

## APPENDIX 1 – LANDSCAPING SAP

## **BRI-S10.0 Landscaping Specific Area Plan**

### **BRI-S10.1 Plan Purpose**

The purpose of the Landscaping Specific Area Plan is:

- BRI-S10.1.1        To provide for increased vegetation cover in urban areas to promote a desirable living environment and improve health and wellbeing.
- BRI-S10.1.2        To provide for attractive streetscapes that encourage a healthy and active lifestyle.

### **BRI-S10.2 Application of this Plan**

- BRI-S10.2.1        The specific area plan applies to the area of land designated as Landscaping Specific Area Plan on the overlay maps.
- BRI-S10.2.2        In the area of land this plan applies to, the provisions of the specific area plan are in addition to the provisions of:
- (a) General Residential Zone;
  - (b) Inner Residential Zone;
  - (c) Low Density Residential Zone;
  - (d) Village Zone;
  - (e) Urban Mixed Use Zone;
  - (f) Local Business Zone; and
  - (g) General Business Zone.

### **BRI-S10.3 Local Area Objectives**

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

### **BRI-S10.4    Definition of Terms**

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

### **BRI-S10.5    Use Table**

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

### **BRI-S10.6    Use Standards**

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

### **BRI-S10.7    Development Standards for Buildings and Works**

- BRI-S10.7.1        Landscaping of parking areas

This clause is in addition to General Residential Zone – clause 8.4 Development Standards for Buildings and Works, Inner Residential Zone – clause 9.4 Development Standards for Buildings and Works, Low Density Residential Zone – clause 10.4 Development Standards for Buildings and Works, Village Zone – clause 12.4 Development Standards for Buildings and Works, Urban Mixed Use Zone – clause 13.4 Development Standards for Buildings and Works, Local Business Zone – clause 14.4 Development Standards for Buildings and Works and General Business Zone – clause 15.4 Development Standards for Buildings and Works.

Objective:	<p>That large parking and circulation areas are landscaped to:</p> <ul style="list-style-type: none"> <li>a) relieve the visual impact on the streetscape of large expanses of hard surfaces;</li> <li>b) screen the boundary of car parking areas to soften the amenity impact on neighbouring properties;</li> <li>c) contribute to the creation of vibrant and liveable places;</li> <li>d) reduce opportunities for crime or anti-social behaviour by maintaining clear sightlines.</li> </ul>	
Acceptable Solutions		Performance Criteria
<p><b>A1</b></p> <p>Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park.</p>		<p><b>P1</b></p> <p>Landscaping of parking and circulation areas accommodating more than 5 cars must satisfy all of the following:</p> <ul style="list-style-type: none"> <li>a) relieve the visual impact on the streetscape of large expanses of hard surfaces;</li> <li>b) soften the boundary of car parking areas to reduce the amenity impact on neighbouring properties and the streetscape;</li> <li>c) reduce opportunities for crime or anti-social behaviour by maintaining passive surveillance opportunities from nearby public spaces and buildings.</li> </ul>

## **BRI-S10.8    Development Standards for Subdivision**

### **BRI-S10.8.1      Landscaping of new roads**

This clause is in addition to General Residential Zone – clause 8.6 Development Standards for Subdivision, Inner Residential Zone – clause 9.6 Development Standards for Subdivision, Low Density Residential Zone – clause 10.6 Development Standards for Subdivision, Village Zone – clause 12.6 Development Standards for Subdivision, Urban Mixed Use Zone – clause 13.5 Development Standards for Subdivision, Local Business Zone – clause 14.5 Development Standards for Subdivision and General Business Zone – clause 15.5 Development Standards for Subdivision

<b>Objective:</b>	That new roads are landscaped to provide for: a) increased vegetation cover; b) attractive streetscapes that encourage an active and healthy lifestyle	
<b>Acceptable Solutions</b>		<b>Performance Criteria</b>
<b>A1</b>  Any subdivision with a new road, must provide one street tree per frontage, except for lots that are internal lots.		<b>P1</b>  Street trees must be provided on subdivisions with new roads, having regard to:  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.



## APPENDIX 2 - AMENDMENT RZ2018-02 APPROVAL

Approved

Operative date: 2 May 2019



# TASMANIAN PLANNING COMMISSION

## Brighton Interim Planning Scheme 2015 Draft amendment RZ2018-02

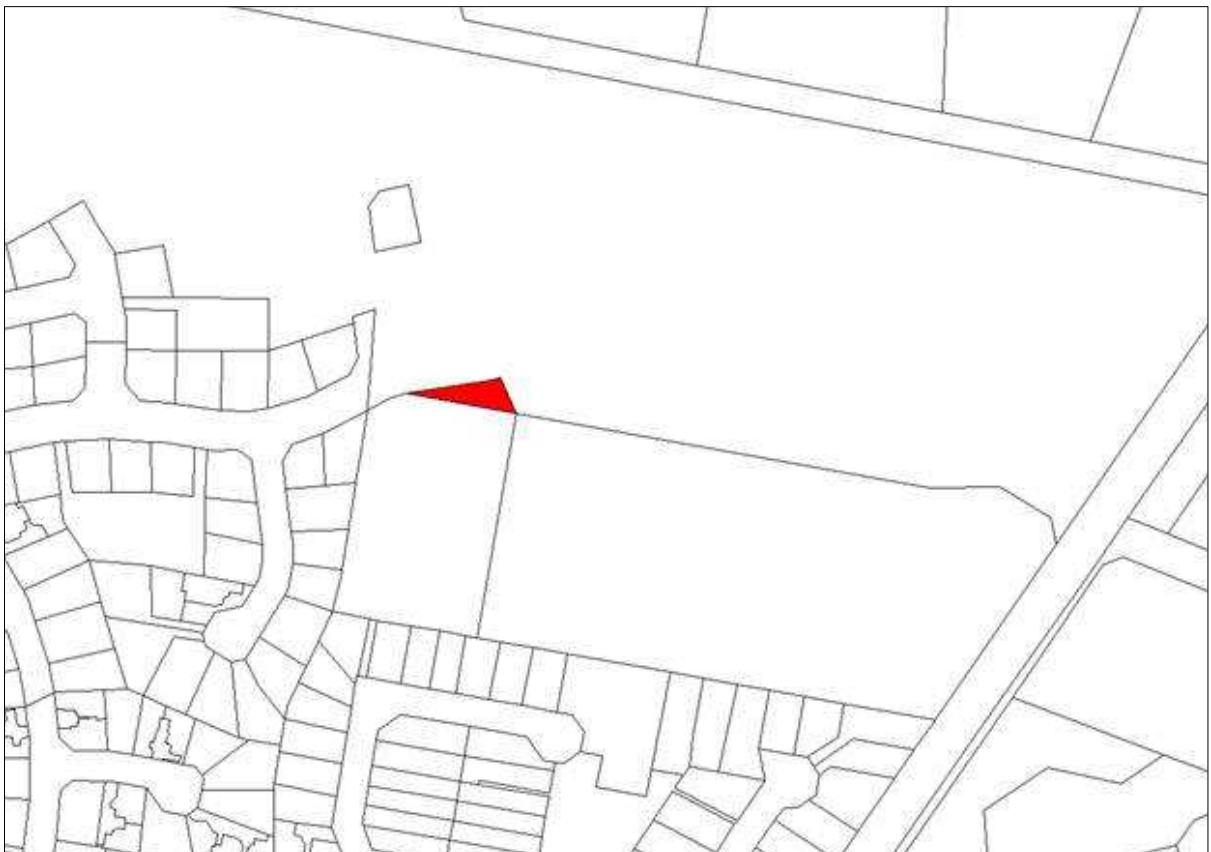
- a) Amend the planning scheme ordinance to insert 23 Menin Drive, Brighton (the Brighton Army Camp hospital site) and 241 Brighton road, Brighton (the Brighton Army Camp parade grounds) into Table E13.1 'Heritage Places' of the Historic Heritage Code as follows:

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:



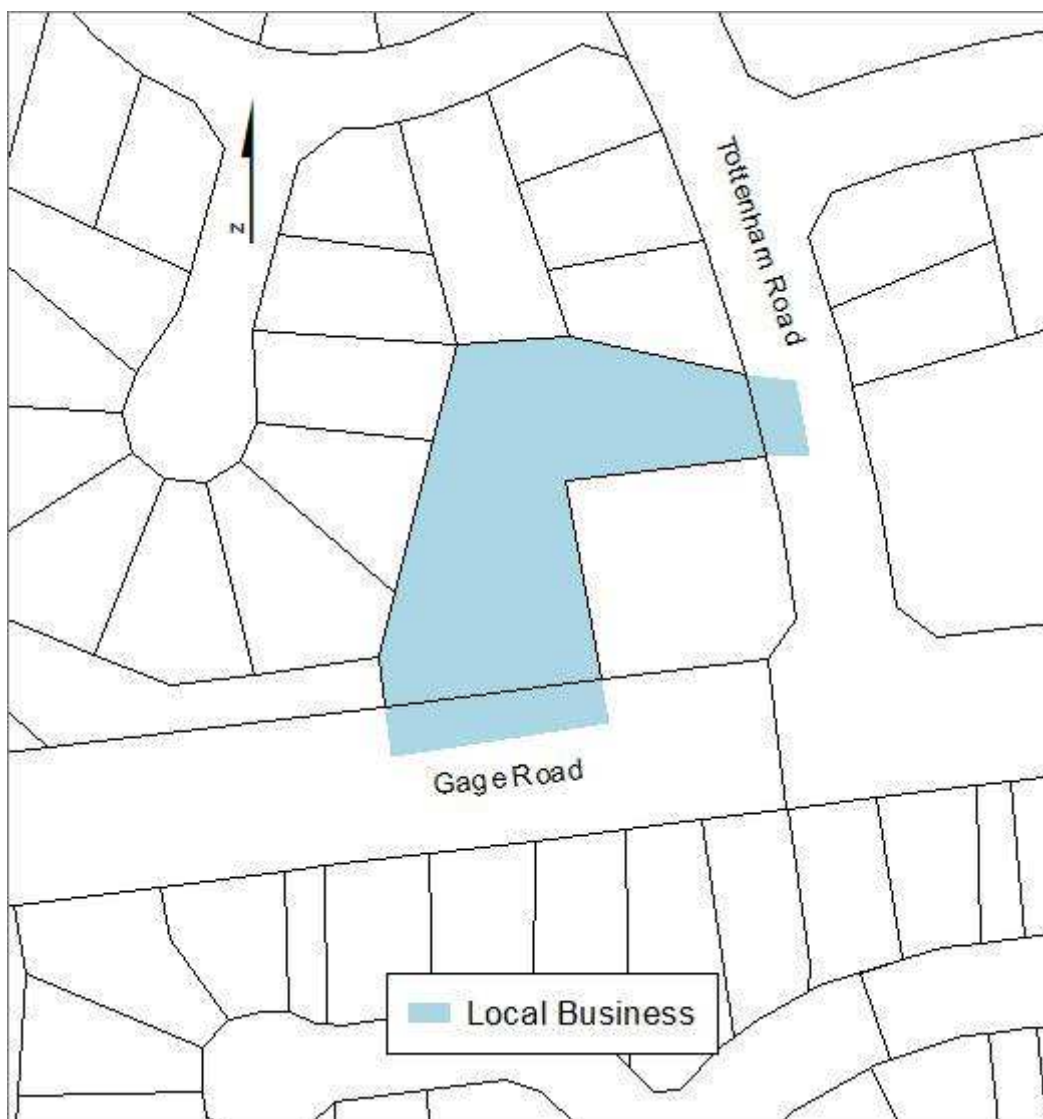
## APPENDIX 3 - AMENDMENT RZ 2018-03 APPROVAL

# TASMANIAN PLANNING COMMISSION

## Brighton Interim Planning Scheme 2015

### Draft amendment RZ 2018-03

Rezone 13 Gage Road, Gagebrook (Certificate of Title 245525/1) and part of adjacent road reserve from General Residential to Local Business.



## APPENDIX 4 - REPRESENTATIONS

WW TAS Pty Ltd  
1181 Elderslie Road  
Broadmarsh TAS 7030

Brighton Council  
Tivoli Road  
GAGEBROOK TAS 7030

Dear Sir,

**REPRESENTATION - BRIGHTON DRAFT LOCAL PROVISIONS SCHEDULE - ELDERSLIE & FERGUSON ROADS, BRIGHTON,**

I hereby make representation in regards to property owned by Twelve Stones Pty Ltd on Elderslie and Ferguson Roads, Brighton

The properties are defined in Certificates of Title Volume 175792 Fiolos 1, 2 and 3 (attached). All three properties are zoned Significant Agricultural under the Brighton Interim Planning Scheme 2015. The properties were zoned Intensive Agriculture under the Brighton Planning Scheme 2000.

The properties are gently sloping, and have a mix of native grasses and introduced Cocksfoot grass. The soils are predominately formed on Tertiary Basalt. These soils are high in clay content and have a thin topsoil profile. There are a number of areas where the land cannot be cultivated due to soil depth and the occurrence of rock. In many areas the rock occurs as bedrock on the surface.

Historically; these properties were always zoned rural; they allowed for a residential dwelling and generally only allowed for a boundary adjustment or subdivision down to a minimum of 40ha.

Leading up to the Brighton Planning Scheme 2000; these properties and other adjoining sites along Elderslie Road, as well as other properties along Back Tea Tree Road were highlighted by the then General Manager, Mr Geoff Dodge and the then Council Engineer (now current General Manager), Mr Ron Sanderson as being suitable for the disposal of treated sewerage effluent. Council were in the process of putting a Federal funding grant application together and needed to address suitable sites for the wastewater irrigation and justify those sites by rezoning them to a more intensive rural zoning. No agricultural or planning assessment of the land was undertaken as the Scheme was already in its last stages of drafting. The Senior Planner was instructed to change the zoning to Significant Agriculture and the changes were adopted without question.

Under the Tasmanian Land Capability System the land is regarded as mainly Class 4 with some areas of Class 5 however this assessment is undertaken at a scale of 1:100000. A localised assessment shows that although there are some areas of Class 4 land, there is equally as much Class 5 land and pockets of Class 6 because of significant soil, rock, water and climate constraints. The Tasmanian Land Capability System provides that:-

**CLASS 4**

Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation.

Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)

#### CLASS 5

This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

#### CLASS 6

Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.

As Class 4 land the Tasmanian Land Capability System provides at best that the land has severe limitations and restricted cropping options under cultivation but we know that physically more than half of these properties cannot be cultivated due to soil depth and bedrock in any event. As Class 5 or 6 the land is only suitable for grazing under careful management.

Given that parts of the subject sites are severely restricted for cropping and the remainder requires careful management for severely restricted grazing the sites must by definition be suited to the Rural Zone which has a zone purpose that states specifically:-

*where agricultural uses are limited or marginal due to topographical, environmental or other site or regional characteristics;*

It could even be said that the mixed rotation of dry cropping and grazing on the largest neighboring properties is highly constrained and best suited to the Rural Zone.

Another significant constraint on each of these properties is their size. The previous zoning allowed for subdivision down to a minimum of 5ha. The resultant lot sizes and their constrained agricultural potential has created land use activities on a majority of the neighbouring properties that are inconsistent with the Agriculture Zone. The Council by its own device has created a range of activities in this area that are although compatible with agricultural use do not fit the proposed Agriculture Zone. Again, the best response to the existing land use activities and to protect the existing agricultural land from further fragmentation is to zone the entire area Rural; which is exactly what it was before the Council Engineer sort to change it otherwise.

There is no doubt that the land along Elderslie Road heading west from Fergusson Road should be a rural zoning. The physical nature of the land is constrained by many factors that make it unsuitable for intensive agriculture. The area should be protected from further subdivision and any non-compatible uses. I submit that all properties in this area should be zoned Rural under the new Scheme but in particular our subject lots should be zoned Rural as they are the most limited and marginal due to their more significant constraints.

Yours faithfully



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Rep 2 - Saulis

V & KL SAULIS BUILDERS  
9 MELANE ROAD  
OLD BEACH TAS 7017

22 MAY 2019

19.5.2019

RE: RE ZONING OF MELANE ROAD, OLD BEACH:

Dear David Allingham,

We wish to advise you that we strongly concur with the letter sent to you by;

**Trevor and Dr Catherine Jones of 11 Melane Road, Old Beach.**

The opinions raised in this letter are felt by my wife and myself, and after discussions with the community of Melane Road – our neighbours as well.

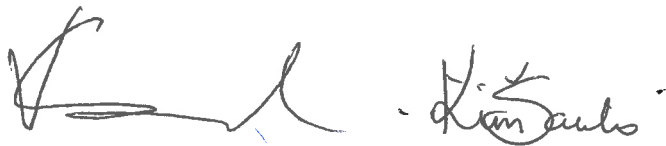
You may also be interested to know that this property has been in our family since the 1980s and in that time we have treated the land and its animals with respect, regardless of what the zoning was at the time.

It had been our view to sub divide our property in the future, even though at this stage I understand it is not applicable, we feel that this is unfair.

We would strongly prefer to stay zoned as we are now, and with minimal or less changes to how we can use our land.

If you would like to discuss this in further detail, please do not hesitate to contact me on the below contact information.

Regards,



Vik and Kim Saulis

Mobile: 0408 136 320

Email: familysaulis@bigpond.com

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on

# **Brighton Draft Local Provisions Schedule Representation**

**Trevor & Dr Catherine Jones**

**11 Melane Road Old Beach**

**4 June 2019**

This representation is submitted by Trevor Jones and Dr Catherine Jones of 11 Melane Road Old Beach. Contact phone number is 0419006552.

## **Executive Summary**

The Brighton Draft Local Provisions Schedule proposes to change the zoning of *"An ... area to the east of Cassidy's Bay in Old Beach"* to Landscape Conservation. This area includes Melane Road Old Beach.

It is argued that Landscape Conservation zoning is inappropriate and that the area should be zoned Rural Living.

Landscape Conservation Zoning (LCZ) is inappropriate because:

- all of the properties affected are significantly less than the 20ha minimum lot size in a LCZ. None are more than 2 or 3Ha while those on Cassidy's Road are as small as an urban residential block.
- The building density constraints of a LCZ have already been exceeded - most of the small lots on Melane Road have already had a residence constructed together with other buildings and/or development. Only a single dwelling is permitted (discretionary) on a minimum 20ha lot in a LCZ.
- the priority use of the affected land is residential and the Zone Application Guidelines (LCZ4) state *"The Landscape Conservation Zone should not be applied to land where the priority is for residential use and development (see Rural Living Zone)"*

Rural Living is the appropriate zoning because:

- The "Zone Purpose", as defined in the Tasmanian Planning Scheme, is primarily  
*11.1.1 To provide for residential use or development in a rural setting where:*
  - (a) *Services are limited; or*
  - (b) *Existing natural and landscape values are to be retained.*

With regard to (a) above, services to Melane Road are limited as sewerage services are not available, there is no stormwater drainage or street lighting and the street is not maintained by council. With regard to (b) above, it is not argued that these values should not be retained.

Both of these facts illustrate that the land should be zoned Rural Living when compared to that zone's primary purpose.

The proposal that Rural Living is a more appropriate zoning for the area is supported by Council's Senior Planner who, at a meeting with some of the Melane Road property owners on 4 April 2019 stated "Rural Living is probably a better fit".

The area is included in an overlay map of "priority vegetation" which is impacted by the State Planning Provisions' Natural Assets Code. Given the quite severe restrictions of the Code it is not necessary to impose a Landscape Conservation zoning on land that would more reasonably be categorised Rural Living.

## **Discussion**

The following information focuses primarily on the development of Melane Road as information is not available on the development of the other parcels of land in the area that will be affected by the proposed re-zoning.

### **Melane Road Subdivisions**

The original subdivision that created Melane Road was completed around 1980. The zoning at that time was "Rural Residential" and the subdivision created six (6) lots for residential purposes. It is estimated that the total area of the 6 lots created by the Melane Road subdivision was less than 17ha.

Residential dwellings were constructed on all of the original lots and over the years each has been further subdivided, again for residential purposes. It is believed that there are now 12 lots, including the original 6, that have been created as a result of Melane Road subdivisions. The minimum lot size for the subdivisions was 1ha and it is estimated that none are more than 2ha. A number of the more recently created lots have had residential dwellings erected on them however a few remain vacant.

*Representation*

*Trevor & Dr Catherine Jones 11 Melane Road Old Beach*

*0419006552*

*c.jones@bigpond.com*

## **Landscape Conservation Zones**

The Tasmanian Planning Scheme - State Planning Provisions (SPPs) provide that the “purpose” of the Landscape Conservation Zone (LCZ) is:

*22.1.1 To provide for the protection, conservation and management of landscape values.*

*22.1.2 To provide for compatible use or development that does not adversely impact on the protection, conservation and management of the landscape values.*

The SPPs further state:

- Subdivision standards that provide for lot design where “*each lot has an area and dimensions appropriate for use and development in the zone*”
  - An “acceptable solution” being a minimum lot size of 50ha with a discretionary minimum size of 20ha
- Discretionary approval for the construction of a single dwelling

The above SPPs illustrate that the priority of a LCZ relates to the conservation and protection of landscape values and that this will be achieved by allowing subdivisions in the zone that have a minimum lot size of 20ha and by requiring discretionary approval for the construction of a single dwelling on these enormous pieces of land.

Put simply, the primary means by which a LCZ will achieve its purpose, is by permitting only a single dwelling on a very large tract of land.

In contrast, it is estimated that the total area of all of the properties on Melane Road is less than 17ha. Subdivisions have created at least 12 lots, with a minimum size of 1ha, with most of them already having a dwelling and other buildings and/or development. It is evident therefore, that the primary means by which a LCZ achieves its purpose can not be applied to Melane Road. The existing lot sizes are far too small and the number of buildings that have been constructed and the other development that has already occurred, far exceed the single dwelling permitted in a LCZ.

Furthermore, it is clear that the purpose of all of the subdivisions that have occurred in Melane Road has been to create allotments for residential use. It would therefore be inappropriate to introduce a LCZ to the area since the Zone Application Guidelines (LCZ4) state “*The Landscape Conservation Zone should not be applied to land where the priority is for residential use and development (see Rural Living Zone)*”. While some may consider that this guideline is intended only for land where residential use and development is a future priority, it is argued that the guideline must also be applied to land that has already been developed for residential use, because it is too late to introduce a tool to control development when the development has already occurred following different guidelines.

*Representation*

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0419006552*

The table below shows the difference between subdivision and building standards for LCZ and Rural Living Zones. Bearing in mind that the lot size for subdivisions in a LCZ is an absolute minimum of 20ha, it is understandable that the minimum building area and minimum setbacks that are required are much greater than those required in a rural Living Zone. In fact, it is quite possible that some of the LCZ setback etc requirements cannot be met on the vacant 1ha allotments that have already been created by Melane Road subdivisions. Other requirements in a LCZ may have also already been breached by existing buildings such as ridgeline requirements and building colour requirements.

<b>Landscape Conservation Zone</b>	<b>Rural Living Zone</b>
Minimum Lot size 50ha (20ha discretionary)	Minimum lot size 1ha
Minimum building area 25m x 25m not more than 1 in 5 gradient	Minimum building area 15m x 20m
Building height not more than 6m	Building height not more than 8.5m
Rear and side setbacks greater than 20m	Rear and side setbacks greater than 10m
Buildings not less than 10m below skyline or ridgeline	
Buildings in dark natural tones of grey, green or brown	

### **Zoning History**

When the original subdivision took place around 1980, resulting in the creation of Melane Road, the properties were zoned Rural Residential.

In July 2010 owners of Melane Road properties received correspondence from Brighton Council's Planner, Amanda Beyer, advising of "Proposed alterations to Rural Residential subdivision standards (RZ2010/04) - South Baskerville Road and Melane Road. The correspondence stated "The area contains environmental values of significance and on this basis it is considered appropriate for the area to remain in its current form".

The correspondence outlined the "formal certification process" that would be followed and stated "Given your property will be directly affected by the proposed changes you will be notified directly throughout the above mentioned process in writing".

### *Representation*

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0419006552*

No further correspondence was received in relation to the proposed alteration to the subdivision standards and it is assumed that zoning remained as Rural Residential with the subdivision standards unchanged.

The above letter raised an expectation that owners of properties that are directly affected by proposed zoning changes would be notified.

When the Brighton Interim Planning Scheme was introduced in 2015 it appears that Melane Road, together with other properties “east of Cassidy’s Bay” did not transition to the Rural Living Zone, the most obvious path, but instead was zoned “Environmental Living” apparently “.... because it was identified that there were significant landscape values in this area ....”.

It is understood that the statutory requirements of advertising etc for the introduction of the Interim Planning Scheme were probably met, however, given the correspondence received in 2010, reinforced by the recent correspondence advising of the change to Landscape Conservation Zoning, it is disturbing that owners of properties that would be “directly affected by the proposed changes” in 2015 were not notified of the significant changes that were being considered. Due to the lack of notification, no affected property owner in the Melane Road area submitted a representation regarding the change to Environmental Living. In fact, a number of property owners have only now become aware that the zoning of their properties has changed from Rural Residential. Others found out by accident when contact was made with Council’s planning section about other matters, being told it was changed “because we didn’t want any more subdivision there”.

The change from Rural Residential zoning to Environmental Living Zoning in 2015 and the proposal to now zone the properties as Landscape Conservation, means that the property rights enjoyed by owners prior to 2015 will be lost and it is considered that this is unconscionable and unnecessarily harsh.

Section 3.2.5 (Use of the Landscape Conservation Zone) of the report supporting the current proposed changes to Melane Road Properties’ zoning, describes that as the Environmental Living Zone (ELZ) “... has not been carried over to the SPP’s, ..... the most logical translation of this zone is LCZ”. Consideration should however be given to whether the owners of affected properties were given sufficient opportunity to provide input to the re-zoning from Rural Residential to Environmental Living in 2015 and if they had been, whether the re-zoning would have taken place following their objections to the loss of their property rights.

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Section 3.2.5 also states:

- The use of the LCZ is effectively a return to the zoning under the BPS 2000 - this may be the case for other areas that are proposed for Landscape Conservation zoning in the new plan but it is not the case for the area east of Cassidy's Bay that includes Melane Road.
- A key difference between the current ELZ and the LCZ is that approval to build a single residential dwelling will go from a permitted use class to a discretionary use class - this is the major concern of owners of land in Melane Road that has not yet been built on. The value of vacant lots will be diminished significantly because of the uncertainty surrounding obtaining building approval and because of the additional restrictions and conditions imposed by the restrictive Landscape Conservation zoning. It is even feared that permission to build will be refused, rendering the vacant blocks of land valueless.
- The land is currently within the ELZ and the primary intention is, and has been for decades, the protection and conservation of landscape values - as has been described, the area east of Cassidy's Bay that includes Melane Rd has only been zoned ELZ since the introduction of the BIPS 2015, approximately 4 years.

In view of the discussion above, particularly the lack of consultation when the properties were re-zoned from Rural Residential to Environmental living, it is thought that the area east of Cassidy's Bay that includes Melane Rd, should not be zoned Landscape Conservation when the Local Provisions Schedule is introduced.

The most logical and appropriate zoning for the properties is Rural Living. This assertion is based upon the rationale below.

The SPPs define the primary purpose of the Rural Living Zone is:

*11.1.1 To provide for residential use or development in a rural setting where:*

- (a) Services are limited; or*
- (b) Existing natural and landscape values are to be retained.*

It would appear that this purpose is a perfect fit for the properties in Melane Road. While the properties have a full water supply, a sewerage service is not available, there is no stormwater reticulation, the road is private and not maintained by Council and there is no street lighting. This lack of services meets the criterion expressed in 11.1.1(a). There is no argument that the natural and landscape values should be retained and, in reality, owners have lived in Melane Road since 1981, demonstrating that they have managed and conserved the natural and landscape values of the land so well that they are still recognised as worthy of conservation. Also, paragraph 3.2.5 of the officer's supporting report states that "Under the Interim Scheme, the Environmental Living Zone (ELZ) is used to provide for the management and

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0419006552*

protection of the natural and landscape values of these areas". This paragraph clearly demonstrates that a transition from ELZ to Rural Living Zone should continue to provide the protection that Council requires.

The Rural Living Zone is also a more appropriate transition because:

- The minimum lot size required for Rural Living Zone A is 1ha - all of the lots in Melane Road have been created with a minimum lot size requirement of 1ha, not 20ha as required in a LCZ.
- Residential use for a single dwelling is a permitted use - the vacant lots on Melane Road were created under Rural Residential zoning that permitted construction of a single dwelling for residential use. Property values would be preserved.

In conclusion, the properties east of Cassidy's Bay, that include Melane Road, should not be zoned Landscape Conservation but should be zoned Rural Living because, as stated by Council's Senior Planner when he met with some Melane Road property owners on 4 April 2019, "Rural Living is a better fit".

#### **State Planning Provision Codes**

The State Planning Provisions (SPP) include a set of "codes" that further affect the area east of Cassidy's Bay that includes Melane Road. The code that has the most impact is the "Natural Assets Code" which covers the entire area as shown on the corresponding "priority vegetation area" overlay map in the Local Provisions Schedule.

Given the quite severe restrictions of the Natural Assets Code it is questioned why Council deems it necessary to impose a Landscape Conservation zoning on land that would more reasonably be categorised Rural Living.

The "clearance" objective of the code provides "that clearance of native vegetation within a priority vegetation area:

- (a) Does not result in unreasonable loss of priority vegetation;
- (b) Is appropriately managed to adequately protect identified priority vegetation; and
- (c) Minimises and appropriately manages impacts from construction and development activities.

The "subdivisions" objective of the code provides further measures to protect vegetation in the area, however, as the land in Melane Road has reached the limit of its (previously) permitted subdivision potential, those measures are not reproduced here. It is worth repeating however, that the SPP Natural Assets code affords protection to the vegetation in the area so there is no need to zone the land Landscape Conservation.

#### ***Representation***

***Trevor & Dr Catherine Jones 11 Melane Road Old Beach  
0419006552***



## **Summary**

Council proposes to zone the land to the east of Cassidy's Bay that includes Melane Road as Landscape Conservation because "The Environmental Living Zone has not been carried over to the SPPs, however the most logical translation of this zone is the LCZ".

This submission argues that the re-zoning of the land as Environmental Living when the Interim Planning Scheme was introduced in 2015 was done without adequate consultation with landowners and that the current proposal to now re-zone to LCZ will be unconscionable and unnecessarily harsh and will result in the landowners' property rights being lost.

It is further argued that the main means by which a LCZ achieves its objectives is by ensuring that properties in the zone are a minimum of 20ha with a single dwelling permitted with discretion. This method of landscape protection is no longer available in the area because most properties have already been subdivided to a minimum 1ha and in the case of Cassidy's Road to the size of an urban residential block, and most of them already have had residences built.

Guidelines for the use of LCZ state that *"The Landscape Conservation Zone should not be applied to land where the priority is for residential use and development (see Rural Living Zone)"* and this report argues that all of the land in the area has been subdivided purely for residential purposes so re-zoning to LCZ is inappropriate.

This report argues that the most appropriate zoning for the area is Rural Living. The rationale behind this conclusion is based upon the characteristics of the properties in the area aligning with those described in the primary "purpose" of the Rural Living zone. This argument is given further credence by Council's own Senior Planner who considers Rural Living a "better fit" than LCZ.

Finally, the submission discusses that a "priority vegetation" layer in the Local Provisions Schedule covers the area and as a consequence the "Natural Assets Code" in the The State Planning Provisions affords the area's vegetation with significant protection.

It submits that, given the quite severe restrictions of the Natural Assets Code, there is no reason why Council should deem it necessary to impose a Landscape Conservation zoning on land that would more reasonably be categorised Rural Living.

## ***Representation***

*Trevor & Dr Catherine Jones 11 Melane Road Old Beach  
0419006552*

## Helen Hanson

---

**From:** Development  
**Sent:** Thursday, 23 May 2019 10:07 AM  
**To:** Patrick Carroll  
**Subject:** FW: Brighton Local Provisions Schedule - TasWater Representation

**ABBIE ROWLANDS**  
ADMIN OFFICER



**Brighton  
Council**

**Brighton**  
going places

1 Tivoli Road, Old Beach TAS 7017  
Tel: (03) 6268 7000 | Fax: (03) 6268 7013  
[www.brighton.tas.gov.au](http://www.brighton.tas.gov.au)

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**From:** Jason Taylor <Jason.Taylor@taswater.com.au>  
**Sent:** Wednesday, 22 May 2019 6:14 PM  
**To:** Development <Development@brighton.tas.gov.au>  
**Subject:** Brighton Local Provisions Schedule - TasWater Representation

To Whom It May Concern,

Please consider this email a representation from TasWater regarding Brighton Council's Local Provisions Schedule.

*Overlay Maps Volume 1 – Brighton Attenuation Area* contains a "Buffer Zone" over TasWater's Green Point Sewage Treatment Plant. This overlay is based on Odour Modelling performed by Alex McLeod of Tarkarri Engineering in the report of October 2017 entitled "*Brighton Council – Cheswick Cres residential precinct and Barton Cres educational precinct odour emissions modelling of Greens Point WWTP*", specifically the 2 odour unit contour within Figure 8-1.

TasWater strongly suggest that this Buffer Zone is removed from the LPS for the following reasons:

- 1) This report is based on the operations and loadings of the plant at a specific point in time, which are subject to change.
- 2) This report may require updating in the future upon the receipt of any application that would trigger the Attenuation Code.
- 3) Any change mentioned in point 1 may either require an increase or even a decrease to the size and location of the 2 odour unit contour.

- 4) This figure, and the odour contours within it, are based on *Normal operations, average emission* rates and do not take into account upset conditions, which TasWater would usually expect to be factored into any development proposal.

TasWater are of the opinion that to “lock in” this modelling within the LPS does not allow for future flexibility that can be achieved via simply following the Attenuation Code. Applying the Attenuation Code allows us to require a science based, site specific investigation and impose requirements suitable for the site and the corresponding development proposal at the time of application. This is a more robust approach than simply restricting development within a buffer zone. TasWater do not consider the potential to update the existing report to be overly onerous and would not necessarily require full modelling to be performed from scratch.

For reference the Attenuation Code of the State Planning Provisions for this plant will provide an attenuation distance of 300m.

TasWater would be happy to attend any Tasmanian Planning Commission hearings into this matter to discuss this representation further or provide any clarity if requested.

Regards

Jason Taylor

Development Assessment Manager



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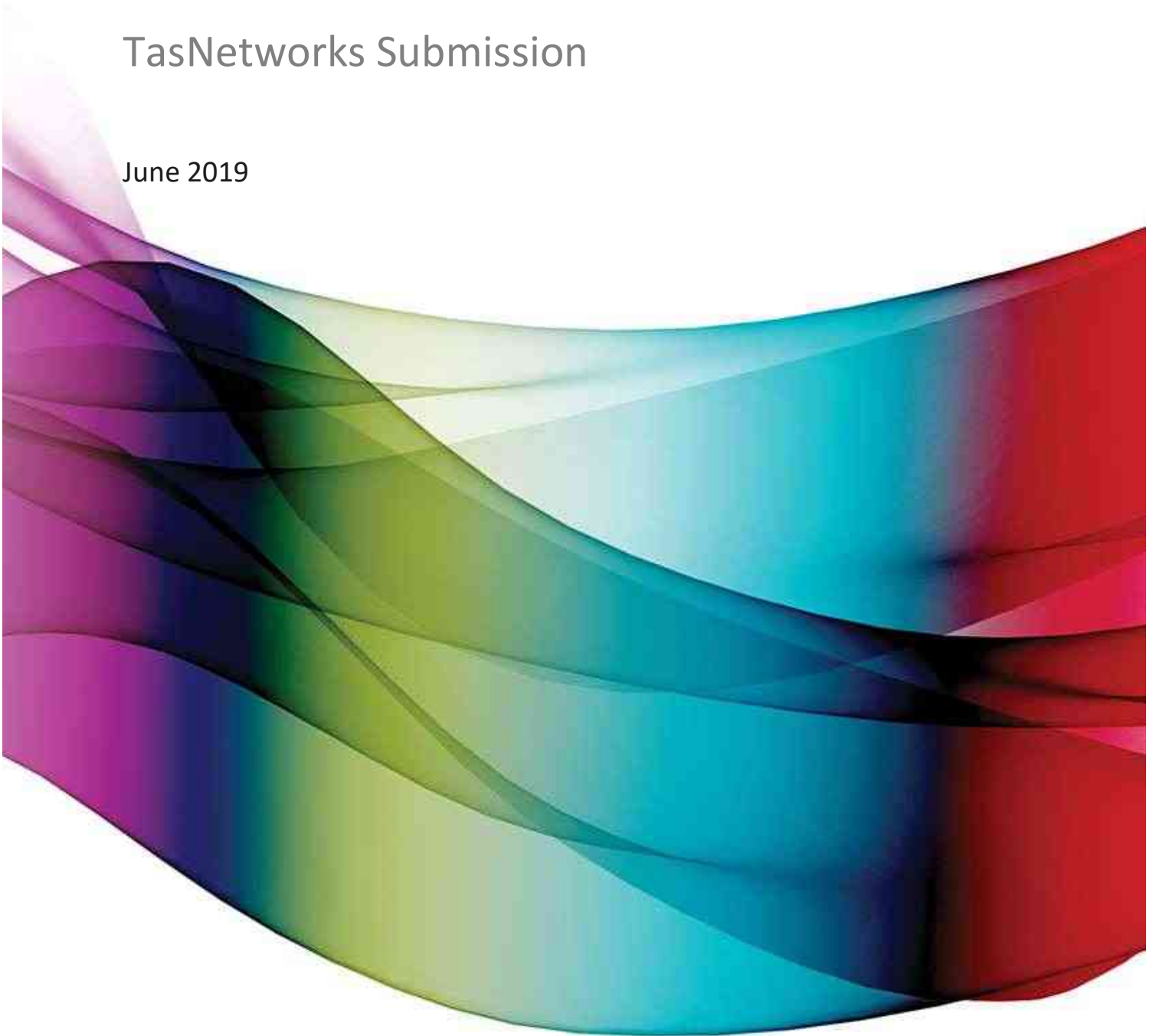
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# Brighton Council

# Local Provisions Schedule

TasNetworks Submission

June 2019



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## **1. Who is TasNetworks?**

TasNetworks was formed on 1 July 2014, through a merger between Aurora Energy's distribution network (the poles and wires) and Transend Networks (the big towers and lines). We're a Tasmanian state-owned corporation that supplies power from the generation source to homes and businesses through a network of transmission towers, substations and powerlines.

### **Transmission**

TasNetworks own, operate and maintain 3564 circuit kilometres of transmission lines and underground cables, 49 transmission substations and six switching stations across the state.

### **Distribution**

TasNetworks own, operate and maintain 22,400km of distribution overhead lines and underground cables, 227,000 power poles, 18 large distribution substations and 33,000 small distribution substations. There's also 20,000 embedded generation and photovoltaic (PV) grid-connected installations connected to the distribution network.

### **Communications**

TasNetworks own, operate and maintain communication network infrastructure to enable safe and efficient operation of the electricity system.



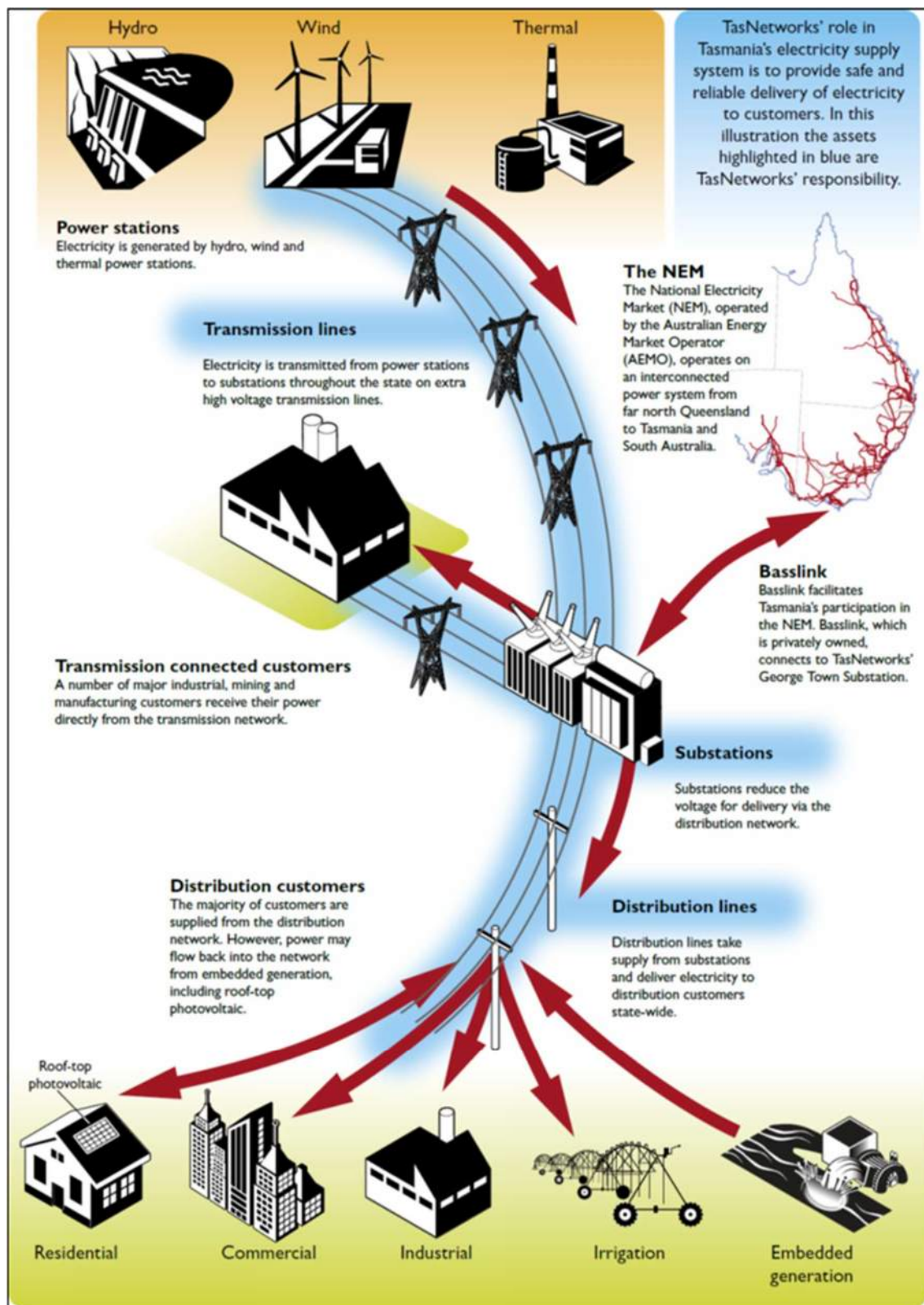


Figure 1 TasNetworks' role in Tasmania's Electricity Supply System



## 2. Executive Summary

TasNetworks, as a referral agency, has been notified of the public exhibition of Brighton Council's draft Local Provisions Schedule (LPS) under section 35B of the *Land Use Planning and Approvals Act 1993* (LUPAA). Council has been given direction by the Tasmanian Planning Commission to publicly exhibit the LPS and invite representations. TasNetworks has undertaken a review of the LPS and makes the following representation with a view of seeking a statewide consistent approach to major electricity infrastructure.

TasNetworks assets within the Brighton Local Government Area include one substation, three electricity transmission corridors and one communication facility. The communication facility is co-located with the substation.

Electricity transmission infrastructure is protected by the Electricity Transmission Infrastructure Protection Code (ETIPC) under the State Planning Provisions. The Code applies to transmission lines, terminal (or transmission) substations and switching stations and transmission communication assets. The Code purpose is:

- To protect use and development against hazards associated with proximity to electricity transmission infrastructure;
- To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure;
- To maintain future opportunities for electricity transmission infrastructure.

The LPS includes the ETIPC Overlay maps which is based on data provided by TasNetworks. As part of its review, TasNetworks has examined the ETIPC Overlay maps to ensure that it applies to all relevant assets and that the locations of these assets is correct.

The LPS also includes the spatial application of zoning and overlays via the mapping. In preparing this representation, TasNetworks has reviewed the LPS maps for each of its assets. This representation seeks to ensure:

- Utilities zoning is applied to existing substations and communication facilities.
- Impacts on the strategic benefits and development potential of existing corridors through the application of the Landscape Conservation Zone are mitigated.
- The Natural Asset Code – Priority Vegetation Overlay is not applied to part of a substation or communication site that is cleared of native vegetation.

These submissions are consistent with those previously made by TasNetworks (and formerly Transend) on the Meander Valley draft LPS as well as the State Planning Provisions and Interim Planning Schemes.

The LPS and the potential impact on future development has also been reviewed. These considerations include whether there is a permissible approval pathway for Utilities under the Particular Purpose Zones or Specific Area Plans; and any Local Area Objectives or Site

Specific Qualifications. TasNetworks representation is made having regard to the LPS requirements under LUPAA.

### 3. Overview

#### 3.1. Glossary

The following table provides the definitions of the terms used throughout this submission.

Table 1 Definitions

Term	Definition
Commission	Tasmanian Planning Commission
Council	Brighton Council
D	Discretionary
ESI exemption	Activities classified as ‘work of minor environmental impact’ for the purposes of Regulation 8 of the <i>Electricity Supply Industry Regulations 2008</i> .
ETC	Electricity Transmission Corridor
ETIPC	Electricity Transmission Infrastructure Protection Code
Guideline	<i>Guideline No. 1 – Local Provisions Schedule Zone and Code Application</i> (Tasmanian Planning Commission, 2018)
IPA	Inner Protection Area
LGA	Local Government Area
LPS	Local Provision Schedule
NPR	No Permit Required
P	Permitted
SPP	State Planning Provisions
STRLUS	Southern Tasmanian Regional Land Use Strategy 2010 - 2035
TPS	Tasmanian Planning Scheme
UWA	Unregistered Wayleave Agreement

### 3.2. Existing Assets

Brighton LGA is located in TasNetworks southern planning geographic area. An operationally significant part of the Tasmanian transmission electricity network is contained within the boundaries of the Brighton LGA. This includes:

- A number of transmission lines which:
  - o Provide critical power transfer north-south via the 220kV transmission lines between Waddamana and Lindisfarne; and
  - o Transfer power to Bridgewater substation via 110kV lines.
- Bridgewater Substation which has 110kV transmission assets and is the main 11kV distribution supply point for local customers
- A communication site used in operation of the electricity transmission network.

Notification and negotiation of work or changes in land use around these assets is critical for the safety and operation of the electricity network, the safety of people working on these assets and the general public whether living near or traversing the transmission network areas.

The following table and figure details TasNetworks' assets within Brighton LGA.

