

# TASMANIAN PLANNING COMMISSION

Our ref: DOC/23/101260  
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1 September 2023

Mr James Dryburgh  
General Manager  
Brighton Council

By email: admin@brighton.tas.gov.au;  
jo.blackwell@brighton.tas.gov.au

Attention: Jo Blackwell

Dear Mr Dryburgh

**Tasmanian Planning Scheme - Brighton  
Draft amendment RZ 2023-004  
Burrows Avenue Specific Area Plan**

I refer to the above draft amendment and to a hearing held at the Commission's office in Hobart on 22 August 2023.

The Commission gives the following directions:

1. The planning authority is to provide to the Commission by **19 October 2023** a submission on a revised draft amendment responding to the drafting issues raised at the hearing as follows:

BRI-S12.1 Plan Purpose	<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>
BRI-S12.1.1	<p>Consider changes to recognise the servicing and demand requirement of the developments. Potentially the expression could be altered 'to provide for the infrastructure required to service the demand created by new subdivision and multiple dwelling developments'.</p>
BRI-S12.1.2	<p>Delete 'greater' and replace 'land-use' with 'land use'</p>
BRI-S12.1.2	<p>The planning authority is requested to provide a submission on whether the diversity/range of housing options sought is intended to be facilitated on each developable multiple dwelling site, or alternatively within the SAP area more broadly (having regard to existing housing stock and potential).</p> <p>The submission should identify what type/form of housing option/s is currently undersupplied. The planning authority is invited to make any</p>

	subsequent recommendations for changes to the Plan Purpose, stated Objectives or standards.
BRI-S12.1.3	Delete 'improved'.
BRI-S12.1.5	Change the Plan Purpose numbering of '12.5.1' to '12.1.5'.
BRI-S12.3 Local Area Objectives -	For the Area Description - change the reference to '12.1' to 12.2 or 12.3.
BRI-S12.7.1 Objective (a)	Consider deletion of 'full'.
BRI-S12.7.1 Objective (a)	Consider the insertion of a definition for 'full infrastructure services/infrastructure services' in BRI-S12.4 or changes within the objective to clarify what constitutes 'full infrastructure services/infrastructure services'.
BRI-S12.7.1 Objectives	Consider whether the whole local objective is required, and in particular (b) and (c).
BRI-S12.7.1 Objective (b)	It is not clear how the objective relating to 'public open spaces' can be implemented? The standard is limited to multiple dwelling developments and there are no standards relating to the construction of a multiple dwelling (A1) that could trigger the need for landscaping of open spaces.  Consider whether reference to 'public open spaces' ought to be deleted or whether a new standard/s are required to trigger the need to landscape public open spaces.
BRI-S12.7.1 Objective (b)	Consider inserting a definition for 'landscaping' in BRI-S12.4.
BRI-S12.7.1 Objective (c)	Consider whether objective (c) is required if stormwater is included in a definition or clarification of 'full service infrastructure' in objective (a)
BRI-S12.7.1 A1	Clarify that the provision relates to development within the road reserve.  Consider deletion of 'including' and appropriate rewording to ensure the acceptable solution is definitive and quantifiable.  Consider: <ul style="list-style-type: none"> <li>• whether all of the public infrastructure included in the provision is required for the full frontage of the lot/s in question;</li> <li>• the overlap between what could constitute a landscaping area, a car park and a footpath;</li> <li>• quantifying if, when and how many on street parking bays are required for the development in question to ensure the acceptable solution is definitive and quantifiable;</li> <li>• whether the acceptable solution requires rewording to cater for the scenario where a developer wants to build a unit/s, but the required public infrastructure necessary to support the proposal already exists, given that the acceptable solution states that 'multiple dwelling developments must provide public infrastructure...'</li> </ul>

BRI-S12.7.1 P1	Revise P1 to recognise the circumstance/s when a Part 5 Agreement is/may be warranted. Consider an alternative expression of P1 as follows: Multiple dwelling dev.....having regard to: (a) – items (i)-(v); and (b) The need to enter into a Part 5 Agreement that provides for....
BRI-S12.7.1 P1 (a)(ii)	Replace 'restricts' with 'restrict'.
BRI-S12.7.1 P1 (b)	Consider the expression of the requirement to pay for infrastructure through the Part 5 Agreement mechanism using the examples in the SPPs.
BRI-S12.7.2 A1	Consider: <ul style="list-style-type: none"> <li>clarifying that the standard is only applicable to 'new' multiple dwellings;</li> <li>clarifying that the landscaping required by BRI-S12.7.2 A1 is on the subject lot/s (to differentiate it from the landscaping required by BRI-S12.7.1 A1);</li> <li>(a) providing guidance on size (height, spread)/type (evergreen/deciduous) to ensure the acceptable solution is definitive and quantifiable, or alternatively, inserting a definition for 'tree' in BRI-S12.4;</li> <li>(a) consider replacing 'unit' with 'dwelling';</li> <li>(c) consider deleting or rewording to either clarify what constitutes 'car parking areas' or to require a certain area of the lot to be landscaped, as currently the provision could be read to require 5% of the hardstand areas to be occupied by cars to also be landscaped.</li> </ul>
BRI-S12.7.2 P1 (d)	Include consideration of permeability into the provision.
BRI-S12.7.3 Objective	Consider rewording to clarify whether the housing diversity 'mix' being sought is across entire SAP area or within each individual multiple dwelling development.
BRI-S12.7.3 Objective and P1	Subject to the direction at BRI-S12.1.2, consider an alternative to 'types' to link the objective and the standard, and whether they could be expressed to provide more clarity - for example:  Objective: To provide for a diversity of multiple dwelling options  Standard: Multiple dwelling developments comprising of 5 or more dwellings must provide for a range of dwellings sizes in terms of the number of bedrooms per dwelling, or rooms that could be used a bedroom.
BRI-S12.7.3 A1	Consider an alternative approach that more adequately reflects the outcome intended to be avoided - for example: (a) Fewer than 4 multiple dwellings are proposed; or (b) No more than 80% of dwellings are 2 bedrooms dwellings.

	NB. If the objective is to strive for units with 3 or more bedrooms it may be clearer to specify that. i.e. at least 20% of the dwelling must contain 3 or more bedrooms.
BRI-S12.7.4	The planning authority is requested to provide a submission on how the objective relates to the purpose statements?
BRI-S12.7.4 A1(b)	Given the provision relates to lots created in accordance with the development framework, should 'Figure BRI-S12.2' be replaced with 'Figure BRI-S12.3'.
BRI-S12.7.4 P1	Consider revising the standard to ensure that applications for multiple dwellings in Precinct A, that rely on the road reserve for access, need to either construct the road or alternatively contribute towards it.
BRI-S12.8.1 Objective	Consider: <ul style="list-style-type: none"> <li>• whether the reference to 'road connections' in (b) is a duplication of (a);</li> <li>• if it is a duplication, consider rewording (b) to solely deal with pedestrian connections.</li> </ul>
BRI-S12.8.1 A1	Consider adding reference to Figure BRI-S12.3 to be consistent with the corresponding performance criteria and BRI-S12.7.4 A1 (b).  The objective relates to road layout and construction, yet A1 relates to lot layout (the road reservation exists). The planning authority is invited to provide a submission outlining how the standard furthers the objective and/or recommend any subsequent modifications to either.
BRI-S12.8.1 P1	Consider revising to include provisions that require the payment of a contribution where infrastructure has already been completed.
BRI-S12.8.1 P1	Revise P1 to recognise the circumstance/s when a Part 5 Agreement is/may be warranted (i.e. the construction of the road within Precinct A). Consider an alternative expression of P1 as follows:  The layout of lots,.....having regard to:  (a) – items (i)-(vi); and  (b) The need to enter into a Part 5 Agreement that provides for....

2. The planning authority is also requested to provide a copy of the permits issued for 15 and 19 Burrows Avenue.
3. That any response submissions are to be provided to the Commission and other parties by **2 November 2023**.

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](#) on the Commission's website.

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

If you require further information please contact Karen Fyfe, Planning Assistant, on 03 6165 6808.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dan Ford', written in a cursive style.

Dan Ford  
**Delegate (Chair)**

cc representors