



Brighton Council

MINUTES OF THE PLANNING AUTHORITY MEETING OF THE BRIGHTON COUNCIL, HELD IN THE COUNCIL CHAMBERS, COUNCIL OFFICES, 1 TIVOLI ROAD, OLD BEACH AT 5.40P.M. ON TUESDAY, 1 APRIL 2025

PRESENT: Cr Gray (Chairperson); Cr Curran; Cr De La Torre; Cr Irons, Cr Owen & Cr Whelan.

IN ATTENDANCE: Cr McMaster; Mr J Dryburgh (Chief Executive Officer); Mr C Pearce-Rasmussen (Director Asset Services); Ms J Banks (Director, Governance & Regulatory Services); Mr A Woodward (Director, Development Services); Ms G Browne (Director Corporate Services); Mrs J Blackwell (Senior Planner) and Mr D Van (Planning Officer).

1. Acknowledgement of Country

2. Apologies

Cr Owen moved, Cr De La Torre seconded that Cr Geard be granted leave of absence.

CARRIED

VOTING RECORD

In favour	Against
-----------	---------

Cr Curran	
-----------	--

Cr De La Torre	
----------------	--

Cr Gray	
---------	--

Cr Irons	
----------	--

Cr Owen	
---------	--

Cr Whelan	
-----------	--

3. Public Question Time and Deputations

There was no requirement for Public Question Time.

4. Declaration of Interest

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairperson of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest or conflict of interest in any item on the Agenda.

In accordance with Section 48(4) of the *Local Government Act 1993*, it is the responsibility of councillors to then notify the Chief Executive Officer, in writing, the details of any interest(s) that the councillor has declared within 7 days of the declaration.

There were no declarations of interest.

5. Council Acting as Planning Authority

In accordance with the provisions of Part 2 Regulations 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Council to act as planning authority pursuant to the *Land Use Planning and Approvals Act 1993* is to be noted. In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under Item 5 on this agenda, inclusive of any supplementary items.

5.1 Withdrawal of the Draft Amendment to the Brighton Local Provisions Schedule to Amend the BRI-S12.0 Burrows Avenue Specific Area Plan - RZ 2024/05

Author: Planning Officer (D Van)

Authorised: Director Development Services (A Woodward)

File Reference:	RZ 2024/05
Type of Application:	Section 40E(1)(b) of the <i>Land Use Planning and Approvals Act 1993</i>
Address/Subject Site:	Various
Owner/s:	Various
Requested by:	Brighton Council
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Proposal:	To withdraw the draft amendment to Brighton Local Provisions Schedule ordinance in the BRI-S12.0 Burrows Avenue Specific Area Plan (RZ 2024/05).

1. Executive Summary

The purpose of this report is for Council to consider whether to withdraw the draft planning scheme amendment RZ 2024/05 made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act').

The draft amendment RZ 2024/05 is seeking to amend the Brighton Local Provision Schedule (LPS) by revising subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the Burrows Avenue Specific Area Plan (Burrows Avenue SAP), as follows:

To remove the current wording of "Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land" and replace with "Council's adopted Infrastructure Contributions Policy or as amended or replaced from time to time that are relevant to the land."

The Planning Authority, at its meeting on 17 December 2024, resolved to initiate and prepare Draft Amendment RZ 2024/05 under section 40D(b) of the Act. As part of this resolution, the Planning Authority also requested that the Commission dispense with the requirement for public exhibition under section 40I(2)(b) of the Act.

Following its preliminary assessment, the Commission issued a direction to the Planning Authority on 7 March 2025, advising that the inclusion of the phrase "as amended or replaced from time to time" in the draft amendment would introduce new uncertainty and, on that basis, directed that Draft Amendment RZ 2024/05 be publicly exhibited.

Council officers accept and agree with the Commission's position that the phrase "as amended or replaced from time to time" is unnecessary in the context of the draft amendment.

It is therefore recommended that the Planning Authority formally withdraw Draft Amendment RZ 2024/05 from the Tasmanian Planning Commission and proceed to prepare a revised draft amendment that addresses the Commission's concerns.

2. Legislative & Policy Content

The draft amendment RZ 2024/5 is made under section 40D(b) of the *Land Use Planning and Approvals Act 1993* (the Act).

Section 40I(2)(b) of the Land Use Planning and Approvals Act 1993 (the Act) sets out specific circumstances in which the Tasmanian Planning Commission (the Commission) may dispense with the requirement for public exhibition under section 40G.

There is no provision under the Act that permits the planning authority to modify the draft amendment after certification (section 40F) and before the public exhibition (section 40G).

Section 40I(2)(b) provides that an exemption may be granted where the draft amendment is for one or more of the following purposes:

- (i) *correcting an error in the LPS;*
- (ii) *removing an anomaly in the LPS;*
- (iii) *clarifying or simplifying the LPS;*
- (iv) *removing an inconsistency in the LPS;*
- (v) *removing an inconsistency between the LPS and this Act or any other Act;*

- (vi) *removing an inconsistency between the LPS and the SPPs;*
- (vii) *making a change to a procedure set out in the LPS;*
- (viii) *bringing the LPS into conformity with a State Policy;*
- (ix) *changing the structure of the provisions of the LPS, or the form of a provision of an LPS, so that the LPS conforms with the structure to which an LPS is required by the SPPs to conform or the form that a provision of an LPS is to take;*
- (x) *a prescribed purpose –*

and if it is satisfied that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

The planning authority may at any time decide to withdraw the draft amendment pursuant to section 40D(1)(b).

Under section 40D(3), the Commission must be notified of the withdrawal. The planning authority is also required to give notice in a newspaper published in Tasmania and circulating generally in the area of the draft amendment relates, that the draft amendment has been withdrawn and of the date on which the withdrawal takes effect.

3. Details:

The draft amendment RZ 2024/05 was initiated by the Planning Authority at its Ordinary Meeting on 17 December 2024. The purpose of the draft amendment is to amend the Brighton Local Provisions Schedule (LPS) by revising subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the Burrows Avenue Specific Area Plan (SAP) to correct outdated policy references. Specifically, the amendment seeks to:

To remove the current wording of “Council’s adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land” and replace with “Council’s adopted Infrastructure Contributions Policy or as amended or replaced from time to time that are relevant to the land.”

The intent of the amendment is to resolve inconsistency in the wording relating to Council’s Infrastructure Contributions Policy, following the renaming and updating of that policy in October 2024. However, at the time of preparing draft amendment RZ 2024/05, it was an oversight to include the phrase “as amended or replaced from time to time.” This wording has raised unnecessary concern with the Tasmanian Planning Commission (the Commission), as detailed below.

“A preliminary consideration of the draft amendment by the Commission has identified a potential issue with the proposed change of wording specifically with ‘as amended or replaced from time to time’.

The Commission's preliminary view is that the proposed wording introduces an element of uncertainty into the scheme. Specifically, there is no guidance or limitation on the potential scope of change to the policy, which can be amended at any time in the absence of a statutory process. This in turn introduces uncertainty to developers and third parties alike as to how and when any changes to the policy may impact a particular proposal. This is an issue that the planning authority should be prepared to address at or prior to any hearing.

The Commission is of the view that the amendments should be publicly exhibited as they may be of public interest. Following exhibition and the submission of council's section 40K reports it is anticipated that the draft amendments will be delegated to consider the issue identified above."

Given the sole purpose of the draft amendment is to correct an outdated reference and ensure consistency and considering that including the phrase "as amended or replaced from time to time" is not essential to achieving that aim, Council officers agree with the Commission's direction. There is no provision under the Act that permits the planning authority to modify the draft amendment after the certification and before the public exhibition. Therefore, it is recommended that RZ 2024/05 be withdrawn.

A revised draft amendment will then be initiated, removing the phrase "as amended or replaced from time to time", which will address the Commission's concerns and better align with Section 40I(2)(b) of the Act. This will enable a more efficient process, including the potential to request exemption from public exhibition, as the amendment would qualify as a correction of an error or inconsistency.

To address the concerns raised by the Commission, it is recommended that the Planning Authority withdraw draft amendment RZ 2024/05 and initiate a new draft amendment to resolve these concerns in a manner that better aligns with Section 40I(2)(b) of the Act. Ensuring compliance with Section 40I(2)(b) will streamline the planning scheme amendment process for this type of minor correction, providing a clearer framework and improved provisions within the Burrows Avenue Specific Area Plan to support future development applications.

4. Risk & Implications

There is no major risk associated with withdrawing the planning scheme amendment (RZ 2024/05). However, following its withdrawal, it is essential that a new draft amendment be initiated as soon as possible to ensure that the Brighton LPS operates as intended. Not initiating the planning scheme amendment will create unnecessary confusion for developers when identifying the appropriate policy which will apply to development in the future.

There will be some financial implications associated with the process, including a Tasmanian Planning Commission (TPC) assessment fee of \$374 for considering the new draft amendment application, as well as costs associated with publicly notifying the withdrawal of the RZ 2024/5 in a local newspaper.

5. Conclusion

Following the Tasmanian Planning Commission's direction, it is recommended the draft amendment RZ 2024-05 to be withdrawn under section 40E(1)(b). A revised draft amendment will then be initiated at different process, removing the phrase "as amended or replaced from time to time", which will address the Commission's concerns and better align with Section 40I(2)(b) of the Act. This will enable a more efficient process, including the potential to request exemption from public exhibition, as the amendment would qualify as a correction of an error or inconsistency.