Table 2 TasNetworks Assets in Brighton

Asset	Location
Substation sites (terminal)	1. Bridgewater substation
Substation sites (zone)	None in this municipal area
Communication sites	1. Bridgewater substation Communication site
Electricity Transmission Corridors	1. Waddamana – Bridgewater Junction (West) 110kV (Line reference TL 400) 2. Bridgewater – Lindisfarne 110kV (Line reference TL 401) 3. Waddamana – Lindisfarne 220kV (Line reference TL 520) 4. UWA only (no physical assets)

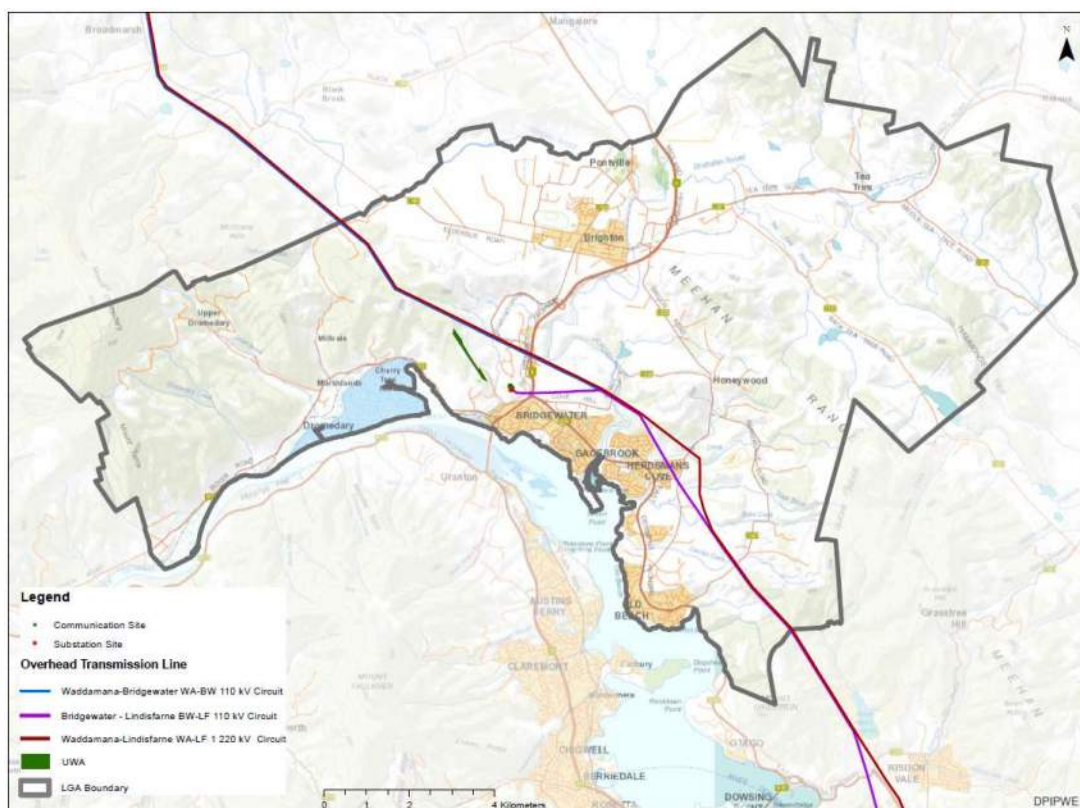


Figure 2 TasNetworks Assets within Brighton LGA

### 3.3. Planned Future Development

As Tasmania’s transmission and distribution network service provider, we have a responsibility to ensure the infrastructure to supply Tasmanians with electricity evolves to meet customer and network requirements in an optimal and sustainable way. We achieve this through our network planning process to ensure the most economic and technically acceptable solution is pursued.

The need for network changes can arise from a number of factors. Annually TasNetworks undertakes a planning review that analyses the existing distribution and transmission networks and considers their future requirements to accommodate changes to load and generations, and whether there are any limitations in meeting the required performance standards. For example, the capacity of the northern substation group of Greater Hobart, which includes the Bridgewater Substation, is being investigated to ensure capacity is available to meeting forecasted demands.

Integrated into our planning process is our [network transformation road map 2025](#). This ensures that what we do in the next 10 to 15 years facilitates an efficient and orderly transition of the network to its new roles in a changing energy sector. This includes consideration of impact of large scale wind farms, solar systems, pumped hydro (battery of the nation) batteries, electric vehicles, and a potential second inter connector. Given this context, it is important that the LPS provides for appropriate approval pathways for potential future TasNetworks development works.

## 4. Submission

### 4.1. Overview

TasNetworks is seeking statewide consistency across all LPSs in the treatment of its assets. TasNetworks policy position is summarised in Table 3 and is further detailed below.

Table 3 Policy Position – Submission Summary

LPS Mapping / Controls	Submission	Rationale
Zoning	<ul style="list-style-type: none"> <li>- Substations (terminal and zone) to be zoned Utilities</li> <li>- Communication sites to be zoned Utilities where the communications facility is the primary use of the site</li> </ul>	<ul style="list-style-type: none"> <li>- Reflects the primary use of the site and the nature of the asset</li> <li>- Reflects the long asset lifespan</li> <li>- Utilities zone allows for the future operation, maintenance modification and development requirements of the asset (this is particularly important for communications sites as these do not enjoy any ESI Act exemptions once established)</li> <li>- Clear message to the community about the existing and long term use of the site.</li> </ul>
	No specific zoning is to be applied to ETC	<ul style="list-style-type: none"> <li>- Allows for other compatible uses to occur in corridor</li> <li>- Corridors are protected by ETIPC</li> </ul>
	Landscape Conservation Zone (through LPS rezoning) is not applied to ETC	<ul style="list-style-type: none"> <li>- Conflicts with the existing use of the land for electricity transmission</li> <li>- Diminishes strategic benefit of existing corridors making consideration of new corridors more likely</li> <li>- More onerous approvals pathway for augmentation of assets</li> <li>- Sends conflicting message to public regarding the ongoing use of the land</li> </ul>
Natural Asset Code – Priority Vegetation Overlay	Not to be applied to <ul style="list-style-type: none"> <li>- Substations or communication sites</li> </ul>	<ul style="list-style-type: none"> <li>- Assets are required to be cleared for safety and maintenance</li> </ul>

LPS Mapping / Controls	Submission	Rationale
	where the site is cleared of native vegetation	<ul style="list-style-type: none"> <li>- Clearing of vegetation is exempt under ESI Act</li> <li>- Where asset already exists impact on the natural assets have already been assessed/ approved and will continue to be impacted for the lifespan of the asset</li> <li>- Supports strategic value of the site</li> <li>- Clear messaging to community regarding the use of the site.</li> </ul>
Utilities Use Approval Status	<p>In all zones, PPZ and SAPs the Use Class for Utilities and Minor Utilities must be either</p> <ul style="list-style-type: none"> <li>- No Permit Required,</li> <li>- Permitted or</li> <li>- Discretionary</li> </ul> <p>Utilities must not be Prohibited</p>	The ability to consider Utilities Use Class in all zones is a requirement for the effective planning and development of linear utility infrastructure, which is required to be located in a range of areas and will be subject to multiple zonings.
SAPs	Not to apply to substations	To ensure that future development on these sites is not unreasonably affected by SAP.
PPZs or SAPs use and development standards	<p>Are drafted with at least a discretionary approval pathway. For example:</p> <ul style="list-style-type: none"> <li>- No absolute height limit</li> <li>- Allow subdivision for utilities</li> </ul>	<ul style="list-style-type: none"> <li>- Consistent with policy in SPPs that enables consideration of Utilities in all zones and no finite quantitative development standards.</li> </ul>
ETIPC	Is mapped and applied to relevant transmission infrastructure	Consistent with policy in SPPs

## 4.2. Zoning

This review has identified that the Bridgewater substation and co-located communication site is zoned Utilities and no specific zoning has been applied to Electricity Transmission Corridors. No amendment regarding zoning of the Bridgewater Substation and communication site is proposed as it appropriately reflects the primary purpose of the site and is consistent with TasNetworks policy position.

In three instances the Landscape Conservation Zone has been applied to ETC's. On the southern edge of the Brighton LGA the ETC containing the Waddamana – Lindisfarne 220kV Line and the Bridgewater – Lindisfarne 110kV Line are now located within the Landscape Conservation Zone. Under the Interim Planning Scheme this land was zoned Environmental Living.

Similarly north of the Bridgewater Substation portions of the ETC containing the Waddamana – Lindisfarne 220kV Line and Waddamana – Bridgewater 110kV Line as well as the UWA have been rezoned from Environmental Living and Rural Resource to the Landscape Conservation Zone.

TasNetworks acknowledges that the introduction of the Landscape Conservation Zone is per SPP drafting guidelines however would like to open discussions with Council and relevant stakeholders regarding the impacts that this change in zoning has on the continued operation of electricity transmission infrastructure and the development potential for existing corridors.

## 4.3. Overlays – Natural Asset Code – Priority Vegetation Overlay

This review has identified that the Natural Asset Code – Priority Vegetation Overlay applies to the Bridgewater Substation and communication site as well as various ETC's within Brighton LGA. TasNetworks requests that the Priority Vegetation Overlay be removed from the Bridgewater substation and communication site in relation to where the site is cleared and development exists. This predominately includes the northern half of the Bridgewater Substation and communication site.

This is sought to recognise that vegetation management and clearance is required as a critical function of maintaining the safety of TasNetworks assets, and to recognise that vegetation removal is already approved in accordance with other Acts.

The Priority Vegetation Overlay applies to threatened vegetation communities as identified by Council. It is understood that the values determined by council are based off the Regional Ecosystem Model and the data source is considered variable. Aerial imagery and confirms that the Overlay has been applied to portions of the site that are developed and cleared of vegetation.

Under the *Electricity Supply Industry Act 1996* and associated *Electricity Supply Industry Regulations 2008* vegetation clearance for the safe and reliable operation of electricity



infrastructure is classified as ‘work of minor environmental impact’ and as such, is not considered development for the purposes of LUPAA and is not subject to that Act in any way.

The SPP provides for vegetation clearance exemptions under Table 4.4. Relevant to TasNetworks this includes: Clause 4.4.1(b) *harvesting of timber or the clearing of trees, or the clearance and conversion of a threatened native vegetation community, on any land to enable the construction and maintenance of electricity infrastructure in accordance with the Forest Practices Regulations 2007.*

This exemption recognises that vegetation removal by TasNetworks is undertaken in accordance with an Environmental Management Systems (EMS) endorsed by the Forest Practices Authority. This endorsement recognises that TasNetworks EMS is sufficient to minimise the need for clearance and conversion of threatened native vegetation communities with respect to the construction and maintenance of its infrastructure.

TasNetworks also has agreement with Parks and Wildlife Services in relation to Reserve Activity Assessments – Electricity Entities Operation Plan. This Plan identifies works that do not require formal assessment and includes those that relate to existing infrastructure within the existing transmission infrastructure footprint.

TasNetworks submits that it is inconsistent with the *Electricity Supply Industry Act 1996* and SPP vegetation exemptions and more broadly Schedule 1 of LUPAA to apply the Priority Vegetation Overlay over the ETIPC Overlay Substation Facility and Communication Site. The objectives of the planning process established under Schedule 1, Part 2 of LUPAA relevantly provides under subsection 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.*

#### 4.4. Utilities Approval Status

The draft LPS may include provisions that modify the application of the SPPs to a particular area via the PPZ, SAP or site specific provisions. This review identifies that no such provisions apply to existing assets.

The LPS provisions have also been reviewed to assess the potential impact on future Utilities use and development. This review has identified some PPZ and SAP provisions do impact on the approval pathways for Utilities infrastructure. TasNetworks submits that this is inconsistent with the SPP which provide for the permissible consideration of Utilities in all zones. Representation is therefore made to make amendments to allow for the permissible consideration of Utilities under the use, development and subdivision standards consistent with the SPP policy approach and the statewide nature of TasNetworks’ assets.

#### 4.5. ETIPC

Transmission infrastructure assets are often protected within easements. These are not however always easily apparent to developers and land owners. The application of the

ETIPC Overlay provides for the spatial protection of these assets and then the opportunity for TasNetworks and developers to negotiate outcomes at the planning phase of a development. It also provides an opportunity to highlight the ongoing responsibilities associated with the easement.

TasNetworks has reviewed and is satisfied that the ETIPC Overlay mapping appropriate reflects TasNetworks assets within Brighton LGA.

#### **4.6. SPP Issues**

Please note, this aspect of TasNetworks' representation should not be taken as a request to change or amend the SPPs. However, this information is provided to highlight fundamental land use conflict issues that could occur as each LPS implements the SPPs across the State.

##### **4.6.1. Exemptions**

In this representation, TasNetworks would like to highlight a failing in the SPPs that causes a fundamental conflict between existing electricity transmission easement rights and SPP Exemptions and will prevent implementation of the purpose of the ETIPC. This failing is resulting from not applying the Code, in particular, the Electricity Transmission Corridor (ETC) and Inner Protection Area (IPA) to certain exemptions that would:

- On almost every occasion, conflict with easement rights (and have the potential to impact human safety) and compromise the Purpose of the Code; and
- Unless managed appropriately, have the potential to conflict with easement rights (and have the potential to impact human safety) and the Purpose of the Code.

Where the Code does not apply, easement rights still exist but can only be enforced once a breach has occurred or (at best) is imminent. This can result in a costly process of removal or relocation and in the interim, could pose a safety risk. When the Code applies, it provides developers, Council and TasNetworks an opportunity to avoid or manage this issue early in the application process. See Appendix 1 for benefits that can be realised by considering electricity transmission assets in the planning process and conflict examples.

##### **4.6.2. Scenic Protection Code**

Whilst the Scenic Protection Code has not been applied to TasNetworks' assets in the Brighton LGA, it has been applied in the Meander Valley LGA and could be applied in other Municipal areas as a result of the LPS process.

The Scenic Protection Code does not apply to sites in the Utilities Zone. As a result, TasNetworks' substations are not subject to the application of this Code, thus supporting the continued use and development of these sites for electricity infrastructure.

TasNetworks' recognises that the Council may wish to regulate other activities in the Electricity Transmission Corridor that could impact on scenic values. However, it is not considered appropriate for the Scenic Protection Code to be applied to electricity transmission use and development within an Electricity Transmission Corridor (ETC).

TasNetworks requests the Council support changes to the Scenic Protection Code in the SPPs to ensure that, where this Code intersects with an ETC, it does not apply to electricity transmission use and development in that ETC.

This is sought to recognise the presence of the electricity infrastructure and implement the purpose of the ETIPC; facilitate continued use or augmentation of existing corridors and to ensure that future development (that is not otherwise exempt) can be efficiently provided.

The purpose of the Scenic Protection Code is to recognise and protect landscapes that are identified as important for their scenic values. In accordance with the Commission's Guidelines the Code is applied where: *SPC2 The scenic protection area overlay and the scenic road corridor overlay should be justified as having significant scenic values requiring protection from inappropriate development that would or may diminish those values.*

The ETIPC Code Purpose is to:

- *To protect use and development against hazards associated with proximity to electricity transmission infrastructure.*
- *To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure.*
- *To maintain future opportunities for electricity transmission infrastructure.*

TasNetworks submits the application of the Scenic Protection Code to electricity transmission use and development in an ETC is inconsistent with the ETIPC purpose to retain electricity transmission infrastructure in these locations and to maintain future development opportunities.

For works that do not have the benefit of ESI exemptions, it would be difficult to comply with the Scenic Protection Code standards. Further, these assets form part of a wider network that is essential to the safe and reliable provision of electricity to Tasmania which is recognised in the Southern RLUS.

Please note that these issues have been previously raised and discussed with Meander Valley Council and the Commissioners throughout the Meander Valley draft LPS process.

## 5. Amendments by Asset

### 5.1. Bridgewater Substation

The Bridgewater Substation is located at 23 Weily Park Road, Bridgewater (CT 52510/1) and is the only substation within the Brighton LGA. This is a regionally significant substation that forms part of the Greater Hobart northern substation group and is critical to the Greater Hobart area.

Under the LPS the site is zoned Utilities. The required electricity transmission overlays have been applied to the site as shown in the following figure. These include: the Substation Facility and Substation Facility Buffer Area as well as the Communication Station Buffer Area and the Electricity Transmission Corridor and Inner Protection Area.



Figure 3 LPS Mapping – Electricity Transmission Overlays Bridgewater Substation

The site however, in its entirety, is subject to the Natural Asset Code – Priority Vegetation Overlay (Priority Vegetation Overlay) as shown in the following figure.





Figure 4 LPS Mapping – Priority Vegetation Area Overlay

Priority Vegetation Overlay has been applied to the northern half of the site which is developed and includes the substation and a TasNetworks' storage depot. This portion of the site is predominately cleared of native vegetation.

The Priority Vegetation Overlay is based on the Regional Ecosystem Model. The attached Priority Vegetation Report associated with the mapping details that the threatened flora in the northern portion of the site includes crested speargrass and double joined speargrass. The Report outlines that the reliability of the data source is variable and based of NVA records combined with REM point-based modelling.

Table 4 and Table 5 provide an overview assessment of the proposed LPS planning controls applied to the site against the TasNetworks planning policy position with respect to substations. This identifies that an amendment is required so that the Priority Vegetation Overlay is removed from the site where the site is currently cleared and developed.

Table 4 Substation Policy Position Summary

Zoning	Overlay	PPZ	SAP	ETIPC
Zoned Utilities	Priority Vegetation - Not applied where the site is cleared of native vegetation	Not applied or - Utilities use is NPR, P or D. - No finite discretionary development standards	Not applied or - Utilities use is NPR, P or D. - No finite discretionary development standards	Applied

Table 5 Substation Assessment Overview

Asset	Consistent with zone policy (Y/N)	Consistent with code (Overlay) policy (Y/N)	Amendment Required (Y/N)	Amendment Request
1. Bridgewater Substation	Y	N	Y	- Remove Priority Vegetation Overlay from northern half of the site as development exists and site is cleared of vegetation.

## 5.2. Communication sites

There is one TasNetworks operated communication site within the Brighton LGA. The communication site is co-located with the Bridgewater Substation at 23 Weily Park Road, Bridgewater (CT 52510/1). The electricity transmission communications backbone is required to enable communication between power generators and TasNetworks control room to enable safe and reliable operation of the electricity transmission network in Tasmania.

As detailed in the previous section of this representation the site is zoned Utilities and the Communication Station Buffer Area Overlay has been applied. TasNetworks is supportive of this zoning and mapping of the communication site.

However, the Priority Vegetation Overlay has also been applied to the site, including to the communication facility. As shown in the previous figures this portion of the site is cleared of native vegetation and is developed.

The following tables provide an overview assessment of the proposed LPS planning controls applied to the communication facility against the TasNetworks communication site policy. TasNetworks requests that the Priority Vegetation Overlay be removed from the communication site where this is cleared of native vegetation.

Table 6 Communication Site Policy Position Summary

Zoning	Overlay	PPZ	SAP	ETIPC
All communication sites to be zoned Utilities.	Priority Vegetation Overlay - Not applied where the site is cleared of native vegetation	Not applied or - Utilities use is NPR, P or D. - No finite discretionary development standards	Not applied or - Utilities use is NPR, P or D. - No finite discretionary development standards	Applied to transmission communication backbone sites

Table 7 Communication Site Assessment Overview

Asset	Consistent with zone policy (Y/N)	Consistent with code (Overlay) policy (Y/N)	Amendment Required (Y/N)	Amendment Request
1. Bridgewater Substation Communication site	Y	N	Y	- Remove Priority Vegetation Overlay from site where development exists and site is cleared of vegetation.

### 5.3. Electricity Transmission Corridors

There are four electricity transmission corridors that extend through the Brighton LGA.

These include:

- the Waddamana – Bridgewater Junction (West) 110kV (Line reference TL 400) which extends from the north-west boundary of the LGA into Bridgewater;
- the Bridgewater – Lindisfarne 110kV (Line reference TL 401) which extends from the Bridgewater Substation south;

- the Waddamana – Lindisfarne 220kV (Line reference TL 520) extends across the LGA; and
- a UWA only (no physical assets) located to the north of the Bridgewater Substation.

These corridors are identified in Figure 2 and are located within the LPS ETIPC Overlay Electricity Transmission Corridor and Inner Protection Area mapping which is supported by TasNetworks.

There are a range of zones applied to the land underneath these corridors and as the SPP allows for consideration of Utilities in all zones this is acceptable to TasNetworks.

Having said this, in three instances the Landscape Conservation Zone has been applied to ETC's. On the southern edge of the Brighton LGA the ETC containing TL 401 and TL 520 are now located within the Landscape Conservation Zone. Under the Interim Planning Scheme this land was zoned Environmental Living.

Similarly north of the Bridgewater Substation portions of the ETC containing TL 400 and TL 520 as well as the UWA have been rezoned from Environmental Living and Rural Resource to the Landscape Conservation Zone.

The introduction and subsequent rezoning of land within the ETC to the Landscape Conservation Zone has created a number of unforeseen issues for TasNetworks. Primarily the Landscape Conservation Zone - Zone Purpose is *to provide for the protection, conservation and management of landscape values*. This is considered to conflict with the Purpose of the ETIPC which is to *maintain future opportunities for electricity transmission infrastructure*.

Additionally, development approval for augmentation of an existing corridor under the Landscape Conservation Zone is more onerous than if under the Environmental Living or Rural Resource zones in the IPS or the Rural Zone under the SPP. For example the Acceptable Solution building height requirement in the Landscape Conservation Zone is 6m as opposed to 12m under the Rural Zone.

Further to this, TasNetworks has concern regarding the rezoning of land within an ETC to the Landscape Conservation Zone and the inconsistent messaging it sends the public. That being that the land is for 'conservation', where in fact clearing of vegetation within the ETC is exempt and augmentation of corridors can occur.

TasNetworks acknowledges that the introduction of the Landscape Conservation Zone is guided by SPP drafting principles however would like to open discussions with Council and relevant stakeholders regarding the impacts that this change in zoning has on the continued operation of electricity transmission infrastructure across the State.



#### 5.4. Particular Purpose Zones and Specific Area Plans

The following table provides an overview of TasNetworks policy position regarding Particular Purpose Zones (PPZ) and Specific Area Plans (SAP).

Within Brighton LGA there are two PPZs and nine SAPs.

Table 8 PPZ and SAP Policy Position Summary

Application	Policy
Use Standards in PPZ or SAP	<ul style="list-style-type: none"> <li>- Use Class for Utilities or Minor Utilities must be either NPR, P or D. Must not be Prohibited</li> <li>- Use standards must include Utilities as an excluded use (e.g hours of operation)</li> </ul>
Development Standards in PPZ or SAP	<ul style="list-style-type: none"> <li>- Are not drafted without a discretionary approval pathway (e.g not include an absolute height limit)</li> <li>- Allow subdivision for Utilities use in all zones</li> </ul>

A PPZ or SAP has not been applied to the Bridgewater Substation site. In numerous instances an ETC intersects with an SAP. A breakdown of this is provided in the following table.

Table 9 SAP application over the ETCs

ETC (Corridor / Line)	SAP
UWA	<ul style="list-style-type: none"> <li>- BRI-S8.0 Urban-Rural Interface</li> </ul>
TL 400	<ul style="list-style-type: none"> <li>- BRI-S4.0 Bridgewater Quarry SAP</li> </ul>
TL 401	<ul style="list-style-type: none"> <li>- BRI-S4.0 Bridgewater Quarry SAP</li> <li>- BRI-S7.0 East Baskerville Dispersive Soils SAP</li> <li>- BRI-S8.0 Urban-Rural Interface</li> </ul>
TL 520	<ul style="list-style-type: none"> <li>- BRI-S4.0 Bridgewater Quarry SAP</li> <li>- BRI-S6.0 Baskerville Raceway SAP</li> <li>- BRI-S7.0 East Baskerville Dispersive Soils SAP</li> </ul>

The following provides an assessment of the PPZs and SAPs within the Brighton LPS. Both of the PPZs require amendment to allow for utilities development to have discretionary approval pathway in relation to building height. Similarly, amendments are sort to five of the nine SAPs to allow for utilities development pathway and compatibility with SPP drafting guidelines. It is understood that both the PPZs are transitioned into the LPS under Schedule

6, Clause 8 of LUPAA as are seven of the nine SAPs. The two 'new' SAPs are East Baskerville Dispersive Soils SAP and Urban-Rural Interface SAP.

Table 10 PPZ and SAP Assessment Overview

Instrument	Clause	Amendment
BRI-P1.0 PPZ – St Ann's Precinct	1.6.1 Building height	P1 Building height must: (a)... (d) <i>Except if required for Utilities</i> , be not more than 10m
	1.7.1 Subdivision	A1 (b) ... OR (c) <i>be required for public use by the Crown, a council or a State authority;</i> (d) <i>be required for the provision of Utilities.</i>
BRI-P2.0 PPZ – School Farm	2.6.1 Building setback and height	P2 Building height must (a) <i>Except if required for Utilities</i> , be not more than 12m
BRI-S1.0 Brighton Horse Racing SAP	1.8.1 Subdivision	A2 Each lot, or a lot proposed in a plan of subdivision, <i>excluding for public open space, a riparian or littoral reserve or Utilities</i> , must be connected to a reticulated potable water supply...
		P3 Each lot, or a lot proposed in a subdivision, <i>excluding for public open space, a riparian or littoral reserve or Utilities</i> , must: ...
BIR-S2.0 Quoin Ridge SAP	No comment.	
BRI-S3.0 Brighton Highway Services Precinct SAP	3.7.1 Building height	P1 Building height must: (a)... (b) <i>Except if required for Utilities</i> , be not more than 12m

Instrument	Clause	Amendment
	3.8.1 Subdivision	P1 Each lot, of a proposed in a plan of subdivision, <i>excluding for public open space, a riparian or littoral reserve or Utilities</i> , must be of a size ...
BRI-S4.0 Bridgewater Quarry SAP	4.7.1 Buildings and works	P1 Building and works, <i>excluding for Utilities</i> , must not result in ...
	4.8.1 Subdivision	P1 Each lot, or a lot proposed in a plan of subdivision, <i>excluding for public open space, a riparian or littoral reserve or Utilities</i> , must not result in ...
BRI-S5.0 Old Beach Quarry SAP	No comment	
BRI-S6.0 Baskerville Raceway SAP	No comment	
BRI-S7.0 East Baskerville Dispersive Soils SAP	7.7.1 Development on Potentially Dispersive Soils	P1 Development, <i>excluding for Utilities</i> , must be designed, sited...
	7.8.1 Subdivision	P1 Each lot, or a lot proposed in a plan of subdivision, <i>excluding for public open space, a riparian or littoral reserve or Utilities</i> , must minimize the risks ...
BRI-S8.0 Urban-Rural Interface	No comment	

Instrument	Clause	Amendment
BRI-S9.0 Tivoli green SAP	9.8.1 Lot size	<p>A1</p> <p>Each lot, or a lot proposed ...</p> <p><i>(d) be required for public use by the Crown, a council or a State authority;</i></p> <p><i>(e) be required for the provision of Utilities.</i></p>
	9.8.6.1 Lot design – Precinct A	<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, <i>excluding for public open space, a riparian or littoral reserve or Utilities</i>, in Precinct A ...</p> <p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, <i>excluding for public open space, a riparian or littoral reserve or Utilities</i>, in Precinct A ...</p>

## 6. Appendix

### 6.1. Appendix 1 SPP Issues

#### **Benefits of considering electricity transmission assets in the planning process for new development**

The following benefits can be realised if impact on electricity transmission assets are considered in the planning process. (See Table 1 for the list of relevant exemptions):

- Removes the incorrect perception that buildings and other works exempt under the SPPs can safely occur in a transmission line or underground cable easements without the need to consider asset easement rights or operational requirements.
- Empowers the Planning Authority to request further information, condition or refuse a development that conflict with the Code requirements and Purposes.
- Saves developers, Councils, TasNetworks and the community time, cost and distress associated with easement right enforcement after a building, structure or other works have either commenced construction or have been built.
- Reflects the reality with respect to what can and cannot safely occur in an electricity easement.
- Saves developers project delay and cost required as a result of reworking proposals to ensure easement rights are not compromised later in the process.
- Increases the chances of considering the impact of new development on electricity assets early in the planning assessment process, before significant expenditure on project preparation has occurred.
- Prevents land use conflict between existing critical electricity transmission assets and new development.
- Protects human safety.
- Aligns the planning considerations and electricity easement rights.
- Avoids increased acquisition or construction cost for future assets as a result of encroachment (eg: dwelling encroachments within strategically beneficial easements may not cause operational issues for existing assets. However, dwelling acquisition and increased community and social impact of processes required to remove dwellings in the easement if it is required later can be avoided if encroachment is prevented in the first place.
- Supports compliance with AS 7000.

- The strategic benefit of existing electricity easements and the strategic purpose of the Code is preserved.

### Conflict Examples

Table 1 presents examples of exempt development where TasNetworks believes conflict with easement rights can occur.

Colour coding indicates the following:

Conflicts with easement rights and may be capable of management to ensure appropriate alignment with easement rights.

Conflicts with easement rights. In almost all cases, this exemption will pose a safety and operational hazard for overhead and underground transmission lines and cables.

Table 1 Exemptions and land use conflict with electricity transmission assets

SPP exemption	Comment
4.3.6 unroofed decks	<p>If not attached to a house and floor level is less than 1m above ground level.</p> <p>A deck of this nature can pose an impediment to safe access and due to other exemptions can be roofed without further assessment which is in conflict with easement rights and could compromise safety.</p> <p>A deck over the operational area required for an underground cable would always be unacceptable.</p>
4.3.7 outbuildings	<p>One shed: up to 18m<sup>2</sup>, roof span 3m, height 2.4m, fill of up to 0.5m.</p> <p>Up to two shed: 10m<sup>2</sup>, sides 3.2m, height 2.4m.</p> <p>Similar to PD1.</p> <p>This type of building almost always poses a safety and operational hazard for transmission lines, cables and human safety.</p> <p>This type of building over the operational area required for an underground cable always poses an unacceptable safety risk.</p>
4.3.8 outbuildings in Rural Living Zone, Rural Zone or Agriculture Zone	<p>4.3.8</p> <p>Provides for an unlimited number of outbuilding per lot as follows:</p>

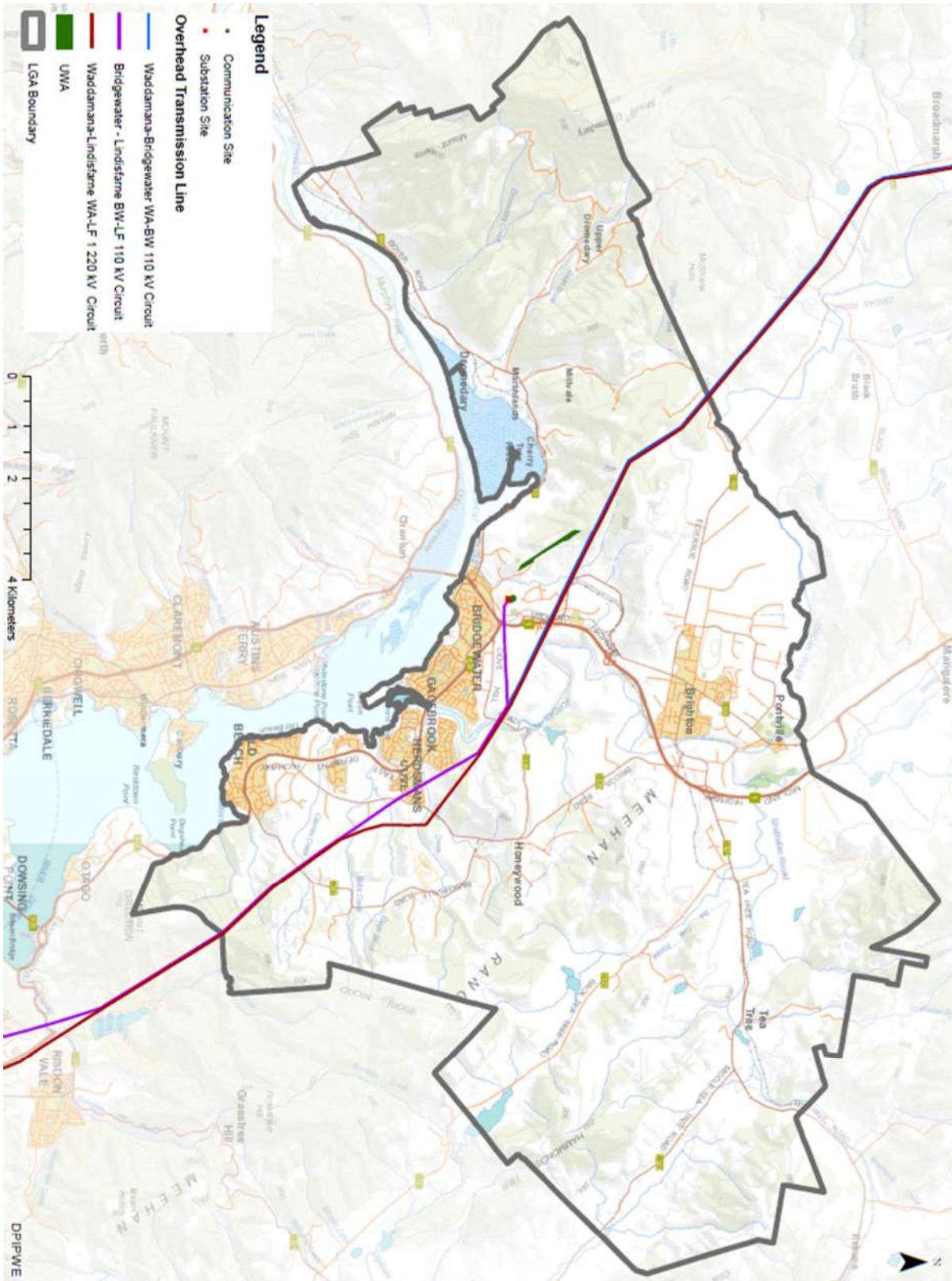
SPP exemption	Comment
4.3.9 agricultural buildings and works in the Rural Zone or Agriculture Zone	<p>Floor area 108m<sup>2</sup>, height 6m, wall height 4m.</p> <p>Already subject to the Local Historic Heritage Code.</p> <p>Slightly broader than PD1.</p> <p>4.3.9</p> <p>New and broader than PD1 exemptions.</p> <p>Provides for unlimited number of outbuilding per lot as follows:</p> <p>Must be for agricultural use, floor area 200m<sup>2</sup>, height 12m.</p> <p>Already subject to the Local Historic Heritage Code and the Scenic Protection Code.</p> <p><b>TN COMMENT:</b></p> <p>These exemptions create a new and potentially more dangerous conflict with electricity transmission lines and cables where a larger and higher building can be constructed in an electricity transmission easement without the need for planning approval.</p> <p>Buildings of this nature can severely impede TasNetworks' ability to safely access, operate and maintain electricity transmission lines. If built, these buildings could also present a threat to human safety.</p> <p>As a result, in almost all cases, if built, buildings covered by these exemptions would necessitate the enforcement of easement rights, either during or after construction and after the planning and building (exemption), process has occurred. This will likely mean relocating the proposal, a further planning assessment and added cost and time to a development.</p> <p>The nature of electricity transmission line assets (ie: running from isolated generation locations into populated areas) means the zones mentioned in this exemption are almost certain to contain (and appropriately so) electricity transmission assets. The cost of removing substantial agricultural buildings from easements required for new assets also adds to future asset construction costs.</p>

SPP exemption	Comment
4.3.11 garden structures	<p>Unlimited number, 20m<sup>2</sup>, 3m height max. Already subject to the Local Historic Heritage Code.</p> <p>If not managed appropriately, this type of structure has the potential to compromise clearances and the safe and reliable operation of transmission lines and underground cables. Depending on location within an easement, could also present a threat to human safety.</p> <p>Cost of removal is limited, however still requires post breach enforcement of easement rights.</p>
4.5.1 ground mounted solar energy installations	<p>Each installation can be 18m<sup>2</sup> area. Already subject to the Local Historic Heritage Code.</p> <p>This type of activity has the potential to compromise clearances or adversely impact easement access (especially during emergency repair conditions).</p>
4.5.2 roof mounted solar energy installations	<p>Already subject to the Local Historic Heritage Code. This would likely only apply to existing buildings within easements.</p> <p>Encroachment is likely existing, however, this exemption has the potential to compromise clearances in what may be a compliant situation.</p>
4.6.8 retaining walls	<p>4.6.8 Allows for retaining 1m difference in ground level. This exemption is already subject to the Local Historic Heritage Code and the Landslip Hazard Code. Reflects what was in PD1.</p>
4.6.9 land filling	
	<p>4.6.9 Allows for filling of up to 1m above ground level. This exemption is already subject to the Natural Assets Code, Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard Code and Landslip Hazard Code. Reflects what was in PD1.</p> <p><b>TN COMMENT:</b></p> <p>This type of activity has the potential to compromise ground clearances for existing transmission lines and safe operational separation for underground transmission cables. Subject to appropriate management, this type of activity can usually occur within transmission line easements, however, may pose a more challenging risk for underground cables.</p>



SPP exemption	Comment
4.6.13 rain-water tanks	Rainwater, hot water & air conditioner exemptions with the 1.2m stand were already included in PD1 and were carried through to the draft and finalised SPPs.
4.6.14 rain-water tanks in Rural Living Zone, Rural Zone, Agriculture Zone or Landscape Conservation Zone	<p>This was one exemption in the draft SPPs and was modified by the Commission into four exemptions. TasNetworks requested the original exemption be subject to the Code.</p> <p>4.6.13: attached or located to the side or rear of a building and can be on a stand height 1.2m high. Subject to the Local Historic Heritage Code.</p>
4.6.15 fuel tanks in the Light Industrial Zone, General Industrial Zone, Rural Zone, Agriculture Zone or Port and Marine Zone	<p>4.6.14 attached or located to the side or rear of a building with no height limit. Subject to the Local Historic Heritage Code.</p> <p>4.6.15 no height limit, no requirement is be located near a building. Limited when storage of hazardous chemicals is of a manifest quantity and Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard Code, Bushfire-Prone Areas Code or Landslip Hazard Code, applies and requires a permit for the use or development.</p>
4.6.16 fuel tanks in other zones	<p>4.6.16 must be attached or located to the side or rear of a building, max 1kL capacity, on a stand up to 1.2m high and subject to the Local Historic Heritage Code.</p> <p><b>TN COMMENT:</b></p> <p>These exemptions allow for water tanks on stands and some have no height limit. These developments have the potential to compromise access to the easement, compromise ground clearances for existing transmission lines and safe operational separation for underground transmission cables. Depending on location in the easement, these developments could pose a threat to human safety. Subject to appropriate management, this type of activity may occur within transmission line easements, however, may pose a more challenging risk for underground cables.</p>

## 6.2. Appendix 2 TasNetworks Assets within Brighton LGA



### 6.3. Appendix 3 Priority Vegetation Report for Bridgewater Substation

## Priority Vegetation Report

PID	CT	Address	Locality	Improvements	Area (m <sup>2</sup> )
5035595	52510/1	23 WEILY PARK RD	BRIDGEWATER	WAREHOUSE & SUB-STN	80377

### Priority Vegetation Overview

#### PRIORITY VEGETATION OVERVIEW MAP



This Priority Vegetation Area overlay report shows a subset of the Regional Ecosystem Model. The overlay contained in the planning scheme is shown only over zones to which it can apply.

The Regional Ecosystem Model (REM) is a comprehensive, high resolution spatial analysis that identifies:

- native vegetation and threatened species and their relative conservation status and management priority;
- the characteristics of the landscape that may affect its ability to sustain these elements.

The subsets of information that are included are:

- Threatened native vegetation communities is based on TasVeg 3.0, but has been corrected for inherent logical consistency issues and includes credible field-based mapping where it was available.
- Threatened flora and fauna species locations and habitat are modelled using two methods:
  - Rules applied to Natural Values Atlas (NVA) records that are customised for each species to reflect their patterns of local distribution (e.g. riparian species), based on a limited number of habitat variables; and
  - More detailed habitat models for about 100 threatened fauna species that reflect agreed habitat definitions used by the Forest Practices Authority but utilise a much wider range of data, including landforms and vegetation structural maturity, to more accurately identify habitat and potential habitat.
- Native vegetation of local importance includes:

- a subset of threatened fauna species habitat models,
- native vegetation with limited bioregional reservation and extent and native vegetation remnants on heavily cleared types of land where local factors affect ecological sustainability of the landscape.

Each local area contributes to the survival of threatened vegetation communities, threatened flora and threatened fauna within a State wide mosaic that enables the distribution of species to be maintained and provides for mobility of fauna through connected habitat.

Each subset of data that is identified on the property is described below.

## Priority Vegetation Details

### Threatened Flora



- crested speargrass
- doublejointed speargrass

These are species listed as threatened under the Tasmanian Threatened Species Protection Act (1975) or Commonwealth Environment Protection and Biodiversity Conservation Act (1999).

Listed threatened species have statutory recognition that they are likely to become extinct if the factors causing them to be threatened are not managed. Species may be listed due to historical loss since settlement, natural rarity giving rise to potential risk, or impacts of particular land use and land management practices.

Threatened flora habitat characteristics are mostly localised and are modelled solely on Natural Values Atlas records with a limited number of habitat variables.

Why is it included?

- Statutory recognition that species extinction is likely

Data Source:

- NVA records combined with REM point-based modelling rules
- Generally highly localised

Reliability:

- Reasonably reliable - on-ground field verification

Management:

- Check species observation source
- Potentially require on-ground field verification

## Relative Reservation



Relative Reservation

- (DVG) *Eucalyptus viminalis* grassy forest and woodland

Reservation status is a measure of the degree to which vegetation communities are included in the Comprehensive, Adequate and Representative (CAR) reserve system. Higher levels of reservation give greater confidence that the species for which vegetation communities are surrogates are likely to be protected, subject to appropriate geographic and biophysical distribution in the landscape. Reservation provides greater certainty of the maintenance of better condition vegetation and hence maintenance of ecological function at local and landscape scales.

Why is it included?

- Less than 30% of extent in bioregion is in reserves

Data Source:

- TasVeg 3.0 (minor exceptions)

Reliability:

- Highly variable

Management:

- Check TasVeg for field verification
- Consider local extent, condition & management options
- Potentially require on-ground field verification



## Remnant Vegetation



Remnant vegetation is defined as islands of native vegetation, below a specified size (200 ha), that are surrounded by cleared land, and occur on land types (land system components) that have been cleared of more than 70% of their native vegetation. In heavily cleared landscapes, patches of remnant vegetation can contribute significantly to the maintenance of ecosystem function, while their loss and decline is a major factor in ecosystem collapse. Their smaller size makes them vulnerable to ongoing degradation through various combinations of human impacts and natural ecological processes.

Why is it included?

- Less than 200 hectare patch of native vegetation on land components that are over 70% cleared of native vegetation.

Data Source:

- TasVeg 3.0 (minor exceptions)

Reliability:

- Reasonably reliable depending on TasVeg currency

Management:

- Check TasVeg for field verification
- Consider local extent, condition & management options
- Potentially require on-ground field verification



## Threatened Fauna and Significant Habitat



Threatened Fauna Habitat

- eastern barred bandicoot
- tasmanian devil

These are species listed as threatened fauna under the Tasmanian Threatened Species Protection Act (1975) or Commonwealth Environment Protection and Biodiversity Conservation Act (1999). Listed threatened species have statutory recognition that they are likely to become extinct if the factors causing them to be threatened are not managed. Species may be listed due to historical loss since settlement, natural rarity giving rise to potential risk, or impacts of particular land use and land management practices.

Threatened fauna habitat characteristics are extremely varied and are modelled as significant based on Natural Values Atlas records with a limited number of habitat variables or more detailed customised models for about 100 fauna species. Some species habitat occurs across the landscape but not all sites may be essential for species survival and not all suitable habitat may be occupied. Species that rely on this type of habitat are classified as landscape-dependent and are regarded as being of local importance, however the relative importance of the site to the survival of the species can only be known in response to field verification, the context and the nature of a proposal.

Why is it included?

- Statutory recognition that species extinction is likely, however not all sites are important or occupied

Data Source:

- NVA records combined with REM point-based modelling rules
- Habitat-based models

Reliability:

- Variable

Management:

- Check species observation source
- Check data on habitat and local context
- Potentially require on-ground field verification

## Contacts

Telephone: 03 6268 7000

Email: [development@brighton.tas.gov.au](mailto:development@brighton.tas.gov.au)



Department of Police, Fire and Emergency Management  
STATE EMERGENCY SERVICE  
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Phone (03) 6173 2700  
Email [ses@ses.tas.gov.au](mailto:ses@ses.tas.gov.au) Web [www.ses.tas.gov.au](http://www.ses.tas.gov.au)



Our ref: A19/108403

7 June 2019

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

Dear Mr Sanderson

## **Representation – Brighton Draft Local Provisions Schedule**

Thank you for the opportunity to make a representation on the Brighton Draft Local Provisions Schedule (LPS). This representation raises matters related to:

- Flood-Prone Areas Hazard Code and Overlay;
- Coastal Inundation Area Hazard Code and Overlay; and
- Future Urban Zones.

### **Flood-Prone Areas Hazard Code and Overlay**

The State Emergency Service (SES) notes that the draft LPS Flood-Prone Areas Hazard Overlay, is based on the *Jordan River Flood Plan Study* (Hydro-Electric Company; 1993), and has translated the *Brighton Interim Planning Scheme – Inundation Prone Areas* map into the draft LPS overlay without change.

The SES notes there may be areas within the Brighton municipal area that are at risk from flooding not mapped within the draft LPS Flood-Prone Areas Hazard Overlay.

In recognition of the limitations of information relating to flood-prone areas across Tasmania, the State Government is undertaking the Tasmanian Flood Mapping Project. This project will deliver a state-wide comprehensive and consistent flood hazard map by 2020. The map will be made available to planning authorities for land use planning activities including updating LPS Flood-Prone Areas Hazard Overlays. The SES invite Brighton Council to participate in the project.

Until the state-wide flood hazard map is delivered, many flood-prone areas will remain unmapped within a LPS Flood-Prone Hazard Areas Overlay.

The Flood-Prone Hazard Areas Code applies in a number of circumstances including; to use in a habitable building, or development of land, identified in a report prepared by a suitably qualified person, that is requested by a planning authority, as subject to risk from flood or that has the potential to cause increased risk from flood.

A planning authority may request such a report where it reasonably believes, based on information in its possession, that the land is subject to risk from flood or has the potential to cause increased risk from flood.

SES is working with the Department of Justice to prepare draft guidance on what information a planning authority should use to determine if it reasonably believes that land is subject to risk from flood or has the potential to cause increased risk from flood. A request will be made to the Tasmanian Planning Commission to consider issuing the guidance under section 8A of the *Land Use Planning and Approvals Act 1993*.

In the interim SES suggests that to determine if it reasonably believes that land is subject to risk from flood or has the potential to cause increased risk from flood planning authorities should have regard to the best, publicly available flood hazard information including:

- any report adopted by a council in accordance with regulation 52(2)(b) of the *Building Regulations 2016*;
- any flood study available on the Australian Flood Risk Information Portal;
- any flood hazard report prepared in accordance with the Flood-Prone Areas Hazard Code;
- any flood marks, photos, or other historical evidence that are publicly discoverable;
- Flood Data books available from the Department of Primary Industries, Parks, Water and Environment; and
- the modelled 2016 flood high water mark extent map available on LIST Map.

### **Coastal Inundation Hazard Areas Code and Overlay**

The *Brighton Local Provision Schedule Supporting Report – 18 March 2019* describes the manner in which the guidelines for applying the Coastal Inundation Hazard Area overlay have been met (clause 4.9 C11.0 – *Coastal Inundation Hazard Code*, p.109). Specifically, it states that the Australian Height Datum (AHD) levels for the coastal inundation hazard bands have been provided in a table in the draft LPS.

The draft LPS written document includes a table headed, *BRI – Table C11.1 Coastal Inundation Hazard Bands AHD Levels*, on page 99, however this table is empty of data and instead states that it is not used in this LPS. This statement could imply that there are no relevant AHD levels for the coastal inundation overlay, which is not the case.

The SES have discussed this matter with Planners from Brighton Council and have been informed that council was advised by the Tasmanian Planning Commission that use of Table C11.1 in the draft LPS was not required, and to use in favour of the table, an incorporated document titled, *Mitigating Natural Hazards through Land Use Planning and Building Control – Coastal Hazards Technical Report, 1 December 2016 – Appendix 10 – Coastal inundation hazard band levels* (Coastal Hazards Technical Report). This report is currently not referenced in the draft LPS.

The SES request that the draft LPS be amended to comply with the requirements of TPC *Practice Note 5: Tasmanian Planning Scheme drafting conventions*, to ensure the Coastal Hazards Technical Report is correctly incorporated into the LPS.

## **Future Urban Zones**

SES notes that the areas zoned Future Urban in the draft LPS appear to be consistent with the *Southern Tasmania Regional Land Use Strategy (STRLUS) – Residential Strategy for Greater Hobart* and identified as greenfield development areas in Map 10 of the strategy.

The SES supports the notion within the STRLUS, Chapter 8 Managing Risks and Hazards, that land use planning, which takes into account hazards and risks is the single most important mitigation measure in preventing future disaster losses in areas of new development. Consistent with this statement, SES request that the appropriate risk assessments be carried out prior to the development of these areas with regard to flooding and other natural hazards.

