



Brighton Council

MINUTES OF THE **PLANNING COMMITTEE MEETING**
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
GAGEBROOK AT 5.45 P.M. ON TUESDAY,
14TH JUNE, 2010

PRESENT: Cr Gray (Chairperson); Cr Foster; Cr Garlick; Cr Geard and Cr Taylor.

IN ATTENDANCE: Cr Jeffries; Mrs J Banks (Manager Governance & Human Services); Mr H Macpherson (Municipal Engineer) and Mr J Dryburgh (Senior Planner).

1. **APOLOGIES:**

Cr Geard moved, Cr Garlick seconded that apologies be received from Cr Curran, Cr Owen and Cr Williams.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Taylor	

2. **QUESTION TIME & DEPUTATIONS:**

There was no requirement for question time.

3. **DECLARATION OF INTEREST:**

In accordance with Part 5, Section 48 of the *Local Government Act 1993*, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have an interest in any item on the agenda; and

Part 2 Regulation 8 (7) of the Local Government (Meeting Procedures) Regulations 2005, the Chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the agenda.

Accordingly, Councillors are requested to advise of any interest they may have in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the Local Government (Meeting Procedures) Regulations 2005.

There were no declarations of interest.

4. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2005, the intention of the Council to act as a 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 4. on this agenda, inclusive of any supplementary items.

4.1 REGIONAL LAND USE STRATEGY FOR SOUTHERN TASMANIA 2010-2035.

FILE REFERENCE: 0780

AUTHOR: Senior Planner
(Mr J Dryburgh)

DATE: 30 May 2011

BACKGROUND

The Southern Tasmania Regional Planning Project Steering Committee has now produced this final draft of the Regional Land Use Strategy and requested that each Council consider formally endorsing the document prior to its submission to the Minister for Planning, Bryan Green. It is expected that this final draft of the Strategy will be forwarded to the Minister at the beginning of July. The final draft of the Land Use Strategy can be downloaded here: http://stca.tas.gov.au/rpp/wp-content/uploads/2011/05/Regional-Land-Use-Strategy_Final-Draft.pdf

The Strategy will be a key document to inform the development of the new planning schemes for each of the Southern Tasmanian Planning Authorities, which will be done by the Councils working in partnership with the Southern Regional Planning Project.

Councillors will recall that, in October and November last year, the Draft Strategy was placed on public exhibition. A total of 114 submissions were received by the Regional Planning Project and the Strategy document has been modified as a result. The Consultation Report produced by the Regional Planning Project summarises all the points made in the submissions, provides an assessment and states whether the Strategy has been modified as a result. It can be downloaded here: <http://stca.tas.gov.au/rpp/wp-content/uploads/2011/05/Final-Consultation-Report-sm.pdf>)

A fundamental change has been to split the 'actions' from the 'strategy'. Therefore, the new draft of the Strategy document is purely policy and strategy, with the recommended actions now within a separate Implementation Report, which can be downloaded here: <http://stca.tas.gov.au/rpp/wp-content/uploads/2011/05/The-Process-Forward-Implementing-the-Regional-Land-Use-Strategy-Draft-sm.pdf> .

The Implementation Report will now be recognised as a working document and, by separating it from the Strategy, it will be capable of being readily modified. The Southern Tasmanian Regional Planning Project team is now able to advance the regional elements of the Southern planning schemes. Individual councils are effectively now able to begin drafting the local components of the new schemes.

DISCUSSION:

The drafting of planning schemes should be completed towards the end of this year, following which they will be subject to an informal (non-statutory) public consultation, process, as agreed through the STCA Board in early 2011.

The consultation process included a detailed submission from Brighton Council requesting several changes, which was written by Council's previous Manager of Planning (Robert Higgins). These changes importantly included the extension of the 'urban growth boundary' within the Brighton Municipality to reflect the much higher growth that is now predicted in comparison to those previously submitted and Council's vision for potential growth areas. It is now predicted that Council will require over 3000 additional dwellings between 2010 and 2032 (an average of 140 per annum).

All changes requested by Brighton Council have been incorporated into this final version of the Strategy and as such, the Strategy adequately reflects the intent of Brighton Council to allow high growth, but in a sustainable manner.

The primary outcome of the Regional Land Use Strategy for Southern Tasmania for Brighton Council is with regard to the development of a new planning scheme.

Council's previous Manager of Planning (Robert Higgins) was very involved in the development process of the Strategy as were some other representatives of Brighton Council. Fortunately, the STCA in preparing the Strategy has considered and taken on board all concerns raised by Brighton Council and has incorporated them into this final draft. As such, the Regional Land Use Strategy for Southern Tasmania is considered to be in keeping with the needs and direction of Brighton and a useful and important document for the drafting of a new planning scheme for the Brighton Municipality.

It is recommended that Council endorse the document.

RECOMMENDATION

THAT Council endorse the Regional Land Use Strategy for Southern Tasmania (final draft).

DECISION:

Cr Geard moved, Cr Garlick seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Taylor	

4.2 DRAFT PLANNING SCHEME AMENDMENT: BRIDGEWATER LOCAL AREA STRUCTURE PLAN & REZONING TO LIGHT INDUSTRY, MIXED USE, RESIDENTIAL AND LOCAL BUSINESS ZONES - SECTION 39 REPORT

FILE REFERENCE: RZ 08/2010

AUTHOR: Planning Officer
(Miss A Beyer)

APPROVED: Senior Planner
(Mr J Dryburgh)

Applicant: Brighton Council

Owner: Not Applicable

Location: Central Bridgewater area

Application no.: RZ 08/2010

Zoning: *Commercial, Residential and Recreation Zones*

Date received: Not applicable

Date advertised: Not applicable

Decision required Not applicable

Proposal:

This report seeks to amend the *Brighton Planning Scheme 2000* (“the Planning Scheme”) by implementing the Bridgewater Local Area Structure Plan (BLASP) that was prepared for Council by Aurecon and Inspiring Place. The implementation process of the BLASP requires amendments to the Planning Scheme and zoning controls within the Study area.

This will firstly involve the rezoning of land from Commercial to Light Industry, Mixed Use and Local Business and from Residential to Local Business in order to facilitate the BLASP objectives where the current zoning conflicts with the intended outcomes. Rezoning of three parcels of land from Recreation to Residential is also required.

Secondly, the BLASP will need to be inserted in the Planning Scheme. The approach undertaken to achieve this has been to incorporate it as a Development Plan in the existing Overlays section of the Scheme. The Development Plan would be consistent with the format provided for Development Plans as detailed under the review of the Common Key Elements Template. This is considered the most favourable approach in light of the Regional Planning Project’s expectation to complete contemporary and consistent planning schemes across the region by the end of 2011.

The purpose and function of the BLASP is to plan for future growth and manage change to the physical environment and activities in the Bridgewater Activity Centre. It addresses both the development and management of public infrastructure, in streets and parks and sets private property parameters for preferred land uses, building form, heights and siting. It also seeks to establish a regional-level activity centre that allows for the development of a range of activities including retail, entertainment, civic/community, office, residential, institutional and other commercial activities. The Structure Plan ultimately provides guidance to the community, government, business and the development industry regarding appropriate development direction and opportunities.

The BLASP takes a precinct approach to land uses, though at the same time seeks diversity and aims to achieve public realm and urban design outcomes that seek to move the built-form of the Activity Centre from a traditional suburban model shopping centre to an urban, street-based centre with a range of public space environments. The BLASP has been divided into Precincts to allow for detailed descriptions and initiatives within the area. The Development Plan has seven distinct Precincts, which are defined as follows:

1. Cove Hill Specialty Retail Precinct
2. Green Point Mixed Use Precinct
3. Green Point Convenience Retail Precinct
4. Green Point Community and Civic Precinct

- 5. Green Point Commercial Precinct
- 6. Police and Emergency Services Precinct
- 7. Medium Density Residential Precinct

An Activity Centres Network is proposed as the foundation for the Activity Centres Policy under the Regional Land Use Framework. The Regional Land Use Framework has identified Bridgewater as a Major Activity Centre as it has a recognised role of serving the surrounding district and provides a range of convenience, goods and services as well as some community services and facilities. Furthermore, the BLASP remains consistent with the Activity Centre Hierarchy as shop-top residential and increased density of surrounding residential areas should be encouraged if located in an inner urban environment.

In terms of zoning, the land immediately surrounding the Green Point and Cove Hill Shopping Centres is zoned Commercial (note the Civic Centre on Green Point Road is not zoned Commercial yet the Community Health Centre is - Plate 2). The Bridgewater and St Pauls Schools are also zoned residential. Beyond the Commercial precinct north of the Highway, is a large tract of land zoned for Industry. Future development of this land will be important to support the retail activities at Cove Hill and Green Point. Land use zonings have been reviewed and changes will be necessary to implement the BLASP.

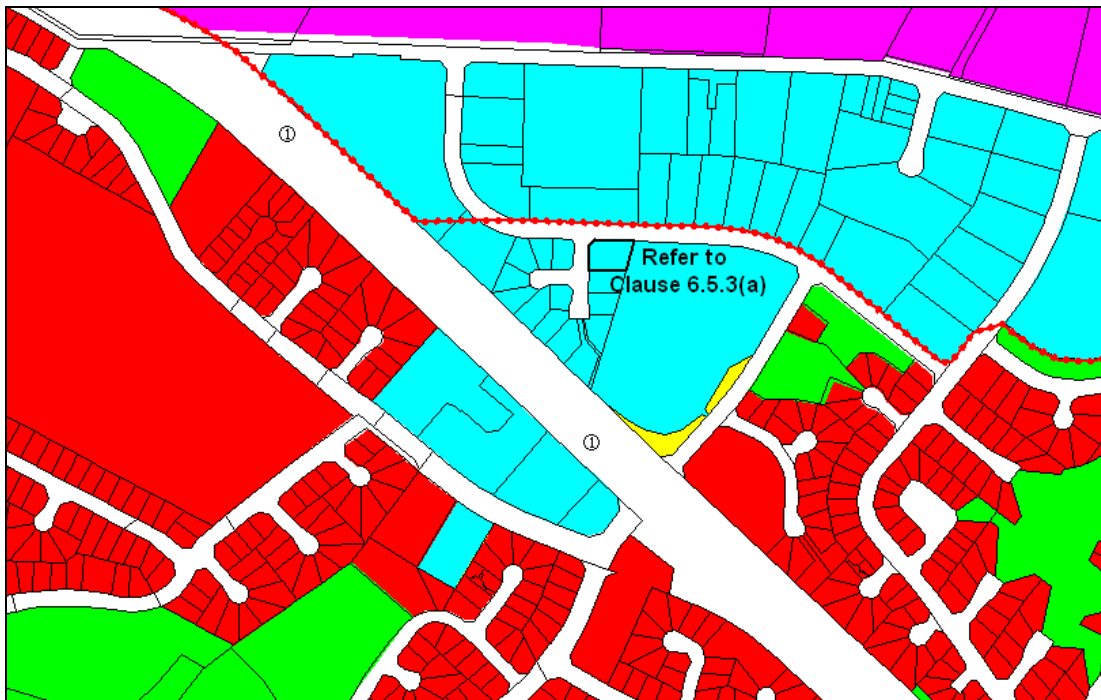


Plate 2: Current Brighton Planning Scheme zoning map of the Study area (Bridgewater Central Area)

The Study area is bound by the Derwent River to the south, Cove Hill Road to the north, Gunn Street to the west and Killarney Road to the east (south of East Derwent Highway) and Cowle Road to the east (north of East Derwent Highway).

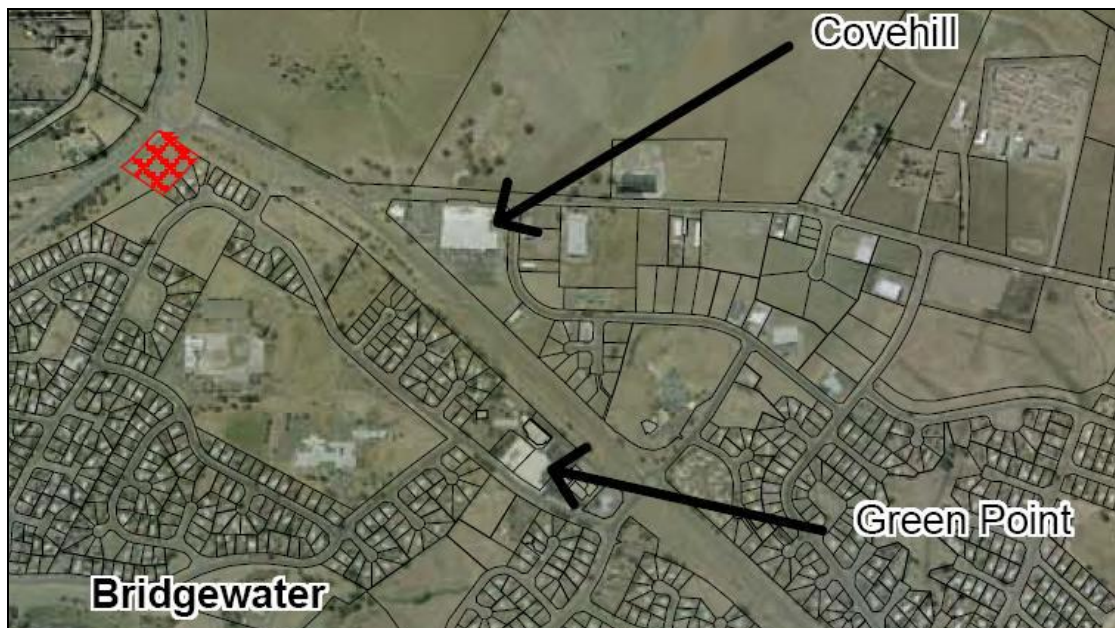


Plate 1: The Bridgewater Study Area

Background:

Bridgewater is one of the first suburbs that visitors to Hobart from the north of the state pass through when travelling to Hobart via the Midland Highway. The suburb connects the western shore via the Bridgewater Bridge and Causeway. The East Derwent Highway bisects the residential and commercial areas of Bridgewater. Council is currently implementing an urban design project to improve the appearance of the highway corridor. With the establishment of public housing and private development over the past 20 to 30 years, Bridgewater has evolved from a mostly rural location to a residential suburb. The main commercial areas of Bridgewater are the Cove Hill Shopping Centre and the Green Point Service Centre. Both contain supermarkets and specialty shops and Green Point is emerging as the administrative hub of the municipality through the provision of government, Council and community services. Between 2001 and 2006 the Brighton Municipality experienced rapid population growth, and continued growth is expected over the next couple of decades. Notwithstanding this, Bridgewater is one of the lowest socio economic areas of Hobart, with a low average household age, below average household income and an above average unemployment rate. In 1996 the Bridgewater/Gagebrook Urban Renewal Program was established to facilitate improvements to the quality of lives for residents and address the negative images associated with the locality.