RECOMMENDATION:

1. That in accordance with s40E(1)(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority agrees to withdraw a draft amendment, known as RZ 2024-05.
2. That in accordance with Section 40E(3)(a) of the *Land Use Planning and Approvals Act 1993*, the planning authority directs that notice of withdrawal of the draft amendment RZ 2024-05 be provided to the Tasmanian Planning Commission as soon as possible.
3. That in accordance with Section 40E(3)(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority directs that notice of the withdrawal of draft amendment RZ 2024/05 be advertised in a local newspaper.

DECISION:

Cr Owen moved, Cr Irons seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Gray	
Cr Irons	
Cr Owen	
Cr Whelan	

5.2 Withdrawal of the Draft Amendment to the Brighton Local Provisions Schedule to Amend the BRI-S11.0 South Brighton Specific Area Plan - RZ 2024/06

Author: Planning Officer (D Van)

Authorised: Director Development Services (A Woodward)

File Reference:	RZ 2024/06
Type of Application:	Section 40E(1)(b) of the <i>Land Use Planning and Approvals Act 1993</i>
Address/Subject Site:	Various
Owner/s:	Various
Requested by:	Brighton Council
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Proposal:	To withdraw the draft amendment to Brighton Local Provisions Schedule ordinance in the BRI-S11.0 South Brighton Specific Area Plan (RZ 2024/06).

1. Executive Summary

The purpose of this report is for Council to consider whether to withdraw the draft planning scheme amendment RZ 2024/06 made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act')

The draft amendment RZ 2024/06 is seeking to amend the Brighton Local Provision Schedule (LPS) by revising subclause BRI-S11.8.2 P1.2 of the South Brighton Specific Area Plan (South Brighton SAP), as follows:

To remove the current wording of “*Council’s adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land*” and replace with “*Council’s adopted Infrastructure Contributions Policy or as amended or replaced from time to time that are relevant to the land.*”

The Planning Authority, at its meeting on 17 December 2024, resolved to initiate and prepare Draft Amendment RZ 2024/06 under section 40D(b) of the Act. As part of this resolution, the Planning Authority also requested that the Commission dispense with the requirement for public exhibition under section 40I(2)(b) of the Act.

Following its assessment, the Commission issued a direction to the Planning Authority on 7 March 2025, advising that the inclusion of the phrase “as amended or replaced from time to time” in the draft amendment would introduce new uncertainty and, on that basis, directed that Draft Amendment RZ 2024/06 be publicly exhibited.

Council officers accept and agree with the Commission’s position that the phrase “as amended or replaced from time to time” is unnecessary in the context of the draft amendment.

It is therefore recommended that the Planning Authority formally withdraw Draft Amendment RZ 2024/06 from the Tasmanian Planning Commission and proceed to prepare a revised draft amendment that addresses the Commission’s concerns.

2. Legislative & Policy Content

The draft amendment RZ 2024/6 is made under section 40D(b) of the *Land Use Planning and Approvals Act 1993* (the Act).

Section 40I(2)(b) of the Act sets out specific circumstances in which the Tasmanian Planning Commission (the Commission) may dispense with the requirement for public exhibition under section 40G.

There is no provision under the Act that permits the planning authority to modify the draft amendment after certification (section 40F) and before the public exhibition (section 40G).

Section 40I(2)(b) provides that an exemption may be granted where the draft amendment is for one or more of the following purposes:

- (xi) *correcting an error in the LPS;*
- (xii) *removing an anomaly in the LPS;*
- (xiii) *clarifying or simplifying the LPS;*
- (xiv) *removing an inconsistency in the LPS;*
- (xv) *removing an inconsistency between the LPS and this Act or any other Act;*
- (xvi) *removing an inconsistency between the LPS and the SPPs;*
- (xvii) *making a change to a procedure set out in the LPS;*
- (xviii) *bringing the LPS into conformity with a State Policy;*
- (xix) *changing the structure of the provisions of the LPS, or the form of a provision of an LPS, so that the LPS conforms with the structure to which an LPS is required by the SPPs to conform or the form that a provision of an LPS is to take;*
- (xx) *a prescribed purpose –*

and if it is satisfied that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

The planning authority may at any time decide to withdraw the draft amendment pursuant to section 40D(1)(b).

Under section 40D(3), the Commission must be notified of the withdrawal. The planning authority is also required to give notice in a newspaper published in Tasmania and circulating generally in the area of the draft amendment relates, that the draft amendment has been withdrawn and of the date on which the withdrawal takes effect.

3. Details

The draft amendment RZ 2024/06 was initiated by the Planning Authority at its Ordinary Meeting on 17 December 2024. The purpose of the draft amendment is to amend the Brighton Local Provisions Schedule (LPS) by revising subclause BRI-S11.8.2 P1.2 of the South Brighton Specific Area Plan (SAP) to correct outdated policy references. Specifically, the amendment seeks to:

To remove the current wording of *“Council’s adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land”* and replace with *“Council’s adopted Infrastructure Contributions Policy or as amended or replaced from time to time that are relevant to the land.”*

The intent of the amendment is to resolve inconsistency in the wording relating to Council’s Infrastructure Contributions Policy, following the renaming and updating of that policy in October 2024. However, at the time of preparing draft amendment RZ 2024/06, it was an oversight to include the phrase “as amended or replaced from time to time.” This wording has raised unnecessary concern with the Tasmanian Planning Commission (the Commission), as detailed below.

“A preliminary consideration of the draft amendment by the Commission has identified a potential issue with the proposed change of wording specifically with ‘as amended or replaced from time to time’.

The Commission’s preliminary view is that the proposed wording introduces an element of uncertainty into the scheme. Specifically, there is no guidance or limitation on the potential scope of change to the policy, which can be amended at any time in the absence of a statutory process. This in turn introduces uncertainty to developers and third parties alike as to how and when any changes to the policy may impact a particular proposal. This is an issue that the planning authority should be prepared to address at or prior to any hearing.

The Commission is of the view that the amendments should be publicly exhibited as they may be of public interest. Following exhibition and the submission of council’s section 40K reports it is anticipated that the draft amendments will be delegated to consider the issue identified above.”

Given the sole purpose of the draft amendment is to correct an outdated reference and ensure consistency and considering that including the phrase “as amended or replaced from time to time” is not essential to achieving that aim, Council officers agree with the Commission’s direction. There is no provision under the Act that permits the planning authority to modify the draft amendment after the certification and before the public exhibition. Therefore, it is recommended that RZ 2024/06 be withdrawn.

A revised draft amendment will then be initiated, removing the phrase "as amended or replaced from time to time", which will address the Commission's concerns and better align with Section 40I(2)(b) of the Act. This will enable a more efficient process, including the potential to request exemption from public exhibition, as the amendment would qualify as a correction of an error or inconsistency.

To address the concerns raised by the Commission, it is recommended that the Planning Authority withdraw draft amendment RZ 2024/06 and initiate a new draft amendment to resolve these concerns in a manner that better aligns with Section 40I(2)(b) of the Act. Ensuring compliance with Section 40I(2)(b) will streamline the planning scheme amendment process for this type of minor correction, providing a clearer framework and improved provisions within the South Brighton Specific Area Plan to support future development applications.

4. Risk & Implications

There is no major risk associated with withdrawing the planning scheme amendment (RZ 2024/06). However, following its withdrawal, it is essential that a new draft amendment be initiated as soon as possible to ensure that the Brighton LPS operates as intended. Not initiating the planning scheme amendment will create unnecessary confusion for developers when identifying the appropriate policy which will apply to development in the future.

There will be some financial implications associated with the process, including a Tasmanian Planning Commission (TPC) assessment fee of \$374 for considering the new draft amendment application, as well as costs associated with publicly notifying the withdrawal of the RZ 2024/6 in a local newspaper.

5. Conclusion

Following the Tasmanian Planning Commission's direction, it is recommended the draft amendment RZ 2024-06 to be withdrawn under section 40E(1)(b). A revised draft amendment will then be initiated at different process, removing the phrase "as amended or replaced from time to time", which will address the Commission's concerns and better align with Section 40I(2)(b) of the Act. This will enable a more efficient process, including the potential to request exemption from public exhibition, as the amendment would qualify as a correction of an error or inconsistency.

RECOMMENDATION:

1. That in accordance with s40E(1)(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority agrees to withdraw a draft amendment, known as RZ 2024-06.
2. That in accordance with Section 40E(3)(a) of the *Land Use Planning and Approvals Act 1993*, the planning authority directs that notice of withdrawal of the draft amendment RZ 2024-06 be provided to the Tasmanian Planning Commission as soon as possible.

3. That in accordance with Section 40E(3)(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority directs that notice of the withdrawal of draft amendment RZ 2024/06 be advertised in a local newspaper.

DECISION:

Cr De La Torre moved, Cr Curran seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour Against

Cr Curran
Cr De La Torre
Cr Gray
Cr Irons
Cr Owen
Cr Whelan

5.3 Draft Amendment to the Brighton Local Provisions Schedule to Amend BRI-S11.0 South Brighton Specific Area Plan - RZ 2025/02 - Section 40D(b) Report

Author: Planning Officer (D Van)

Authorised: Director, Development Services (A Woodward)

File Reference:	RZ 2025/02
Type of Application:	Section 40D(b) of the <i>Land Use Planning and Approvals Act 1993</i>
Address/Subject Site:	Various
Owner/s:	Various
Requested by:	Brighton Council
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Proposal:	<p>To amend Brighton Local Provisions Schedule ordinance in the BRI-S11.0 South Brighton Specific Area Plan, as follows:</p> <ul style="list-style-type: none"> Amend Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework; and Amend the wording of BRI-S11.8.2 P1.2 by removing 'Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.' and replacing with 'Council's adopted Infrastructure Contributions Policy that is relevant to the land.'

1. Executive Summary

The purpose of this report is for Council to consider whether to, of its own motion, initiate a draft planning scheme amendment (draft amendment) made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act'), to amend the Brighton Local Provision Schedule (LPS) by revising *Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework* of the South Brighton Specific Area Plan (South Brighton SAP).

a. Reasons for the Draft Amendment

Council officers have identified two key matters that require correction via a formal draft amendment:

a. Correction to Figure BRI-S11.2 – South Brighton Specific Area Plan Development Framework

Upon review of the Commission's final decision, Council officers identified that Figure BRI-S11.2 was not updated to reflect the modifications proposed in Council's section 40K report, specifically to replace the South Brighton Development Precinct Master Plan REV I: December 2022 with REV J: March 2023.

This omission is significant as the updated figure ensures appropriate frontage and development potential for both 10 and 10A Dylan Street.

Following consultation with the Commission, it has been confirmed that Council must initiate a formal planning scheme amendment to rectify this error.

b. Correction to wording in Subclause BRI-S11.8.1 P1.2

Council officers have also identified an error in the wording of subclause BRI-S11.8.1 P1.2, which currently refers to:

"Council's adopted any Key Infrastructure Investments and Defined Infrastructure Charges Infrastructure Contribution policy".

This policy has since been renamed to "Infrastructure Contributions Policy" following its formal adoption by Council in October 2024. Accordingly, the wording in the SAP requires updating to align with Council's current policy framework.

No other modifications to the South Brighton SAP are proposed and the proposed draft amendment satisfies the LPS Criteria.

It is recommended that the Planning Authority certify the draft amendment to the LPS.

2. Legislative & Policy Content

The purpose of this report is to consider whether to, of its own motion, prepare a draft amendment of an LPS as described in this report.

The amendment request is made under section 40D(b) of the Act. The provisions of the Act establish the test of whether a planning scheme amendment is reasonable or not.

Section 40F(1) of the Act requires the Planning Authority to consider the criteria of the LPS when approving or refusing an amendment. The LPS criteria is contained in section 34 of the Act.

This report details the reasons for the officer's recommendation. The Planning Authority is not bound to adopt the recommendations in this report. The Planning Authority can either: (1) adopt the recommendation; or (2) vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.

3. Risk & Implications

There is no major risk to initiating the planning scheme amendment. Not initiating the planning scheme amendment will create unnecessary confusion for developers when identifying the appropriate policy and development framework that are applied to the land.

There will be some financial implications associated with the process, including a Tasmanian Planning Commission (TPC) assessment fee of \$374 for considering the draft amendment application, local newspaper advertising costs of approximately \$1,600 for two separate occasions, and notification to landowners, estimated at approximately \$100.

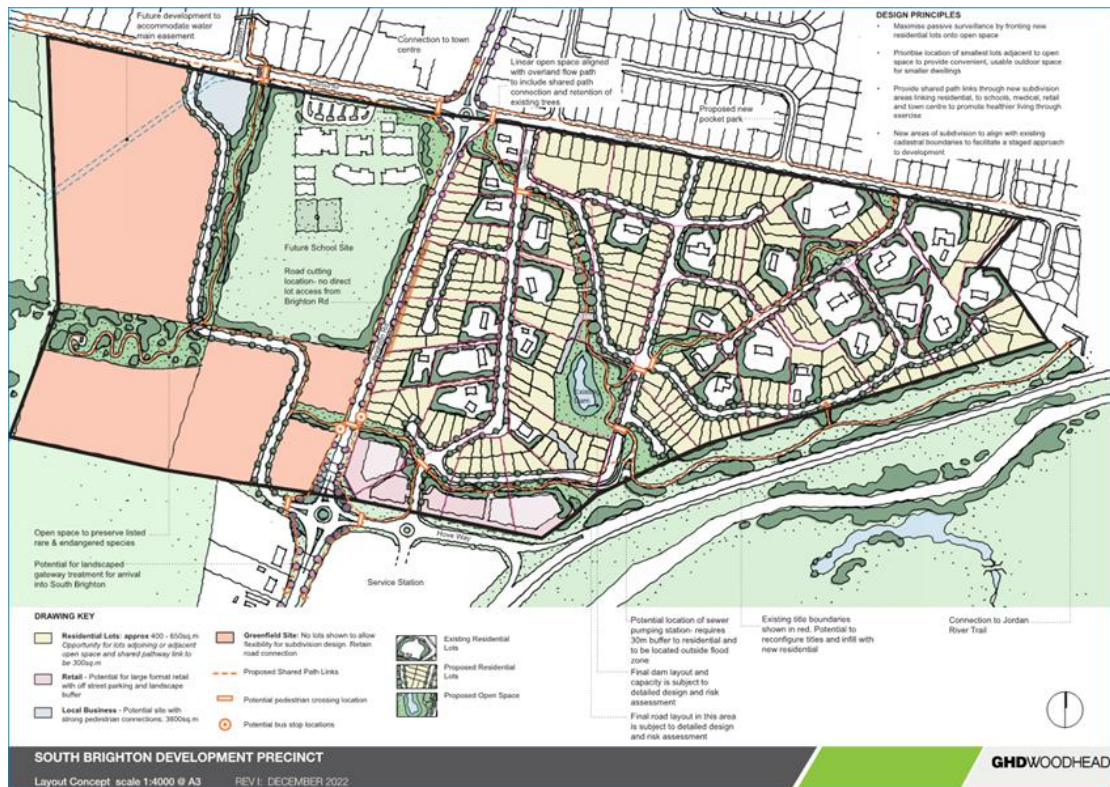
4. Planning Scheme Amendment Proposal

It is proposed to amend the South Brighton Specific Area Plan under the Brighton LPS. Details of the draft amendment as follows:

- a. Amend *Figure BRI-S11.2 South Brighton Specific Area Plan Development Framework* of the South Brighton SAP by deleting the existing layout (Revision I) and inserting the new layout (Revision J), details as below.

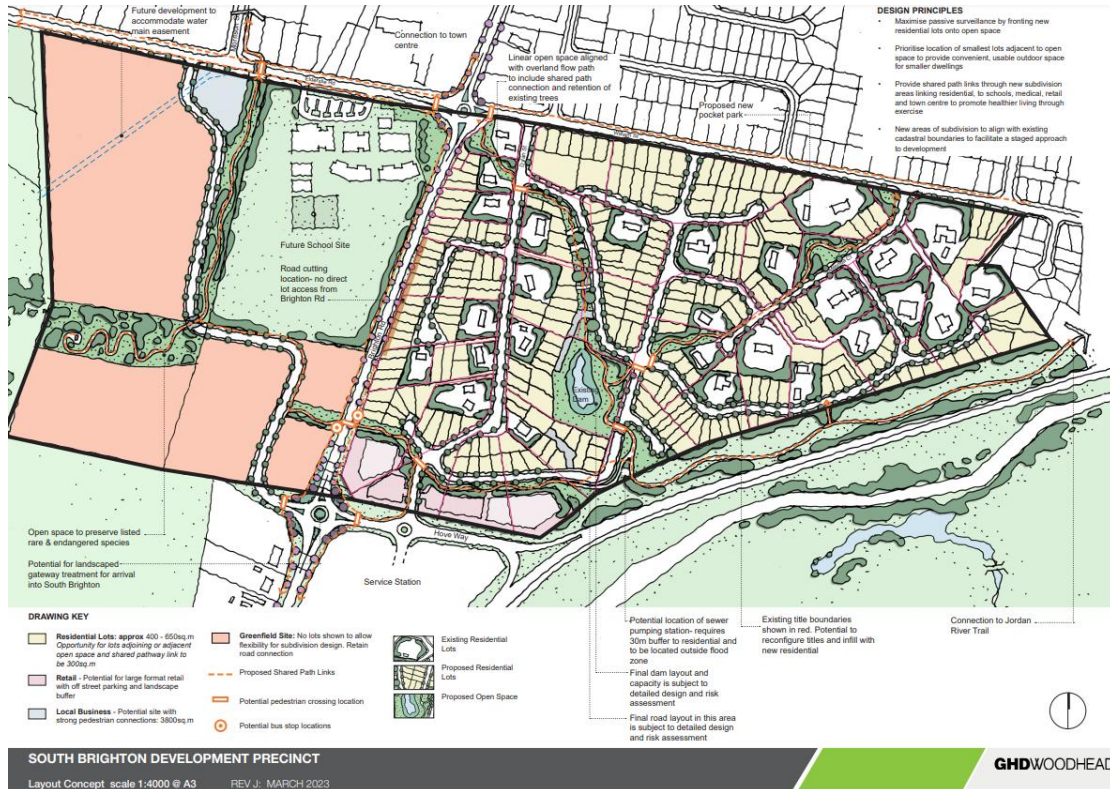
Existing

Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework



Proposed:

Figure BRI-S11.2 The South Brighton Specific Area Plan Development Framework



- b. Amend the wording of subclause BRI-S11.8.2 P1.2 by removing 'Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.' and replacing with 'Council's adopted Infrastructure Contributions Policy that is relevant to the land'.

5. Rationale for the amendment

- a. Amendment to Figure BRI-S11.2 South Brighton Specific Area Plan Development Framework

Upon the Commission's approval decision, mistake has been occurred. The *Figure BRI-S11.2 South Brighton Specific Area Plan Development Framework* in the South Brighton Specific Area Plan (SAP) has not been updated as per the modification in Council's s.40K report (i.e. to replace the South Brighton Development Precinct Master Plan REV I: December 2022 with REV J: March 2023).

It was understood that the modification was accepted as being appropriate, however the modified version of Figure BRI-S11.2 was never replaced in the South Brighton SAP ordinance as it was updated in response to the Commission's Directions.

A copy of the revised Development Framework (REV: J) was provided to the Commission as Appendix A to Council's submission dated 13 April 2023 and again as Appendix G as part of Council's 10 November 2023 submission.

The Commission has also referred to the modification as Figure 1 on page 4 of its decision dated 10 May 2024. The Commission does not refer to the suggested modification again in its decision. Planning authority's view is that the Commission had assumed that *Figure BRI-S11.2 South Brighton Specific Area Plan Development Framework* had been updated as per the modification and not seen the need to revisit the matter.

It is important to note that Revision J has been used for Figure BRI-S11.4 Stormwater Catchments in the SAP. This creates inconsistency between Figure BRI-S11.2 and BRI-S11.4.

The modification is minor but considered to be critical to provide frontage so that both 10 and 10A Dylan St can be developed to their full potential.

The matter has been brought to the Commission with the request the Commission to correct a decision. However, due to the nature of error that has occurred, the Commission was unable to correct it under s81AA(2)(b) and s80O of the Act. The Commission has recommended that '*the planning authority prepare and certify a suitable draft amendment under section's 40D and 40F of the Act respectively.*'

b. Amendment to subclause BRI-S11.8.2 P1.2

In approval of the South Brighton SAP¹, the Commission agrees that there is complexity associated with achieving increased housing density through infill development and providing associated infrastructure across a relatively large number of land parcels in different ownership in within the area. The Commission also accepts that without the South Brighton SAP, the cost of providing infrastructure within the subject area is likely to be spread over the Council's wider ratepayer base, rather than being attributed to the developer of each site.

Subclause BRI-S11.8.2 P1.2 of the South Brighton SAP sets out the requirements for a contribution paid by the subdivision developers in order to allow the Council to invest for key infrastructure. The standard refers to the 'Key Infrastructure Investments and Defined Infrastructure Charges Infrastructure Contribution policy' as a guideline for Council and developers toward infrastructure contributions for new subdivisions within the South Brighton SAP.

At its Ordinary Council Meeting in October 2024, Council recognised the need to modify the 'Key Infrastructure Investments and Defined Infrastructure Charges policy' as referred to in the above subclauses of the South Brighton SAP. The Council adopted the amended and renamed the policy to 'Infrastructure Contributions Policy'² to provide more clarification on the focus of how the policy relates to provision of infrastructure that is the responsibility of Council.

The purpose of the updated Infrastructure Contributions Policy is to establish clear guidelines by which Brighton Council can make key infrastructure investments and recoup these costs through charges imposed on new lots or intensified development that directly benefits from these investments. The purpose, objectives, and principles of the updated Infrastructure Contributions Policy remain consistent with the former Key Infrastructure Investments and Defined Infrastructure Charges policy. For completeness, both policies are included as attachments to this report for comparison.

The draft amendment to the South Brighton SAP is critical to address localised development issues within the SAP area by referring to the applicable Council policy and provision of public infrastructure.

¹ Tasmanian Planning Commission (2024), Decision on RZ 2022-005 - RZ 2022-05 - Rezone multiple lots in South Brighton, insert South Brighton Specific Area Plan (SAP) and amend Brighton Highway Services SAP at Clause BRI-S3-0, TASPComm 29.

² Brighton Council (2024), Infrastructure Contributions Policy, [URL: <https://www.brighton.tas.gov.au/wp-content/uploads/2024/10/Policy-1.7-Infrastructure-Contributions.pdf>].

Differences between old and revised policies are compared as below and a copy of each policy is also attached with this report.

Key Infrastructure Investments and Charges Policy (superseded policy)	Infrastructure Contribution Policy (amended policy)	Comments
<p>Background</p> <p>6.4 – The removal of the ability for TasWater to impose headworks charges has resulted in situation where the outlay costs of critical infrastructure has prohibited strategic development. Effectively TasWater has no means to recoup its costs and its investment in new capacity building infrastructure has been limited.</p> <p>6.5 – The result of this has meant that in the case of residential rezonings and subdivisions, the first to develop must incur major costs that then benefit all subsequent developers within that area.</p> <p>6.6 – Council can fill this void by acting as an intermediary and provide an investment in the upfront contribution to these infrastructure costs.</p> <p>6.7 – There may be cases where strategic infrastructure other than sewerage or water, such as roads, bridges, stormwater and the like, may be appropriate for such a strategic investment by Council</p>	<p>Background</p> <p>6.4 - The situation often arises where the first to undertake development must incur major costs for critical infrastructure that then benefit all subsequent developers within that area. This is called the “first mover” problem and it can be a significant barrier to achieving strategic development outcomes.</p> <p>6.5 – The issue is more prevalent for infill development projects where land has recently been “upzoned” and there are multiple property owners. This can also result in development occurring in an ad-hoc manner that creates undesirable and inefficient outcomes.</p> <p>6.6 - Council can fill this void by acting as an intermediary and provide an investment in the upfront contribution to these infrastructure costs, or collect contributions to provide a coordinated approach to infrastructure delivery.</p> <p>6.7 - This policy will generally be applied to infrastructure that is the responsibility of Council, such as roads, bridges, stormwater, open space and the like. There may be occasions where Council act as an intermediary to collect funds for other infrastructure authorities such as TasWater, TasNetworks, etc.</p>	<p>The updates to the background section in the amended policy provide developers with a clearer understanding of its rationale.</p> <p>The amended policy explicitly identifies infill development and fragmented land ownership as key challenges, offering greater clarity on the factors affecting infrastructure provision.</p> <p>Additionally, it clarifies Council’s role, emphasizing that its primary responsibility is for Council-managed infrastructure. However, in some cases, Council may act on behalf of other infrastructure authorities, such as TasWater and TasNetworks. This reference does not impose new obligations but simply clarifies that Council may serve as a collector of contributions for these entities, rather than directly funding their infrastructure.</p> <p>The amended policy (6.4-6.5) does not introduce a new principle but rather formally names the existing issue as the “first mover” problem to enhance understanding. This terminology provides a clearer and more structured explanation without altering the original intent.</p> <p>It is important to note that the background section does not function as a set of policy principles or provisions that Council officers are responsible for implementing.</p> <p>On this basis, the changes to the background section are minor refinements that do not expand the scope of the amended policy.</p>
<p>Application</p> <p>6.19 - The infrastructure investments of Council may include but are not limited to the following general areas:</p> <ul style="list-style-type: none"> (a) water; (b) sewerage; (c) roads and other transport; (d) public open space 	<p>Application</p> <p>6.19 - The infrastructure investments of Council may include but are not limited to the following general areas:</p> <ul style="list-style-type: none"> (a) roads and other transport; (b) public open space and recreation infrastructure; 	<p>The removal of water and sewerage from the list indicates that Council does not provide those services.</p> <p>Addition of social infrastructure While this appears to be a new category, it does not fundamentally change Council’s role. Many councils already invest in community infrastructure (e.g., community centres, public facilities). The inclusion of social infrastructure clarifies that Council may also support community-based infrastructure when it aligns</p>

infrastructure; (e) stormwater drainage; (f) carparking.	(c) stormwater drainage; (d) carparking; or (e) social infrastructure (e.g. buildings for youth hubs, social services, etc.)	with strategic development objectives. It does not introduce new financial burdens but rather provides a clearer scope for the types of infrastructure that align with Council's strategic priorities. The mention of recreation infrastructure does not expand Council's role but rather clarifies what public open space investment may include. Given that section 6.19 states that infrastructure investments "may include but are not limited to" the listed areas, these changes are minor refinements rather than an expansion of Council's role and do not introduce a broader scope to the policy.
Roles & Responsibilities 8.1 - Councillors are to: (a) ... (b) ... (c) approve the Key Infrastructure Investment Policy	Roles & Responsibilities 8.2 - Councillors are to: (b) ... (b) ...	There is no 8.1 (c) in the new policy.

Apart from the differences outlined above, no other changes have been made to the Infrastructure Contributions Policy in comparison to the Key Infrastructure Investment and Charges Policy. The purpose, scope, definitions, objectives, policy introduction, policy principles, and payment for infrastructure contributions remain unchanged, ensuring consistency in Council's approach to infrastructure investment and funding.



Figure 1: South Brighton Specific Area Plan map

5.1. Strategic Rationale

Southern Tasmanian Regional Land Use Strategy 2010-2035

SD2: Holistically Managing Residential Growth

The proposed draft amendment seeks to amend Development Frameworks of the South Brighton Specific Area Plan. It is considered to provide a consistency for the SAP and ensure the properties at 10 and 10A Dylan Street can be developed to their full potential.

Brighton Structure Plan 2018 (BSP)

The BSP acts as a guide for major changes to land use, built form and public spaces that together can achieve identified economic, social and environmental objectives for Brighton.

The BSP includes an analysis of housing supply in the Brighton area to meet the long-term needs based on population projections. The BSP predicts that the strongest population in the municipality will be in the suburbs of Brighton and Pontville of 2.7% per annum, or an increase of 3,040 people by 2033.

Strategy 2 of the BSP identifies that significant vacant and underutilised parcels need to be developed for more housing, which is occurring in the SAP area.

Strategy 3 of the BSP identifies that Brighton's housing supply should provide medium density options and to consider the provision of a range of lots sizes to avoid homogenous development outcomes.

It is considered that the proposed draft amendment will bring South Brighton SAP to better addresses this strategy.

6. Planning Assessment

Section 40D(b) of the Act allows a planning authority to prepare a draft amendment of an LPS of its own motion.

Section 40F(1) of the Act requires that, where a planning authority has prepared a draft amendment of an LPS (under Section 40D(b)), it must be satisfied the draft amendment of an LPS meets the LPS criteria under Section 34 of the Act.

The LPS criteria is provided under Section 34 of the Act. Section 34(2) is addressed below where relevant to the proposed amendment.

6.1. Assessment of Section 34(2) of the Act.

A discussion of those relevant parts of Section 34(2) are provided below.

The LPS criteria to be met by a relevant planning instrument are that the instrument –

- (a) contains all the provisions that the SPPs specify must be contained in an LPS; and*

Response: the amendment does not affect the provisions that must be contained in an LPS.

(b) is in accordance with [section 32](#); and

Response: Section 32 of the Act sets out the contents of the LPSs. There are no changes to the zoning or overlays that apply to the LPS. The relevant parts of the Section that relate to the draft amendment require further consideration and are provided below.

32. Contents of LPSs

(3) Without limiting [subsection \(2\)](#) but subject to [subsection \(4\)](#), an LPS may, if permitted to do so by the SPPs, include –

...

(b) a specific area plan, being a plan consisting of –

(i) a map or overlay that delineates a particular area of land; and

(ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs;

...

(4) An LPS may only include a provision referred to in [subsection \(3\)](#) in relation to an area of land if –

(a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or

(b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

Response: the draft amendment is seeking to correct errors in existing South Brighton Specific Area Plan. Subclause BRI-S11.8.2 of the South Brighton SAP establishes a development framework intended to facilitate future subdivision and development of the area in a manner that delivers a practical extension to the existing residential community. This framework seeks to ensure good connectivity, a high level of amenity, and equitable outcomes for all landowners and developers within the SAP area.

Correcting the identified errors in Figure BRI-S11.2 and subclause BRI-S11.8.2 P1.2 is essential to ensuring that the objectives of the South Brighton SAP are properly upheld, by providing clarity and consistency in the application of the development framework and associated infrastructure contribution mechanisms. This will ensure alignment between the intended outcomes of the SAP and Council's adopted policy position, thereby supporting the coordinated delivery of development and infrastructure within the South Brighton area.

(c) Furthers RMPS Objectives

Response: The objectives of the Resource Management and Planning System (RMPS) must be furthered by the draft amendment and are addressed in the following table:

Table 1 – RMPS Objective Assessment

Objective	Response
Part 1	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	The proposed amendment is to resolve the errors during the previous scheme amendment process. It is to improve strategic planning outcomes.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water	The draft amendment is considered to provide a mechanism to improve the existing character of the area. The proposed amendment will better meet the needs of a wider demographic through the provision of a range of housing types. As such the proposed amendment will provide for the fair, orderly and sustainable development of the area.
(c) to encourage public involvement in resource management and planning	<p><i>The amendment does not alter the intent or operation of the South Brighton SAP but rather improves its consistency and clarity to ensure effective implementation.</i></p> <p><i>The modification of Figure BRI-S11.2 – South Brighton Specific Area Plan Development Framework does not change the strategic direction or policy intent of the SAP provisions. The updated figure reflects Revision J, which was adopted following consideration of representation submissions during the preparation of the SAP. Importantly, the Commission also referred to this revised figure as Figure 1 on page 4 of its decision dated 10 May 2024 (RZ 2022-05). As such, this update reflects the approved intent of the South Brighton SAP and formalises the version that should have been included in the first instance.</i></p>

	<i>Furthermore, the amendment to subclause BRI-S11.8.2 P1.2 is intended to correct the reference to Council's updated Infrastructure Contributions Policy and ensure consistency in terminology. This change is necessary to avoid any potential confusion for developers and to ensure that the purpose and objectives of the provision are maintained in line with Council's adopted policy framework.</i>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The draft amendment will facilitate economic development by supporting increased property values that reflect the improved amenity, connectivity, and provision of public infrastructure within the South Brighton SAP area.
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State	The proposed draft amendment is minor and does not require broader responsibility.
Part 2	
(a) to require sound strategic planning and coordinated action by State and local government	The proposed amendment is to improve strategic planning outcomes.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	The proposed draft amendment has been found to be consistent with the contents of the LPS and has been drafted to achieve specific objectives and policies recommended in strategic planning documents endorsed by the Council.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	<p>The land contains no environmental values of any known significance. The proposed draft amendment is likely to result in better environmental outcomes considering stormwater management and better infrastructure provisions for the area.</p> <p>In terms of social and economic effects, the South Brighton SAP will provide increased housing choice and improvement to</p>

	residential amenity. It will also encourage improved outcomes for connectivity.
(d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	<p>The Council Policy referenced in the South Brighton SAP is consistent with relevant regional planning documents, State Policies, and legislation.</p> <p>The proposed amendment to replace Revision I with Revision J in Figure BRI-S11.2 will improve the clarity and interpretation of the development framework for the area, ensuring consistency between Figure BRI-S11.2 and Figure BRI-S11.4, and reducing the potential for confusion.</p>
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	<p>The referred Council's Policy will provide a clear framework for development approvals in the Brighton LPS.</p> <p>The approvals process is generally prescribed and the planning scheme amendment process has little impact on co-ordination of approvals.</p>
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	The draft amendment will further promote sustainable development outcomes for the area.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	There are no buildings or areas of interest within the SAP area.
(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community	One of the objectives of the SAP is to enable the orderly provision and coordination of public utilities and facilities, in an area where these are limited. The referred Infrastructure Contributions Policy will ensure the long-term benefit of the community is secured.
(i) to provide a planning framework which fully considers land capability.	The draft amendment provides a planning framework that addresses existing land constraints, particularly in relation to frontage connections, to improve

	connectivity, public infrastructure and facilities, and support housing diversity. It also ensures reference to the correct Council Infrastructure Contributions Policy, enabling comprehensive consideration of land capability as part of the development process.
--	--

(d) Consistent with State Policies

- **State Coastal Policy 1996**

Response: The *State Coastal Policy 1996* applies to land within 1 km of the high-water mark. The subject land is more than 1km from the high-water mark and this policy does not apply.

- **State Policy on the Protection of Agricultural Land 2009**

Response: The *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion of agricultural land to non-agricultural uses is subject to the principles of the PAL Policy. All land in the SAP area is zoned General Residential and is not considered agricultural land.

- **The State Policy on Water Quality Management 1997**

Response: There will be no direct impact on water quality as a result of the amendment. Any impact on water quality will be regulated through future development applications.

- **National Environmental Protection Measures**

Response: The National Environmental Protection Measures (NEPMs) have been adopted as State Policies. They relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled pollutant inventory. The proposal does not trigger consideration under the NEPMs.

(da) consistent with TPPs

Response: There are currently no Tasmanian Planning Policies in effect.

- (e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and**

Response: As required under s.34(2)(e) the proposed amendment must be, as far as practicable, consistent with regional land use strategies. In southern Tasmania, the relevant regional land use strategy is the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS). The policies that are relevant to the amendment are addressed in Table 2 below.

Table 2 – STRLUS Assessment

Policy	Action
<p>SRD 2</p> <p>Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability</p>	<p>SRD2.1</p> <p>Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development.</p> <p>Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and protected by the planning scheme.</p> <p>SRD 2.6</p> <p>Increase densities to an average of at least 25 dwellings per hectare (net density) within a distance of 400-850m of integrated transit corridors and Principal and Primary Activity centres, subject to heritage constraints.</p> <p>SRD 2.9</p> <p>Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.</p> <p>Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme:</p> <ul style="list-style-type: none"> a) specify the spatial area in which biodiversity values are to be recognised and protected; and b) implement an ‘avoid, minimise, mitigate’ hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.
<p>Consistent: The proposed draft amendment seeks to correct the error in Figure BRI-S11.2 South Brighton Specific Area Plan Development Framework. The proposed draft amendment will provide a strong framework and consistency for developers and the Council to work together to achieve the target of sustainable living and residential density.</p>	

PI 2	P1 2.2
Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.	Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.
<p><u>Consistent:</u></p> <p>The proposed draft amendment will ensure consistency within the SAP by correcting the error in the Development Framework (Figure BRI-S11.2) and wording of Council's Infrastructure Contributions Policy (subclause BRI-S11.8.2).</p> <p>Applying Revision J as a development framework will provide an additional frontage for 10A Dylan Street, allowing for increased dwelling density on the land, whether it is for subdivision or multiple dwellings. It will also give 10 Dylan Street the opportunity to liaise with 10A Dylan Street regarding the potential purchase of the existing access strip for further development. A wider frontage will create more opportunities for infrastructure provisions.</p> <p>The Council's Infrastructure Contributions Policy is an important tool to allow Council and developers to work together in provide physical infrastructures that enable sustainable growth in the area.</p>	
LUT11	LUT11.6
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.	Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.
<p><u>Consistent</u></p> <p>The proposed draft amendment will bring consistency in the SAP through fixing the error in Development Framework. It will better enhance the road at 10 & 10A Dylan Street to make these properties to be developed to their full potential. This will better support economic growth, accessibility and modal choices of the South Brighton SAP area.</p>	

As such, it is considered that the proposed amendment continues to further the requirements of the STRLUS.

