



# Draft Planning Scheme Amendment

## *Land Use Planning and Approvals Act 1993*

NOTICE IS GIVEN THAT THE TASMANIAN PLANNING COMMISSION HAS:

- DETERMINED THAT DRAFT AMENDMENT RZ 2022-02 TO THE BRIGHTON LOCAL PROVISION SCHEDULES - TASMANIAN PLANNING SCHEME - SHOULD BE SUBSTANTIALLY MODIFIED UNDER SECTION 40N(1)(C) OF THE ACT;
- CERTIFIED DRAFT AMENDMENT RZ 2022-02 UNDER SECTION 40P(3) OF THE ACT; AND
- DIRECTED COUNCIL TO EXHIBIT DRAFT AMENDMENT RZ 2022-02 PURSUANT TO S.40G AND S. 40H OF THE ACT, AND SECTION 7 OF THE LAND USE PLANNING AND APPROVALS REGULATIONS 2014, AS FOLLOWS:

Location	Description
131 Cove Hill Road, Bridgewater  Lot 105 Taylor Crescent, Bridgewater  A portion of the land contained in Certificate of Title Volume 7884 Folio/ 1368	Amend the Brighton Local Provision Schedules to:  a) Rezone 131 Cove Hill Road Rd from Utilities to Light Industrial;  b) Rezone Lot 105 Taylor Crescent from Open Space to a combination of Light Industrial and General Residential;  c) Rezone a portion of the land contained In Certificate of Title Volume 7884 Folio/ 1368 from Utilities to Light Industrial.

A copy of the substantially modified certified Draft Amendment and all relevant documents may be viewed on Council's website [www.brighton.tas.gov.au](http://www.brighton.tas.gov.au) and at the Council offices, 1 Tivoli Road, Old Beach between 8.15am and 4.45pm, Monday to Friday.

Any person may make written representations concerning the draft amendment until 4.45pm on 18<sup>th</sup> September 2023.

Representations are to be addressed to the General Manager, 1 Tivoli Road, Old Beach 7017, or by email to [development@brighton.tas.gov.au](mailto:development@brighton.tas.gov.au) and should include a daytime telephone number to allow council officers to discuss, if necessary, any matters raised.

**JANINE BANKS**



**Acting General Manager**

# TASMANIAN PLANNING COMMISSION



Our ref: DOC/23/66000  
Officer: Karen Fyfe  
Phone: 03 6165 6808  
Email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

14 June 2023

Mr James Dryburgh  
General Manager  
Brighton Council  
1 Tivoli Road  
OLD BEACH TAS 7017

Attention: Mr Brian White

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

Dear Mr Dryburgh

**Tasmanian Planning Scheme - Brighton**  
**Draft amendment RZ 2022-02 and permit SA2022-37**  
**Rezone 131 Cove Hill Road, part of Lot 105 Taylor Crescent and folio of the Register**  
**7884/1368, Bridgewater from Utilities and Open Space to Light Industrial and 2 lot subdivision**

Following the hearing into this matter held on 2 June 2023, the Commission has determined under section 40N(1)(c) of the *Land Use Planning and Approvals Act 1993* (the Act) that the draft amendment should be substantially modified.

As discussed with the planning authority at the hearing, the Commission considers that an alternative approach to the draft amendment should be explored.

In accordance with section 40N(1)(c)(i) of the Act, the Commission is required to reject the draft amendment and direct the planning authority to submit a substitute draft amendment to the LPS.

The Commission considers the following modifications are required:

- expand the Light Industrial zone boundary to include the Open Space zoned land at Lot 105 Taylor Crescent that runs to the boundary of the General Residential zoned land;
- provide an appropriate eastern boundary for the Light Industrial use on the land at 131 Cove Hill Road (bearing in mind the topography of this land and its suitability for a future industrial use);
- similarly, provide an appropriate boundary for the remaining Open Space zoned land on the eastern side of 131 Cove Hill Road and Lot 105 Taylor Crescent; and
- rezone the part of Lot 105 Taylor Crescent, Bridgewater that adjoins Taylor and Walker Crescent to from Open Space to General Residential.

The reason for the determination under section 40N(1)(c)(i) of the Act in part arises from the certified draft amendment to reduce the width of the Open Space zoning to the rear of the houses fronting Walker Crescent (Lot 105 Taylor Crescent). The reduced area, as public open space, meanders between the Residential and proposed Light Industrial zoning and will reduce the useability of the space that is not defensible. This raises concerns for the safety of users of that open space. This part of the draft amendment does not further Objective Part 2 (f) of the Act 'to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation'.

The Commission considers that removal of the Open Space zoned land at Lot 105 Taylor Crescent can be offset by expanding the open space area within the eastern part of 131 Cove Hill Road and there is an increase in the usable area for light industry. The Commission considers that this furthers Part 2(i) of the Schedule 1 Objectives of the Act 'to provide a planning framework which fully considers land capability'.