Yours faithfully

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

**Matthew Brocklehurst**  
**Acting Director**

## Helen Hanson

---

**From:** Peters, Stacey (TFS) <Stacey.Peters@fire.tas.gov.au>  
**Sent:** Tuesday, 11 June 2019 3:40 PM  
**To:** Development  
**Cc:** Ice Sonya Peters  
**Subject:** Fwd: Appeal against rezoning

>  
> Attn: Senior planner Brighton council  
>  
> I would to lodge an appeal on the new zoning classification that has been decided on, by the councils planning department. This is due to a lack of consultation and a lack of information as to why my property has received a zone classification I don't agree with. Couple with this is the separate zone that has been imposed on my property without any communication apart from a letter that had minimal information regarding the type of changes etc.

> I recently had a meeting with a council rep from the planning dept.

> I was still left in the dark as the planner could not answer the following questions that I had put to him at the time of the meeting.

>  
> What are the other options available under the statewide scheme that would be less restrictive ?

>  
> Can trees be cut down in the new zone ?  
> Can tracks be put in new zone ?

> Can hazard reduction burning be done ?

> Can livestock be run on the new zone?

>  
> Will it devalue my property value in the future when I go to sell, (if  
> this is the case then the council should be responsible for  
> compensating affected properties)

>  
>  
> With regard to the natural assets code within the landscape  
> conservation zone on my property; again the council rep could not  
provide any information as to why this has been applied to my property ?

>  
> I would like to see the outcome of the report that was done in regard to this ASAP.

I would also like to know what my options are for having my property reassessed and have input into that new assessment.

I also would like to have the answers to my questions above answered especially the one that relates to the potential impact on the value of my property.

>

>

>

>

> Regards

>

> Stacey peters

---

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Shan & Debbie Chaplin  
232 Boyer Road  
Bridgewater Tas 7030  
PH: 0438 614997  
Email: s.d.chaplin@bigpond.com

8 June, 2019

Planning Department  
Brighton Council  
1 Tivoli Road,  
Old Beach TAS 7017

TO WHOM IT MAY CONCERN

We are writing with regard to the letter we received from Brighton Council on 21st April, 2019 titled, Brighton Draft Local Provisions Schedule - Zoning changes to your property.

In this Brighton Draft LPS, our property at 232 Boyer Road, Bridgewater will change from Rural Zoning to dual zoning:- Agriculture and Landscape Conservation.

We respectfully request that Brighton Council move the boundary of the dual zones (as shown on the Brighton Draft LPS), further up the hill to the boundary of the existing Covenant (shown as a blue line on the map I have attached ). The Landscape Conservation Zone will then incorporate the existing Covenant area and the balance of our property would be zoned Agriculture.

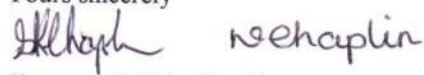
- A) Our Covenant has been in place since 2002 & recorded on our title in 2003. When the boundaries for the Covenant were being drafted, we requested that the bush area we are concerned about now, be left off the Covenant to enable us to use it for grazing, shelter and winter feeding for our cattle. This was allowed. This is the area we want to be shown as Agriculture Zone instead of Landscape Conservation Zone. We can then continue to graze, shelter and feed our animals in this area. Agricultural land needs to have trees & bushland included for animal shelter. The grazing animals also provide manure to support grass and tree health.

We understand the importance of protecting endangered communities and also retaining the tree-line landscape and have endeavoured to do this throughout the years. We have had to cope with wood cutters entering from Cobbs Hill Road, continually trespassing and destroying protected species within the Covenant. This has entailed us contacting Tas Police & other services and enlisting help from Private Forest Reserve representatives in an attempt to stop these people destroying the reserve. We built and erected a gate, (keys for property owners and services only), in an attempt to limit access to the Covenant, this has also helped to protect the remaining bush area on our property.

- B) We also have concerns that not having any bush area listed within the Agriculture Zone may effect the value of our property if ever we decide to sell in the future. As some people link the word 'conservation' to locked up and untouchable areas. Having the Covenant as a Landscape Conservation Zone with the balance being an Agriculture Zone allows the best of both zones to co-exist.
- C) Another concern was Fire Safety, especially as this area is near our home and sheds. If the zone remains as Landscape Conservation, are we still able to keep the area clear and grazed beneath the trees as we have done throughout the years to keep it safe and reduce fire hazard?

We would appreciate if you could review our request to move the boundary, (as currently shown on the Brighton Draft LPS) between the Agriculture Zone and the Landscape Conservation Zone to the area we have outlined and wait to hear from you.

Yours sincerely



Shan and Debbie Chaplin



Twelve Stones Pty Ltd  
1181 Elderslie Road  
Broadmarsh TAS 7030

Brighton Council  
Tivoli Road  
GAGEBROOK TAS 7030

Dear Sir,

**REPRESENTATION - BRIGHTON DRAFT LOCAL PROVISIONS SCHEDULE - ELDERSLIE & FERGUSON ROADS, BRIGHTON,**

I hereby make representation in regards to property owned by Twelve Stones Pty Ltd on Elderslie and Ferguson Roads, Brighton

The properties are defined in Certificates of Title Volume 175792 Fiolos 1, 2 and 3 (attached). All three properties are zoned Significant Agricultural under the Brighton Interim Planning Scheme 2015. The properties were zoned Intensive Agriculture under the Brighton Planning Scheme 2000.

The properties are gently sloping, and have a mix of native grasses and introduced Cocksfoot grass. The soils are predominately formed on Tertiary Basalt. These soils are high in clay content and have a thin topsoil profile. There are a number of areas where the land cannot be cultivated due to soil depth and the occurrence of rock. In many areas the rock occurs as bedrock on the surface.

Historically; these properties were always zoned rural; they allowed for a residential dwelling and generally only allowed for a boundary adjustment or subdivision down to a minimum of 40ha.

Leading up to the Brighton Planning Scheme 2000; these properties and other adjoining sites along Elderslie Road, as well as other properties along Back Tea Tree Road were highlighted by the then General Manager, Mr Geoff Dodge and the then Council Engineer (now current General Manager), Mr Ron Sanderson as being suitable for the disposal of treated sewerage effluent. Council were in the process of putting a Federal funding grant application together and needed to address suitable sites for the wastewater irrigation and justify those sites by rezoning them to a more intensive rural zoning. No agricultural or planning assessment of the land was undertaken as the Scheme was already in its last stages of drafting. The Senior Planner was instructed to change the zoning to Significant Agriculture and the changes were adopted without question.

Under the Tasmanian Land Capability System the land is regarded as mainly Class 4 with some areas of Class 5 however this assessment is undertaken at a scale of 1:100000. A localised assessment shows that although there are some areas of Class 4 land, there is equally as much Class 5 land and pockets of Class 6 because of significant soil, rock, water and climate constraints. The Tasmanian Land Capability System provides that:-

**CLASS 4**

Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation.



Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)

#### CLASS 5

This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

#### CLASS 6

Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.

As Class 4 land the Tasmanian Land Capability System provides at best that the land has severe limitations and restricted cropping options under cultivation but we know that physically more than half of these properties cannot be cultivated due to soil depth and bedrock in any event. As Class 5 or 6 the land is only suitable for grazing under careful management.

Given that parts of the subject sites are severely restricted for cropping and the remainder requires careful management for severely restricted grazing the sites must by definition be suited to the Rural Zone which has a zone purpose that states specifically:-

*where agricultural uses is limited or marginal due to topographical, environmental or other site or regional characteristics;*

It could even be said that the mixed rotation of dry cropping and grazing on the largest neighboring properties is highly constrained and best suited to the Rural Zone.

Another significant constraint on each of these properties is their size. The previous zoning allowed for subdivision down to a minimum of 5ha. The resultant lot sizes and their constrained agricultural potential has created land use activities on a majority of the neighbouring properties that are inconsistent with the Agriculture Zone. The Council by its own device has created a range of activities in this area that are although compatible with agricultural use do not fit the proposed Agriculture Zone. Again, the best response to the existing land use activities and to protect the existing agricultural land from further fragmentation is to zone the entire area Rural; which is exactly what it was before the Council Engineer sort to change it otherwise.

There is no doubt that the land along Elderslie Road heading west from Fergusson Road should be a rural zoning. The physical nature of the land is constrained by many factors that make it unsuitable for intensive agriculture. The area should be protected from further subdivision and any non-compatible uses. I submit that all properties in this area should be zoned Rural under the new Scheme but in particular our subject lots should be zoned Rural as they are the most limited and marginal due to their more significant constraints.

Yours faithfully

Robyn Whelan  
Twelve Stones Pty Ltd

Regulus Fogagnolo  
181 Cranes Road  
Dromedary  
Tasmania 7030

The General Manager  
Attn: Planning Department  
1 Tivoli Road  
OLD BEACH TAS 7017

**Representation concerning the draft Brighton Local Provisions Schedule**

Thank you for providing opportunity to comment regarding the draft Brighton Local Provisions Schedule.

I wish to contend the suitability of rezoning properties located on Church Road and Cranes Road that are currently zoned Environmental Living under the *Brighton Interim Planning Scheme 2015* which are proposed to be rezoned Landscape Conservation under the draft Brighton Local Provisions Schedule.

Regarding these affected properties, correspondence received from Council 29 May 2019 states:

*Council is of the opinion that the land has threatened species and/or threatened vegetation, that those values should be appropriately protected, and that development surrounding those values could be best managed through the use and development standards of the Landscape Conservation Zone.*

I do not challenge that conservation values require protection; I challenge the approach taken by Council in providing protection to those values. I contend that these affected properties on Church Road and Cranes Road should be rezoned as Rural Living, with the Scenic Management code applied for the purposes of conserving the skyline.

The lot containing the Brighton Quarry is proposed to be rezoned as Rural. While the values and topography within this lot are representative of the values of the affected lots which surround it, it appears that this Rural zoning is proposed to provide compatibility with the existing quarry use while still providing acceptable levels of protection for values.

The vast majority of properties located on Church Road and Cranes Road that are proposed to be rezoned as Landscape Conservation are comparable in size and existing use to lots along the Boyer Road that are proposed to be rezoned as Rural Living.

In these areas, where Rural and Rural Living rezoning is proposed, I support the view of Council. This approach considers existing use and account for lot size. Also, in this case the possibility of achieving conformance with zoning objectives in the long term is high.

In comparison, the average size of lots on Church Road and Cranes Road, including the larger lots is about 8.1 hectares. While the statutory guidelines state that the Landscape Conservation zoning may be applied to lots that are less than the minimum lot size for the zone, this approach:

- Is inconsistent with the approach taken in proposing Rural and Rural Living rezoning in comparable lots within the area, which is more compatible with existing use and lot size.
- Does not offer significant outcomes in conservation protection above Rural Living or Rural zoning in the majority of cases, especially when Council has considered that acceptable levels of protection are provided by Rural Living or Rural zoning in comparable lots within the area.
- Presents an unduly restrictive administrative burden for residents to provide a comparatively small increase in protection to values when compared with Rural Living zoning. Further to this, Council has not presented any long term plan describing the means by which conformance with Landscape Conservation rezoning zoning objectives.

I contend that properties on Church Road and Cranes Road should be rezoned as Rural Living, with the Scenic Management code applied for the purposes of conserving the skyline. This approach:

- Will provide adequate protection for the skyline and values within the area.
- Will provide targeted, and appropriate levels of protection for values where appropriate, and minimise undue administrative burden in areas where such protection is unwarranted.
- Does not present an unacceptable opportunity for subdivision as the vast majority of lots are already less than 10 hectares in size; and further restrictions apply to subdivision in this area due to the frequent prevalence of higher topographic gradients.

Thank you for providing opportunity to comment regarding the draft Brighton Local Provisions Schedule.

I look forward to receiving any further correspondence you provide regarding this matter.

Regards,

A handwritten signature in black ink, appearing to read 'R. Fogagnolo', with a stylized, flowing script.

Regulus Fogagnolo

11 June 2019

## Helen Hanson

---

**From:** Development  
**Sent:** Monday, 27 May 2019 9:46 AM  
**To:** Patrick Carroll  
**Subject:** FW: 214 Old Beach Road, Old Beach - proposed zoning change  
**Attachments:** TAS photo 1907 school teacher & students.jpeg

**ABBIE ROWLANDS**  
**ADMIN OFFICER**



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Council**

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**From:** Phil Kuhne <phil.kuhne@bigpond.com>  
**Sent:** Saturday, 25 May 2019 2:49 PM  
**To:** Development <Development@brighton.tas.gov.au>  
**Subject:** 214 Old Beach Road, Old Beach - proposed zoning change

**Attention: Patrick**

We write in reference to your letter to us dated 6 May 2019 re: **Brighton Draft Local Provisions Schedule – Zoning Changes to Your Property.**

After speaking with Patrick of your Planning Department recently, we wish to make a submission regarding our property at **214 Old Beach Road, Old Beach**. We note that the proposal is to change our property from **Rural Resource Zone** to the **Agriculture Zone**. We are strongly opposed to this and believe that our property should instead be zoned **Rural Living Zone A**.

**Please consider the following points in support of this:**

1. The property size is 1.34 acres or 5,427 square metres - not of a commercial / agricultural size.
2. Whilst the property / house is currently tenanted, we intend to move into it ourselves in a few years' time, as a retirement property. We do not intend to use the property for any commercial agricultural purpose and don't believe it has sufficient land area for that purpose anyway.

3. The property's use since the late 1930's has been residential, not agricultural.
4. The original weather-board building, now encapsulated within the house, was the **Old Beach State School**, with Schoolmaster / Teacher residence rooms being added later. The original building was constructed 1862 / 1863 and commenced operation as a school in **1864**. The property was sold by the Education Department as a residence in the late 1930's, after the school closed in 1933. We have extensive documented history of the School from extracts of *The Mercury* newspapers of the time. **(Photo attached = 1907 Old Beach State School)**
5. The property across the road from ours has the Rural Living Zone A proposed (known as "Glenbrook" – 207 Old Beach Road). This property is 5,503 square metres and is also a residence.
6. Other properties on Old Beach Road which are much larger than ours also show proposed Rural Living Zone A – eg – Numbers 224, 242, 246, 248. Also 1 & 3 Briggs Road (the original Old Beach Post Office).
7. Approximately one-tenth of the property (500 square metres) is taken up with the on-site Envirocycle sewage system. This was required as the government sewage line does not service the property.
8. Another large section of our property has the Waterways Conservation restrictions applied to it, as the Gage Brook crosses one corner of our land near the road. This also restricts the use of the property for agricultural purposes.
9. The properties up behind ours with the proposed Agriculture zone are much larger than ours, and are in use as ongoing commercial / agricultural operations.
10. We believe that the application of the Agriculture Zone to our property may devalue it in the eyes of future prospective purchasers, which would cause us financial loss.
11. We believe that future bank or market valuations of our property would be considerably lower with an Agriculture Zone than the Rural Living Zone A. This would be financially detrimental to our investment.

Please acknowledge receipt of our submission.

Regards

**Phil & Fiona Kuhne**

0487302378 & 0427083621

## Helen Hanson

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**From:** Development  
**Sent:** Friday, 31 May 2019 12:26 PM  
**To:** Richard Cuskelly  
**Subject:** FW: Zoning enquiry = 711 Middle Tea Tree Rd  
**Attachments:** FLORA AND VEGETATION OF A PORTION OF THE HAMMOND TIER final.docx

**ABBIE ROWLANDS**  
**ADMIN OFFICER**



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**From:** Peter Bosworth <contact@morningsidevineyard.com.au>  
**Sent:** Friday, 31 May 2019 10:39 AM  
**To:** Development <Development@brighton.tas.gov.au>  
**Subject:** RE: Zoning enquiry = 711 Middle Tea Tree Rd

Hi Richard

Thanks for sending though the zoning information which has clarified that our property will have two zonings (Agricultural and Rural) under the new Tasmanian Planning Scheme.  
The split is sensible and my only comment would be in relation to the Rural zoning for the rear half of the property.

I have attached a Flora and Vegetation Study conducted by Dr Stephen Harris of the hills at the rear half of the property. Dr Harris was formerly the Tasmanian Government Botanist. The Report highlights that the current conservation values mapping for Hammond Tier is incorrect. In particular it comprises a relatively large area of Grassy Blue Gum forest which is habitat for the Swift Parrot. This Report has been provided to DPIWPE but presumably the layers have not been updated yet. As a former DPIWPE manager responsible for setting up Tasmania's Conservation Reserve System and as a former President of the Tasmanian Land Conservancy I am of the opinion that consideration should be given to a Landscape Conservation zoning that reflects this new information.

Along with us the owners of the two adjoining properties to the southeast have expressed an interest with the Tasmanian Government through the Tasmanian Land Conservancy in placing a conservation covenant on the rear portions of our properties to help conserve the conservation values of this area.

I would be happy to discuss this further with you or the Senior Planner if required and thanks again for the detail you have provided.

Regards

Peter

Peter and Brenda Bosworth  
Morningside Vineyard  
711 Middle Tea Tree Road  
Tea Tree 7017  
Ph: 03 62681748  
Email: [contact@morningsidevineyard.com.au](mailto:contact@morningsidevineyard.com.au)  
Web: [www.morningsidevineyard.com.au](http://www.morningsidevineyard.com.au)

## Helen Hanson

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**From:** Makayla Walsh <Makayla.walsh@hotmail.com>  
**Sent:** Wednesday, 12 June 2019 6:54 PM  
**To:** Development  
**Subject:** Brighton Draft Local Provisions Schedule Bridgewater Quarry Specific Area Plan

To whom this may concern.

I Patrick Johnson am writing to you in regards to a letter we received regarding a new planning scheme.

My concerns regarding my property at 21 harris road brighton are listed below.

We are a block of approximately 1.2ha and in the future would hope to subdivide our property due to the fact we have a road going through our property and would like the new planning to help with this. I believe this could benefit both parties, create more jobs, benefit Aurora, Tas Water and make the street look complete rather than only 1 empty block.

I Would also like details on a subject we understand to be the Bridgewater Boral buffer zone and why there are houses built either side of our block but there are believed to be restrictions on just our property due to the range of the buffer zone in our direction when i think it is possible there are houses built closer to this than the distance to the block we would in the future hope to subdivide.

Thank you for taking the time to read this letter and take our concerns into consideration.

Kind regards  
Patrick Johnson.



## Helen Hanson

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**From:** James Dryburgh  
**Sent:** Tuesday, 11 June 2019 9:23 AM  
**To:** Patrick Carroll; David Allingham  
**Subject:** FW: Brighton Draft Local Provisions Schedule - Baskerville Raceway SAP

**JAMES DRYBURGH**  
**CHIEF OPERATIONS OFFICER**  
**MANAGER DEVELOPMENT SERVICES**



1 Tivoli Road, Old Beach TAS 7017  
Tel: (03) 6268 7038  
Mob: 0488 006 378  
Fax: (03) 6268 7013

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**From:** Foster, Tony (Mayor)  
**Sent:** Tuesday, 11 June 2019 9:18 AM  
**To:** Ron Sanderson <Ron.Sanderson@brighton.tas.gov.au>; James Dryburgh <James.Dryburgh@brighton.tas.gov.au>  
**Subject:** Fw: Brighton Draft Local Provisions Schedule - Baskerville Raceway SAP

Ron/James... FYI. Tony

Tony Foster AM OAM JP  
Mayor - Brighton Council  
M: 0419 357 927  
E: [mayor@brighton.tas.gov.au](mailto:mayor@brighton.tas.gov.au)  
W: [www.brighton.tas.gov.au](http://www.brighton.tas.gov.au)

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**From:** Nicky Kruger <[wayneandnicky@bigpond.com](mailto:wayneandnicky@bigpond.com)>  
**Sent:** Monday, 10 June 2019 9:08 PM  
**To:** Development  
**Cc:** [rmpat@justice.tas.gov.au](mailto:rmpat@justice.tas.gov.au); Foster, Tony (Mayor)  
**Subject:** Brighton Draft Local Provisions Schedule - Baskerville Raceway SAP

Dear Patrick,

Thanks so much for your time on the phone during the week regarding the Old Beach SAP. You advised that to make a representation I should send an email through to you.

I appreciate the time you took to explain the letter provided to my parents (who live in Kathleen Drive and are directly affected by this) and consequent document for review on the council website. As you explained it, the new SAP was written to fit the use of the land into the new State Government system.

Referring to our conversation, I now understand the context of the document and the new SAP. I understand that for all intents and purposes, the use of the land surrounding the track will not change dramatically save for sensitive use (your examples being childcare, hospitals – any places where people spend a significant amount of time). I understand that the current restrictions that are in place will remain (ie not building a residential dwelling in that zone)

In further reference to our conversation, I note your confirmation that the heading 5.2.3 Baskerville Quarry SAP contains a typographical error, and should read – 5.2.3 Baskerville Raceway SAP.

As I am sure you can appreciate I have serious concerns regarding this typo! The difference between Baskerville Raceway SAP and Baskerville Quarry SAP is quite significant when you consider the difference between the two types of land use. Furthermore, I find it extremely disconcerting that you do not provide landowners in the immediate proximity with an updated document correcting this error. I am very unsure as to how you can expect the affected parties to provide you with an accurate representation based on incorrect information.

As a resident of Baskerville Road, I would also be affected by the land at Baskerville being used as a Quarry, consider the day to day noise, effect of trucks and the like on the roads as they go backwards and forwards. The sound of digging, heavy machinery etc. The extra traffic and noise that comes as a result of events at the track is notable as it is! (Particularly since the recent roadworks last year provide for race day patrons to race along the road at the rate of knots!)

I would think that given the council document is incorrect, that my parents and other land owners in the immediate vicinity would be expecting another document which correct the typographical error, and allows them an opportunity to make a representation based on correct information.

Thank you again for your time and confirming the above.

Warm Regards

Nicole Kruger  
0407547977

## Helen Hanson

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**From:** Development  
**Sent:** Monday, 29 April 2019 12:01 PM  
**To:** David Allingham  
**Subject:** FW: Brighton Draft LPS initial comments

**Importance:** High

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**From:** NED KELLY <beechworth1880@bigpond.com>  
**Sent:** Monday, 29 April 2019 11:36 AM  
**To:** Development <Development@brighton.tas.gov.au>  
**Subject:** Brighton Draft LPS initial comments  
**Importance:** High

To David Allingham,

I just received the Council letter outlining the Draft Plan and I will be studying it at great length.

As soon as I started reading it my first thought was the fact you are calling part of the plan GREEN POINT. Many people may get this confused with Green Point Reserve especially if they don't do enough research but I thought I would quickly suggest you change the name of that part of the plan to GREEN POINT ROAD instead. (change the plan name from Green Point to Green Point Road) There is a big difference!!

Over the years when I have rung police they sometimes get Green Point and Green point Road confused and send police to the wrong place!!!!!!

I always make sure I tell them Green Point Reserve at the bottom end of Killarney Rd and NOT Green Point Road. If they don't know the area they just go by what their computer spits out and it is Green Point Road.

Secondly and more personally I read in recent months with all the climate change business going on in the world today.

The extreme conditions such as fires, floods, temperature extremes etc the Insurance Industry is being hit with MEGA insurance pay outs and the CONCERN of the future of the Insurance Industry in Australia could be seriously affected. The possibility that Australia could become uninsurable.

I know this may sound extreme but the way the world is going today and it's all about profits.

Any way I notice in the plan my entire property (along with many others) is FULLY layered zoned fire prone. Even though it is not bush, not long grass etc.

When and if zoned residential and even when perhaps sub divided or what ever years down the track this zoned fire prone WILL hang over this property for countless years to come like a heavy lead weight.

I always think ahead which is exactly what the plan is ALL about. The future.

Any way this is my initial very quick thoughts and I will write to you again in time ahead once I have fully studied the plan.

PS How about Council go back to calling THIS section of Bridgewater GREEN POINT instead of Bridgewater just like you did to Gagebrook a few years back when you renamed Herdsmans Cove!!!!!! I'm sure many people would appreciate that and years ago I started using Green Point as my address on many occasions but it does not exist in many web sites on line etc so is a problem. Green Point has always sounded better and would get rid of some of the horrific stigma that is attached to the Bridgewater name.

Will write to you again.  
Have a nice day!

Ned Kelly  
36 Killarney Rd  
Bridgewater 7030

0428121880

11 June 2019

Rep 16 - Billett obo Smith

Planning Department  
Brighton Council  
1 Tivoli Road  
OLD BEACH TAS 7017  
Mr Phil Smith

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

Dear Sir

**TASMANIAN PLANNING SCHEME - BRIGHTON DRAFT LOCAL PROVISIONS SCHEDULE****REPRESENTATION – 754 & 757 BOYER RD, DROMEDARY (CT 21919/1, 172558/1, 167426/1 & 22824/2)**

I act for Mr Phil Smith who has an interest in the above properties which are owned by Mr Smith and his family. Please accept this submission as a representation on behalf of Mr Smith in relation to the exhibition documents pursuant to s.35E of the *Land Use Planning and Approvals Act 1993*.

The above land is currently zoned as a combination of Environmental Living (ELZ) and Rural Living (RLZ). Previous reports prepared by Council concerning the preparation of the *Brighton Interim Planning Scheme 2015 (IPS)* record that the whole of this area that was formerly zoned Landscape and Skyline Conservation was translated to a split zoning under the IPS with the RLZ applied to the cleared areas adjoining Boyer Road and the ELZ applied to the treed foothills.

The Local Provisions Schedule (LPS) proposes to maintain the separate zoning with the new Rural Living zone applied to the area immediately adjoining Boyer Road and the new Landscape Conservation zone applied to the balance of the area.

Mr Smith is generally supportive of the application of the Rural Living zone, however, has expressed concerns regarding the application of the Landscape Conservation zone to the balance.

The application of the Rural zone to the land to the immediate north is also of note. While we make no objection to the application of that zoning to the neighbouring land, such a selection does point to the disparity applied to zoning in this area.

Self-evidently site-specific zoning should be avoided. A single pocket of Rural zoned land in this area is not consistent with the surrounding zoning and the land uses that are therefore encouraged in the different area.

However, the central issue we seek to raise is not the zoning that is applied to the neighbouring land but rather that which is applied to Mr Smith's land.

**1 LANDSCAPE CONSERVATION ZONE SHOULD NOT BE APPLIED TO FARMLAND**

In accordance with the State Planning Provisions (SPP), the purpose of the Landscape Conservation zone is to provide for the protection, conservation and management of landscape values and then provide for compatible uses that do not adversely impact those values.

The purpose of this zone is inconsistent with the historical use of the land, which is predominately previously cleared farmland in which some re-growth vegetation is present.

Notably, a Resource Development use is discretionary in this zone and falls to be assessed against cl.22.3.3 which requires discretionary use to be compatible with landscape values. Cl.22.4.4 is also of note for its impact on traditional farming activities, including the clearing of regrowth vegetation.

A representation in accordance with s.35E cannot suggest that the SPP be altered. As such, this submission is limited to the fact that the chosen zoning is inappropriate given the historical use of the land as well as the surrounding zoning and land use which includes a quarry and other farming operations. Had the zone included a purpose statement relevant to the historical agricultural use of the land and reflected this intent in some way, this issue may not arise.

Consideration should be given to zoning the land that is currently assigned to Landscape Conservation to either Rural and Rural Living. If a Rural Living zone is applied then the land should be considered as either category C or D adopting the larger minimum lot sizes to those available to the land adjoining Boyer Road.

It is noted that the purpose of the Rural Living zone is to provide for residential use or development where, amongst other matters, existing natural and landscape values are to be retained and to provide for compatible agricultural use that does not adversely impact on residential amenity. On this basis, the Rural Living zone is likely to be the most appropriate because it recognises that landscape values. However, that position is subject to the below submission concerning specific areas of the land.

My client does not oppose protection of the natural values, however, the focus of the Landscape Conservation zone and the relationship between the purpose of the zone standards governing use and development will unduly constrain Resource Development use in ways that have not previously occurred.

It is noted that the Supporting Report (18 March 2019) at p.76 identifies a long-standing policy of Council to protect the scenic values of vegetated hills and references the Dromedary Hills for the purpose. The report goes on to note that the ELZ was used under the IPS to provide for management and protection of these values as the best fit translation from the original zoning and then discusses the present translation as again being the best fit.

Critically, the original zoning as Landscape Skyline and Conservation under the *Brighton Planning Scheme* 2000 was one of 3 rural zones and uses such as Resource Development and Extractive Industry were discretionary in this zone. While Resource Development use would remain discretionary under the proposed zoning, there is a clear change of focus as to the nature of the Landscape Conservation zone which is incompatible with the historical and existing use of the land.

## 2 FUTURE QUARRY USE

Under the previous zoning that applied prior to the commencement of the IPS, a quarry was capable of approval on the land. With the commencement of the IPS, the availability of such a use was extinguished and, evidently, that led the owner/operator of the neighbouring quarry to seek an amendment to the IPS. The protections afforded to the neighbouring property are now proposed to be carried forward and expanded.

The land shares a boundary with the quarry site and I am instructed that the same deposits of gravel that support that quarrying operation occur on Mr Smith's land.

While Mr Smith did not seek a scheme amendment to restore the option of a quarry being established on his land that the IPS affected, the LPS provides an appropriate opportunity to review the changes that the IPS caused.

It is likely that any future quarry would be located within the boundaries of CT167426/1 and potentially extending into CTs 22824/2 and 172558/1. The exact location of any quarry would be dependent upon the location of gravel deposits but also the locations available that would not impact upon approved and existing residential uses. Such matters would need to be considered in relation to a specific proposal. Any proposal would likely be limited in scale and not involve blasting.

Given the protections that are to be afforded to the neighbouring land by way of separate zoning, consideration should be given the expanding the application of the Rural zone. While any delineation is

somewhat arbitrary and should not be taken as an indication as to the specific location of a future quarrying proposal, it would be appropriate to utilise the existing road which dissects the properties as a delineation of the zone boundary.

### **3 EXTENT OF THE RURAL LIVING ZONE B**

The Rural Living zone proposed to apply to the land adjoining Boyer Road is supported. It is understood that this land is intended to be within the zone B category and permit a minimum lot size of 2ha.

The area of CT167426/1 to which the Rural Living zone is intended to be applied has an area of approximately 3.4ha. This is only an estimation using tools available from theList. The area is affected by a road which limits the available developable land. The zone boundary appears however to represent an arbitrary line based upon previous approvals upon nearby sites and does not respond to the topography of the land and specific cleared sites or existing development. Given the shape of the titles in this area, no consideration appears to have been given to the efficient utilisation of the land.

Consideration should be given to ensuring that the area of land ends approximately 170m further north to the edge of the road that intersects the title. This area also corresponds with the extent of the cleared area and development (excluding agricultural use) currently upon the title.

### **4 ATTENUATION AREA AND APPLICATION OF CODE**

It is noted that the mapping provided in the exhibited documents defines an Attenuation Area relevant to the quarry on the neighbouring land. It appears that the mapped attenuation area is based upon an assessment undertaken to support the development of a dwelling on Mr Smith's land and extrapolated to form a circle. Provided that the relevant attenuation area has been accurately mapped, and Mr Smith's approved dwelling is located outside of this area, the application of a mapped area is generally supported for the certainty it provides to surrounding landowners. If there is to be any expansion to the mapped area or further limitation on the establishment of sensitive use within such area, my client would seek to be heard further.

Thank you for the opportunity to provide input into the LPS. If my can client can assist by providing further information, please let me know.

Yours faithfully



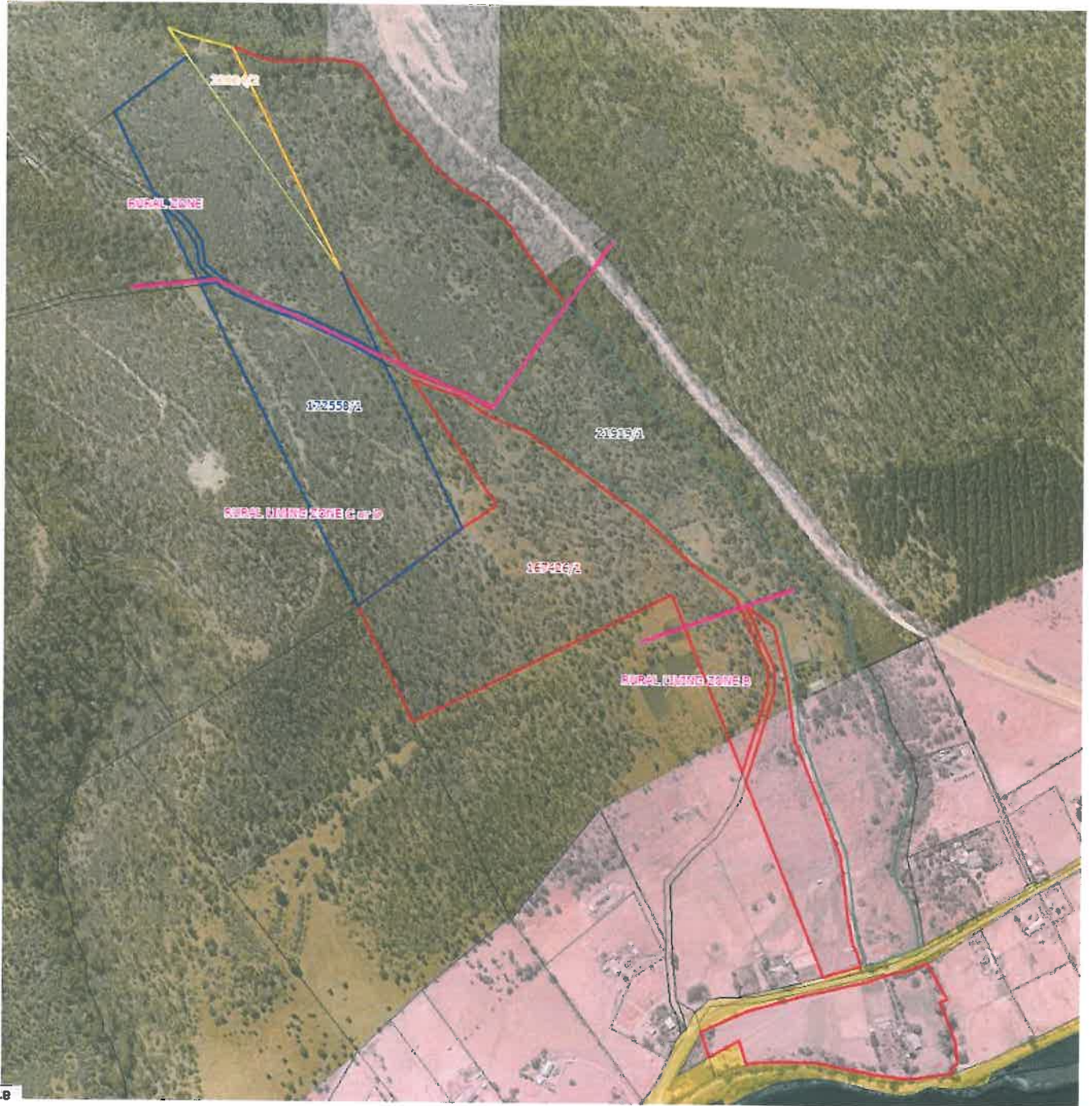
Naomi Billett  
Principal Billett Legal

Email: [naomi@billettlegal.com.au](mailto:naomi@billettlegal.com.au)

Attachment – Proposed Indicative Zone Boundaries



### Proposed Indicative Zone Boundaries (Shown in Magenta)





Michael Whelan  
PO Box 270  
Brighton TAS 7030

Brighton Council  
Tivoli Road  
GAGEBROOK TAS 7030

Dear Sir,

**REPRESENTATION - BRIGHTON DRAFT LOCAL PROVISIONS SCHEDULE - ELDERSLIE & FERGUSON ROADS, BRIGHTON,**

I hereby make representation in regards to property owned by Twelve Stones Pty Ltd on Elderslie and Ferguson Roads, Brighton

The properties are defined in Certificates of Title Volume 175792 Fiolos 1, 2 and 3 (attached). All three properties are zoned Significant Agricultural under the Brighton Interim Planning Scheme 2015. The properties were zoned Intensive Agriculture under the Brighton Planning Scheme 2000.

The properties are gently sloping, and have a mix of native grasses and introduced Cocksfoot grass. The soils are predominately formed on Tertiary Basalt. These soils are high in clay content and have a thin topsoil profile. There are a number of areas where the land cannot be cultivated due to soil depth and the occurrence of rock. In many areas the rock occurs as bedrock on the surface.

Historically; these properties were always zoned rural; they allowed for a residential dwelling and generally only allowed for a boundary adjustment or subdivision down to a minimum of 40ha.

Leading up to the Brighton Planning Scheme 2000; these properties and other adjoining sites along Elderslie Road, as well as other properties along Back Tea Tree Road were highlighted by the then General Manager, Mr Geoff Dodge and the then Council Engineer (now current General Manager), Mr Ron Sanderson as being suitable for the disposal of treated sewerage effluent. Council were in the process of putting a Federal funding grant application together and needed to address suitable sites for the wastewater irrigation and justify those sites by rezoning them to a more intensive rural zoning. No agricultural or planning assessment of the land was undertaken as the Scheme was already in its last stages of drafting. The Senior Planner was instructed to change the zoning to Significant Agriculture and the changes were adopted without question.

Under the Tasmanian Land Capability System the land is regarded as mainly Class 4 with some areas of Class 5 however this assessment is undertaken at a scale of 1:100000. A localised assessment shows that although there are some areas of Class 4 land, there is equally as much Class 5 land and pockets of Class 6 because of significant soil, rock, water and climate constraints. The Tasmanian Land Capability System provides that:-

**CLASS 4**

Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation.

Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)

#### CLASS 5

This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

#### CLASS 6

Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.

As Class 4 land the Tasmanian Land Capability System provides at best that the land has severe limitations and restricted cropping options under cultivation but we know that physically more than half of these properties cannot be cultivated due to soil depth and bedrock in any event. As Class 5 or 6 the land is only suitable for grazing under careful management.

Given that parts of the subject sites are severely restricted for cropping and the remainder requires careful management for severely restricted grazing the sites must by definition be suited to the Rural Zone which has a zone purpose that states specifically:-

*where agricultural uses is limited or marginal due to topographical, environmental or other site or regional characteristics;*

It could even be said that the mixed rotation of dry cropping and grazing on the largest neighboring properties is highly constrained and best suited to the Rural Zone.

Another significant constraint on each of these properties is their size. The previous zoning allowed for subdivision down to a minimum of 5ha. The resultant lot sizes and their constrained agricultural potential has created land use activities on a majority of the neighbouring properties that are inconsistent with the Agriculture Zone. The Council by its own device has created a range of activities in this area that are although compatible with agricultural use do not fit the proposed Agriculture Zone. Again, the best response to the existing land use activities and to protect the existing agricultural land from further fragmentation is to zone the entire area Rural; which is exactly what it was before the Council Engineer sort to change it otherwise.

There is no doubt that the land along Elderslie Road heading west from Fergusson Road should be a rural zoning. The physical nature of the land is constrained by many factors that make it unsuitable for intensive agriculture. The area should be protected from further subdivision and any non-compatible uses. I submit that all properties in this area should be zoned Rural under the new Scheme but in particular our subject lots should be zoned Rural as they are the most limited and marginal due to their more significant constraints.

Yours faithfully

Michael Whelan



**MICHAEL BALL**  
TOWN PLANNER

6<sup>th</sup> June 2019

The General Manager  
Brighton Council  
1 Tivoli Road  
OLD BEACH TAS 7017

Dear Sir

**110 BASKERVILLE ROAD OLD BEACH**

I refer to your letter of the 6<sup>th</sup> May 2019 addressed to Ms S M Roberts owner of the above property. Your letter advises of changes to the zoning of the property under the Brighton draft Local Provisions Schedule(LPS).

I act for Ms Roberts and have been instructed to lodge an objection the LPS as they affect her property.

The subject land received a subdivision permit from Council for fourteen allotments. The permit dated the 24<sup>th</sup> day of October 2013. Your reference Basker/100. The lots generated by the permit range in size from 2.3 ha to 5.9ha and a balance of some 26ha to become future open space.

Ms Roberts has substantially commenced the development consistent with the permit including the construction of part of the road serving the development and the issue of at least one title.

Objection is made to the proposed zoning of the land to Agriculture as it will detrimentally affect the ability to sell any future lots created consistent with the permit. Clearly the subdivision provided for the creation of low density residential allotments and future purchasers would rightfully expect to use the land for such a purpose. The proposed zoning, in name alone, would likely affect the purchase of any new allotment, agriculture implying a farm type use rather than low density residential. Further a residential use is not permitted in the proposed zone which again would dramatically impact upon the ability to sell the approved allotments.

It is submitted that a more appropriate zone should be applied to the land, one that reflects the nature and purpose for which Council issued a subdivision permit that is a low density residential zone.

Should you have any query on the above please do not hesitate to contact me.

Yours faithfully

M V BALL  
BSc Hons Grad Dip Urban and Regional Planning

**PO Box 125 BATTERY POINT 7004**  
and telephone number (03) 62285508

David & Phillipa McCulloch  
14 Tarquin Road  
HONEYWOOD TAS 7017

Brighton Council  
Tivoli Road  
GAGEBROOK TAS 7030

Dear Sir/Madam,

**REPRESENTATION - BRIGHTON DRAFT LOCAL PROVISIONS SCHEDULE - 14 TARQUIN ROAD, HONEYWOOD**

We hereby make representation in regards to the Draft Local Provisions Schedule.

We own the property at 14 Tarquin Road, HoneYwood. The property is defined with Certificate of Title Volume 146615 Folio 1 (appendix "A") and consists of some 23.67ha. The property has frontage to Tarquin Road and Landermere Drive. It also has a legal right of way at the top of Tarquin Road.

In the Brighton Planning Scheme 2000 the front 11.60ha (or thereabouts) of the property was zoned Rural Residential (Appendix "B"). The land zoned Rural Residential is at the same contour as the land developed in Tarquin Road and Landermere Drive. This land has a lesser grade and is more suited to rural residential living. We in fact already have a dwelling sited towards the higher part of the land previously zoned Rural Residential. Significant consultation and work was undertaken between 2000-2006 with Council to prepare for the subdivision of our property. The preparation included the allowance of road frontage (at some cost) from Landermere Drive (Appendix "C") when that subdivision was undertaken in accordance with consultation with Council's then Planning Manager, Mr Michael Shield.

When Council moved to the Brighton Interim Planning Scheme 2015 the entire property was *accidently* rezoned during the drafting process when Council simply missed the dual zoning of the land. The Interim Order was implimented without my knowledge and unfortunately because of the process without public consultation. As a result of the accidental error, the property became zoned Environmental Living and the minimum lot size was changed to 50ha (Appendix "D").

We have been very patient in allowing Council to address the original oversight and we are very disappointed that Council again did not rezone the property back in the draft zoning maps following discussions with Council officers.

We submit that the same 11.6ha of the property be rezoned back to Rural Living A (the equivalent of Rural Residential) under the proposed Scheme.