Response: The proposed amendment is consistent with the following relevant strategies from the Brighton Council Strategic Plan 2023-2033:

- 1.1 Engage with and enable our community
- 1.2 Build resilience and opportunity
- 2.4 Ensure strategic planning and management of assets has a long term-sustainability and evidence-based approach
- 3.2 Infrastructure development and service deliver are guided by strategic planning to cater for the needs of a growing and changing population.

(g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.

Response: The proposed amendment will not impact the LPS of adjacent municipal areas. The amendment has been assessed as being consistent with the STRLUS.

(h) Gas Pipeline safety

Response: The subject land is not affected by the Gas Pipeline. Accordingly, there are no issues of gas pipeline safety associated with the draft amendment.

The proposed amendment is therefore considered to be consistent with the requirements under Section 34 (2) of the Act.

7. Conclusion

The proposal to amend the *Brighton Local Provisions Schedule* is consistent with regional and local land use strategy and the requirements of the *Land Use Planning and Approvals Act 1993*.

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2025-02 as detailed in this report and in the attachments.

RECOMMENDATION:

1. That in accordance with s40D(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority, of its own motion, agrees to prepare a draft amendment, to be known as RZ 2025-02, by amending the planning scheme ordinance in relation to the South Brighton Specific Area Plan.
2. That in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2025-02 satisfies the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*.
3. That in accordance with Section 40F(3) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2025-02 be certified by instrument in writing affixed with the common seal of the Council.

4. That in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2025-02 be given to the Tasmanian Planning Commission within seven (7) days.
5. That in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2025-02 be placed on public exhibition as soon as practicable in the period of 28 days.
6. That in accordance with Section 40G(2) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2025-02 be noticed on local newspaper once before and once within 14 days after the first day of the exhibition period.
7. That in accordance with Section 40FA(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment RZ 2025-02 be provided to relevant agencies and those state services, or State authorities, that the planning authority considers may have an interest in the draft amendment.

DECISION:

Cr Whelan moved, Cr De La Torre seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Gray	
Cr Irons	
Cr Owen	
Cr Whelan	

5.4 Draft Amendment to the Brighton Local Provisions Schedule to Amend the BRI-S12.0 Burrows Avenue Specific Area Plan - RZ 2025/03 - Section 40D(b) Report

Author: Planning Officer (D Van)

Authorised: Director, Development Services (A Woodward)

File Reference	RZ 2025/03
Type of Application:	Section 40D(b) of <i>Land Use Planning and Approvals Act 1993</i>
Address/Subject Site:	Various
Owner/s:	Various
Requested by:	Brighton Council

Planning Instrument	Tasmanian Planning Scheme - Brighton
Proposal:	<p>To amend Brighton Local Provisions Schedule ordinance in the BRI-S12.0 Burrows Avenue Specific Area Plan, as follows:</p> <ul style="list-style-type: none"> Amend the wording of BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2, by removing <i>'Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy that is relevant to the land.'</i> and replace with <i>'Council's adopted Infrastructure Contributions Policy that is relevant to the land.'</i>

1. Executive Summary

The purpose of this report is for Council to consider whether to, of its own motion, initiate a draft planning scheme amendment made under Section 40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act'), to amend the Brighton Local Provision Schedule (LPS) by revising subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the Burrows Avenue Specific Area Plan (Burrows Avenue SAP).

At subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2, there is reference to *'Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy'*. This policy was renamed to *"Infrastructure Contributions Policy"* following the adoption of an amended policy by Council in October 2024.

No other modifications to the Burrows Avenue SAP are proposed and the proposed draft amendment satisfies the LPS Criteria.

Given the simplicity of the draft planning scheme amendment, the planning authority also requests that the Commission exempt the proposed amendment from public exhibition in accordance with Section 40I(2)(b)(iv) of the Act. It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

It is recommended that the Planning Authority certify the draft amendment to the LPS.

2. Legislative & Policy Content

The purpose of this report is to consider whether to, of its own motion, prepare a draft amendment of an LPS as described in this report.

The amendment request is made under section 40D(b) of the *Land Use Planning and Approvals Act 1993* (the Act). The provisions of the Act establish the test of whether a planning scheme amendment is reasonable or not.

Section 40F(1) of the Act requires the Planning Authority to consider the criteria of the LPS when approving or refusing an amendment. The LPS criteria is contained in section 34 of the Act.

The planning authority also requests that the Commission exempt the proposed amendment from public exhibition in accordance with Section 40(2)(b)(iv) of the Act as the amendment is to update the wording of a clause to reflect the renaming of Council's policy. It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

This report details the reasons for the officer's recommendation. The Planning Authority is not bound to adopt the recommendations in this report. The Planning Authority can either: (1) adopt the recommendation; or (2), vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.

3. Risk & Implications

There is no risk to initiating the planning scheme amendment.

Not initiating the planning scheme amendment will create unnecessary confusion for developers when identifying the appropriate policy which will apply to development in the future.

4. The Draft Amendment

At subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the Burrows Avenue SAP, there is a reference to '*Council's adopted Key Infrastructure Investments and Defined Infrastructure Charges policy*'.

It is proposed to modify the wording of BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 to read:

- For council infrastructure that has been provided by council, an infrastructure contribution must be paid, having regard to Council's adopted Infrastructure Contributions Policy that is relevant to the land.

The proposed amended Clauses BRI-S12.7.1 and BRI-S12.8.1 will be read as follows:

BRI-S12.7.1 Infrastructure provision for multiple dwellings

This clause is in addition to General Residential Zone – Clause 8.4 Development Standards for Dwellings

Objective:	<p>That:</p> <ul style="list-style-type: none"> (a) multiple dwelling development delivers sufficient council infrastructure to provide for road and pedestrian network connectivity and amenity; and (b) developer contributions are made towards the cost and provision of council infrastructure in accordance with the relevant policy adopted by council
-------------------	---

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>No Acceptable Solution</p>	<p>P1.1</p> <p>Council infrastructure must be provided or upgraded as required, having regard to:</p> <ul style="list-style-type: none"> (a) the demand that the development places on council infrastructure; (b) any existing council infrastructure; (c) the topography and other site conditions; and (d) any advice from a State authority, regulated entity or council <p>P1.2</p> <p>For council infrastructure that has been provided by council, an infrastructure contribution must be paid, having regard to Council's adopted Infrastructure Contributions Policy that is relevant to the land.</p>

BRI-S12.8 Development standards for Subdivision

BRI-S12.8.1 Subdivision - Precinct A

This clause is in substitution for General Residential Zone - Clauses 8.6.1 Lot design A1 and P1; and 8.6.1 A4 and P4.

Objective:	That subdivision within Precinct A provides for consistency with the purpose of the specific area plan and the development framework.
Acceptable Solutions	Performance Criteria

<p>A2</p> <p>No Acceptable Solution.</p>	<p>P2.1</p> <p>Council infrastructure must be provided or upgraded as required, having regard to:</p> <ul style="list-style-type: none"> (a) the demand that the development places on council infrastructure; (b) any existing council infrastructure; (c) the topography and other site conditions; and (d) any advice from a State authority, regulated entity or council. <p>P2.2</p> <p>For council infrastructure that has been provided by council, an infrastructure contribution must be paid, having regard to Council's adopted Infrastructure Contributions Policy that is relevant to the land.</p>
---	--

5. Rationale for the amendment

The Burrows Avenue Specific Area Plan was approved by the Tasmanian Planning Commission (Commission) in May 2024. The Commission agreed the Burrows Avenue SAP is consistent with the requirements of section 32(4)(b) of the Act³. The Commission agrees with the submission of the planning authority that without the SAP, the cost of providing infrastructure within the subject area is likely to be spread over the Council's wider ratepayer base, rather than being attributed to the developer of each site¹.



Burrows Avenue Specific Area Plan



Burrows Avenue Specific Area Plan – Precinct A

³ Tasmanian Planning Commission (2024), Decision on RZ 2023-004 - Insert BRI-S12.0 - Burrows Avenue Specific Area Plan, TASPComm 27.

Figure 1: Burrows Avenue Specific Area Plan map ⁴

Subclause BRI-S12.7.1 P1.2 of the Burrows Avenue SAP sets out the requirements for a contribution paid by the multiple dwellings' developers in order to allow the Council to invest for key infrastructure. The standard refers to the '*Key Infrastructure Investments and Defined Infrastructure Charges policy*'.

Similarly, subclause BRI-S12.8.1 also refers to the '*Key Infrastructure Investments and Defined Infrastructure Charges policy*' as a guideline for Council and developers toward infrastructure contributions for new subdivisions within Precinct A of the Burrows Avenue SAP.

At its Ordinary Council Meeting in October 2024, Council recognised the need to modify the '*Key Infrastructure Investments and Defined Infrastructure Charges policy*' as referred to in the above subclauses of the Burrows Avenue SAP. The Council adopted the amended and renamed the policy to '*Infrastructure Contributions Policy*'⁵ to provide more clarification on the focus of how the policy relates to provision of infrastructure that is the responsibility of Council.

The purpose of the updated Infrastructure Contributions Policy is to establish clear guidelines by which Brighton Council can make key infrastructure investments and recoup these costs through charges imposed on new lots or intensified development that directly benefits from these investments. The purpose, objectives, and principles of the updated Infrastructure Contributions Policy remain consistent with the former Key Infrastructure Investments and Defined Infrastructure Charges policy.

The draft amendment to the Burrows Avenue SAP is critical to address localised development issues within the SAP area by referring to the applicable Council policy and provision of public infrastructure.

Differences between old and revised policies are compared as below and a copy of each policy is also attached with this report.

