



**BRIGHTON DRAFT
LOCAL PROVISIONS SCHEDULE

SECTION 35F REPORT**

Planning Authority Report under Section 35F of LUPAA – Consideration of Representations to the Draft Brighton Local Provisions Schedule

Introduction

The below table provides a summary of each representation and, pursuant to s.35F(c) of the Act, Council's comments on the merits of each representation and whether the draft LPS ought to be modified (s.35F(c)(i)). Council's comments against each representation include commentary about whether it is satisfied that the draft LPS meets the LPS criteria (s.35F(2)(d)). A copy of each representation in full is available at **Appendix 4**.

Below the table Council provide additional recommendations in relation to the draft LPS (s.35F(2)(e).) The report concludes with a general statement about how the effect on the draft LPS as a whole of implementing the various recommendations (s.35F(2)(c)(ii)).

TasNetworks (Rep 5)	
<p>Removal of Priority Vegetation overlay over assets</p> <p>The Bridgewater Substation and Communications Station is co-located at 23 Weily Park Road, Bridgewater (CT 52510/1) and is the only substation within the Brighton LGA.</p> <p>The substation and Communications site are both regionally significant.</p> <p>The site however, in its entirety, is subject to the Natural Asset Code – Priority Vegetation Overlay.</p> <p>Priority Vegetation Overlay has been applied to the northern half of the site which is developed and includes the communications station, substation and a TasNetworks' storage depot. This portion of the site is predominately cleared of native vegetation.</p> <p>The 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.</p>	<p>Council comment:</p> <p>Proposed modification is supported as it satisfies NAC 11 of the s.8A Guidelines ("the Guidelines"):</p> <p><i>NAC 11 The priority vegetation area overlay may be based on field verification, analysis or mapping undertaken by, or on behalf of, the planning authority to:</i></p> <p style="padding-left: 40px;"><i>(a) address any anomalies or inaccuracies in the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above; or</i></p> <p style="padding-left: 40px;"><i>(b) provide more recent or detailed local assessment of the mapping and data in clauses NAC 7, NAC 8 and NAC 10 above.</i></p> <p>Modification required:</p> <p>Remove Priority Vegetation Overlay from northern half of the site as per below map.</p>

TasNetworks 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.



Landscape Conservation Zone conflict with TasNetworks assets

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

These include:

Council comment:

TasNetworks issues are acknowledged and the conflicts with Landscape Conservation Zone understood. However, Council has applied the Landscape Conservation Zone and Electricity Transmission Infrastructure Protection Code overlays in accordance with the Guidelines.

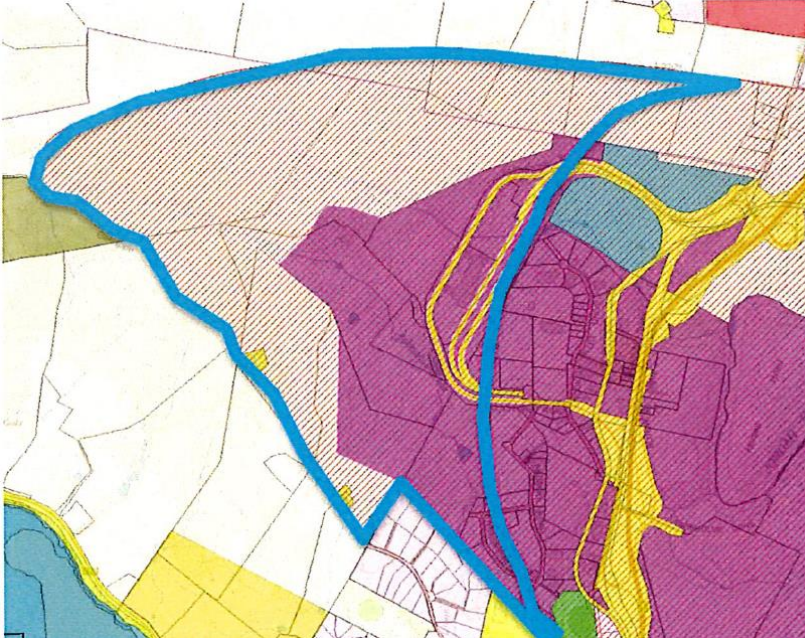
Council notes that whilst there is a potential conflict, electricity infrastructure is not prohibited under these arrangements.

<ul style="list-style-type: none"> - 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. <p>These corridors are located within the LPS ETIPC Overlay Electricity Transmission Corridor and Inner Protection Area mapping which is supported by TasNetworks.</p> <p>In three instances the Landscape Conservation Zone has been applied to ETC's.</p> <p>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.</p> <p>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</p>	<p>Council is open to discussing the issue further, but if there is an issue, it is a statewide issue that should be dealt with consistently.</p> <p>Modification required:</p> <p>Nil</p>
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<p>SPP. For example the Acceptable Solution building height requirement in the Landscape Conservation Zone is 6m as opposed to 12m under the Rural Zone.</p> <p>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.</p> <p>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.</p>	
<p>Conflict with SAP's and PPZ's</p> <p>In numerous instances an ETC conflicts with a SAP as per below table:</p>	<p>Council comment:</p> <p>Each amendment listed in Table 10 of the submission is supported except for the proposed amendment for Utilities to be excluded in BRI S7.7.1 P1 Development on Potentially Dispersive Soils as development of any kind on dispersive soils needs to be adequately managed.</p> <p>Modification required:</p> <p>Amend the Brighton LPS ordinance as per Table 10 of the submission except for BRI-S7.7.1 P1.</p>

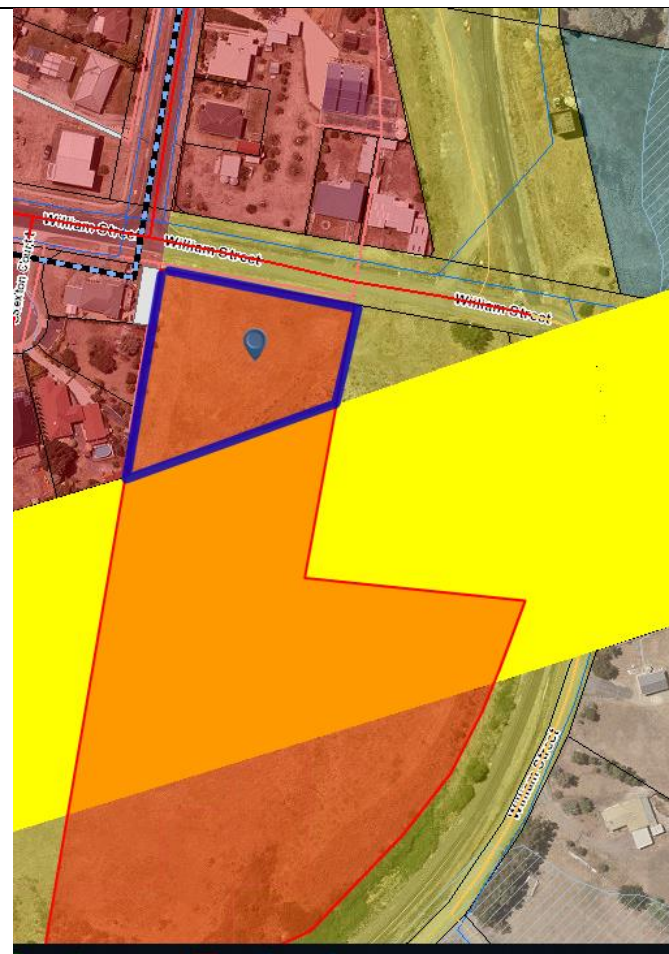
ETC (Corridor / Line)	SAP	
UWA	- BRI-S8.0 Urban-Rural Interface	
TL 400	- BRI-S4.0 Bridgewater Quarry SAP	
TL 401	- BRI-S4.0 Bridgewater Quarry SAP - BRI-S7.0 East Baskerville Dispersive Soils - BRI-S8.0 Urban-Rural Interface	
TL 520	- BRI-S4.0 Bridgewater Quarry SAP - BRI-S6.0 Baskerville Raceway SAP - BRI-S7.0 East Baskerville Dispersive Soils	
<p>TasNetworks suggest several modifications to the above SAPs and PPZ's in <i>Table 10 – PPZ and SAP Assessment Overview</i> of their submission, mainly relating to creating lots for Utilities and ensuring height standards in Performance Criteria don't restrict future Utilities infrastructure (e.g. towers).</p>		
Department of State Growth (Rep 32)		
<p>Bridgewater Quarry SAP BRI-S4.0</p> <p>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.</p>		<p>Council Comment:</p> <p>Council supports the mandatory requirement to refer the applications to the quarry operator. Council has previously discussed this issue with the Tasmanian Planning Commission (TPC) and have been advised that there is not a mechanism in the structure of the LPS to provide for the mandatory referral. This is largely due to the removal of the "Application Requirements" from the SPP Codes (see discussion in s.35G report).</p> <p>The current requirement under BRI-S4.7.1 P1(d) and BRI-S4.8.1 P1(c) only requires the planning authority to have regard to "any advice from the</p>

	<p>Bridgewater Quarry operator”. Whilst this implies that the planning authority should seek advice from the quarry operator it does not clearly require referral. Clarity in the process is always preferred.</p> <p>Modifications required: Insert the below into the Bridgewater Quarry SAP:</p> <p><i>BRI-S4.2.3 – The specific area plan requires the planning authority to refer any applications for proposed use and development to which this specific area plan applies to the Bridgewater Quarry operator for advice on potential conflict between the proposed use or development and the quarry operations. The planning authority 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.</i></p>
<p>Reinstatement of the Brighton Transport Hub and Brighton Industrial Estate attenuation mapping</p>	<p>Council comment:</p> <p>Council considers the application of the attenuation distances in Table C9.1 of the SPP’s as a better way to address potential land use conflicts for uses within the Industrial Precinct. Other mapped Attenuation areas used in the LPS relate directly to a specific use (e.g. quarry), whereas the Hub has a range of uses. The requirements for these uses should be assessed on their merits in accordance with Table C9.1.</p> <p>Furthermore, the attenuation area under BIPS 2015 does not cover an area of Rural Living Zone to the south where land use conflicts are most likely to occur. For example, if a “Chemical works” use could be established (Attenuation distance of 300m) adjoining the Rural Living Zone, however if the attenuation area were mapped there would be no ability to consider the</p>

	<p>impact on the adjoining Rural Living Zone. See extract from clause C9.2 of the Attenuation Code below</p> <p>Attenuation area means land that is:</p> <p>(a) within the boundary of an attenuation area shown on an overlay map in the relevant Local Provisions Schedule; or</p> <p>(b) within the relevant attenuation distance from an activity listed in Table C9.1 or C9.2, which is an existing activity or an activity for which a planning permit is in force.</p> <p><i>If an inconsistency exists between the relevant attenuation distance in Tables C9.1 or C9.2, and an attenuation area shown on an overlay map in the relevant Local Provisions Schedule, the distance shown on the overlay map applies.</i></p>
<p>The draft LPS no longer includes the attenuation area for the Brighton Industrial Estate/Transport Hub (the Hub) as it was in the Brighton Interim Scheme 2015 (BIPS 2015). The State Government has made a significant investment in the Hub. Removal of the attenuation area will be potentially result in increased land use conflict. DSG submits that the attenuation mapping should be reinstated.</p>	<p>Modifications required: Nil</p>
<p>Zoning for Bridgewater Bridge</p> <p>DSG submits that the future Bridgewater Bridge corridor over the Derwent River and 36 Old Main Rd, Bridgewater (CT219070/1) should be zoned Utilities as per the State Road Casement layer</p>	<p>Council Comment:</p> <p>The proposed modifications are supported and are consistent with the Guidelines UZ 2:</p>

	<p><i>UZ 2 The application of the Utilities Zone to category 1, 2, 3, 4 or 5 roads as defined in the Tasmanian State Road Hierarchy should be based on the 'State Road Casement' layer published on the LIST.</i></p> <p>Modifications required:</p> <p>Change the zoning of the Bridgewater Bridge corridor over Derwent River and 36 Od Main Rd, Bridgewater (CT219070/1) to Utilities as per State Road Casement layer.</p>
<p>Application of Road and Rail corridor</p> <p>DSG maintain the view that it is unnecessary for the Attenuation Area for the State Road network to be mapped unless site specific situations warrant variation in the 50m attenuation area.</p>	<p>Council Comment:</p> <p>Council has not mapped the Attenuation Area for the State Road network.</p> <p>However, Council are of the view that mapped overlays provide greater transparency and clarity for property owners and help to avoid planning authorities making errors. Given that there are not likely to be significant and frequent changes to the State Road corridor, it may be better if the Attenuation Areas are mapped.</p> <p>Modifications required: Nil</p>
<p>Future zoning of State Growth land outside the State Road Casement layer</p> <p>DSG has identified three parcels in its ownership that fall outside the State Road Casement and where there may be a more appropriate zone. See table below:</p>	<p>Council Comment:</p> <p><u>William St</u></p> <p>It is assumed DSG are referring to approximately 3,500m² of land as shown below. Council are generally supportive of the rezoning, but do not support the change as part of this process. The proposed change should go through the normal rezoning process with input from TasWater, TasRail and the community.</p>

