

**Minister for Human Services  
Minister for Housing  
Minister for Planning**

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**21 MAR 2019**

Mr Ron Sanderson  
General Manager  
Brighton Council  
By email – [Ron.Sanderson@brighton.tas.gov.au](mailto:Ron.Sanderson@brighton.tas.gov.au)

Dear Mr Sanderson,

**Brighton Interim Planning Scheme 2015**

**Declarations under Schedule 6 of the *Land Use Planning and Approvals Act 1993***

I refer to the transitional provisions under Schedule 6 of the *Land Use Planning and Approvals Act 1993* (the Act) which provide for the transitioning of certain provisions in existing planning schemes to the Local Provisions Schedules (LPS).

Following consultation with Brighton Council and the Commission, I have made declarations in accordance with Schedule 6, Clauses 8(4), 8A(1), 8D(3) and 8D(5) of the Act and have issued the relevant notices (attachments A, B, C & D).

I have also enclosed a further non-statutory document prepared by the Department's Planning Policy Unit to clarify the declarations (attachment E). This document provides important information for Brighton Council and the Commission on:

- PPZs, SAPs and SSQ required to be transitioned to the LPS in accordance with Schedule 6, Clause 8(1) of the Act;
- PPZs, SAPs and SSQs which are not subject to the Schedule 6, Clause 8A of the Act;
- code-applying provisions required to be transitioned to the LPS in accordance with Schedule 6, Clause 8D(2) of the Act;
- code-applying provisions that are not required to meet certain requirements of the State Planning Provisions (SPPs); and
- provisions which do not meet definition of a SSQ under Schedule 6, Clause 1 of the Act.

The enclosed attachments are also available on the Department of Justice's Tasmanian Planning reform website: [www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au).

If you require further information, please contact Leigh Stevens, Senior Planning Adviser with the Department's Planning Policy Unit, on tel. (03) 6216 1435 or email [leigh.stevens@planning.tas.gov.au](mailto:leigh.stevens@planning.tas.gov.au)

Yours sincerely



Hon Roger Jaensch MP  
**Minister for Human Services**  
**Minister for Housing**  
**Minister for Planning**

Attachment A – Brighton IPS 2015 – Notice of Declaration – Schedule 6, Clause 8(4)

Attachment B – Brighton IPS 2015 – Notice of Declaration – Schedule 6, Clause 8A(1)

Attachment C – Brighton IPS 2015 – Notice of Declaration – Schedule 6, Clause 8D(3)

Attachment D – Brighton IPS 2015 – Notice of Declaration – Schedule 6, Clause 8D(5)

Attachment E – Brighton IPS 2015 – Transitional Provisions Declarations Clarification Document

# Brighton Interim Planning Scheme 2015

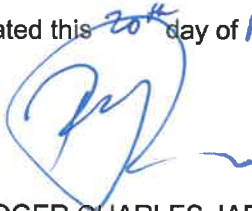
## *Land Use Planning and Approvals Act 1993*

### Section 87C & Schedule 6, Clause 8(4)

#### DECLARATION

I, ROGER CHARLES JAENSCH, Minister for Planning, acting in accordance with Schedule 6, Clause 8(4) of the *Land Use Planning and Approvals Act 1993* ("the Act") after having consulted with the Tasmanian Planning Commission, declare the specific area plans, particular purpose zones and site specific qualifications identified in the Schedule to this declaration to be plans zones and qualifications to which Schedule 6, Clause 8 of the Act does not apply.

Dated this <sup>20<sup>th</sup></sup> day of <sup>March</sup>, 2019



ROGER CHARLES JAENSCH

Minister for Planning

#### The Schedule

### Specific Area Plans, Particular Purpose Zones and Site-specific Qualifications declared not subject to Schedule 6, Clause 8 of the Act

Provision	Reason
32.0 Particular Purpose Zone – Urban Growth Zone	The provision is provided for by the State Planning Provisions Future Urban Zone.
E3.0 Landslide Code	The provision is provided for by the State Planning Provisions Landslip Hazard Code.
E8.0 Electricity Transmission Infrastructure Protection Code	The provision is provided for by the State Planning Provisions Electricity Transmission Infrastructure Protection Code.
E9.0 Attenuation Code	<p>The provision is provided for by the State Planning Provisions Attenuation Code.</p> <p>Brighton Council has advised that they wish to apply the provisions of clause 9.2.3 through a new Specific Area Plan for the Bridgewater Quarry, Old Beach Quarry and the Baskerville Raceway.</p> <p>For Residential use or development within other attenuation areas, Council has advised that these cases will be assessed against the requirements of the State Planning Provisions Attenuation Code.</p>
E10.0 Biodiversity Code	The provision is provided for by the State Planning