In June 2009, Aurecon in association with Inspiring Place was commissioned by Council to undertake the preparation of the BLASP. The fundamental purpose of this project was to prepare a Development Plan and Urban Design Framework for the future development/improvement of the central Bridgewater area. The plan addressed the long term development futures of the Cove Hill and Green Point Shopping Centres, open space areas, linkages to the river, streetscape and the views of local residents. Through commencement of the project Council was seeking to achieve the following objectives:

- ❖ To enhance the aesthetic values of the study area and improve the overall streetscape and environmental character.
- ❖ To consult with the local community to ensure their needs and views are accommodated.
- ❖ To provide direction to Council and developers regarding the future development of the existing retailing areas.
- ❖ Develop a Master Plan that is user friendly.
- ❖ To implement the relevant recommendations of the Brighton Structure Plan.

All of these objectives are to be considered in the context of understanding and improving the identity of Bridgewater, integrating Green Point and Cove Hill Shopping Centres and identifying other influences to consolidate Bridgewater's future and attraction as a place to live and invest.

At the inception stage of the project a list of key stakeholders was considered including Government departments, service authorities, community interest groups, business and industry representatives as well as other relevant members of the Bridgewater community.

The BLASP is informed by a comprehensive background report drawn from the following documents:

- ❖ Brighton Structure Plan 2009 (& March 2011 Revision of the Structure Plan)
- ❖ Joint Land Use Planning Initiative
- ❖ Brighton Council Strategic Plan 2006-2016
- ❖ Brighton Recreation Plan 2003

Consultation:

The Draft Amendment was exhibited in accordance with Section 38 of the Act and Section 6 of the *Land Use Planning and Approvals Act Regulations 2004* for a period of six (6) weeks (26 February 2011 to the 11 April 2011).

Two representations were received during the statutory notification procedure. The issues raised by the representors' will be discussed in detail as follows:

Particulars of representation	Planning response	Statement as to whether amendment should be modified
Representor 1: GHD Consulting on behalf of Kykuit Pty Ltd		
<p>Having reviewed the complete set of documentation available, the concept of the Bridgewater Activity Centre and commercial and community focus at Green Point is supported. However, there are some issues that require attention.</p>	<p>The submission made by the Representor will be addressed below.</p>	<p>No response necessary.</p>
<p>It is understood that the amendment incorporates three components:</p> <ol style="list-style-type: none"> 1. Introduction of three new zones to the Brighton Planning Scheme 2000 being Light Industry, Local Business and Mixed Use and their associated use and development standards. 2. Rezoning of a number of parcels of land within the Bridgewater Activity Centre from Commercial to Light Industry, Mixed Use and Local Business and from Residential to Local Business. 3. Introduce the Bridgewater Development Plan into the Planning Scheme coupled with the precinct use and development provisions at clause 7.10 (overlays). 	<p>The Representors assertion of the Planning Scheme Amendment is correct in that it seeks to rezone land, introduce several new zones and insertion of a Development Plan for the Bridgewater Activity Centre.</p>	<p>No response necessary.</p>

<p>These amendments impact directly on our client's property by rezoning it from Commercial to Mixed Use and introduction of the Green Point Mixed Use Precinct as part of the Bridgewater Development Plan. Given the use and development provisions of the Green Point Mixed Use Precinct will override the Mixed Use provisions it is unclear why the rezoning to Mixed Use is necessary. From the section 35 report it appears that part of the reason for a change to the underlying zoning is that the existing Commercial Zone does not allow for residential uses as permitted. However, as the Precinct Provisions override the zone provisions, it is unclear why the zoning change is necessary.</p>	<p>This issue raises a fundamental departure from the envisaged function of the existing Green Point service centre. The approach of the Representor is supported on the basis the reality of the site being retrofitted to accompany residential uses is severely constrained by the extent and form of existing development on the site. For this reason, it is unlikely that the site would be developed for residential uses as the amenity level provided to the site would be poor.</p> <p>The Representors preference for the land to remain zoned as Commercial as opposed to Mixed Use in order to shift the focus away from prioritising residential uses has merit as the Commercial zoning prioritises retail and commercial functions. On closer analysis of the site and with the new planning scheme process in the near future, it is considered that the site would be best suited to the General Business zoning as defined under the Planning Directive Number 1: Common Key Elements Template. Retaining the underlying Commercial Zone will transfer more directly into this new zone than the Mixed Use Zone would, when the time comes to finalise the new scheme.</p> <p>The zoning purpose for the General Business Zone states:</p>	<p>Modifications proposed.</p>
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To provide for a concentration of retailing, offices and community facilities serving a town or group of suburbs.

The Zone Purpose Statement identifies that this zone should apply to the Moonah and Bridgewater centres to ensure these centres provide for a range of convenience and goods and services as well as some community services and facilities. The purpose also extends to providing an employment generation focus primarily in retailing and to encourage residential use above ground floor.

At this stage it is recommended to retain the Commercial Zoning for the Green Point Shopping Complex and to retain the Local Business Zoning for the remaining areas as this can be transposed to the General Business Zoning under the new Planning Scheme. The reason for this approach is that it avoids significantly departing from what was originally proposed and additional confusion amongst the community.

The proposed Mixed Use zoning located to the south of Green Point Road is proposed to remain as is has been considered that residential opportunities should be shifted to this area which would alleviate the residential pressures upon the Green Point Shopping site.

<p>It is important that the purpose statements for each precinct properly reflect a realistic outcome in terms of development for that precinct as they will be used to determine whether a discretionary use or development is appropriate. The purpose of the Green Point Mixed Use Precinct is outlined at proposed clause 7.10.5. We have no issues with the statements a), c) and f). There are concerns surrounding the remaining statements b) and d) and e). It is understood that the Green Point Mixed Use Precinct has been conceived to <i>provide an appropriate mix of uses including retail, commercial and community services and that it will also encourage residential development. A particular design consideration that will be encouraged throughout the Precinct is for ground floor retailing and upper level residential living.</i> The purpose has its origins in the Brighton Structure Plan which identified a need to provide medium density housing in and around activity centres. Whilst the intention may be sound in theory, in practise, when looking at the existing opportunities and constraints on the site to which the Mixed Use Precinct is to be applied, it is highly unlikely that residential development will ever occur, and if it does it will clearly be secondary to the main function of the Precinct, being that of retail and community services. Unless it is envisaged that the existing built form on the site will be demolished, the</p>	<p>Stemming from the above points regarding the reality of future use and development of the Green Point Shopping site, the Representor suggests that the focus of residential development be cast upon the surrounding Green Point Convenience Retail and Green Point Commercial Precincts in light of the existing residential development contained within these two Precincts. Within the Convenience Retail Precinct, residential development is rendered Discretionary on the condition that it provides for apartments or residential buildings not located at street frontage at ground level. In addition, development of a residential nature is Prohibited. The representor contests that these areas should bear the focus for residential development given the land has not been redeveloped to its full potential at this point in time.</p> <p>The representor suggested modifications to clause b) of the Purpose Statement for the Green Point Mixed Use Precinct is not supported as it shifts the importance of sustaining residential amenity as being a priority consideration in instances where such uses are proposed. A recommended rewording of this clause is provided as follows:</p>	<p>Modifications proposed.</p>
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<p>existing design is such that upper floor residential development is unlikely to occur. Further, it is submitted that given the location of the site opposite existing residential development, it would be far more likely that these precincts would be developed for medium density residential development than the Mixed Use Precinct. However, the provisions of the Green Point Commercial (Residential prohibited) and Convenience Retail Precinct (Residential discretionary only if above ground level at street front.) are such that the Residential Use Class is severely restricted if not prohibited. Yet these two precincts are already developed for residential purposes and their redevelopment potential for residential is far greater than the Green Point Mixed Use Precinct which is substantially developed and does not contain residential development. It is far more conceivable that the existing residential stock within the Convenience Retail and Commercial Precinct could be demolished than the retail building stock on the Mixed Use Precinct which recently undergone a significant upgrade.</p> <p>Taking the above into account, it is submitted that the purpose statements for the Mixed Use Precinct b) and d) should be amended to reduce the focus on residential development, given the unlikelihood of it occurring and that there are other</p>	<p><i>b) To allow for residential development that is compatible with retail, commercial and community uses.</i></p> <p>This will achieve a reduced focus on the provision of residential uses and will also cover the intent of clause d), thus this clause can be deleted outright.</p> <p>The suggested improvements to clause e) part b) of the Purpose Statement for the Precinct to provide an exception to extensions to buildings is considered too generous in that it would allow any additions to existing buildings to not be designed in such a manner that relates well to the street. Modifications to this provision are therefore not supported.</p>	
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precincts still closely situated to the core of the Activity Centre that are better suited to Residential development. The suggested changes to the wording of statements b) and d) are as follows:

b) to encourage residential development that respects the neighbourhood character

to

b) to encourage residential development as having a secondary role to retail, commercial and community uses.

d) to achieve an acceptable balance between the opportunity for increased built form, bulk and height and maintaining a reasonable level of residential amenity.

To

d) delete d)

With respect to e) and b), due to the existing configuration of buildings on the site, it may be problematic for development to meet the objective depending on how it is interpreted. Currently there is good pedestrian access from the street to the buildings on the site, and the specialty shops relate to the street (although they do not directly front them) and it is envisaged that any future expansion of the site would follow this same pattern of development. Our client does not have difficulty with the notion that there shouldn't be blank facades facing the street for new buildings, but if there were any extensions to existing buildings

<p>(ie Woolworths supermarket) it may be difficult to avoid given the existing pattern of development. It is therefore suggested that e) part b) be amended as follows:</p> <p>From</p> <p><i>(e)(b) ensuring ground floors of new development at street level are easily accessible and relate well to the street.</i></p> <p>To</p> <p><i>d) (b) ensuring ground floors of new development at street level are easily accessible and relate well to the street, except for extensions to existing buildings.</i></p>		
<p>The main concerns with the development provisions relate to those clearly aimed at protecting residential amenity, when the site has a strong retail, commercial and community use focus through existing development and the level of investment in the existing built fabric on the site is such that this is unlikely to change in the future. In fact, to safeguard the existing commercial investment in the site it is critical that the planning scheme does not constrain opportunities for future prosperity and expansion of the Shopping Centre. As such, it is proposed that the following clause 7.10.5.3- Residential Amenity be deleted.</p> <p>The other concern with the development provisions is those aimed at street frontage i.e 7.10.5.6, A7/P7 and 7.10.5.7, A1/P1. These provisions require buildings to face onto</p>	<p>The representor’s suggestion to outright delete section 7.10.5.3- Residential Amenity is not supported as this provision aims to preserve the existing level of residential amenity upon the surrounding residential areas. The provision also allows for discretion, therefore if the Acceptable Solution cannot be met, there is scope to consider the application on a merits based assessment.</p> <p>The representors issues with regard to the provisions aimed at street frontage are valid as the context of the existing development on the site render it unachievable for buildings to face the street and be directly accessible to the street. The large site results in the internal car parking area acting as the street frontage. The</p>	<p>Modifications proposed.</p>

<p>and be directly accessible to the street. Although no objection to this as an aspiration, when considered in the context of the existing development it is impractical and a requirement to do so may limit the expansion of the site that can't sensibly achieve this. The existing Shopping Centre orientates to the central courtyard and car park area. A requirement to orientate to the street therefore should not be a requirement for this site.</p>	<p>representor suggests this requirement be removed from the Development Plan, however it is Council's preferred approach that A7 of 7.10.5.6 and A1 of 7.10.5.7 be reworded as follows:</p> <p>7.10.5.6, A7: <i>Commercial premises must face on to, and be directly and safely accessible to pedestrians from the street, internal carriageways or car parking lots on which they are sited.</i></p> <p>7.10.5.7, A1: <i>Buildings adjacent to a public street, internal carriageway or car parking lot must have a front door and/or window(s) facing the street.</i></p>	
<p>Given the above matters raised in relation to residential development not being a main focus of the Green Point Mixed Use Precinct, it is submitted that the Precinct should be renamed to better reflect its focus and avoid misunderstandings as to the level of priority that Residential amenity should be afforded. A recommended name change could be something like Green Point Retail and Business Precinct.</p>	<p>In light of the lessened focus on the residential capabilities of the Green Point Mixed Use Precinct, it is considered that a name revision is appropriate. It is proposed to rename the Green Point Mixed Use Precinct to the following: <i>Green Point Retail and Business Precinct.</i></p>	<p>Modifications proposed.</p>
<p>The Green Point Convenience Retail Precinct is centred upon the head of an existing residential cul-de-sac so realisation of the vision would require total demolition of the existing building stock. The purpose statements for this precinct are centred upon providing a convenience retail</p>	<p>The representor's submission to amend the Development Plan to provide for a greater focus on residential development is supported as the residential focus has been removed from the Green Point Mixed Use Precinct. It is also considered logical to provide a greater residential</p>	<p>Modifications proposed.</p>

