

# TASMANIAN PLANNING COMMISSION



Our ref: DOC/23/97056  
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21 August 2023

Mr James Dryburgh  
General Manager  
Brighton Council  
1 Tivoli Road,  
OLD BEACH TAS 7017

Attention: David Allingham

By email: [admin@brighton.tas.gov.au](mailto:admin@brighton.tas.gov.au);  
[David.Allingham@brighton.tas.gov.au](mailto:David.Allingham@brighton.tas.gov.au)

Dear Mr Dryburgh

## **Tasmanian Planning Scheme - Brighton Draft amendment RZ-2022-05**

I refer to the above draft amendment and to a hearing held at the Commission's office in Hobart on 14 August 2023 which was adjourned.

It would assist the Commission's assessment of the amendment if the planning authority could provide a submission on the options that may be available for the staging of the implementation of the South Brighton Specific Area Plan Development Framework. The submission may include a concept staging plan, which includes the key components of the staging and any beneficial outcomes for the continued staging of development. The submission may also include the priority for the establishment of infrastructure critical to the staging and the nature of the infrastructure required. The Commission noted in the hearing process the commitment of TasWater to the development of sewerage infrastructure and the benefits that this will have to the overall implementation of the proposal. Similar essential infrastructure commitments may facilitate the realisation of the planning outcomes sought by the draft amendment.

Subject to the further submission, the Commission will reconvene the hearing. Information about the hearing will be provided by separate letter to all parties.

Also, the Commission directs that the planning authority submit revised draft amendments responding to the drafting issues raised at the hearing.

<b>Direction 1- South Brighton Specific Area Plan</b>	
1.0	Modify BRI-S11.1.7 - Plan Purpose in the following terms:
1.1	<p>The section 32(4) rationale for a SAP should be clearly linked to the purpose statements included within the Plan Purpose and then continue to link through the standards of the SAP.</p> <p>The planning authority is requested to provide a submission addressing how the drafting of the SAP integrates the section 32(4) rationale and make any recommendations for changes to the Plan Purpose, stated Objectives or standards.</p>
1.2	Change 'slower' to 'slow' in clause BRI-S11.1.7
1.3	Delete 'more' from clause BRI-S11.1.7.
3.0	Modify BRI-S11.6.2 Access to Brighton Road in the following terms:
3.1	Subject to 3.2 below, amend the reference 'BRI-S11.6.2' to 'BRI-S11.6.1'
3.2	Consider whether the Use Standard 'BRI-S11.6.2 Access to Brighton Road' ought to be included in the BRI-S11.7 Development Standards for Buildings and Works. Should change be warranted, make any necessary and subsequent modifications.
4.0	Modify BRI-S11.7.1 Building and Works in the following terms:
4.1	Consider whether allowing secondary residence under A1 has the potential to compromise the intent of the South Brighton Masterplan. If so, modify as necessary to meet the stated Objective.
4.2	Consider whether the expression of A1 (c) is clear and quantifiable, and suitable as an Acceptable Solution.
4.3	Divide P1 (d) into two separate clauses. ie after 'and', 'any alternative subdivision ...' becomes (e).
5.0	Modify BRI-S11.8.1 Landscaping in the following terms:
5.1	Create a suitable definition for 'street tree' as referred to in clause BRI-S11.8.1 A1.
5.2	Consider whether clause BRI-S11.8.1 A2 is clear and quantifiable and whether clause BRI-S11.8.1 requires an Acceptable Solution.
6.0	Modify BRI-S11.8.2 - Infrastructure provision in the following terms:
6.1	Consider deletion of 'To ensure that' from the objective
6.2	<p>Consider whether the provision of 'necessary upgrades' of identified infrastructure at A1 are clear. i.e. what is the specific infrastructure that is required to be provided/upgraded in each location/application?</p> <p>If these are unclear, or can not be modified to provide clarity, consider an alternative pathway through the Performance Criteria.</p>

