



**Brighton
Council**

Brighton Interim Planning Scheme 2015

PLANNING SCHEME AMENDMENT

The Tasmanian Planning Commission has approved the following planning scheme amendment:

Insert 23 Menin Drive, Brighton (the Brighton Army Camp hospital site) and 241 Brighton Road, Brighton (the Brighton Army Camp parade grounds) into Table E13.1 'Heritage Places' of the Historic Heritage Code.

Rezone a portion of Certificate of Title 176693/100 from Community Purpose to General Residential.

The amendment is effective from 2nd May 2019.

The amendment may be viewed at www.brighton.tas.gov.au and at the Council Offices, 1 Tivoli Road, Old Beach from 8th May 2019.

Ron Sanderson, General Manager

Brighton
going places

Email admin@brighton.tas.gov.au
www.brighton.tas.gov.au

TASMANIAN PLANNING COMMISSION

Our ref: DOC/19/42933
Officer: Claire Armstrong
Phone: 03 6165 6831
Email: tpc@planning.tas.gov.au

1 May 2019

Mr Ron Sanderson
General Manager
Brighton Council
1 Tivoli Road
OLD BEACH TAS 7017

Attention: Richard Cuskelly

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

Dear Mr Sanderson

**Brighton Interim Planning Scheme 2015
Amendment RZ 2018-02
Insert 23 Menin Drive and 241 Brighton Road, into Table E13.1 Heritage Places of the
Historic Heritage Code and rezone CT 176693/100
Brighton Road, Brighton from Community Purpose to General Residential**

The Tasmanian Planning Commission has modified and approved this draft amendment, under section 41(ab) and 42, of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act).

The Commission has specified that the approved amendment comes into operation on 2 May 2019. The Commission will make the necessary amendments to the planning scheme for viewing on the [iplan website](#).

Please find enclosed a copy of the Commission's decision and approved amendment.

In accordance with section 42(3)(d) of the Act, Council is required to give notice of the decision and in this respect your attention is drawn to regulation 8 of the *Land Use Planning and Approvals Regulations 2014*.


If you require further information please contact Claire Armstrong, Planning Adviser, on 03 6165 6831.

Yours sincerely



Karen Fyfe
Planning Assessment Coordinator

Approved



Operative date: 2 May 2019

TASMANIAN PLANNING COMMISSION

Brighton Interim Planning Scheme 2015 Draft amendment RZ2018-02

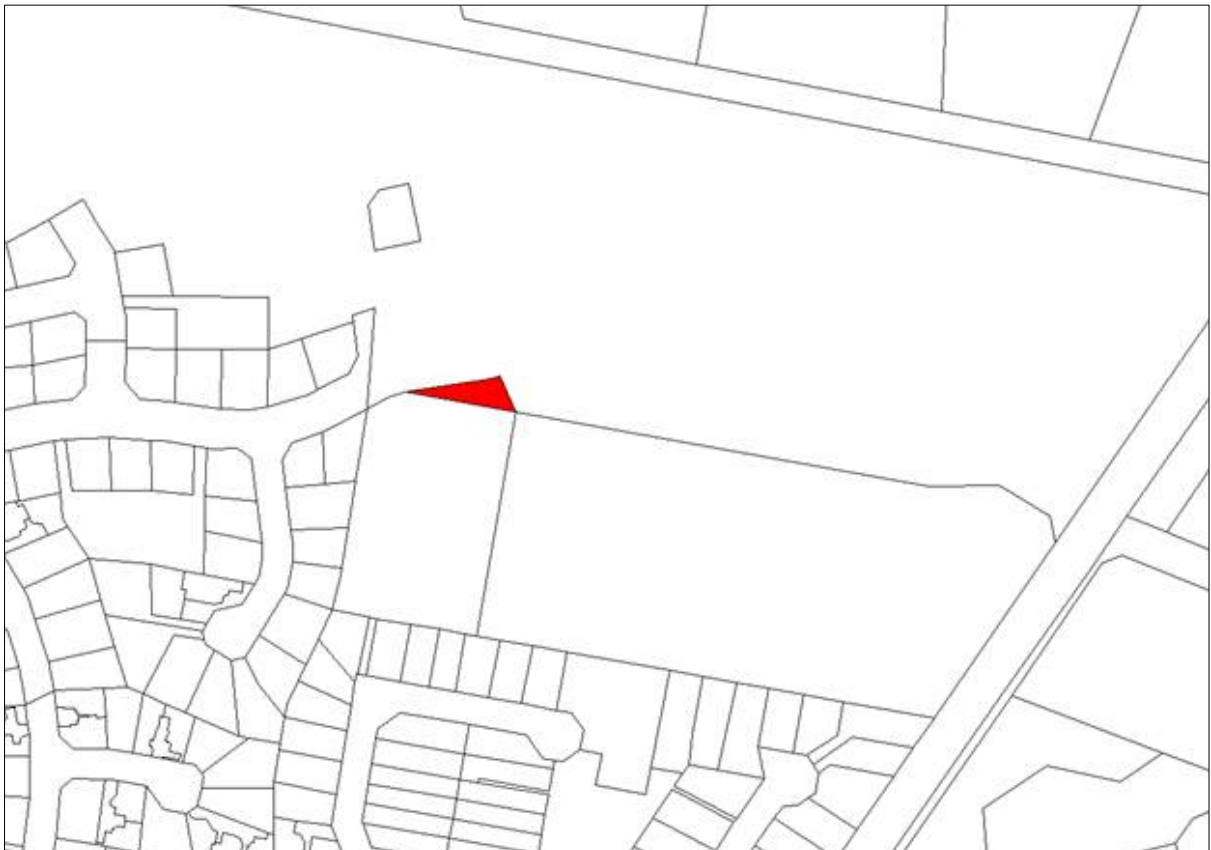
- a) Amend the planning scheme ordinance to insert 23 Menin Drive, Brighton (the Brighton Army Camp hospital site) and 241 Brighton road, Brighton (the Brighton Army Camp parade grounds) into Table E13.1 'Heritage Places' of the Historic Heritage Code as follows:

Ref. No.	Name, Location and/or Address	C.T.	General Description	Specific Extent	Particular Exclusions from Listing	Particular Exempt Development
73	Brighton Army Camp Hospital 23 Menin Drive, Brighton	CT169004/1	The hospital is a single storey painted timber building. It was first constructed in 1939 in response to the outbreak of WWII. It was a fundamental part of the Brighton Army Camp, which is of major significance to Tasmanian history, as both the primary army training facility 1939 – 1998 and as temporary residence for migrants and refugees from WWII and right up to the 1990s when Kosovar refugees were housed there. The Army Camp also housed Italian POWs and people who lost their homes in the 1967 bushfires. The Hospital is the last remaining building on this site that has a long and layered historic significance.			

74	Brighton Army Camp Parade Grounds 241 Brighton Road, Brighton	CT166272/1	The parade grounds represent the front section of the Brighton Army Camp, which connected it to the township of Brighton. Components of the original gate are still located in Remembrance Park at the Brighton Road frontage and the sides of the site still contain the original streets of Menin Road and Lille Road. The Brighton Army Camp was of major significance to Tasmanian history, as both the primary army training facility 1939 – 1998 and as temporary residence for migrants and refugees from WWII and right up to the 1990s when Kosovar refugees were housed there. The Army Camp also housed Italian POWs and people who lost their homes in the 1967 bushfires.			
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and

- b) Amend the planning scheme ordinance to rezone the portion of Certificate of Title 176693/100, from Community Purpose to General Residential, as shown below:



TASMANIAN PLANNING COMMISSION



DECISION

Planning scheme	Brighton Interim Planning Scheme 2015
Amendment	RZ 2018-02 - Insert 23 Menin Drive, Brighton and 241 Brighton Road, Brighton into Table E13.1 Heritage Places and rezone a portion of Lot 2012 Brighton Road, Brighton from Community Purpose to General Residential
Planning authority	Brighton Council
Date of decision	10 April 2019

Decision

The draft amendment is modified under section 41(ab) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 42.

Peter Fischer
Acting Executive Commissioner

Note:

References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to:

1. insert 23 Menin Drive, Brighton (the Brighton Army Camp hospital site) and 241 Brighton Road, Brighton (the Brighton Army Camp parade grounds) into Table E13.1 'Heritage Places' of the Historic Heritage Code, as follows:

Ref. No.	Name, Location and/or Address	C.T.	General Description	Specific Extent	Particular Exclusions from Listing	Particular Exempt Development
73	Brighton Army Camp Hospital 23 Menin Drive, Brighton	CT 169004/1	The hospital is a single storey painted timber building. It was first constructed in 1939 in response to the outbreak of WWII. It was a fundamental part of the Brighton Army Camp, which is of major significance to Tasmanian history, as both the primary army training facility 1939 – 1998 and as temporary residence for migrants and refugees from WWII and right up to the 1990s when Kosovar refugees were housed there. The Army Camp also housed Italian POWs and people who lost their homes in the 1967 bushfires. The Hospital is the last remaining building on this site that has a long and layered historic significance.			
74	Brighton Army Camp Parade Grounds 241 Brighton Road, Brighton	CT 166272/1	The parade grounds represent the front section of the Brighton Army Camp, which connected it to the township of Brighton. Components of the original gate are still located in Remembrance Park at the Brighton Road frontage and the sides of the site still contain the original streets of Menin Road and Lille Road. The Brighton Army Camp was of major significance to Tasmanian history, as both the primary army training facility 1939 - 1998 and as temporary residence for migrants and refugees from			

			WWII and right up to the 1990s when Kosovar refugees were housed there. The Army Camp also housed Italian POWs and people who lost their homes in the 1967 bushfires.			
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and

2. rezone a portion of Lot 2012 Brighton Road, Brighton from Community Purpose to General Residential.