The Commission requests the planning authority to submit the substitute draft amendment within 28 days from the receipt of this letter, as specified in the Act.

Once the Commission receives the substitute draft amendment, it must certify the draft amendment and by notice to the planning authority, direct that it be publicly exhibited. This will provide the planning authority and public with an opportunity to comment on the substitute draft amendment.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robin Nolan', followed by a long horizontal flourish.

Robin Nolan  
**Delegate (Chair)**



Officer: Brian White  
Direct ☎ (03) 62687041

Date: 14/07/2023  
Our Ref.: RZ 2002 – 02

Tasmanian Planning Commission  
Level 3, 144 Macquarie Street  
Hobart TAS 7001

Attention: Karen Fyfe

Dear Madam,

**RE: SUBSTITUTE DRAFT AMENDMENT RZ 2022-02 AND PERMIT SA2022-37**

In response to the Tasmanian Planning Commission's determination of draft amendment RZ 2022 02 under section 40N (1) (c) of the Land Use Planning and Approvals Act 1993 (LUPAA), Council Officers ('Council') have prepared a substitute draft amendment to the Brighton Local Provision Schedule pursuant to section 40P (1)(b) of same. The substitute draft amendment is provided as Attachment A to this letter.

What follows is an explanation of how the substitute addresses the issues raised by the Tasmanian Planning Commission (TPC) in its letter dated 14 June 2023. This should be read in conjunction with the substitute draft amendment.

**1. Response to TPC Direction**

*Table 1 Response to TPC Letter*

Issue	TPC Modifications Required	Council Comment
1	Expand the Light Industrial zone boundary to include the Open Space zoned land at Lot 105 Taylor Crescent that runs to the boundary of the General Residential zoned land.	The substitute draft amendment shows the entirety of Lot 105 Taylor Crescent zoned Light Industrial apart from the land abutting the frontage of Taylor Crescent/ Walker Crescent which is shown zoned as General Residential as per point 4 of this table.
2	Provide an appropriate eastern boundary for the Light Industrial use on the land at 131 Cove Hill Road (bearing in mind the topography of this land and its suitability for a future industrial use);	As will be explained further in section 2 of this letter, it is Council's position, and that of the possible future purchaser of the land, that the area in question at 131 Cove Hill Road can be utilised for uses permissible in the Light Industrial Zone or for supporting infrastructure. Furthermore, Council has no desire to take on

		<p>the additional open space zoned land at this point in time.</p> <p>Therefore, Council submits the whole of the site at 131 Cove Hill Drive site should be rezoned Light Industrial (apart from the land Identified In point 4) as per the previously certified draft amendment.</p> <p>This is shown in attachment A.</p>
3	Similarly, provide an appropriate boundary for the remaining Open Space zoned land on the eastern side of 131 Cove Hill Road and Lot 105 Taylor Crescent.	As per point 2, Council Officers submit the whole of the site apart from that in point 4 should be zoned Light Industrial as per the previously certified draft amendment.
4	Rezone the part of Lot 105 Taylor Crescent, Bridgewater that adjoins Taylor and Walker Crescent to from Open Space to General Residential.	The substitute draft amendment shows part of Lot 105 Taylor Crescent, Bridgewater, that adjoins Taylor and Walker Crescent, being zoned General Residential.

## 2. The Eastern Boundary Matter

Council and the future prospective purchaser of the land submit that the steeper section of Lot 105 on the eastern boundary of the site could be used an integral part of the overall future Industrial use and development of the site. Some examples are provided below.

### a) *Stormwater Infrastructure*

On-site stormwater treatment and management is currently being investigated by the future purchaser for the industrial development of both 115 and 131 Cove Hill Road. Initial investigations by the developer suggest that the land in question may be required for stormwater infrastructure. Given the large area of the site, the area required for stormwater management is substantial and the reduction in the lot area for 131 Cove Hill Road could restrict the potential for industrial and complimentary developments.

Figure 1 show shows how the land could possibly be used for stormwater Infrastructure.