6.3	Consider whether the requisite under A1 (b) is clear noting that the provision refers to a Council policy that has yet not be developed and may or may not be adopted by the Council.
6.4	Noting that it is an Acceptable Solution (and there is no corresponding Performance Criteria), consider how the requirement for the Part 5 agreement referred to in A1(b) can be satisfied at the time of application.
6.5	Consider whether A1 should include recognition of infrastructure already in existence.
7.0	Modify BRI-S11.8.3.1 Subdivision layout - Precinct A in the following terms:
7.1	<p>Noting that it is an Acceptable Solution, consider the drafting of A1 (a), and whether the clause can be met.</p> <p>Is lot consistency with the figure clear, and can a proposal have any deviation from it?</p> <p>Consider a standard for lot size, shape, frontage and access to regulate residential lots and an additional standard relating to layout, connectivity and allocation of sites for key infrastructure.</p> <p>Consider the need for a provision relating to staging of lots and key infrastructure capability and delivery.</p>
8.0	Modify BRI-S11.8.4 Development Standards for Subdivision - Precinct B in the following terms:
8.1	Consider the drafting of BRI-S11.8.4.1 A1 (a), and whether the clause can be met.
8.2	Insert 'or' after sub-clause A1 (a) (ii).
8.3	Consider drafting of the clause P1 (e).
9.0	Modify BRI-S11.8.4.2 Movement network connections - Precinct B in the following terms:
9.1	Include a definition for 'Active Edge' or alternatively consider modification to the standard to provide clarity.
<b>Direction 2 - The South Brighton Specific Area Plan Development Framework</b>	
1.0	Provide the latest revision of South Brighton Specific Area Plan Development Framework.
<b>Direction 3 - Brighton Highway Services Precinct Specific Area Plan</b>	
1.0	Modify BRI-S3.1 Plan Purpose in the following terms:
1.1	<p>The section 32(4) rationale for a SAP should be clearly linked to the purpose statements included within the Plan Purpose and then continue to link through the standards of the SAP.</p> <p>The planning authority is requested to provide a submission addressing how the drafting of the SAP integrates the section 32(4) rationale and making any recommendations for changes to the Plan Purpose or standards.</p>

3.0	Modify BRI-S3.4 Definition of Terms in the following terms:
3.1	Consider the need, or otherwise, for the inclusion of a definition for 'Department Store' to provide clarity as to whether the term includes a 'discount department store' and whether this use is intended to be a permissible use
4.0	Modify BRI-S3.5 Use Table in the following terms:
4.1	Consider including 'Emergency Services' in the clause BRI-S3.5 Use Table.
4.2	Consider whether 'Bulky Goods Sales' should be a discretionary use.
5.0	Modify BRI-S3.6.4 - Commercial Vehicle Movements in the following terms:
5.1	Change 'load' to 'loading' in P1
6.0	Modify BRI-S3.7.2 - Setback in the following terms:
6.1	Change the setback requirement under A1 (c) from 110m to 10m.
6.2	Consider the drafting of the clause A1 (c), and the references to a residential zone.  <i>Note: a road must be zoned residential for the clause to be effective.</i>
7.0	Modify BRI-S3.7.3 Design in the following terms:
7.1	Consider the drafting of clauses A1 and P1, and effective screening solutions to achieve the objective of the clause.
7.2	Consider the drafting of the clauses A2 (a) and P2 (a), which both require walls of a building to be coloured in muted tones.
8.0	Modify BRI-S3.7.5 Landscaping in the following terms:
8.1	The objective for the clause BRI-S3.7.5 Landscaping does relate to the purpose of the Specific Area Plan. Include a statement in the BRI-S3.1 Plan Purpose which relates to the objective of the clause BRI-S3.7.5 Landscaping.
9.0	Modify BRI-S3.7.6 Outdoor Storage Areas in the following terms:
9.1	Consider the requirements under clause A1 (a), and the potential orientation of buildings in relation to the residential areas.
<b>Direction 4 - The Brighton Highway Services Precinct Specific Area Plan Underlying Rural Zone</b>	
1.0	Provide a submission outlining how the application of the Rural Zone (underlying the Brighton Highway Services Precinct Specific Area Plan) is: <ul style="list-style-type: none"> <li>i. Consistent with the Southern Tasmanian Regional Land Use Strategy (STRLUS) and specifically its application in this location within the Urban Growth Boundary; and</li> <li>ii. Consistent with Guideline No.1 Local Provision Schedule</li> </ul>

	(LPS): zone and code application (the Guidelines).
2.0	<p>Consider:</p> <ul style="list-style-type: none"> <li>i. An alternative zone (including a potential Particular Purpose Zone) that may be appropriate in substitution to the Rural Zone that may be more consistent with the STRLUS and the Guidelines.</li> <li>ii. Any modifications to the Brighton Highway Services Precinct Specific Area Plan that may be necessary due to any preferred alternative underlying zone.</li> </ul>

1. The planning authority is to provide the submission responding to the above directions to the Commission by **19 October 2023**.
2. That any response submissions are to be provided to the Commission and other parties by **2 November 2023 (14 days)**.

Submissions must be made by email to [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au). Once received, the submissions referred to above will be made available under the [relevant assessment](#)<sup>1</sup> on the Commission's website.

Please note that submissions will be published in full, without redaction.

If you require further information please contact Paola Barlund, Planning Adviser, on 6165 6835.

Yours sincerely



Dan Ford  
**Delegate (Chair)**

cc representors

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<https://www.planning.tas.gov.au/assessments-and-hearings/current-assessments-and-hearings/AM-BRI-RZ-2022-05>