Location or Certificate of Title	Draft LPP Zone	Suggested Zone	Rationale
William Street, Brighton CTI08441/I	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 CTI64315/I	Rural	Environmental Management	Contains environmental offsets
Midland Highway CTI62615/I	Recreation	Environmental Management	Contains environmental offsets



Midland Highway

Council sought further explanation from DSG and received the following:

	<p><i>These sites came to fruition through the Commonwealth approvals for the Brighton Bypass under the Environmental Protection and Biodiversity Act 1999 for both the southern and northern sections of the upgrade. Both permits required the creation of grassland reserves specifically to preserve populations of the Dianella amoena grassland flax lily.</i></p> <p><i>Conservation sites were established in the vicinity of each section: Lodge Hill, Basalt Knoll, Pontville and Rifle Range Road. North Barker Ecosystems Services are engaged by the Department to maintain and monitor these sites.</i></p> <p><i>CT 164315/1 is known as BTN03 and CT 162615/1 is known as BTN12.</i></p> <p>Given the above, the Environmental Management Zone (EMZ) is the appropriate zone as per Guideline EMZ 1 (e):</p> <p><i>The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:</i></p> <p><i>(a)....</i></p> <p><i>(e) any other public land where the primary purpose is for the protection and conservation of such values; or</i></p> <p>Modification:</p> <p>Apply the EMZ to CT 164315/1 and CT 162615/1.</p>
State Emergency Service (SES) (Rep 6)	

<p>Flood Prone Areas Hazard Code and Overlay</p> <p>SES note that there may be many areas that are at risk of flooding and not mapped. SES are undertaking a flood mapping project to develop a consistent flood hazard map by 2020.</p> <p>SES is working with Department of Justice (DoJ) to provide guidance to identify land that is subject to flood risk to be incorporated under the Guidelines.</p> <p>In the interim SES identifies a number of sources that have the best available flood hazard information.</p>	<p>Council Comment:</p> <p>Council acknowledges that there may be areas prone to flooding that are not mapped. However, Council cannot find any additional information using the sources recommended by the SES to provide further mapping.</p> <p>Council assume that the flood hazard map prepared by SES will be rolled out across the State with a simple amendment to all LPS'.</p> <p>Modifications: Nil</p>
<p>Coastal Inundation Hazard Areas Code and Overlay</p> <p>The Brighton LPS Supporting Report (the Supporting Report) state that the Australian Height Datum (AHD) levels for the coastal inundation hazard bands have been provided in a table in the draft LPS.</p> <p>However, BRI-Table C11.1 Coastal Inundation Hazard Bands AHD Levels is empty of data and states that it is not use in this LPS.</p> <p>The SES request that the draft LPS be amended to comply with the requirements of <i>TPC Practice Note 5: Tasmanian Planning Scheme drafting conventions</i>, to ensure the Coastal</p>	<p>Council Comment:</p> <p>The Coastal Inundation Hazard Code is applied by reference to the coastal inundation hazard area overlay, which includes land within the three coastal inundation hazard bands (low, medium or high) or within a coastal inundation investigation area. Council has obtained the 'Coastal Inundation Hazard Area Bands 20161201' layer published on the LIST as per CIHC 1 of the Guidelines.</p> <p>BRI-Table C11.1 only applies to land within a coastal inundation investigation area. There are no coastal inundation investigation areas in the Brighton municipality and therefore the table is not required in the LPS.</p> <p>Modifications: Nil</p>

<p>Hazards Technical Report is correctly incorporated into the LPS.</p>	
<p>Future Urban Zones</p> <p>SES requests that that the appropriate risk assessment be carried out prior to the development of land in Future Urban Zones in accordance with STRLUS Chapter 8 – Managing Risks and Hazards.</p>	<p>Council comment:</p> <p>The purpose of the Future Urban Zone is that it is not developed prior to rezoning. The rezoning process requires the STRLUS to be considered.</p> <p>Modifications: Nil</p>
<p>TasWater (Rep 4)</p>	
<p>Green Point Waste Water Treatment Plant (WWTP) Attenuation Area</p> <p>The Brighton draft LPS contains an Attenuation overlay based on Odour Modelling performed by Alex McLeod of Tarkarri Engineering in the report of October 2017 entitled “<i>Brighton Council – Cheswick Cres residential precinct and Barton Cres educational precinct odour emissions modelling of Greens Point WWTP</i>”, specifically the 2 odour unit contour within Figure 8-1 (provided as Appendix 9 of the Supporting Report.</p> <p>TasWater strongly suggest that this Buffer Zone is removed from the LPS for the following reasons:</p> <ol style="list-style-type: none"> 1. This report is based on the operations and loadings of the plant at a specific point in time, which are subject to change. 	<p>Council Comment:</p> <p>Council acknowledge TasWater’s concerns. However, Council does not support the removal of the mapped Attenuation overlay and believes it has satisfied Guideline AC 2:</p> <p><i>Any new attenuation area overlay for an existing activity listed in Tables C9.1 or C9.2, which does not align with an equivalent overlay contained in an interim planning scheme or section 29 planning scheme, must be justified by a suitably qualified person. The attenuation area overlay may apply to an area larger or smaller than the generic attenuation distances specified for the relevant activity.</i></p> <p>The Odour Modelling Report was prepared for a significant development that still intends to proceed. The Odour Modelling Report has been accepted by TasWater as suitable.</p>

<ol style="list-style-type: none"> 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. <p>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.</p>	<p>Council, in partnership with other stakeholders has spent approximately \$15K on two different odour modelling for the Green Point WWTP. Odour modelling is a specialist field and engaging a suitably qualified person to prepare reports in a timely manner is difficult. There are no guarantees that Council can engage the same consultant to undertake further studies and the modelling may need to start from scratch.</p> <p>Council does acknowledge that the attenuation overlay should be based on upset conditions (i.e. worst-case scenario) which is the 2 odour unit contour of Figure 9-4 of the Odour Modelling Report.</p> <p>Modification: Modify the mapped Green Point WWTP Attenuation Area to represent the maximum emissions rates as per the 2 odour unit contour in Figure 9.4 of the Odour Modelling Report.</p>
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Department of Education (DoE) (Rep 33)

Brighton High School

The Liberal Government have committed to build a new High School in the Brighton municipality. It is considered essential that the draft LPS considers and supports the development of this community facility.

Council comment:

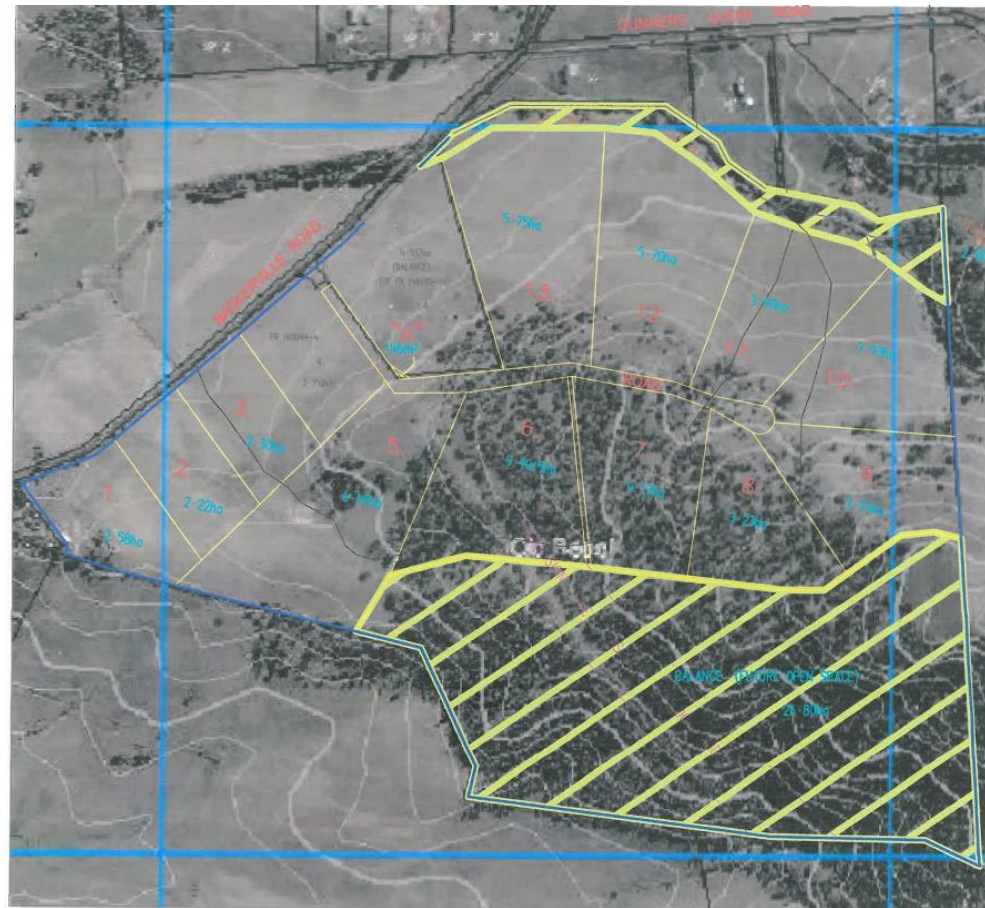
The State Government has not committed to a site for the new High School. It would be premature to zone any sites to accommodate the new High School until there is commitment on a single site.

Council notes that its preferred site is the existing Brighton School Farm Site which is subject to the BRI-P2.0 Particular Purpose Zone – School Farm where Education and Occasional Care is a Permitted Use.

	Modifications: Nil
Ball (obo Roberts) (Rep 18), Pogorzelski (Rep 27) & Jakins (Rep 20)	
110 Baskerville Rd, Old Beach Three representations were received regarding the zoning of 110 Baskerville Road. The land is subject to subdivision permit SA2003/00013 for 14 lots and balance. The representors submit that the land is more appropriately zoned Rural Living.	Council comment: The subdivision has substantially commenced with two lots being created, so the permit is “live”. Council staff were unaware of the approval as there had been no lots created for 10+ years. The Council Report for the subdivision approval dated 14/10/2003 indicates that the land was in the process of being zoned Rural through the introduction of the Brighton Planning Scheme 2000. At the time Council were reluctant to approve the subdivision, but had no legal avenue to do so. The approved subdivision layout is below. The lots range in size from 2ha to 7 ha with 26.8ha of land in the S-W and the riparian zone along Clarries Creek to be provided to Council as Public Open Space. Council supports modifying the zoning from agriculture. However, given the lack of progress with the subdivision over recent years and its reluctance to approve the subdivision in the first place, Council’s preference is for the zoning of the land to be changed to Rural. Council has no strategic impetus for this land to be developed and the rural zoning will prevent the land being sold on to a developer and for a revised subdivision application to be submitted. The Rural zoning provides more flexibility for residential use and development than the Agriculture Zone.

Further, Council will consider future zoning amendments should the subdivision come to fruition.

Additionally, the Priority Vegetation Protection Overlay should be applied to the land in accordance with the Regional Ecosystem Model. See below for justification.



	<p><u><i>Justification for Rural Zone</i></u></p> <p><i>RZ 1 The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p> <p>As can be seen from the above map, the land is constrained by steep topography and environmental characteristics. The land is further constrained by the potential of fragmentation from the approved subdivision.</p> <p><i>RZ 2 The Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the 'Land Potentially Suitable for Agriculture Zone' layer published on the LIST.</i></p> <p>The land is mapped as potentially unconstrained on the LIST layer. However, the Rural Zoning recognises the approved subdivision and that the lots will be too small for Agriculture Zone if the subdivision is progressed.</p> <p><i>RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</i></p> <ul style="list-style-type: none"> <i>(a) it can be demonstrated that 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;</i> <i>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</i> <i>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</i>
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	<p><i>(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis; or</i></p> <p><i>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</i></p> <p>As noted in the comments above, the land is constrained for various reasons. Further, it is not part of a larger farm holding in the Agriculture Zone.</p> <p><u>Justification for Application of Priority Vegetation Overlay</u></p> <p>As noted in section 4.5 of the Supporting Report, the priority vegetation mapping generated through the REM has been accepted for use in the LPS, except in zones required by Guideline NAC 13, which included the Agricultural Zone.</p> <p>The priority vegetation mapping should be applied to 110 Baskerville Rd as per the REM as it can be applied to the Rural Zone.</p> <p>Modification:</p> <ul style="list-style-type: none"> • Zone the area shown on the approved subdivision plan as Lots 1 -14 to Rural Zone. • Apply the Priority Vegetation Overlay as per the REM over all land to which it applies.
Roper (Rep 24) & Kruger (Rep 14)	
Baskerville Raceway SAP	<p>Council comment:</p> <p>Council acknowledges the error was misleading.</p>

<p>Both representations were in regard to an error in the Supporting Report which referred to the Baskerville Raceway SAP as the Baskerville “Quarry” SAP.</p> <p>Roper identified that there is allegedly a quarry operating within the Baskerville Raceway SAP overlay relating to a significant farming operation. Roper submits that it completely unacceptable to try and give approval to this quarry with in the Brighton LPS by hiding it within the Baskerville Raceway SAP.</p> <p>Kruger submits that the error is misleading given the two different types of land-use and that landowners should have been provided with an updated document.</p>	<p>The alleged quarry was unknown to Council and will be investigated outside of this process.</p> <p>The Baskerville Raceway SAP in no way allows for a quarry to be established without first obtaining a planning permit.</p> <p>Modifications: Nil</p>
<p>Burbury (Rep 22)</p>	
<p>219 Baskerville Road, Old Beach</p> <p>Burbury submits the proposed rezoning is not appropriate as:</p> <ol style="list-style-type: none"> 1. The proposed zoning is too rigid and doesn’t reflect recent and likely future development activity in the area. 2. The property is only half the size of the minimum lot size. 3. The operation is not a scale and intensity that is essential for a rural activity. 4. The land is dissected by two river beds encompasses a significant area of bushland and has an unusual shape. 	<p>Council comment:</p> <p>The application of the Agriculture Zone is consistent with the Guidelines. In accordance with AZ 1 the land has been identified as “Land Potentially Suitable for Agricultural Zone” layer published on the list and is “Potentially unconstrained”.</p> <p>AZ 1(a) allows a planning authority to undertake further analysis at a local level which has been guided by the Decision Tree in the Mapping the Agriculture and Rural Zones which is contained in the Supporting report at Appendix 3.</p> <p>Based on this analysis the land should remain in the Agriculture Zone based on the following as it has an existing agricultural use, access to irrigation</p>

<p>5. This is not the frontier protecting limited agricultural land from intrusion of residential development.</p> <p>6. 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 rural activities.</p> <p>7. The proposed zoning does not recognise the existing and natural landscape values that should be retained.</p> <p>Burbury proposes that the Rural Living Zone is more appropriate as it allows for the current activities on this property and surrounding agricultural and residential use, it has the potential to protect existing natural and landscape values.</p> <p>Burbury provides further context about the property:</p> <ul style="list-style-type: none"> • The land is 23.38ha • The land includes Bobs Creek and a tributary and 7 ha of bushland. • A 1ha vineyard and 2,000 olive trees have been planted along with irrigation infrastructure and a new dam. • The vineyard has the potential to be doubled to become a boutique winery. • There are plans for further expansion and to address packing and picking issues. • Irrigation water is generally available. • There has been a large amount of subdivision in the area for residential use. 	<p>water resources and connectivity with adjoining farms to the north, west and south.</p> <p>In contrast, The Guidelines state at RLZ 4 (c) states that the Rural Living Zone should not be applied to land that:</p> <p><i>is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</i></p> <p>Local strategic analysis in the Brighton Structure Plan (BSP) 2018 does not provide any strategic impetus for the land to be in the Rural Living Zone and neither does STRLUS.</p> <p>Modification: Nil</p>
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<p>The submission concludes with a subdivision proposal to create a lot at the south of the property.</p>	
Purdon (Rep 37)	
<p>99 Baskerville Rd, Old Beach</p> <p>Purdon supports the Agricultural Zoning applied to their property at 99 Baskerville Rd, Old Beach but has issues with houses and outbuilding being built close to boundary fences on adjoining properties.</p> <p>Purdon suggests setback requirements for a range of agricultural activities for sensitive uses and subdivision. It is also submitted that farmers should have a right to undertake certain activities 24 hours a day.</p> <p>Pudron suggests that the term ‘right to farm’ should be included in the planning scheme provisions which would be a list of things that can be done on agricultural land, not a list of what cannot be done.</p>	<p>Council comments</p> <p>The adjoining properties of 99 Baskerville Rd, Old Beach are proposed to be zoned either, Agriculture, Rural or Rural Living B in the draft LPS. Each of these SPP zones has an Acceptable Solution (AS) setback standard to the Agriculture Zone of 200m for a sensitive use. The corresponding Performance Criteria (PC) may allow for variation of the setback. The subdivision standards also take the setback standard into consideration. The Attenuation Code in the SPP provides further protection for some existing agricultural uses, but may also make it more difficult to undertake new agricultural activities (e.g. gas cannons, re-use irrigation water, etc.).</p> <p>The majority of the content of the representation relates to standards provided for in the SPPs and as there are no special circumstances that would require local controls over the property no modifications are required.</p> <p>It is noted that the SPP standard in the RLZ clause 11.4.2 A4 (b) should relate to existing building for <i>sensitive</i> use only. This will be included in s.35G support submission</p> <p>Modification:</p>

	Nil
<p>Old Beach Quarry SAP & Zoning</p> <p>The Old Beach Quarry SAP should remain when the Mining Lease is rescinded. The site is being used for fill and does not appear as though it will be rehabilitated in accordance with the “Clives Hill Quarry” report prepared by ML Barwick.</p> <p>Submits that the area be zoned residential on the lower slopes with half hectare lots on the higher slopes adjoining 99 Baskerville Rd as residential development would encourage the sites rehabilitation.</p> <p>The rehabilitation of the site should be incorporated into the planning scheme to enable development within the buffer zone once the site and surrounding areas are rehabilitated.</p> <p>The planning scheme should also incorporate a small car park and bbq are on higher slopes of Clives Hill.</p> <p>The planning scheme should also require a wallaby fence to be constructed along the property boundary.</p>	<p>Council Comment:</p> <p>The Old Beach Quarry SAP is intended to remain in place until the Mining Lease for the quarry ends. Mineral Resources Tasmania (MRT) are responsible for regulating the rehabilitation of the site.</p> <p>The future use of the site for residential use is supported by the BSP 2018 Strategy 1 (Site 9) as a primary residential growth option and the use of the Urban Growth Zone, General Residential Zone and a SAP are all flagged as suitable.</p> <p>However, the land currently sits outside the Urban Growth Boundary in the STRLUS and requires further analysis and consultation with the community which is better suited to the normal planning scheme amendment process under the Act.</p> <p>Modification: Nil</p>
Irene Inc (Rep 28)	
<p>Old Beach Quarry – Future Urban Zone</p> <p>The Old Beach Quarry consists of three titles over two properties:</p>	<p>Council Comments; See response to Purdon submission above on same topic.</p> <p>Modification:</p>

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 balance of 31A Shelmore outside the existing buffer area is zoned General Residential under BIPS 2015.

The BSP 2018 identifies the subject area as desirable for residential zoning.

The proposed Rural Zoning is inconsistent with the strategic direction identified by the owners of the quarry and the BPS 2018.

The Future Urban Zone is a more appropriate zone.

Nil

<p>Old Beach Quarry SAP</p> <p>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:</p> <p><i>BRI-S5.1 Plan Purpose</i> <i>The purpose of the Old Beach Quarry Specific Area Plan is:</i> <i>BRI-S5.1.1 To protect new sensitive use the operations of the Old Beach Quarry from incompatible or conflicting use or development.</i></p>	<p>Council comments:</p> <p>The Old Beach Quarry SAP is ultimately designed to protect the operations of the Old Beach Quarry and recognise that a reduced attenuation distance is in place. Ultimately, the SAP will most likely be removed when the Mining Lease is finished.</p> <p>Modification:</p> <p>Nil</p>
<p>Natural Assets Code at Old Beach Quarry</p> <p>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.</p>	<p>Council comment:</p> <p>The Priority Vegetation Protection Area has been applied in accordance with the REM. The submissions refers to previous on-site investigations, however these are not provided.</p> <p>Modification:</p> <p>No compelling evidence has been provided to warrant modification.</p>
<p>Wells (Rep 39)</p>	
<p>356 Baskerville Rd, Old Beach – Change to split zone (Rural Living and Landscape Conservation).</p>	<p>Council comment:</p> <p>The change from the split zoning in BPS 2000 to Environmental Living could be justified on the basis that the Environmental Living Zone which provided</p>

The property was previously split zoned with the Rural Residential Zone and Landscape and Skyline Conservation Zone in the BPS 2000 (see image below).



The 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.

Wells submits that the existing front paddock area be zoned as Rural Living Zone (RLZ) the remainder of the property be LCZ. This would return the property to split zoning which would make it more in line the original zoning as per the BPS 2000.

The split zoning is further justified given RLZ applies to adjoining land to the north and south.

for residential use. The previous zoning gives the submission considerable merit and could potentially be rectified as an Urgent Amendment.

RLZ 1 (a) in the Guidelines provides that the Rural Living Zone should be applied too:

(a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity; or..

RLZ 2 (b) considers the existing Environmental Living Zone:


The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:

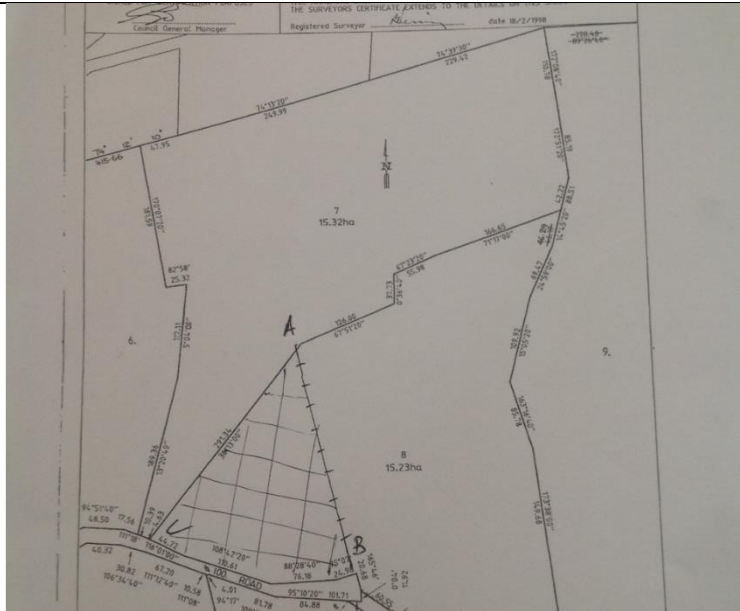
(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.

RLZ 3 (a) has further consideration of lot size to be applied:

The differentiation between Rural Living Zone A, Rural Living Zone B, Rural Living Zone C or Rural Living Zone D should be based on :
(a) a reflection of the existing pattern and density of development within the rural living area;

RLZ 4 further considers the landscape values:

	<p><i>The Rural Living Zone should not be applied to land that:</i></p> <p><i>(b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes;</i></p> <p>The above relevant sections of the Guidelines provide a strong argument for the zoning to be modified as per Wells' submission. The RLZ B is considered to be more appropriate than RLZ D given the pattern of RLZ development on adjoining lots.</p> <p>LCZ 4 further supports the proposed zoning modification:</p> <p><i>The Landscape Conservation Zone should not be applied to:</i></p> <p><i>(a) land where the priority is for residential use and development (see Rural Living Zone);</i></p> <p>Modification:</p> <p>Split zone 356 Baskerville Road to Rural Living Zone B and Landscape Conservation Zone as per Wells submission.</p>
Adams (Rep 34)	
<p>155 Gunners Quoin Rd, Old Beach Change to split zone Rural Living and Landscape Conservation</p> <p>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.</p>	<p>Council comment:</p> <p>It is noted that no subdivision has been approved since the introduction of the BPS 2000 in 2004 and only 5 dwellings have been approved, only one of which was in the Landscape & Skyline Conservation Zone. This is contrary to the submission that the area is an evolving residential area. Rather, residential development has been slowed since the introduction of BPS 2000.</p> <p>The proposed modification would create a pocket of Rural Living Zone land within a broader area of land zoned Landscape Conservation. "Pocket"</p>



Adams submits that they have not been consulted on several zoning changes over the years.

The recent subdivision and development activity in the area indicates that this is an evolving residential area and that Council are encouraging of such development.

Historically the majority of the land in SP 130988 was for sheep grazing. Native vegetation is limited to a narrow band adjacent to the boundary with gunner Quoin and the southern boundary of Madmans Hill.

Council planners have consistently used the boundary zone line across SP130988 for delineating the Landscape

zonings are generally discouraged and generally zonings are applied across broader areas.

The entire area of LCZ at the top of Gunners Quoin Rd is covered by the priority vegetation protection area suggesting that there are significant landscape and conservation values in the area. Gunners Quoin itself is also of significant scenic value.



The Guidelines of the LCZ confirm that it is the most appropriate zone for the area.

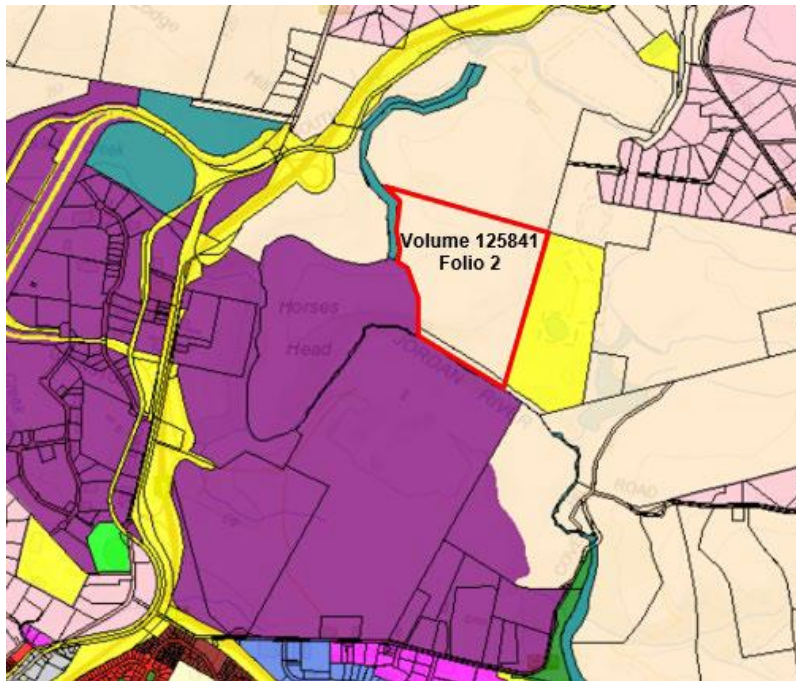
LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.

LCZ 2 The Landscape Conservation Zone may be applied to:

<p>Conservations Zone. However, this does not accord with what appears on the ground.</p>	<p><i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i></p> <p><i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i></p> <p><i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i></p> <p><i>LCZ 3 The Landscape Conservation Zone may be applied to a group of titles with landscape values that are less than the allowable minimum lot size for the zone.</i></p> <p><i>LCZ 4 The Landscape Conservation Zone should not be applied to:</i></p> <p><i>(a) land where the priority is for residential use and development (see Rural Living Zone); or</i></p> <p><i>(b) State-reserved land (see Environmental Management Zone).</i></p> <p>The application of the LCZ at the subject area and the top of Gunners Quoin Rd is consistent with the Guidelines.</p> <p>Modification: Nil</p>
<p>Boral (Rep 38)</p>	
<p>Bridgewater Quarry SAP</p> <p>Boral submits that the heading “BRI-4.6.1 Residential Use” is misleading as the standard is broader as it applies to sensitive uses.</p>	<p>Council Comment: The submission is supported.</p> <p>Modification: Modify “BRI-4.6.1 Residential Use” to “BRI-4.6.1 Sensitive Use”.</p>

Rezoning of Boral land from Rural Resource to Agriculture.

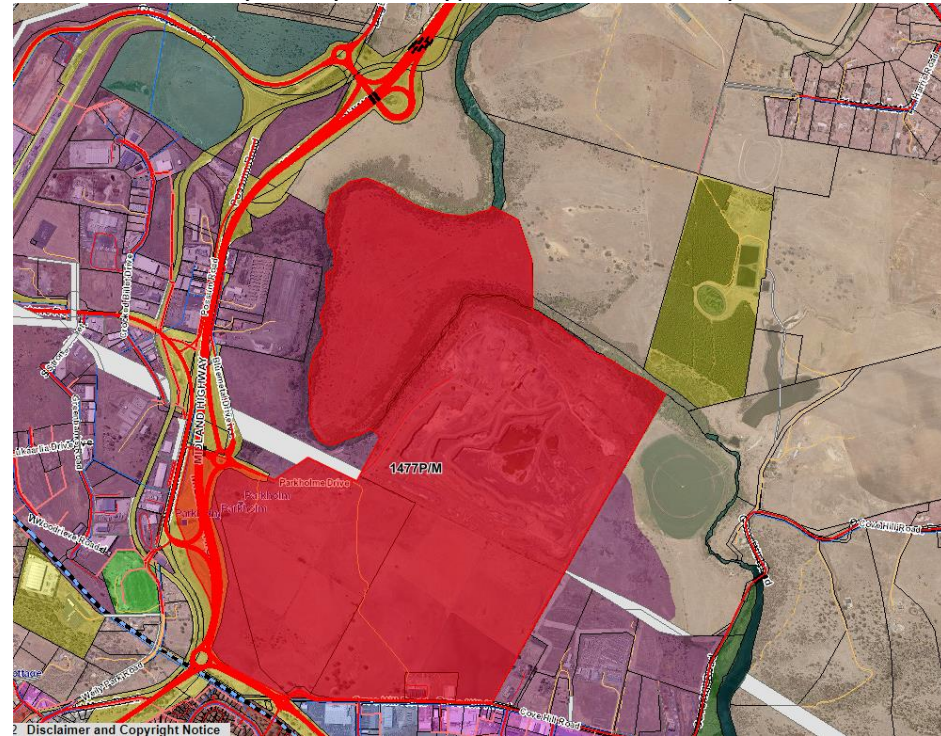
The land at Volume 125841 Folio 2 is currently zoned Rural Resource and is located within the Quarry Attenuation Code Area. The land is proposed to be within the Agriculture Zone in the LPS.



Boral submits that the current Rural Resource zoning is designed to support mining and other primary industries. The Agriculture Zone applies limitations on non-agricultural uses to protect agricultural land from unnecessary

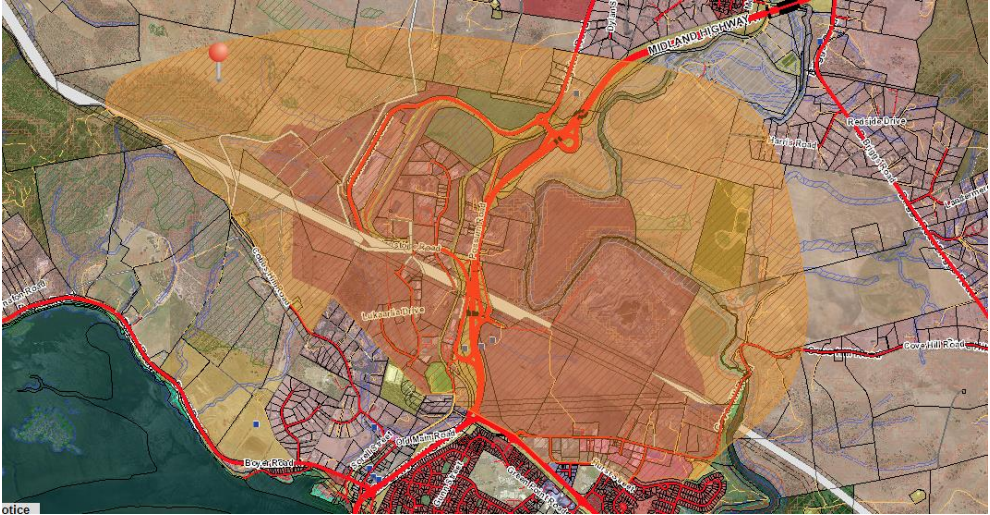
Council comment:

Firstly it should be noted that whilst Boral own the land it does not fall within the Mining Lease of their operations, nor are there any approvals for use and development on this land so there are no existing use rights in relation to an extractive industry or any other type of use and development.



The land is mapped as “unconstrained” in the “land potentially suitable for the agriculture zone” layer on the LIST.

<p>conversion and provides for the use of the land for Extractive Industries is a discretionary use.</p> <p>Thus, the move of the use to discretionary on title Volume 125841 Folio 2 is not supported as this significantly abolishes Boral's 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.</p> <p>The Rural Zone is more closely aligned with the existing Rural Resource Zone.</p> <p>Boral also notes 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 previously has a permitted use right for extractive industry.</p>	<p>In their assessment of "Areas of Interest" for application of the Agriculture Zone (Appendix 5 of the Supporting Report) AK Consulting identified that that Area 16 to the east and Area 17 to the north should be zoned Agriculture to provide a sufficient cluster of Agriculture zoned titles and provide connectivity. This would support application of the Agriculture Zone on this title.</p> <p>RLZ 3 of the Guidelines provides for application of the Rural Zone on "land potentially suitable for the agriculture zone" layer, if:</p> <p><i>(a) it can be demonstrated that 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;</i></p> <p><i>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</i></p> <p><i>(c) the land is identified for the protection of a strategically important naturally occurring resource which is more appropriately located in the Rural Zone and is supported by strategic analysis;</i></p> <p><i>(d) the land is identified for a strategically important use or development that is more appropriately located in the Rural Zone and is supported by strategic analysis;</i> or</p> <p><i>(e) it can be demonstrated, by strategic analysis, that the Rural Zone is otherwise more appropriate for the land.</i></p> <p>No strategic analysis has been provided by Boral about any naturally occurring resource within the title and as the land falls outside the existing Mining Lease no modification is proposed.</p> <p>Modification: Nil</p>
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<p>Removal of the Industrial Precinct Attenuation Area</p> <p>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).</p> <p>The removal of the Industrial Precinct Attenuation Zone will allow sensitive uses (dwellings, schools etc.) to locate in the existing buffer zone. It is suspected that the definition of this area comes from the noise and air quality modelling undertaken for the quarry.</p> <p>The importance of the attenuation areas was highlighted within the former Brighton Structure Plan, under section 9.6 Buffer Management.</p> <p>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.</p> <p>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.</p>	<p>Council comment:</p> <p>The extent of the Industrial Precinct Attenuation Area in the BIPS 2015 is shown below:</p>  <p>The key reason for its removal from the Brighton draft LPS is that the provisions of the buffer overlays work differently than the Attenuation Code. In particular, under the BPS 2000 clause 7.6.2 (e) required:</p> <p>“all industrial uses within the industrial buffer must satisfy Australian Standard AS1055 for noise and air emissions at the boundary of the buffer.”</p>

<p>Any changes to the zoning which allow sensitive uses closer to the quarry would, therefore, increase the likelihood of noise based complaints.</p> <p>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.</p> <p>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</p>	<p>However, under the Attenuation Code in the SPP's it is assumed that an attenuation area overlay is the full extent of an attenuation area for a particular.</p> <p>The Attenuation Code in the SPP's is also far more sophisticated than provisions for buffers in previous schemes and deals with a wider range of uses in Tables C9.1 and C9.2.</p> <p>The Industrial Precinct is largely undeveloped in the south where it adjoins a rural living zone. By applying the Industrial Precinct Attenuation Area overlay in the Brighton draft LPS it would be possible to have a chemical plant or fish processing plant directly adjoining a residential zone without any need to consider mitigation measures. This is not considered to be the intent of the Industrial Precinct attenuation area and the Industrial Precinct should not be mapped, rather the Tables at C9.1 and C9.2 should be relied on to assess use and development on a case by case basis.</p> <p>It remains unclear how the Industrial Precinct boundary was created and whether it was based off a combination of safe attenuation distances for just the Bridgewater Quarry or other uses (an abbatoir is referred to in the RZ89/04 decision).</p> <p>Largely, it would seem that Boral and DSG are concerned with the establishment of sensitive uses within the Industrial Precinct buffer. Until further modelling is undertaken to confirm the extent of the Bridgewater Quarry attenuation area the best course of action is to expand the Bridgewater Quarry SAP and mapped Attenuation Area to align with the existing Industrial Precinct Attenuation Area, but not map the Industrial Precinct as an Attenuation Area in the Brighton draft LPS.</p>
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	<p>Modification: Expand the Bridgewater Quarry SAP and mapped Attenuation Area overlay to align with the existing Industrial Precinct Attenuation Area in the BIPS 2015.</p>
<p>Boral as a referral party</p> <p>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.</p> <p>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 is clear in that it is a requirement for the planning authority to refer any application within the overlay to the quarry operator.</p> <p>The BIPS 2015 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.</p>	<p>Council comment;</p> <p>See comments in relation to DSG submission raising the same issue.</p> <p>Modification:</p> <p>Modify as per response to DSG.</p>
O'Connor (Rep 35)	
<p>Bridgewater Quarry SAP</p> <p>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.</p>	<p>Council comment</p> <p>The Bridgewater Quarry is provided with additional protections as it has been identified as a regionally significant resource. The Bridgewater Quarry buffer has been in place since the 1980's.</p>

<p>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.</p> <p>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.</p>	<p>Blasting at the Bridgewater Quarry is regulated by the Environment Protection Authority.</p> <p>The Bridgewater Quarry SAP is intended to require referral to the Bridgewater Quarry for advice only, but any decision about use or development with the SAP is ultimately the planning authoritys.</p> <p>Modification:</p> <p>Nil</p>
<p>Kelly (Rep 15)</p>	
<p>36 Killarney Rd, Bridgewater</p> <p>The entire property is covered by the bushfire-prone area overlay despite not being bushland or long grass etc.</p>	<p>Council comment:</p> <p>The Bushfire-Prone area overlay has been provided by the Tasmanian Fire Service in accordance with the Guideline BPAC 1.</p> <p>The representation was referred to the TFS has looked into this and have advised that the areas below in outlined in red can be removed from the Bushfire Prone area overlay based on a site visit and our maintenance schedule.</p>



	 <p>Modification: Nil</p>
Chaplin (Rep 8)	
<p>232 Boyer Rd, Bridgewater</p> <p>The boundary of the proposed split zoning at 232 Boyer Rd, Bridgewater should be relocated as per the boundary of the existing conservation covenant as shown in the map below:</p>	<p>Council comment;</p> <p>The conservation covenant was not considered when preparing the LPS. There are conservation covenants over a series of properties through this area as per the below map. Almost all this area is proposed to be within the</p>



The boundary should be relocated for the following reasons:

- A conservation covenant has been registered on the title since 2003. The area of bushland was intentionally left out of the conservation covenant area to provide shelter for grazing stock.

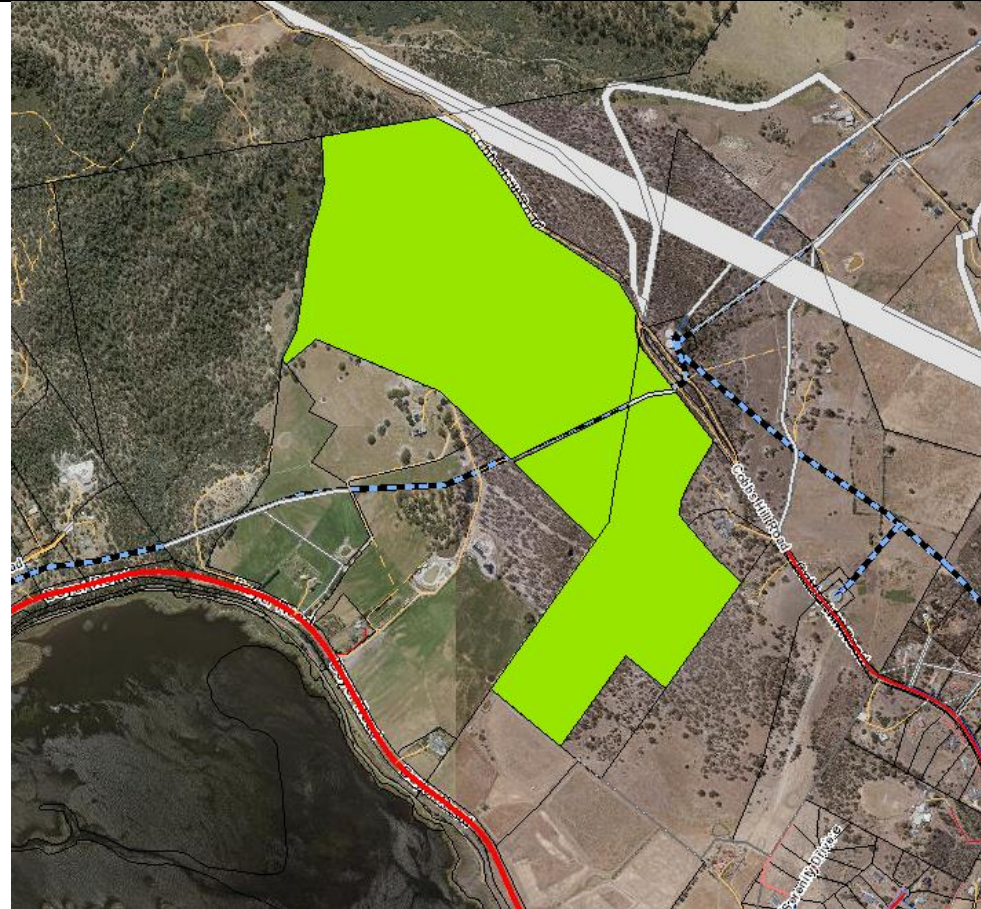
Landscape Conservation Zone except for part of the land that is zoned Future Urban on 31 Cobbs Hill Rd.

The Landscape Conservation Zone is the appropriate zone for land where a conservation covenant applies and the Chaplin submission is supported for only the land within the conservation covenant area to be within this zone.

The area zoned Future Urban is within the STRLUS as a Greenfield development precinct. It is unlikely that any significant assessment of the land was undertaken as part of the STRLUS.

Whilst it seems highly inappropriate for an area with a conservation covenant to be zoned Future Urban, the application of the zone is consistent with the Guidelines and its zoning does not guarantee its approval for future urban use.

- Not having any bushland in the Agriculture Zone will reduce the property value.
- The LCZ would be directly adjoining the dwelling and sheds and would limit the ability to manage bushland for fire safety.



Modification:

The zone boundary between the Agriculture Zone and Landscape Protection Zone should follow the conservation covenant boundary across all the titles subject to the covennat, except on 31 Cobbs Hill Road where the split zoning between Future Urban and Agrculture should remain the same.

Fogagnolo (Rep 10)**Church Road and Cranes Road, Dromedary**

Acknowledges that there are conservation values that require protection but submits that the properties on Church Road and Cranes Road should be zoned Rural Living, with the Scenic Management Code applied for the purposes of conserving the skyline.

The majority of lots on Church Rd and Cranes Rd that are proposed to be zoned Landscape Conservation are comparable in size to lots to be zoned Rural Living on Boyer Road.

The average lot sizes of properties on Church Rd and Cranes Rd is about 8.1 ha. The application of the Landscape Conservation Zone is:

- Is inconsistent with the approach taken in zoning comparable lots RLZ or RZ in the area, which is more compatible with existing use and lot size.
- Does not offer significant conservation outcomes above RLZ and RZ.
- Presents an unduly restrictive administrative burden for residents to provide a comparatively small increase in protection to values when compared with RLZ.

Application of the RLZ with the Scenic Management Code should be applied as this approach will:

Council comment:

As noted in the Supporting Report, the Dromedary Hills has a long history of zoning that provides for protection of the natural and landscape values of the area.

The application of the Landscape Conservation Zone in the Cranes Road and Church Road area very clearly satisfies the Guidelines.

The comparable land that is zoned Rural and Rural Living referred to in the submission is somewhat comparable in lot size and location (albeit on the foothills), but clearly does not contain the same landscape values as the land on the higher slopes of Dromedary.

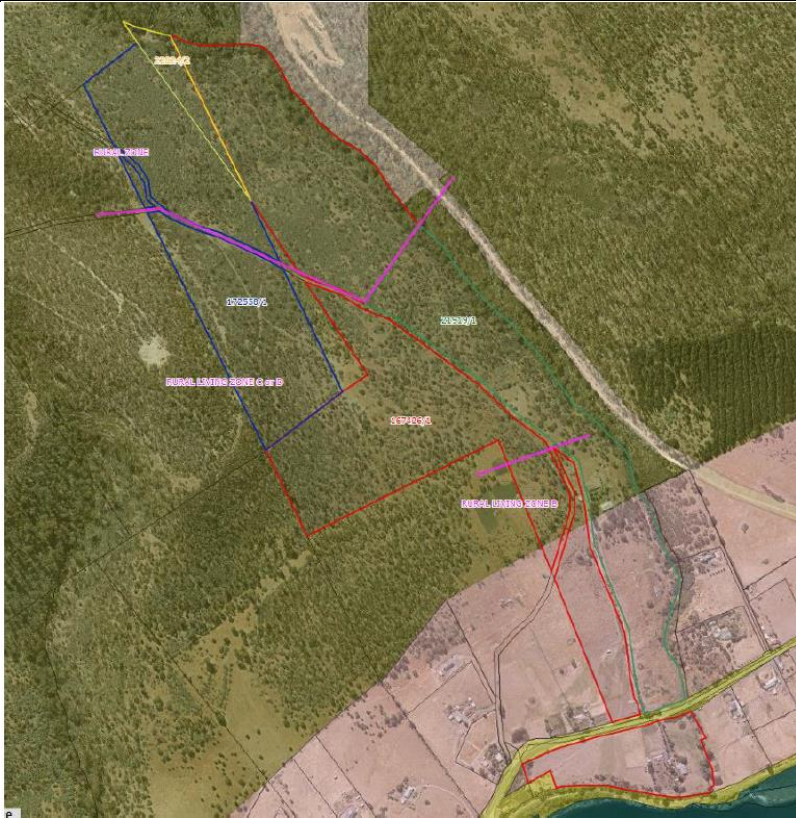
Arguably, the Scenic Management Code could be used to provide greater protection of the values of the area over the Landscape Conservation Zone.

Modification:

Nil

<ul style="list-style-type: none"> • Will provide adequate protection of the skyline and values in the area. • Will provide targeted, and appropriate levels of protection for values where appropriate. • Does not present an unacceptable opportunity to subdivision as the vast majority of lots are already less than 10ha. 	
Peters (Rep 7)	
<p>29 Pegasus Drive, Dromedary</p> <p>Peters objects to the zoning of his property which is proposed to be split zoned Rural Living Zone Area B and LCZ.</p> <p>Peters objects due to lack of consultation and has a series of questions about the proposed zoning;</p> <ul style="list-style-type: none"> • 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; why this has been applied to my property ? 	<p>Council comment:</p> <p>Consultation was carried out in accordance with the requirements under the Act. Additionally, every property within the LCZ was sent a letter.</p> <p>The property is currently zoned Rural Living C and ELZ. The front half of the property is developed by a house and within the RLZ. The rear half of the property is zoned LCZ and is bushland on the lower slopes of the Dromedary hills.</p> <p>The zoning has been applied in accordance with the Guidelines. Other “less restrictive” options would not satisfy the Guidelines.</p> <p>Vegetation exemptions are at Table 4.4 of the SPP’s and exempt vegetation removal for bushfire (if approved by Tas Fire Service), safety and clearing around building and infrastructure.</p> <p>However, creation of tracks, general clearing of trees and running of livestock will require a planning permit. This is consistent with the requirements of previous zones of the property.</p>

	<p>The Priority Vegetation area within the Natural Assets Code has been applied to the property in accordance with the REM model as described in section 4.5 of the Supporting Report.</p> <p>Modification: Nil</p>
Billet obo Smith (Rep 16)	
<p>754 & 757 Boyer Road, Dromedary (CT21919/1, 172558/1, 167426/1 & 22824/2)</p> <p>Landscape Conservation should not be applied to farmland</p> <p>The representation relates to the properties shown below which are proposed to be zoned Rural Living B and LCZ:</p>	<p>Council comment</p> <p>It is noted that there is a historical farming use on the property, however the existing regrowth is evidence that the land has not been used for this purpose for some time.</p> <p>It is also worth noting that not only is there vegetation on the property, but that vegetation falls under the priority vegetation area overlay which ultimately requires any proposal to use the land for Resource Development to consider the existing natural and landscape values regardless of the underlying zone.</p> <p>Given the absence of any current Resource Development use and the historical zoning of the land since BPS 2000 the proposed zoning should not be modified.</p> <p>Modification: Nil</p>



The properties are currently zoned RLZ C and ELZ under the BIPS 2015.

The purpose of the LCZ is inconsistent with the historical use of the land, which is predominantly cleared farmland in which some re-growth vegetation is present.

<p>A Resource Development use will become discretionary and will impact on traditional farming activities.</p> <p>Surrounding land uses include a quarry and other farming operations.</p> <p>Consideration should be given to either the Rural Zone or Rural Living Zone C or D.</p> <p>The RLZ is proposed as best fit as the zone purpose provides for residential use development where existing natural and landscape values are to be retained and to provide for compatible agricultural use.</p> <p>Resource Development would remain discretionary under the RLZ, however there is a clear change of focus under the LCZ</p>	
<p>Future Quarry Use</p> <p>Under the Landscape & Skyline Conservation Zone in the <i>BPS 2000</i> a quarry was a discretionary use. Such a use is prohibited under the ELZ in the <i>BIPS 2015</i> and proposed LCZ in the LPS. The protections afforded the neighbouring property to seek an amendment to the <i>BIPS 2015</i> (Rural Resource Zone).</p>	<p>Council comment:</p> <p>It is worth noting that the quarry on the adjoining land had existing use rights and the rezoning to the Rural Zone was done through an urgent amendment. Following the rezoning, an application was received to expand the quarry, which was of significant concern to the local community and resulted in lengthy and costly Tribunal Hearing.</p> <p>The community concern from the previous quarry application suggests that zoning an area of land Rural Zone to facilitate further quarry developments</p>

<p>The land shares a boundary with the existing quarry and apparently the same gravel deposits are located on the subject land.</p> <p>It is likely that a future quarry would be located within the boundaries of CT167426/1 and potentially extending into CT22824/2 and 172558/1.</p> <p>Consideration should be given to expansion of the Rural Zone.</p>	<p>on land which has far greater suitability for the LCZ should go through a more public process.</p> <p>It is noted that the representation states:</p> <p><i>Self-evidently site specific zoning should be avoided. A single pocket of Rural zoned land in this area is inconsistent with the surrounding zoning and the land uses that are therefore encouraged in the different area.</i></p> <p>This statement requires some further consideration of the Rural zoning at 720 Boyer Rd. The supporting report provides some assessment of this site in section 3.2.5. and generally, concludes that the land should be zoned Rural Zone because of the existing quarry and private timber reserve. However, what this assessment does not consider is the suite of other discretionary uses that are afforded to the property under the Rural Zone that might be incompatible with the surrounding area.</p> <p>Given that the Private Timber Reserve is existing and the context of the surrounding land use, it is considered more appropriate to rezone the parcel as it was in the BIPS 2015 to avoid land use conflicts between the zones, except the ELZ portion becomes LCZ.</p> <p>Modification: Zone 720 Boyer Road RLZ B, RZ and LCZ as per <i>BIPS 2015</i>, but substitute ELZ for LCZ.</p>
<p>Extent of Rural Living Zone B</p> <p>The application of RLZ B on CT167426/1 appears to be based on an arbitrary line based on previous approvals and does</p>	<p>Council comment:</p> <p>The submission is generally supported. There is an existing dwelling, outbuildings, established agricultural use within the cleared area on</p>

not respond to the topography or 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 RLZ B land ends approximately 170m further north that corresponds to the existing cleared land and development currently upon the title.

CT21919/1, 167426/1 & 167425/1 where the landscape is more consistent of that in the RLZ B. The RLZ B should be extended generally where it sits outside the priority vegetation protection area as per below image:

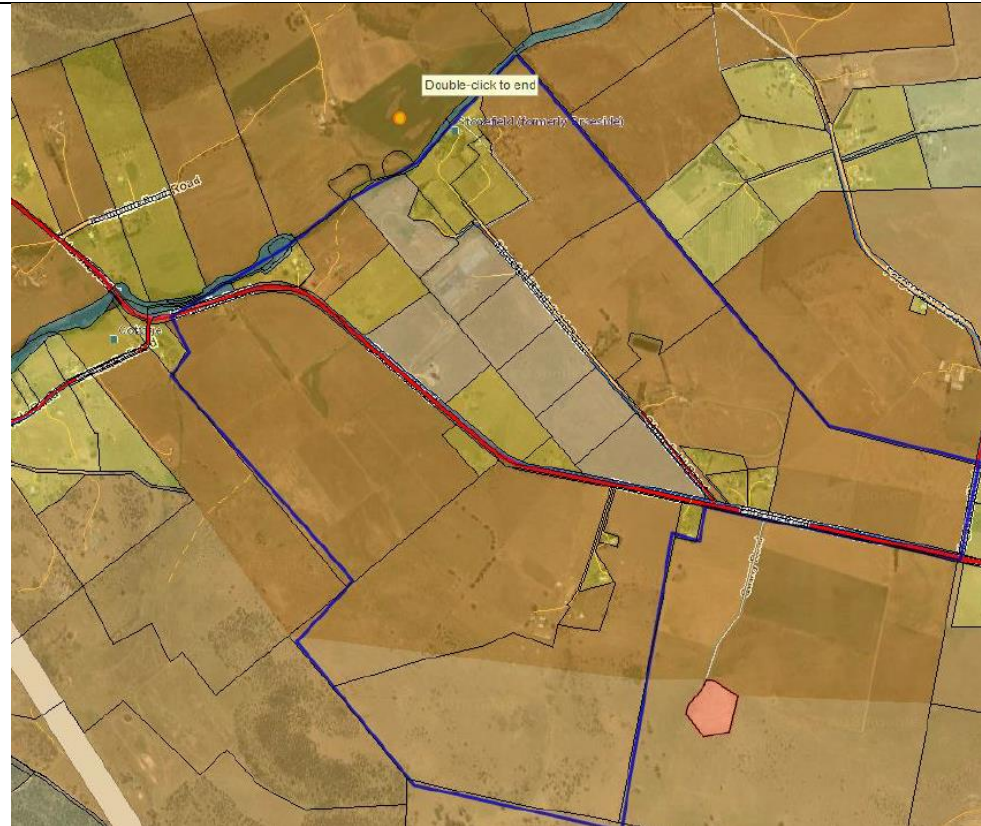


This small expansion of the RLZ A is considered to be consistent with the following Guidelines:

	<p><i>RLZ 1 The Rural Living Zone should be applied to:</i></p> <p><i>(a) residential areas with larger lots, where existing and intended use is a mix between residential and lower order rural activities (e.g. hobby farming), but priority is given to the protection of residential amenity;</i></p> <p><i>RLZ 2 The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</i></p> <p><i>(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.</i></p> <p><i>RLZ 4 The Rural Living Zone should not be applied to land that:</i></p> <p><i>(a) is suitable and targeted for future greenfield urban development;</i></p> <p><i>(b) contains important landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values (see Landscape Conservation Zone), unless the values can be appropriately managed through the application and operation of the relevant codes; or</i></p> <p><i>(c) is identified in the 'Land Potentially Suitable for Agriculture Zone' available on the LIST (see Agriculture Zone), unless the Rural Living Zone can be justified in accordance with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council.</i></p> <p>Modification:</p>
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	The RLZ B zoning to be expanded to the north on CT21919/1, 167426/1 & 167425/1 where the priority vegetation overlay does not apply.
<p>Attenuation Area and Application of Code</p> <p>The mapped Attenuation Area for the Dromedary Quarry is supported as long as it is accurate.</p> <p>If there is an expansion of the mapped area, the representor wishes to be heard.</p>	<p>Council comment:</p> <p>Noted. The mapped Attenuation Area overlay has been created as described in section 4.7 of the Supporting report.</p> <p>Modification:</p> <p>nil</p>
<p>J. Whelan (Rep 26), R. Whelan (Rep 9), B. Whelan (Rep 36), M. Whelan (Rep 17) & WW Tas Pty Ltd (Rep 1)</p>	
<p>Elderslie Rd, Brighton – CT175792/1, 2 & 3 – Modify zoning to Rural</p> <p>The subject land is zoned Significant Agriculture under BIPS 2015 and was Intensive Agriculture Zone under BPS 2000.</p> <p>The representors submit that, historically these lots were zoned Rural. The zoning was changed to Intensive Agriculture to assist in obtaining a federal grant for treated effluent disposal with no agricultural or planning assessment.</p> <p>Under the Tasmania Land Capability System the land is regarded as mainly Class 4 with some areas of Class 5. However, a localised assessment reveals that there are some</p>	<p>Council comment:</p> <p>Upon reviewing this representation, it is noted that there is an error in the Supporting Report in section 3.2.6 – <i>Statewide Agricultural Land Mapping Project</i> which failed to mention the subject area.</p> <p>However, these were definitely considered in the assessment as can be seen in Appendices 4 & 5.</p> <p>In Appendix 4, the Elderslie Road/Stonefield Road area was identified as an Area of Interest and the following description of the area, questions and map were sent to agricultural consultants for assessment:</p> <p><i>This area of interest is one of the most problematic areas in the municipality in regards to land use conflict, complaints and pressure from property owners to be able to establish dwellings on lots zoned SAZ. The southern side of</i></p>

<p>areas of Class 4, but equally as much Class 5 and some Class 6 land.</p> <p>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:-</p> <p><i>where agricultural uses is limited or marginal due to topographical, environmental or other site or regional characteristics;</i></p> <p>It could even be said that the mixed rotation of dry cropping and grazing on the largest neighbouring properties is highly constrained and best suited to the Rural Zone.</p> <p>Another significant constraint is the lot size generally range between 5 and 10 ha. The lot sizes have constrained agricultural potential and there are a range of existing uses on the sites that are incompatible with the Agricultural zoning.</p> <p>The representor submits that the entire area along Elderslie Road heading west from Fergusson Rd should be zoned Rural, but particularly the subject lots as they most limited and marginal due to more significant constraints.</p>	<p><i>Stonefield was approved under the Intensive Ag Zone from the 2000 Scheme which allowed lots down to 5ha. An Ag Report supported this. Since then, approval of dwellings has been reasonably relaxed and the majority of lots along Stonefield Rd have dwelling approvals.</i></p> <p><i>There are also subdivisions approved at CT239223/1 (3 LOTS) and CT51015/5 (6 lots), with lots around 5ha, but titles are not yet issued.</i></p> <p><i>There are also developments at:</i></p> <ul style="list-style-type: none"> <i>• 126 Stonefield Rd – Stonefield Reception Centre (weddings, etc.)</i> <i>• 117 Stonefield – horse training track</i> <i>• 99 Stonefield – Tibbals Nursery</i> <p><i>The area is zoned SAZ and has some access to irrigation water from a TW reticulation main.</i></p> <p><i>Ag Reports from previous sub approvals can be provided if required.</i></p> <p><i>Questions:</i></p> <ul style="list-style-type: none"> <i>• Is there any agricultural viability on the smaller lots?</i> <i>• Is the land better off zoned RZ, or even RLZ, particularly in the context of the surrounding interest areas and the approved uses.</i>
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The response from the agricultural consultants contained in Appendix 5 is reproduced below:

Question 1.

Yes, the undeveloped titles could be farmed in conjunction with surrounding ag land.

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Question 2.

	<p><i>As the titles are currently zoned Significant Agriculture and there is ag potential on titles there is not a sufficient reason to remove from the Ag Zone. CT 167354/1 and CT 167353/2 are both currently split zoned. The entirety of these titles should be retained in the Ag Zone.</i></p> <p>The Guidelines of the Agriculture and Rural Zone have both been adequately considered and expert opinion has been sort from agricultural consultants and the Agricultural Zone should be retained for this land.</p> <p>It is worth noting that Council has recently engaged an agricultural consultant to undertake an even more in-depth review of zoning in this area. To modify the zoning prior to the completion of the review would be premature.</p> <p>Modification:</p> <p>Nil</p>
Whitney (Rep 30)	
<p>509 Millvale Road, Brighton – Rural Zone to Rural Living Zone</p> <p>The zoning of the land should be Rural Living to provide the opportunity for subdivision to create a lot for a new dwelling for family.</p>	<p>Council comment:</p> <p>No strategic justification for the proposed modification other than a desire to be able to subdivide. The land was assessed as being most suitable for the Rural Zone as per the advice of agricultural consultants as per section3.2.6 of the Supporting Report.</p> <p>Modification:</p> <p>Nil</p>
Johnson (Rep 13)	

<p>21 Harris Rd, Brighton</p> <p>“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.</p> <p>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.”</p>	<p>Council comment:</p> <p>21 Harris Rd and surrounds is proposed to be zoned Rural Living Zone A (i.e. minimum lot size of 1ha)</p> <p>The southern half of the property is covered by the Bridgewater Quarry Attenuation Area and SAP. Sensitive use is prohibited in this overlay effectively ruling out any dwelling development even if the land could be subdivided.</p> <p>The Bridgewater Quarry Attenuation Area is based on noise and blasting modelling. The overlay is created to protect the quarry resource. There are some houses closer to the quarry that were most likely developed before the noise buffer was put in place.</p> <p>Modification:</p> <p>Nil.</p>
<p>McCulloch (Rep 14)</p>	
<p>14 Tarquin Rd, Honeywood – modify from LCZ to RLZ</p> <p>The property is 23.16ha. Under BPS 2000, approximately 11.6ha of the property was zoned Rural Residential as per below image:</p>	<p>Council comment:</p> <p>The submission is supported. The zoning error under the BIPS 2015 would most likely qualify to be dealt with as an Urgent Amendment to restore the zoning.</p> <p>The surrounding zoning is Rural Living A and this is deemed most appropriate.</p> <p>Modification:</p>



Split zone the land Rural Living A and LCZ as per the split zone boundary in BPS 2000.

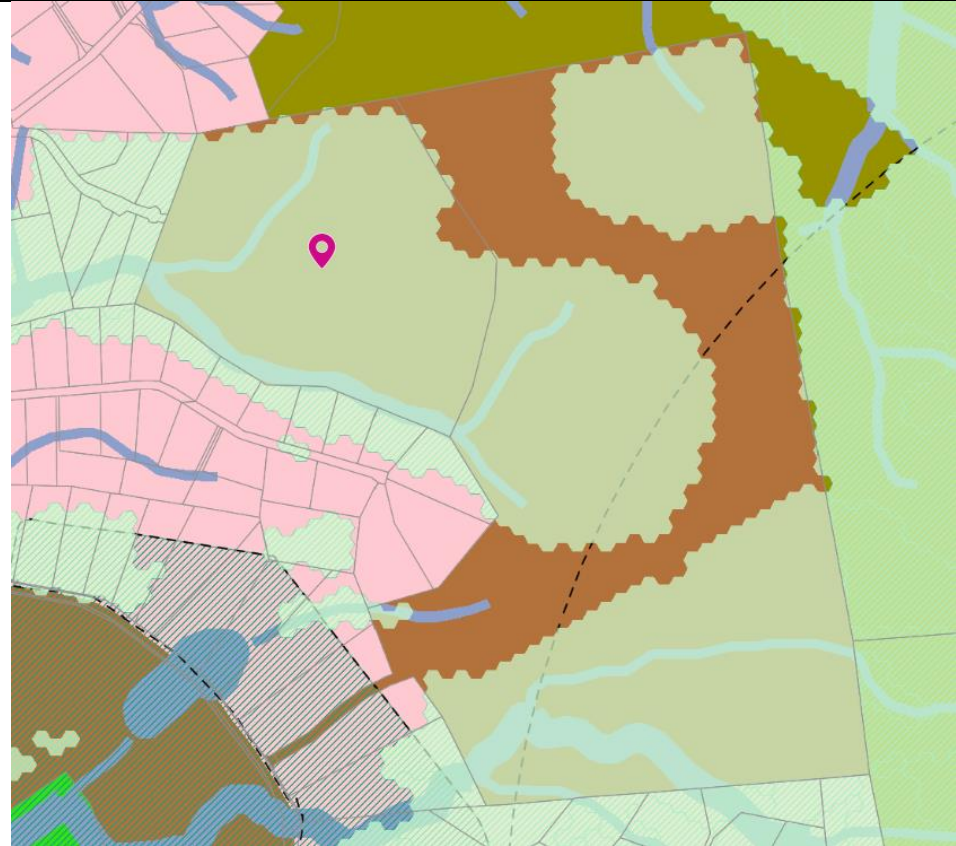
The land zoned Rural Residential is the same contour as developed land on Tarquinn Rd and Landemere Drive.

Between 2000-2006 there was significant consultation with Council to prepare the property for subdivision, including the creation of the road frontage from Landemere Drive.

Under BIPS 2015, the entire lot was rezoned ELZ in error. The land should be split zoned Rural Living Zone A and LCZ as per the BPS 2000.

JMG obo Dong & Young Pty Ltd (Rep 25)

<p>20 Dokdo Rise, Honeywood – modify zoning from Agriculture to Rural</p> <p>The land is currently zoned Rural Resource Zone under BIPS 2015 and is bordered by significant areas of RLZ and ELZ. The site is subject to a number of overlays including Biodiversity Protection, Waterway & coastal Protection, Landslip and Potential Dispersive Soils.</p> <p>It is intended to develop this land as Rural Residential living lots by extending Dokdo Rise.</p> <p>The land is proposed to be AZ in the Brighton Draft LPS. The surrounding land is Rural Living B and LCZ.</p> <p>The representor submits that the land should be zoned Rural. The property has little agricultural potential due to the slope of the site and its isolation from larger agricultural areas.</p>	<p>Council comment:</p> <p>The proposed site and surrounding areas that were zoned RRZ in BIPS 2015 were overlooked as “Areas of Interest” as they are mapped as “Potentially unconstrained” in the “Land Potentially Suitable for Agriculture Zone” on the List layer.</p> <p>The submission has merit as the land is significantly constrained by priority vegetation, slope, dispersive soils and isolation.</p> <p>Having consideration for the broader area it is clear there has been some vegetation clearing for agricultural use, but large tracts of native vegetation have been retained which are covered by the priority vegetation protection overlay as shown in the REM on the below image:</p>
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20 Dokdo Rise in particular is greatly constrained and is entirely covered by the priority vegetation area if the Agriculture Zone is removed.

Guideline AZ 6 is relevant:

AZ 6 Land identified in the 'Land Potentially Suitable for Agriculture Zone' layer may be considered for alternate zoning if:

	<p>(a) <i>local or regional strategic analysis has identified or justifies the need for an alternate consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council;</i></p> <p>(b) <i>for the identification and protection of a strategically important naturally occurring resource which requires an alternate zoning;</i></p> <p>(c) <i>for the identification and protection of significant natural values, such as priority vegetation areas as defined in the Natural Assets Code, which require an alternate zoning, such as the Landscape Conservation Zone or Environmental Management Zone;</i></p> <p>(d) <i>for the identification, provision or protection of strategically important uses that require an alternate zone; or</i></p> <p>(e) <i>it can be demonstrated that:</i></p> <p style="padding-left: 40px;"><i>(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;</i></p> <p style="padding-left: 40px;"><i>(ii) there are significant constraints to agricultural use occurring on the land; or</i></p> <p style="padding-left: 40px;"><i>(iii) the Agriculture Zone is otherwise not appropriate for the land.</i></p> <p>AZ 6 (c) & (e) are particularly relevant as there is significant natural values on the site and the land is generally Class 6 and has little agricultural potential given other constraints.</p> <p>Guideline RZ 1 says;</p> <p><i>The Rural Zone should be applied to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area, and which is not more appropriately included within the Landscape Conservation Zone or Environmental Management Zone for the protection of specific values.</i></p>
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	<p>RZ 3 (a) & (b) are also relevant:</p> <p><i>RZ 3 The Rural Zone may be applied to land identified in the 'Land Potentially Suitable for Agriculture Zone' layer, if:</i></p> <ul style="list-style-type: none"> <i>(a) it can be demonstrated that 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;</i> <i>(b) it can be demonstrated that there are significant constraints to agricultural use occurring on the land;</i> <p>Ultimately, the Rural Zone is considered more appropriate than the AZ due to constraints, but there also needs to be consideration of the LCZ Guidelines. LCZ 1 and LCZ 2 are particularly relevant:</p> <p><i>LCZ 1 The Landscape Conservation Zone should be applied to land with landscape values that are identified for protection and conservation, such as bushland areas, large areas of native vegetation, or areas of important scenic values, where some small scale use or development may be appropriate.</i></p> <p><i>LCZ 2 The Landscape Conservation Zone may be applied to:</i></p> <ul style="list-style-type: none"> <i>(a) large areas of bushland or large areas of native vegetation which are not otherwise reserved, but contains threatened native vegetation communities, threatened species or other areas of locally or regionally important native vegetation;</i> <i>(b) land that has significant constraints on development through the application of the Natural Assets Code or Scenic Protection Code; or</i> <i>(c) land within an interim planning scheme Environmental Living Zone and the primary intention is for the protection and conservation of landscape values.</i> <p>Having regard to the Guidelines, it is considered that the application of the Rural Zone is most appropriate for 20 Dokdo Rise given the significant agricultural</p>
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	<p>constraints, but also because of the large areas of vegetation under the priority vegetation protection area. The LCZ could also be an option, but given the patch of vegetation is relatively isolated and fragmented from other bushland in the LCZ by strips of cleared agricultural land, the RZ appears to be a best fit with the priority vegetation area overlay covering the site.</p> <p>This leaves an isolated parcel of AZ at 530B Baskerville Rd. This too has some constraints in regards to priority vegetation, but there is clearly some land cleared for grazing. There is also a pocket of Class 4 land in the north which adjoins cleared land at 813 Back Tea Tree Rd.</p> <p>After considering the site and surrounds, 20 Dokdo Rise, 530B Baskerville Rd and the north-western portion of 813 Back Tea Tree Rd not covered by the priority vegetation protection area should be zoned Rural.</p> <p>The Rural zoning recognises that there is limited potential for agriculture on the land and that there are topographical, environmental and other constraints to the land.</p> <p>Modification:</p> <p>20 Dokdo Rise, 530B Baskerville Rd, and the north-western portion of 813 Back Tea Tree Rd not covered by the priority vegetation protection area, should be zoned Rural. Apply the priority vegetation protection area overlay to the land in accordance with the REM.</p>
Emma Riley and Associates obo Cooltrans Pty Ltd (Rep 31)	
<p>250 Cove Hill Rd, Honeywood – modify zoning from AZ to RZ</p> <p>250 Cove Hill Road includes 5 titles CT 146794/1, 247795/1, 44572/2, 247795/2, & 44573/4 and shown below:</p>	<p>Council comment:</p> <p>In regard to this site AK Consulting provided the following response:</p> <p><i>Very interesting this one. Based on the decision tree methodology it would be difficult to justify these titles as any other than Agriculture. Size, existing water resources and existing irrigation infrastructure. Even with the Ag</i></p>



A detailed on-site agricultural assessment by Macquarie Franklin has previously been commissioned as part of a rezoning request. The author of the assessment Dr Lee Peterson was subject to extensive cross examination by the Tasmanian Planning Commission (TPC). The TPC 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.

The site specific study prepared by Macquarie Franklin that is on the basis of specific soil sampling, site characteristics and constraints, should prevail over the desktop analysis undertaken by AK consulting as part of the preparation of the draft LPS.

Report that demonstrates there is little cropping potential, the titles can still be utilised for irrigated grazing and, with the amount of water available has potential for a high value horticultural operation that does not require the soil as a growth medium.

The TPC decision and agricultural assessment looked at the land in terms of assessment against the STRLUS ‘the land rezoned to rural living use is not designated as Significant Agricultural Land’. It was accepted that the land is not Significant Agricultural Land.

However, land within the Agriculture Zone does not have to be Significant Agricultural Land. Rather, the Guidelines are used for the application of the AZ which is a lower threshold and as per AZ 1:

The spatial application of the Agriculture Zone should be based on the land identified in the ‘Land Potentially Suitable for Agriculture Zone’ layer published on the LIST.

Given the comments provided by AK Consulting, the ongoing use of the land for agriculture since the TPC decision to refuse the rural living rezoning and that the agricultural assessment and evidence given by Macquarie Franklin was for a different purpose, it is considered the Agriculture Zone should apply to the land.

Modification:

Nil

<p>Indeed, this is specifically provided for under AZ6 of the Zone Application guidelines which states: <i>Land identified in the 'Land Potentially Suitable for Agriculture Zone' may be considered for alternative zoning if:</i> <i>(a) ...</i> <i>(e) it can be demonstrated that:</i> <i>(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;</i> <i>(ii) there are significant constraints to agricultural use occurring on the land; or</i> <i>(iii) the Agriculture Zone is otherwise not appropriate for the land</i></p> <p>The representor submit that the land is more appropriately zoned Rural under the Brighton LPS.</p>	
<p>Jones (Rep 3), Saulis (Rep 2) & Johnston (Rep 21)</p>	
<p>Melane Road – modify zoning from LCZ to RLZ with Priority Vegetation Protection overlay.</p> <p>An area to the east of Cassidys Bay is proposed to be zoned LCZ in the LPS. The majority of the properties in this area accessed off Melane Rd.</p> <p>It is submitted that the LCZ is inappropriate and the land should be zoned Rural Living.</p> <p>LCZ is inappropriate because:</p>	<p>Council comment:</p> <p>The submission is generally supported. The area clearly has a bushland character and existing natural and landscape values.</p> <p>The land was proposed to be zoned LCZ in the draft LPS because of the previous Environmental Living Zone, but more significantly because of the absence of development controls for the clearing of native vegetation in the RLZ despite Zone Purpose at 11.1.1:</p> <p><i>To provide for residential use or development in a rural setting where:</i> <i>(a)</i></p>

<ul style="list-style-type: none"> • All the properties are below the 20ha minimum lot size. None are more than 2 or 3ha while those on Cassisdys Rd are as small as an urban residential block • The building density constraints of a LCZ have already been exceeded – most of the lots on Melane Rd already have a residence with other buildings. • The priority use of the affected land is residential and Guideline LCZ 4 states: <i>The Landscape Conservation Zone should not be applied to:</i> <i>(a) land where the priority is for residential use and development (see Rural Living Zone);</i> <p>Rural Living is the most appropriate zone because the Zone Purpose at clause 11.1.1 is: <i>To provide for residential use or development in a rural setting where:</i> <i>(a) Services are limited. or</i> <i>(b) Existing natural and landscape values are to be retained.</i></p> <p>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.</p> <p>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</p>	<p><i>(b) Existing natural and landscape values are to be retained.</i></p> <p>Use of the Priority Vegetation Protection Area overlay in the Natural Assets Code to protect vegetation is also of concern as raised by Meander Valley in their s.35 G submission.</p> <p>However, if one of the relevant zones and codes operates as per its purpose, the application of the Rural Living Zone is appropriate.</p> <p>Upon reflection, the priority use of the area is residential as per the submission. The area does contain natural and landscape values, however these are largely fragmented by the lot sizes and existing development.</p> <p>As per the submission, the land should not be zoned LCZ as per Guideline LCZ 4 (a), which suggests the Rural Living Zone be used.</p> <p>Application of the RLZ is consistent with Guideline RLZ 2 (b):</p> <p><i>The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</i> <i>(a)....; or</i> <i>(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10 ha or greater.</i></p> <p>Rural Living Zone B (i.e. minimum lot size of 2ha) is considered most appropriate as it reflects the existing pattern of density and development as per Guideline RLZ 3 (a).</p>
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<p>Landscape Conservation zoning on land that would more reasonably be categorised Rural Living.</p>	<p>Further, the application of the RLZ is appropriate as the landscape values should be able to be managed through the application of the priority vegetation protection area and the Natural Assets Code.</p> <p>Modification:</p> <p>The area to the east of Cassidys Bay that is zoned LCZ in the draft LPS should be modified to RLZ B.</p>
<p>Lark & Creese (Rep 23)</p>	
<p>Clarries Lane, Old Beach – modify zone from Rural to Rural Living</p> <p>The submission encompasses the land contained in Numbers 2, 4, 5, 6, 7, 8 Clarries Lane and Numbers 116, 124 & 128 Old Beach Road (see image below)</p>	<p>Council comment:</p> <p>Zoning of the site certainly provides challenges as it sits between land developed at urban densities and a significant agricultural operation.</p> <p>The representation repeatedly mentions that the BSP 2018 refers to the land as being “used for rural living purposes.” What it fails to mention is that the BSP 2018 recommends that the current zoning be retained (RRZ under BIPS 2015) and provides the following comments:</p> <ul style="list-style-type: none"> • <i>Whilst this site does adjoin the Urban Growth Boundary, its development would only be a logical extension if it could be served by public transport. Given its distance from the existing bus routes and any potential future ferry service, this is unlikely to occur.</i> • <i>In the longer term, if the land to the south were developed for urban purposes, and if public transport options could be provided, it may be suitable for growth. Its existing zoning should there be retained to provide for future planning considerations.</i>



It is submitted that the Rural Zone applied to the site in Brighton draft LPS is incompatible with the capacity of the properties to carry out viable rural uses for 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.

The BSP 2018 flags that there may be opportunities for growth in the future. Given that it is close to the area of the Tivoli Green SAP and Urban Growth areas highlighted in the SAP, there is potential that this land, or at least some of it may be suitable for being developed at urban densities as opposed to Rural Living land. Zoning it Rural Living at this point would fragment the land and make growth at higher densities in the future more difficult.

Further, as the land was identified as constrained under the Agricultural Land Mapping Project it was referred to AK Consulting for comment. Their feedback is as follows:

Area 14 – Clarries Lane/Harvest Lane

Western titles are all individually owned around 5ha or under and most have an existing dwelling. These titles could be zoned Rural while all titles associated with the medium to large scale enterprise should be zoned Ag, this includes CT 155009/200.