Yours faithfully

David & Phillipa McCulloch



**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

**SEARCH OF TORRENS TITLE**

VOLUME 146615	FOLIO 1
EDITION 2	DATE OF ISSUE 16-Jun-2010

SEARCH DATE : 01-Jul-2011  
 SEARCH TIME : 02.14 PM

**DESCRIPTION OF LAND**

Parish of DRUMMOND Land District of MONMOUTH  
 Lot 1 on Plan 146615  
 Derivation : Part of 217 Acres Gtd. to R. Parkinson  
 Prior CT 128825/1

**SCHEDULE 1**

B354758 TRANSFER to DAVID JOHN MCCULLOCH and PHILIPPA JOY  
 MCCULLOCH

**SCHEDULE 2**

Reservations and conditions in the Crown Grant if any  
 SP127627 BENEFITING EASEMENT: A Right of Carriageway and a  
 Service Easement (as defined therein) over the Right  
 of Way & Service Easement 6.57 wide shown on Plan  
 146615  
 C969388 BURDENING WAYLEAVE EASEMENT with the benefit of a  
 restriction as to user of land in favour of Aurora  
 Energy Pty Ltd over the Wayleave Easement 12.00 wide  
 on P.146615 (Subject to Provisions) Registered  
 16-Jun-2010 at noon  
 C440048 BURDENING EASEMENT: Right of Carriageway (appurtenant  
 to Lot 1 on Sealed Plan 47868) over the Rights of Way  
 7.60 wide and 9.10 wide marked AB and BC respectively  
 on Plan 146615 Registered 22-Sep-2003 at noon  
 SP 11374 FENCING PROVISION in Schedule of Easements  
 B354759 MORTGAGE to Australia and New Zealand Savings Bank  
 Limited Registered 31-May-1990 at 12.18 PM  
 B498826 MORTGAGE to Australia and New Zealand Banking Group  
 Limited Registered 10-Mar-1992 at noon (MF:1957/24)

**UNREGISTERED DEALINGS AND NOTATIONS**

No unregistered dealings or other notations









# Brighton Council

Title:

A4

Printed By:

Date:  
Thursday, 2  
April 2018

Map Width:

2379 m

Map

Legend



Buffer 2000

X



Proposed Cadastral



Property



Zoning 2000

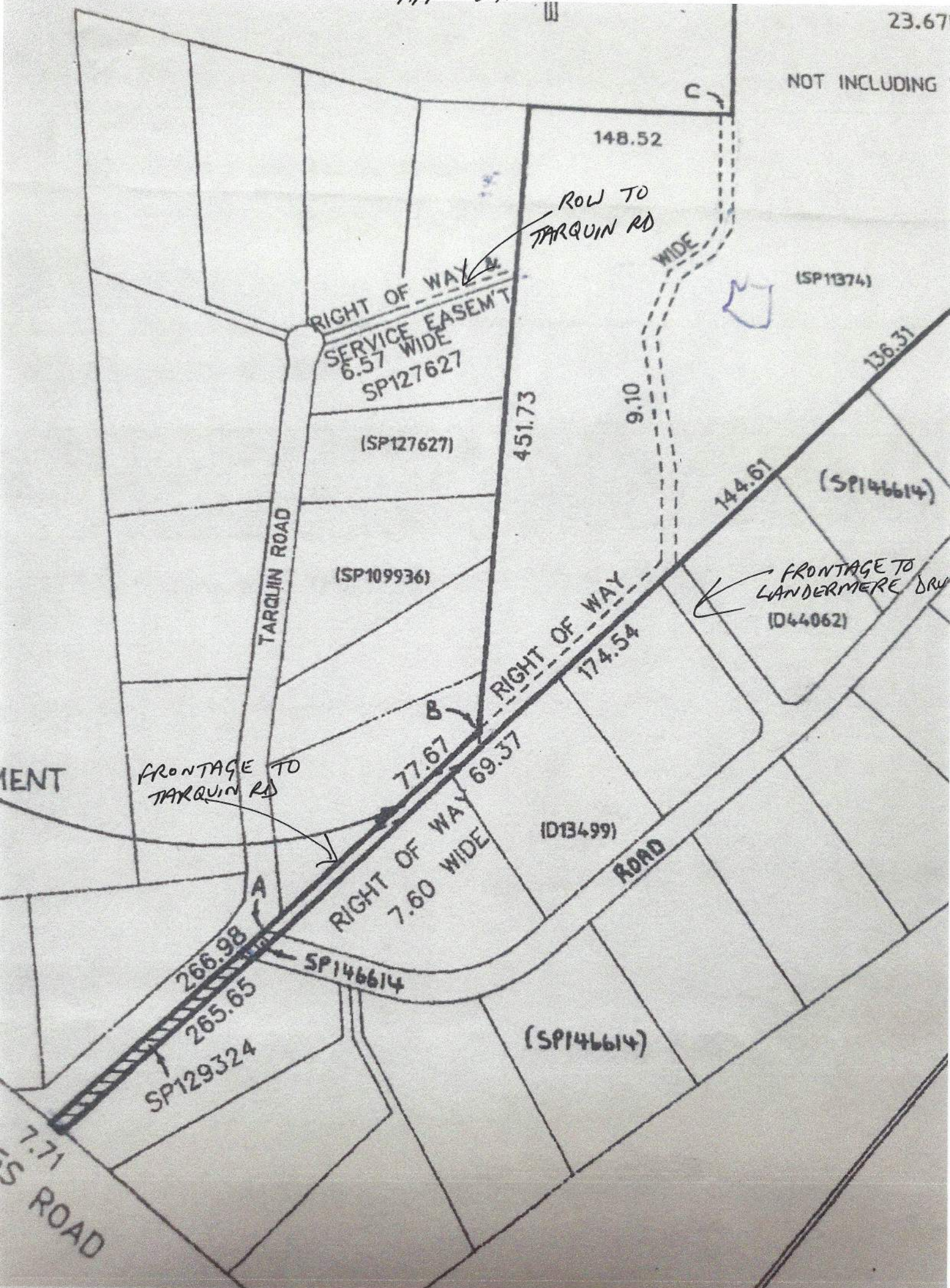
X



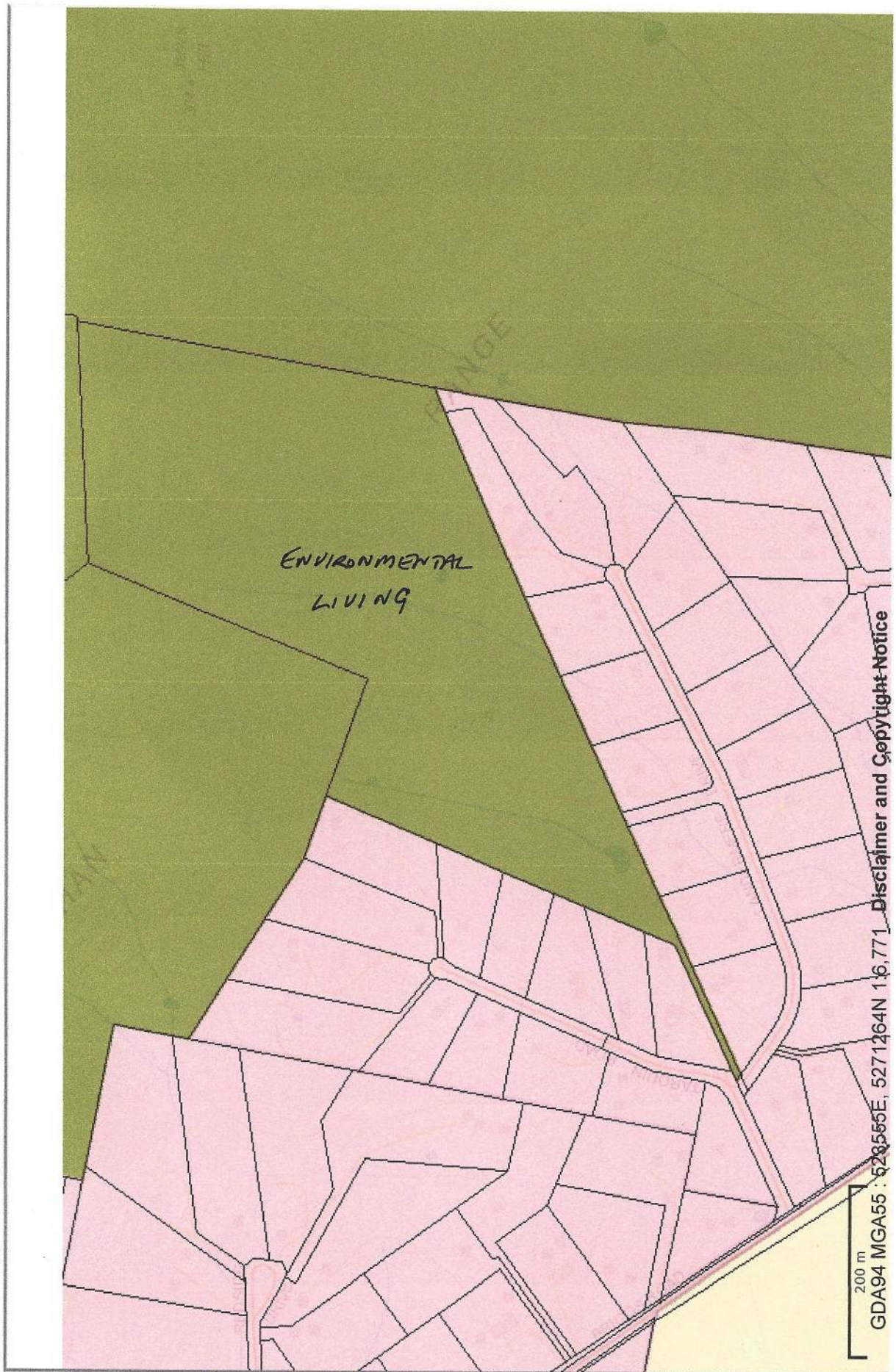
This map is a representation of the information currently held by Brighton Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback or comments should be sent to the Council.

claimer:









## Helen Hanson

---

**From:** Mark Jakins. Outboard Technical Services <markjakins@hotmail.com>  
**Sent:** Monday, 10 June 2019 8:01 PM  
**To:** Development  
**Subject:** Representation – Brighton draft LPS (proposed zoning of land at Baskerville Rd, Old Beach)

Attention: Planning Department, Brighton Council

### Representation – Brighton draft LPS (proposed zoning of land at Baskerville Rd, Old Beach)

I'm writing to submit a representation regarding the proposed zoning of the land at 110 Baskerville Rd, Old Beach and that which was included in subdivision application SA 2003/013.

This land (currently zoned Rural Resource under the Interim Scheme) was subject to a subdivision application (SA 2003/013) and was approved to be subdivided into a number of smaller lots with the intention for use for rural residential (rural living) purposes in 2003. Titles are about to be issued for these lots and they are currently on the market for sale. Under the Brighton draft LSP the land has been viewed in its entirety rather than as the approved subdivided lots and subsequently zoned as Agricultural land. This is clearly a drafting error as the approved subdivision was not taken into account. The land is no longer a single lot, awaiting only the formality of titles being issued. The smaller lots are not suitable or viable for agricultural use. Instead, they are consistent with the surrounding area which is predominantly designated Rural Living under the Brighton draft LPS, which was clearly the intent for the lots included when they were approved under subdivision SA 2003/013.

I request that you revise the drafting of the zoning for this land and rezone it accordingly to Rural Living. A decision not to change this zoning directly challenges the previously approved intent for the land under SA 2003/013 and unnecessarily restricts land which is not currently used for or intended to be used for agricultural purposes.

Regards

Mark Jakins  
40 Grevillea Avenue, Old Beach  
0419 366 774

07 JUN 2019

3<sup>rd</sup> June 2019

Attn: David Allingham  
Brighton Council  
1 Tivoli Road  
OLD BEACH TAS 7017

Dear Sir,

RE: Zoning Changes 5 Melane Road, Old Beach

We would argue that the environmental living zone is not the most logical fit for our land. It is our contention that the 20 hectare minimum lot size for this zoning is inappropriate for our land, which is well below that size, and will create many unintended consequences for us.

We would also appreciate a hard copy of the documents you refer to in your letter dated 18 April 2019.

Yours sincerely,



Mark & Cindy Johnston

Les Burbury

219 Baskerville Road

Ph 044 777 3056

[lesburbury@gmail.com](mailto:lesburbury@gmail.com)

7 June 2019

In response to the letter from the Brighton Council titled "Brighton Draft Local Provisions Schedule – Zoning Changes to Your Property", I suggest that the proposed zoning for our property at 219 Baskerville Road is not appropriate as:

1. The proposed zoning does not reflect the recent and likely future development activity in the area. It is an unnecessarily and unfairly rigid zoning, particularly when considering the numerous development and re-zonings that have occurred within close proximity in recent years.
2. The property is not of the scale implied in the proposed zoning conditions being half the size of a minimum rural block, and is not of a scale and intensity that is essential for a rural activity likely to arise in this location. In addition to the overall title size being half a minimum rural subdivision, the land is dissected by two river beds, encompasses a significant area of unique bushland and has an unusual shape due to the impact of adjacent historical subdivisions.
3. This is not the frontier protecting limited agricultural land from the intrusion of residential development, the apparent intention of the proposed zoning. The land is less than 20 minutes from Hobart CBD and the area has a long history of integrated, co-existent development and, as an example, the continued function of the adjacent cherry orchard is not encroached by the rural living zone along its western flank.
4. The proposed zoning does not protect or minimise adverse impacts on anyone from surrounding uses as significant residential areas are already adjacent to and within neighbouring agricultural operations. It does not provide a buffer for either residential area close to agricultural activities, or the reverse. To claim a protective role would be to infer that the adjacent cherry farm, horse breeding farm or this olive grove and vineyard uses practices that may be unsafe to the people living on those properties or just across the fence.
5. The proposed zoning does not recognise the existing natural and landscape values that should be retained.

I am proposing that the land would be more appropriately zoned **Rural Living Zone** as it allows for all the current activities on this property and the surrounding agricultural and residential use, it has the potential to protect existing natural and landscape values, it allows for a more sophisticated, viable and integrated development of the land in question and is more equitable when the evolution of the area is viewed over time.

Please note that attempts were made to commission a professional planner for the preparation of this report but it was not possible within the limited time available. Should aspects of this report warrant further investigation or discussion we would be very happy to participate.



## **CONTEXT**

219 Baskerville Road has an area of 23.38 hectares, accessed off an un-named Council Road extending West from Baskerville Road. The land shape is irregular, a consequence of previous road side rural-residential subdivisions along the Baskerville edge of the former farm.

The land straddles Bobs Creek and a tributary and includes approximately 7 hectares of bush, the remaining was cleared as part of the original farm. Since it was purchased by the current owners a house and sheds have been constructed, a vineyard covering one hectare established and some 2,000 olive trees planted along with irrigation infrastructure and a new dam.

The Vineyard has been in production for domestic use for approximately ten years. The vineyard site on the southern flank of Bobs Creek is protected from the North West, Southern and sea breeze achieving a microclimate with temperatures well in excess of the surrounding country, suitable for ripening Cabernet Sauvignon. There is the potential to double the planted area within the microclimate to make a boutique winery.

The 2000 olive trees have been a mixed success. At the time the saplings were purchased there was no genetic testing of tree stock and approximately 2/3 of the planting has subsequently been identified as Manzanello which is a multi-purpose oil and table olive, but in this soil and climate has proven difficult to achieve a reliable crop and challenging to process.

About 1/3 of the olive planting is a variety called Corrigiolo or near relative Fortico. The trees produce a small high quality oil fruit which is reliable and relatively easy to process. The size of the fruit and their relatively sweetness does however make them attractive to birds and they need to be netted almost immediately the nets are taken off the vines.

There are also challenges with picking and processing the olives profitably. The intention is to solve these challenges over the coming years.

From our experience with the olives, any further expansion would be achieved by replacing Manzanello and by increasing the density to make the netting and irrigation more cost effective in addition to which there is approximately 4 hectares of land still to be developed within reach of the irrigation infrastructure.

The olives and vines are drip irrigated from the two larger dams and in a normal season the demand and storage capacity are in reasonable balance. There is no irrigation scheme water immediately available although in previous years water has been purchased in cooperation with adjacent neighbours.

## **ZONING AND SUBDIVISION HISTORY**

219 Baskerville Road was originally part of a larger farm but as subdivision has occurred on surrounding properties where road access is available, the remaining title has been reduced to 23.38 hectares, almost one half the minimum rural lot size. The nature of the subdivision has left this property with 12 neighbours, of which only 3 are rural in activity. The bush portion along the north of the title is one of the last areas of relatively native bush between Gunners Quoin and the Derwent

River. It is not suitable for rural operations as it is too steep and faces south, but it further reduces the effective land size.

The land is zoned Rural under the current scheme with a small portion to the north east zoned rural residential (pre 2013 planning).

An application was put to the Brighton Council in 2008 for the subdivision of the southern portion of land but at the time the road access was a collation of right-of-ways and not acceptable for subdivision. (Application reference: RZ 2008/05 & SUB 2008/50). The lane has since been taken over by Council and extended to achieve council road access to 219 Baskerville Road.

Subdivision has continued over recent years in the surrounding area, for example, the land accessed from Clarries Lane off the Old Beach Road which was once zoned rural was changed to intensive agriculture but has since been subdivided into lifestyle rural-residential blocks. Subdivision also continues along Baskerville Road, most recently 160 to 166 Baskerville Road. Similarly the land immediately north of 265 Baskerville Road was previously zones water reserve and owned by the Brighton Council has since been re-zoned and sold as residential.

The above planning activity demonstrates a flexibility in the way land is developed which is of no surprise given the proximity to the Hobart CBD, the amenity of the area and the road and other infrastructure available.

## **PROPOSED SUBDIVISION**

The land proposed for subdivision is south facing and beyond the capacity of the current irrigation system. Its exposure to sea breeze in the ripening seasons of later summer and autumn limits its usefulness for vines or olives.

The land is also physically and visually remote from the main plantations due to the orientation and as a result of the intruding subdivisions. This makes the supervision of the land for horticultural management and security reasons difficult.

The proposed subdivision is immediately adjacent to existing developed rural residential blocks. It fronts the council road and is very close to power. There are views south to Mountain Wellington and north west to Bridgewater. It has been used for cropping and pasture with a small portion of bush, making it ideal for small holding and residential activities.

## **SUMMARY**

The proposed Rural Zoning does not reflect the current land use mix or recent history of the area, whereas the suggested Rural Living Zone is amenable to all current uses and provides future flexibility.

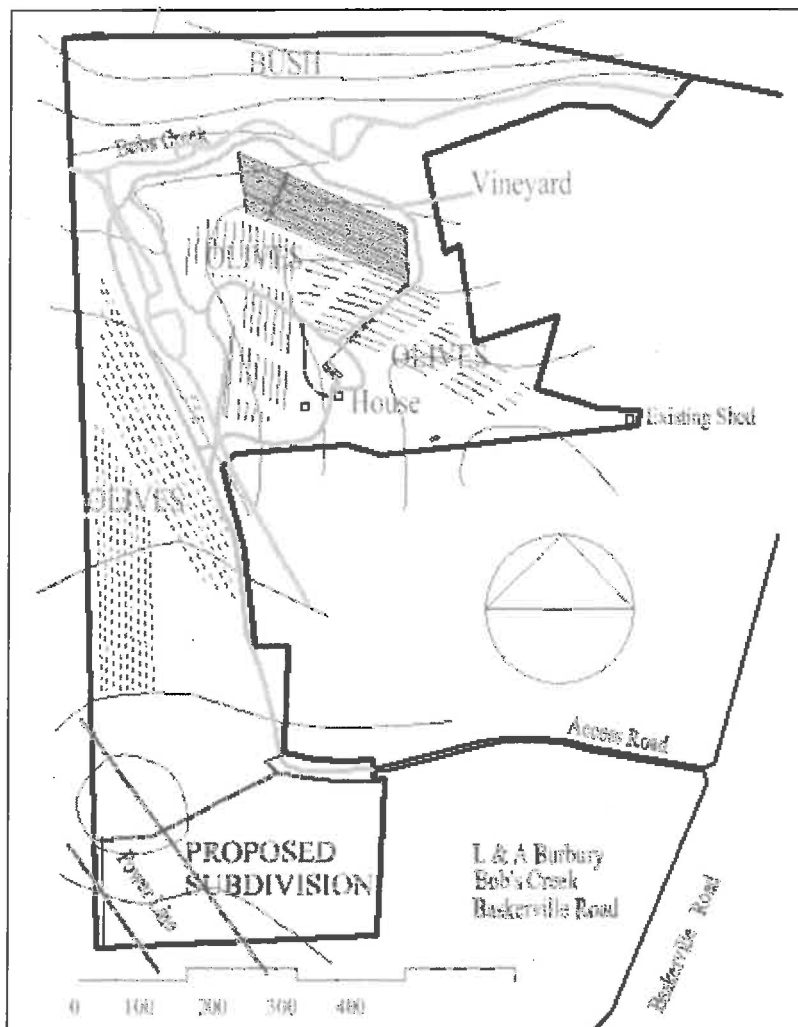
219 Baskerville Road is no defence against the transition of rural to mixed land use as history shows, nor is it a barrier to any 'rural', implied unsafe or incompatible land practices. Furthermore it is

about half the minimum rural holding, and the effective arable land is much smaller. 219 Baskerville Road has 9 residential neighbours on the eastern side and the nature of those earlier subdivisions has significantly impacted the functionality and cohesiveness of the property.

The portion of land proposed for subdivision does not form part of the horticultural activities and experience with the olives and vines have only strengthened the understanding that it will not be required in the future for this purpose. It does not provide suitable land aspect, it does not provide sufficient land to create a scale advantage and it is difficult to manage physically and in terms of irrigation capacity.

The land proposed for subdivision fronts council road and is well serviced with excellent view and amenities enabling it to form part of a very pleasant rural residential precinct.

This submission seeks future planning flexibility, as has been enjoyed by adjacent property owners including the Brighton Council.



Land Use Plan (not to scale)

## Helen Hanson

---

**From:** Les Burbury <lesburbury@gmail.com>  
**Sent:** Tuesday, 11 June 2019 8:54 AM  
**To:** Development  
**Subject:** Planning Scheme Rejig  
**Attachments:** Zoning and Subdivision Enquiry 219 Baskerville Rd 28May2019.pdf

Hi, I hand delivered the attached submission in relation to the implementation of the statewide plan on Friday. Looking back on the Community News article and the web site I'm not clear about what happens next? I also note that any submissions were to be emailed or posted to the Council..

What might I expect and what is the time frame?

My second question is - should I submit a planning application against the current scheme to ensure I get a hearing?

A footnote is that I did try and commission a professional planner to make the submission but the time frame was a problem for them. I'm hoping my home prepared submission is satisfactory, and if there are aspects I should address, could I please be given opportunity to do so.

Thanks  
Les Burbury  
219 Baskerville Road  
Old Beach

044 777 3056

PO Box 1348, Lindisfarne TAS 7015



**SUBMISSION WITH REGARD TO**  
**Brighton**  
**INTERIM PLANNING SCHEME 2015**  
**PROPERTIES IN THE VICINITY OF**  
**CLARRIES LANE OLD BEACH**



**N M Creese**

**6th June 2019**

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## **1. INTRODUCTION:**

This submission is made in response to the recent implementation of the Brighton Interim Planning Scheme 2015 (BRIPS2015) – Brighton Draft Local Provisions Schedule. The scheme was published in the government gazette on 13th May 2015, being implemented as an interim planning scheme on 20th May 2015. The scheme zones the land in the vicinity of Clarries Lane (the site) as Rural.

The subject of this submission encompasses the land contained in Numbers 2, 4, 5, 6, 7, 8 Clarries Lane and Numbers 116, 124 & 128 Old Beach Road. It is the argument of this submission that the zoning applied to the subject properties, being Rural is incompatible with the capacity of the properties to carry out viable rural uses.

This is due to the following reasons;

- Proximity of the site to abutting zones (General Residential and Rural Living),
- Absence of access to a viable supply water for an irrigation source.
- Insufficient water catchment
- Limited lot sizes being too small to provide viable resource development enterprises.

Rural Living is considered an appropriate zoning for the site considering the ‘Limited Resource’ development opportunities. This includes the potential land use conflicts between any ‘Permitted Use’ of the site and residential land to the west, if the zoning is to remain ‘Rural’.

This report sets out to address the Zone Purpose Statements for Rural, Rural Living and General Residential Zones. Confirming the compliance of the delineated land use with the provisions of the Rural and Rural Living zones.



Image 1: The Site (List MAP image)

**2. SITE CHARACTERISTICS:**

The subject properties are located on dry grassed pastures between Clarries creek to the south and Bob's Creek to the north. The properties are under separate titles, property address and ownerships as detail in Table 1 below. For the purpose of this submission, the site is considered as a whole rather than individually to show capability of the properties, rather than the capacity of each title to support development independent of other properties.

Property Address	Title Reference	Registered Owner
2 Clarries Lane, Old Beach	C.T.141557/14	PS & SL Hoskinson
4 Clarries Lane, Old Beach	C.T.141557/13	BJ Richardson & SW Thompson
5 Clarries Lane, Old Beach	C.T.141557/15	PJ & DM Thirlwell
6 Clarries Lane, Old Beach	C.T.141557/12	GA &RH Auchterlonie
7 Clarries Lane, Old Beach	C.T.155009/9	DR & DL Gillie
8 Clarries Lane, Old Beach	C.T.141557/11	GW McGregor
116 Old Beach Road, Old Beach	C.T.240740/1	DJ Brumby
124 Old Beach Road, Old Beach	C.T.141814/8	RP Bradshaw
128 Old Beach Road, Old Beach	C.T.139107/7	DJ Gillie

The site comprises numbers 2,4,5,6 & 7 Clarries Lane as well as numbers 116,124 & 128 Old beach Road. Each contain dwellings and outbuildings in a 'Semi Rural' environment and associated development (including access driveways, garden and hardstand areas, sheds and other outdoor structures, and open space areas).

The vegetation across the site consists of dry grass pastures, several lucerne crops and scattered trees.

A single lot remains vacant being C.T.141557/11 (No 8 Clarries Lane). The site is currently zoned 'Rural Resource' under the Brighton Interim Planning Scheme 2015 and is subject to a number of overlays including Bushfire Prone Areas and Waterways & Coastal Protection Areas overlays.

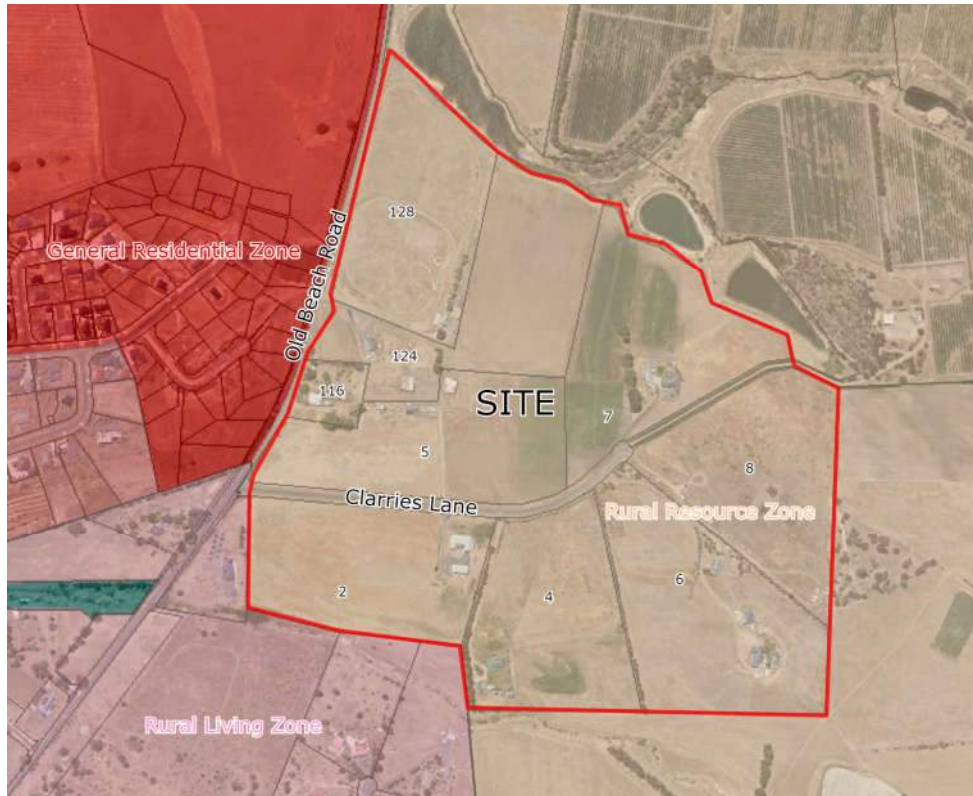


Image 2 The Site - Current Zoning (List MAP image)

To the north of the site is a mix of Rural and Rural Living Zones lot sizes ranging from 4000m<sup>2</sup> to 6ha and appear to use a mix of Rural Lifestyle and limited Rural enterprises.

To the east of the site is large scale farming consisting of a cherry orchard, grazing and cropping areas.

To the south of the site is an area of Agricultural Land, growing large areas of lucerne and other types of crops.

A significant area of Rural Living Land includes allotments of 5000m<sup>2</sup> upwards, typically including a single dwelling and outbuildings.

To the West of the site, Old Beach Road borders the site with newly developed General Residential land beyond. Three properties of between 3ha to 6ha are also located to the north west on the western side of Old Beach Road, which each contain a single dwelling and outbuildings, and are to be zoned Future Urban under the TPS.

### **3. PREVIOUS SITE DEVELOPMENT:**

The site includes land forming part of a subdivision which was carried out in 2001 under SUB 01/05. The application was lodged in 2001 to subdivide the property known as "Compton" Old Beach Road, Old Beach, thus creating the properties at Clarries Lane and Harvest Lane.

The subject property was utilising the wastewater of the Green Point Wastewater Reuse Project prior to subdivision and was subject to a site management plan under this project.

Council minutes dated 13th June 2001 considered the application and reported the following:

The property was rezoned to Intensive Agriculture as defined by the Brighton Section 46 Planning Scheme No1 of 1992 on the 9<sup>th</sup> Sept 1999 following an amendment initiated by the Brighton Council.

The Planning Scheme Subdivision Standards for the Intensive Agriculture Zone:

#### **5.4.3 Standards**

*a) minimum lot size 40ha except as provided in clause 10.4 and sub Clause (b) of 5.4.3*

*b) The Council may in accordance with the section 57 of the Act approve a lot of lesser size to provide a sustainable unit for intensive agriculture provided that the applicant can present sufficient*

*evidence to satisfy Council that such subdivision recognises the land capability of the site, demonstrates that the lot sizes, shape and location are adequate for the future use of the site, demonstrates that a sustainable agricultural use can be achieved (including water supply) and that the proposal will have no adverse effect on the continued operation of the land uses surrounding the site.*

*A minimum lot size of 5 hectares will apply. Each application shall be accompanied with a report from a qualified agricultural consultant or Department of Primary Industries, Water and Environment to the effect that the land capability can be achieved for the particular projected use together with any preferred management strategies.*

*c) Notwithstanding Schedule 2, the council may approve a cluster or community type subdivision based on whole farm practices and the requirements of Clause 5.4.3(b).*

*The Subdivision consists of 15 lots of between 5ha and 19.4ha (but generally 5-7hectares). The subdivision consists of two cul-de-sacs. The cul-de-sac on the northern side of the existing stormwater dam adjacent Old Beach Road provides access to lots 1,2,3,4,5 and 6. A second cul-de-sac located to the southern extremity of the property provides access to lots 9,10,11,12,13,14 and 15. Lots 8 and 9 have direct access to Old Beach Road.*

*There are Aurora Transmission and Hobart Water Authority Lines (and subsequent easements) transecting the subject site. These are described on the proposal plan.*

*The application is supported by an agricultural report which was authored by Mr Daniel Sprod of Ecosynthesis. A copy of the report is attached to this agenda, although the following extracts are provided.*

- The range of potential crops depends partly on the source of water.*
- Wastewater sourced from the Green Point Wastewater Treatment facility consistently complies with 'Class B' recycled water. Guidelines for use state that it may be used in*



*agriculture for a range of crops, where there is no direct contact with food that may be eaten raw. Thus restrictions include:*

- *Separation of edible product from contact with water by irrigation technology (eg trickle, drip), by processing or peeling.*
- *Water monitoring (presumably carried out by council),*
- *Soils monitoring for excess nutrients, salts or increasing sodicity and*
- *Preventing spray drift beyond the edges of the irrigation area.*
- *Barwick has an agreement with Council to receive and use 200ML over the entire property and has a 60ML dedicated wastewater storage (one dam built and marked 6w2 in Figure 1, and another to be built soon, marked 6w3). There is no requirement to use this water on any or all of the lots, but it is assumed that it would be available for use for negotiation of a 'heads of agreement'.*
- *Hobart Water has a pipeline crossing the SW part of Compton and a dedicated "clean water" 68 ML storage dam (marked 6w1 in Figure 1). Presently Hobart Water can supply 'off- peak' water into storages for about \$200/ML The DPIWE has indicated that this dam should normally fill up each winter with run off.*
- *To enable access to these dams, the proponent is setting up a private water scheme that will allow each lot access to the dams and rights to agreed volumes of water storage.*
- *Availability of both 'clean' and recycled water potentially allows a lower cost than the \$200/ML, whilst enabling leaching of any harmful soils build-up. It also allows selective use of a (low level) nutrient rich water at particular times in the crop cycle.*
- *An exhaustive list of potential crops is not possible, but the following is an indicative list that would be suitable to the range of land capability and local climate:*
  - *Glasshouse (tomato, cucumber, flowers , herbs, nursery, etc).*
  - *Market garden (salad greens, flowers and bulbs, seed production, organics, nursery, community gardens etc).*
  - *Broadacre irrigated production (vegetables, poppies, hemp etc).*
  - *Perennial horticulture (grapes, cherries, apricots, olives, apples, walnuts, hazels, truffles, etc).*
- *Some of these crops are better suited to the area than others, and all will have particular restrictions. For instance,*
  - *Glasshouse production would be best sited on flat land to reduce costs of construction.*
  - *Market gardens for direct human consumption (greens etc) may not use recycled water.*
  - *Organic producers would need to establish that recycled water meets the standards of their relevant accrediting body.*
  - *Seed production of self pollinating crops normally requires a 2 km radius free of the same crops, cross pollinating require a 5 km radius.*
  - *Broadacre and perennial production would need to be of viable scale.*
  - *Contracts for walnuts produced with Websters requires that there is sufficient area planted in the region to viably support the harvesting contractor.*
- *The ridge south of Bobs Creek has areas of better soils : black basalt soils, brown alluvial soils and a brown 'terrace' fine sandy loam.*
- *Several lots with the better soils and easier slopes are considered suited to intensive irrigated agriculture without further discussion: lots 7, 8, 9, 11, 12, 13, 14 and 15.*
- *The shape of a lot, and the practicality of establishing and operating enterprises may*

*reduce its ease of use for intensive agriculture, but there are no lots where this applies.*

*Summary of appropriateness of lots*

- *Lots 7, 8, 9, 13, 14, and 15 are suited to development for intensive irrigated agriculture, even where the water resource is waste water. The full range of intensive agricultural pursuits are considered possible.*
- *The remaining lots: 1, 2, 3, 4, 5, 6, 10, 11, and 12 are moderately suited to development for intensive irrigated agriculture, even where the water resource is waste water: most intensive uses apart from broadacre cropping are feasible.*

**Comment on previous development:**

Although the Council minutes suggest that the lots are suitable for intensive agricultural uses (even where waste water is utilised for irrigation), the lack of a viable water supply, whether it be from waste-water sources or clean water supplies severely inhibits the viability of any rural resource activities on the site.

The water rights specifically required to ensure viability of the subdivision are no longer available with the heads of agreement between the developer (Mr Maurice Barwick) and the land owners not legally binding.

All existing properties possess no legal rights to access the water in the dams due to the absence of a waste water agreement.

Any previous water agreements have ceased, as Mr Barwick is now deceased. Mr Barwick had full responsibility and management for all the individual land owners water supply, hence private agreements with each owner.

The current owner of the dams utilises all water available in the large scale farming practice which is currently being conducted on the property adjoining the dam sites.

This has resulted in no other property in Clarries Lane being able to access the water source for irrigation purposes.

Without access to water for irrigation to these the properties, the owners are not able to sustain a viable rural enterprise in the long term. This is particularly evident given the land size of the lots.

As outlined in the original subdivision application Council could approve Lots at a minimum lot size of 5ha where it was demonstrated that a sustainable agricultural use can be achieved (including viable water supply). The premise on which that approval was granted, being the use of the recycled water, no longer exists.

It is argued that the long term sustainability of the subdivision is questionable due to the water right being withdrawn and no other current access available.



#### **4. AGRICULTURAL LAND MAPPING PROJECT**

The Agricultural Land Mapping Project, May 2017 was prepared to assist with the identification of land suitable for inclusion within the Tasmanian Planning Scheme's Agriculture Zone. Part 2.2.6 identifies potential constraints on land for agricultural use based on high capital value, impact of isolation from other agricultural land and proximity of conflicting land use.

Three criteria are identified that potentially constrain agricultural use as follows:

*Criteria 1: Is the title size a potential constraint for agricultural use?*

Response: The site is made up of 9 titles with an average of 5ha, which is half of the minimum title area described in Figure 4 of The Agricultural Land Mapping Project as ES1-10ha for the identified Enterprise Suitability (ES) Cluster.

*Criteria 2: Are there potential constraints for the title being used or amalgamated with adjoining agricultural land?*

Response: The site has a high capital value per hectare as the titles that make up the site are individually owned and dwellings are constructed on 8 of the 9 titles.

*Criteria 3: Is residential development potentially constraining agriculture land?*

Response: 4 titles within the site adjoin the General Residential Zone to the west, 2 titles within the site adjoin the Rural Living Zone to the south, which identifies potential land use conflicts.

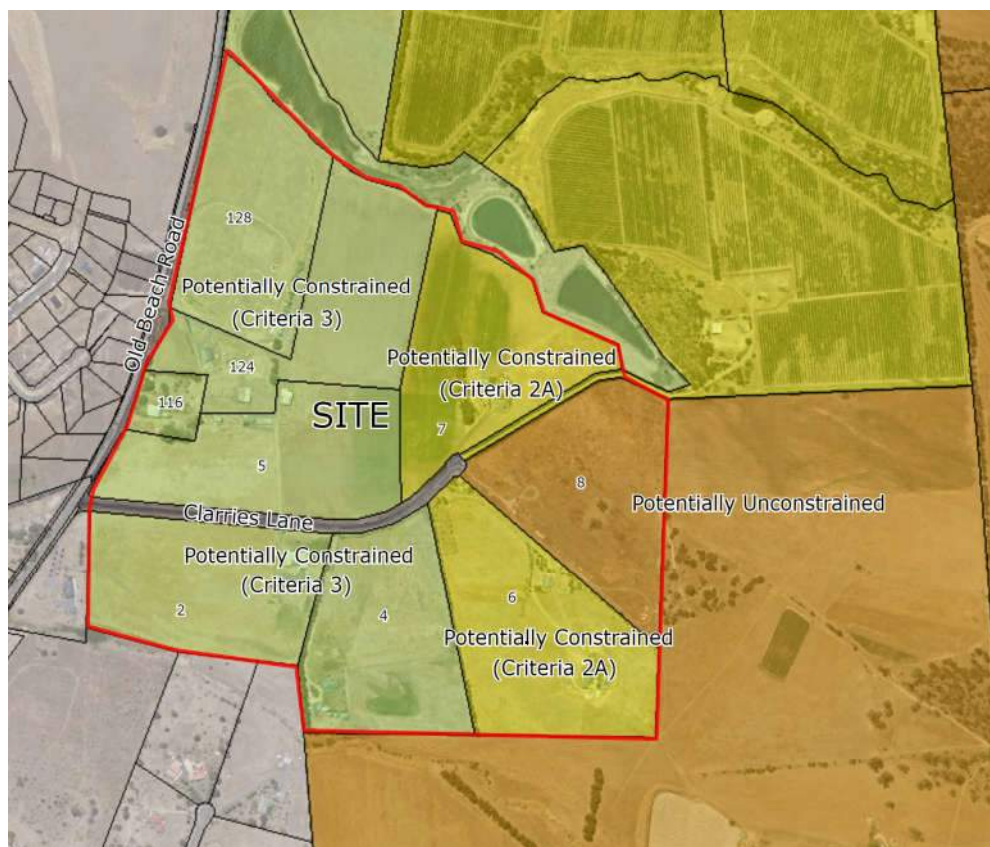


Image 3 Agricultural Overlay (ListMAP image)



Image 4: Planning Overlays (ListMAP image)

## **5. ZONING PROPOSED BY SPP & LPS:**

The present zoning of the site under the interim scheme is Rural Resource. The proposed zoning under the SPP will translate to Rural.

The Zone Purpose Statements for the Rural Zone under Clause 20.1 of SPP state:

### **20.0 Rural Zone**

#### **20.1 Zone Purpose**

*The purpose of the Rural Zone is:*

*20.1.1 To provide for a range of use or development in a rural location:*

*(a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*

*(b) that requires a rural location for operational reasons;*

*(c) is compatible with agricultural use if occurring on agricultural land;*

*(d) minimises adverse impacts on surrounding uses.*

*20.1.2 To minimise conversion of agricultural land for non-agricultural use.*

*20.1.3 To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.*

Compatible uses within the Rural zone include:

#### **20.2 Use Table**

<b>Use Class</b>	<b>Qualification</b>
<b>No Permit required</b>	
Natural and Cultural Values Management	
Passive Recreation	
Resource Development	<i>use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fishstock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry, forest operations, turf growing and marine farming shore facility.</i>
Utilities	<i>If for minor utilities.</i>
<b>Permitted</b>	
Business & professional service	<i>If for: (a) a veterinary centre; or (b) an agribusiness consultant or agricultural consultant.</i>
Business and Professional Services	<i>If for: (a) a veterinary centre; or (b) an agribusiness consultant or agricultural consultant.</i>
Domestic Animal Breeding, Boarding or Training	
Educational and Occasional Care	<i>If associated with Resource Development or Resource Processing.</i>
Emergency Services	

**Comment on Zone Purpose Statement::**

20.1.1 (a) Agricultural use is limited due to environmental constraints being the absence of a viable supply of water for irrigation purposes

(b) The site is adjacent to residential areas (Rural Living to the south and General Residential to the west) conflicting with the rural resource activities permitted on the site

(c) Permitted rural resource uses may be compatible with agricultural uses on the land to the east and south, however these do potentially conflict with the residential areas to the south and west as described in (b) above.

(d) The range of uses or resource development as specified in Use Table 20.2 will potentially cause significant adverse impacts on adjoining land to the west.

20.1.2 The land is marginal agricultural land with limitations due to lack of water, limited arable area and is arguably non-agricultural land in its current form and best suited to rural living. This argument is bolstered by reference to the *Brighton Structure Plan August 2018* which observes current use (at that time) as "used for rural living purposes".

20.1.3 The use of the land in accordance with the permitted uses described in Table 20.2 will necessitate high intensity practices in order to facilitate viability and as such will compromise the function of surrounding settlements, particularly the General Residential land to the west including overspray, odour and noise impacts.

**Existing rural land use conflicts under Rural Zoning:**

Should zoning remain Rural as proposed, significant land use conflict will exist between the site and land to the west.

Uses permitted or "no permit required" in this zone have the potential to be intrusive on the amenity of the residential land to the west due to a number of intensive agricultural uses possible for the sites.

Arguably, these uses will be necessitated due to the need to provide for viable rural resource activity, however will be severely limited through the lack of irrigation as discussed earlier.

## **6. ZONING PROPOSED BY THIS SUBMISSION**

This submission argues the rezoning of the study area to Rural Living

The Zone Purpose Statements for the Rural Living under Clause 11.1 of SPP state:

### **11.0 Rural Living Zone**

#### **11.1 Zone Purpose**

*The purpose of the Rural Living Zone is:*

*11.1.1 To provide for residential use or development in a rural setting where:*

*(a) services are limited; or*

*(b) existing natural and landscape values are to be retained.*

*11.1.2 To provide for compatible agricultural use and development that does not adversely impact on residential amenity.*

*11.1.3 To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.*

*11.1.4 To provide for Visitor Accommodation that is compatible with residential character.*

Compatible uses within the Rural Living zone include:

#### **11.2 Use Table**

<b>Use class</b>	<b>Qualification</b>
<b>No Permit required</b>	
<i>Natural and Cultural Values Management</i>	
<i>Passive Recreation</i>	
<i>Residential</i>	<i>If for a single dwelling.</i>
<i>Resource Development</i>	<i>If for Grazing.</i>
<i>Utilities</i>	<i>If for minor utilities</i>
<b>Permitted</b>	
<i>Residential</i>	<i>If for a home-based business.</i>
<i>Visitor Accommodation</i>	
<b>Discretionary</b>	
<i>Business and Professional Services</i>	<i>If for a veterinary centre.</i>
<i>Community Meeting and Entertainment</i>	<i>If for a place of worship, art and craft centre or public hall.</i>
<i>Domestic Animal Breeding, Boarding or Training</i>	

**Comment on Zone Purpose Statement::**

11.1.1 The existing residential use and development is in a rural setting  
(a) services are limited with only reticulated water supply, power and wireless nbn, available and on-site waste water disposal.

(b) existing natural and landscape values will be retained with single dwellings on larger allotments predominantly vegetated by pastures.

Most titles are currently used for residential purposes with rural resource uses limited to grazing as permitted Use Table 11.2.

11.1.2 The site will provide for compatible agricultural use and is currently utilised for limited grazing sheep and horses and does not adversely impact on residential amenity of the properties to the south and west due to their limited scale. These uses (and others are as specified in Use Table 11.2.

11.1.3 A range of other uses may occur within the site which do cause not cause unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts with rural resource uses limited to grazing and other low impact uses.

11.1.4 A range of accommodation uses are possible within the site including cottage accommodation, b & b, farm stay amongst others.

## **7. ZONE COMPATABILITY:**

### **Local Provision Schedule Supporting Report:**

Under the *Local Provision Schedule Supporting Report 18 March 2019* (LPS), guidelines are provided for the application of the Rural Living zoning under 1.3, *Settlement and Residential Development provisions* (SRD) in the following manner:

#### **SRD1.3**

*Support the consolidation of existing settlements by restricting the application of the Rural Living Zone:*

- 1. to existing rural living communities; or*
- 2. for the purposes of preparing a Local Provision Schedule, to land within an existing Environmental Living Zone in an interim planning scheme if consistent with the purpose of the Rural Living Zone.*

*Land not currently zoned for rural living or environmental living communities may only be zoned for such use where one or more of the following applies:*

*a. Recognition of existing rural living communities, regardless of current zoning. Where not currently explicitly zoned for such use, existing communities may be rezoned to Rural Living provided:*

- i. the area of the community is either substantial in size or adjoins a settlement and will not be required for any other settlement purpose; and*
- ii. only limited subdivision potential is created by rezoning.*

*b. Replacing land currently zoned for rural living purposes but undeveloped and better suited for alternative purposes (such as intensive agriculture with other land better suited for rural living purposes, in accordance with the following:*

- (i) the total area rezoned for rural living use does not exceed that which is back zoned to other use;*
- (ii) the land rezoned to rural living use is adjacent to an existing rural living community;*
- (iii) the land rezoned to rural living use is not designated as Significant Agriculture Land on Map 5 of this Strategy;*
- (iv) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and*
- (v) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.*

*c. Rezoning areas that provide for the infill or consolidation of existing rural living communities, in accordance with the following:*

- (i) the land must predominantly share common boundaries with:*
  - existing Rural Living zoned land; or*
  - rural living communities which comply with SRD 1.3(a);*
- (ii) the amount of land rezoned to rural living must not constitute a significant increase in the immediate locality;*
- (iii) development and use of the land for rural living purposes will not increase the potential for land use conflict with other uses;*



*(iv) such areas are able to be integrated with the adjacent existing rural living area by connections for pedestrian and vehicular movement. If any new roads are possible, a structure plan will be required to show how the new area will integrate with the established Rural Living zoned area;*

*(v) the land rezoned to rural living use is not designated as Significant Agricultural Land on Map 5 of this Strategy;*

*(vi) the land rezoned to rural living use is not adjacent to the Urban Growth Boundary for Greater Hobart or identified for future urban growth; and*

*(vii) the management of risks and values on the land rezoned to rural living use is consistent with the policies in this Strategy.*

### **Response to Local Provision Schedule Supporting Report:**

1. The site is within an area already acknowledged as a rural living community under the *Brighton Structure Plan August 2018 (pp 53, Site 15)*.

2. No land is currently zone Environmental Living and this criteria does not apply.

a.i. the site extends across an area of 44 ha and is adjacent to an existing area of Rural Living zoned and to the south. The site is considered to be a "rural living community" under the *Brighton Structure Plan*.

a.ii. limited increase in subdivision potential results from this rezoning. Current lot number are 9, with a maximum of 30 total allotments (ie an increase of 21 lots) considering limitations such as non-developable areas, location of current buildings and other development on the lots, boundary setback requirement and limitations resulting from lot dimension.

b. Not applicable as this site is not replacing an area being back zoned.

c.(i) the site share a common boundary with the Rural Living zoned land to the south.

c(ii) 220 hectares of Rural Living land is currently located within a 2 km radius of the site with the area of the site being approximately 40 hectares, an increase in area of less than 20%.

c (iii) The site is considered to be a "rural living community" under the Brighton Structure Plan. Further development of the site for rural living purposes will only eliminate the existing land use conflicts.

c (vi) no integration is provided from rural living zone to the south, no new road construction required.

c (v) The site is not designated as Significant Agriculture Land on Map 5 of the Strategy.

c. (vi) Rezoning of the site furthers the polices of the report through the protection of agricultural land by minimising land use conflict with separation of agricultural use from residential use by this site.

c.(vii) Any risks associated with use of the rural living land is consistent with the policies contained within the report are minimised through reduction in land use conflict with greater separation between residential land and agricultural land.



## **8. DEVELOPMENT POTENTIAL:**

With rezoning of the site to Rural Living, an increase in development potential will be limited to subdivision potential and hence total residential density. A reduction in development potential for rural resource uses will occur in line with the Use Table 11.2 which furthers the reduction of land use conflict with the land to the west.

The site is already acknowledged as a 'Rural Living' area with rezoning to Rural Living corresponding with its current "best fit" use.

Single houses occupy the properties within the site surrounded by areas of pasture with limited rural resource opportunities. The site currently comprises 9 allotments of approximately 5 hectares in area (a single lot of approximately 7000 m<sup>2</sup> also exists in the site), with development potential increasing to something in the order of 30 lots subject to constraints such as setbacks from the agricultural land to the east and south east, location of current development on the sites, topographic and lot configuration.

This is consistent with the potential development of the land to the south in Myna Park, currently of approximately 60 lots with potential for an additional 40 lots or so.

Each new lot would be limited to a single dwelling with a range of permitted or "no permit required" uses including accommodation (b&b or cottage style), rural resource (grazing) consistent with their proximity to the agricultural land to the east whilst minimising land use conflict with the land to the west.



Image 5: Potential Subdivision Layout

## **9. CONCLUSION:**

This submission identifies the capacity of the study area to support rural living style development and its suitability to the Rural Living zoning.

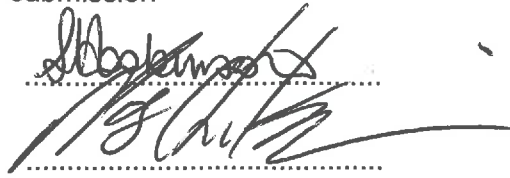
It is suggested that the location of the study area relative to the existing General Residential Zone to the west and Rural living Zone to the south, the proximity to Clarries Lane and Old Beach Road, road access, and capacity to connect to, stormwater and water infrastructure makes the study area ideally suited to rural living use and hence are compatible with and should be rezoned Rural Living.

The absence of a viable supply of water for irrigation and the limited size of the lots makes them unviable for any significant rural resource activity with their "best fit" use being rural living.

The development of additional rural living allotments within the site will not compromise the viability of the agricultural activities to the east and south east with appropriate setbacks from those uses and generous lot sizes.

Signatures of Title owners supporting the submission

2 Clarries Lane, Old Beach  
C.T.141557/14  
PS & SL Hoskinson

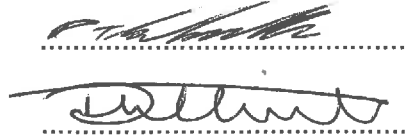


4 Clarries Lane, Old Beach  
C.T.141557/13  
BJ Richardson & SW Thompson

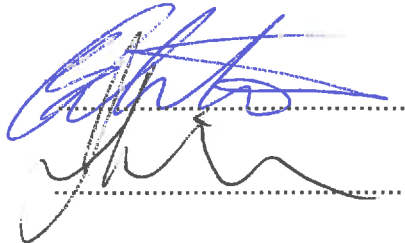
.....  
.....