<p>and business point for the local area, encouraging pedestrian access, encouraging built form to the streetscape and maintaining a reasonable degree of residential amenity for surrounding residential use. The achievement of these aims would require demolition of all existing residential stock on the site. This is more likely to occur than demolition of the existing retail building stock at the Mixed Use Precinct. For this reason, it is unclear why medium density residential development is not given a greater focus within the Convenience Retail Precinct. Any new buildings on this site could incorporate shop top housing (which are only allowed as discretionary in this precinct) far more readily than retro fitting the retail stock within the Mixed Use Precinct.</p> <p>It is submitted that the focus for the Convenience Retail Precinct be shifted to more of a mixed use (residential and convenience retail) nature and the use and development provisions amended accordingly).</p> <p>It is submitted that a shift in focus for shop top residential development from the proposed Mixed Use Precinct to the Convenience Retail Precinct would still allow the aims of the Brighton Structure Plan to create neighbourhood centres with higher density housing in and around them to be achieved. In fact realisation of the vision is far more likely with the shift in focus than as per the</p>	<p>focus in the Green Point Convenience Retail Precinct as the land adjoins existing residential areas that are capable of facilitating considerable infill/consolidation opportunities and are capable of extensive redevelopment potential. It is therefore proposed to amend the provisions of the Green Point Convenience Retail Precinct to reflect the greater emphasis that should be provided on uses of a residential nature. The following modifications are proposed:</p> <p>Reword Section 7.10.6 to reflect the following:</p> <ul style="list-style-type: none"> a) <i>To develop Green Point Convenience and Retail Precinct as a focal point for convenience retail business activities.</i> b) <i>To improve pedestrian access to Green Point and surrounding urban centres and efficient transport services through the provision of a bus interchange and pedestrian walkways.</i> c) <i>To encourage residential development that respects the neighbourhood character.</i> d) <i>To achieve an acceptable balance between the opportunity for increased built form, bulk and height and maintaining a reasonable level of residential amenity.</i> 	
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<p>amendment is proposed.</p>	<p>e) <i>To ensure that the proportions, materials and openings of buildings contribute positively to the streetscape and reinforce the surrounding built environment.</i></p> <p>f) <i>Strengthen links between the Precinct and the open space network.</i></p> <p>g) <i>To maintain a reasonable degree of residential amenity for surrounding residential uses.</i></p> <p>It is also proposed to change the use status of residential uses so that Residential uses become permitted on the condition if for apartments or residential buildings not located at street frontage at ground level as opposed to being discretionary.</p>	
<p>The proposed Green Point Commercial Precinct is centred on an existing residential cul-de-sac. The proposed purpose of this precinct coupled with the range of uses allowed suggests that it is intended as a business centre for office and community uses. Residential Development is prohibited. Again, given substantial demolition of existing housing stock would need to occur to realise the vision, it seems appropriate to allow upper floor residential development on this site rather than the Mixed Use Precinct, given the buildings are likely to be purpose built. Residential should be allowed as a permitted use class (perhaps</p>	<p>The representors proposal to allow for residential uses within the Green Point Commercial Precinct is not supported on the grounds that the two identified Precincts are relatively small in terms of land area and are intended to accommodate a new Council Chambers and other professional uses. It is therefore considered that these areas would not be reciprocal to residential development given the nature of the intended use of the land. The submission to allow for Residential uses as Permitted use class is therefore rejected.</p>	

<p>with a condition for upper floor only or conjoined units).</p>		
<p>We note than Cove Hill Specialty Retail Precinct provisions seek to differentiate the retail and commercial uses at this site to that at Green Point in a way that could best be described as a preference for bulky goods or large floor area uses. This is reinforced by the restriction on Permitted General Retail and Hire for a minimum Gross Leasable Floor of 1000 square metres. The corresponding discretion allows a lesser GLFA provided:</p> <p>Council may allow a lesser minimum floor area where the development will not affect the accommodation of uses, which maintain or enhance the competitive strengths of the Precinct.</p> <p>It is submitted that this discretion is so difficult to quantify that any application for General Retail and Hire with a GLFA of less than 1000 square metres would likely be approved as the competitive strengths and purpose of the Precinct are not clear and precise in the intent statements. The way the provisions of the Cove Hill Precinct currently read, there is little difference in the likely development outcome between it and the Green Point Mixed Use Precinct. Council's section 35 report makes the intended difference between the two precincts clear. Our client is supportive of the notion of the two competing centres having their own identity and supports</p>	<p>This issue has been considered in great length and it is Council's opinion that restricting the floor area of smaller specialty shops within Cove Hill would unfairly disadvantage the commercial and retailing prospects for Cove Hill.</p> <p>The ratio of small to large GFA retail shops will ultimately be primarily influenced by market demand. In addition, the space existing on the Cove Hill site already makes it the most likely site with the Bridgewater Development Plan area for the development of large GFA retail businesses. It is known that discussions are underway regarding potential large floor area retail developments on the Cove Hill site. However, it is not considered necessary or appropriate to establish a maximum ration between smaller GFA retail and larger GFA retail on the site.</p> <p>Whilst the landholder of Cove Hill Shopping Centre did not provide a written response to the draft amendment, a meeting was held with the owner, which revealed opposition towards constraining Cove Hill to specifically providing for larger format retailing. Approximately 33% of the retailing footprint of Cove Hill Shopping Centre is</p>	<p>Modifications proposed.</p>

<p>the individual identities outlined in the extract from the section 35 report. However, we contend that the intention outlined in the section 35 report isn't properly realised through the Cove Hill Specialty Retail Precinct provisions. It is submitted that the vision of the Cove Hill as a larger format retailing centre would be better realised if two changes were made to the precinct provisions as follows:</p> <p>Amend the purpose statement 7.10.4(a) from:</p> <p><i>(a) To develop as a focal point by providing new specialty retail activities including supermarkets, hardware, discount department stores, camping, disposals, clothing, furniture, lighting, cafes, restaurants and entertainment facilities in a concentrated area.</i></p> <p>To</p> <p><i>(a) To develop as a bulky goods and larger format retailing focal point. Specialty, larger format retailing and support services to include supermarkets, hardware, discount department stores, camping, disposals, clothing, furniture, lighting, cafes, restaurants and entertainment facilities in a concentrated area.</i></p> <p>Amend PC3 at clause 7.10.4.6 Design and Built Form from:</p> <p><i>Council may allow a lesser minimum floor area where the development will not affect the accommodation of uses which</i></p>	<p>occupied with smaller specialty shops. If the current plans of the owner/developer come to fruition there is unlikely to be a significant increase in this ratio and it may even swing further in favour of large GFA retail. However, establishing an arbitrary maximum ratio is considered unnecessary.</p> <p>On this basis, the proposed restrictions on floor area proposed by the representor are not supported as it would act to unreasonably restrict flexibility and the future use of the site at Cove Hill.</p> <p>It is also worth noting that enforcing a maximum ratio can be very difficult in that it would be difficult via the planning scheme to stop a large GFA development being internally divided to allow for smaller GFA uses.</p> <p>The representor's submission that the Performance Criteria associated with a reduction in the gross leasable floor area calculation is vague and complicated to regulate. It is however recognised that the performance criteria could be improved it is proposed to tighten the robustness of this provision by amending it to read as follows:</p> <p><i>Council may allow a lesser minimum floor area where the</i></p>	
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<p><i>maintain or enhance the competitive strengths of the Precinct.</i></p> <p>To</p> <p><i>Council may allow a lesser minimum floor area where it can be demonstrated that the development will not affect the accommodation of uses which maintain or enhance the competitive strengths of the Precinct being for the purpose of larger format retailing and that it will not result in more than 15% of the site used for General Retail and Hire being of a lesser Gross Leasable Floor Area than 1000 square metres.</i></p> <p>The figure of 15 percent above may need to change depending on the current mix within the centre, but essentially as suggested that the PC have a cap on it to ensure that smaller format retail stores don't dominate the centre.</p>	<p><i>development will not affect the accommodation of uses, which maintain or enhance the competitive strengths of the Precinct, and where the use or development will function effectively with the rest of the Precinct.</i></p>	
<p>To conclude the client supports the intention of the amendment but submits that some changes need to be made to ensure the vision is realistic and can be achieved. The changes proposed would not alter the outcome in terms of creating a neighbourhood centre with a pedestrian and transit focus and encouraging residential development at its heart. The changes would, however ensure that the existing retail core of the Green Point area can continue to grow and develop without onerous restriction around protecting residential amenity when in reality, residential development is</p>		

<p>unlikely to occur in the Mixed Use Precinct site.</p>		
<p>Representor 2: P J Cooper (14 Cheswick Crescent)</p>		
<p>I have lived in this area in the same house for thirty five years but there appears no acknowledgment is given to existing homes on the planned site for medium density housing, the impression given on the plan is this is vacant land. In Pitt and Sherry Land Use Strategy' document June 2008 it states under Bridgewater-Gagebrook (page 19) "This area will be the major focus for infill residential development utilising the existing ZONED VACANT residential lots to increase the diversity of housing options and target age groups underrepresented".</p>	<p>The Medium Density Housing Precincts identified within the Bridgewater Development Plan aim to provide for a density of one dwelling per 330 square metres of land and a minimum subdivision density of 330 square metres. This is only marginally less than that required within the Medium Density Housing Schedule within the Planning Scheme, which is applied to all Residentially Zoned land within the Municipality. The intended outcome of providing a Medium Density Housing Precinct is to allow for further infill development opportunities and consolidation of the existing settlement contained on the periphery of the central retailing hub. Given many lots within the area are capable of accommodating an additional dwelling at the rear of the existing dwelling on site, it seems an opportune time to capitalise on this potential to provide for a slightly higher residential density to support the commercial and retailing node associated with Bridgewater.</p> <p>Strategic work undertaken on behalf of Council, particularly the Structure Plan 2009 and its 2011 revision show very high population growth in the area, clearly</p>	<p>No modifications and further consideration necessary.</p>

	<p>demonstrating the demand for increased density and infill potential around well-connected nodes.</p> <p>Existing vacant allotments would be better suited to providing for a different housing mix through apartments, townhouses, conjoined units and retirement villages as an even greater degree of density would be able to be achieved as the site would not be hindered by existing development. There is also potential for existing development to be demolished and replaced with alternate residential development and this would have to be achieved at the land owner's discretion.</p> <p>It is interpreted that the Representor has raised concern over the impacts that the introduction of the Medium Density Housing Precinct may have on existing housing stock and land owners. As mentioned previously, the development of land is at the land owner's discretion and the Development Plan merely aims to allow for a slight increase in density within the area than what currently is the case.</p>	
<p>Aurecon stated in Urban Design and Ideas Vision East 2030 "The second stage involved preparing and work shopping the Vision East 2030 Land Use Framework Document and providing direction to staff in</p>	<p><i>Vision East 2030</i> is a land use strategy prepared by Aurecon and is applicable to the east coast Local Government Areas only including Tasman, Sorell, Glamorgan Spring Bay and</p>	

<p>the preparation of the accompanying profile document". To my knowledge this wasn't applied in this case.</p> <p>I refer you to the Brighton Planning Scheme 2000 Schedule 7 Medium Density Housing: Purpose S7.1(a) to (e) with particular emphasis on (e) Are encouraged in those areas that are closest to support services and commercial centre by allocating particular and suitable medium density housing sites AT THE SUBDIVISION STAGE.</p>	<p>Break O-Day. Given it is not applicable to the Brighton Municipality, the Brighton community were not engaged in its preparation.</p> <p>This provision focuses on ensuring land is suitable for medium density housing developments at the subdivision stage, in that large enough lots are provided to facilitate such densities. Bridgewater is a brownfield site in that it is mostly developed. The Medium Density Housing Precinct aims to allow for greater infilling opportunities as the residential land surrounds a major retailing and commercial hub.</p>	
<p>It's well recognised that community acceptance of planning policies and development proposals requires genuine prior community consultation.</p>	<p>This assertion is correct and the public have been given ample opportunity to be involved in the development of the Bridgewater Development Plan and the future growth of the centre through an informal public meeting/workshop, mail-outs, a formal public notification procedure and the potential to be involved in a hearing held by the Tasmanian Planning Commission.</p>	
<p>My main concerns are Residential to Mixed Use, Residential to Local Business. All considerations seem to be directed towards current residents, their privacy and minimum disruption. As houses of long term residents are located on these sites it</p>	<p>Each precinct identified in the Development Plan provides Residential Amenity provisions targeted at maintaining the existing level of residential amenity and ensuring new residences are afforded with a good degree of residential amenity though</p>	

<p>seems the proposed amendments will not consider all of the above examples in Council's own planning scheme. As the plan includes facilities for the expansion of the Cove Hill Retail Area it seems redundant to target these Residential areas as future Local and Mixed Business alternatives.</p>	<p>solar access, privacy, noise levels and the maintenance of the aesthetic values of any area. The Cove Hill site is intended to support larger retailing formats due to the larger floor space available. Smaller retailing formats and specialist shops are to be contained within Green Point in order to allow for each centre to develop its competitive strengths.</p>	
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Other issues:

Section 39(2) of the Act provides that a Planning Authority (Council) must, within 35 days after the public notification period has closed, forward to the Tasmanian Planning Commission this report on representations received to the draft amendment.