There is some merit for application of the Rural Living Zone to some of the land, but given Council has had strategic analysis undertaken through the BPS and AK Consulting recommending that the land be zoned Rural, the proposed zoning should be retained.

The site will most likely further strategic analysis in the future.

Modification:

Nil

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".

Site detail

The site is currently zoned Rural Resource in BIPS 2015.

Each property in the subject area, except one, contains a dwelling and associated buildings. Vegetation across the site consists of dry grass pastures, several Lucerne crops and scattered trees.

To the north of the site are Rural Living and Rural Resource zoned properties (0.5ha to 6ha), to the east and south are large agricultural enterprises and to the west is a General Residential Zone.

History

The submission provides a detailed history which is summarised below:

- The subdivision was created under the Intensive Agriculture Zone in BPS 2000 which allowed lot sizes of 5ha
- The justification for the subdivision was access to re-use water and off-peak water from Hobart Water.

<ul style="list-style-type: none"> • A private water scheme was setup, but has since collapsed leaving the current properties to no access to water. <p>The land is mapped as constrained under the Agricultural Land Mapping Project based on high capital value, impact of isolation from other agricultural land and proximity of conflicting land use.</p> <p>The land is considered to be inconsistent with the Rural Zone Purpose because:</p> <ul style="list-style-type: none"> • Agricultural use is constrained due to lack of water resource; • The allowable uses under the Rural Zone potentially created land use conflicts with adjoining GRZ and RLZ • The BSP 2018 identifies the land as “used for rural living purposes”. <p>The Rural Living Zone is more appropriate because:</p> <ul style="list-style-type: none"> • Most titles are currently for residential purposes with rural resource use limited to grazing. • The site is within an area already acknowledged as a rural living community under the BSP 2018; • The land is adjacent to an existing Rural Living community; • Application of the RLZ is consistent with STRLUS. <p>An additional 30 lots can be created under Rural Living Zone</p>	
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Kuhne (Rep 11)	
<p>214 Old Beach Rd – modify zoning from Agriculture to Rural Living Zone A</p> <p>The site is currently zoned Rural Resource under BIPS 2015.</p> <p>The land should be zoned Rural Living A for the following reasons:</p> <ul style="list-style-type: none"> • The site is only 0.5ha and has no agricultural potential; • The property has been used for residential purposes since the 1930's; • The original weatherboard building used to be the Old Beach State School. • The property across the road is also 0.5ha and zoned Rural Living A; • Properties to the north are much larger and zoned RLZ A; • The site is further constrained by on-site wastewater system, waterway & coastal protection overlay; • The agricultural zoning would devalue the property. 	<p>Council comment:</p> <p>The land clearly has limited agricultural potential due to its size existing development and other environmental constraints. As the site sits within close proximity to the Rural Zone and Rural Living Zone these zones appear to be more appropriate for this title.</p> <p>Other than access strips either side of the property to larger agricultural lots, this property is effectively a continuation of the Rural Living Zone strip along Old Beach Rd to the north. The land should be zoned RLZ A as it has no agricultural potential and is clearly a residential use.</p> <p>Modification: Zone 214 Old Beach Rd Rural Living A.</p>
Gray Planning obo Meghens (Rep 29)	
<p>830 Middle Tea Tree Rd, Tea Tree – modify zone from Agriculture to Rural</p> <p>The site is currently zoned Significant Agriculture in BIPS 2015 and is proposed to be AZ in the Brighton draft LPS.</p>	<p>Council comment:</p> <p>Despite its size, the land is identified as potentially unconstrained on the Land Potentially Suitable for Agriculture Zone layer on the LIST. This is likely because it is undeveloped land that is in the same ownership of a much larger farm holding. The other smaller titles referred to in the rep are mapped as constrained and the area was referred to AK Consulting as Area of</p>

<p>The site is 1.52ha and currently subject to an application for a dwelling. The land is heavily restricted for future agricultural use by size of the lot.</p> <p>The Agricultural Assessment for the site indicates the land capability is 4 + 5.</p> <p>The property is located between two sites that contain residential dwellings. There are also a number of lots that contain dwellings on smaller lots in close proximity. The locality is also service by reticulated town water.</p> <p>The use standards for a residential use on this land in the AZ may be difficult to justify.</p> <p>The issue with the lot is that the land is not large enough to be utilised for agricultural purposes, but is suitable for a small scale hobby farm with a dwelling.</p> <p>Application of the Rural Zone for smaller lots would be beneficial to this locality. The “one size fits all” approach of the AZ across the State is resulting in unfair and unwarranted planning results.</p>	<p>Interest (Area 4 – Coal River Tier) who responded that the Agriculture Zone is appropriate across the smaller titles.</p> <p>As the land is undeveloped, in the same ownership as a larger holding, generally surrounded by unconstrained agriculture land, mapped itself as Unconstrained and already in the SAZ in BIPS 2015, the AZ should be retained.</p> <p>Modification:</p> <p>Nil</p>
<p>Bosworth (Rep 12)</p>	

<p>711 Middle Tea Tree Rd, Tea Tree – modify Rural zone to Landscape Conservation</p> <p>The site is currently split zoned Agriculture and Rural. The split boundary is supported.</p> <p>The representor has commissioned a Flora and Vegetation Study conducted by Dr Stephen Harris of the hills at the rear of the property. The report highlights that the currently conservation values mapping is incorrect and that the land comprises a relatively large area of Grassy Blue Gum forest which is habitat for the Swift Parrot.</p> <p>The representor has a strong conservation background and submits that the land should be given zoned Landscape Conservation.</p> <p>The two adjoining properties to the South-East have expressed interest in placing a conservation covenant over the rear portions of the property.</p>	<p>Council comment:</p> <p>The entire Hammonds Tier area was referred to Ak Consulting as an area of interest and their advice was that the land should all be retained in the AZ as the natural values would be protected by the Forest Practices Code and allow for bush runs.</p> <p>However, this was contested in the Supporting Report as follows:</p> <p><i>This land has had a consistent land use pattern of retention of vegetation on the upper slopes and agricultural use on the lower slopes. The land was split zoned with the Landscape & Skyline Conservation Zone in the BPS 2000. The split zoning was carried through to the BIPS with the SAZ and RRZ.</i></p> <p><i>Council asked AK Consulting about split zoning with the LCZ and their response clearly shows that this would be inappropriate.</i></p> <p><i>However, it is considered that the split zoning with the RZ and AZ would be an acceptable compromise in that the RZ on the upper slopes would not prohibit bush runs on this land and let the priority vegetation area overlay apply to the land.</i></p> <p><i>This is consistent with the land use pattern provided in the draft Clarence LPS which adjoins the land to the east.</i></p> <p>Given that there are experts from both sides of the fence suggesting different outcomes, the Rural Zone with the Priority Vegetation Protection Area appears to remain a reasonable compromise.</p> <p>Modification:</p>
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Further Council recommendations

Pursuant to s.35F(2)(e) the planning authority makes the following recommendations in addition to the above:

1. Insert a Landscaping Specific Area Plan over all the urban zones within the municipal boundaries.

The Landscaping SAP (see **Appendix 1**) clearly satisfies s.32(4)(b) of the Act as the land has significant environmental, economic, social and spatial qualities that require provisions that are unique to the area of land that require an addition to the provisions of the SPPs.

It is noted that the SPP's sensationally fail to provide any requirement for landscaping except for in Industrial areas, making Tasmanian the only jurisdiction in the country to not require basic landscaping for certain use and developments and subdivisions in the majority of its urban zones. Whilst the SPP's have many other failings in regard to encouraging the creation of vibrant, attractive, healthy and liveable communities (e.g. no standards for: public open space, urban design, density in appropriate locations, connectivity etc.), the absence of landscaping conditions is considered to impact the urban areas of Brighton Council the most.

Brighton Council is currently one of the fastest growing municipalities in the State and is projected by Treasury to be the fastest growing in percentage terms from 2017 to 2042. Further, the STRLUS identifies two significant greenfield development sites and the Brighton Structure Plan (BSP) 2018 anticipates densification of several Rural Living areas on the fringe of settlements. There is also a significant amount of vacant residential and commercial land and infill development opportunities throughout the municipality. The establishment of Bridgewater, Gagebrook and Herdsmans Cove as public housing areas in the 1970s has left Council with several legacy issues in these areas, one of which is a tired and drab public realm.

Due to the expected growth and existing urban realm issues, Council consider it critical that landscaping be provided to promote a desirable living environment and improve health and wellbeing within the community. This is particularly important in Brighton as a growth/affordable suburb and low-cost development is prevalent. Often landscaping is a low-cost way of improving the urban realm, particularly when the built form is lacking. There are also many other well documented benefits of having green urban areas.

Council has been proactive in this area and endorsed the Greening Brighton Strategy 2016-2021 (see Appendix 1) which recognises the importance of green infrastructure. Council has an annual budget of \$30,000 to retrofit existing streets with street trees and has planted over 300 trees in the last four years which has been well received by the local community. One of the actions of the Greening Brighton Strategy is to prepare landscaping guidelines for multiple dwelling and commercial developments and subdivisions. Obviously, the requirement for landscaping is critical for these actions to be implemented. Further implementation of the Greening Brighton Strategy is encouraged by Strategy 27 of the BSP 2018. Council's Strategic Plan also provides further strategic impetus for a Landscaping SAP:

Our Key Issues Are:

- Provision of needed infrastructure;
- Adapting to climate change;
- Improving sustainable practices in the area;
- The future impact of land use and population growth in the municipal area.

Our Preferred Future Will Have:

- A sustainable natural and built environment;
- Vibrant, healthy and engaged communities;
- Our infrastructure maintained at an appropriate level;
- Prosperous industrial and business sectors;
- Improved education opportunities;
- Practical and effective land use strategies.

Our Key Focus Areas for the next ten years are:

- Manage and influence population growth with appropriate land use planning;
- Promote sustainable practices throughout council, local businesses and the community;
- Promoting Brighton as a great place to be;
- Maintain and improve our physical infrastructure;
- Promoting industrial, business and employment growth.

The inclusion of a Landscaping SAP is also consistent with the following policies in the STRLUS:

Recreation and Open Space

ROS 1 Plan for an integrated open space and recreation system that responds to existing and emerging needs in the community and contributes to social inclusion, community connectivity, community health and well being, amenity, environmental sustainability and the economy.

ROS 1.5 Provide for residential areas, open spaces and other community destinations that are well connected with a network of high quality walking and cycling routes.

ROS 1.6 Subdivision and development is to have regard to the principles outlined in 'Healthy by Design: A Guide to Planning and Designing Environments for Active Living in Tasmania'.

Land Use and Transport Integration

LUTI 1 Develop and maintain an integrated transport and land use planning system that supports economic growth, accessibility and modal choice in an efficient, safe and sustainable manner.

LUTI 1.11 Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.

Activity Centres

AC 1 Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.

AC 1.4 Promote a greater emphasis on the role of activity centres, particularly neighbourhood and local activity centres, in revitalising and strengthening the local community.

AC 1.5 Encourage high quality urban design and pedestrian amenity through the respective development standards.

AC 1.8 Encourage new development and redevelopment in established urban areas to reinforce the strengths and individual character of the urban area in which the development occurs.

AC 3 Evolve Activity Centres focussing on people and their amenity and giving the highest priority to creation of pedestrian orientated environments.

AC 3.1 Actively encourage people to walk, cycle and use public transport to access Activity Centres.

Council submits that a Landscaping SAP be provided over all urban zones in the Brighton draft LPS. The Landscaping SAP will be identical to the current landscaping requirement in clause E6.7.8 of the Parking & Access Code in BIPS 2015 and also provide for street tree plantings in subdivisions.

In summary, the Landscaping SAP satisfies s.32(4) of the Act as the areas of land have particular economic, environmental, social and spatial qualities that are not provided for in the SPP as examined above.

Modification:

Insert Landscaping SAP into Brighton LPS ordinance and provide an overlay over all urban zones listed within the Landscaping SAP.

2. Approved amendments

The following two amendments have been approved since the submission of the Brighton Draft LPS and should be incorporated:

- Amendment RZ2018-02 - Insert 23 Menin Drive and 241 Brighton Road, into Table E13.1 Heritage Places of the Historic Heritage Code and rezone CT 176693/100 Brighton Road, Brighton from Community Purpose to General Residential (See **Appendix 2**)
- Amendment RZ 2018-03 - Rezone 13 Gage Road, Gagebrook from General Residential to Local Business. (See **Appendix 3**)

The above amendments have been through the formal planning scheme amendment process under the Act and approved by the TPC and should not have to go through the process again.

Modification:

- Insert 23 Menin Drive and 241 Brighton Road into *BRI-Table C6.1 Local Heritage Places* as per the approved text.
- Rezone CT 176693/100 Brighton Road, Brighton from Community Purpose to General Residential as per the approved map.
- Rezone 13 Gage Road, Gagebrook from General Residential to Local Business.

Effect on Draft LPS as a whole

The recommendations above generally relate to the zoning of specific titles and/or refinement of SAPs and does not affect the draft LPS as a whole.