Key Infrastructure Investments and Charges Policy (superseded policy)	Infrastructure Contribution Policy (amended policy)	Comments
Background 6.4 – The removal of the ability for TasWater to impose headworks charges has resulted in situation where the outlay costs of critical infrastructure has prohibited strategic development. Effectively TasWater has no means to recoup its costs and its investment in new capacity	Background 6.4 - The situation often arises where the first to undertake development must incur major costs for critical infrastructure that then benefit all subsequent developers within that area. This is called the “first mover” problem and it can be a significant barrier to achieving strategic development	The updates to the background section in the amended policy provide developers with a clearer understanding of its rationale. The amended policy explicitly identifies infill development and fragmented land ownership as key challenges, offering greater clarity on the factors affecting infrastructure provision. Additionally, it clarifies Council's role, emphasizing that its primary responsibility is for Council-managed infrastructure. However, in

⁴ Base image and data from the LIST (www.thelist.tas.gov.au) © State of Tasmania

⁵ Brighton Council (2024), Infrastructure Contributions Policy, [URL: <https://www.brighton.tas.gov.au/wp-content/uploads/2024/10/Policy-1.7-Infrastructure-Contributions.pdf>].

<p>building infrastructure has been limited.</p> <p>6.5 – The result of this has meant that in the case of residential rezonings and subdivisions, the first to develop must incur major costs that then benefit all subsequent developers within that area.</p> <p>6.6 – Council can fill this void by acting as an intermediary and provide an investment in the upfront contribution to these infrastructure costs.</p> <p>6.7 – There may be cases where strategic infrastructure other than sewerage or water, such as roads, bridges, stormwater and the like, may be appropriate for such a strategic investment by Council</p>	<p>outcomes.</p> <p>6.5 – The issue is more prevalent for infill development projects where land has recently been “upzoned” and there are multiple property owners. This can also result in development occurring in an ad-hoc manner that creates undesirable and inefficient outcomes.</p> <p>6.6 - Council can fill this void by acting as an intermediary and provide an investment in the upfront contribution to these infrastructure costs, or collect contributions to provide a coordinated approach to infrastructure delivery.</p> <p>6.7 - This policy will generally be applied to infrastructure that is the responsibility of Council, such as roads, bridges, stormwater, open space and the like. There may be occasions where Council act as an intermediary to collect funds for other infrastructure authorities such as TasWater, TasNetworks, etc.</p>	<p>some cases, Council may act on behalf of other infrastructure authorities, such as TasWater and TasNetworks. This reference does not impose new obligations but simply clarifies that Council may serve as a collector of contributions for these entities, rather than directly funding their infrastructure.</p> <p>The amended policy (6.4-6.5) does not introduce a new principle but rather formally names the existing issue as the “first mover” problem to enhance understanding. This terminology provides a clearer and more structured explanation without altering the original intent.</p> <p>It is important to note that the background section does not function as a set of policy principles or provisions that Council officers are responsible for implementing.</p> <p>On this basis, the changes to the background section are minor refinements that do not expand the scope of the amended policy.</p>
<p>Application</p> <p>6.20 - The infrastructure investments of Council may include but are not limited to the following general areas:</p> <ul style="list-style-type: none"> (g) water; (h) sewerage; (i) roads and other transport; (j) public open space infrastructure; (k) stormwater drainage; (l) carparking. 	<p>Application</p> <p>6.20 - The infrastructure investments of Council may include but are not limited to the following general areas:</p> <ul style="list-style-type: none"> (f) roads and other transport; (g) public open space and recreation infrastructure; (h) stormwater drainage; (i) carparking; or (j) social infrastructure (e.g. buildings for youth hubs, social services, etc.) 	<p>The removal of water and sewerage from the list indicates that Council does not provide those services.</p> <p>Addition of social infrastructure While this appears to be a new category, it does not fundamentally change Council's role. Many councils already invest in community infrastructure (e.g., community centres, public facilities). The inclusion of social infrastructure clarifies that Council may also support community-based infrastructure when it aligns with strategic development objectives. It does not introduce new financial burdens but rather provides a clearer scope for the types of infrastructure that align with Council's strategic priorities.</p> <p>The mention of recreation infrastructure does not expand Council's role but rather clarifies what public open space investment may include.</p> <p>Given that section 6.19 states that infrastructure investments “may include but are not limited to” the listed areas, these changes are minor refinements rather than an expansion of Council's role and do not introduce a broader scope to the policy.</p>

Roles & Responsibilities	Roles & Responsibilities	There is no 8.1 (c) in the new policy.
8.3 - Councillors are to: (c) ... (b) ... (c) approve the Key Infrastructure Investment Policy	8.4 - Councillors are to: (d) ... (b) ...	

Apart from the differences outlined above, no other changes have been made to the Infrastructure Contributions Policy in comparison to the Key Infrastructure Investment and Charges Policy. The purpose, scope, definitions, objectives, policy introduction, policy principles, and payment for infrastructure contributions remain unchanged, ensuring consistency in Council's approach to infrastructure investment and funding.

5.1. Strategic Rationale

Southern Tasmanian Regional Land Use Strategy 2010-2035

SD2: Holistically Managing Residential Growth

The proposed draft amendment seeks to amend the title of the Policy referred in the SAP provisions, and to indemnify against future changes. It brings the SAP area into compliance with this recommendation to holistically manage residential growth by addressing specific difficulties arising from localised land use patterns.

Brighton Structure Plan 2018 (BSP)

The BSP acts as a guide for major changes to land use, built form and public spaces that together can achieve identified economic, social and environmental objectives for Brighton.

The BSP includes an analysis of housing supply in the Brighton area to meet the long-term needs based on population projections. The BSP predicts that the strongest population in the municipality will be in the suburbs of Brighton and Pontville of 2.7% per annum, or an increase of 3,040 people by 2033.

Strategy 2 of the BSP identifies that significant vacant and underutilised parcels need to be developed for multiple dwellings, which is occurring in the SAP area.

Strategy 3 of the BSP identifies that Brighton's housing supply should provide medium density options and to consider the provision of a range of lots sizes to avoid homogenous development outcomes.

It is considered that the proposed draft amendment will bring Burrows Avenue SAP to better addresses that strategy.

6. Planning Assessment

Section 40D(b) of the Act allows a planning authority to prepare a draft amendment of an LPS of its own motion.

Section 40F(1) of the Act requires that, where a planning authority has prepared a draft amendment of an LPS (under Section 40D(b)), it must be satisfied the draft amendment of an LPS meets the LPS criteria under Section 34 of the Act.

The LPS criteria is provided under Section 34 of the Act. Section 34(2) is addressed below where relevant to the proposed amendment.

6.1. Assessment of Section 34(2) of the Act.

A discussion of those relevant parts of Section 34(2) are provided below.

The LPS criteria to be met by a relevant planning instrument are that the instrument –

- (i) contains all the provisions that the SPPs specify must be contained in an LPS; and*

Response: the amendment does not affect the provisions that must be contained in an LPS.

- (j) is in accordance with [section 32](#) ; and*

Response: Section 32 of the Act sets out the contents of the LPSs. There are no changes to the zoning or overlays that apply to the LPS. The relevant parts of the Section that relate to the draft amendment require further consideration and are provided below.

32. Contents of LPSs

- (3) Without limiting [subsection \(2\)](#) but subject to [subsection \(4\)](#), an LPS may, if permitted to do so by the SPPs, include –*

...

- (b) a specific area plan, being a plan consisting of –*

- (i) a map or overlay that delineates a particular area of land; and*

- (ii) the provisions that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs;*

...

- (4) An LPS may only include a provision referred to in [subsection \(3\)](#) in relation to an area of land if –*

- (a) a use or development to which the provision relates is of significant social, economic or environmental benefit to the State, a region or a municipal area; or*

- (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.*

Response:*Burrows Avenue SAP*

The Burrows SAP provides a development framework that will facilitate future development of this land in a way that creates a practical extension to the residential community by providing good connectivity and a high level of amenity in an equitable manner. Correct reference to Council's relevant policy will ensure the objectives of the Burrow SAP is upheld.

(k) Furthers RMPS Objectives

The objectives of the Resource Management and Planning System (RMPS) must be furthered by the rezoning request and are addressed in the following table:

Table 3 – RMPS Objective Assessment

Objective	Response
Part 1	
(a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity	The proposed amendment is to resolve the naming of Council's policy to improve strategic planning outcomes.
(b) to provide for the fair, orderly and sustainable use and development of air, land and water	The draft amendment is considered to provide a mechanism to improve the existing character of the area. The proposed amendment will better meet the needs of a wider demographic through the provision of a range of housing types. As such the proposed amendment will provide for the fair, orderly and sustainable development of the area.
(c) to encourage public involvement in resource management and planning	<p><i>The proposed draft amendment to the Burrows Avenue SAP to modify subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 is considered minor and does not change the nature of the Burrows Avenue SAP but will improve the practicality in implementation.</i></p> <p><i>The proposed amendment corrects the reference to Council's updated Infrastructure Contributions Policy to ensure consistency in terminology. This change is necessary to avoid potential confusion for</i></p>

	<p><i>developers and to ensure that the purpose and objectives of the provision are upheld in alignment with Council's adopted policy framework.</i></p> <p><i>There will be no public interest in this planning scheme amendment, and it is requested that the TPC exempt the draft amendment from public exhibition.</i></p>
(d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and	The draft amendment will facilitate economic development arising from increased housing prices relative to the increased level of amenity, connectivity and public infrastructure in the SAP area.
(e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.	The proposed draft amendment is minor and does not require broader responsibility.
Part 2	
(a) to require sound strategic planning and coordinated action by State and local government	The proposed amendment is to resolve the naming of Council's policy to improve strategic planning outcomes.
(b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.	The proposed draft amendment has been found to be consistent with the contents of the LPS and has been drafted to achieve specific objectives and policies recommended in strategic planning documents endorsed by the Council.
(c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land.	<p>The land contains no environmental values of any known significance. The proposed draft amendment is likely to result in better environmental outcomes considering stormwater management.</p> <p>In terms of social and economic effects, the Burrows Avenue SAP will provide increased housing choice and improvement to residential amenity. It will also encourage improved outcomes for connectivity.</p>
(d) to require land use and	The referred Council's Policy in the Burrows

development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels	Avenue SAP is consistent with regional planning documents and State Policies and legislation.
(e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals	<p>The referred Council's Policy will provide a clear framework for development approvals in the Brighton LPS.</p> <p>The approvals process is generally prescribed and the planning scheme amendment process has little impact on co-ordination of approvals.</p>
(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania	One of the purposes of the draft amendment is to provide for higher levels of residential amenity and connectivity that promotes health and wellbeing.
(g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value	There are no buildings or areas of interest within the SAP area.
(h) to protect public infrastructure and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community	One of the objectives of the SAP is to enable the orderly provision and coordination of public utilities and facilities, in an area where these are limited. The referred Infrastructure Contributions Policy will ensure the long-term benefit of the community is secured.
(i) to provide a planning framework which fully considers land capability.	The proposed draft amendment provides a planning framework which addresses existing land constraint to improve connectivity, public infrastructure and facilities and housing diversity.

(l) Consistent with State Policies

- State Coastal Policy 1996

Response: The *State Coastal Policy 1996* applies to land within 1 km of the high-water mark. The subject land is more than 1km from the high-water mark and this policy does not apply.

- **State Policy on the Protection of Agricultural Land 2009**

Response: The *State Policy on the Protection of Agricultural Land 2009* (PAL Policy) protects Prime Agricultural Land (Land Capability Classes 1, 2, and 3) and conversion of agricultural land to non-agricultural uses is subject to the principles of the PAL Policy. All land in the SAP area is zoned General Residential and is not considered agricultural land.

- **The State Policy on Water Quality Management 1997**

Response: There will be no direct impact on water quality as a result of the amendment. Any impact on water quality will be regulated through future development applications.

- **National Environmental Protection Measures**

Response: The National Environmental Protection Measures (NEPMs) have been adopted as State Policies. They relate to ambient air quality, diesel vehicle emissions, assessment of site contamination, used packing material, movement of controlled pollutant inventory. The proposal does not trigger consideration under the NEPMs.

(da) consistent with TPPs

Response: There are currently no Tasmanian Planning Policies in effect.

(m) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and

Response: As required under s.34(2)(e) the proposed amendment must be, as far as practicable, consistent with regional land use strategies. In southern Tasmania, the relevant regional land use strategy is the *Southern Tasmania Regional Land Use Strategy 2010-2035* (STRLUS). The policies that are relevant to the amendment are addressed in Table 2 below.

Table 4 – STRLUS Assessment

Policy	Action
SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability	SRD2.1 Ensure residential growth for Greater Hobart occurs through 50% infill development and 50% greenfield development. Where possible, avoid applying zones that provide for intensive use or development to areas that retain biodiversity values that are to be recognised and

	<p>protected by the planning scheme.</p> <p>SRD 2.6</p> <p>Increase densities to an average of at least 25 dwellings per hectare (net density) within a distance of 400-850m of integrated transit corridors and Principal and Primary Activity centres, subject to heritage constraints.</p> <p>SRD 2.9</p> <p>Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.</p> <p>Recognise and protect biodiversity values deemed significant at the local level and in the planning scheme:</p> <ul style="list-style-type: none"> a) specify the spatial area in which biodiversity values are to be recognised and protected; and b) implement an 'avoid, minimise, mitigate' hierarchy of actions with respect to development that may impact on recognised and protected biodiversity values.
<p><u>Consistent:</u></p> <p>The proposed draft amendment seeks to modify subclauses BRI-S12.7.1 P1.2 and BRI-S12.8.1 P2.2 of the Burrows Avenue SAP to refer to the relevant Infrastructure Contributions Policy that is relevant to the land.</p> <p>The proposed draft amendment will provide a strong framework for developers and the Council to work together to achieve the target of sustainable living and residential density.</p>	
<p>ROS 1</p> <p>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 wellbeing, amenity, environmental sustainability and the economy.</p>	<p>ROS 1.5</p> <p>Ensure residential areas, open spaces and other community destinations are well connected with a network of high-quality walking and cycling routes.</p>

<p><u>Consistent:</u></p> <p>The proposed draft amendment will bring the Infrastructure Contributions Policy into the planning process. This is a strategic approach to infrastructure investment to ensure that the Council delivers the highest appropriate opportunities for growth, whilst ensuring efficiency and amenity for the community, economy, and environmental sustainability.</p>	
<p>PI 2</p> <p>Plan, coordinate and deliver physical infrastructure and servicing in a timely manner to support the regional settlement pattern and specific growth management strategies.</p>	<p>P1 2.2</p> <p>Coordinate, prioritise and sequence the supply of infrastructure throughout the region at regional, sub-regional and local levels, including matching reticulated services with the settlement network.</p>
<p><u>Consistent:</u></p> <p>The draft amendment makes provision for construction of, or contribution to, local infrastructure requirements.</p>	
<p>LUT11</p> <p>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.</p>	<p>LUT11.6</p> <p>Maximise road connections between existing and potential future roads with new roads proposed as part of the design and layout of subdivision.</p>
<p><u>Consistent</u></p> <p>The draft amendment makes provision for construction of, or contribution to, local infrastructure requirements.</p>	

As such, it is considered that the proposed amendment continues to further the requirements of the STRLUS.

(n) *Brighton Council Strategic Plan 2023-2033*

Response:

The proposed amendment is consistent with the following relevant strategies from the Brighton Council Strategic Plan 2023-2033:

- 1.2 Build resilience and opportunity
 - 2.4 Ensure strategic planning and management of assets has a long term-sustainability and evidence-based approach
 - 3.2 Infrastructure development and service deliver are guided by strategic planning to cater for the needs of a growing and changing population.
- (o) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates.*

Response: The proposed amendment will not impact the LPS of adjacent municipal areas. The amendment has been assessed as being consistent with the STRLUS.

(p) *Gas Pipeline safety*

Response: The subject land is not affected by the Gas Pipeline. Accordingly, there are no issues of gas pipeline safety associated with the draft amendment.

The proposed amendment is therefore considered to be consistent with the requirements under Section 34 (2) of the Act.

7. Relevant Issues

8.1 Section 40I (2) Application

The planning authority also requests that the Tasmanian Planning Commission exempt the proposed amendment from public exhibition in accordance with Section 40I(2)(b)(iv) of the Act as the amendment is to amend the wording of a clause to correctly refer to its recently renamed Infrastructure Contributions Policy. The purpose, objectives, and principles of the 'Infrastructure Contributions Policy' remain consistent with those of the former 'Key Infrastructure Investments and Defined Infrastructure Charges Policy'. This amendment is therefore intended solely to ensure the correct reference to Council's current adopted policy.

It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

8. Conclusion

The proposal to amend the *Brighton Local Provisions Schedule* is consistent with regional and local land use strategy and the requirements of the *Land Use Planning and Approvals Act 1993*.

The planning authority also requests that the Tasmanian Planning Commission exempt the proposed amendment from public exhibition in accordance with section 40I(2)(b)(ii) of the Act as the amendment is to fix an error referring to Council's Policy that does not exist. It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2025/03 as detailed in this report and in the attachments.

RECOMMENDATION:

1. That in accordance with s40D(b) of the *Land Use Planning and Approvals Act 1993*, the planning authority, of its own motion, agrees to prepare a draft amendment, to be known as RZ 2025-03, by amending the planning scheme ordinance in relation to the Burrows Avenue Specific Area Plan.
2. That in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2025-03 satisfies the provisions of Section 34 of the *Land Use Planning and Approvals Act 1993*.
3. That in accordance with Section 40F(3) of the *Land Use Planning and Approvals Act 1993*, Council directs that draft amendment RZ 2025-03 be certified by instrument in writing affixed with the common seal of the Council.
4. That in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2025-03 be given to the Tasmanian Planning Commission within seven (7) days.
5. That in accordance with Section 40I(2)(b)(iv) of the *Land Use Planning and Approvals Act 1993*, Council requests approval from the Commission to dispense with the public exhibition required by Section 40G(1) of the *Land Use Planning Act 1993*.
6. That if consent to dispense with public exhibition pursuant to Section 40I(2)(b)(iv) of the *Land Use Planning and Approvals Act 1993* is not received from the Commission, that in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2025-03 be placed on public exhibition as soon as practicable.
7. That if consent to dispense with public exhibition pursuant to Section 40I(2)(b)(iv) of the *Land Use Planning and Approvals Act 1993* is not received from the Commission, that in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment RZ 2025-03 be provided to relevant agencies and those state service, or State authorities, that the planning authority considers may have an interest in the draft amendment.

DECISION:

Cr Irons moved, Cr De La Torre seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr De La Torre	
Cr Gray	

Cr Irons
Cr Owen
Cr Whelan

Meeting closed: 5.55pm

Confirmed: _____
(Mayor)

Date: _____
15 April 2025