Site information

The subject sites are located in Brighton, north of the town centre. The sites to be added to the Heritage Code are both in Council ownership. The Brighton Army Camp Hospital site (23 Menin Drive) is zoned Community Purpose and the Brighton Army Camp Parade Grounds (241 Brighton Road) is zoned Open Space.

The Commission notes that subsequent to the receipt of the planning authority's report under section 39, Lot 2012 Brighton Road has been subdivided and new titles released. The portion of the lot to be rezoned now has Certificate of Title reference of 176693/100, and forms part of a road reservation owned by Brighton Council.

CT 176693/100 is almost entirely zoned General Residential except for a relatively small portion adjacent to the Hospital site which is zoned Community Purpose. No overlays apply to the sites.

Land to the north, south and west is zoned General Residential, and to the east and south is developed with mostly single dwellings. To the east and further north land is zoned Rural Living and comprises single dwellings on rural residential lots.

Issues raised in representations

No representations were received.

Consideration of the draft amendment

1. Under section 40 of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the amendment and the representations, statements and recommendations contained in the planning authority's section 39 report.
2. No representations were received and the Commission did not hold a hearing.
3. The amendment has been initiated and certified by the Brighton Council, in its capacity as planning authority, and further supported in the reports under sections 35 and 39.
4. Under section 32(1), in the opinion of the relevant decision-maker, a draft amendment:
 - (a)-(d) . . .
 - (e) must, as far as practicable, avoid potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;
 - (ea) must not conflict with the requirements of section 300;
 - (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.

5. Section 32(1)(e) is not relevant to the draft amendment as the subject site does not adjoin an adjacent municipal area.
6. Section 300 includes that:
 - (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the regional land use strategy for the regional area in which is situated the land to which the scheme applies.
7. Section 300(2)-(5) inclusive relates to the effect of amending a local provision with respect to common provisions. These matters are not relevant to the draft amendment as there are no implications for any common provisions.
8. Under section 32(1)(f), regional impacts of use and development permissible under the amendment have been considered with reference to the Southern Tasmania Regional Land Use Strategy 2010-2035 (the regional strategy).
9. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme.

Strategic justification

10. The planning authority considers the inclusion of the two titles as 'Heritage Places' in the Historic Heritage Code is entirely consistent with the following policies of the regional strategy:
 - CV 2.2 Promulgate the nationally adopted tiered approach to the recognition of heritage values and progress towards the relative categorisation of listed places as follows:
 - a. Places of local significance are to be listed within Heritage Codes contained within planning schemes, as determined by the local Council...
 - CV 2.3 Progress towards a system wherein the assessment and determination of applications for development affecting places of significance is undertaken at the level of government appropriate to the level of significance:
 - a. Heritage places of local significance: by the local Council acting as a Planning Authority...
 - CV 2.6 Standardise statutory heritage management at the local level as much as possible.
 - a. Listings in planning schemes should be based on a common regional inventory template...
 - b. Heritage code provisions in planning schemes should be consistent in structure and expression, whilst providing for individual statements in regard to heritage values and associated tailored development control.
 - CV 4.2 Ensure the key values of regionally significant landscapes are not significantly compromised by new development through appropriate provisions within planning schemes.
11. The planning authority also refers to the Brighton Structure Plan 2012 (the structure plan) and the Brighton Town Centre Local Area Plan 2012 (the local area plan), noting that these

documents were prepared to further the aims of the Brighton Strategic Plan 2015-2025. The planning authority identifies that one of the principles of the structure plan is to:

Recognise the importance of Brighton's heritage assets to the community's identity
(7.4.5)

12. The planning authority also identifies the following 'key area directions' in the local area plan (at section 9.2):

Discourage the use and development of the former army site for unplanned commercial development that will fragment the existing commercial centre and create an undesirable urban form.

The former army camp buildings adjoining the existing open green space should be protected by Brighton Council for future community use...

13. The planning authority considers that the proposed amendment to the Historic Heritage Code aligns with the above key area directions by allowing it to consider the heritage values of the site under the planning scheme, and further stating:

In order to protect the Site there needs to be a viable use for the building to enable some return on the investment required to restore and maintain the building. A heritage listing not only ensures that the heritage values of the Site are considered in any development application, it also ensures that a broad range of potential uses can be considered to make conservation viable.