Wish to remain impartial  
and stated they would not  
object.

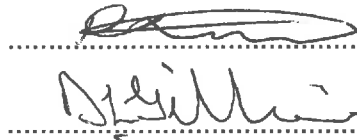
5 Clarries Lane, Old Beach  
C.T.141557/15  
PJ & DM Thirlwell



6 Clarries Lane, Old Beach  
C.T.141557/12  
GA & RH Auchterlonie



7 Clarries Lane, Old Beach  
C.T.155009/9  
DR & DL Gillie



8 Clarries Lane, Old Beach  
C.T.141557/11  
GW McGregor

.....

Contacted in person was aware  
of the deadline and remained  
uncontactable by phone and text.

116 Old Beach Road, Old Beach  
C.T.240740/1  
DJ Brumby

.....

Unable to contact the owner

124 Old Beach Road, Old Beach  
C.T.141814/8  
RP Bradshaw



128 Old Beach Road, Old Beach  
C.T.139107/7  
DJ Gillie



## Helen Hanson

---

**From:** lance <hilltree@bigpond.com>  
**Sent:** Tuesday, 11 June 2019 4:02 PM  
**To:** Development  
**Subject:** Brighton Draft Local Provisions Schedule

Lance and Sue Roper  
16 kathleen Drive  
Old Beach  
Tasmania 7017

David Allingham  
Senior Planner  
Brighton Council  
1 Tivoli Rd  
Old Beach  
Tasmania 7017.

Dear Sir

Thank you for your letter of 18 April.

The Local provision schedule supporting document clause 5.2.3. supports a quarry on the location at the corner to Baskerville Raceway.  
This quarry has been operating approximately three years and has no planning or government approval .

The quarry is situated 300 yards from our home and some 50 yards from our boundary.  
The quarry operates at any time in a twenty-four hour period over a seven day period. A Dozer or excavator will start as early as 7.am and operate up to 9.30 pm  
Noise, Dust and vibrations are all felt at my house and the loading of trucks which exit the site on a blind corner onto Baskerville Road.  
In previous correspondence with the council you advised it was a car park. It was not then and is not now.

Considering the noise and hours of operation imposed on the Baskerville Raceway it is totally unacceptable that the Council and Planning authorities can ignore and permit such an operation within the Baskerville overlay.

It is completely unacceptable to try and give approval to this quarry within the Brighton LPS by hiding it within the Baskerville Raceway SAP.  
I add that the development of the cherry farm which has become a high impact operation within the Baskerville raceway overlay boundaries has an impact on the area.  
I would question that this operation including the commercial composting facility should have been subject to a planning application based on its impact on the surround and environment.

I attended the council today at approx. 2.45pm and note that the documents were not displayed with other planning documents.

Regards  
Lance and Sue Roper

JMG Ref: J193069PH

7<sup>th</sup> June 2019

The General Manager  
Brighton Council  
Email: [development@brighton.tas.gov.au](mailto:development@brighton.tas.gov.au)

Attention: David Allingham

cc email: [kodongsik888@gmail.com](mailto:kodongsik888@gmail.com)

Dear David,

**BRIGHTON DRAFT LOCAL PROVISIONS SCHEDULE - 20 DOKDO RISE HONEYWOOD**

We have been asked to respond to your letter of the 6<sup>th</sup> May 2019 on behalf of Dong and Young Pty Ltd.

The 20 Dokdo Rise is currently zoned Rural Resource under the Brighton IPS (refer to Figure 1 below) and is bordered by significant areas of Rural Living B and surrounded by a significant band of Environmental Living zone.



Figure 1 - Brighton IPS zoning

The site is subject to a number of overlays including Biodiversity Protection, Waterway and Coastal Protection, Landslip and Potential Dispersive Soils (refer

117 Harrington Street  
Hobart 7000  
Phone (03) 6231 2555  
Fax (03) 6231 1535  
[infohbt@jmg.net.au](mailto:infohbt@jmg.net.au)

49-51 Elizabeth Street  
Launceston 7250  
Phone (03) 6334 5548  
Fax (03) 6331 2954  
[infohbt@jmg.net.au](mailto:infohbt@jmg.net.au)

Johnstone McGee &  
Gandy Pty Ltd  
ABN 76 473 834 852  
ACN 009 547 139  
as trustee for Johnstone  
McGee & Gandy  
Unit Trust

[www.jmg.net.au](http://www.jmg.net.au)



to Figure 2). Whilst aware of these challenges, it is our client's current objective to develop this land for Rural Residential living lots, by extending Dokdo Rise from where it meets the border of the site. A concept lot layout is shown in Figure 3.

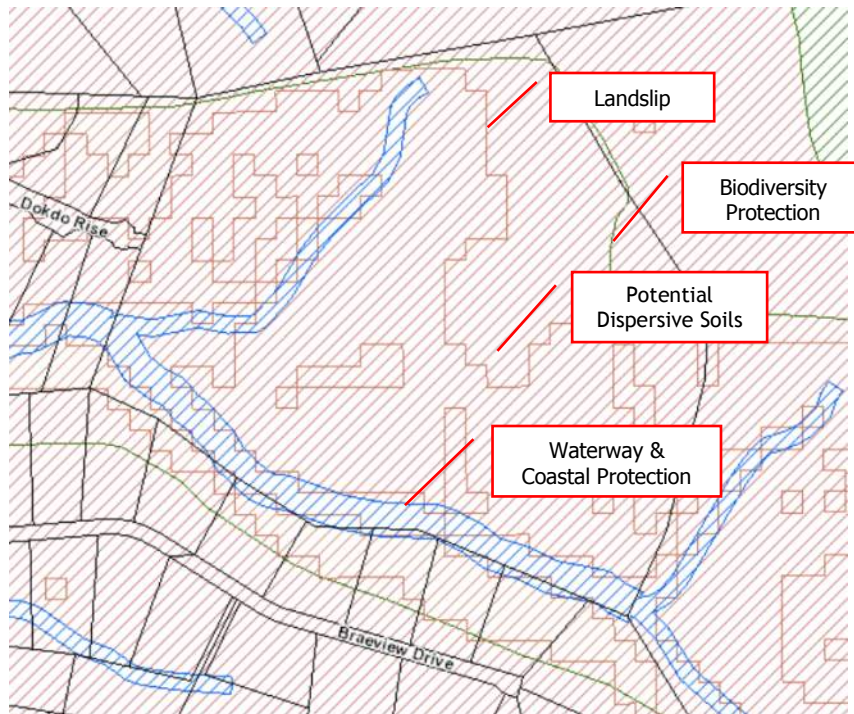


Figure 2 - Brighton IPS overlays



Figure 3 - Concept Lot Layout

The proposed Brighton Local Provisions Schedule zones the site from Rural Resource to Agriculture (refer to Figure 4). The adjoining land on Dokdo Rise

continues to be Rural Living B and the land to the east formally Environmental Living is proposed to be rezoned to Landscape Conservation.

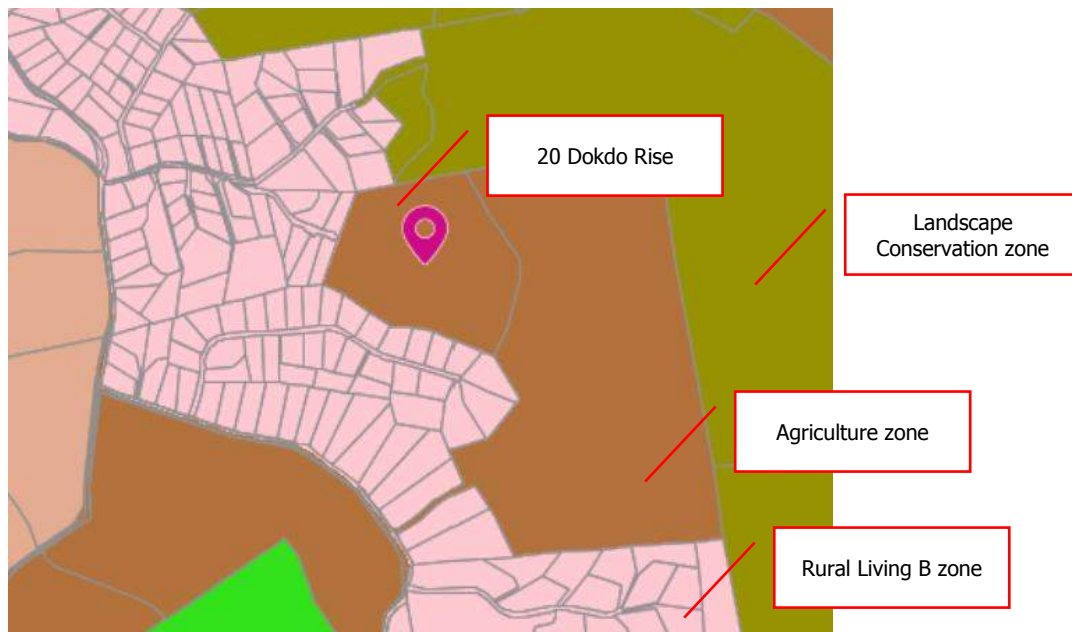


Figure 4 - Brighton LPS zoning

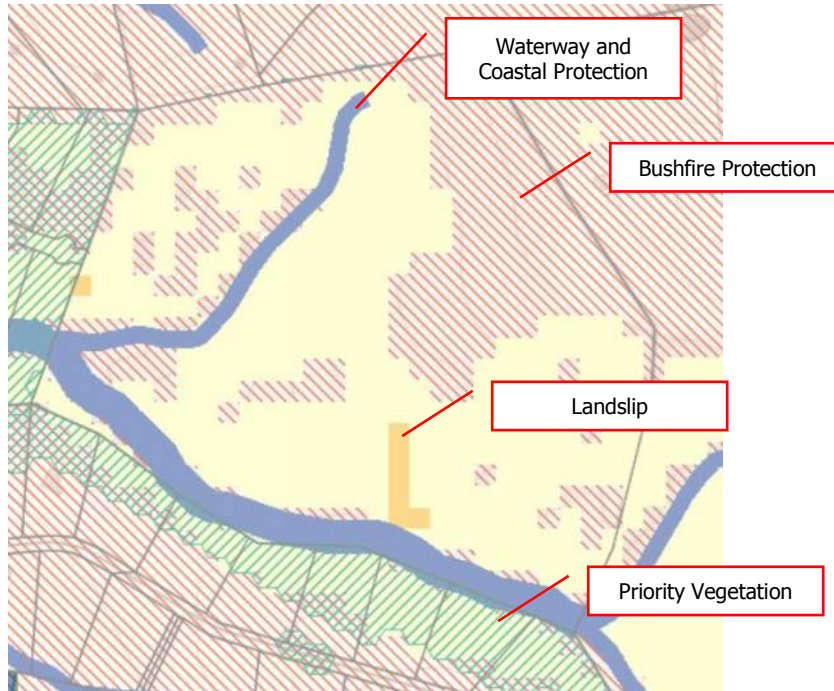


Figure 5 - Brighton LPS overlays

As can be seen, the Landslip and Dispersive Soils are substantially diminished. The Priority Vegetation is not shown on the mapping due to the designation as Agriculture zone, but is likely to exist on the site all the same.

### **Submissions**

Council should zone the site as Rural as opposed to Agriculture. Whilst this would allow the Priority Vegetation overlay to be applied to the site and trigger the Natural Assets Code, the property has little agricultural capability due the slope of the site, vegetation cover, lack of irrigation and its isolation from larger Agriculture zone areas.

Council should consider the owners future intention to rezone and subdivide the site within future reiterations of the Brighton Strategic Plan.

If you require any further information or clarification with respect to this advice, please contact me on 6231 2555 or at [mclark@jmg.net.au](mailto:mclark@jmg.net.au).

Yours faithfully

**JOHNSTONE McGEE & GANDY PTY LTD**

A handwritten signature in blue ink, appearing to read 'Mat Clark', is enclosed in a thin black rectangular box.

**Mat Clark**

**PRINCIPAL/SENIOR TOWN PLANNER**



Twelve Stones Pty Ltd  
PO Box 270  
Brighton TAS 7030

Brighton Council  
Tivoli Road  
GAGEBROOK TAS 7030

Dear Sir,

**REPRESENTATION - BRIGHTON DRAFT LOCAL PROVISIONS SCHEDULE - ELDERSLIE & FERGUSON ROADS, BRIGHTON,**

I hereby make representation in regards to property owned by Twelve Stones Pty Ltd on Elderslie and Ferguson Roads, Brighton

The properties are defined in Certificates of Title Volume 175792 Fiolos 1, 2 and 3 (attached). All three properties are zoned Significant Agricultural under the Brighton Interim Planning Scheme 2015. The properties were zoned Intensive Agriculture under the Brighton Planning Scheme 2000.

The properties are gently sloping, and have a mix of native grasses and introduced Cocksfoot grass. The soils are predominately formed on Tertiary Basalt. These soils are high in clay content and have a thin topsoil profile. There are a number of areas where the land cannot be cultivated due to soil depth and the occurrence of rock. In many areas the rock occurs as bedrock on the surface.

Historically; these properties were always zoned rural; they allowed for a residential dwelling and generally only allowed for a boundary adjustment or subdivision down to a minimum of 40ha.

Leading up to the Brighton Planning Scheme 2000; these properties and other adjoining sites along Elderslie Road, as well as other properties along Back Tea Tree Road were highlighted by the then General Manager, Mr Geoff Dodge and the then Council Engineer (now current General Manager), Mr Ron Sanderson as being suitable for the disposal of treated sewerage effluent. Council were in the process of putting a Federal funding grant application together and needed to address suitable sites for the wastewater irrigation and justify those sites by rezoning them to a more intensive rural zoning. No agricultural or planning assessment of the land was undertaken as the Scheme was already in its last stages of drafting. The Senior Planner was instructed to change the zoning to Significant Agriculture and the changes were adopted without question.

Under the Tasmanian Land Capability System the land is regarded as mainly Class 4 with some areas of Class 5 however this assessment is undertaken at a scale of 1:100000. A localised assessment shows that although there are some areas of Class 4 land, there is equally as much Class 5 land and pockets of Class 6 because of significant soil, rock, water and climate constraints. The Tasmanian Land Capability System provides that:-

**CLASS 4**

Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation.

Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)

#### CLASS 5

This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

#### CLASS 6

Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.

As Class 4 land the Tasmanian Land Capability System provides at best that the land has severe limitations and restricted cropping options under cultivation but we know that physically more than half of these properties cannot be cultivated due to soil depth and bedrock in any event. As Class 5 or 6 the land is only suitable for grazing under careful management.

Given that parts of the subject sites are severely restricted for cropping and the remainder requires careful management for severely restricted grazing the sites must by definition be suited to the Rural Zone which has a zone purpose that states specifically:-

*where agricultural uses are limited or marginal due to topographical, environmental or other site or regional characteristics;*

It could even be said that the mixed rotation of dry cropping and grazing on the largest neighboring properties is highly constrained and best suited to the Rural Zone.

Another significant constraint on each of these properties is their size. The previous zoning allowed for subdivision down to a minimum of 5ha. The resultant lot sizes and their constrained agricultural potential has created land use activities on a majority of the neighbouring properties that are inconsistent with the Agriculture Zone. The Council by its own device has created a range of activities in this area that are although compatible with agricultural use do not fit the proposed Agriculture Zone. Again, the best response to the existing land use activities and to protect the existing agricultural land from further fragmentation is to zone the entire area Rural; which is exactly what it was before the Council Engineer sort to change it otherwise.

There is no doubt that the land along Elderslie Road heading west from Fergusson Road should be a rural zoning. The physical nature of the land is constrained by many factors that make it unsuitable for intensive agriculture. The area should be protected from further subdivision and any non-compatible uses. I submit that all properties in this area should be zoned Rural under the new Scheme but in particular our subject lots should be zoned Rural as they are the most limited and marginal due to their more significant constraints.

Yours faithfully

Jessica Whelan  
Twelve Stones Pty Ltd

## Helen Hanson

---

**From:** jenna pogorzelski <jlpog@hotmail.com>  
**Sent:** Monday, 10 June 2019 8:22 PM  
**To:** Development  
**Subject:** Representation – Brighton draft LPS (proposed zoning of land at Baskerville Rd, Old Beach)

Attention: Planning Department, Brighton Council

### Representation – Brighton draft LPS (Old Beach)

Thank you for the opportunity to submit representations against the Brighton draft LPS which is currently on exhibition.

We are currently looking to purchase land at 110 Baskerville Rd, Old Beach and are concerned about the proposed zoning of this land as Agricultural (21.0) under the Brighton draft LPS.

We have been advised by the owner of this land that a subdivision was approved in 2003 for this land to be split into a number of smaller lots to be used for rural living. This subdivision was approved as Council accepted that the land was no longer being used for agricultural purposes. This is consistent with the zoning of the surrounding land and existing use of land in a rural setting for residential purposes.

We have been advised by Brighton Council officers that it is likely that a drafting error has occurred and the intent for zoning of this land was actually Rural Living (11.0) not Agricultural (21.0).

The proposed zoning as Agricultural under the Brighton draft LPS is likely to unfairly restrict the sale of these lots and their intended use. It does not make sense given the approved subdivision, and the surrounding Rural Living zoning which is clearly the intent for this land and area.

Please review and change the zoning in the draft LPS to ensure this land is rightly zoned Rural Living rather than Agricultural.

Thank you

Jenna Pogorzelski  
0418 650 445



11 June 2019

Brighton Council  
1 Tivoli Road  
**OLD BEACH TAS 7017**

By email: [development@brighton.tas.gov.au](mailto:development@brighton.tas.gov.au)

### REPRESENTATION - BRIGHTON DRAFT LPS

I write in response to the Brighton Draft LSP documents and specifically in relation to 2 properties (3 titles) at Old Beach, as follows:

Property Address	Title Reference	Area
31a Shelmore Drive, Old Beach	171249/1	5.951ha
89 Baskerville Road, Old Beach	59909/1	6.8ha
	49158/1	1.965ha

The following figures describe the location of the land and existing development of the sites and surrounds:



Figure 1: Location including topographic plan aerial imagery and cadastre from [www.theLIST.tas.gov.au](http://www.theLIST.tas.gov.au) © the State of Tasmania



Figure 2: Aerial

As Council is aware for many years the property at Clives Hill, 89 Baskerville Road, has operated as a quarry but that over a period of years the quarry has been in the process of closing. 31a Shelmore Drive is a balance title created after subdivision the neighbouring lots directly to the west which, being outside the quarry buffer area, were already zoned General Residential. For some years the land owners have been investigating the potential post quarry use and development of the subject land and various discussions have been held with Council and their officers over this time.

The quarry is today only being minimally kept active so that final stockpiles of material and final finishing of finished surface levels can be utilised in subdivision works once the property is able to transition to a future use and development.

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ireneinc

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Mob 0418 346 283

Email [planning@ireneinc.com.au](mailto:planning@ireneinc.com.au)

The current planning scheme provisions relating to the land under the *Brighton Interim Planning Scheme 2015* (BIPS 2015) reflect the history of the land relating to the quarry use in both the zoning and overlay maps in place to prevent residential development of the land within the mapped quarry buffer area. The resource and commercial protection which these planning scheme settings have provided are no longer required to protect either the resource or the ongoing commercial viability of the quarry.

Council undertook a strategic planning review in 2018, in drafting, undertaking public consultation and finalisation of the *Brighton Structure Plan 2018*. This Structure Plan, undertaken prior to the completion of the LPS, included review the area of land required for future residential development across Brighton in order to maintain sufficient land supply and identified the subject land as one of the areas desirable for residential zoning.

It is disappointing to find that in reviewing the LPS documents, the zones and overlays affecting the subject land have quarantined the area with like for like translation, which looks back to previous generations of outdated reviews, rather than the *Brighton Structure Plan 2018*.

In relation to the LPS we provide the following submissions:

## ZONES

The LPS describes the subject land as being in the Rural Zone, with the exception of a small area at the western edge, which is within the General Residential Zone.

The purpose of the Rural Zone<sup>1</sup> is as follows:

- 20.1.1 *To provide for a range of use or development in a rural location:*
  - (a) *where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics;*
  - (b) *that requires a rural location for operational reasons;*
  - (c) *is compatible with agricultural use if occurring on agricultural land;*
  - (d) *minimises adverse impacts on surrounding uses.*
- 20.1.2 *To minimise conversion of agricultural land for non-agricultural use.*
- 20.1.3 *To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.*

These purpose statements are inconsistent with the strategic direction identified by Council and desired by the land owners for the post quarry development of the land. The zoning allows for a range of uses which would be inconsistent with the neighbouring residential areas and are no longer relevant to protect the future operation of the land for ongoing rural resource industry activity.

The alternative zoning would be one which provided a future sustainable use to allow for the strategic future development of the land.

While it is acknowledged that the land is not currently within the existing urban growth boundary of the *Southern Tasmanian Regional Land Use Strategy* (STRLUS), given that strategy was developed so many year ago, the *Tasmanian Planning Scheme* (TPS) provides a Future Urban Zone which protects land from incompatible development and immediate transition to urban development while acknowledging its identified future for residential development as described in the following purpose<sup>2</sup>:

---

<sup>1</sup> 20.1, *Tasmanian Planning Scheme, State Planning Provisions*

<sup>2</sup> 30.1, *Tasmanian Planning Scheme, State Planning Provisions*

- 30.1.1 To identify land intended for future urban use and development.
- 30.1.2 To ensure that development does not compromise the potential for future urban use and development of the land.
- 30.1.3 To support the planned rezoning of land for urban use and development in sequence with the planned expansion of infrastructure.

The above purpose is entirely consistent with protection of land such as the subject land which has been identified through strategic planning review.

#### SPECIFIC AREA PLAN

Review of the LPS SAP overlays indicates that the subject land, described in the figure below, has been provided with a set of specific controls through the **Old Beach Quarry Specific Area Plan**.

The mapped area is consistent with the area previously mapped as the buffer for the quarry, which currently restricts application of the Attenuation Code within BIPS 2015. The proposed SAP provides an alternate mechanism from the current BIPS 2015 where the seemingly unintended effect of this changed structure appears to be that the Attenuation Code of the TPS will apply to land outside the SAP overlay.

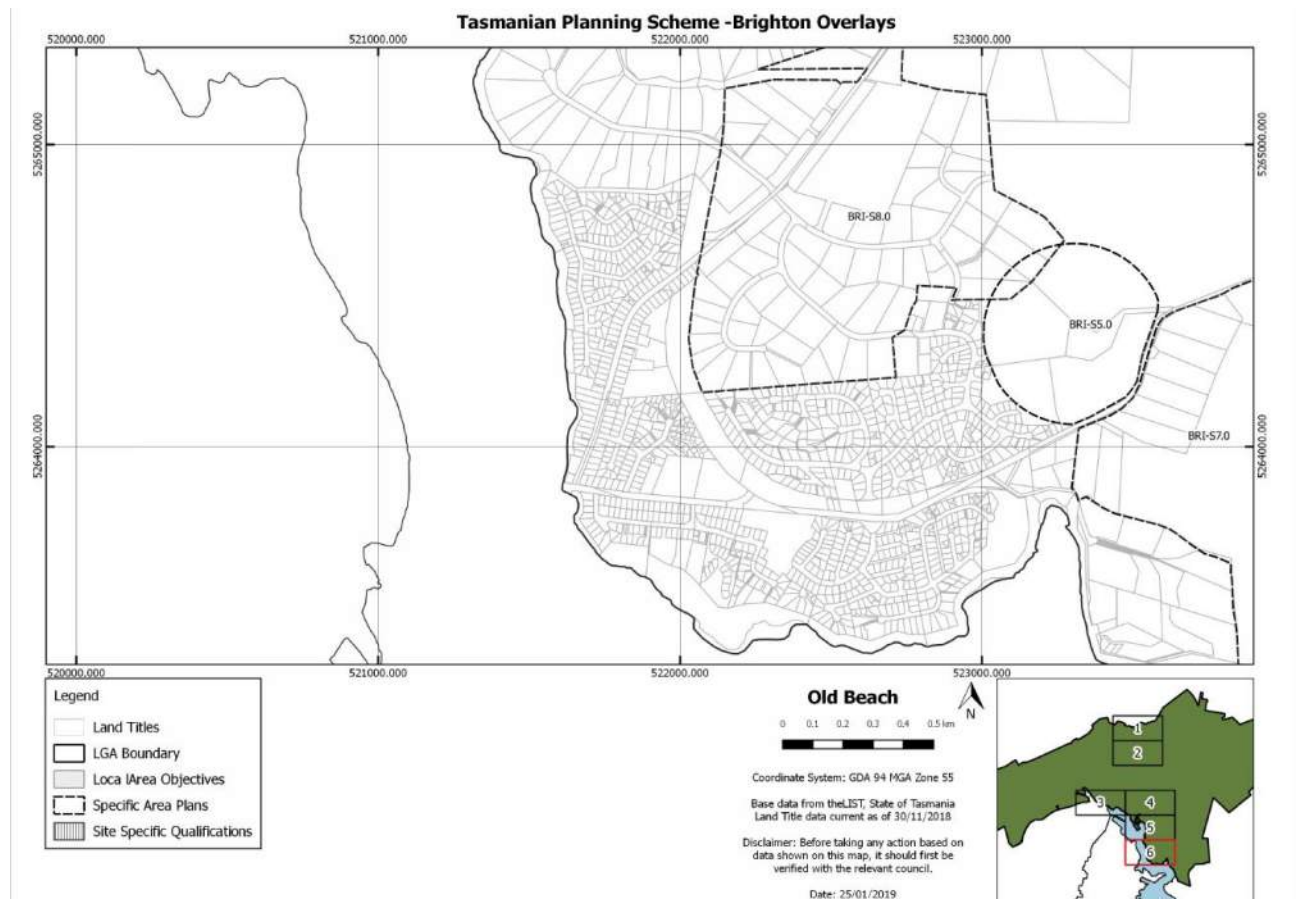


Figure 3: Overlays map - Draft Brighton LPS

The current Purpose of the SAP provides as follows:

#### **BRI-S5.1 Plan Purpose**

*The purpose of the Old Beach Quarry Specific Area Plan is:*

**BRI-S5.1.1** To protect the operations of the Old Beach Quarry from incompatible or conflicting use or development.



It is considered that in conjunction with the Future Urban Zone a SAP may be a suitable mechanism to control the transition of the affected land from the previous quarry to its future uses, however the purpose of the SAP should better reflect the future planning by modification of the Purpose of the SAP as follows:

#### **BRI-S5.1 Plan Purpose**

*The purpose of the Old Beach Quarry Specific Area Plan is:*

**BRI-S5.1.1 To protect new sensitive use ~~the operations of the Old Beach Quarry~~ from incompatible or conflicting use or development.**

#### CODES

The LPS Natural Assets mapping has included some part of the land as described in the figure below:

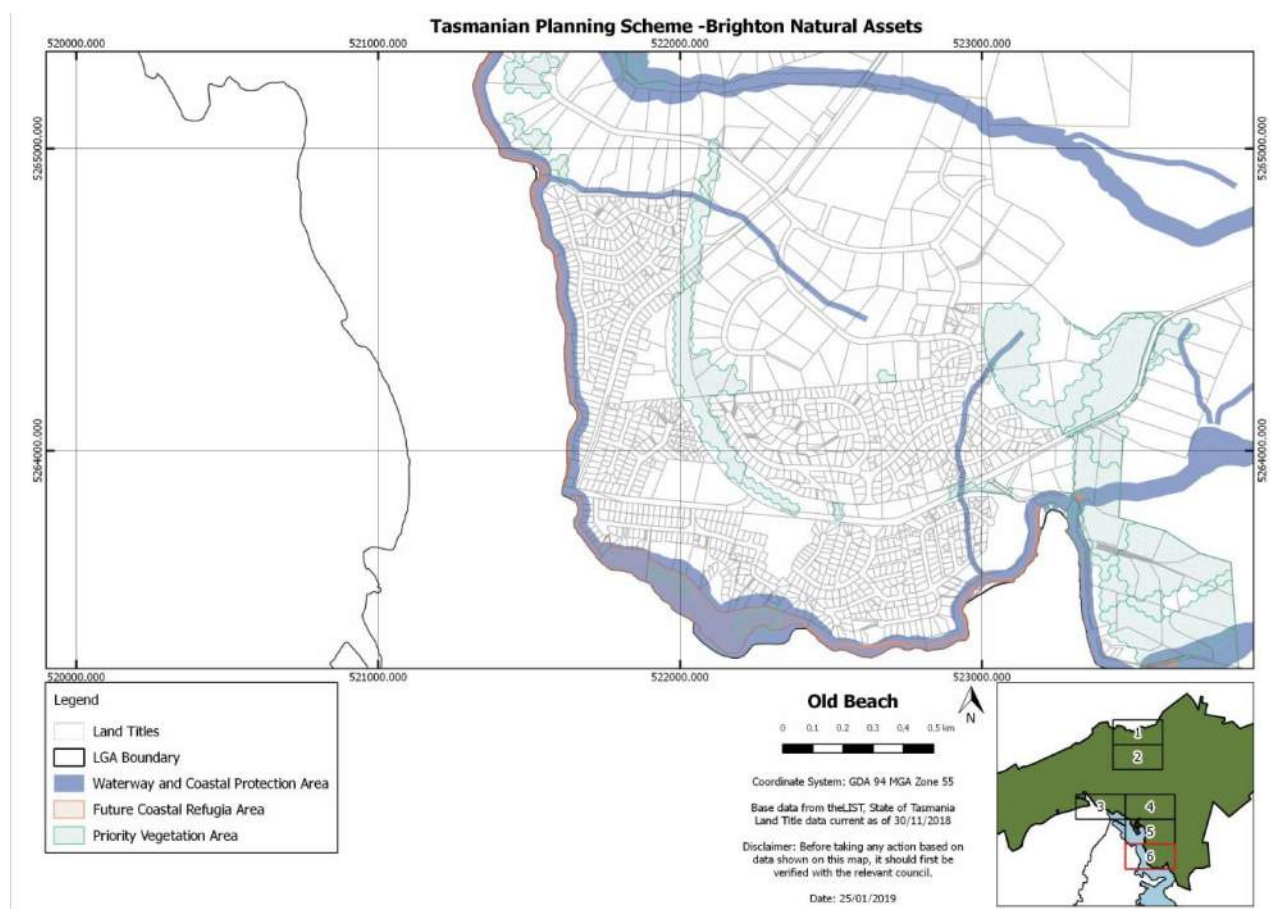


Figure 4: Overlays map - Draft Brighton LPS

The purpose of this TPS Natural Assets Code relevant to the land relates to minimising impacts on priority vegetation. The Code defines priority vegetation as follows:

*means native vegetation where any of the following apply:*

- (a) *it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the Nature Conservation Act 2002;*
- (b) *is a threatened flora species;*
- (c) *it forms a significant habitat for a threatened fauna species; or*
- (d) *it has been identified as native vegetation of local importance.*

The native community and species observations mapping available on LISTMap, as well as previous onsite investigations of the land, do not identify any currently listed communities or species present or other values. Unlike other areas in proximity of the site where listed communities are identified, the subject land does not include any identified values which would be understood to warrant the mapping for the application of this Code.

On the basis of the above it is submitted that the Zone map, the Natural Values map and the Old Beach Quarry Specific Area Plan ordinance provisions should be amended as described.

If there are any queries in relation to any of the above please contact me on 03 6234 9281 or email on [jacqui@ireneinc.com.au](mailto:jacqui@ireneinc.com.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jacqui Blowfield', with a stylized flourish at the end.

Jacqui Blowfield  
Senior Planner  
**IRENEINC PLANNING**





Dianne Cowen, Senior Consultant  
Gray Planning  
224 Warwick Street  
West Hobart TAS 7000

11 June 2019

The General Manager  
Brighton Council  
Planning Department  
1 Tivoli Road  
OLD BEACH TAS 7017  
development@brighton.tas.gov.au

Dear Sir,

**RE: REPRESENTATION FOR MR ROB MEGENS**  
**PROPERTY: 830 MIDDLE TEA TREE ROAD, TEA TREE**

Gray Planning has been engaged by the purchaser of the property at 830 Middle Tea Tree Road, Tea Tree to prepare and submit a representation in response to the public notification of the Brighton draft LPS. Current zoning of the land is Significant Agriculture under the *Brighton Interim Planning Scheme 2015* and it is proposed as the Agriculture Zone under the pending LPS.

The subject site measures 1.523 hectares and is located within an area characterised by a pattern of rural residential development and agricultural uses (see figure 1). The extent of development existing on the site comprises of two sheds. The prospective purchaser has recently undertaken a significant amount of preparation to submit a planning application for a single dwelling and olive grove. As part of this process, an Agricultural Assessment and Planning Scheme Compliance Report was prepared by Macquarie Franklin which is attached for your reference given the proposed zoning.

***Current zoning of the site***

The current zoning of 830 Middle Tea Tree Road is Significant Agriculture under the *Brighton Interim Planning Scheme 2015* (the Scheme). A residential use is deemed Discretionary in this zone, however *"only if a single dwelling necessary to support agricultural use on the site"*. The current zoning therefore places significant restraints on future development of the land for agricultural purposes that includes a residential dwelling. In this case, the subject site is heavily restricted for future agricultural uses by the size of the lot at 1.523



hectares and the existing residential development abutting the north west and south east boundaries.

The Agricultural Assessment undertaken in June 2018 for the site indicates that the land capability classification is 4+5. This recognises that *“at least 60% of the land is well suited to grazing but which is limited to occasional cropping or a very restricted range of crops up to 40%. Land unsuited to cropping and with slight to moderate limitations to pastoral use”* (source theList) . The report also noted that the site is not within a declared irrigation scheme and that the site is serviced with town water via TasWater infrastructure. The soil types identified are brown clay loam soil which would support limited cropping at best.

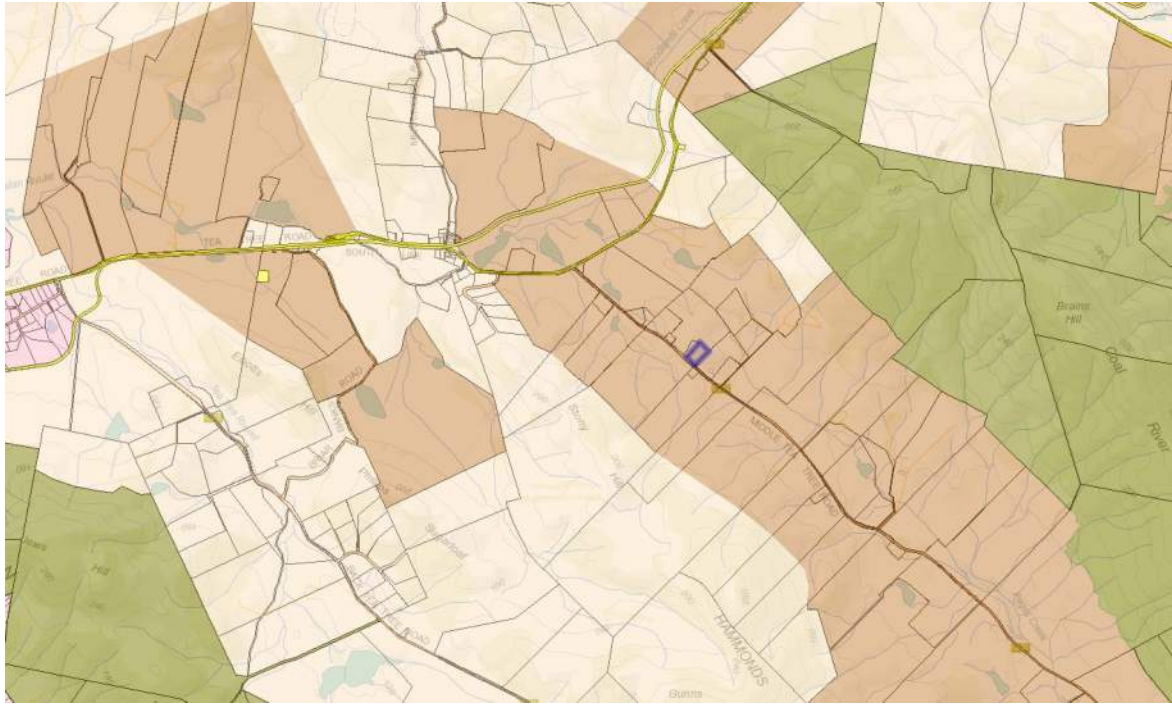


Figure 1: Aerial view of the subject site (source: theList)

Whilst there are a range of zone purpose statements for the Significant Agriculture zone that encourage and support agricultural uses and development, the characteristics of the land result in the land not being suited to the purpose of the Zone.



### *Current land use and surrounding land uses*



**Figure 2: Zone map (subject site outlined in blue). Significant Agriculture zone = brown, Environmental Living zone = green, Rural Resource zone = beige and Rural Living zone = pink. (Source: theList)**

The subject site is located within an area zoned a combination of Significant Agriculture, Rural Resource and Environmental Living. Further to the west is an area zoned Rural Living. The locality is characterised by a pattern of well established rural residential land uses as well as larger agricultural pursuits. The lot size pattern throughout the locality varies from smaller “residential type” allotments to larger agricultural lots.

The property itself is located between two lots that contain existing dwellings (see figure 3). There are also a number of lots that contain dwellings on smaller lots within close proximity to the site. It is also interesting to note that the locality is serviced by reticulated town water. This is considered to be likely as a result of the number and type of residential dwellings located within the area.





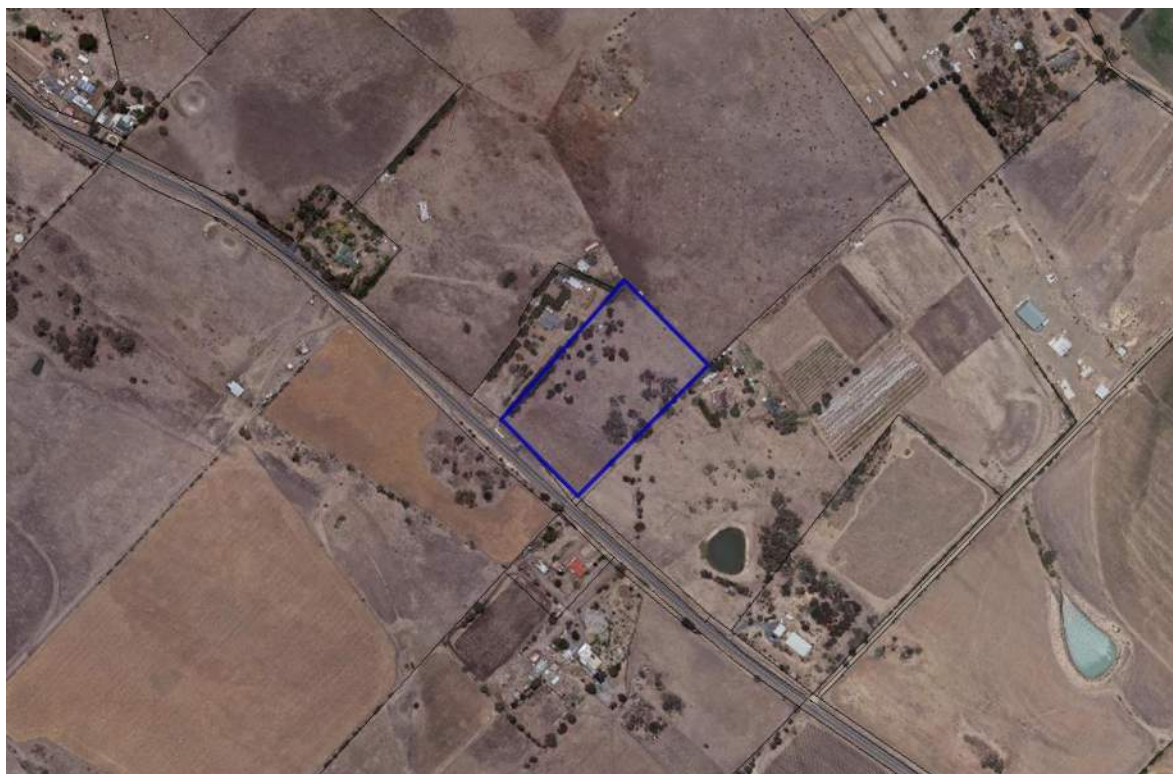


Figure 3: Aerial view of the subject site showing the existing land use pattern of dwellings surrounding the site) (Source: theList)

### *Draft Local Provisions Schedule for Brighton municipality*

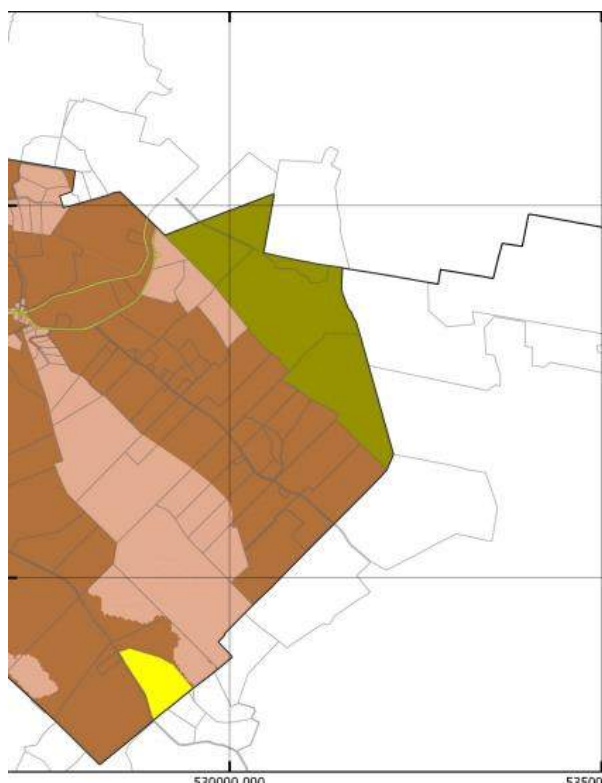


Figure 4: Zone map of the locality under the Brighton draft LPS (Source: Brighton Council website)



Upon review of the future zoning under the Brighton draft LPS it is noted that the property is proposed to be zoned Agriculture (see figure 4). As a result, the development provisions remain relatively similar for this land. Some minor changes however, have been proposed.

The relevant changes are:

Clause 21.1 Use Table includes a “Residential” use as discretionary with no restriction on the need to support an agricultural enterprise; and

Clause 21.3.1 P4 deals with the requirement to protect agricultural land, however, includes a mechanism where land is unable to be developed for agricultural purposes in the following manner:

<b>A4</b>  No Acceptable Solution.	<b>P4</b>  A Residential use listed as Discretionary must:  (a) be required as part of an agricultural use, having regard to: (i) the scale of the agricultural use; (ii) the complexity of the agricultural use; (iii) the operational requirements of the agricultural use; (iv) the requirement for the occupier of the dwelling to attend to the agricultural use; and (v) proximity of the dwelling to the agricultural use; or (b) Be located on a site that: (i) is not capable of supporting an agricultural use; (ii) is not capable of being included with other agricultural land (regardless of ownership) for the agricultural use; and (iii) does not confine or restrain agricultural use on adjoining properties.
--	--



Although it is noted that the approved State Planning Provisions (SPP's) that will apply to this site have been drafted to possibly allow dwellings on agricultural land with limitations, clause 21.3.1 P4(b)(ii) is still of concern.

Whilst it appears that there is a mechanism under the SPP's that may provide opportunity to navigate through the SPP's to allow a dwelling, the argument to agglomerate lots with other agricultural land in particular may not be resolved. This would require an Agricultural Assessment to support the case which could be difficult to justify.

### **Conclusion**

The difficulty being faced by the purchaser of 830 Middle Tea Tree Road is that the land is not of a sufficient size to be able to utilise the land for agricultural purposes as a viable proposal. It is capable however, of supporting an olive grove of a hobby farm scale where the viability to the developer is enhanced through the allowance of a dwelling onsite.

Given the existing land use pattern of smaller lots within close proximity to the subject site, application of the Rural Zone for the smaller lots is considered to be of more benefit to this specific locality. A single dwelling would remain as a discretionary use however there are more relevant and specific controls in the provisions for the Rural Zone which would better manage the existing land use pattern.

Unfortunately, the "one size fits all" approach for the application of the Agriculture Zone throughout the State is resulting in some unfair and unwarranted planning results. While it is acknowledged that applying such an approach is fraught with conflict and difficult to resolve, it is considered that smaller lots should be treated with a finer lens to overcome these problems and provide appropriate development potential. The established land use pattern for these smaller lots is in not consistent with the allowable uses for the Agriculture Zone.

The outcome for a smaller lot such as the subject site, within an area displaying an established rural residential character, is disadvantaged by the application of the Agriculture Zone. The uncertainty in future application of the provisions of the Agriculture Zone further exacerbates this issue and has the potential to render the land undevelopable.

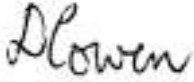
Consideration of the Rural Zone for these lots would therefore be a reasonable proposition which is more reflective of the likely future land use that is compatible with adjoining development. It is also important to note that the applicable zone purpose statements for the Rural Zone are more appropriate for the types of land use that would be most likely to establish within this locality, given the size of the land.





Should you wish to discuss further or require additional information, please feel free to contact myself on 0438 010302 or via email at [di@grayplanning.com.au](mailto:di@grayplanning.com.au).

Yours faithfully



Dianne Cowen BUrbRegPlan RPIA  
Senior Consultant, Gray Planning

Cc. Mr R Megens  
[rob.megens@yahoo.com](mailto:rob.megens@yahoo.com)



# AGRICULTURAL ASSESSMENT AND PLANNING SCHEME COMPLIANCE REPORT

830 Middle Tea Tree Road, Tea Tree

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June 2018





*Macquarie Franklin was formed in April 2011 by the merger of two Tasmanian based consulting firms - Agricultural Resource Management (ARM) and Davey & Maynard.*

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**Report author:** Mr Jason Lynch

**An appropriate citation for this report is:** Macquarie Franklin, June 2018, *Agricultural assessment and planning scheme compliance report: 830 Middle Tea Tree Road, Tea Tree TAS*

**Document status:** Final

Date	Status /Issue number	Authorised by	Transmission method
28/6/2018	1	Jason Lynch	electronic

This report has been prepared in accordance with the scope of services described in the contract or agreement between Macquarie Franklin and the Client. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client and Macquarie Franklin accepts no responsibility for its use by other parties.

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## Executive Summary

This agricultural assessment and planning scheme compliance report has been prepared on behalf of the proponent, Rob Megens, and covers various aspects of the proposed development at 830 Middle Tea Tree Road, Tea Tree.

The proposed development consists of a residential dwelling on the central northern boundary area of the property.

The small size of the property (1.5 ha) in conjunction with the land capability of the ground present, and lack of irrigation water resources highly restricts the current and future potential agricultural land use activities that can and could be conducted, and effectively renders this property unsuitable for sustainable commercial scale agriculture. However the property does have potential for use as a low intensity, small “cottage” scale agricultural producer, and this is what the proponent is intending to do, as per pastoral use for sheep grazing and establishing a small olive grove.

The nature, design and layout of the proposed development is sensitive to the balance of the property, and it is anticipated to have minimal negative impact and not fetter the agricultural land use activities on the adjacent properties.

It is considered that the proposed development is consistent with the sentiment and specific relevant planning scheme clauses of the Brighton Interim Planning Scheme 2015.



## **1 Introduction**

This report, prepared by Mr Jason Lynch, Senior Consultant, Macquarie Franklin, has been prepared to provide an expert agricultural assessment of the proposed development.

This report reviews the current agricultural usage of the property in question and the surrounding area in relation to the Land Capability and Land Classification. This includes soils, aspect, topography, water resource, economic feasibility and impact of the proposed subdivision in relation to agricultural activities.

## **2 Qualifications and Experience**

Mr Jason Lynch is an agricultural science graduate from the University of Tasmania with 20 years of experience in primary industry production, extension and consulting. Mr Lynch has worked with a variety of farming enterprises throughout Tasmania. A detailed outline of experience and qualifications is attached in Appendix A.

## **3 Location**

The property proposed for development, at 830 Middle Tea Tree Road, is situated approximately 7.5 km east of the township of Brighton, is covered title 160381/1, and consists of 1.5 hectares of land. Appendix B Figure 5.

The property is accessed off Middle Tea Tree Road via the existing entrance of the south west corner of the property, and is a rectangular block of land being 150m long (north to south) and 100m at the widest point (east to west).

The topography of property consists of elevated high ground on the northern end with a southerly facing slope that leads down to lower ground adjacent to Middle Tea Tree Road, and is covered by degraded pasture land with a number of dispersed paddock trees and hedge rows.

The property is bordered by Middle Tea Tree Road to the south, with farm land to the north, south, and east and a small residential block to the west.

Two residential dwellings are present to the north eastern and north western boundaries of the property

No water resources are present on the property, and includes any dams and/or no water courses that flow through and/or border the block.

The land on the property is zoned as significant agriculture, and is surrounded by significant agriculture zoned land. Appendix B Figure 6.

## 4 Proposal

The proposed development consists of a residential dwelling, shelter belts planted along the northern and eastern boundary and an olive grove.

See Appendix B Figure 8 for a layout of the proposed developments on the property.

The proposed residential dwelling would be built on the northern area of the property, and would cover approximately 300m<sup>2</sup> of land which represents roughly 2% of the total area of the property. See Appendix B Figure 10 and 11.

The proponent is keen to develop a small cottage scale horticultural enterprise, and this would consist of an olive grove, and this is in conjunction with a continuation of the existing small scale pastoral use that is undertaken on the property. Further detail is provided in section 12.2.

A mixed native vegetation shelter belt would be established along the northern and eastern boundary of the property.

## 5 Land Classification

Land capability of the property was assessed according to the Tasmanian Land Capability Classification System (Gross, 1999). Land is ranked according to its ability to sustain a range of agricultural activities without degradation of the land resource. Class 1 land is the best land and Class 7 land is the poorest. A wide range of limitations are considered and the most significant limitation determines its final classification, or ranking. Limitations in relation to soils include, topsoil depth and erosion risk. Limitations relating to climate include low rainfall and frost.

A full explanation of the Land Capability System is available in the *DPIPWE Tasmanian Land Capability Handbook*.

The classification system assumes an average standard of land management and that production will be sustainable if the land is managed according to the guidelines of its Class. The system does not take into account the economics of production, distance from markets, social or political factors, all of which can change over time.

Class 4 land is described as follows:

*Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimize degradation.*

*Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited.*

Class 5 land is described as follows:

*This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be grown. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.*

A detailed, site specific assessment of land classification was undertaken by the author in June 2018.

The attached map (Appendix B Figure 7) illustrates the extent of the land capability class within the property.

The soils on the property consist of a brown dermosol with a clay loam topsoil with a clay subsoil, and is derived from Jurassic Dolerite geology. Figure 1

Frequent stone and rock is present on the ground surface and throughout the soil profile, particularly on the more elevated and sloping ground.



Figure 1; dominant brown dermosol soil present on the property

Table 1: Land Capability Summary

Symbol	Landform	Soils	ASC	Slope (%)	Chief limitation	Secondary limitations	Notes
4er 0.5 ha	Flat and gently land present on foot slope of the adjacent low hill to the north.	Brown clay loam soil.  Moderately well drained clay loam soil, with stone and rock fragments present in the soil profile.  Soils derived from Jurassic Dolerite geology.	Dermosol	0-5	Erosion on bare and exposed soil due to surface water movement causes rill and sheet erosion.	Presence of stone and rock fragments in the soil profile.	These soils are suitable for cropping, one to two years in 10 but are high risk due to erosion potential and structural degradation.  Cropping options would be severely restricted, and therefore limit the potential productivity and financial returns that could be generated from the property.
4.1er 0.1 ha	Flat and very gently sloping land on high ground			0-3			
5er 0.9 ha	Gently sloping and undulating land on the mid and upper slopes and hilltop ground	Brown clay loam soil.  Moderately well drained clay loam soil, with frequent stone and rock fragments present in the soil profile and on the surface.  Soils derived from Jurassic Dolerite geology.		3-8		Frequent presence of stone and rock fragment throughout the soil profile and on the surface of the ground	These soils are unsuitable for cropping.  These soils are suitable for grazing, with moderate limitations.





Figure 2; easterly view across the northern area of the property



Figure 3; north easterly view from the northern boundary of the property in question





Figure 4; north easterly view form the northern boundary of the property in question

## 6 Climate

The Coal Valley is a low rainfall zone 550mm/year, experiences a cool to cold winters, has a relatively short growing season and is prone to experiencing extended periods of low rainfall and potentially difficult growing conditions.

## 7 Existing Infrastructure

There is minimal infrastructure present on the property in question and is limited to boundary fencing.

## 8 Water Resources

The property has no waterways that border and/or flow through the property.

The property is not located in a declared irrigation district.

The property is serviced by TasWater, and the water main is located adjacent to the southern boundary along the Middle Tea Tree road reserve.

## 9 Weeds and pests

The property has minimal weeds present beyond a range of broadleaf and grass weeds present in the pasture sward.

## 10 Erosion

No area of the property are covered any landslip hazard rating land.

## 11 Fire Management

A fire risk is present due to the grassland covering the property itself and on adjacent land.

## 12 Agricultural Activities

### 12.1 Current agricultural activities

The property is currently utilised for agricultural land use activities, that being for pastoral land use activities associated with grazing three sheep.

### 12.2 Future agricultural activities

The land capability of the property has determined that a small area of ground on property, 0.6 hectares, is suitable for cropping land use activity albeit with a severely restricted range of crops on a very small scale and realistically would not be conducted on a sustainable commercial scale.

The limited availability of irrigation water severely limits the potential land use activity, and effectively confines cropping to either dryland activities and/or using town water, which due to the cost and delivery rate renders this option unrealistic.

The proposed establishment of an olive tree grove represents a good use of this land in terms of agricultural land use activity relative to the limitations of the block (land capability rating and lack of irrigation water supplies), and it is considered that it offers minimal potential negative impacts and fettering of the neighbouring agricultural land and/or primary production activities conducted therewith.

The olive grove would be based on establishing 30 trees, planted in a 10 x 10m arrangement (50% lower planting density intended to compensate for the lack of irrigation water) and would represent an investment of approximately \$5,000 (land preparation, trees, tree protection and planting costs, fertiliser and weed control). The olive grove would be located on the southern area of the property on the better Class 4 land, and once established has the expectation to yield 5 L oil/tree (in the 8<sup>th</sup> year after planting with a 30 kg fruit yield per tree, and 14% oil content).

Additionally the olive grove strengthens the buffer to the proposed residential development that would be located on the northern end of the property from the direction of Middle Tea Tree Road.

Sheep would still be able to graze in and around the olive grove, and there presence is integral to maintaining control over the pasture beneath the canopy of the trees.

## **13 Residential Dwelling Development Impact on Agricultural Activities**

The current agricultural activities are limited to small scale dryland pastoral use, as per grazing with three sheep.

The proposed residential dwelling development would be sensitively located on the northern area of the property in order to minimise and reduce the potential impact on the balance of the property and would allow for a continuation of the current agricultural land use activities.

The olive grove would be established on the southern end of the property, approximately 80m south of the proposed location of the residential dwelling, and would also for a continuation of the pastoral land use activity.

### **13.1 Potential risk to neighbouring agricultural land/activity**

The proposed residential development, would be sensitively located on the central northern area of the property in order to minimise and reduce the potential impact to neighbouring properties and that of their agricultural land use activities.

The proposed olive grove is consistent with similar perennial horticultural land use activities in the Brighton municipality.

Establishing a shelter belt, consisting of appropriate mixed native trees and shrubs along the northern and eastern boundary would strengthen the buffer to the adjacent property to the east.

Based on the scale, nature and type of the proposed development, separation and buffer distances, presence of the existing hedge row along the western boundary and the proposed shelter belt on the northern and eastern boundary it is anticipated that it would not interfere and/or fetter neighbouring agricultural land use.

Table 2, potential risk to neighbouring agricultural activity

Potential Risk to Neighbouring Agricultural Activity	Extent of Risk & Possible Mitigation Strategy
1. Trespass	Risk = low. Mitigation measures include maintenance of sound boundary fencing, lockable gates and appropriate signage to warn inhabitants and visitors about entry onto private land; report unauthorised entry to police.
2. Theft	Risk = low. Ensure there is good quality boundary fencing on neighbouring properties and appropriate signage to deter inadvertent entry to property; limit vehicle movements, report thefts to police.
3. Damage to property	Risk = low. As for theft.
4. Weed infestation	Risk = low. Risks are expected to be negligible as the proponent would undertake property management activities including managing weed infestations and preventing weeds from becoming invasive and an issue to neighbouring land holders
5. Fire outbreak	Risk = low. Fire risk can be mitigated by careful operation of outside barbeques and disposal of rubbish.
6. Dog menace to neighbouring livestock	Risk = low. Mitigated by ensuring that good communication is maintained between the proponent and residents of the neighbouring properties.

### 13.2 Potential risk from neighbouring agricultural land/activity

It is reasonable to consider that the potential risk from neighbouring agricultural land/activity is minimal.

Table 3; potential risk from neighbouring agricultural land/activity

Potential Risk from Neighbouring Agricultural Land/Activity	Extent of Risk & Possible Mitigation Strategy
1. Spray drift and dust	Risk = low. Aerial spraying is not practiced in the vicinity of the dwelling; ground or spot spraying is a practical and mostly used alternative. Spraying events should be communicated in a timely manner to the inhabitants of the dwelling.
2. Noise from machinery and irrigation pump operation, livestock and dogs.	Risk = low although some occasional machinery traffic will occur when working/managing the adjacent land.
3. Irrigation water over boundary	Risk = low-medium, however as the prevailing wind direction is westerly, this is not expected to be an issue. Irrigation systems are not normally operated in high winds due to excessive evaporative losses and uneven application rates on the ground.
4. Stock escaping and causing damage.	Risk = low provided that boundary fences are maintained in sound condition.
5. Electric fences	Risk = low. Mitigated by the proponent attaching appropriate warning signs on boundary fencing.

Based on the scale, nature and type of the proposed development, separation and buffer distances, presence of the hedge along the western boundary and proposed shelter belts along the northern and eastern boundary it is anticipated that it would not interfere and/or fetter neighbouring agricultural land use.

## 14 Impact On Residential Amenity

In the immediate vicinity, as per a 300m radius, there are six existing residential dwellings, with the nearest being 50m to the west of the proposed residential dwelling development (Appendix B Figure 9).

It is important to note that both properties to the east and west have residential dwellings that are located 19m and 16m respectively from nearest boundaries of the property in question.

Based on the scale, nature and type of the proposed development, separation and buffer distances, presence of the hedge adjacent to the west and a proposed shelter belt along the northern and eastern boundary it is anticipated that it would not interfere and/or fetter neighbouring residential amenity.

## 15 Brighton Council Interim Planning Scheme Compliance 2015

### 15.1 Clause 27.1 Zone Purpose Statements

Zone Purpose Statements	Response
<p>27.1.1.1</p> <p>To provide for the use or development of land for higher productivity value agriculture dependent on soil as a growth medium.</p>	<p>27.1.1.1</p> <p>The land is not “Prime” agricultural land, it is zoned Significant Agricultural, however the size and associated land capability prohibits sustainable commercial scale agricultural land use activities, although does permit small scale, low intensity cottage scale agriculture.</p> <p>The property will be maintained as per its current land use activity, that being for pastoral use and also to establish an olive grove.</p> <p>The proposed olive grove represents the higher potential agricultural land use activity for the property considering the size of the available land, land capability of the ground and lack of irrigation water.</p>
<p>27.1.1.2</p> <p>To protect the most productive agricultural land and ensure that non-agricultural use or development does not adversely affect the use or development of that land for agriculture.</p>	<p>27.1.1.2</p> <p>The proposed development will have minimal impact and create no additional conflict on the property in question and that of the neighbouring agricultural land and the operational farming activities that could be conducted there.</p> <p>The location, size and nature of the proposed development has been selected to minimise any constraints and negative impacts on the agricultural productivity of the property in question.</p>
<p>27.1.1.3</p> <p>To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</p>	<p>27.1.1.3</p> <p>The proposed development facilitates the maximum potential agricultural land use opportunity for the property in question.</p> <p>The pastoral land use activities and proposed olive grove are low impact, and offer the best opportunity to provide the least negative impact on the current and future land use, and most sustainable use of the available ground.</p>



Zone Purpose Statements	Response
<p>27.1.1.4</p> <p>To provide for limited non-agricultural uses that support the continued use of the land for agricultural use.</p>	<p>27.1.1.4</p> <p>The proposed residential dwelling development would allow for the proponent to live on the property, and based on its location, nature and size would allow for a continuation of the existing pastoral use and support the development and ongoing productivity of the olive grove.</p>
<p>27.1.1.5</p> <p>To protect regionally significant areas of significant agricultural land identified in the Regional Land Use Strategy, including areas subject to existing or proposed irrigation schemes, from conversion to non-agricultural use.</p>	<p>27.1.15</p> <p>The proposed development on the property in question would not be considered to contribute to the incremental loss of productive rural resources.</p> <p>The property is not located within a declared irrigation district.</p>
<p>27.1.1.6</p> <p>To protect areas used for reuse water irrigation.</p>	<p>27.1.1.6</p> <p>The property is not covered by a reuse water scheme.</p>
<p>27.1.1.7</p> <p>To ensure that new residential use is only established where necessary to facilitate the management of the land for agricultural purposes and does not fetter existing or potential agricultural use on other land.</p>	<p>27.1.1.7</p> <p>The proposed residential dwelling development would allow for the proponent to live on the property, and based on its location, nature and size would allow for a continuation of the existing pastoral use and support the development and ongoing productivity of the olive grove. The proposed residential dwelling development and olive grove would not fetter existing and or future agricultural land use activity of the adjacent and nearby land.</p>

## 15.2 Clause 27.1.2 Local Area Objectives

This clause is not applicable.

## 15.3 Clause 27.1.2 Desired future character statements

This clause is not applicable.

## 15.4 Clause 27.3.3 Discretionary Use

Objective	
<b>Objective</b>  To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.	
<b>Response</b>  There are no Acceptable solutions, and Performance Criteria P2 is not applicable hence the concentration of P1.	
Performance Criteria	Response
<b>P1</b> A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following: <ul style="list-style-type: none"> <li>(a) the characteristics of the proposed non-agricultural use;</li> <li>(b) the characteristics of the existing or likely agricultural use;</li> <li>(c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</li> <li>(d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.</li> </ul>	<b>P1</b> The proposed development on the property includes a residential dwelling development, a shelter belt along the northern and eastern boundary and an olive grove would not create conflict and/or fetter the agricultural land use activity on the adjacent properties.  The residential dwelling development would be located on the northern central boundary of the property, and would cover approximately 2% of the total area of the block. This development would be located in Class 5 land, and allow the balance of the property to be utilised and managed for its agricultural land use potential, that being for a continuation of the existing pastoral use and facilitate the development of an olive grove.  The proposed olive grove represents the higher potential agricultural land use activity for the property considering the size of the available land, land capability of the ground and lack of irrigation water.  The existing and proposed shelter belts along the northern, eastern and western boundaries of the property in question, and this in conjunction with the location, size and nature of proposed residential dwelling development would not be anticipated to create negative impacts on the amenity of the adjacent properties.

### 15.5 Clause 27.4.1

The proposed residential building height will be <8.5m, and therefore is compliant with the clause.

### 15.6 Clause 27.4.2 Setback

Objective	
<p><b>Objective</b></p> <p>To minimise land use conflict and fettering of use of rural land from residential use, maintain desirable characteristics of the rural landscape and protect environmental values in adjoining land zoned Environmental Management.</p>	
<p><b>Response</b></p> <p>The proposed development is compliant with Acceptable solutions A1, with the location of the proposed residential dwelling development to the located 123m from the frontage of property in question.</p> <p>The proposed development is not compliant with Clause A 2 and A3, hence the concentration on Performance criteria P2 and P3.</p>	
Performance Criteria	
Performance Criteria	Response
<p><b>P2</b></p> <p>Building setback from side and rear boundaries must satisfy all of the following:</p> <p>(a) be sufficient to prevent potential for land use conflict that would fetter non-sensitive use of adjoining land;</p> <p>(b) be no less than:</p> <p>40 m, if the lot is greater than 1 ha or if there is an existing building set back less than this distance, the setback must not be less than the existing building;</p> <p>20 m, if the lot is less than or equal to 1 ha or if there is an existing building set back less than this distance, the setback must not be less than the existing building.</p>	<p><b>P2</b></p> <p>The property is 1.5 hectares in area and is 150m long (north to south) and 100m wide (east to west).</p> <p>The proposed residential dwelling development would be positioned 20m from the western boundary and 35m from the eastern boundary, and 20m from the northern boundary (rear boundary).</p> <p>The proposed location of the residential dwelling development offers the best position relative to having minimal negative impact on the neighbouring adjacent properties and also preserves the greatest amount of the land on the property in question to be retained for agricultural land use activities, as per pastoral use and the future olive grove.</p> <p>The existing shelter on the western boundary and proposed shelter belt on the northern and eastern boundary would strengthen the buffer to the adjacent properties to the east and west, and the proposed olive ground would provide a buffer to</p>

<p><b>P3</b></p> <p>Building setback for buildings for sensitive use must satisfy all of the following:</p> <p>(a) be sufficient to prevent potential for land use conflict that would fetter non-sensitive use of adjoining land;</p> <p>(b) be sufficient to provide a separation distance no less than:</p> <p>80 m from horticultural use or crop production on adjoining land or if there is an existing building with a separation distance less than this distance, the separation distance must not be less than the existing building;</p> <p>40 m from land zoned Rural Resource or if there is an existing building with a separation distance less than this distance, the separation distance must not be less than the existing building.</p>	<p>the property to the south across Middle Tea Tree Road.</p> <p><b>P3</b></p> <p>The proposed location of residential dwelling development, its size (representing 2% of the total area of the property), design and nature would prevent and mitigate the potential for land use conflict and would not fetter the non-sensitive use on adjoining land.</p> <p>The existing shelter belt on the western boundary and proposed shelter belt on the northern and eastern boundary would strengthen the buffer to the adjacent properties to the north, east and west, and the proposed olive ground would provide a buffer to the property to the south across Middle Tea Tree Road.</p> <p>The property immediately adjacent to the east has a number of sheds and outbuildings and a residential dwelling approximately 20m from the eastern boundary of the property in question, and this in conjunction with the proposed vegetation shelter belt along the eastern boundary provides an appropriate buffer and separation distance to the agricultural land further to the east.</p> <p>The property immediately adjacent to the west has a number of sheds and outbuildings and a residential dwelling approximately 20m from the western boundary of the property in question, and this in conjunction with the existing shelter belt along the western boundary provides an appropriate buffer and separation distance to the agricultural land further to the west.</p> <p>The proposed shelter belt along the northern boundary and steeper topography (on the immediately adjacent land) provides an appropriate buffer and sufficient separation to the agricultural land to the north.</p>
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## 15.7 Clause 27.4.3 Design

Objective
<p>Objective</p> <p>To ensure that the location and appearance of buildings and <b>works</b> minimises adverse impact on the rural landscape.</p>
<p><b>Response</b></p> <p>The proposed development is compliant with the Acceptable Solutions;</p> <p>A1: The proposed development would be set back 20m from the skyline to the north of the proposed location of the residential dwelling development and it is design and located to the unobtrusive, no land clearing will occur, no building area is provided on the title, and it is not an addition or alteration to an existing building.</p> <p>A2: The exterior of the proposed residential dwelling's <b>building</b> surfaces will be sensitive to surrounding landscape and will not made of reflective materials.</p> <p>A3: the depth of any fill and excavations required for the proposed development will be no more than 2m from natural ground, however this does not include the building excavations.</p>

## 15.8 Clause 27.4.4 Plantation Forestry

This clause is not applicable.

## 16 PAL Policy

### 16.1 Background

An assessment is required to ensure that the proposed development does not conflict with the principles outlined in State Policy on the Protection of Agricultural Land 2009 (PAL Policy). The purpose of the PAL Policy is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

### 16.2 Principles

The PAL Policy is guided by 11 Principles. These Principles are discussed in detail below. Note that no one Principle should be read in isolation from the others to imply a particular action or cause and that generally the Principles are to be implemented through the planning scheme as it states in the PAL Policy.

#### 16.2.1 Principle 1

Principle 1 states

“Agricultural land is a valuable resource and its use for the sustainable development of agriculture should not be unreasonably confined or restrained by non-agricultural use or development”.

No change in current land use, the proposed residential dwelling development would be sensitively located on the property and allow for a continuation of the existing pastoral use and facilitate the establishment of an olive grove.

The location and nature of the proposed development in conjunction with the existing and proposed vegetation shelter belts would mitigate and prevent the potential for conflict and negative impacts on the adjacent properties and the agricultural land use therewith.

Therefore the proposal does not conflict with Principle 1.

#### 16.2.2 Principle 2

Principle 2 states

“Use and development of prime agricultural land should not result in unnecessary conversion to non-agricultural use or agricultural use not dependent on the soil as the growth medium”

No prime agricultural land is present on the property in question and therefore the proposed development does not conflict with Principle 2.

#### 16.2.3 Principle 3

Principle 3 states

“Use and development, other than residential, of prime agricultural land that is directly associated with, and a subservient part of, an agricultural use of that land is consistent with this Policy.”

The proposed residential dwelling development would allow for the proponent to live on the property, and based on its location, nature and size would allow for a continuation of the existing



pastoral use and support the development and ongoing productivity of the olive grove, and therefore the proposal does not conflict with Principle 3.

#### **16.2.4 Principle 4**

Principle 4 states

“The development of utilities, extractive industries and controlled environment agriculture on prime agricultural land may be allowed, having regard to criteria, including the following:

Minimising the amount of land alienated;

Minimising negative impacts on the surrounding environment; and

Ensuring the particular location is reasonably required for operational efficiency.

The establishment of utilities, extractive industries and controlled environment agriculture is not part of the proposal. Therefore, this principle is not relevant to the subject area.

#### **16.2.5 Principle 5**

Principle 5 states

“Residential use of agricultural land is consistent with the Policy where it is required as part of an agricultural use or where it does not unreasonably convert agricultural land and does not confine or restrain agricultural use on or in the vicinity of that land”.

The proposed residential dwelling development would allow for the proponent to live on the property, and based on its location, nature and size would allow for a continuation of the existing pastoral use and support the development and ongoing productivity of the olive grove, and therefore the proposal does not conflict with Principle 5.

#### **16.2.6 Principle 6**

Principle 6 states

“Proposals of significant benefit to a region that may cause prime agricultural land to be converted to non-agricultural use or agricultural use not dependent on the soil as a growth medium, and which are not covered by Principles 3, 4 or 5, will need to demonstrate significant benefits to the region based on an assessment of the social, environmental and economic costs and benefits”.

The proposed residential dwelling development would allow for the proponent to live on the property, and based on its location, nature and size would allow for a continuation of the existing pastoral use and support the development and ongoing productivity of the olive grove, both the pastoral use and proposed olive growth rely on soil and therefore the proposal does not conflict with Principle 3.

### **16.2.7 Principle 7**

Principle 7 states

“The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use”.

As outlined in section 16.2.5 and 16.2.6 the property would be maintained for its agricultural land use, and the location and design of the proposed development would be considered not to fetter and/or negatively impact on these current and future agricultural use of the property in question.

The proposed olive grove represents the higher potential agricultural land use activity for the property considering the size of the available land, land capability of the ground and lack of irrigation water.

Therefore the proposal does not conflict with Principle 7.

### **16.2.8 Principles 8**

“Provision must be made for the appropriate protection of agricultural land within irrigation districts proclaimed under Part 9 of the Water Management Act 1999 and may be made for the protection of other areas that may benefit from broad-scale irrigation development”.

The property is not within an irrigation district and due to its land capability and principally the area of the available land means it would not benefit from broad scale irrigation development and therefore does not conflict with principle 8.

### **16.2.9 Principle 9 to 11**

The remaining principles are not relevant to the subject area. These principles relate to the following:

- Planning schemes facilitating agricultural use on land zoned for rural purposes (Principle 9); and
- Plantation forestry (Principles 10 and 11).

## 17 References

Grose C.J. (1999) Land Capability Handbook: Guidelines for the Classification of Agricultural Land in Tasmania. 2nd Edition, DPIWE, Tasmania

## 18 Declaration

I declare that I have made all the enquiries which I consider desirable or appropriate, and no matters of significance which I regard as relevant have, to my knowledge, been withheld.

*Jason Lynch*

Mr Jason Lynch B. App.Sci (Hort)  
Senior Consultant  
Macquarie Franklin Pty Ltd  
June 2018

## 19 Appendices

### Appendix A: Profile Mr Jason Lynch



#### Jason Lynch

**Position:**

Senior Consultant - Agronomy

**Qualifications:**

B App Sci (Hort)

**Professional Associations:**

Australian Institute of Agricultural Science  
Australasia Pacific Extension Network

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**INTRODUCTION**

Jason Lynch is a senior consultant at Macquarie Franklin, with 20 years experience in production agronomy, various aspects of grazing management and property development. Jason works with clients to improve the profitability and sustainability of a diverse range of agricultural production systems.

Jason has agronomic experience in both pasture based and a range of broad acre and intensive cropping systems, in addition to horticultural enterprises. Jason provides advice to clients on crop protection, integrated pest management practices, soil health management, plant and soil nutrition, and soil moisture and irrigation management. He has well developed communication skills, and has extensive experience in the delivery of presentations and group facilitation for both small and large audiences. Jason's client mix includes small and large scale businesses, and both family farms and corporate enterprises.

Jason is able to provide independent agronomic advice with an in-depth knowledge of farming systems.

**PROFESSIONAL EXPERIENCE**

2013 - present: senior consultant - Macquarie Franklin

1998 - 2013: senior agronomist - Serve-Ag Pty Ltd

**RECENT PROJECTS**

- Property agricultural assessments and council planning scheme compliance reports across the various Tasmanian municipalities, 2005 - present
- Farm Water Access Plans and land capability assessments for various irrigation schemes including the Dial Blythe, Duck, Midlands, North Esk, South Esk, South East, Southern Highlands and Swan River, Tasmanian Irrigation Sept 2013 - present
- Pasture Principles course facilitator and coach, Cressy/Tamar, Coal Valley, Derwent Valley Evandale, Flinders Island, Northern/Central/Southern Midlands, Meander Valley, North West, 2014 - present
- MLA Producer Demonstration Site technical support with Longford Red Meat Group, MLA, 2016 - present
- GRDC Opportunity For Profit, Management Guidelines, Tasmania, GRDC, 2016-2017
- Lifetime Ewe Management Facilitator, RIST, Jan 2015-Dec 2015

#### Areas of Expertise

- Project management
- Extension & communications
- Facilitation
- Agronomic advice
- Vegetable production
- Cereal production
- Forage and fodder production
- Floriculture
- Berry fruit production
- Crop protection
- Soil fertility
- Plant nutrition
- Soil, plant and water analytical testing
- Biofumigation
- Gross margin analysis
- Agricultural research
- Land capability assessment
- Farm drainage

#### Macquarie Franklin Expertise

- Agronomic advice
- Crop protection
- Land capability assessment
- Sustainable soil management
- Soil and plant nutrition
- Red meats and dairy feed base

- Insect Pasture Pest IPM course delivery, Cradle Coast NRM, May 2014- July 2015
- Managing Your Finances course delivery, Dairy Tas June – July 2015
- F300 – Boosting livestock production efficiency and decreasing greenhouse gas emissions, North West Tasmanian Beef Producers Group Coach, Meat and Livestock Australia, Nov 2014 - March 2015
- Dairy Australia Taking Stock, 2016 - present
- Waterhouse producer demonstration site coordinator (trial maximising phosphorus fertiliser efficiency), Meat & Livestock Australia, Nov 2013 – June 2016
- Regular delivery of presentations to various NRM, grower and agricultural industry groups throughout Tasmania on a diverse range of topics, 2006-present
- Sustainable Agriculture Program involving soil testing and the delivery of property nutrient budgets and fertiliser recommendations, Cradle Coast NRM, Jan 2013-May 2013
- Property management planning services and land capability assessments, Agricultural Resource Management, 2007-2010
- Irrigation scheduling and soil moisture monitoring project leader, DairyTas, 2006
- Soil health management, including agronomic advice and research and development relating to erosion management, green manure and biofumigation crops
- Provision of comprehensive agronomic advice covering a wide range of broadacre and horticultural crops such as alliums, amenity turf, berry fruit, brassicas, canola, carrots, cereals, hemp, legumes, floriculture, poppies and potatoes (fresh, processing and seed production)

#### BOARDS AND STEERING COMMITTEES

- More milk from forages steering committee group member, Tasmanian Institute of Agriculture, Sept 2013 – June 2014
- Dairy Futures CRC steering committee for forage technologies adoption, Dairy Australia, Sept 2013 – June 2016
- Dairy Australia Forage Improvement Community of Interest group , member, Dec 2015 - present
- DairyTas Participatory Action Research Group member, Jan 2016 - present



## Appendix B: Property images



Figure 5; location of the 830 Middle Tea Tree Road property (source the LIST)

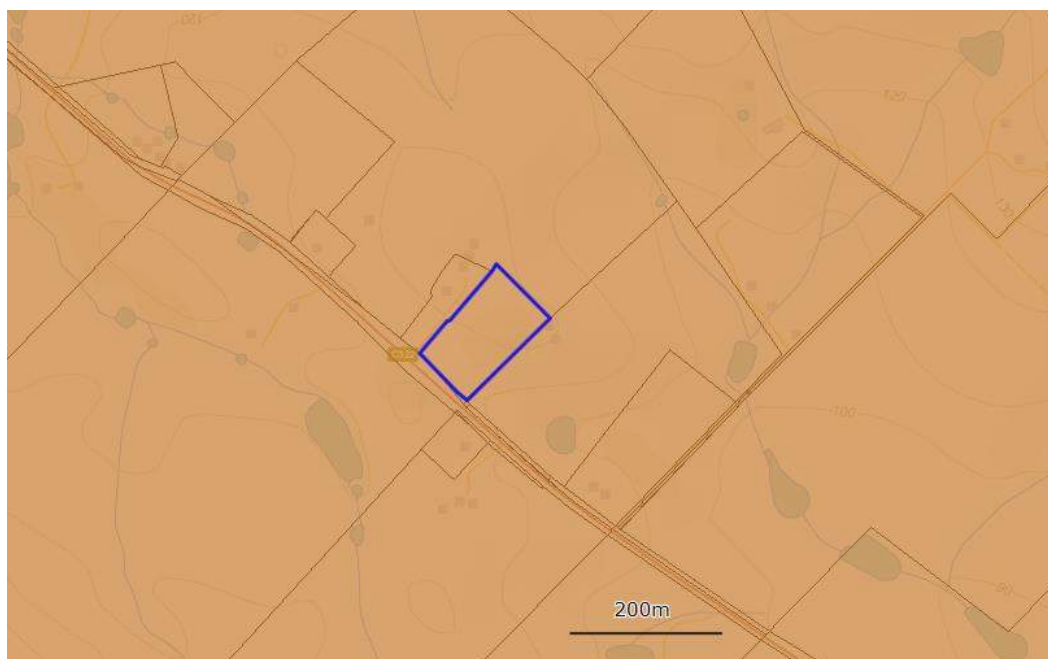


Figure 6; Brighton Council land zoning, with property in question (outlined in blue) is zoned as significant agricultural (brown shaded)





Figure 7; land capability areas present on the property



Figure 8; proposed property development layout with the residential dwelling (highlighted in red), proposed shelter belts along the northern and eastern boundary (highlighted in green) and the olive grove (highlighted in yellow)

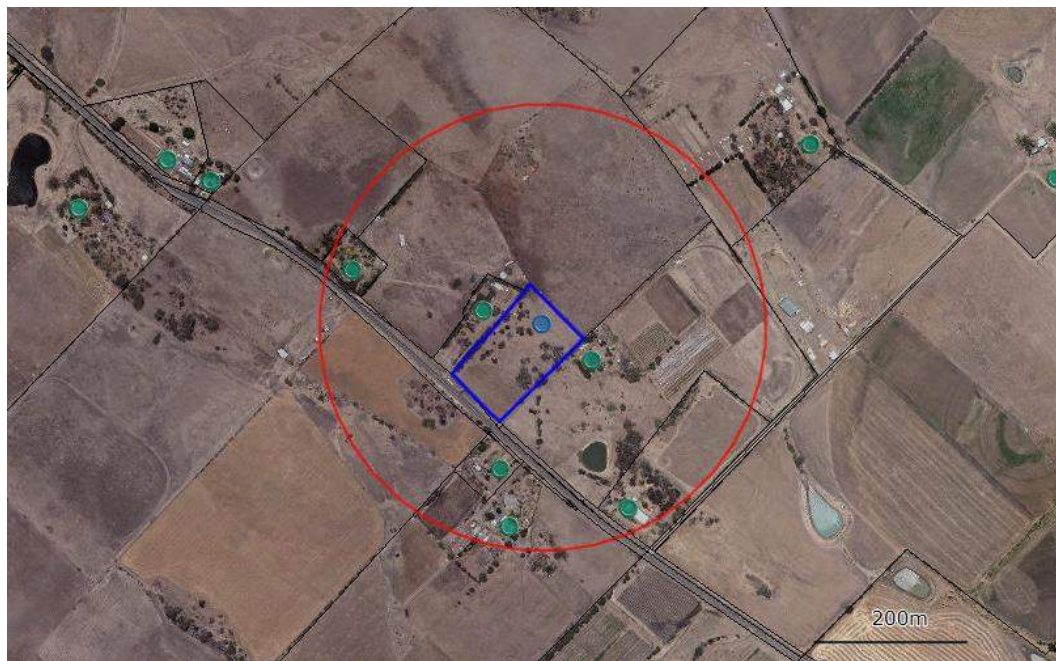


Figure 9; nearby existing residential dwellings (shown with green tags) and the location of the proposed residential dwelling (shown with a green tag) on the property in question, with 6 dwellings within a 300m radius of the proposed development on the property in question (source the LIST)



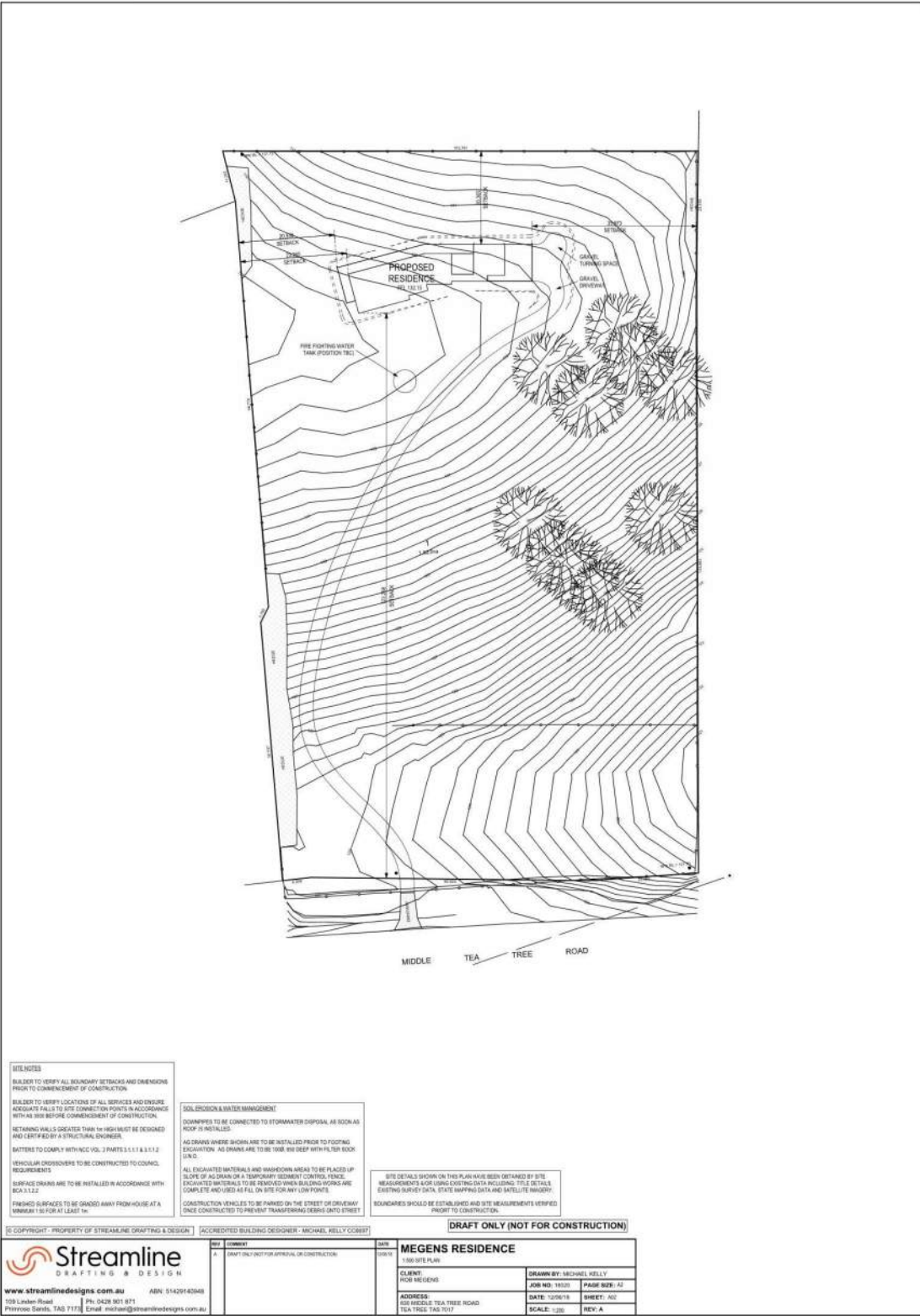


Figure 10; proposed property development plan layout (source Streamline Drafting & Design)

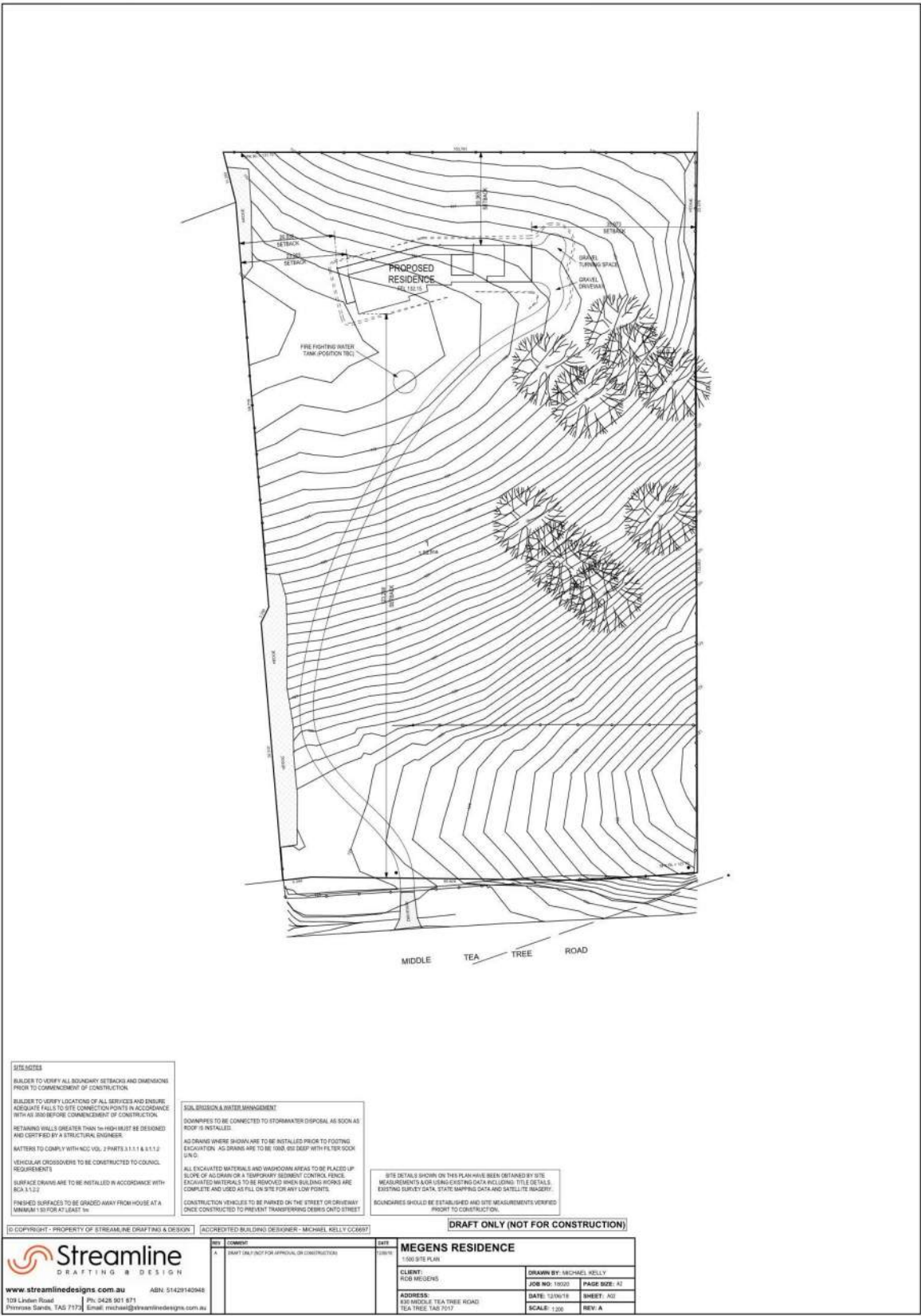


Figure 11; detailed residential dwelling layout (source Streamline Drafting & Design)

07 JUN 2019

5<sup>th</sup> June 2019

David Allingham

Brighton Council

1 Tivoli Road Old Beach TAS 7017

Dear Mr Allingham,

**Changes to property:**

We acknowledge your previous letter stating the proposed change of zoning from Rural Resource to Rural zoning at our property, 509 Millvale Road Brighton.

I am writing to request that it be considered to change the zoning of my property from Rural Resource to Rural Living.

The main reason of this request is for the potential opportunity to subdivide some of my acreage for my son and his wife and family to be able to build a new dwelling on in the near future.

Thank you for taking the time to read this letter and I look forward to hearing from you.

Sincerely,

Gavin D Whitney

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



31 May 2019

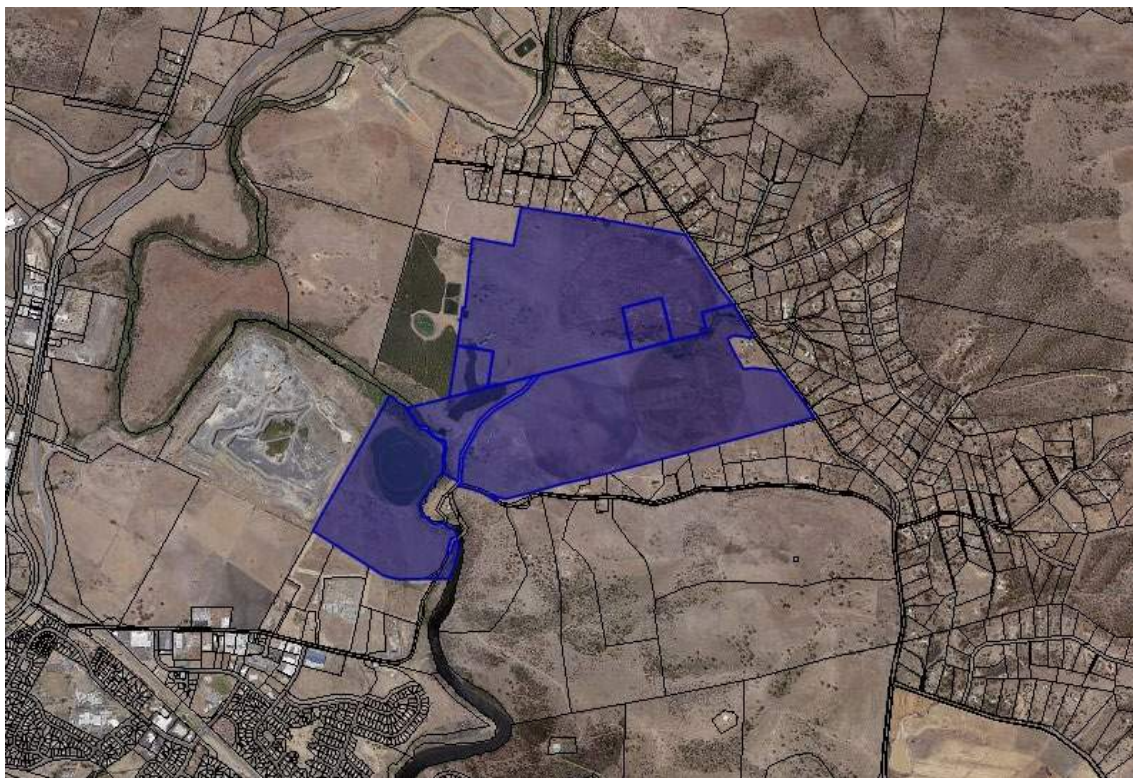
Planning Department  
Brighton Council  
1 Tivoli Road  
OLD BEACH TAS 7017.

By email: [development@brighton.tas.gov.au](mailto:development@brighton.tas.gov.au)

Dear Sir/Madam,

**250 COVE HILL ROAD, HONEYWOOD  
REPRESENTATION**

I write on behalf of our client Cooltrans Pty Ltd in regard to the proposed zoning of their property at 250 Cove Hill Road, Honeywood under the draft Brighton. The property to which we refer is contained within 5 title areas: C.T. 146794/1, C.T. 247795/1, C.T. 44572/2, C.T. 247795/2, C.T. 44573/4 and is shown in Figure 1 below.



*Figure 1: Area comprising 250 Cove Hill Road, Honeywood.*



Specifically, our client raises concern with the proposed zoning of land, being the Agriculture Zone.

As Council is aware, our client has previously commissioned a detailed on-site agricultural assessment by Macquarie Franklin. This assessment has previously been provided to Council as part of a rezoning request and was subject to extensive cross examination at a Commission hearing with the author of the assessment, Dr Lee Peterson in attendance. The Commission in their decision - Brighton Interim Planning Scheme 2015 amendment RZ 2016-07 [2017] TASPComm 28 (1 August 2017) - accepted the evidence of Dr Lee Peterson.

While I appreciate that the draft Brighton LPS has been informed by a mapping project undertaken by agricultural consultants AK Consulting in accordance with the Tasmanian Planning Commission's Section 8A Guideline No. 1, this work has been undertaken as a desktop exercise. In my opinion a site specific study that is on the basis of specific soil sampling, site characteristics and constraints, should prevail over a desktop analysis.

Indeed, this is specifically provided for under AZ6 of the Zone Application guidelines which states:

*Land identified in the 'Land Potentially Suitable for Agriculture Zone' may be considered for alternative zoning if:*

(a) ...

(e) *it can be demonstrated that:*

(i) *the land has limited or no potential for agricultural use and is not integral to the management of a larger farm holding that will be within the Agriculture Zone;*

(ii) *there are significant constraints to agricultural use occurring on the land; or*

(iii) *the Agriculture Zone is otherwise not appropriate for the land*

We therefore respectfully submit that the land is more appropriately zoned Rural under the Brighton LPS.

Should you have any question please do not hesitate to contact me at [emma@eraplanning.com.au](mailto:emma@eraplanning.com.au) or on 0409 787 715.

Yours sincerely,



Emma Riley, RPIA (Fellow)

**Director & Principal Planner**

Attachments      *Agricultural Report, Proposed Subdivision 250 Cove Hill Road, Macquarie Franklin, August 2016*

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# AGRICULTURAL REPORT

## Proposed Subdivision 250 Cove Hill Road

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August 2016





Macquarie Franklin Head Office  
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**Report author:** Dr Lee Peterson

**An appropriate citation for this report is:** Macquarie Franklin, August 2016, *Agricultural Report: 250 Cove Hill Road, TAS*

**Document status:** FINAL

Date	Status /Issue number	Reviewed by	Authorised by	Transmission method
11/8/16	Draft	S Daw	L Peterson	email
12/8/16	Final	H Henning	L Peterson	email

This report has been prepared in accordance with the scope of services described in the contract or agreement between Macquarie Franklin and the Client. Any findings, conclusions or recommendations only apply to the aforementioned circumstances and no greater reliance should be assumed or drawn by the Client. Furthermore, the report has been prepared solely for use by the Client and Macquarie Franklin accepts no responsibility for its use by other parties.

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## Executive summary

This report examines the land capability and classification of 250 Cove Hill Road, Brighton and the proposed subdivision of the 174 hectare property into 108 Lots.

This property has been developed for irrigated cropping and grazing utilising recycled water from the Brighton Reuse Scheme as well as fresh water from surface runoff storage. No areas of remnant vegetation are present and drainage lines have also been cleared of vegetation in the past.

The property is currently zoned Rural Resource and is bounded by Rural Living Zone along Cove Hill Road to the south, Rural Living Zone to the East along Briggs Road and Rural Living Zone to the North accessed from Harris Road. Only the western boundary is not bordered by Rural Living Zone and the majority of this is adjacent to Tas Water land that incorporates the Brighton Sewage Treatment Plant and associated lagoons. The remainder of the western boundary is the Jordan River.

The property is transected by un-named watercourse that joins the Jordan River on the western property boundary. This watercourse has a permitted dam (8053) of 140 ML capacity that is a low hazard rating of 2 that is utilised for irrigation on the north eastern area of the property through a half circle centre pivot irrigator. These soil types are highly problematic for cropping and have been unsuccessful in achieving economic yields from annual crops to date.

There are 2 full pivot circles on the southern area of the property that apply Class B recycled water supplied from the Brighton STP. The topography and soil types are generally not suitable for cropping and have been mainly utilised for fodder production. In addition, the proximity of residences in the Rural Living zones limits the agricultural activities due to noise and odour issues from agricultural activities.

The soil types are mainly suitable to pasture and fodder production for livestock grazing but this enterprise is severely limited due to livestock losses due to dog attacks from uncontrolled pets from adjacent residential and Rural Resource areas.

## **1 Introduction**

This report, prepared by Dr Lee Peterson, Principal Consultant, Macquarie Franklin, has been prepared to provide an expert agricultural assessment of the proposed subdivision of 250 Cove Hill Road, Tasmania, currently as 5 titles totalling 174 hectares (Property Id. 2013278).

This report reviews the current agricultural usage of the present land title and the surrounding region in relation to the Land Capability and Land Classification. This includes soils, aspect, topography, water resource, economic feasibility and impact of the proposed subdivision in relation to agricultural activities.

## **2 Qualifications and Experience**

Dr Lee Peterson is an agricultural science graduate from the University of Tasmania with 30 years of experience in primary industry production, research and consulting. Dr Peterson has worked with a variety of farming enterprises throughout Tasmania. A detailed outline of experience and qualifications is attached in Appendix A.

## **3 Location and Proposal**

The proposed rezoning of the eastern region of the property for subdivision, 250 Cove Hill Road, is situated approximately 1.2 km south of the residential land in Brighton and 1km north east of residential land in Bridgewater.

The property is current 5 titles totalling 174 hectares and has been developed for irrigated cropping and grazing utilising recycled water from the Brighton Reuse Scheme as well as fresh water from surface runoff storage.

The property is currently zoned Rural Resource and is bounded by Rural Living Zone along Cove Hill Road to the south, Rural Living Zone to the East along Briggs Road and Rural Living Zone to the North accessed from Harris Road. Only the western boundary is not bordered by Rural Living Zone and the majority of this is adjacent to Tas Water land that incorporates the Brighton Sewage Treatment Plant and associated lagoons. The remainder of the western boundary is the Jordan River.

The proposal is to subdivide approximately half the property on the eastern side into 108 Rural Living lots, Appendix C. The proposed Lots have been sited to account for Tas Water future attenuation zone requirements for the Brighton STP. This will leave a balance of 96.7 hectares of the original Rural Resource area.

There are currently attenuation zones for Tas Water and the quarry operations but the zoning taken into account in planning of the Lots is approximately a further 300 metres east of the existing zones. This will allow for future expansion of Brighton STP by Tas Water.



## 4 Land Classification

Land capability of the property was assessed according to the Tasmanian Land Capability Classification System (Gross, 1999). Land is ranked according to its ability to sustain a range of agricultural activities without degradation of the land resource. Class 1 land is the best land and Class 7 land is the poorest. A wide range of limitations are considered and the most significant limitation determines its final classification, or ranking. Limitations in relation to soils include stoniness, topsoil depth, drainage and erosion hazard. Limitations to topography include slope and associated erosion hazard. Limitations relating to climate include low rainfall and frost.

A full explanation of the Land Capability System is available in the *DPIPWE Tasmanian Land Capability Handbook*.

The classification system assumes an average standard of land management and that production will be sustainable if the land is managed according to the guidelines of its Class. The system does not take into account the economics of production, distance from markets, social or political factors, all of which can change over time.

The DPIPWE Land Capability Survey of Tasmania, Derwent Report 1:100,000, (Musk and DeRose, 2000; see Appendix D) indicates that the land proposed for development is a combination of lass 4 and Class 5, as is the Rural Living Zoned areas of the surrounding properties.

Class 4 land is described as follows:

*Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimize degradation.*

*Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited.*

Class 5 land is described as follows:

*Land with slight to moderate limitations to pastoral use but which is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.*

Class 6 land is described as follows:

*Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use.*

A more detailed, site specific assessment of land classification was undertaken by the author on 6<sup>th</sup> August 2016

The attached map (Appendix E) illustrates the extent of each land capability class within the property.

A total area of 88.9 hectares of Class 4 is present on the property whilst 36.7 hectares was assessed as Class 5 and 47.8 hectares is Class 6. The balance of the property is existing dwellings, waterholes, storage dams and drainage lines.

The soils are predominantly texture contrast Dermosols typical of the region consisting of clay loam topsoil with shallow depth, generally only 50 – 75 mm, to clay subsoil. Many areas have rocky outcrops as identified in the land capability by the “r” symbol.



Figure 1: Class 5sr area demonstrating rock inclusions

Detailed soil chemical analysis has been carried out annually on the property as part of the requirements of the operation of the Brighton Recycled Water scheme. These results indicate that the soils are moderately sodic in nature and as such exhibit issues such as crusting and sealing of the topsoil which inhibits seed germination and increases irrigation run-off.

Small seeded crops such as poppies have been poor due to germination issues in the past. This is very evident across the northern half pivot circle where Exchangeable Sodium Percentage is

approaching 10%, a high sodicity level. Chloride levels are also elevated throughout the topsoils in the northern half of the property.



**Figure 2: Topsoil sealed and growing moss, not suitable for annual cropping**

The soils present on the property combined with the topography and low permeability do not make them suitable for intensive agricultural activities, they are more suited to pasture production and grazing and as such are not recognised as a significant agricultural resource.

Table 1: Land Capability Summary

Symbol	Landform	Soils	ASC	Slope (%)	Chief limitation	Secondary limitations	Notes
4s	Moderate slope mid terrace	Imperfectly drained texture-contrast soils consisting of clay loam topsoils overlying clayey subsoils	Dermosol	0-5	Soil type - sodicity	Drainage	These soils are moderately suitable for grazing and occasional fodder crops
4sx	Undulating and complex mid terrace	Imperfectly drained texture-contrast soils consisting of clay loam topsoils overlying clayey subsoils	Dermosol	0-10	Topography	Soil type - sodicity	These soils are moderately suitable for grazing and occasional fodder crops
5s	Moderately inclined slopes	Imperfectly drained texture-contrast soils consisting of clay loam topsoils overlying mottled clayey subsoils	Dermosol	10-15	Soil type	Erosion	These soils are mainly only suitable for grazing, and are susceptible to erosion from water flows
5sr	Moderately inclined slopes	Imperfectly drained texture-contrast soils consisting of clay loam topsoils with rock and gravel overlying mottled clayey subsoils	Dermosol	10-15	Soil type	Rockiness	These soils are mainly only suitable for grazing
5sx	Undulating and complex mid terrace	Imperfectly drained texture-contrast soils consisting of clay loam topsoils overlying clayey subsoils	Dermosol	10-15	Soil type	Topography	These soils are mainly only suitable for grazing
6r	Steep and complex topography	Imperfectly drained texture-contrast soils consisting of shallow clay loam topsoils with rock and gravel overlying clayey subsoils	Dermosol	>15	Rockiness	Topography	These soils should not be grazed and returned to native species
6sx	Steep and complex topography	Imperfectly drained texture-contrast soils consisting of clay loam topsoils overlying clayey subsoils	Dermosol	>15	Soil depth	Topography	These soils should not be grazed and returned to native species
6w	Low lying	Imperfectly drained texture-contrast soils consisting of heavy clay loam topsoils overlying clayey subsoils	Dermosol	0-5	Wettness	Erosion	These soils are prone to occasional flooding

## 5 Land Tenure

Appendix C demonstrates the current land title (Property Id. 2013278) distribution and size of the property as outlined and the proposed subdivision into 108 Lots.

The total property area is 5 titles totalling 174 hectares. The proposed subdivision would result in 108 Lots, ranging in size from approximately 5,000m<sup>2</sup> to 1.08 hectares in size and retaining 96.7 hectares as Rural Resource.

The new Rural Living Lots will be accessed via two new entrances from Briggs Road whilst the existing dwelling and remaining area will be accessed via the existing entrance.

## 6 Climate

The climate of the region is described by Musk and DeRose (2000) as temperate climate moderated by the proximity to sea.

Figure 3 shows mean monthly rainfall records. Figure 4 shows mean monthly temperature trends from the station recording temperature, Hobart (Number 094008).

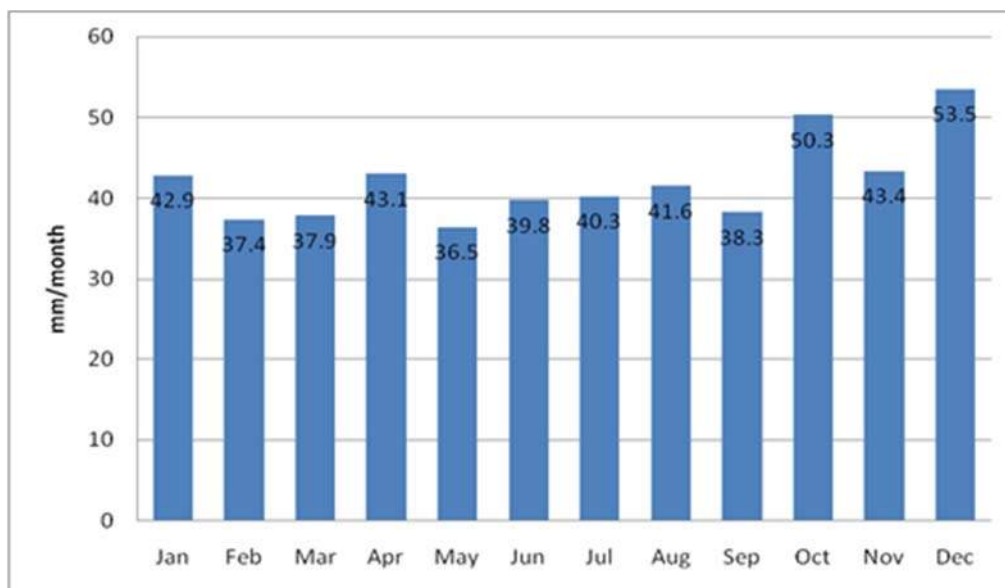


Figure 3: Mean monthly rainfall records for Weather Station 094012

The mean maximum and mean minimum temperatures are ideal for production of temperate crops and pasture. Similarly high temperature events are rare and do not exceed levels that prohibit temperate crop production.



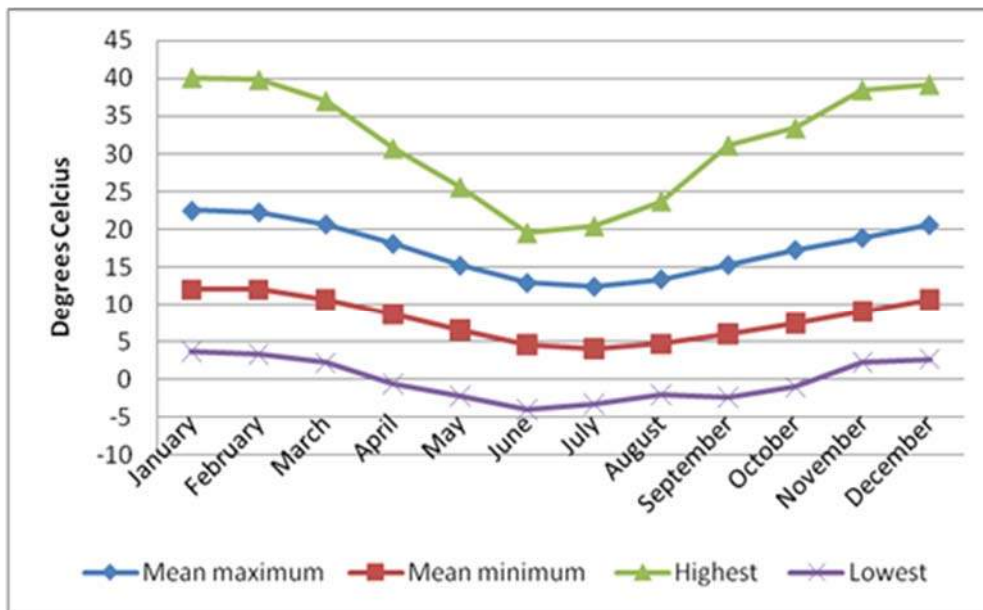


Figure 4: Temperature trends for Weather Station 094008

The rainfall patterns and frequency is similar to the Coal Valley which is significantly below the averages of other agricultural regions of the state (Figure 5) and any form of intensive agriculture is reliant on a source of water for irrigation and could not economically be undertaken without a secure managed irrigation resource from an irrigation scheme.

In addition, the low rainfall is particularly evident over the winter months which provide infrequent rainfall for on farm storage and subsequent summer crop requirements.

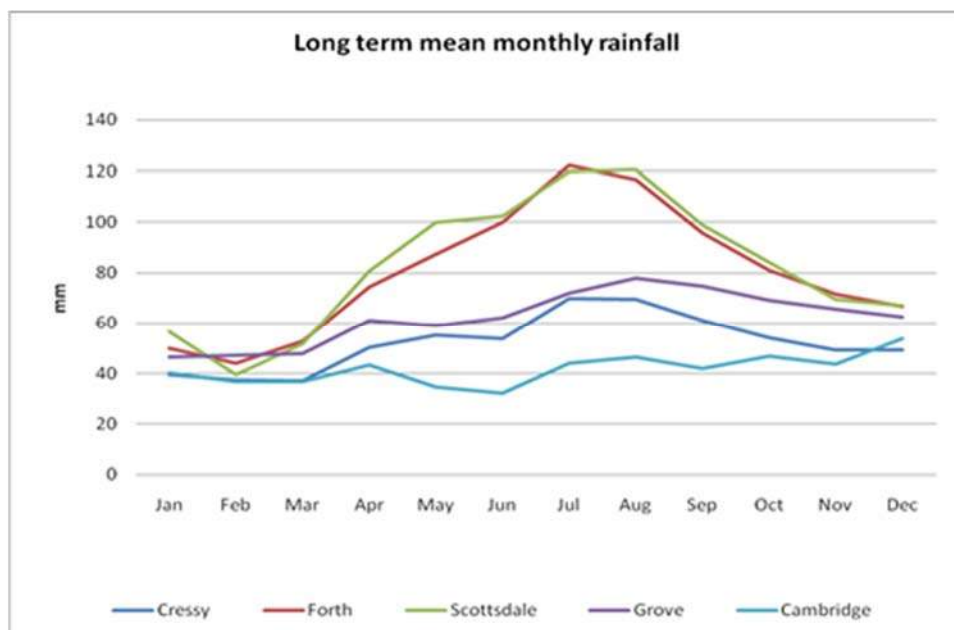


Figure 5: Comparison of Long Term Mean Monthly Rainfall for 5 Key Agricultural Regions of Tasmania

Lowest temperatures recorded indicate potential for frost risk, especially with flowering temperate plants during the months of September and October. The topography of the property obstructs air



drainage and combined with a large proportion of the property sloping to the south results in frequent frost events that limit the area suitable for flowering temperate crops.

## 7 Existing Infrastructure

The current infrastructure on the property consists of the following:

- Dwelling
- Sheds and barns associated with livestock management including shearing shed
- Livestock holding yards
- 140 ML dam, see water resources section
- One half circle and 2 full circle centre pivot irrigation sites

## 8 Water Resources

The property is transected by un-named watercourse which predominantly only carries drainage flows following rain events and then reverts to very low flows and sometimes during summer periods, no flow. Water quality is known to be poor in this region due to underlying sodicity in the soils of the catchment. The drainage line flows to the Jordan River. A spot measurement of the water in the dam during site inspection was in excess of 150 ds/cm, a level not suitable for irrigation of sensitive crops.

Class B recycled water is supplied from the Brighton STP under agreement with Tas Water. The property is one of a group of irrigators in the Brighton Recycled Water Scheme and has regulatory requirements that dictate the use and application of recycled water. This includes buffer requirements between irrigation areas and property boundary and in particular residences.

## 9 Current Agricultural Activities

The property is currently utilised for dryland grazing of improved introduced pasture species and irrigated annual cropping and irrigated pasture. Two sources of irrigation water are utilised. A dam of 140 ML capacity is utilised for irrigation on the north eastern area of the property through a half circle centre pivot irrigator. Recent annual cropping including poppies has seen low yields and returns due to difficulties in crop establishment due to soil types.

There are 2 full pivot circles on the southern area of the property that apply the Class B recycled water supplied from the Brighton STP. This water cannot be used for unprocessed crops or leafy vegetables and is therefore predominantly used for fodder production.

Livestock production is now severely limited on the property due to dog attacks. The proximity of the property to residential areas as well as Rural Living areas places all livestock at significant risk with frequent dog attack and livestock deaths occurring.

## 10 Weeds and pests

Weeds present are typical of the region and the only listed noxious weed present is African Boxthorn, which is present throughout the region and not currently in large populations on the property. These populations are only juvenile plants and only present in the drainage course, none were observed within the open grazing areas.

## 11 Surface erosion

Surface erosion is apparent in some areas of the property in regions of high slopes. The soils are also generally well structured which reduces their susceptibility to erosion to some extent provided ground cover is maintained. However there remains a risk of surface erosion on various parts of the property particularly if the surface cover is disturbed.

The shallow topsoils on moderately sloping land (identified as Class 5sr and 6x) may be vulnerable to runoff erosion if exposed through cultivation or poorly managed drainage. Much of the land adjoining drainage line is vulnerable to bank erosion. While this is partly a natural process, the erosion rate has the potential to increase where vegetation is absent or in a poor condition.



Figure 6: Drainage line prone to flooding and waterlogging

## 12 Fire management

Fire risk is minimal due to no presence of native vegetation, predominant cover pasture and pasture activities being the dominant land use within the surrounding properties. Fire management and prevention strategies are as follows:

- Observation of all fire permit periods
- Management of grass areas to reduce fuel risk in summer
- Utilising existing dams and waterholes for fire fighting
- Development of a fire fighting and evacuation plan with local fire brigade

### **13 Subdivision Impact on Agricultural Activities**

The proposed subdivision of the property will create 108 Lots ranging in size from approximately 5,000m<sup>2</sup> to 1.08 hectares in size. This will require cessation of irrigated activities on farm, but the current activities have yielded very low returns due to the problematic soil types and poor crop yields. As the property is predominantly suited to livestock production but is hampered by stock losses to dog attacks, the future of livestock is limited.

The remaining 96.7 hectares will retain the existing dwelling and associated outbuildings that are more suitable to an enterprise such as horse agistment.

### **14 References**

Grose C.J. (1999) Land Capability Handbook: Guidelines for the Classification of Agricultural Land in Tasmania. 2nd Edition, DPIWE, Tasmania

Musk R.A. and DeRose R.C. (2000) Land Capability Survey of Tasmania. Derwent Report, Land Capability Study, DPIWE, Tasmania

### **15 Declaration**

I declare that I have made all the enquiries which I consider desirable or appropriate, and no matters of significance which I regard as relevant have, to my knowledge, been withheld.

Dr Lee Peterson B. Agri. Sci (Hons), ISHS, MAICD, CPag  
Principal Consultant  
Macquarie Franklin Pty Ltd  
August 2016

## **16 Appendices**

**Appendix A: Profile Dr Lee Peterson**

**Appendix B: Property location and image**

**Appendix C: Proposed subdivision detail**

**Appendix D: DPIWE Land Classification map – Derwent 1:100,000**

**Appendix E: Land capability assessment map**



**Position:**

Principal Consultant

**Qualifications:**

B Ag Sc (Hons) University of Tasmania

PhD (Ag Science) Horticultural Research Group University of Tasmania

**Professional Associations:**

Certified Practicing Agriculturalist (CPAg)

Company Directors Graduate Diploma 2007

Member of the International Society of Horticultural Science

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T: (03) 6244 0100

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E: [lpeterson@macfrank.com.au](mailto:lpeterson@macfrank.com.au)

24 Cambridge Road

Bellerive

Tasmania 7018

**INTRODUCTION**

Dr Lee Peterson is an agricultural professional with extensive expertise in many aspects of agricultural production gained over a period of 30 years in industry, consulting and research specialising in essential oils. Lee has considerable experience in the areas of new crop development, horticultural production systems, plant extracts and waste stream management in agricultural.

**PROFESSIONAL EXPERIENCE**

2011 – present: Principal Consultant Macquarie Franklin

2005-2011: Executive Director – Agribusiness  
Agricultural Resource Management (AGRM Pty Ltd)

2000- 2004: Agricultural Resource Management Group

1998- 1999: Serve-Ag Senior Project Agronomist

1996-1997: Private agricultural consultancy and contract research provider

1993- 1995: General Manager of Essential Oils of Tasmania

1989- 1993: Production Manager of Essential Oils of Tasmania

1985- 1989: Post-Graduate at the University of Tasmania

1984- 1985: Agricultural Officer with the Tasmanian Department of Agriculture, Pasture and Field Crops Branch

**RECENT PROJECTS**

- Commercialisation of fennel as an essential oil crop in Tasmania for production of anethole for the Pernod Ricard company
- Technical partner in the development of the world's largest Boronia plantation for production of essential oils
- Production manager for 2 regional essential oil distillation facilities undertaking a range of essential oil crops
- Expansion of commercial solvent extraction facilities batch processing to produce a range of plant extracts
- Technical advisor to Houston's Farm, one of Australia's largest pre-pack salad producers, roles include production system development, variety assessment, market research, crop scheduling, pesticide strategies, IPM program and representation of the company in respect to technical issues such as biosecurity and IPM

### **Areas of Expertise**

- New crop development including essential oils, culinary herbs, medicinals and leafy vegetables
- Waste water and effluent reuse
- Agricultural research and development
- Sustainable agricultural system design and implementation
- Environmental monitoring
- Plant physiology
- Land capability assessment
- Group training
- Agribusiness and financial management

### **Macquarie Franklin Expertise**

- Economic studies
- Business and farm management
- Feasibility studies
- State and regional development
- Irrigation and water development
- Land capability and mapping
- Natural resource management
- Training and extension
- Technical agricultural consulting

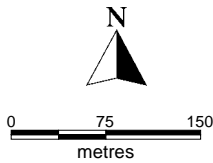
- Review of the Australian Lavender industry for RIRDC
- Project manager for Rekuna Pty Ltd, a Panax ginseng production company supported by an AusIndustry Commercial Ready Grant
- Climatic and resource suitability assessment for salad vegetable production on Australia's east coast, including risk assessment
- Southern Tasmanian program manager for GM canola production for Agrevo and Monsanto
- Technical advisor to Raspberry Fresh, out of season glasshouse raspberry production company
- Study tour and technical review of latest developments in hydroponic production of salad vegetables, Canada, Belgium, Holland and Italy
- Project manager for field services operation establishment for Tasmanian Poppy Enterprises including seed multiplication
- Southern Tasmanian program manager for Serve-Ag coordinated onion seed production
- Technical advisor to South Pacific Oils, essential oil production and extraction company, Vanuatu
- Technical resource to Southern Water for the coordinate and manage Tasmania's largest agricultural recycled water irrigation scheme, the Clarence Recycled Water (CRW)
- Technical advisor to Heydon Park Olives, Talmalmo, Victoria
- Production system economic assessment and inputs for TIDB feasibility studies – Musselrow, Great Forester and South East irrigation scheme developments
- Land capability assessments for numerous properties to support agricultural development, subdivision of non-agricultural land and expert witness reporting for legal representation
- Review of Industrial Hemp as a commercial cropping opportunity in Tasmania
- Quinoa trial coordination for commercialisation of an emerging "super food" in Australia
- Review of pyrethrum industry strategic plan and industry development officer program





**Hookway  
PID: 2013278**

Property Layout



1 : 6,000 @ A3

Print Date: 25th May 2016

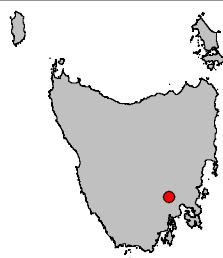
Datum: GDA94  
(MGA, Zone 55)  
Created by: Mick Lehman  
Reference: LP\_Hookway



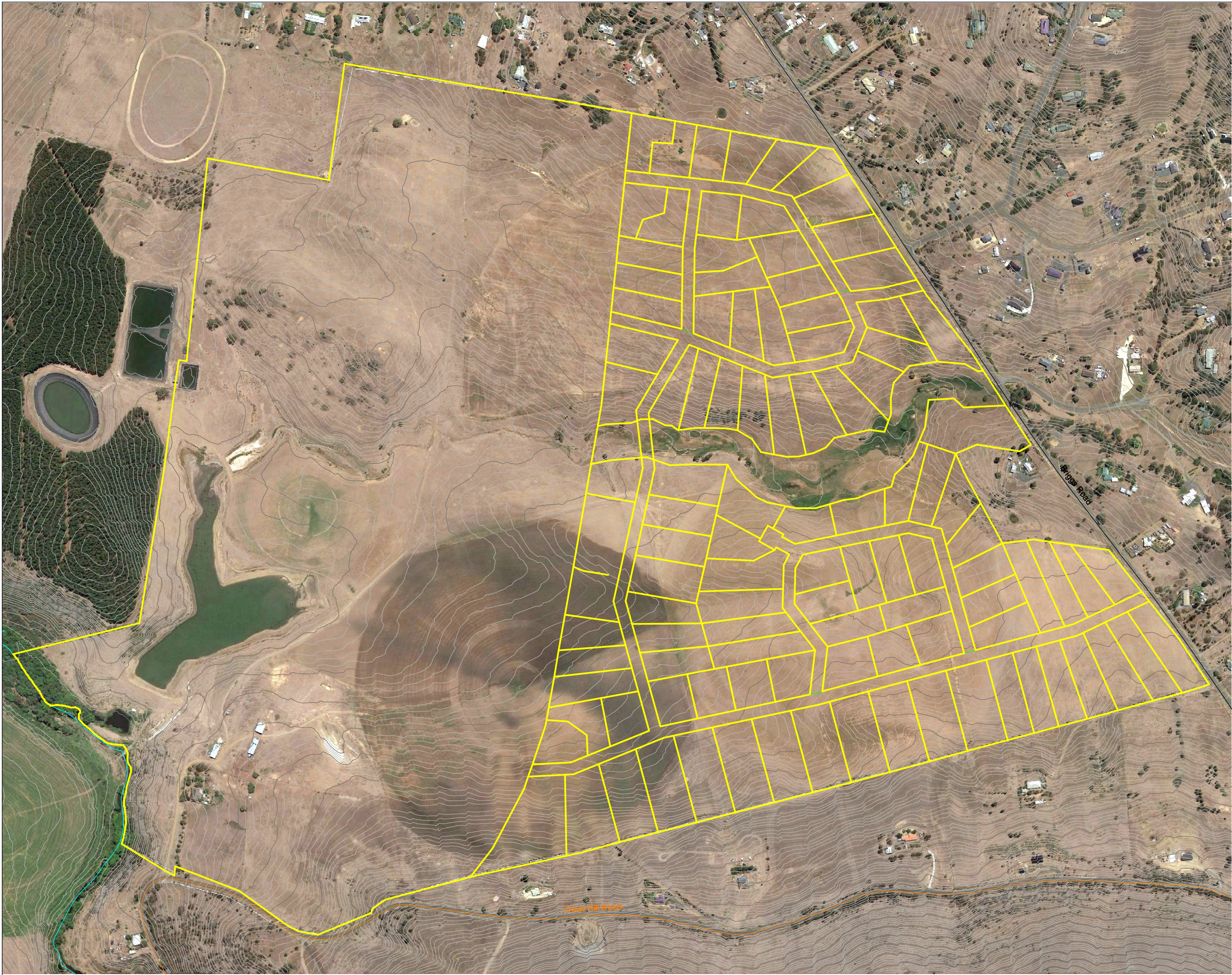
**LEGEND**

-  Property Boundary  
(173.4 ha)
-  Major Road
-  Road
-  Major Watercourse

Macquarie Franklin  
112 Wright Street  
East Devonport Tas 7310  
Ph : (03) 6427 5300  
[www.macquariefranklin.com.au](http://www.macquariefranklin.com.au)

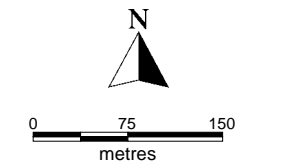






# Land Capability Assessment

Hookway  
Proposed Subdivision

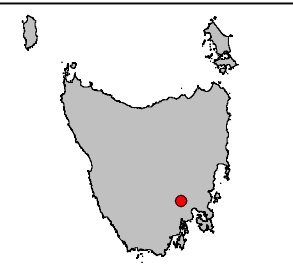


1 : 5,750 @ A3

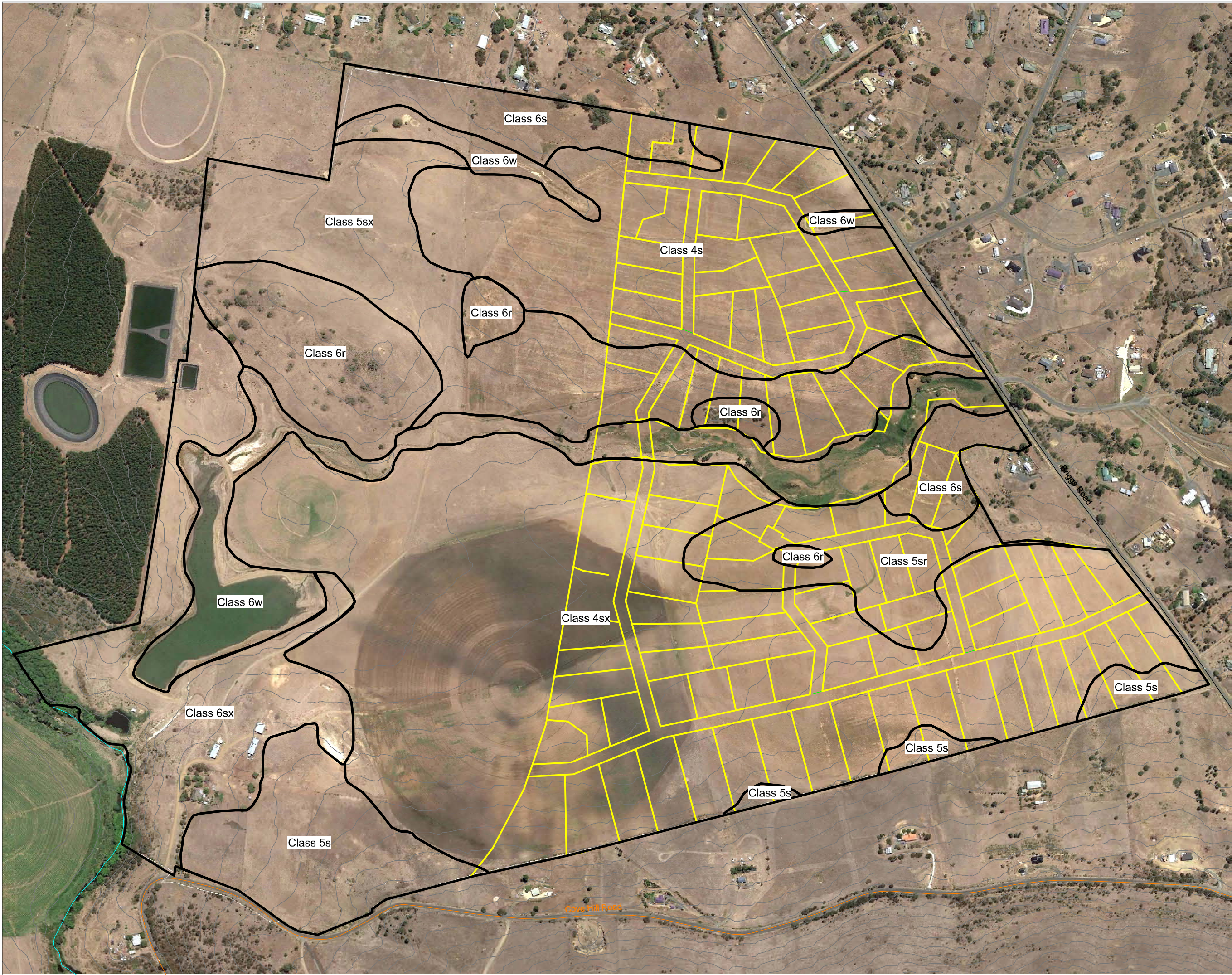
Print Date: 5th August 2016  
Datum: GDA94 (MGA, Zone 55)  
Created by: Mick Lehman  
Reference: LP\_3Hookway

- LEGEND**
- Subdivision Boundary
  - Major Road
  - Road
  - Major Watercourse
  - Contour 5m
  - Contour 1m

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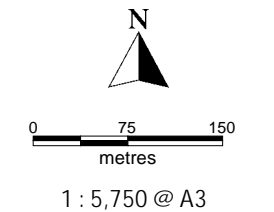






**Land Capability Assessment**

Hookway  
Proposed Subdivision



Print Date: 10th August 2016  
Datum: GDA94 (MGA, Zone 55)  
Created by: Mick Lehman  
Reference: LP\_3Hookway

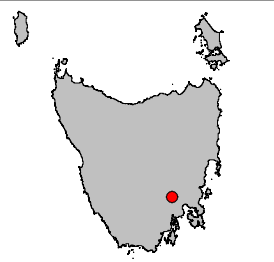
- LEGEND**
- Subdivision Boundary
  - Major Road
  - Road
  - Major Watercourse
  - Contour 5m

**Land Capability Legend**

Land Capability Boundary

LC Class	Area (ha)
4s	23.7
4sx	65.2
5s	10.5
5sr	6.9
5sx	19.3
6r	10
6s	7.3
6sx	15.4
6w	15.1

Macquarie Franklin  
112 Wright Street  
East Devonport Tas 7310  
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Department of State Growth

4 Salamanca Place, Hobart TAS 7000  
GPO Box 536, Hobart TAS 7001 Australia  
Ph 1800 030 688 Fax (03) 6233 5800  
Email [info@stategrowth.tas.gov.au](mailto:info@stategrowth.tas.gov.au) Web [www.stategrowth.tas.gov.au](http://www.stategrowth.tas.gov.au)



Mr Ron Sanderson  
General Manager  
Brighton Council  
1 Tivoli Road

By email: [development@brighton.tas.gov.au](mailto:development@brighton.tas.gov.au)

**Tasmanian Planning Scheme - Brighton Draft Local Provisions Schedule**

Dear Mr Sanderson

Thank you for your invitation to comment on the draft Brighton Local Provisions Schedule (LPS). The Department of State Growth (State Growth) has reviewed the draft LPS, Supporting Report and other relevant mapping and overlay information and believes it largely reflects a sound translation from the *Brighton Interim Planning Scheme 2015* in accordance with the Tasmanian Planning Commission's Guideline No. 1 Local Provisions Schedule (LPS): zone and code application.

However, a detailed review has highlighted a small number of issues that will require rectification or further discussion with Council officers, particularly in terms of ensuring ongoing protection of regionally significant infrastructure and resources and the application of appropriate zoning to State Growth land. I have outlined each of the issues in the attached document for your consideration.

Please do not hesitate to contact Selena Dixon, Manager, Planning Policy on (03) 6166 3481 or email at [Selena.Dixon@stategrowth.tas.gov.au](mailto:Selena.Dixon@stategrowth.tas.gov.au) who can arrange for relevant officers to meet with Brighton Council staff to enable the timely delivery of your LPS.

Yours sincerely

A handwritten signature in black ink, appearing to read "K. Evans".

Kim Evans  
**Secretary**

11 June 2019

## Extractive Industries

### Bridgewater Quarry

It is acknowledged that:

- beneficial provisions once included in the Attenuation Code in the Brighton Interim Planning Scheme 2015 are unable to be translated directly into the Attenuation Code within the State Planning Provisions (SPP); and
- the site specific qualification (SSQ) within the Brighton IPS General Industrial Zone Use Table has been transitioned to the General Industrial Zone Use Table in the SPP as (BRI-19.1), albeit with adjusted and now correct CT references. The SSQ lists Extractive industry as Permitted, where it is otherwise Prohibited.

It is understood that the inability to transition provisions that served to protect the operation of the Bridgewater Quarry to the Attenuation Code in the SPP, has meant that a Specific Area Plan (SAP) has been prepared to provide the same protections when future use and development is proposed in close proximity to the Quarry.

State Growth has reviewed the draft Bridgewater Quarry SAP BRI-S4.0, and the following points are noted:

1. The attenuation map replicates the map in the Brighton IPS 2015
2. BRI-S4.6 Use Standards:

Consistent with current arrangements, sensitive uses are prohibited within the area of the draft Bridgewater Quarry SAP (substitute for clause C9.5.2 Sensitive use within an Attenuation Area). This is supported; but a specific provision that requires the planning authority to refer an application to the Bridgewater Quarry Operator for comment on use or development within the Bridgewater Quarry Attenuation Area is not.

Under the current IPS, the requirement for the planning authority to seek advice is explicit:

*E9.5.2 – The planning authority must refer any application with the Bridgewater Quarry Attenuation Area to the Bridgewater Quarry Operator for advice on potential conflict between the proposed use or development and the quarry operations. Council must not determine an application until the quarry operator has provided its advice, or until 14 days from the date of referral, whichever occurs first.*

Whilst the draft Bridgewater Quarry SAP includes Performance Criteria relating to this matter (clauses BRI-S4.7 & BRI-S4.8 (c) - any advice from the Bridgewater Quarry operator), it is argued that the proposed wording is vague.

State Growth is seeking reinstatement of a mandatory approach that ensures the planning authority will refer an application to the quarry operator consistent with E9.5.2 in the current Brighton IPS. It is proposed that this could be addressed via **BRI-S4.2**

**Application of this Plan.**



## Quarry - 720 Boyer Road

The application of a 655m (rather than the standard 1000m) Attenuation Area at the Dromedary Quarry at 720 Boyer Road, through a Consent of Memorandum in late 2017 is noted.

## Infrastructure and Transport

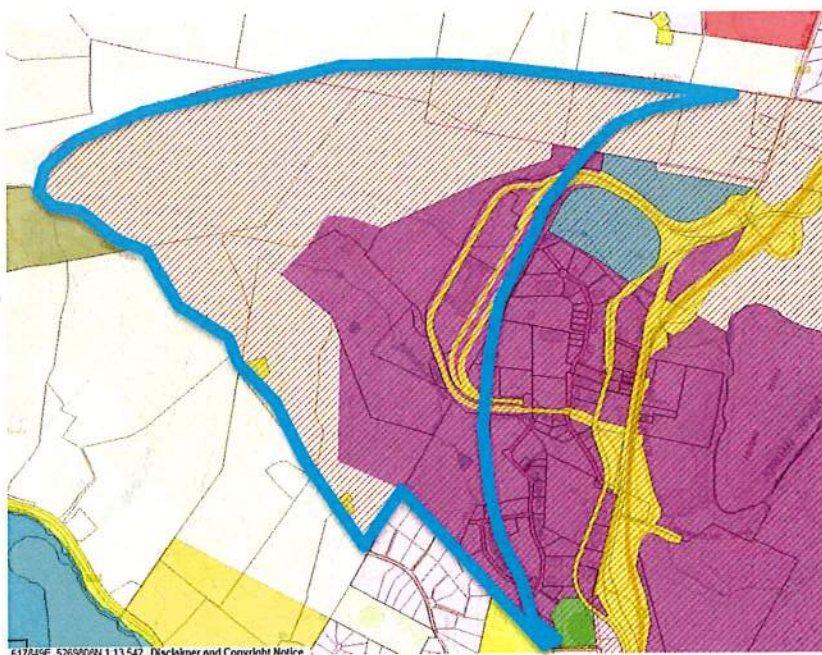
### Brighton Transport Hub and Bridgewater Industrial Estate

The proposed attenuation mapping (Buffer Area) in the draft LPS mapping no longer includes the Attenuation Area that currently extends over, and to the west of, the Brighton Industrial Estate, including the regionally significant Brighton Transport Hub (the Hub) which comprises important road, rail and freight distribution functions (see annotated map below).

Over the past decade the Tasmanian Government has made significant investment in intermodal infrastructure including the Brighton Transport Hub, which is a purpose-built road-rail hub located on the Burnie to Hobart freight corridor. It has played a key role in opening up large areas of general industrial land close to Hobart, with direct access to high standard road and rail networks.

Whilst the Bridgewater Quarry continues to benefit from protection provided by its specific Attenuation Area, the general industrial land including the hub, will no longer benefit from similar mapping. This means that the development for sensitive uses and subdivision for sensitive uses in close proximity to the General Industrial Zone will no longer be prohibited, potentially resulting in increased land use conflict. This is particularly concerning given that General Industrial zoned land specifically allows for use and developments that operate on a 24 hour basis and have the potential to generate noise, dust and other emissions.

State Growth considers that the implementation of a mapped Attenuation Area is the most effective means of minimising the potential for land use conflict and therefore seeks its reinstatement.





## **Future Bridgewater Bridge - Assessment against Southern Tasmania Regional Land Use Strategy (STRLUS)**

In response to STRLUS strategy PI 2.3 which requires that existing and future infrastructure corridors and sites are identified, protected and managed, the supporting report states that State Growth has not mapped the future Bridgewater Bridge corridor and has already acquired the necessary land for the Bridgewater Bridge replacement.

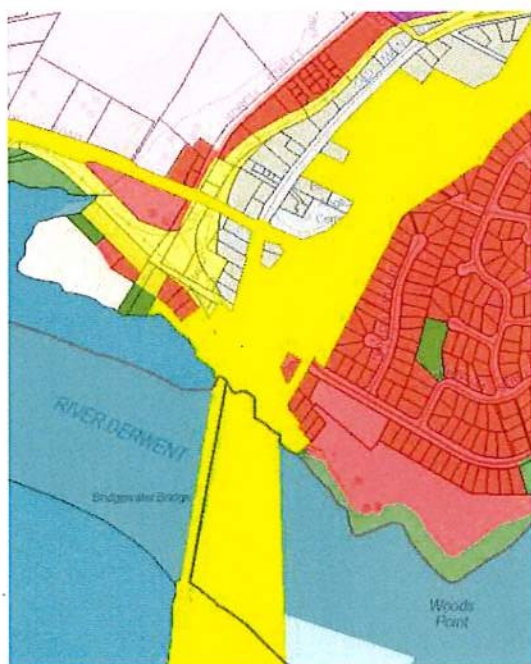
In respect of the above, State Growth can advise that a specific corridor will not be mapped, but land acquired to date for the development of the Bridgewater Bridge has been included in the State Road Casement layer (ListMAP), noting that the Bridgewater Bridge design process has not been progressed to the extent that all necessary land requirements have been determined at this point in time.

## **Zoning of State Growth land along Old Main Road set aside for the new Bridgewater Bridge**

Whilst the map on page 76 of the Local Provisions Schedule (LPS) Supporting Report indicates all lots purchased by State Growth, the actual zoning layer on the online mapping tool has not included 36 Old Main Road (CT219070/1) in the suite of properties owned by State Growth. The Utilities zoning will need to be extended across this title to reflect the State Road Casement layer.

The zone extending across Derwent River – Bridgewater Bridge and location of new bridge alignment, is zoned Environmental Management. However, a key issue identified on p. 59 of the LPS Supporting Report regarding 'Provision of needed infrastructure, Council has noted the importance of zoning land required for new infrastructure as Utilities, including the new Bridgewater Bridge.

Consistent with this approach, State Growth is requesting that the land currently identified for the new Bridgewater Bridge as depicted on the State Road Casement layer is zoned Utilities accordingly (see image below). It is noted that this approach is also consistent with the Zone Application Guideline.



## Boyer Road

State Growth has provided the State Road Casement layer which has been uploaded to ListMap and can be applied to all roads as defined in the Tasmanian State Road Hierarchy (1 to 5) including Boyer Road.

## Application of Road and Rail Attenuation Area

The LPS Supporting Report notes that *“Both TasRail and DSG have requested that the 50m Attenuation Area be mapped along the following major roads or railways as it gives a good visual indicator to landholders:*

- *The entirety of the rail corridor in the municipality*
- *Midland Highway*
- *East Derwent Highway*
- *Tea Tree Road”.*

It is unclear whether TasRail sought this outcome, but State Growth has maintained the view that it is unnecessary for the Attenuation Area to be mapped for the State road network unless site specific situations warrant variation in the 50m attenuation area. This avoids regular planning scheme amendments to accommodate adjustments in road reserve boundaries due to regular road improvements or changes in road alignments.

## Future zoning of State Growth land outside of the State Road Casement Layer

There are number of parcels of land owned by State Growth that require further consideration regarding future zoning application based on:

- a) not being part of the proclaimed State Road network as identified in the State Road Casement Layer; and
- b) the availability of zones that more closely reflect the presence of environmental values and potential uses.

Three such parcels of land have been identified and included in the table below. However, there are further smaller parcels of land that are also located outside of the Road Casement Layer and are surplus to requirements that State Growth is willing to discuss as part of the transition to the new LPS.

Location or Certificate of Title	Draft LPP Zone	Suggested Zone	Rationale
William Street, Brighton CT108441/1	Utilities	General Residential (portion of lot not subject to State Road Casement)	Fully serviced and adjacent to General Residential land. Not part of State Road Casement (surplus to requirements)
Midland Highway CT164315/1	Rural	Environmental Management	Contains environmental offsets
Midland Highway CT162615/1	Recreation	Environmental Management	Contains environmental offsets

Department of Education  
OFFICE OF THE SECRETARY

GPO Box 169, HOBART TAS 7001 Australia  
[OfficeoftheSecretary@education.tas.gov.au](mailto:OfficeoftheSecretary@education.tas.gov.au)  
Ph (03) 6165 5757

Rep 33 - DoE



File no: DOC/19/71088

29 April 2019

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

Dear Mr Sanderson

*Ron*

Thank you for your letter dated 8 April 2019, regarding the Brighton Draft Local Provisions Schedule.

The Department of Education welcomes the opportunity to view and provide input into the draft provisions. With the announcement by the Tasmanian Liberal Government to build a new High School in Brighton, it is considered essential that the Draft Local Provisions Schedule considers and supports the development of this important community facility.

I understand that initial consultation and planning for the new school has commenced and suitable locations are being explored. It is considered vital that both the Brighton Council and Department of Education work closely on this project and collaborate in the planning, location and possible zoning requirements needed, to successfully deliver an exciting new education facility for the Brighton community.

Should you wish to discuss this matter further please contact Mr Todd Williams, Director Facility Services on 6165 6340 or via email at [todd.m.williams@education.tas.gov.au](mailto:todd.m.williams@education.tas.gov.au).