Provision	Reason
	Provisions Natural Assets Code.
E11.0 Waterway and Coastal Protection Code	The provision is provided for by the State Planning Provisions Natural Assets Code.
E13.0 Historic Heritage Code	The provision is provided for by the State Planning Provisions Local Historic Heritage Code.
E15.0 Inundation Prone Areas Code	The provision is provided for by the State Planning Provisions Coastal Inundation Hazard Code and the Flood-prone Areas Hazard Code.
E16.0 Coastal Erosion Hazard Code	The provision is provided for by the State Planning Provisions Coastal Erosion Hazard Code.
E20.0 Acid Sulfate Soils Code	The management of acid sulfate soils can be achieved through appropriate zoning and the operation of the waterway and coastal protection area component of the State Planning Provisions Natural Assets Code. Clause 6.11.2 in the State Planning Provisions also provides for conditions or restrictions to be imposed on a permit for construction management, which may include the management of acid sulphate soils.
E21.0 Dispersive Soils Code	The management of dispersive soils can be achieved by appropriate zoning and Clause 6.11.2 in the State Planning Provisions which provides for conditions or restrictions to be imposed on a permit for the management of soil erosion.
Utilities Zone – 28.2 Use Table General Retail and Hire discretionary – ‘only if at Brighton Council Waste Transfer Station’	The provision is provided for by the State Planning Provisions which includes the: <ul style="list-style-type: none"> <li>• selling of used or scrap material in the description for the Recycling and Waste Disposal use class in Table 6.2; and</li> <li>• Recycling and Waste Disposal use class as a permitted use in the Utilities Zone.</li> </ul>

# Brighton Interim Planning Scheme 2015

## *Land Use Planning and Approvals Act 1993*

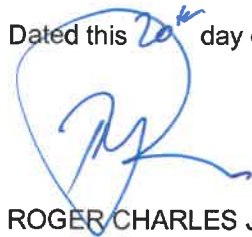
### Section 87C & Schedule 6, clause 8A(1)

#### NOTICE OF DECLARATION

To: Brighton Council

Take notice that in accordance with Schedule 6, Clause 8A(1) of the *Land Use Planning and Approvals Act 1993* ("the Act") I, ROGER CHARLES JAENSCH, Minister for Planning, after having consulted with the Tasmanian Planning Commission, declare that the draft Brighton Local Provisions Schedule prepared and the Brighton Local Provisions Schedule made in relation to the municipal area of Brighton under Part 3A of the Act must contain the specific area plans, particular purpose zones and site-specific qualifications provisions identified in the Schedule to this Notice.

Dated this *20<sup>th</sup>* day of *March*, 2019



ROGER CHARLES JAENSCH

Minister for Planning

#### The Schedule

#### **Specific Area Plans, Particular Purpose Zones and Site-specific Qualifications declared subject to Schedule 6, Clause 8A(1) of the Act**

Provision
Rural Resource Zone – 26.2 Use Table
Storage discretionary – "Only if self storage at 29 Brighton Road, Brighton (folio of the Register volume 63448 folio 5)."
F2.0 Tivoli Green Specific Area Plan

# Brighton Interim Planning Scheme 2015

## *Land Use Planning and Approvals Act 1993*

### Section 87C & Schedule 6, clause 8D(3)

#### DECLARATION

I, ROGER CHARLES JAENSCH, Minister for Planning, acting in accordance with Schedule 6, Clause 8D(3) of the *Land Use Planning and Approvals Act 1993* ("the Act") after having consulted with the Tasmanian Planning Commission, declare that Schedule 6, clause 8D(2) of the Act does not apply in relation to the code-applying provisions identified in the Schedule to this declaration in relation to the municipal area of Brighton.

Dated this 20<sup>th</sup> day of March, 2019



ROGER CHARLES JAENSCH

Minister for Planning

#### The Schedule

#### Code-applying Provisions declared not subject to Schedule 6, Clause 8D(2) of the Act

Code	Reason
E1.0 Bushfire-Prone Areas Code	The code contains no relevant Code-applying Provisions.
E2.0 Potentially Contaminated Land Code	The code contains no relevant Code-applying Provisions.
E3.0 Landslip Code	The Local Provisions Schedule requirements at clause LP1.7.12 of the State Planning Provisions specify the mapping to be used for the Landslip Hazard Area overlay for the State Planning Provisions Landslip Hazard Code.
E5.0 Road and Railway Assets Code	The code contains no relevant Code-applying Provisions.
E6.0 Parking and Access Code	The code contains no relevant Code-applying Provisions.
E7.0 Stormwater Management Code	The code does not relate to an equivalent State Planning Provisions code.
E8.0 Electricity Transmission Infrastructure Protection Code	The Local Provisions Schedule requirements at clause LP1.7.3 of the State Planning Provisions specify the mapping to be used to create the various overlays for the State Planning Provisions Electricity Transmission Infrastructure Protection Code.