14. The planning authority submitted a copy of the Brighton Army Camp Open Space Masterplan which provides a vision for the two heritage sites. The land subject to the rezoning from Community Purpose to General Residential is shown as part of a 'future subdivision road' rather than part of the army camp site. The planning authority notes that:

This small section of mixed zoning stems from a past subdivision road lot design that never proceeded and should be corrected to align with the actual lot boundary adjoining 23 Menin Drive, Brighton.

Commission's consideration

15. The Commission agrees that the proposed inclusion of 23 Menin Drive and 241 Brighton Road into the Historic Heritage Code supports the cultural values policies of the regional strategy. The Commission also agrees that the proposal is consistent with the structure plan and local area plan relevant to the area.
16. The Commission notes that CT 176693/100 (formerly Lot 2012 Brighton Road) is within the Urban Growth Boundary. The portion of the site currently zoned Community Purpose is an anomaly given it is now a road reservation owned by Brighton Council, and the residential use of the surrounding lots. The Commission notes that the Brighton Army Camp Open Space Masterplan excludes this area in the vision for the site.
17. The Commission finds the rezoning of a relatively small portion of the site from Community Purpose to General Residential is minor and does not conflict with the regional strategy.

Heritage values

18. The planning authority notes the subject sites and surrounding lands were used as a military base that operated from 1939 to 1998 and that the base housed and trained thousands of soldiers and army cadets during that time. The planning authority also notes the sites' history of providing temporary and emergency housing. The planning authority further states:

In 1998, the Brighton Army Camp was deemed surplus to Army requirements and put on the market. In 2003, most of the land was purchased by a private buyer. The

army huts were all sold and removed, and the hospital is the only original building remaining.

19. The planning authority refers to the Brighton Camp Planning Report (de Gryse and Hepper, 2001) which includes a heritage assessment undertaken by David Button (Architect).
20. In the heritage assessment, Mr Button reviewed the history of the site and stated that:
 - No individual structures have a significance above the threshold for inclusion on the National Estate Register or Tasmanian Heritage Register.
 - The intactness and unity of the place allows a clear interpretation of its past usage.
 - The significance of the place lies primarily in its association with army usage over a period of nearly 60 years.
21. The heritage assessment proposed a conservation plan which included preserving the camp hospital building, the entry gates and guard house, and to retain the land bounded by the highway, Menin Road, Lille Road and (the then) Lemnos Road. It was also proposed to retain the avenue of trees, Menin Road and Lille Road as major parallel roads, several of the sleeping quarters' huts and at least one steel clad hut. The aim of the conservation plan was to:
 - ...conserve a component of the site which will retain significance and allow past users of the site and future generations to interpret the place...
22. The heritage assessment further noted that:
 - The Entry Gates, Sports Ground and Camp Hospital are all visible as a landscape grouping from the Midland Highway. This is a unique and identifying element of the Brighton Camp.

Commission's consideration

23. The Commission notes that the conservation plan proposed by Mr Button did not occur in full, and that the avenue of trees, Lille and Menin Roads beyond the hospital to the west, and the sleeping quarters' huts and steel clad huts were removed as part of the subdivision, as can be seen in Figure 1 of the planning authority's report.
24. However the Commission agrees that the remaining features form a landscape grouping from the highway and retain significant local heritage value, and accordingly, it is considered appropriate to include the two parcels in Table E13.1 'Heritage Places' of the Historic Heritage Code of the planning scheme.

State Policies and Resource Management and Planning System Objectives

25. The Commission finds that no State Policies are relevant to the draft amendment and that it seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

Modifications required to draft amendment

26. The Commission notes that subsequent to the receipt of the planning authority's report under section 39, Lot 2012 Brighton Road has been subdivided and new titles released. The portion of the site to be rezoned is now a road lot with the Certificate of Title reference of 176693/100, and is owned by Brighton Council.
27. The Commission therefore considers the draft amendment should be modified to refer to the current Certificate of Title for the land to be rezoned, as shown in Annexure A.

Decision on draft amendment

28. Subject to the modifications described above, the Commission finds that the draft amendment is in order and gives its approval.

Attachments

Annexure A – Modified amendment

Annexure A

Modified amendment RZ 2018/02 to the Brighton Interim Planning Scheme 2015:

- a) Amend the planning scheme ordinance to insert 23 Menin Drive, Brighton (the Brighton Army Camp hospital site) and 241 Brighton road, Brighton (the Brighton Army Camp parade grounds) into Table E13.1 'Heritage Places' of the Historic Heritage Code as follows:

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- b) Amend the planning scheme ordinance to rezone the portion of Certificate of Title 176693/100, from Community Purpose to General Residential, as shown below:

