considered to be consistent with the requirements under Section 34 (2) of the Act.

9. Conclusion

The proposal to amend the *Brighton Local Provisions Schedule* is consistent with regional and local land use strategy and the requirements of the *Land Use Planning and Approvals Act 1993*.

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2023-04 as detailed in this report and in the attachments.

RECOMMENDATION:

1. That in accordance with s38(2)(a) of the Land Use Planning and Approvals Act 1993, the planning authority agrees to prepare a draft amendment, to be known as RZ 2023-04 as follows:
 - (a) to insert the Burrows Avenue Specific Area Plan over:
 - i. 38, 40, 42, 44, 44A, 46, 48, 48A, 48B and 48D, 50, 52, 54, 56, 58, 60, 60A, 62, 62A – E, 64, 66, 68, 70, and 72 Racecourse Road, Brighton
 - ii. 10 - 15, 14A, 14B, 16, 16A, 16B, 18A - F, 19 – 26, 26A, 20A, 20B, 28, 30 Burrows Avenue, Brighton

- iii. 2, 6, 8, 8A, 10, 14, 16, and 18 Brooke Street, Brighton
- iv. 3, 5, 15, 17, 19, 21, 23, and 25 Morrison Street, Brighton
- v. 40, 42, 44, 52, 54, 60, 64, 70, 72, and 74 Elderslie Road, Brighton
- vi. Subdivision road (C/T 150382/2) (cnr Racecourse and Cartwright Street)

(b) To amend the Planning Scheme Ordinance to introduce the Burrows Avenue Specific Area plan at clause BRI-S12.0

2. That in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2023-04 satisfies the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*.
3. That in accordance with Section 40F(3) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2023-04 be certified by instrument in writing affixed with the common seal of the Council.
4. That in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2023-04 be given to the Tasmanian Planning Commission within seven (7) days.
5. That in accordance with Section 40FA(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment RZ2023-04 be provided to relevant agencies and those state service, or State authorities, that the planning authority considers may have an interest in the draft amendment.
6. That in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ2023-04 be placed on public exhibition as soon as practicable.