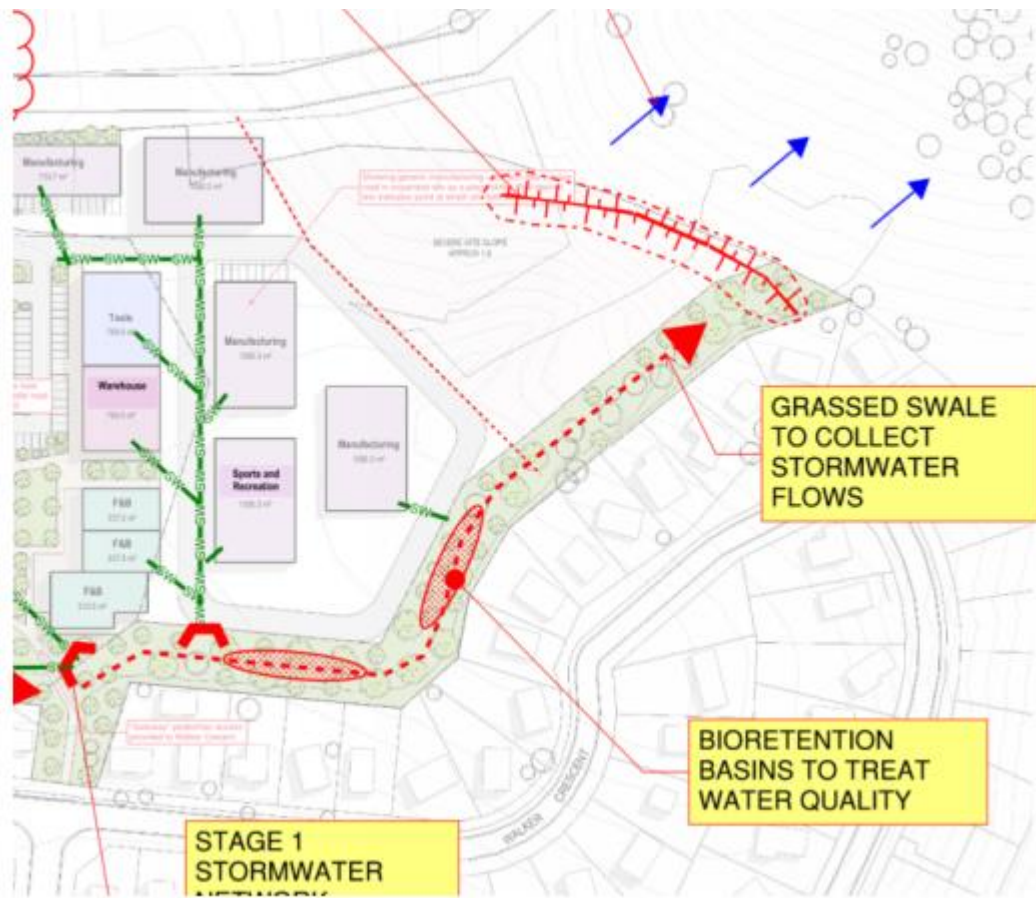


Figure 1 Use and development of land for stormwater management

b) *Smaller Warehouses, Contractors Yard and Terraced Car Parking*

Whilst steep, this area of the site could potentially be terraced and used for allowable uses in the zone such as smaller warehouses or contractors yards, that do not require large flat areas for manoeuvring large vehicles, or as terraced car parking.

c) *Passive Recreation/ Sports and Recreation*

Another possible use for this area of the site is for a passive recreation style use, including outdoor areas such as walking and/or bike tracks, which could utilise the existing topography and the adjacent open space along the Jordon River. This would provide an opportunity to provide an exciting outdoor space that can be used both by users of the business and the community.

d) *Guideline No. 1 & Light Industrial Zone Standards*

There is nothing in Guideline No. 1 that suggests the land in question should not be zoned Light Industrial. Furthermore, the zone standards in the Light Industrial Zone do not limit the extent of cut and fill that may be required to use this part of the site. Finally, the site is not subject to any natural hazard codes that may restrict such works.

If you have any further questions regarding this submission and substitute draft amendment, please contact Brian White on [brian.white@brighton.tas.gov.au](mailto:brian.white@brighton.tas.gov.au) or (03) 6268 7070.

Yours faithfully,

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

David Allingham

Director Development Services

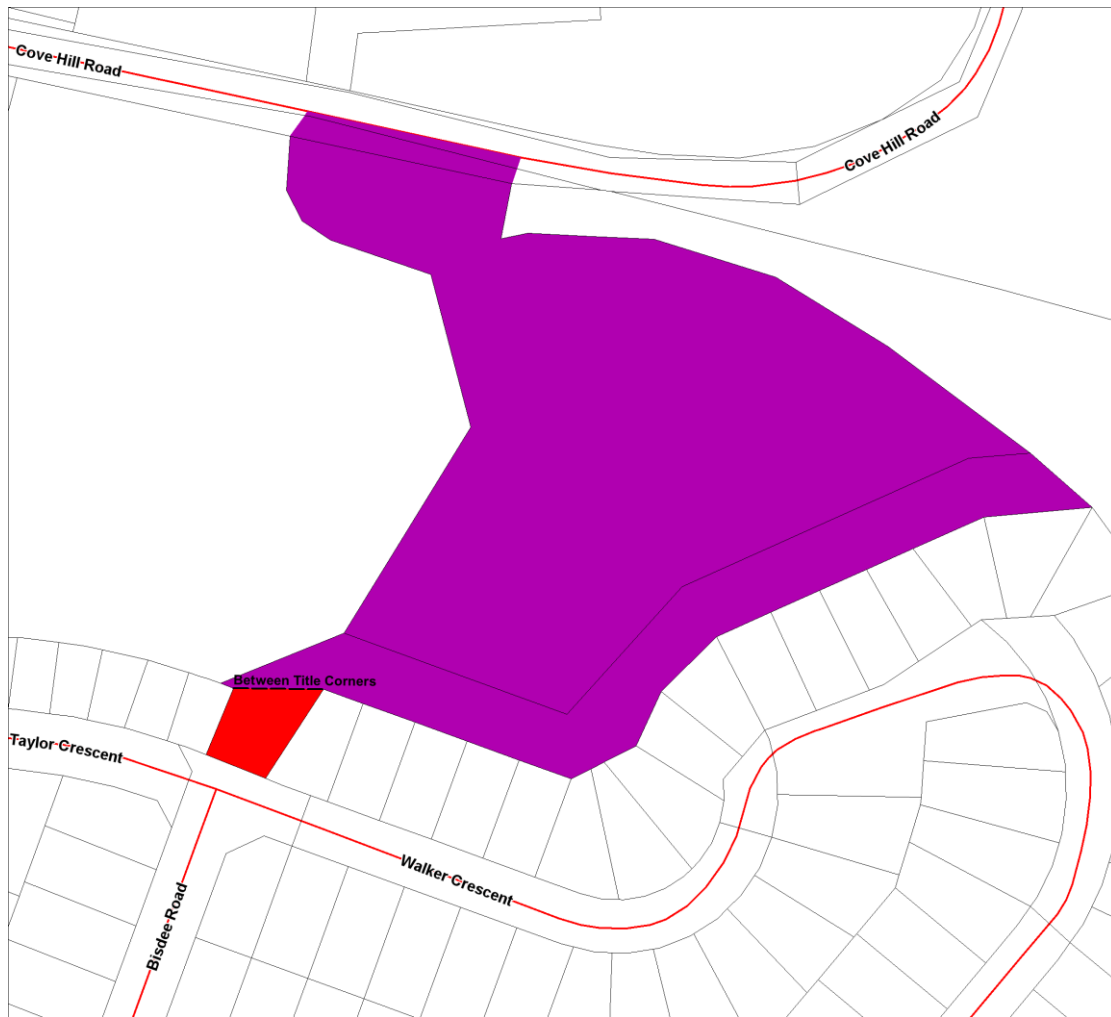
Attachment A: Substitute Draft Amendment – RZ 2022/ 02



## Brighton Local Provisions Schedule

### *Substitute Draft Amendment RZ 2022/02*

Amend the planning scheme maps to rezone the land shown in purple and red on the map below from Utilities and Open Space to Light Industrial and General Residential.



 18.0 Light Industrial Zone       8.0 General Residential

The land to be rezoned is as follows:

- 131 Cove Hill Road, Bridgewater, contained in Certificate of Title Volume 31616, Folio 1697.
- Lot 105 Taylor Crescent, Bridgewater, contained in Certificate of Title Volume 177664, Folio 105.
- A portion of the land contained in Certificate of Title Volume 7884, Folio 1368.

# TASMANIAN PLANNING COMMISSION



Our ref: DOC/23/90781  
Officer: Karen Fyfe  
Phone: 03 6165 6808  
Email: [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)

9 August 2023

Mr James Dryburgh  
General Manager  
Brighton Council

Attention: Mr Brian White

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

Dear Mr Dryburgh

**Tasmanian Planning Scheme - Brighton**  
**Substantial modification draft amendment RZ 2022-02**  
**Rezone 131 Cove Hill Road, part of Lot 105 Taylor Crescent and folio of the Register 7884/1368,**  
**Bridgewater from Utilities and Open Space to Light Industrial and General Residential**

Thank you for forwarding the substitute draft amendment of the LPS to the Commission.

The draft amendment has now been certified as suitable for public exhibition under section 40P(3) of the *Land Use Planning and Approvals Act 1993* (the Act).

The Commission directs the planning authority to publicly exhibit the substitute draft amendment for 28 days in accordance with the provisions of section 40G and H of the Act.

Enclosed is a certified copy of the draft amendment.

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

Yours sincerely

Robin Nolan  
**Delegate (Chair)**



# TASMANIAN PLANNING COMMISSION

## Tasmanian Planning Scheme - Brighton

### Draft amendment RZ 2022-02

Amend the planning scheme maps to rezone the land shown in purple and red on the map below from Utilities and Open Space to Light Industrial and General Residential.



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