Yours sincerely

*Tim*

Tim Bullard  
SECRETARY



**Helen Hanson**

---

**From:** Colin Adams <colinandjudiadams@gmail.com>  
**Sent:** Tuesday, 11 June 2019 3:45 PM  
**To:** Development  
**Subject:** Brighton Interim Planning Scheme 2015

You have invited submissions from landowners in respect of the final draft of the Draft LPS. As the owners of the property at 155 Gunners Quoin Road, Old Beach, which is land comprised in CT Vol 130998 Fol 8 we take the opportunity to make the following submission

- That the land marked ABC on the attached plan SP 130998 ought to have been zoned Rural Living C as opposed to Landscape Conservation Zone. Unfortunately we were not included in or aware of the informal public consultations in connection with the LPS which apparently took place in or about October 2017. Indeed we have never been consulted in relation to the several zoning changes which have taken place in connection with our land since we bought and developed the totality of the lands comprised in SP 130998 some 30 years ago.

It is noted that diagonally opposite to our ABC land a neighbour has had Council approval to subdivide off a 2ha parcel of land from their 20.9 ha holding. Additionally, land to the north of land comprised in SP 130998, and itself comprised in SP 122817, and which was originally zoned as Landscape and Skyline Conservation has of recent been rezoned as Rural Living C. Further, land to the south west of the ABC land and originally comprised in CT Vol 130998 Fols 5 and 6 which were originally zoned as Landscape and Skyline Conservation has of recent been rezoned as Rural Living C.

The above mentioned activity indicates that our ABC land is in an evolving residential area and that the Council is cognisant and encouraging of such development. The Council acting reasonably ought to have recognised that our ABC land is in the midst of this development and not only advised us of their draft planning obligations but also put forward a proposed rezoning to accommodate future development of the ABC lands consistent with our desires and needs for the land. We only became aware of this stage of the LPS by reason of a mail out to ratepayers. We do not understand why the Council could not have provided notification in respect of zoning matters previously. In general terms the ABC lands are amongst property which over time has seen significant development. The surrounding lands are now populated with many houses and several subdivisions have been undertaken with the result being that a significant rural population now exists on and about Gunners Quoin Road. There is a natural corridor of developed and developing land which leads from Baskerville Road to our house at 155 Gunners Quoin Road.

With the greatest of respect to previous Council planning endeavours, there has not in our view been a proper recognition of the nature of the majority of the lands which are comprised in SP 130998. It was when we first came across it many years ago an old sheep grazing farm. When we took over the lands the paddocks were in very poor condition with significant erosion problems. Natural vegetation was and is now limited essentially to a narrow band adjacent to the boundary with Gunners Quoin and the southern boundary running from Madmans Hill. Council planning officers have however over the past (at least) 19

years persisted with the placement of a boundary zone line across the SP 130998 lands ( for the purpose of delineating Landscape Conservation Zone ) which connects bushland areas without recognising that the detail on the planning map does not accord with the relevant detail of that which appears on the ground . That is there is an underlying disconnect between the planning aspirations and the reality of the geography to which it is meant to relate . And this applies to lands neighbouring SP130998 . Support for this contention is also gleaned from the observation that upon application the Council has on several occasions agreed to relax the Landscape and Skyline Conservation zone to a Residential / Rural Living habitat .

Put simply , and in conclusion , we wish to now be afforded the opportunity to be involved in a consultation process with the Council which should have taken place prior to now or in at least October 2017 and or alternatively to have the ABC lands rezoned as Rural Living C. Please advise if we may clarify any matters for you.

Yours faithfully

Colin and Judi Adams

Please note the the attached plan of the ABC lands will be forwarded separately.

Sent from my iPad



## Helen Hanson

---

**From:** Colin Adams <colinandjudiadams@gmail.com>  
**Sent:** Tuesday, 11 June 2019 3:50 PM  
**To:** Development  
**Subject:** Brighton Interim Planning Scheme 2015    Colin and Judi Adams



Sent from my iPad

# Carbon Products Pty Ltd

Rep 35 - Carbon Products

ABN: 24616170060

44 Blue metal Drive, Brighton, Hobart, Tasmania 7030

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29/04/2019

ATT: David Allingham,

**RE: Brighton Draft Local Provisions Schedule – Brighton Quarry Specific Area Plan  
BR1-S4.7 BR1-S4.7.1**

This letter is on behalf of **R&R TAS Pty Ltd – 44 Bluemetal Drive**

- a) We should not have to build or construct anything but what is expectable to the building code, any extra cost required because of by quarry operations should be at their cost.
- b) The quarry operation should not be able to say what is acceptable development. The land owners who may be affected by quarry operations should have a say if it effects their future developments.

I did not buy the land to buffer quarry operations, and maybe they should look at blasting smaller lots to minimise any damage to other properties.

Yours Sincerely

Ron O'Connor

M -0418 130 316

Bruce Whelan  
1181 Elderslie Road  
Broadmarsh TAS 7030

Brighton Council  
Tivoli Road  
GAGEBROOK TAS 7030

Dear Sir,

**REPRESENTATION - BRIGHTON DRAFT LOCAL PROVISIONS SCHEDULE - ELDERSLIE & FERGUSON ROADS, BRIGHTON,**

I hereby make representation in regards to property owned by Twelve Stones Pty Ltd on Elderslie and Fergusson Roads, Brighton

The properties are defined in Certificates of Title Volume 175792 Fiolos 1, 2 and 3 (attached). All three properties are zoned Significant Agricultural under the Brighton Interim Planning Scheme 2015. The properties were zoned Intensive Agriculture under the Brighton Planning Scheme 2000.

The properties are gently sloping, and have a mix of native grasses and introduced Cocksfoot grass. The soils are predominately formed on Tertiary Basalt. These soils are high in clay content and have a thin topsoil profile. There are a number of areas where the land cannot be cultivated due to soil depth and the occurrence of rock. In many areas the rock occurs as bedrock on the surface.

Historically; these properties were always zoned rural; they allowed for a residential dwelling and generally only allowed for a boundary adjustment or subdivision down to a minimum of 40ha.

Leading up to the Brighton Planning Scheme 2000; these properties and other adjoining sites along Elderslie Road, as well as other properties along Back Tea Tree Road were highlighted by the then General Manager, Mr Geoff Dodge and the then Council Engineer (now current General Manager), Mr Ron Sanderson as being suitable for the disposal of treated sewerage effluent. Council were in the process of putting a Federal funding grant application together and needed to address suitable sites for the wastewater irrigation and justify those sites by rezoning them to a more intensive rural zoning. No agricultural or planning assessment of the land was undertaken as the Scheme was already in its last stages of drafting. The Senior Planner was instructed to change the zoning to Significant Agriculture and the changes were adopted without question.

Under the Tasmanian Land Capability System the land is regarded as mainly Class 4 with some areas of Class 5 however this assessment is undertaken at a scale of 1:100000. A localised assessment shows that although there are some areas of Class 4 land, there is equally as much Class 5 land and pockets of Class 6 because of significant soil, rock, water and climate constraints. The Tasmanian Land Capability System provides that:-

**CLASS 4**

Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation.



Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during 'normal' years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than suggested above. This is due to the climate being drier than 'normal'. However, there is a high risk of crop or soil damage if 'normal' conditions return.)

#### CLASS 5

This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.

#### CLASS 6

Land marginally suitable for grazing because of severe limitations. This land has low productivity, high risk of erosion, low natural fertility or other limitations that severely restrict agricultural use. This land should be retained under its natural vegetation cover.

As Class 4 land the Tasmanian Land Capability System provides at best that the land has severe limitations and restricted cropping options under cultivation but we know that physically more than half of these properties cannot be cultivated due to soil depth and bedrock in any event. As Class 5 or 6 the land is only suitable for grazing under careful management.

Given that parts of the subject sites are severely restricted for cropping and the remainder requires careful management for severely restricted grazing the sites must by definition be suited to the Rural Zone which has a zone purpose that states specifically:-

*where agricultural uses is limited or marginal due to topographical, environmental or other site or regional characteristics;*

It could even be said that the mixed rotation of dry cropping and grazing on the largest neighboring properties is highly constrained and best suited to the Rural Zone.

Another significant constraint on each of these properties is their size. The previous zoning allowed for subdivision down to a minimum of 5ha. The resultant lot sizes and their constrained agricultural potential has created land use activities on a majority of the neighbouring properties that are inconsistent with the Agriculture Zone. The Council by its own device has created a range of activities in this area that are although compatible with agricultural use do not fit the proposed Agriculture Zone. Again, the best response to the existing land use activities and to protect the existing agricultural land from further fragmentation is to zone the entire area Rural; which is exactly what it was before the Council Engineer sort to change it otherwise.

There is no doubt that the land along Elderslie Road heading west from Fergusson Road should be a rural zoning. The physical nature of the land is constrained by many factors that make it unsuitable for intensive agriculture. The area should be protected from further subdivision and any non-compatible uses. I submit that all properties in this area should be zoned Rural under the new Scheme but in particular our subject lots should be zoned Rural as they are the most limited and marginal due to their more significant constraints.

Yours faithfully

Bruce Whelan

Brighton council  
1Tivoli Road Old Beach

B J Purdon  
Thornfield, 99 Baskerville Road  
Old Beach. Tas 7017

Dear Sir/Madam,

I write to make a representation on the proposed agriculture zone in the draft Local Provisions Schedule (lps) in the planning scheme. I farm 80 hectares in the municipality at 99 Baskerville Road and I have no objection to the proposed agriculture zone. However I have some key concerns and these relate to houses and outbuildings being built too close to my boundary fence on neighboring properties, which in turn make it difficult to farm the land. Residential areas close to agricultural land can and will give rise to complaints about noise from machinery and chemical use.

Agricultural chemicals applied with a tractor and boom sprayer are a necessary part of farming - as I grow wheat and Lucerne crops - it is impossible to grow them successfully without the use of agricultural chemical products. Houses too close to my boundary fence will make some of my land useless for growing crops when complaints are made. However I suggest some measures outlined below – and some I already routinely use - will help reduce the impact from my farming operation on my neighbors, and these are,

- No new dwellings and buildings of any sort to be built within 60 meters of my boundary fence on neighboring properties with blocks of 1 hectare or greater. Furthermore; half hectare blocks should have a minimum building set back of 40 meters from my boundary.
- No new blocks created next to my boundary less than half hectare that cannot incorporate these buffering distances to dwellings, out buildings and swimming pools.
- Always have a dwelling upwind from the spraying operation and this means no drift on to neighbors. Furthermore the first 40 meters of crop next to the boundary fence is always the most difficult to spray. However, when this is done spraying conditions are usually perfect and I can spray the rest of the paddock with either 80 or 100 meter buffer.
- As outlined above noise from machinery will be reduced with a 100 meter buffer,  $60 + 40 = 100$ . This should minimize the impact of my

farming operations on my neighbors, as tractors and machinery will be operating with a 100 meter buffer for the majority of the crop. For example; a field may be 300 meters wide 200 meters long, say 6 hectares, and work carried out within the first 40 meters of the boundary will be the only inconvenience for neighbors.

- I should have the right to conduct harvest operations day or night regardless of noise and light from farming equipment, as most crops are harvested only once a year. The inconvenience to neighbors may be a problem, however I would like to point out for the remainder of the year – once machinery is no longer working – Farming operations are usually very quiet.
- I should have the right to run electric motors for irrigation purposes, day and night, and I suggest a 150 meter buffer from dwellings for such equipment not all ready installed.
- Any residential development that reduces the buffer from my water pump - noise mitigation measures such as a noise wall near the pump shed - be the responsibility for the developer.
- I should have the right to run irrigators in fields at night, as most make minimal amounts of noise. Note; less evaporation and the availability of off peak power is important.
- The planning scheme should recognize with most cropping operations - cropping once per year - tractor work times are only between 5 and 7 days for each 6 to 8 hectare paddock, and this leaves the remaining 360 to 358 days of the year leaves neighbors free from noise and nuisance.
- The planning scheme should recognize the routine stock management does not pose as a significant problem for neighbors. Of further note; the East Derwent Highway creates more noise and distraction - for those who live next to it - than my farming operations.
- The measures mentioned above should only apply to large agricultural lots of 20 hectares or more. I assert it would be too impractical to apply them to small lots of agricultural zoned land as the measures are not suited to small isolated lots, unless they conjoin other agricultural zoned land and form part of the broader agricultural landscape of the area.
- Of important note, any adjoining land – suited to agriculture, which has been an adhesion to an existing title zoned agriculture – which has been bought for agricultural purposes, be given the same rights as soon as it has been adhered the existing title, even though it may have another zoning – such as landscape protection. Note; that there have been two adhesions to title at 99 Baskerville Road. Also note, land bought through adhesion has been the only affordable way to buy more agricultural land

in the area. Lastly this may be important for other areas and farming communities as small and isolated parcels of good farming land are conjoined to produce a better agricultural outcome that follows natural boundaries and topography.

- Somewhere in the planning scheme provisions, the term 'right to farm' should be incorporated in to the document. This would include a list what can be done on agricultural zoned land, not a list of what cannot be done, and I would like to see the above points included in it.

Lastly; land close to Hobart will allays be attractive for development, and the problem of too many neighbors surrounding a farming property on all sides is very real. Furthermore; land on neighboring properties may not be suitable for agriculture - for example, poor soils, no soils and no irrigation water available – may be better suited to residential development, and this adds to residential pressure on prime agricultural spaces throughout the municipality of Brighton. The points mentioned, will help considerably with the running of an agricultural enterprise, and not reduce the capacity of prime agricultural land to produce crops and livestock. Furthermore, the impact of my farming operations on neighbors - with the points mentioned – is not an unreasonable proposition when my property is isolated and cut off from other farming zones.

I also write to make a representation on the Old Beach quarry specific area plan. I assume the two mining leases are still in operation on the site. I have no objection to the buffer zone; however I would like to see the buffer zone remain when the mining leases are eventually rescinded, as the operation of the site has become a dump for unwanted earthen fill. I refer to the report on the redevelopment and rehabilitation of Clives Hill Quarry dated 1996, ML Barwick. I assume from this report that the operator of the site is under no obligation to landscape the area to the profiles described in the Rehabilitation plan. Furthermore there is no time limit which can be enforced to rehabilitate the site.

I contend that the area be zoned residential on the lower slopes with half hectare blocks on the higher slopes and next to my boundary, as the site is useless for anything other than residential development. I would like to see the buffer remain during a clean up of the site, and a residential zoning would encourage its rehabilitation. I also contend that the existing topography of the site should be mapped - when the mining leases are rescinded - and the cubic

meters of earth involved be attained; for cut and fill process to rehabilitate the site, as a clean up involving 100 thousand cubic meters is not out of the question, with a possible 6 to 8 dollar per cubic meter cost.

The intent of the rehabilitation plan proposed by M L Barwick does not change, only the final landscaped design, and this should need a new landscape plan. Recently there are ominous signs of the mines failure; therefore the possibility of a new proposal for the landscaping of Clives Hill should be incorporated into the planning scheme to enable development within the buffer zone once the site and surrounding areas are rehabilitated. Furthermore a specific rehabilitation zone may be more suited to the site that enables future development.

The planning scheme should incorporate a small car park -say 50 by 20 meters and a small barbecue area on the higher slopes of Clives Hill, as there are good vistas down the Derwent River and this would provide a better use of space than an acre or two of land zoned Landscape protection with no road for public access. This area could be placed on areas of Clives Hill which cannot be built on.

Regarding my farming operation, the existing quarry site proved to be a good buffer from neighbors. I have a major problem with wallabies migrating from the Meehan Range, Gunners Quoin and Mount Direction during low rainfall periods. The existing Quarry site provides a major thoroughfare for wallabies and also enables the use of a crop protection permit to control wallaby numbers; however when it is developed the attenuation distance from dwellings is 250 meters for fire arms, and this will restrict the use of the permit.

An alternative solution would be the construction of a wallaby fence and the planning scheme should recognize my right to build a fence and ask the developer to bear the full cost of its construction. Note, some portions of the existing fence are covered by large quantities of fill from the quarry site. Wallabies in large numbers invade Lucerne and wheat crops on a regular basis when there is no feed for them during drought conditions. I have a good example of a complete portion of fence north east of the weighbridge at the quarry entrance and this should be the standard for the rest of the fence.

Newly installed wallaby fencing is 1.8 meters high with pig wire and heavy duty wire netting along Baskerville Road, and star picket centres of 2 meters and 3



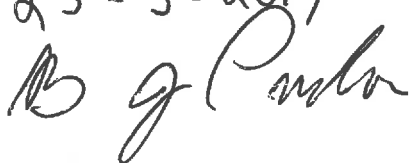
top wires @20 cm apart with the usual Barb wire arrangements are necessary, as wallabies routinely jump over normal stock fencing. I would like to see a fencing standard that has a service life of at least 30 years that is equal to the building standards used in residential construction. Not just any fencing arrangement that allows a developer to provide a cheaper and less effective solution.

Returning to the earlier issue of the potential for spray drift, I hold a ChemCert Chemical Accreditation. Of important note there are no measured buffering distances imposed on the user of Agricultural chemicals by ChemCert Australia. The only method for spraying next to dwellings is to establish a spray drift awareness zone around the area to be sprayed – including other sensitive crops, or crops sensitive to the chemicals you are using. I hope a 40 meter building setback would provide a suitable distance for an awareness zone next to Half and one hectare blocks which boundary my property. Note I routinely work with a buffering distance of 2 meters between differing crops - say, wheat and Lucerne – and this distance, does not incur damage to non target crops, thus following ChenCerts best practice rules should not impose problems for my neighbors.

However the planning scheme should not impose another layer of compliance on my farming activities and I hope it can make life a little easier on the farm. The public's perception of agricultural chemicals is not a good one and I have a duty of care obligations when using spraying equipment, as a neighbor may begin washing a car outside the family home, while I am spraying a crop. Note the best time to go spraying is at 9 on Monday morning when every one is at work.

I hope the planning scheme is able to plan for the eventual rescinding of the mining leases on Clives Hill. The site is in a bad state a may remain so well into the future, with out some encouragement from the planning scheme to rehabilitate the site.

Yours sincerely,  
Brian Purdon.

23 - 5 - 2019  




11 June 2019

General Manager  
Brighton City Council  
Strategic Planning Department  
1 Tivoli Road  
Old Beach, TAS 7017

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## **Draft Local Provisions Schedule – Submission by Boral Resources**

### **1. Introduction**

Boral Construction Materials Group Limited (Boral) appreciates the opportunity to provide comment on the Brighton Draft Local Provisions Schedule, which seeks to transition the Brighton Interim Planning Scheme 2015 to new the format Tasmanian Planning Scheme.

We note that the LPS includes changes to the Bridgewater Quarry Specific Area Plan (SAP) that impact on Borals landholdings.

It is understood that the draft LPS aims to achieve as much consistency as possible with the SPP's and only seeks to include overriding provisions where the Act requirements for compliance with the Schedule 1 Objectives of LUPAA or the STRLUS cannot be met without local provisions.

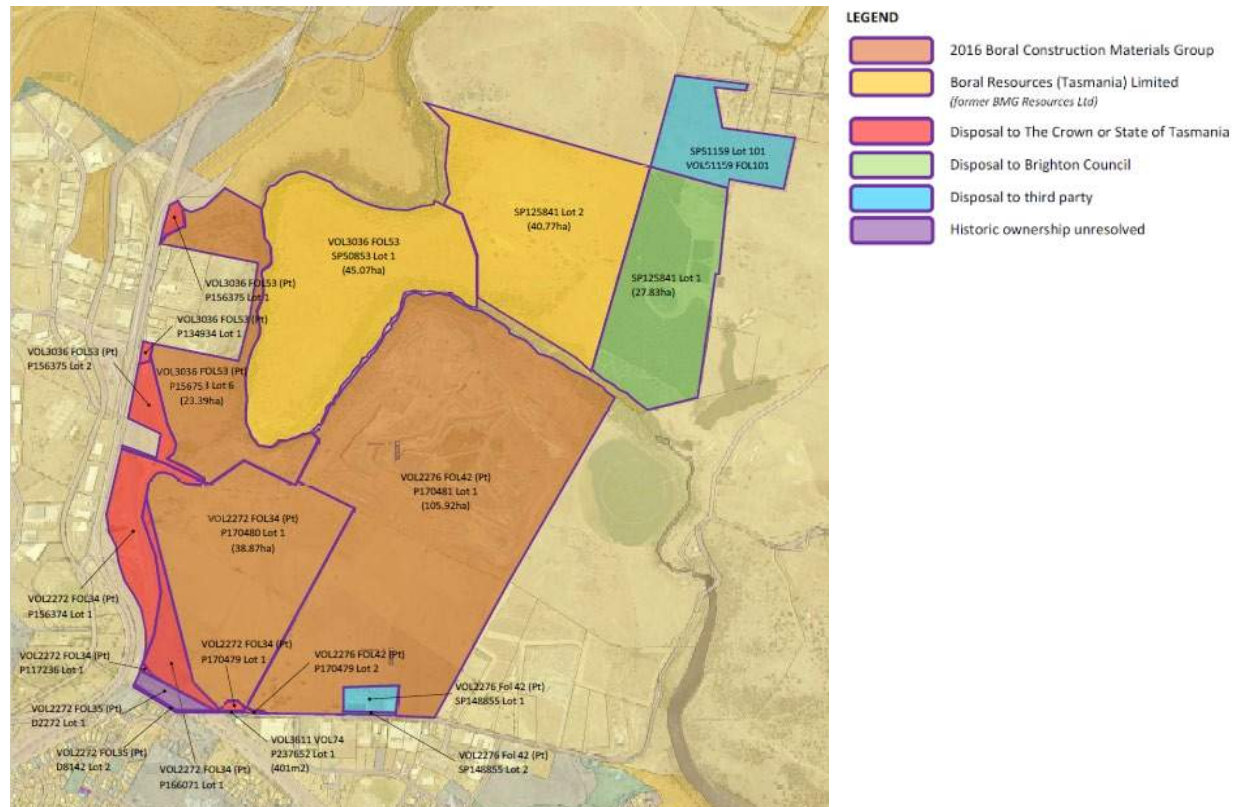
### **2. Boral's Interest in the Amendment**

Boral Australia Pty Ltd (Boral) owns and operates the Bridgewater Quarry, located at 314 Midland Highway, Bridgewater. The quarry operates under Mining Lease 1477P/M which allows for the extraction of Construction Minerals with an expiry date of 1 April 2023. Boral's land holdings are shown in **Figure 1** below.

The subject quarry supplies a major portion of the prime quality crushed hard rock requirement in the Hobart metropolitan area and much of the southern part of the State.

The 'active' area of the quarry is currently located in the northern extent of the site to the north of the main transmission line. Based on present knowledge of the extent remaining rock reserves are estimated at some 75 million tonnes.

**FIGURE 1: BORAL LAND HOLDINGS**



This, at the projected demand and extraction rates, represents a quarry life of some 100 years. Its reserve of raw materials is a columnar basalt and this is the only such available reserve within economic distance of the Hobart metropolitan area.

The quarry is a very cost effective supplier because of the unique quality of the rock reserves, and its geographic location is such that it assures economical transport cost of the products to the various locations of the market which this quarry serves. Alongside this quarry operation, Boral also produces concrete to meet Tasmania's significant building and construction requirements. Boral is therefore an important employer for the State and its operations make a significant contribution to the local and regional economy.

The Brighton Structure Plan further recognises the state significance of the Bridgewater Quarry, and provides the following commentary:

*The Boral Quarry at Bridgewater is one of only two major quarries in southern Tasmania, and has over 100 years of resources left.*

*Protecting the ongoing functioning of these nodes is vital to ensure that the municipality can continue to attract investment and provide local job opportunities. The planning scheme provides attenuation buffers to restrict incompatible land uses. It is noted that over time, the quarrying activity will head south. This will mean that the buffer can be adjusted.*



Boral general support and endorses the aspirations of the BSP.

### 3. The Amendment

Boral have reviewed the existing Brighton Interim Planning Scheme (IPS) provisions against Brighton Council's proposed Local Provisions Schedule (LPS) with respect to Boral's quarry operations at Bridgewater Quarry. The Bridgewater Quarry SAP provides for similar controls to those within the Brighton IPS, albeit in a different format.

The major components (from Boral's perspective) of the amendment to the Brighton Planning Scheme ("the Amendment") are:

1. The introduction of improved controls which prohibit sensitive uses within the Brighton Quarry Specific Area Plan (SAP)
2. The rezoning of Volume 125841 Folio 2 from Rural Resource to Agriculture Land
3. The removal of the industrial precinct attenuation code overlay, and
4. Minor drafting matters in relation to the wording and interpretation of sensitive uses and referral requirements.

These matters are addressed in detail below:

### 4. Sensitive Uses within the Brighton Quarry SAP

The area to which the Brighton Quarry Specific Area Plan (SAP) applies to is the same as the Brighton IPS Brighton Quarry Attenuation area. The proposed SAP provides improved protection from sensitive uses than the Brighton IPS Attenuation Code in that sensitive uses are a prohibited use under clause BRI-S4.6.1. Sensitive use (in the State Planning Provisions) is defined as follows:

*Sensitive use means a residential use or a use involving the presence of people for extended periods except in the course of their employment such as a caravan park, childcare centre, dwelling, hospital or school.*

The proposed SAP is therefore supported by Boral and will provide greater protection from the encroachment of sensitive uses.

Notwithstanding that, the heading of Clause BRI-S4.6.1 is somewhat misleading or ambiguous in that it refers to 'Residential Use' which is only one component of the sensitive use definition.

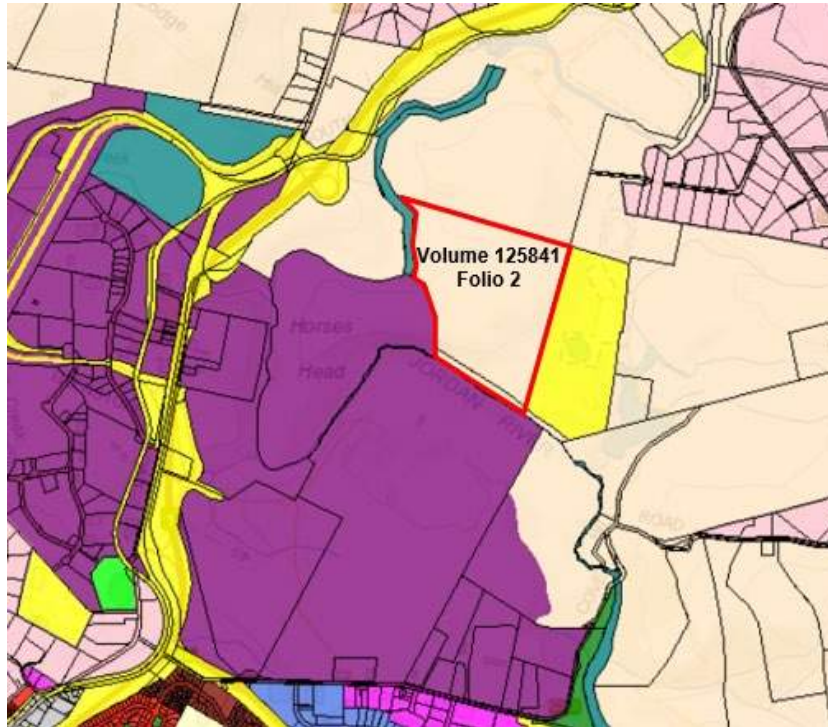
We consider this to be somewhat ambiguous and to protect Boral's interests this should be amended to capture all sensitive uses.



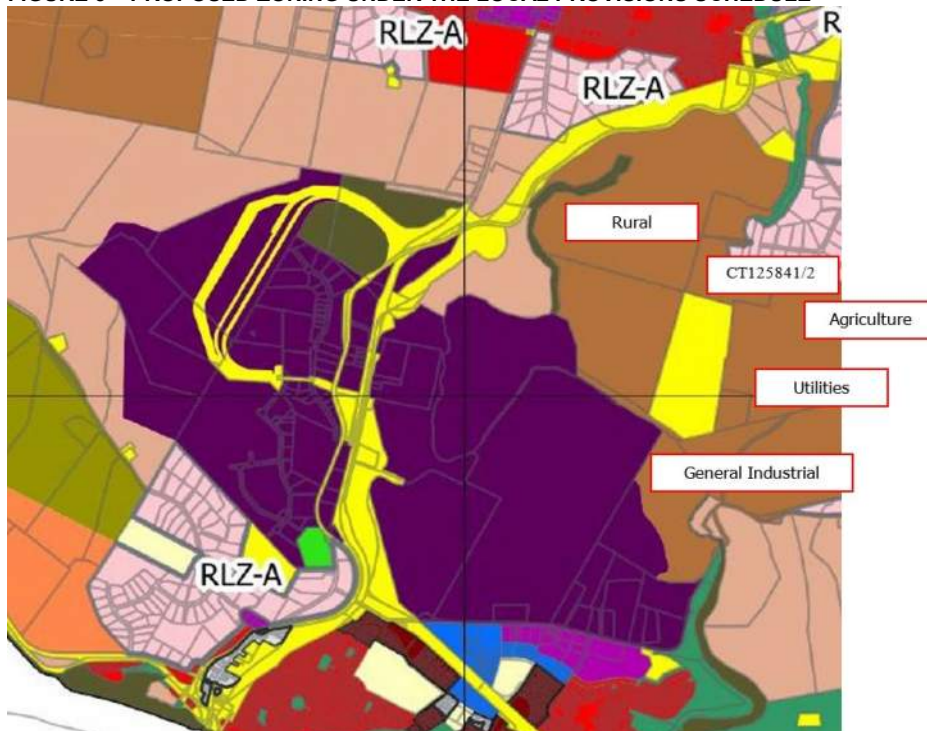
## 5. The rezoning of Boral land from Rural Resource to Agriculture Land

The land at Volume 125841 Folio 2 is currently zoned Rural Resource and is located within the Quarry Attenuation Code Area (refer to **Figure 2**).

**FIGURE 2 – BRIGHTON INTERIM PLANNING SCHEME ZONING**



**FIGURE 3 – PROPOSED ZONING UNDER THE LOCAL PROVISIONS SCHEDULE**





The purpose of the Rural Resource Zone is as follows:

- 26.1.1.1 *To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.*
- 26.1.1.2 *To provide for other use or development that does not constrain or conflict with resource development uses.*
- 26.1.1.3 *To provide for non-agricultural use or development, such as recreation, conservation, tourism and retailing, where it supports existing agriculture, aquaculture, forestry, mining and other primary industries.*
- 26.1.1.4 *To allow for residential and other uses not necessary to support agriculture, aquaculture and other primary industries provided that such uses do not:*
  - (a) *fetter existing or potential rural resource use and development on other land*
  - (b) *add to the need to provide services or infrastructure or to upgrade existing infrastructure;*
  - (c) *contribute to the incremental loss of productive rural resources*
- 26.1.1.5 *To provide for protection of rural land so future resource development opportunities are not lost.*

The application of the Rural Resource Zone is clearly designed to support mining and other primary industries. The proposed amendment seeks to rezone the land to the new 'Agriculture' zone. The Agriculture Zone applies limitations on non-agricultural uses to protect agricultural land from unnecessary conversion and provides for the use of the land for Extractive Industries is a discretionary use. The discretion which would be invoked includes:

*"A use listed as Discretionary, excluding Residential or Resource Development, must be required to locate on the site, for operational or security reasons or the need to contain or minimise impacts arising from the operation such as noise, dust, hours of operation or traffic movements, having regard to:*

- a) *access to a specific naturally occurring resource on the site or on land in the vicinity of the site;*
- b) *access to infrastructure only available on the site or on land in the vicinity of the site;*
- c) *access to a product or material related to an agricultural use;*
- d) *service or support for an agricultural use on the site or on land in the vicinity of the site;*
- e) *the diversification or value adding of an agricultural use on the site or in the vicinity of the site; and*



f) *provision of essential Emergency Services or Utilities”.*

and,

*A use listed as Discretionary, excluding Residential, must minimise the conversion of agricultural land to non-agricultural use, having regard to:*

- a) *the area of land being converted to non-agricultural use;*
- b) *whether the use precludes the land from being returned to an agricultural use;*
- c) *whether the use confines or restrains existing or potential agricultural use on the site or adjoining sites.*

Thus, the move of the use to discretionary on title Volume 125841 Folio 2 is not supported as this significantly abolishes our existing rights and imposes additional burden on Boral to demonstrate to the need to prove the minimisation of agricultural land converted to a non-agricultural use.

The proposed Rural Zone, on the other hand, provides for a range of other uses, in addition to agricultural uses, that may require a rural location for operation purposes. These include Extractive Industry, Resource Processing and a limited range of Manufacturing and Processing, Storage and other uses. We submit that the Rural Resources Zone is more closely aligned with the existing Rural Resource Zone and the underlying tenure.

To support this position, we note that the Southern Tasmania Regional Land Use Strategy 2010-2035 (STRLUS) recognises the importance of protecting productive resources within Tasmania and states:

*Mineral extraction within Southern Tasmania is limited and is concentrated on quarrying operations for hard rock, sand, materials for concrete construction, and blue metal. A number of quarrying operations in the South are of regional significance and particularly important to the construction industry, including the Leslie Vale and Brighton quarries (STRLUS p:64).*

Policies to support this include:

*PR 3: Support and protect regionally significant extractive industries.*

*PR 3.1 Ensure existing regionally significant extractive industry sites are zoned either General Industry or Rural Resource and are protected by appropriate attenuation areas in which the establishment of new sensitive uses, such as dwellings, is restricted.*

We also note that Volume 125841 Folio 2 is referenced in the Use Table to the General Industrial Zone which identifies extractive industry as a ‘permitted’ use class. This reference appears out of date but infers that the land previous has a permitted use right for extractive industry.

Significantly, Boral were not notified of the proposal to rezone this land. It was only through a review of the Brighton Quarry SAP that the proposed to rezone the land was identified.

The proposal to rezone of Volume 125841 Folio 2 from Rural Resource to Agriculture is, therefore, not supported and will imposes the onerous tests applied in converting agricultural land to non-agricultural uses. It is recommended that Volume 125841 Folio 2 be changed to a Rural or Industrial Zone.

## 6. The removal of the Industrial Precinct Attenuation Area

There are two separate attenuation areas that overlap with the Bridgewater Quarry, being the Bridgewater Quarry Attenuation Area and the Industrial Precinct Attenuation Area (**Figures 4 and 5 below**).

**FIGURE 4 - BRIGHTON QUARRY SPECIFIC AREA PLAN**



The industrial precinct attenuation overlay was a continuation of the Environmental Buffer Area at clause 7.6 of the BPS 2000. This itself replaced the earlier Noise Zone (Proposed Alteration No. RZ89/04).

The application of the attenuation code is to protect the industrial area from conflict with other land uses and to protect future residents from noise, dust, fumes, vibration, air blasts, impacts to water, and impacts to views and amenity as these effects are associated with the conduct of an extractive and other industry (refer **Attachment 1**).

Since the creation of the noise zone (under the 1977 Planning Scheme) the Brighton Council has come under pressure from developers, land owners and other vested interests to set aside part, or all, of the planning provisions and limitations related to this noise zone. It is understood that in many cases these landholders purchased the land after the attenuation code was implemented.



**FIGURE 5 - INDUSTRIAL PRECINCT ATTENUATION AREA**



The removal of the Industrial Precinct Attenuation Zone will allow sensitive uses (dwellings, schools etc.) to locate in the area shown in **Figure 6** more easily. It is suspected that the definition of this area comes from the noise and air quality modelling undertaken for the quarry.

The area is zoned Rural, so there are limitations to the density of sensitive uses, but complaints generated may result in additional operating restrictions to the quarry or more onerous conditions on future permits.

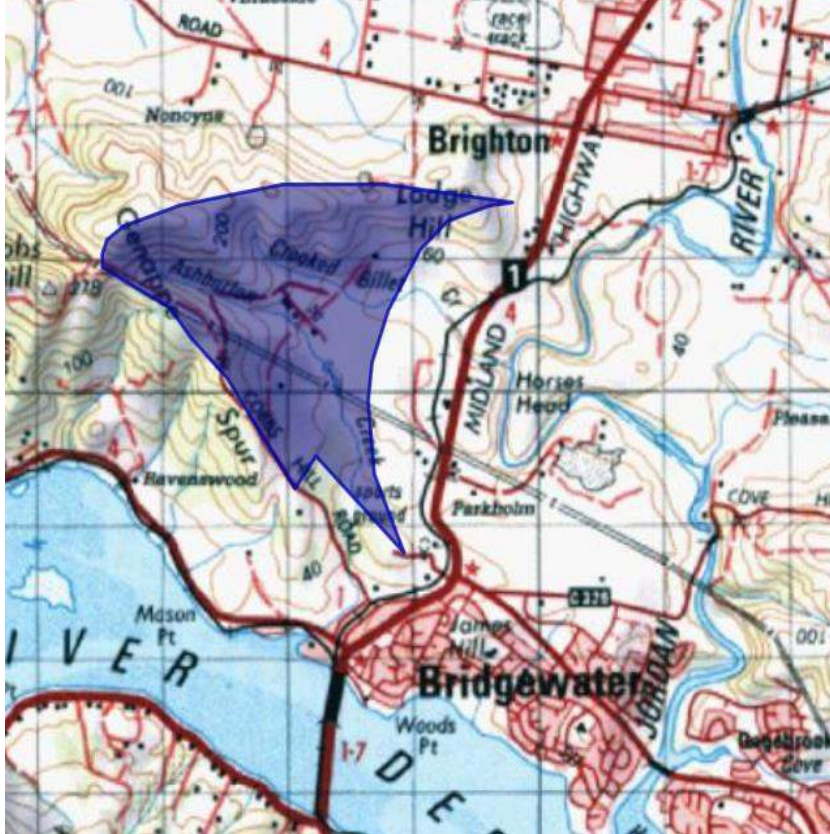
The importance of the attenuation areas was highlighted within the former Brighton Structure Plan, under section 9.6 Buffer Management. The primary objective for buffer management under section 9.6.2 is:

*to protect land uses from adversely impacting on each other and to identify appropriate uses for the land within the buffers. This will be achieved through the inclusion of buffer management policies and statutory requirements in the planning scheme (BPS p:73).*

The purpose of the attenuation area around the Boral Bridgewater Quarry is to protect the quarry operations from residential encroachment and other sensitive uses to ensure that it maintains the right to operate.

Managing community expectations is a key challenge for Boral as residents move into a new development without full understanding of the effects associated with the operations of an extractive industry.

**FIGURE 6 – EXTENT OF AREA OF ATTENUATION AREA REMOVED FROM THE BRIGHTON IPS ORDINANCE**



Section 8.6 (Buffer Management) of the former Brighton Structure Plan recognizes this and states that it is recommended that buffers around quarries are redefined according to accurate testing.

The strategic planning justification for the extent of the buffer distance is, therefore, ill-defined and impacts from the quarry operations may still be experienced beyond the Attenuation Area. With the removal of the Industrial Precinct Attenuation overlay, there is greater potential for land use conflict between the quarry and new development to the east, associated with noise and dust effects.

Any changes to the zoning which allow sensitive uses closer to the quarry would, therefore, increase the likelihood of noise based complaints.

Boral firmly supports the protection of its interests afforded by the attenuation code and asserts that the suitability of the extent of the quarry attenuation area needs to be confirmed before allowing the Industrial Precinct Attenuation code to be lifted or relaxed.

The boundary of the attenuation zone should be informed as a result of careful study and consideration of the impacts arising from the quarry operations include the impacts from noise, dust, fumes, vibration and air blast.





## 7. Boral as a referral party

The performance criteria P1(d) at an BRI-S4.7 (Development Standards for Buildings and Works) requires Council to have regard to any advice from the Bridgewater Quarry Operator.

Boral submits that the performance criteria is unnecessarily vague and should be expanded upon to clarify how this will occur. For example, Clause E9.5.2 of the BIPS states that:

*The planning authority must refer any application within the Bridgewater Quarry Attenuation Area to the Bridgewater Quarry operator for advice on potential conflict between the proposed use or development and the quarry operations. Council must not determine an application until the quarry operator has provided its advice, or until 14 days from the date of referral, whichever occurs first.*

The above requirement provides a clear process to enable the quarry operator (in this case Boral) to provide advice on a planning application. This provides transparency and removes ambiguity about how this is to occur.

## 8. Conclusion

Boral have reviewed the existing Brighton Interim planning scheme (IPS) provisions against Brighton Council's proposed Local Provisions Schedule (LPS) with respect to Boral's quarry operations at Brighton and has identified a number of significant concerns.

The Attenuation Zone and the Industrial Precinct Attenuation Zone perform an important and essential function and encroachment on this zone is bound to place unreasonable limitations on future quarry operations and is certain to incur considerable cost penalties.

If approved, the proposed changes will introduce additional sensitive land uses to the west of the Bridgewater Quarry Attenuation Area. This represents a risk to Boral's right to operate which would have significant implications for the future supply of construction materials within Tasmania.

Furthermore, and perhaps more concerning, the rezoning of CT Volume 125841 Folio 2 from Rural Resource to Agriculture will significantly affect Borals right to use the land and will place significant planning restrictions on any future proposal to quarry this land.

Boral, therefore, wishes to make the following recommendations for consideration:

1. The proposal to rezone of Volume 125841 Folio 2 from Rural Resource to Agriculture is not supported and will imposes the onerous tests applied in converting agricultural land to non-agricultural uses. It is recommended that Volume 125841 Folio2 be changed to a Rural or Industrial Zone.
2. The requirement for planning applications to be formally referred to Boral should be clarified within the Bridgewater Quarry Specific Area Plan.



3. The removal of the Industrial Attenuation Zone would allow for the establishment of sensitive uses within this area and may result in unreasonable limitations on future quarry operations. The Industrial Attenuation Zone should be reinstated and the buffers around quarry, including the Industrial precinct attenuation code should be redefined according to accurate testing.
4. The heading of BRI-S4.6.1 should be amended from 'Residential Use' to 'Sensitive Uses'

Boral welcomes the opportunity to work with the Tasmania Planning Commission and Brighton Council to undertake a robust review of the buffer areas taking into account full future development of extraction areas.

Please do not hesitate to contact me should you wish to discuss the matters raised within this correspondence in further detail.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Blair Mather", written in a cursive style.

**Blair Mather**

Senior Planning and Development Manager - Southern Region  
Boral Property Group  
Telephone: (03) 9981 9646  
Email: [blair.mather@boral.com.au](mailto:blair.mather@boral.com.au)



**Attachment 1:**  
Amended Noise Zone (Environmental Precinct)



**BRIGHTON PLANNING SCHEME 1977  
AMENDMENT 89-04**

THE COMMON SEAL OF THE HORDEN COUNCILLORS AND ELECTORS OF THE MUNICIPALITY OF BRIGHTON HAS BEEN HERETO AFFIXED IN THE PRESENCE OF US THIS 24th 1990 IN PURSUANCE OF AUTHORIZATION GIVEN AT A MEETING HELD ON THE 16th 1990 DAY OF AUGUST 1990

*B. J. J. J.* HORDEN  
*S. J. J. J.* COUNCILLOR  
*J. J. J. J.* COUNCIL CLERK  
JUN 25 1990

righton Planning Scheme 1977

Provisionally Approved  
Proposed Alteration 89/04

*[Signature]*  
Commissioner  
- 3 SEP 1990

•• Existing Boundary  
of Noise Zone

— Proposed Boundary  
of Environmental Precinct



SCALE 1:15 000



BRIGHTON PLANNING SCHEME 1977

PROPOSED ALTERATION No. 89/04

1. To delete Zone 9 Noise Zone from the Ordinance and from Schedules 1 and 3.

2. To insert in place of the Noise Zone the following clause:

'8.5 Environmental Buffer Areas

8.5.1 The purpose of the Environmental Buffer Areas is to protect the Baskerville Speedway and development within the Heavy Industrial and Extractive Industrial zones of the Bridgewater Industrial Estate from encroachment from conflicting land uses and to protect land users in these buffer areas from adverse environmental impacts.

8.5.2 Except as provided under Clause 3.5 the development of temporary or permanent residential accommodation (whether for domestic, commercial or any other purpose), shall be prohibited on land within the Environmental Buffer Areas shown on the Plan.

3. To alter the status of Rural Industry, Shop and Showroom in the Light and General Industry Zones in Schedule 3 Table of Uses as shown below:

SCHEDULE 3 TABLE OF USES

1. RURAL	2. RESIDENTIAL - RURAL	3. - RESERVED	4. - URBAN	5. BUSINESS/COMMERCIAL	6. INDUSTRY - LIGHT	7. - CONTROLLED	8. - GENERAL	9. - HEAVY	10. - EXTRACTIVE	11. HISTORIC PRECINCT	12. VILLAGE	13. PRIVATE RECREATION	14. HORSE RACING	15. SPECIAL ZONE	15. PRECINCTS
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KEY

'P' Permissible and subject to conditions

'A' Permissible only with Councils consent

'X' Prohibited

29 Rural Industry	A
46 Shop	X
47 Showroom	X

BRIGHTON PLANNING SCHEME 1977

AMENDMENT RZ 89-04

THE COMMON SEAL OF THE WARDEN, COUNCILLORS AND ELECTORS OF THE MUNICIPALITY OF BRIGHTON HAS BEEN HEREUNTO AFFIXED IN THE PRESENCE

OF US THIS 24th DAY OF AUGUST 1990 IN PURSUANT OF AUTHORIZATION GIVEN AT A MEETING HELD ON THE 16th DAY OF AUGUST 1990

B. J. ... WARDEN  
S. A. ... COUNCILLOR  
... COUNCIL CLERK  
ITEN 7.25 C.C. MTS 16.8.90

Provisionally Approved

[Signature]  
Commissioner

- 3 SEP 1990



## Helen Hanson

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**From:** Aaron Wells <tasazz78@gmail.com>  
**Sent:** Monday, 10 June 2019 7:09 PM  
**To:** Development  
**Cc:** David Allingham; Patrick Carroll  
**Subject:** Zoning changes to 365 Baskerville Road Old Beach  
**Attachments:** Attachment A.png; Attachment B.png; Attachment C.png

Attn: Planning Department, Brighton Council

I am writing in response to a letter sent on the 18th April 2019 regarding the zoning changes to my property, 356 Baskerville Road Old Beach.

I have read through the Brighton draft LPS Supporting report and understand the values that the council are looking to uphold as part of their decision to apply the Landscape Conservation Zone (LCZ) to my property. I too am looking to maintain the same values for the vegetated areas of my property as my love for the bush is the reason I purchased the property.

When purchased back in May of 2004, the title was split into two main zones as per the Brighton Planning Scheme from 2000 (BPS2000). The cleared paddock section of the property adjacent to Baskerville Road was Rural Residential and the remaining bush area was Skyline Protection. (See attachment A)

The Brighton Interim Planning Scheme of 2015 (BIPS2015) saw the whole of the property become Environmental Living Zone (ELZ) and the proposed changes in the Brighton Draft Local Provisions Schedule would mean that the whole property would become Landscape Conservation Zone. (LCZ) However looking at the aerial photography and topology of the property, it can be seen that the vegetation the zone is looking to protect, starts approximately 240m back from Baskerville Road. (See attachment B)

Having said that I would request that the existing front paddock area be zoned as Rural Living Zone (RLZ) (See shaded area of attachment C) and the remainder of the property be LCZ. This would return the property to split zoning which would make it more inline the original zoning as per the Brighton Planning Scheme from 2000 (BPS2000).

Given the Rural Living Zone (RLZ) allocation for the neighbouring titles on both sides of my property, I believe that it is the most appropriate zone for the area around my residence. This would allow me the same planning and development standards as the surrounding titles, as well as maintaining the protection, conservation and management of landscape values for the elevated areas of my property, that the LCZ zone is looking to preserve.

If there are any aspects of my representation that are unclear in any way, I would ask that I please be contacted immediately (by phone in the first instance) to have any inconsistencies or misunderstanding rectified as soon as possible.

Yours Sincerely  
Aaron Wells

Mobile: 0407 723 455  
Email: [tasazz78@gmail.com](mailto:tasazz78@gmail.com)