The report is required to provide a statement on each representation and such recommendations in relation to the draft amendment as the authority considers necessary, or state that no representations were received.

The report may include any recommendations concerning the exhibited draft amendment the Council considers necessary, including any other information in support of its recommendations.

Assessment:

In accordance with Section 39(2) of the Act, a report has been prepared which addresses the representations. The public exhibition period resulted in two (2) submissions being received by Council indicating both support and objection towards the proposal.

Response to Representation 1

The first representation on behalf of the Green Point Shopping Complex landowner and developer expresses overall support of the amendment, however attention is required to a number of issues that may become problematic in the operation of the amendment. A meeting was held with the representor and their client on the 29 April 2011 in order to discuss the issues raised further and to discuss an appropriate course of action. The major concern raised by the representor was regarding the need to rezone the property at 26-28 Green Point Road from Commercial to Mixed Use. These concerns are based on the significant level of investment already injected into this property and retrofitting it to accommodate residential uses would be difficult given the nature of the construction and location of the building. This is a valid concern as the site does not lend itself well to residential development in that it

is surrounded by a parking lot and has no provision for open space which significantly reduces the opportunities to provide a good level of residential amenity for any future occupants. Given far less investment has been placed in the surrounding residential areas that are proposed to support commercial and retailing functions, these areas would be better suited to supporting residential uses. It is therefore proposed that the amendment retains the existing Commercial Zoning for 26-28 Green Point Road as opposed to the Mixed Use Zoning and the amendment is modified as follows:

Retain the existing Commercial zoning at 26-28 Green Point Road, Bridgewater.

In addition to this, it is apparent that the purpose statements provided for the Green Point Mixed Use Precinct do not reflect a realistic outcome for development, namely with regard to the focus on the provision of residential uses. The representor contends that whilst in theory this may be sound, in practise, when looking at the existing opportunities and constraints on the site to which the Green Point Mixed Use Precinct is applied, it is highly unlikely that residential development will ever occur, and if it does it would be clearly secondary to the main function of the Precinct which is for commercial and retailing uses. Subsequently, the representor has suggested modifications to clause b) of the Green Point Mixed Use Precinct purpose statement to reduce the focus on residential development. The focus has been softened whilst retaining the potential for residential uses where compatible with the remainder of the Precinct. A suggested rewording of clause 7.10.5(b) is provided as follows:

From:

To encourage residential development that respects the neighbourhood character.

Amend to:

To allow for residential development that is compatible with retail, commercial and community uses.

This will achieve a reduced focus on the provision of residential uses and will also cover the intent of Clause 7.10.5(d), thus the following clause can be outright deleted as follows:

From:

To achieve an acceptable balance between the opportunity for increased built form, bulk and height and maintaining a reasonable level of residential amenity.

Amend to:

Delete Clause 7.10.5(d)

The representor also suggests that Clause (e) part (b) of the Purpose Statement for the Green Point Mixed Use Precinct would be difficult to achieve and that there is currently a decent level of pedestrian access from the street to the buildings on the site, and the specialty shops relate well to the internal road network. The representor therefore suggests that this clause be amended to allow an exception for extensions to existing buildings. Council's position on this is that it is too generous in that any additions for new shops would potentially not have to address the street in a positive manner. Modifications to this provision are therefore not supported. The purpose statements provide a mechanism for additional decision guidelines when determining a discretionary use or development. In the case where an extension is proposed to an existing shop, relaxation of this provision would be appropriate.

The representor seeks security with regard to safeguarding the existing commercial investment at 26-28 Green Point Road. The representor suggests section 7.10.5.3-Residential Amenity be deleted so that development is not constrained on the site. This is not supported by Council as this provision aims to preserve the existing level of amenity afforded to the surrounding residential areas as the delivery of goods outside of these times may become a nuisance to surrounding residential areas through headlight glare and traffic noise.

Another major concern raised by the applicant is with regard to street frontage provisions contained in clause 7.10.5.6 A7/P7 and 7.10.5.7 A1/P1 as these provisions require buildings to have a direct relationship with the street. The existing layout of the development on the site at 26-28 Green Point Road is focused around a central internal road and parking network. This renders it unachievable for buildings to face the street and be directly accessible to the street. The representor recommends that this provision be removed from the Precinct provision, however Council preference is for A7 of 7.10.5.6 and A1 of 7.10.5.7 to be reworded as follows:

7.10.5.6 A7 From:

Commercial premises must face on to, and be directly accessible to pedestrians from the street on which they are sited.

Amend to:

Commercial premises must face on to, and be directly accessible to pedestrians from the street, internal carriageways or car parking lots on which they are sited.

7.10.5.7 A1 From:

Buildings adjacent to a public street or public open space must have a front door and/or window(s) facing the street.

Amend to:

Buildings adjacent to a public street, internal carriageway or car parking lot must have a front door and/or window(s) facing the street.

Stemming from the lessened focus on the residential capabilities of the Green Point Mixed Use Precinct, it is considered that a name revision is appropriate. It has been proposed to rename the Precinct to the following:

From:

Green Point Mixed Use Precinct

Amend to:

Green Point Retail and Business Precinct

The representor's submission to amend the Development Plan to provide for a greater focus on residential development is supported as the residential focus has been removed from the Green Point Mixed Use Precinct. It is also considered appropriate to provide a greater residential focus in the Green Point Convenience Retail Precinct due to the proximity to existing residential areas that are capable of facilitating considerable densification opportunities. It is therefore appropriate to amend the purpose statements associated with the Green Point Convenience Retail Precinct to reflect the greater emphasis that should be provided on uses of a residential nature. The following modifications are proposed to section 7.10.6:

From:

- (a) *To develop Green Point Convenience and Retail Precinct as a focal point for convenience retail business activities.*
- (b) *To improve pedestrian access to Green Point and surrounding urban centres and efficient transport services through the provision of a bus interchange and pedestrian walkways.*
- (c) *To ensure that the proportions, materials and openings of buildings contribute positively to the streetscape and reinforce the surrounding built environment.*
- (c) *Strengthen links between the Precinct and the open space network.*
- (d) *To maintain a reasonable degree of residential amenity for surrounding residential uses.*

Amend to:

- a) *To develop Green Point Convenience and Retail Precinct as a focal point for convenience retail business activities.*
- b) *To improve pedestrian access to Green Point and surrounding urban centres and efficient transport services through the provision of a bus interchange and pedestrian walkways.*
- c) *To encourage residential development that respects the neighbourhood character.*
- d) *To achieve an acceptable balance between the opportunity for increased built form, bulk and height and maintaining a reasonable level of residential amenity.*
- e) *To ensure that the proportions, materials and openings of buildings contribute positively to the streetscape and reinforce the surrounding built environment.*
- f) *Strengthen links between the Precinct and the open space network.*
- g) *To maintain a reasonable degree of residential amenity for surrounding residential uses.*

In addition, it is proposed to alter the use status of residential uses so that Residential uses are elevated to become permitted on the condition if for apartments or residential buildings not located at street frontage at ground level as opposed to being discretionary. The changes required to the Development Plan under Clause 7.10.6.1 are provided as follows:

From:

Permitted	
Defined Use Class	Qualification
Food services	If not a drive-through take away premises
General retail and hire	If for a gross floor area of less than 200m2
Natural and cultural values management	
Utilities	If for reticulated services to land, including water, sewerage, electricity, gas, drainage, or other similar services, including pump stations and electricity substations of not more than 110 kilovolts capacity, or for a bus shelter.

Discretionary	
Defined Use Class	Qualification
Residential	If for apartments or residential buildings not located at street frontage at ground level.
Vehicle fuel sales and service	
Vehicle parking	
Any Permitted use or development that does not meet the qualification	
Any undefined use or development	

Amend to:

Permitted	
Defined Use Class	Qualification
Food services	If not a drive-through take away premises
General retail and hire	If for a gross floor area of less than 200m2
Natural and cultural values management	
Residential	If for apartments or residential buildings not located at street frontage at ground level.
Utilities	If for reticulated services to land, including water, sewerage, electricity, gas, drainage, or other similar services, including pump stations and electricity substations of not more than 110 kilovolts capacity, or for a bus shelter.

Discretionary	
Defined Use Class	Qualification
Vehicle fuel sales and service	
Vehicle parking	
Any Permitted use or development that does not meet the qualification	
Any undefined use or development	

The representor suggests that residential uses be supported also within the Green Point Commercial Precinct on the basis it would be easier to achieve on this site than the neighbouring Green Point Mixed Use Precinct. This notion is not supported on the grounds that the two identified Precincts are relatively small in terms of land area. Administrative uses are intended to be located in these areas with interest being raised by several organisations.

Lastly, the representor provides a critical analysis of the operation of the Cove Hill Specialty Retail Precinct and infers that P3 of section 7.10.4.6 is too difficult to quantify and that any application for General Retail and Hire with a GFA of less than 1000 square metres would likely be approved as the competitive strengths and purpose of the Precinct are not clear and precise in the intent statements. The representor contests that the current ordinance provides for little differentiation between the Green Point Mixed Use Precinct and the Cove Hill Specialty Retail Precinct and it was submitted that the vision of the Cove Hill as a larger format retailing centre would be best realised if several changes were made to the Precinct provisions. The first amendment involves explicitly expressing the individual identity of the Precinct and the suggested modification is proposed to clause 7.10.4(a) as follows:

From:

To develop as a focal point by providing new specialty retail activities including supermarkets, hardware, discount department stores, camping, disposals, clothing, furniture, lighting, cafes, restaurants and entertainment facilities in a concentrated area.

Amend to:

To develop as a bulky good and larger format retailing focal point. Specialty larger format retailing and support services to include supermarkets, hardware, discount department stores, camping, disposals, clothing, furniture, lighting, cafes, restaurants and entertainment facilities in a concentrated area.

In addition, the representor also requests that Council consider capping the percentage of smaller format retailing stores on site in order to maintain the competitive strengths of the Precinct and to reach the vision which is for the land to support larger format retailing premises.

After consultation with Representor 1, it became apparent that the Green Point Mixed Use Precinct does not provide enough emphasis to the administrative functions that are occurring on the land such as the Service Tasmania Office,

Centrelink Tasmania Red Cross, an employment agency, online access facility and library, Department of Justice office and politician's offices. These services provide an important service function to the Bridgewater community and their importance must be recognised. As such, it is proposed to amend the purpose statements provided within the Green Point Mixed Use Precinct to accommodate the following:

From:

- (a) To encourage an appropriate mix of uses including retail, commercial and community services within Green Point to complement and support the strategic role of the Bridgewater Activity Centre as identified in the Regional Land Use Framework.*

Amend to:

- (a) To encourage an appropriate mix of uses including retail, commercial, administrative and community services within Green Point to complement and support the strategic role of the Bridgewater Activity Centre as identified in the Regional Land Use Framework.*

The representor seeks to also place a cap on the number of small specialty retailing shops that can operate from the Cove Hill Shopping Centre site. The Cove Hill Specialty Retail Precinct aims to promote larger format retailing as the land is not constrained by existing development and space. However, this is not to become the entire focus for the site as smaller retailing shops are necessary to fulfil the needs of the growing Municipality as Green Point is severely restricted in terms of space and smaller shops are required in Cove Hill to service the needs of the surrounding light industrial area. As such, severely restricting the number of smaller retailing shops will potentially undermine future development potential of the site relevant to market demand. On this basis, the proposed floor area cap on smaller retailers is not supported and rather it is proposed to strengthen the effectiveness of the Performance Criteria by amending it to read as follows:

Council may allow a lesser minimum floor area where the development will not affect the accommodation of uses, which maintain or enhance the competitive strengths of the Precinct, and where the development will function effectively with the rest of the Precinct.

Other matters for consideration

An administrative issue has also been raised throughout the review of the submissions, which involves the operation of the Development Plan within the Overlays section of the Planning Scheme. Currently, clause 8.1 of the Scheme prescribes that the provision of the Schedules takes precedence over the provisions of a Zone or Overlay. In the event where there is an inconsistency between any Schedule and the provisions of any Zone or Overlay, the provisions of the Schedule/s prevail. This provision conflicts with the operation of the Development Plan in that the Precinct provisions are intended to override the more generalised provisions contained within the Schedules, specifically with regard to Schedule 1 and 7 which provide for Car Parking and Medium Density Housing. This issue needs to be rectified as otherwise the outcomes of the Development Plan would be

undermined. It is therefore proposed to amend section 8.1 of the Planning Scheme as follows:

From:

8.1 *The provisions of the Schedules apply in addition to the provisions of a Zone or Overlay. Where there is an inconsistency between any Schedule and the provisions of any Zone or Overlay, the provisions of the Schedule/s.*

Amend to:

8.1 *The provisions of the Schedules apply in addition to the provisions of a Zone or Overlay. Where there is an inconsistency between any Schedule and the provisions of any Zone or Overlay, the provisions of the Schedule/s prevail except where provided for within the Bridgewater Development Plan.*

Discussion has been had over recent months with Council’s elected members regarding the removal of discretion associated with the density provision provided in the Medium Density Residential Precinct. This approach has been driven by the elected members as they are seeking to remove the density performance standards specified within Schedule 7- Medium Density Housing in light of a number of recent applications that have requested discretion at the expense of compromising other design features such as private open space, parking, landscaping, privacy and solar access which have resulted in poor outcomes from both an amenity and streetscape perspective. This approach has been supported in areas outside of Bridgewater as it will allow for better urban design outcomes which will improve the aesthetic contribution of medium density housing development to the traditional streetscape. This approach is also considered acceptable within the Bridgewater Activity Centre as unit developments ought to provide a good design outcome in order to maintain the existing level of residential amenity for neighbouring residential properties and an appropriate level of amenity for future occupants. It is therefore suggested that Performance Criteria 1 be removed from section 7.10.10.4 of the Bridgewater Development Plan and Acceptable Solution 1 be expanded upon to provide densities for apartments and residential buildings. A 10 percent reduction to those specified under S7.9(a) of the Medium Density Schedule is recommended as not providing for a increase in density would contravene the intent of the Development Plan. As such, A1 of section 7.10.10.4 of the Bridgewater Development Plan is proposed to be amended as follows:

From:

A1: *The minimum area of site per dwelling shall be 330 square metres.*

Amend to:

A1: *The minimum area of site per dwelling shall be in accordance with the following:*

(a) *Units* 330m²

(b) *Apartments:*

Studio/Bed-sitting room 180m²

1 bedroom 225m²

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2 bedroom	270m ²
3 bedroom	315m ²
(c) Residential Building:	135m ² per bedroom

From:

P1: The density of medium density housing shall protect the amenity of adjoining lots and the surrounding area.

Amend to:

Delete 7.10.10.4 P1:

Finally, some minor modifications are required to the ordinance to reflect typological errors and legibility. It is also recommended that the amendment be modified to include a description of the Precinct colouring that is applicable on the Planning Scheme Map to make references easier for the public. This will involve insertion of the following:

Insert the following under the Green Point Retail and Business Precinct heading:

Shown on the Development Plan in purple.

Insert the following under the Green Point Convenience Retail Precinct heading:

Shown on the Development Plan in Orange.

Insert the following under the Green Point Commercial Precinct heading:

Shown on the Development Plan in Yellow.

Insert the following under the Cove Hill Specialty Retail Precinct heading:

Shown on the Development Plan in Light Orange.

Insert the following under the Green Point Community and Civic Precinct heading:

Shown on the Development Plan in Pink.

Insert the following under the Police and Emergency Services Precinct heading:

Shown on the Development Plan in Peach.

Insert the following under the Medium Density Residential Precinct heading:

Shown on the Development Plan in Blue.

The ordinance also incorrectly refers to a black line outlining the boundaries of the Development Plan on the Zoning Map. It is in fact outlined by a dark green line as indicated on the Instrument of Certification. Accordingly, clause 7.10.2.2 is required to be amended as follows in order to correct this oversight:

From:

The development plan applies to the area of land designated as Bridgewater Development Plan shown on the Planning Scheme Map with a thick dashed black line.

Amend to:

The development plan applies to the area of land designated as Bridgewater Development Plan shown on the Planning Scheme Map with a thick dashed dark green line.

Lastly, it was not made clear on the Development Plan Map that the location of the identified future road and pedestrian links is indicative only. It is therefore recommended that the amendment be modified to insert the following words in the key of the Development Plan Map after the pedestrian and road links:

Amend to:

(Indicative only)

Conclusion

The public exhibition period resulted in two (2) submissions being received by Council. One of the representations generally supports the proposal subject to modifications and one opposes the proposal.

On the above basis, numerous modifications are required to the draft amendment in order to ensure its operation is seamless, robust and adequately addresses the concerns raised by the representors. Section 39(b) of the Act requires Council to consider the merit of representations and the need for modification in light of the representations. The proposed modifications are a direct result of the submissions received during the public consultation period and are not considered to alter the draft amendment to a degree that would warrant re-advertising. The only significant changes relate to the internal function and the potential of the site owned by Representor 1. The changes do not change the intent of the draft amendment or its general operation to any substantial degree.

The Tasmanian Planning Commission is responsible for ensuring that the draft amendment meets the objectives of the *Resource Management and Planning System of Tasmania* (RMPS) and State policies. These objectives were addressed in the original report to Council on the certification of the draft amendment.

In accordance with Section 39(2) of the Act, a report has been prepared which addresses the representations in which some modifications are proposed. Accordingly, it is considered that Council as the planning authority, continue to support the draft amendment as recommended.

Options:

1. To adopt the recommendation; or
2. To adopt an alternative recommendation, with a full statement of reasons as determined by Council.

RECOMMENDATION:

That in accordance with Section 39 (2) of the *Land Use Planning and Approvals Act 1993* Council resolves to:

- A. That Council (planning authority) resolve that a copy of the representations and this report be forwarded to the Tasmanian Planning Commission in accordance with Section 39(2) of the *Land Use Planning and Approvals Act 1993*.
- B. Advise the Tasmanian Planning Commission that two (2) representations were received following exhibition of draft amendment RZ 10-08 to the Brighton Planning Scheme 2000; and
- C. That Council (planning authority) resolve that the following modifications to draft amendment RZ10-08 of the Brighton Planning Scheme 2000 are necessary:

<p><u>Section 39</u></p> <p>Suggested modifications in response to public consultation period</p>	
<i>Relevant Provision</i>	<i>Suggested modifications</i>
Land use zoning of 26-28 Green Point Road	Retain the existing Commercial zoning at 26-28 Green Point Road, Bridgewater.
Clause 7.10.5(b)	<p>From:</p> <p style="padding-left: 40px;">To encourage residential development that respects the neighbourhood character.</p> <p>Amend to:</p> <p style="padding-left: 40px;">To allow for residential development that is compatible with retail, commercial and community uses.</p>
Clause 7.10.5(d)	<p>From:</p> <p style="padding-left: 40px;">To achieve an acceptable balance between the opportunity for increased built form, bulk and height and maintaining a reasonable level of residential amenity.</p> <p>Amend to:</p> <p style="padding-left: 40px;">Delete Clause 7.10.5(d)</p>
Clause 7.10.5.6 A7	<p>From:</p> <p style="padding-left: 40px;">Commercial premises must face on to, and be directly accessible to pedestrians from the street on which they are sited.</p> <p>Amend to:</p> <p style="padding-left: 40px;">Commercial premises must face on to, and be directly and safely accessible to pedestrians from the street, internal carriageways or car parking lots on which they are sited.</p>
Clause 7.10.5.7 A1	<p>From:</p> <p style="padding-left: 40px;">Buildings adjacent to a public street or public open space must have a front door and/or window(s) facing the street.</p> <p>Amend to:</p> <p style="padding-left: 40px;">Buildings adjacent to a public street, internal carriageway or car parking lot must have a front door and/or window(s) facing the street.</p>

<p>Green Point Mixed Use Precinct naming</p>	<p>From: Green Point Mixed Use Precinct</p> <p>Amend to: Green Point Retail and Business Precinct</p>
<p>Clause 7.10.6</p>	<p>From:</p> <ul style="list-style-type: none"> (a) To develop Green Point Convenience and Retail Precinct as a focal point for convenience retail business activities. (b) To improve pedestrian access to Green Point and surrounding urban centres and efficient transport services through the provision of a bus interchange and pedestrian walkways. (c) To ensure that the proportions, materials and openings of buildings contribute positively to the streetscape and reinforce the surrounding built environment. (c) Strengthen links between the Precinct and the open space network. (d) To maintain a reasonable degree of residential amenity for surrounding residential uses. <p>Amend to:</p> <ul style="list-style-type: none"> a) To develop Green Point Convenience and Retail Precinct as a focal point for convenience retail business activities. b) To improve pedestrian access to Green Point and surrounding urban centres and efficient transport services through the provision of a bus interchange and pedestrian walkways. c) To encourage residential development that respects the neighbourhood character. d) To achieve an acceptable balance between the opportunity for increased built form, bulk and height and maintaining a reasonable level of residential amenity. e) To ensure that the proportions, materials and openings of buildings contribute positively to the streetscape and reinforce the surrounding built environment. f) Strengthen links between the Precinct and the open space network. g) To maintain a reasonable degree of residential amenity for surrounding residential uses.

Clause 7.10.6.1

From:

Permitted	
Defined Use Class	Qualification
Food services	If not a drive-through take away premises
General retail and hire	If for a gross floor area of less than 200m ²
Natural and cultural values management	
Utilities	If for reticulated services to land, including water, sewerage, electricity, gas, drainage, or other similar services, including pump stations and electricity substations of not more than 110 kilovolts capacity, or for a bus shelter.
Discretionary	
Defined Use Class	Qualification
Residential	If for apartments or residential buildings not located at street frontage at ground level.
Vehicle fuel sales and service	
Vehicle parking	
Any Permitted use or development that does not meet the qualification	
Any undefined use or development	

Amend to:

Permitted	
Defined Use Class	Qualification
Food services	If not a drive-through take away premises
General retail and hire	If for a gross floor area of less than 200m ²
Natural and cultural values management	
Residential	If for apartments or residential buildings not located at street frontage at ground level.
Utilities	If for reticulated services to land, including water, sewerage, electricity, gas, drainage, or other similar services, including pump stations and electricity substations of not more than 110 kilovolts capacity, or for a bus shelter.

Discretionary	
Defined Use Class	Qualification
Vehicle fuel sales and service	

	Vehicle parking		
	Any Permitted use or development that does not meet the qualification		
	Any undefined use or development		
<p>Clause 7.10.4(a)</p>	<p>From:</p> <p><i>To develop as a focal point by providing new specialty retail activities including supermarkets, hardware, discount department stores, camping, disposals, clothing, furniture, lighting, cafes, restaurants and entertainment facilities in a concentrated area.</i></p> <p>Amend to:</p> <p><i>To develop as a bulky good and larger format retailing focal point. Specialty larger format retailing and support services to include supermarkets, hardware, discount department stores, camping, disposals, clothing, furniture, lighting, cafes, restaurants and entertainment facilities in a concentrated area.</i></p>		
<p>Clause 7.10.5(a)</p>	<p>From:</p> <p><i>To encourage an appropriate mix of uses including retail, commercial and community services within Green Point to complement and support the strategic role of the Bridgewater Activity Centre as identified in the Regional Land Use Framework.</i></p> <p>Amend to:</p> <p><i>To encourage an appropriate mix of uses including retail, commercial, administrative and community services within Green Point to complement and support the strategic role of the Bridgewater Activity Centre as identified in the Regional Land Use Framework.</i></p>		
<p>Clause 7.10.4.6 P3</p>	<p>From:</p> <p><i>Council may allow a lesser minimum floor area where the development will not affect the accommodation of uses which maintain or enhance the competitive strengths of the Precinct.</i></p> <p>Amend to:</p> <p><i>Council may allow a lesser minimum floor area where the development will not affect the accommodation of uses which maintain or enhance the competitive strengths of the Precinct, and where the development will function effectively with the rest of the Precinct.</i></p>		
<p>Section 8.1 of Brighton Planning Scheme</p>	<p>From:</p> <p>8.1 <i>The provisions of the Schedules apply in addition to the provisions of a Zone or Overlay. Where there is an inconsistency between any Schedule and the provisions of any Zone or Overlay, the provisions of the Schedule/s.</i></p> <p>Amend to:</p>		

	<p>8.1 <i>The provisions of the Schedules apply in addition to the provisions of a Zone or Overlay. Where there is an inconsistency between any Schedule and the provisions of any Zone or Overlay, the provisions of the Schedule/s prevail except where provided for within the Bridgewater Development Plan.</i></p>
<p>Clause 7.10.10.4 A1</p>	<p>From:</p> <p>A1: <i>The minimum area of site per dwelling shall be 330 square metres.</i></p> <p>Amend to:</p> <p>A1: <i>The minimum area of site per dwelling shall be in accordance with the following:</i></p> <p>(d) Units 330m²</p> <p>(e) Apartments:</p> <p style="padding-left: 40px;"><i>Studio/Bed-sitting room 180m²</i></p> <p style="padding-left: 40px;"><i>1 bedroom</i></p> <p style="padding-left: 40px;"><i>2 bedroom</i></p> <p style="padding-left: 40px;"><i>3 bedroom</i></p> <p>(f) <i>Residential Building: 135m² per bedroom</i></p>
<p>Clause 7.10.10.4 P1</p>	<p>From:</p> <p>P1: <i>The density of medium density housing shall protect the amenity of adjoining lots and the surrounding area.</i></p> <p>Amend to:</p> <p>Delete 7.10.10.4 P1:</p>
<p>Precinct identification on Planning Scheme Map</p>	<p>Insert the following under the Green Point Retail and Business Precinct heading:</p> <p style="padding-left: 40px;"><i>Shown on the Development Plan in purple.</i></p> <p>Insert the following under the Green Point Convenience Retail Precinct heading:</p> <p style="padding-left: 40px;"><i>Shown on the Development Plan in Orange.</i></p> <p>Insert the following under the Green Point Commercial Precinct heading:</p> <p style="padding-left: 40px;"><i>Shown on the Development Plan in Yellow.</i></p> <p>Insert the following under the Cove Hill Specialty Retail Precinct heading:</p> <p style="padding-left: 40px;"><i>Shown on the Development Plan in Light Orange.</i></p> <p>Insert the following under the Green Point Community and Civic Precinct heading:</p>

	<p><i>Shown on the Development Plan in Pink.</i></p> <p>Insert the following under the Police and Emergency Services Precinct heading:</p> <p><i>Shown on the Development Plan in Peach.</i></p> <p>Insert the following under the Medium Density Residential Precinct heading:</p> <p><i>Shown on the Development Plan in Blue.</i></p>
<p>7.10.2.2</p>	<p>From:</p> <p><i>The development plan applies to the area of land designated as Bridgewater Development Plan shown on the Planning Scheme Map with a thick dashed black line.</i></p> <p>Amend to:</p> <p><i>The development plan applies to the area of land designated as Bridgewater Development Plan shown on the Planning Scheme Map with a thick dashed dark green line.</i></p>
<p>Bridgewater Development Plan Map</p>	<p>Amend the Development Plan Map key by insertion of the following after the pedestrian and road links:</p> <p><i>(indicative only)</i></p>

DECISION:

Cr Geard moved, Cr Garlick seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Taylor	

4.3 DRAFT PLANNING SCHEME ORDINANCE AMENDMENT: SECTION 39 REPORT:

FILE REFERENCE: RZ 10/09 (RZ10/09A and RZ10/09B)

AUTHOR: Planning Officer
(Miss J Farmer)

APPROVED: Senior Planning Officer
(Mr J Dryburgh)

Applicant:	Brighton Council
Owner:	N/A
Location:	N/A
Application no.:	RZ 10/09
Zoning:	N/A
Date received:	N/A
Date exhibited:	N/A
Decision required	N/A

Background:

The draft amendment was considered by Council at their meeting of February 2011 a number of text amendments to the Brighton Planning Scheme 2000 ("the Scheme").

The proposed amendments fall into two categories:

- RZ 2010/09A - Section 35 text amendments that must be certified and exhibited in accordance with section 32 and 38 of the Act (as per normal planning scheme amendments); and
- RZ 2010/09B - Section 37 text amendments that are minor and for the correction of mistakes, inconsistencies and alterations for the purposes of clarification which are not required to be exhibited.

Council staff have been preparing the proposed amendments over the past few months in order to rectify the terminology and operation of particular elements of the Scheme. The application of the Scheme has highlighted a number of errors, inconsistencies, poor grammar and structuring, which have impacted on Council both financially and operationally. It is apparent that corrections and modifications will enable better clarity and understanding of certain Scheme provisions, administration and application. In addition, there are some changes that are considered to improve the operation of the Scheme

Consultation:

The Draft Amendment was exhibited in accordance with Sections 38 of the Act and Section 6 of the *Land Use Planning and Approvals Act Regulations 2004* between 26th February 2011 and 21st March 2011, and was subsequently readvertised following advice from the Tasmanian Planning Commission between 16th April 2011 and 9th May 2011. The original wording of the advertisement was considered too general. Subsequently the draft amendment was readvertised with a detailed description of the proposed changes.

During the exhibition period one (1) representation was received in relation to the proposed planning scheme ordinance amendment. The same representor submitted a representation during each period of notification and all of the issues raised in the two representations have been described and addressed below. As both representations are from the same person they are officially treated as one.

Representation 1	Planning Comment
<i>Council has not advertised the proposed planning scheme ordinance amendment in accordance with the Act.</i>	The draft planning scheme ordinance amendment was advertised twice. Following the first advertising period and subsequent advice from the Tasmanian Planning Commission, the draft amendment was readvertised with its contents described in much greater detail and in accordance with the Act.
<i>The description of the content varies between the two advertisements.</i>	This concern has been addressed above.
<i>Council does not “encourage public involvement” in the planning process.</i>	The amendment was advertised and exhibited in accordance with the Act and as such complies with the legislative requirements which encourages the participation of the public in the planning process. Council has organised workshops recently for Draft Amendments such as the one for the Bridgewater Local Area Plan, but it is considered unreasonable to expect Council to do more than the required notification for a Draft Amendment such as this one.
<i>The advertisement on 16/4/2011 in the Mercury is misleading as examples used differ from the Section 35 report.</i>	The second advertisement was more detailed to ensure that the advertisement was not misleading.

<p><i>The description used to define the Waterway overlay is misleading.</i></p>	<p>The advertising of the various definitions was based on advice from the Tasmanian Planning Commission.</p> <p>The unclear wording that the representor quotes does not include the final part of the sentence as shown in the Section 35 report. When the whole sentence is read it is considered to be clear.</p>
<p><i>The proposed amended prefix to Clause 7.3.6 "Unless prohibited within the relevant zone,..." is unnecessary.</i></p>	<p>This prefix is considered necessary because under the BPS the provisions of a Schedule override those of the Zone and Overlays as stated in Clause 8.1. Therefore this statement confirms that where there is a prohibition in a Zone, it remains valid rather than being overridden.</p>
<p><i>The description for the reason for the Scheme "alteration" is misleading. The second advertised reason for a Scheme alteration is given to enable two specified use and development categories to be considered with the Waterway Overlay.</i></p>	<p>The description is not considered to be misleading.</p>
<p><i>The prefix proposed "where not within the Waterway Overlay" infers use and development may be acceptable within the Waterway Overlay.</i></p>	<p>This phrase is to clarify that where these specific clauses within the Environmental Management Standards Schedule refer to land within the Waterway Overlay, the Waterway Overlay takes precedence.</p>
<p><i>Clause S.5.3 proposes the inclusion of "the floor level of any habitable...." However a clearer modification may be "and that the floor level of any habitable building will be at least 300mm above the 1:100 year AEP flood level of 3.00 metres AHD"</i></p>	<p>The opinion has been considered but the draft amendment is considered appropriate.</p>
<p><i>Clause S5.4 refers to a "minor utility" which is not defined in the Scheme.</i></p>	<p>This concern is considered to have merit and should be altered to read "Utilities" and that these uses be rendered discretionary.</p>

<p><i>In Table 4.2 "building line" is poorly described and would benefit from re-drafting.</i></p>	<p>This concern is considered to have merit and as such the definition of "building line" should be altered under Table 4.2 to read: "meaning the closest wall of a building to the frontage."</p>
<p><i>S7.9(g)A8 - Vehicle Parking and Manoeuvring Areas does not need to be changed as it is already limited to one space in front of the building line.</i></p>	<p>The current clause does not refer to vehicle manoeuvring areas, which effectively means that there is currently no restriction on the amount of concreting between the building and frontage in terms of car turning bays. These areas have the same or worse impacts on amenity as parking spaces and should be considered more rigorously. The effect of the amendment is to allow for a parking space OR a turning bay within the frontage, but not both.</p>
<p><i>6.5.3 refers to "if not a motor repair garage and panel beater". A minor descriptive improvement could read "if not a motor repair garage or panel beating workshop".</i></p>	<p>This concern is considered to be valid and should read "if not a motor repair garage or panel beater"</p>

Other issues:

Section 39(2) of the Act provides that a Planning Authority (Council) must, within 35 days after the public notification period has closed, forward to the TPC this report on representations received to the draft amendment.

The report is required to provide a statement on each representation and such recommendations in relation to the draft amendment as the authority considers necessary, or state that no representations were received.

The report may include any recommendations concerning the exhibited draft amendment the Council considers necessary, including any other information in support of its recommendations.

Assessment:

Brighton Planning Scheme:

As stated previously, the minor amendments contained in RZ 2010/09A and RZ 2010/09B will be submitted to the TPC to be considered pursuant to section 37 of the Act. These minor amendments relate to a number of typographical errors present throughout the scheme. Correction of these mistakes will provide a more legible planning scheme.

The proposed amendments contained in RZ10/09A can generally be summarised as:

- Amending the use and development definitions within Part 4 of the Scheme by way of correcting minor grammatical errors that will allow for the more effective operation of the Scheme.
- Reword Clause S7.9(g) A8 of the Scheme so that it includes an uncovered manoeuvring space in calculating the permissible number of spaces allowed in between the dwelling and the street. This amended provision aims to reduce the amount of hardstand car parking areas contained in front of unit developments. Performance Criteria P8 will also be deleted to prevent any discretion to allow for more than one visitor space/ manoeuvring space in front of the building line, which will act to preserve the integrity of the street.
- Reword clause AS7.9(e) (A5) of the Scheme so that private open space areas must be located behind the building line of the dwelling. This will protect the streetscape values and diminish the potential for solid, high fencing along street frontages. P5 will also require modifications to allow for consideration of the streetscape values.
- Restructure the Waterway Overlay by rewording clauses 7.3.3 and 7.3.6 of the Waterway Overlay in order to exclude structures such as dams, roadwork's and parks and playgrounds from the operation of this provision.
- Undertake necessary changes to particular sections of Schedule 4 – Environmental Management Standards and Schedule 5 – Coastal and River Foreshore Development as a result of modifications to Waterway Overlay to reduce duplicity and contradicting discretions.

Options:

1. To adopt the recommendation; or
2. To adopt an alternative recommendation, with a full statement of reasons as determined by Council.

RECOMMENDATION:

That in accordance with Section 39 (2) of the *Land Use Planning and Approvals Act 1993* Council resolves to:

- A. That Council (planning authority) resolve that a copy of the representations and this report be forwarded to the Tasmanian Planning Commission in accordance with Section 39(2) of the *Land Use Planning and Approvals Act 1993*.
- B. Advise the Tasmanian Planning Commission that two (1) representation was received following exhibition of draft amendment RZ10-09A and RZ10-09B to the Brighton Planning Scheme 2000; and

C. That Council (planning authority) resolve that the following modifications to draft amendment RZ10-09A and RZ10-09B of the Brighton Planning Scheme 2000 are necessary:

1. Existing:

Clause 4.2 – General Definitions

Building line – means “a line setback from a frontage”

Proposed:

Clause 4.2 – General Definitions

Building line – means “the closest wall of a building to the frontage”

2. Existing:

Clause S5.4

“Where not located within the Waterway Overlay, subdivision within 30 metres of the nearest bank of a waterway, area of inundation or wetland is prohibited except for the purpose of providing a riparian reserve, public foreshore access or minor utility services.”

Proposed:

Clause S5.4

“Where not located within the Waterway Overlay, subdivision within 30 metres of the nearest bank of a waterway, area of inundation or wetland is prohibited except for the purpose of providing a riparian reserve, public foreshore access or Utilities, which shall be discretionary.”

3. Existing:

6.5.3

Service Industry	<i>if not a motor repair garage and panel beater</i>
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Proposed:

6.5.3

Service Industry	<i>if not a motor repair garage or panel beater</i>
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DECISION:

Cr Garlick moved, Cr Taylor seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Taylor	

**4.4 APPLICATION FOR PLANNING APPROVAL – SUBDIVISION –
7 LOTS AND BALANCE IN RURAL RESIDENTIAL ZONE, 58
HONEYWOOD DRIVE, HONEYWOOD:**

FILE REFERENCE: HONEYW/58

APPROVED: Senior Planner
(Mr J Dryburgh)

AUTHOR: Planning Officer
(Miss J Farmer)

Applicant: P Binny

Owner: L Thurstons & R Oakley

Location: 58 Honeywood Drive

Application no.: SA2010/51

Zoning: *Rural Residential-* Brighton Planning Scheme 2000
(the planning scheme)

Date accepted: 26 October 2010

Date advertised: 26 March 2011

Decision required 17 May 2011

Proposal:

Application has been made for a seven (7) lot and balance subdivision at 58 Honeywood Drive, Honeywood.

The land is zoned Rural Residential and the application proposes to create 7 lots with sizes varying from 1.008 ha to 1.248 ha, all of which comply with the minimum lot size requirements of the Rural Residential zone under the *Brighton Planning Scheme 2000*.

The land is contained within Certificate of Title Volume 133807 Folio 1.

Site and Locality:

The subject land is located within an established Rural Residential area and is surrounded by lots used for Rural Residential living purposes.



Figure 1: A recent aerial image of the subject site.

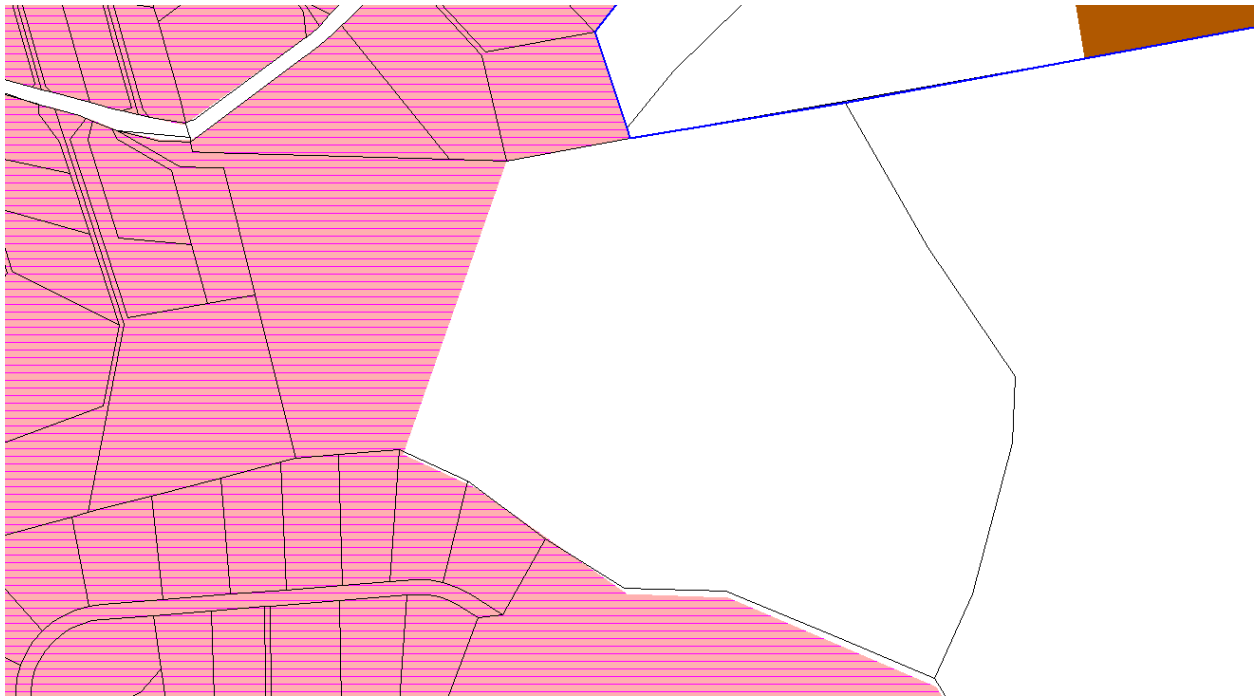


Figure 2: The zoning of the subject locality.

Consultation:

The application was subject to the 14 day statutory notification period. The proposal is discretionary because it is for a subdivision.

One (1) representation was received during the statutory notification period. The concerns raised in the representations are outlined and addressed as follows:

Concerns Raised	Planning Response
<i>Representor 1: DPIPWE</i>	
There are records of 33 threatened flora species within 5km of the development area. It is recommended that the property be surveyed in accordance with the Guidelines for Natural Values Assessments. If threatened flora is found on the property, then a permit to take under TSPA will be required.	A flora and fauna report was submitted with the application, which contained recommendations to mitigate against excessive vegetation clearance and to minimise disturbance to flora and fauna habitats. The recommendations are considered adequate.
Threatened fauna is also found in the area and it is recommended that a threatened habitat fauna survey should be undertaken which includes potential nesting habitat in tree hollows for the Masked Owl and	This concern has been addressed above.

Swift Parrot and a den survey for the Tasmanian Devil.	
The property is mapped as Eucalyptus amygdalina forest and woodland on sandstone, which is a threatened native vegetation community under the <i>Nature Conservation Act 2002</i> . PCAB recommends that vegetation clearance be kept to a minimum and that building envelopes and access roads be designed for each lot to minimise the impact the proposed development will have on this vegetation community. Building envelopes will need to be large enough to encompass a residence, associated infrastructure and fire management requirements.	<p>A permit condition is recommended, requiring an amended plan of survey to be submitted to Council for approval showing building envelopes on each of the proposed lots. This will reduce the area of a future house site to a designated area and minimise environmental degradation.</p> <p>A further condition will be placed prohibiting the removal of vegetation located outside of the building envelopes.</p>

The issues raised within the objections are considered further within this report.

Risk Implications:

Section 63A of the Act provides that a planning authority that fails to take all reasonable steps to ensure that its planning scheme is complied with may be liable to a fine of up to \$50,000.

Financial Implications:

Approval of the application will increase the number and value of rateable properties and will provide for further Rural Residential development in the area.

Other Issues:

The *Local Government (Buildings and Miscellaneous Provisions) Act 1993* provides that land may only be subdivided in accordance with a previously approved plan, or a plan of subdivision approved by the granting of a permit under the *Land Use Planning Approvals Act 1993* (the Act). Section 81(2) requires that unless the planning scheme provides otherwise, an application for subdivision be treated as a discretionary permit under Section 57 of the Act.

This report details the basis and reasons for the recommendation. An alternative decision by Council will require a statement of the reasons for the decision in order to maintain the integrity of the planning approval process and to comply with the intent of the *Judicial Review Act 2000*. In addition, section 25 of the *Local Government (Meeting Procedures) Regulations 2005* provides that the General Manager is to ensure that the reasons for a decision by a Council acting as a planning authority are recorded in the minutes of the meeting.

Assessment:

Strategic Plan

The Council's Strategic Plan provides for a future with practical and effective land use strategies that will be achieved by focusing on the following key area¹: -

1. *A land use and development strategy to provide a long-term approach that produces sustainable and measurable economic, environmental (built and "green") and social benefits for the municipal area and the region.*

The proposal is considered consistent with Council's Strategic Plan as the proposed subdivision allows for further Rural Residential living in accordance with the zone intent, objectives and development standards.

Objectives of the Resource Management and Planning System of Tasmania

Section 5 of the Act provides that Council is obliged to further the Objectives of the Resource Management and Planning System of Tasmania (RMPS) set out in Schedule 1 of the Act when determining an application for planning approval. The Objectives of the RMPS are -

- a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- b) to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- c) to encourage public involvement in resource management and planning; and*
- d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*
- 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 proposal is consistent with the objectives of Schedule 1 of the Act.

State Policies

Clause 3.3 (a) of the Planning Scheme requires Council to take into consideration any State planning policies before granting or refusing planning approval and Section 13(1) provides that where inconsistency occurs between State Policy and Planning Scheme the Policy takes precedence.

State Coastal Policy 1996

The State Coastal Policy 1996 (Coastal Policy) applies to the coastal zone, which includes all State waters and land within 1 km from the High Water Mark (HWM).²

¹ Brighton Council: *Strategic Plan 2006 – 2016*, Brighton Council, Gagebrook, 2006.

² *State Coastal Policy Validation Act 2003*

The subject land is not located within 1 km from the HWM of the Derwent Estuary (Jordan River estuary) and the Coastal Policy does not apply to the land.

State Water Quality Policy 1997

The State Policy on Water Quality Management 1997 (Water Quality Policy) requires that a use or development be consistent with the physical capacity of the land so that the potential for erosion and subsequent water quality degradation is minimised.

The total site disturbance is expected to be greater than 250 square metres. A Soil and Water Management Plan will be required prior to the commencement of any site works and a permit condition is recommended to reflect this.

The State Policy on the Protection of Agricultural Land 2009

The subject land is located in a Rural Residential zone and established semi-rural suburb and it is therefore considered that the Agricultural Policy does not apply to the land.

National Environmental Protection Measures (NEPM's)

No NEPM's are applicable to this proposal.

Planning Scheme

The land is located within the Rural Residential zone of the Planning Scheme and is within an established rural residential area.

Scheme Objectives

Clause 2.3 provides that the rural residential objective of the Scheme is -

- (a) To provide an opportunity for rural residential living in appropriate locations having regard to land capability, locational suitability, existing/likely future demand/supply, and the efficient use and economic provision of necessary services and infrastructure.
- (b) To promote consolidation of rural residential areas already subdivided to enable infill and rationalisation of services.
- (c) Ensure levels of servicing are provided by developers to reduce maintenance costs to Council at the same time as providing potential residents with an appropriate response.
- (d) To provide for areas of rural residential living which integrate with future settlement patterns projected for Brighton-Pontville.
- (e) Glen Lea Estate remains the only other area of land to be expanded for rural residential living having regard to its overall relationship to the Brighton - Pontville strategy and proposed links to enable a complete traffic network given the potential for development of the Army Camp site.

The proposed subdivision complies with the above objectives, particularly by furthering objective (a) as the structure plan shows that there is demand for Rural Residential land and this is considered a suitable location with reticulated water, and also objective (b) through consolidating development in a rural residential area that has already been subdivided.

Zone

Clause 6.3.1 of the Scheme provides that the purpose of the Rural Residential zone is:

-

- a) To allow for residential living on larger sized lots than contained in urban areas, where a reticulated water supply cannot always be provided.
- b) To allow for a semi-rural semi-residential character with retention of existing tree cover and enhancement of biodiversity.
- c) To avoid ribbon type development that creates multiple access points onto main access roads.
- d) To encourage substantial consolidation of the existing Rural Residential zoned areas before additional areas are re-zoned for rural residential subdivision.

The proposed subdivision complies with the purpose of the Rural Residential zone by allowing for a semi-rural semi-residential character in the area that avoids ribbon type development. It also encourages the consolidation of development in the existing Rural Residential zone in Honeywood.

Subdivision Standards

Clause 6.3.9 of the Scheme provides the subdivision standards that must be applied within the Rural Residential Zone:-

- (a) (ii) 1 hectare for land shown with a magenta horizontal hatched overlay subject to the provision of a full reticulated water supply
- (b) Maximum density of 1 lot per hectare where a full reticulated water supply is provided
- (c) Minimum frontage of 6 metres
- (d) No new lot having access to a Category 1, 2, or 3 Road as defined in Schedule 8.

The proposal complies with the subdivision standards as the lots vary in size between 1.008 ha and 1.248 ha.

Other relevant issues are considered below.

General Provisions

Decision Guidelines – Clause 3.3

The criteria within Clause 3.3 of the Scheme must be considered before Council determines an application for planning approval.

The proposed subdivision does not create any significant issues under Clause 3.3.

Applications to subdivide - Clause 3.4

In addition to Clause 3.3, which applies to all planning applications, Council must consider Clause 3.4 when determining subdivision applications:-

- (a) the suitability of the land for subdivision or strata division;
- (b) the existing use and possible future development of the land and nearby land;
- (c) the effect of development on the use or development of other land that has a common means of drainage;
- (d) the subdivision or strata division pattern having regard to the physical characteristics of the land, including existing vegetation;
- (e) the density of the proposed development;
- (f) the area and dimensions of each lot in the subdivision or strata division;
- (g) the layout of roads, having regard to their function and relationship to existing roads;
- (h) the movement of pedestrians and vehicles throughout the subdivision or strata and the ease of access to all lots;
- (i) the provision and location of reserves for public open space and other community facilities;
- (j) the staging of the subdivision or strata division;
- (k) the design and siting of buildings, having regard to safety and the risk of spread of fire;
- (l) the availability and provision of utility services, including water, sewerage, drainage and electricity;
- (m) the capacity of the land to treat and retain all sewage and sullage within the lot boundaries of each lot, if the land is not sewered and no provision has been made for the land to be sewered; and
- (n) whether native vegetation can be protected and the siting of open space areas in such a way as to preserve its habitat and landscape value and function.

It is considered that the land is in a suitable location, which is appropriately zoned and surrounded by land used for Rural Residential purposes. Water is available to all of the proposed lots and Southern Water have provided a response and permit conditions if approved. A geotechnical report has been submitted which is considered adequate.

Clause 3.4 (n) is of particular relevance to this proposal as the subject land contains many species of threatened flora and fauna. A condition is required on the planning permit to ensure that native vegetation is protected and any clearing of the land is limited and controlled in such a way as to cause minimal environmental impacts.

Overlays

The subject site is not located within any of the overlays listed in Section 7 of the Brighton Planning Scheme 2000.

Schedules

Schedule 4: Environmental Management Standards

Clause 3.3(n) of the planning scheme requires Council to take into consideration the effect on the environment of the development on nearby land before granting or refusing planning approval.

A geotechnical report was submitted as part of the application which identified several issues affecting the land capability. Some of these included: soil erosion hazard, shallow soil depth, moderate slopes and poor soil conditions.

The geotechnical report identifies the importance of a Soil and Water Management Plan prior to the commencement of any site works. A condition is required on the planning permit if approved, that a Soil and Water Management Plan be submitted to Council for approval prior to the start of any site works detailing measures to mitigate any soil and water issues that may arise during construction.

On balance, the proposal is consistent with the provisions outlined under the Environmental Management Schedule subject to the proposed planning permit conditions.

Amenity

Clause 3.3(e) of the Planning Scheme requires Council to take into consideration the character of the locality, the existing and future amenities of the neighbourhood and the effects of the development on the amenity of the area.

The proposal is considered to be consistent with surrounding rural residential amenity and character of the locality.

Services

Clause 3.4(l) of the planning scheme requires Council to take into consideration the availability and provision of utility services, including water, sewerage, drainage and electricity when considering the application.

No issues have been identified for the servicing of the proposed subdivision.

A standard condition is required to ensure that the developer meets the cost of any alterations or reinstatement of existing services, Council infrastructure or private property incurred as a result of the development.

Southern Water

The proposal was referred to Southern Water who provided a response indicating that they wish to impose conditions on the planning permit relating to service connections and asset protection. The conditions from the Authority shall form part of the recommended permit conditions.

Traffic and Access:

The proposal is considered acceptable from a traffic and access point of view.

Refer to engineering report below for additional comments.

Engineering report

With respect to engineering assets, Council's Project Engineer advises as follows -

Roads

The development proposes a new road off Honeywood Road, which is constructed to a rural road standard. The Traffic Impact Assessment submitted with the application recommends the new intersection be located further to the east of the existing access and that Honeywood Road be widened in the vicinity of the new intersection. Conditions to this effect have been provided.

The proposal does not have a turning head at the end of the new road. Whilst the developer may intend the road to continue through at some future time the balance land would require rezoning, therefore the development is to be conditioned to provide a cul de sac at the end of the proposed road.

Stormwater

Council has no reticulated stormwater in the area. The title should be endorsed that Council cannot provide a means of drainage to lots shown on the plan. Stormwater from the lots will need to be contained on site, discharge to the roadside drain through a tank, or to a natural watercourse.

Water and Sewer

The application has been referred to Southern Water and their conditions have been included.

Conclusion

The application complies with the both the Rural Residential objectives and the purpose and provisions of the zone. All of the proposed lots exceed the minimum lot size requirements and are consistent with the rural residential character of the area.

Although the land is subject to tunnel erosion, a geotechnical report has been submitted as part of the application that recommends measures to minimise risk and environmental degradation. It is considered acceptable if the development is carried out in accordance with the recommendations of the report.

For the reasons detailed above this development is recommended for approval.

Options:

1. Issue a written approval specifying the conditions (if any) imposed upon the use or development in accordance with the recommendation; or
 2. Issue a written approval providing alternative or additional conditions (if any) imposed upon the use or development; or
 3. Issue a written refusal for the use or development stating the reasons for refusal.
-

RECOMMENDATION:

That the application submitted in accordance with Part 4 of the *Land Use Planning and Approvals Act 1993* for land at 58 Honeywood Drive, Honeywood, described in Folio of the Register Volume 133807 Folio 1 to be developed by subdivision of seven lots and balance and associated works be approved subject to the following conditions:

General

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.

Amended plan of survey required

3. This permit shall not take effect and must not be acted on until three copies of an amended plan of survey have been submitted to and approved by the Council's Municipal Engineer. This amended plan of survey must:

- Show a cul-de-sac head located at the end of the proposed road reserve

Once approved, the amended plan of survey shall become part of the endorsed documents of this permit.

Staged development

4. The subdivision development must not be carried out in stages except in accordance with a staged development plan submitted to and approved by Council's Municipal Engineer.

Public open space

5. As insufficient provision has been made for recreational space, and having formed the opinion that such a provision should be made in respect of the proposal, Council requires that an amount equal to five percent (5%) of the unimproved value of Lots 1-7 must be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer.
6. The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.

Transfer of reserves

7. All roads or footways must be shown as "Road" or "Footway" on the final plan of survey and transferred to the Brighton Council by Memorandum of Transfer submitted with the final plan.

Easements

8. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

Endorsements

9. The final plan of survey must be noted that Council cannot or will not provide a means of drainage to all lots shown on the plan of survey.

Final plan

10. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
11. A fee of \$155.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
12. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Brighton Council. The security must be in accordance with section 86(3) of the *Local Government (Building & Miscellaneous Provisions) Council 1993*. The amount of the security shall be determined by the Council's Municipal Engineer in

accordance with Council Policy 6.3 following approval of any engineering design drawings and shall not to be less than \$5,000.

13. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
14. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Landscaping

15. The landscape reserve and road reserves must be landscaped by trees or plants in accordance with a landscape plan prepared by a landscape architect or other person approved by Council, and submitted to Council for endorsement with the engineering drawings. The landscape plan must show the areas to be landscaped, the form of landscaping, and the species of plants and estimates of the cost of the works. Planting shall be equivalent to a minimum of 1 tree per lot or 20 metres frontage, whichever is greater, using advanced plants that suit the character of the locality. No plants listed as noxious weeds within Tasmania, or displaying invasive characteristics shall be used in the landscaping of the road.

Weed management

16. Prior to the carrying out of any works approved or required by this approval, the subdivider must provide a weed management plan detailing measures to be adopted to limit the spread of weeds listed in the *Weed Management Act 1999* through imported soil or land disturbance by appropriate water management and machinery and vehicular hygiene to the satisfaction of Council's Municipal Engineer and of the Regional Weed Management Officer, Department of Primary Industries Water and Environment.

Environmental Values

17. All subdivision works are to comply with the recommendations of the Flora and Fauna Report, 58 Honeywood Drive, Honeywood, Proposed Subdivision 2010.
18. No vegetation clearing other than that necessary for the approved subdivision and fire management is approved.

Geotech Report

19. All subdivision works are to comply with the recommendations of the Geo-Environmental Solutions, Land Capability Assessment, 58 Honeywood Drive, Old Beach, November 2010 report.

Water quality

20. Where a development exceeds a total of 250 square metres of ground disturbance a soil and water management plan (SWMP) prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's Municipal Engineer before development of the land commences.
21. Temporary run-off, erosion and sediment controls must be installed in accordance with the approved SWMP and must be maintained at full operational capacity to the satisfaction of Council's Municipal Engineer until the land is effectively rehabilitated and stabilised after completion of the development.
22. The topsoil on any areas required to be disturbed must be stripped and stockpiled in an approved location shown on the detailed soil and water management plan for reuse in the rehabilitation of the site. Topsoil must not be removed from the site until the completion of all works unless approved otherwise by the Council's Municipal Engineer.
23. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

Property Services

24. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.

Existing services

25. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.

Sizing of services

26. All services must be sized and located to service the ultimate potential development of the site to the satisfaction of Council's Municipal Engineer or the responsible authority.

Environmental Health

27. The final plan of survey must be endorsed that the lots are only suitable for the on-site disposal of wastewater using a licensed Aerated Wastewater Treatment System or modified trench septic or other approved system.

Telecommunications, electrical and gas reticulation

28. Electrical reticulation and street lighting, telecommunication reticulation and gas reticulation must be installed in accordance with the requirements of Aurora Energy Pty. Ltd., Telstra and the gas authority.
29. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and the satisfaction of Council's Municipal Engineer.
30. Prior to the work being carried out a drawing of the electrical reticulation and street lighting, telecommunications reticulation and gas conduits in accordance with the appropriate authority's requirements and relevant Australian Standards must be submitted to and endorsed by the Council's Municipal Engineer.
31. A Letter of Release from each authority confirming that all conditions of the Agreement between the Owner and authority have been complied with and that future lot owners will not be liable for network extension or upgrade costs, other than individual property connections at the time each lot is further developed, must be submitted to Council prior to the sealing of the final plan of survey.

Southern Water

29. Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P(2)(b) Southern Water Imposes conditions on the permit as per Form PL05F (attached).

Roadwork's

30. The corners of each road intersection must be splayed or rounded by chords of a circle with a radius of not less than 6.00 metres in accordance with Sections 85(d)(viii) and 108 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* and the requirements of the Council's Municipal Engineer.
31. The proposed subdivision road is to meet Honeywood Road further to the east of the current access to the property, in the area to the east of the existing power pole.
32. Roadworks and drainage must be constructed in accordance with the standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's Municipal Engineer. Roadwork's must include -
 - (a) Honeywood Road
 - Fully paved, sealed and drained road widening to achieve a total seal width of 6.0m through the curve at the proposed new junction with 1.0 metre gravel shoulder
 - Widening is to be on the northern side of Honeywood Road.
 - Stormwater drainage.

(b) Subdivision Road

- Minimum road reserve of 18.00 metres and 25 metres at the cul-de-sac.
 - Fully sealed paved and drained carriageway with a seal width of 6.00m or 17 metres diameter at the cul-de-sac and 1.0 metre gravel shoulders both sides.
 - Stormwater drainage.
33. The carriageway surface course must be a minimum 2 coat seal in accordance with standard drawings and specifications prepared by the IPWE Aust. (Tasmania Division) and the requirements of Council's Municipal Engineer unless approved otherwise by the Council's Municipal Engineer.

Rural Access

34. A separate vehicle access must be provided from the road carriageway to each lot. Accesses must be sealed with a minimum width of 3 metres at the property boundary and located and constructed in accordance with the standards shown on standard drawings SD-1009 Rural Roads - Typical Standard Access and SD-1012 Intersection and Domestic Access Sight Distance Requirements prepared by the IPWE Aust. (Tasmania Division) (attached) and the satisfaction of Council's Municipal Engineer.
35. All driveway carriageways providing shared access to more than one lot must be constructed in accordance with Section 107 of the Local Government (Buildings and Miscellaneous Provisions) Act 1993 and municipal standard drawings. Shared access must include a:
- maximum grade of 1 in 5 (20%) onto the lot;
 - minimum trafficable width of 3.00 metres for up to 50 metres length, or with minimum 5.5 metres wide by 7.5 metre long passing bays at the boundary and every 50 metres along the access otherwise;
 - reinforced concrete in accordance with the construction standards shown on standard drawings SD 1003 unless approved otherwise by Council's Municipal Engineer;
 - stormwater drainage as required.
36. Road construction standards may be varied by Council's Municipal Engineer to incorporate Water Sensitive Urban Design principles.

Street signs

37. A street sign and standard must be provided and installed at the intersection of the proposed access street and Plymouth Road and each internal intersection at the subdivider's full cost in accordance with the Australian Standard and the requirements of the Council's Municipal Engineer.

Engineering drawings

38. Engineering design drawings to the satisfaction of the Council's Municipal Engineer must be submitted to and approved by the Brighton Council before development of the land commences.
39. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's Municipal Engineer, in accordance with Standards Australia (1992): Australian Standard AS1100.101 Technical Drawing - General principles, Homebush, and Standards Australia (1984): Australian Standard AS1100.401 Technical Drawing - Engineering survey and engineering survey design drawing, Homebush, and must show -
 - (a) All existing and proposed services required by this permit;
 - (b) All existing and proposed roadwork required by this permit;
 - (c) Measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
 - (d) Measures to be taken to limit or control erosion and sedimentation;
 - (e) Any other work required by this permit.
40. Two sets of preliminary engineering design drawings are to be initially submitted to Council for inspection and comment. Following this, four (4) sets of final engineering plans are to be submitted for final approval by Council. The approved engineering design drawings shall form part of this permit when approved.

Council will keep two (2) sets of approved drawings and two (2) sets will be returned to the subdivider's engineer. One (1) set of the approved engineering design drawings must be kept on site at all times during construction.
41. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
42. All new public infrastructure and subdivision work must be designed and constructed to the satisfaction of Council's Municipal Engineer and in accordance with the following -
 - *Local Government (Building & Miscellaneous Provisions) Act 1993;*
 - *Local Government (Highways) Act;*
 - *Drains Act 1954;*
 - *Waterworks Clauses Act;*
 - *Australian Standards;*
 - *Building and Plumbing Regulations;*

- Relevant By-laws and Council Policy;
- Current IPWEA (Tasmanian Division) and Brighton Council Municipal Standard Drawings;
- Current IPWEA and Brighton Council Municipal Standard Specification.

Construction amenity

43. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Environment and Development Services:

- Monday to Friday 7:00 AM to 6:00 PM
- Saturday 8:00 AM to 6:00 PM
- Sunday and State-wide public holidays 10:00 AM to 6:00 PM

44. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -

- (a) Emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property.
- (b) Transport of materials, goods or commodities to or from the land.
- (c) Appearance of any building, works or materials.

45. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Municipal Engineer.

46. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

Traffic management

47. A Traffic Management Plan prepared by a suitably qualified person in accordance with Section G2.6 of DIER (February 2005): General Specifications, Department of Infrastructure, Energy and Resources, Hobart and the referenced document DIER (June 2004): Traffic Control at Work Sites Code of Practice, Department of Infrastructure, Energy and Resources, Hobart or the current replacements must be submitted to the council's Municipal Engineer prior to the commencement of any work within a public road reserve. All traffic control is required to be performed and certified by accredited traffic control personnel and all works within the road reserve to comply with all relevant occupational health and safety regulations.

Construction

48. The subdivider must provide not less than 48 hours written notice to Council's Municipal Engineer before commencing construction works on site or within a council roadway. The written notice must be accompanied by evidence of payment of the Building and Construction Industry Training Levy where the cost of the works exceeds \$12,000.
49. The subdivider must provide not less than 48 hours written notice to Council's Municipal Engineer before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's Manager Engineering Services.
50. A fee for supervision of any works to which Section 10 of the Local Government (Highways) Council 1982 applies must be paid to the Brighton Council unless carried out under the direct supervision of an approved practising professional civil engineer engaged by the owner and approved by the Council's Municipal Engineer. The fee must equal not less than three percent (3%) of the cost of the works.

Survey pegs

51. Survey pegs to be stamped with lot numbers and marked for ease of identification.
52. Prior to the works being taken over by Council, evidence must be provided from a registered surveyor that the subdivision has been re-pegged following completion of substantial subdivision construction work. The cost of the re-peg survey must be included in the value of any security.

'As constructed' drawings

53. Prior to the works being placed on the defects liability / maintenance period an "as constructed" drawing of all engineering works provided as part of this approval must be provided to Council to the satisfaction of the Council's Municipal Engineer. These drawings must be prepared by a qualified and experienced civil engineer or other person approved by the Municipal Engineer and provided in both digital and "hard copy" format.

Defects Liability Period

54. The subdivision must be placed onto a 6 month statutory defects liability period in accordance with section 86 of the Local Government (Buildings and Miscellaneous Provisions) Act 1993, Councils Specification and Policy following the completion of the works in accordance with the approved engineering plans and permit conditions.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. The issue of this permit does not ensure compliance with the provisions of the Threatened Species Protection Act 1995 or the Environmental Protection and Biodiversity Protection Act 1999 (Commonwealth). The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Tourism, Arts and the Environment or the Commonwealth Minister for a permit.
- D. The issue of this permit does not ensure compliance with the provisions of the Aboriginal Relics Act 1975. If any aboriginal sites or relics are discovered on the land, stop work and immediately contact the Tasmanian Aboriginal Land Council and Aboriginal Heritage Unit of the Department of Tourism, Arts and the Environment. Further work may not be permitted until a permit is issued in accordance with the Aboriginal Relics Act 1975.
- E. The SWMP must show the following:
 - (a) Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
 - (b) Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
 - (c) Estimated dates of the start and completion of the works;
 - (d) Timing of the site rehabilitation or landscape program;
 - (e) Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection.
 - (f) Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion.

- (g) Temporary erosion and sedimentation controls to be used on the site.
- (h) Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia (2000), AS/NZS 1547: On-site wastewater management, Standards Australia, Sydney.

Appropriate temporary control measures include, but are not limited to, the following (refer to brochure **attached**):

- Minimise site disturbance and vegetation removal;
 - Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);
 - Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
 - Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
 - Stormwater pits and inlets installed and connected to the approved stormwater system before the roadwork's are commenced; and
 - Rehabilitation of all disturbed areas as soon as possible.
- F. The owner is advised that an engineering plan assessment and inspection fee of 1% of the value of the approved engineering works, or a minimum of \$220.00, must be paid to Council in accordance with Council's fee schedule.
- G. The traffic management Code of Practice can be found at <http://www.transport.tas.gov.au/safety/>. Typical details are shown in the relevant Australian Standard field guide.
- H. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.

DECISION:

Cr Foster moved, Cr Geard seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Taylor	

4.5 PLANNING UPDATE:

FILE REFERENCE:

AUTHOR: Senior Planner
(Mr J Dryburgh)

The Senior Planner, James Dryburgh provided Committee with an update on planning issues within the municipality.

RECOMMENDATION:

That the report be received.

DECISION:

Cr Garlick moved, Cr Geard seconded that the report be received.

CARRIED

VOTING RECORD

In favour	Against
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Taylor	

The meeting closed at 6.15 p.m.

Confirmed: _____
(Mayor)

Date: _____
21ST June 2011