Code	Reason
<p>E9.0 Attenuation Code</p> <p>excluding:</p> <ul style="list-style-type: none"> <li>• The Attenuation Areas overlay.</li> </ul>	<p>The only relevant Code-applying Provision is:</p> <ul style="list-style-type: none"> <li>• The Attenuation Areas overlay.</li> </ul>
<p>E10.0 Biodiversity Code</p>	<p>The Local Provisions Schedule requirements at clause LP1.7.5 of the State Planning Provisions, and guidelines NAC 7 to NAC 12 of Guideline No.1, specify how the Priority Vegetation Area overlay is to be created for the State Planning Provisions Natural Assets Code.</p>
<p>E11.0 Waterway and Coastal Protection Code</p>	<p>Guidelines NAC 1 to NAC 3 of Guideline No.1 specify how the Waterway and Coastal Protection Area is to be created for the State Planning Provisions Natural Assets Code.</p>
<p>E13.0 Historic Heritage Code,</p> <p>excluding:</p> <ul style="list-style-type: none"> <li>• Table E13.1 Heritage Places,</li> <li>• the Cultural Landscape Precincts Overlay;</li> <li>• Table E13.3 Cultural Landscape Precincts, except for clause (f) of the Design Criteria/Conservation Policy; and</li> <li>• Figure E13.1 Pontville Heritage Protection Areas (HPAs),</li> </ul> <p>unless the place, precinct, figure or overlay has been inserted or removed by amendment after the commencement day.</p>	<p>The only relevant Code-applying Provisions are:</p> <ul style="list-style-type: none"> <li>• Table E13.1 Heritage Places;</li> <li>• Table E13.3 Cultural Landscape Precincts, except for clause (f) of the Design Criteria/Conservation Policy;</li> <li>• the Cultural Landscape Precincts overlay; and</li> <li>• Figure E13.1 Pontville Heritage Protection Areas (HPAs).</li> </ul> <p>The State Planning Provisions Local Historic Heritage Code does not apply to Aboriginal Heritage matters, as those matters are managed by the <i>Aboriginal Heritage Act 1975</i>.</p>
<p>E15.0 Inundation Prone Areas Code,</p> <p>excluding:</p> <ul style="list-style-type: none"> <li>• The Riverine Inundation Hazard Area overlay</li> </ul>	<p>The only relevant Code-applying Provision is:</p> <ul style="list-style-type: none"> <li>• The Riverine Inundation Hazard Area overlay.</li> </ul> <p>The Local Provisions Schedule requirements at clause LP1.7.9 of the State Planning Provisions specify the mapping to be used to create the Coastal Inundation Hazard Area overlay for the State Planning Provisions Coastal Inundation Hazard Code. Guideline CIHC 2 of Guideline No. 1 specifies how the Coastal Inundation Hazard Bands AHD Level table is to be populated for the State Planning Provisions Coastal Inundation Hazard Code.</p>
<p>E16.0 Coastal Erosion hazard Code</p>	<p>The Local Provisions Schedule requirements at clause LP1.7.8 of the State Planning Provisions specify the mapping to be used to create the Coastal Erosion Hazard Area overlay for the State Planning Provisions Coastal Erosion Hazard Code.</p>
<p>E17.0 Signs Code</p>	<p>The code contains no relevant Code-applying Provisions.</p>
<p>E18.0 Wind and Solar Energy Code</p>	<p>The code does not relate to an equivalent State Planning Provisions code.</p>
<p>E19.0 Telecommunications Code</p>	<p>The code contains no relevant Code-applying Provisions.</p>
<p>E20.0 Acid Sulfate Soils Code</p>	<p>The code does not relate to an equivalent State Planning Provisions code.</p>
<p>E21.0 Dispersive Soils Code</p>	<p>The code does not relate to an equivalent State Planning</p>

<b>Code</b>	<b>Reason</b>
	Provisions code.



# Brighton Interim Planning Scheme 2015

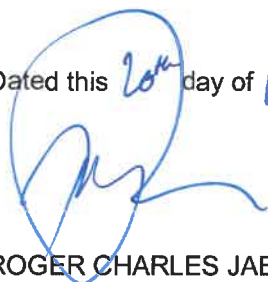
## *Land Use Planning and Approvals Act 1993*

### Section 87C, Schedule 6, clause 8D(5)

#### DECLARATION

I, ROGER CHARLES JAENSCH, Minister for Planning, acting in accordance with Schedule 6, Clause 8D(5) of the *Land Use Planning and Approvals Act 1993* ("the Act") after having consulted with the Tasmanian Planning Commission, declare that the requirement in Clause LP1.8.1 of the State Planning Provisions (SPPs), specifically the statement "all information requirements are to be completed in the tables", as it relates to the code applying provisions identified in the Schedule to this declaration when they are included in the draft Brighton Local Provisions Schedule and Brighton Local Provisions Schedule in accordance with Schedule 6, clause 8(2) of the Act does not apply in relation to the draft Brighton Local Provisions Schedule and Brighton Local Provisions Schedule.

Dated this *20<sup>th</sup>* day of *March*, 2019



ROGER CHARLES JAENSCH

Minister for Planning

#### The Schedule

Code-applying Provision
E13.0 Historic Heritage Code Table E13.1 Heritage Places

# Brighton Interim Planning Scheme 2015

## *Land Use Planning and Approvals Act 1993*

### Section 87C and Schedule 6, Clauses 1, 8, 8A(1), 8D(2)

This document has been prepared by the Department of Justice, Planning Policy Unit to clarify the operation of the of the Minister's declarations made in accordance with Schedule 6, Clauses 8(4), 8A(1), and 8D(3) of the *Land Use Planning and Approvals Act 1993* ("the Act"). This document identifies the provisions to which the Minister's declarations do not apply, specifically:

- particular purpose zones, specific area plans and site-specific qualifications that are subject to Schedule 6, Clause 8(1) of the Act (refer to Schedule 1);
- particular purpose zones, specific area plans and site-specific qualifications that are not subject to Schedule 6, Clause 8A(1) of the Act (refer to Schedule 2); and
- code-applying provisions that are subject to Schedule 6, Clause 8D(2) (refer to Schedule 3).

This document also provides information on specific provisions in the Brighton Interim Planning Scheme 2015 that do not meet the definition of site-specific qualification or specific area plan under Schedule 6, Clause 1 of the Act.

### Schedule 1

#### **Particular Purpose Zones, Specific Area Plans and Site-specific Qualifications subject to Schedule 6, Clause 8 of the Act**

<b>Provision</b>	<b>Application</b>
34.0 Particular Purpose Zone – St Ann's Precinct	Particular Purpose Zone
35.0 Particular Purpose Zone – School Farm	Particular Purpose Zone
E25.0 Brighton Horse Racing Code	Specific Area Plan
E26.0 Quoin Ridge Code	Specific Area Plan
F1.0 Brighton Highway Services Precinct	Specific Area Plan
General Industrial Zone – 25.2 Use Table Extractive Industry permitted – 'only for Folios of the Register Volume 50853 Folio 1, Volume 125841 Folio 2, Volume 148856 Folio 1, Volume 156753 Folio 6, and Volume 166072 Folio 1'.	Site-specific Qualification

Provision	Application
<p>Attenuation Code – E9.5.2 Application Requirements</p> <p>'The planning authority must refer any application within the Bridgewater Quarry Attenuation Area to the Bridgewater Quarry operator for advice on potential conflict between the proposed use or development and the quarry operations. Council must not determine an application until the quarry operator has provided its advice, or until 14 days from the date of referral, whichever occurs first.'</p>	Specific Area Plan or Site-specific Qualification

## Schedule 2

### Particular Purpose Zones, Specific Area Plans and Site-specific Qualifications not subject to Schedule 6, Clause 8A(1) of the Act

Provision	Reason
<p>General Business Zone – 21.2 Use Table.</p> <p>Manufacturing and Processing discretionary – 'only if for the manufacture of wine casks at 23 Hurst Street, Bridgewater (folio of the Register volume 34145 folio 2020)'.</p>	The provision is provided for by the State Planning Provisions General Business Zone which includes Manufacturing and Processing as an unqualified discretionary use in the Use Table 15.2.

## Schedule 3

### Code-applying Provisions subject to Schedule 6, Clause 8D(2) of the Act

Code-applying Provision	Application
<p>E9.0 Attenuation Code</p> <ul style="list-style-type: none"> <li>The Attenuation Area overlay</li> </ul>	For application through the Local Provisions Schedule as the Attenuation Area overlay for the State Planning Provisions Attenuation Code.
<p>E13.0 Historic Heritage Code</p> <ul style="list-style-type: none"> <li>Table E13.1 Heritage Places,</li> <li>Cultural Landscape Precincts overlay,</li> <li>Table E13.3 Cultural Landscape Precincts, except for clause (f) of the Design Criteria/Conservation Policy,</li> </ul>	<p>Table E13.1 Heritage Places is for application through the Local Provisions Schedule as the Local Heritage Places list for the State Planning Provisions Local Historic Heritage Code.</p> <p>Cultural Landscape Precincts overlay is for application through the Local Provisions Schedule as the Local Historic</p>

Code-applying Provision	Application
<ul style="list-style-type: none"> <li>Figure E13.1 Pontville Heritage Protection Areas (HPAs)</li> </ul> <p>unless the place, precinct, figure or overlay has been inserted or removed by amendment after the commencement day.</p>	<p>Landscape Precincts overlay for the State Planning Provisions Local Historic Heritage Code.</p> <p>Table E13.3 Cultural Landscape Precincts and Figure E13.1 Pontville Heritage Protection Areas (HPAs) is for application through the Local Provisions Schedule as the Local Historic Landscape Precincts list for the State Planning Provisions Local Historic Heritage Code, except for clause (f) of the Design Criteria/Conservation Policy.</p>
<p>E15.0 Inundation Prone Areas Code</p> <ul style="list-style-type: none"> <li>The Riverine Inundation Hazard Area overlay</li> </ul>	<p>For application through the Local Provisions Schedule as the Flood-prone Hazard Area overlay for the State Planning Provisions Flood-prone Areas Hazard Code.</p>

## Schedule 4

### Provisions that do not meet the definition of a Specific Area Plan or Site-specific Qualification under Schedule 6, Clause 1 of the Act

Provision	Reason
<p>Rural Living Zone – 13.5.1 A1 and Table 13.1</p> <p>Permitted minimum lot size of :</p> <ul style="list-style-type: none"> <li>Rural Living Zone Area A – 5000m<sup>2</sup></li> <li>Rural Living Zone Area B – 1ha</li> <li>Rural Living Zone Area C – 2ha</li> </ul>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provisions do not modify, substitute or add to the provisions of the planning scheme as it simply establishes minimum lot sizes for different areas.</p> <p>Does not meet the definition of a Specific Area Plan under Schedule 6, Clause 1 of the Act as the provisions do not modify, substitute or add to the provisions of the planning scheme as it simply establishes minimum lot sizes for different areas.</p>
<p>General Business Zone – 21.4.1 A1 Building Height</p> <p>Building height must be no more than:</p> <ul style="list-style-type: none"> <li>Green Point Precinct: 10 m.</li> <li>Cove Hill Precinct: 15 m</li> <li>Brighton Town Centre Precinct: 9 m</li> </ul>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision does not modify, substitute or add to the provisions of the planning scheme as it simply establishes building heights for different areas.</p> <p>Does not meet the definition of a Specific Area Plan under Schedule 6, Clause 1 of the Act as the provision does not modify, substitute or add to the provisions of the planning scheme as it simply establishes building heights for different areas.</p>
<p>General Business Zone – 21.4.2 A1 Setback</p> <p>Building setback from frontage must be parallel to the frontage and must be no more than:</p> <ul style="list-style-type: none"> <li>3 m, if fronting Brighton Road, Cove Hill Road, Green Point Road, Hurst Street and Scott Road.</li> <li>nil m, if fronting the East Derwent Highway.</li> </ul>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision does not specify a particular area of land to which it applies (only identifies a general class of land that abuts a particular road).</p>

Provision	Reason
<p>General Business Zone – 21.5.1 A3 Subdivision</p> <p>The frontage for each lot must be no less than:</p> <ul style="list-style-type: none"> <li>• Green Point Precinct: 10 m.</li> <li>• Cove Hill Precinct: 10 m</li> <li>• Brighton Town Centre Precinct: 15 m</li> </ul>	<p>Does not meet the definition of a Site-specific Qualification under Schedule 6, Clause 1 of the Act as the provision does not modify, substitute or add to the provisions of the planning scheme as it simply establishes minimum frontages for different areas.</p> <p>Does not meet the definition of a Specific Area Plan under Schedule 6, Clause 1 of the Act as the provision does not modify, substitute or add to the provisions of the planning scheme as it simply establishes minimum frontages for different areas.</p>