



Brighton Council

MINUTES OF THE **PLANNING COMMITTEE MEETING**
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
GAGEBROOK AT 5.30P.M. ON TUESDAY,
12TH JULY, 2011

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

IN ATTENDANCE: Cr Owen; Cr Jeffries; Mrs J Banks (Manager Governance & Human Services) Mr J Dryburgh (Senior Planner) and Mr D Cundall (Planning Officer).

1. APOLOGIES:

Cr Geard moved, Cr Garlick seconded that Cr Taylor and Cr Jeffries be granted leave of absence.

CARRIED

VOTING RECORD

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

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 DRAFT PLANNING SCHEME ORDINANCE AMENDMENT:

FILE REFERENCE: RZ 2011/03

AUTHOR: Planning Officer
(Mr D Cundall)

APPROVED: Senior Planner
(Mr J Dryburgh)

Applicant: Brighton Council

Owner: N/A

Location: N/A

Application no.: RZ 2011/03

Zoning: Brighton Planning Scheme 2000 (the planning scheme)

Date received:

Date advertised: N/A

Decision required N/A

Background:

The purpose of this draft amendment is for Council to consider the removal of a single performance criteria from the Standards for Medium Density Housing under Schedule 7 Medium Density Housing of the Brighton Planning Scheme 2000 (“the Scheme”).

The draft amendment is made pursuant to Section 34 of the *Land Use Planning and Approvals Act 1993* (“the Act”), whereby an amendment can be initiated by the administrators of the scheme (planning authority).

The performance criteria in question appears in the following section of the scheme:

Standards for Medium Density Housing

S.7.9. The following Performance Criteria and Acceptable Solutions shall apply to this Schedule:

(a) Density.

Objective: To ensure that the dwelling density of medium density housing developments is acceptable.

ACCEPTABLE SOLUTION	PERFORMANCE CRITERIA
A1 The minimum area of site per dwelling shall be in accordance with the following:- a) Units 350m2 b) Apartments: Studio/Bed-sitting room 200m2 1 bedroom 250m2 2 bedroom 300m2 3 bedroom 350m2 c) Residential Building: 150m2 per bedroom	P1 The density of medium density housing shall protect the amenity of adjoining lots and the surrounding area.

Performance Criteria 1 (“P1”) under clause S.7.9 (a) reads:

‘The density of medium density housing shall protect the amenity of adjoining lots and the surrounding area.’

If a development cannot meet ‘the minimum area of site per dwelling’, depicted under the ‘Acceptable Solution’, then it must meet performance criteria. If a proposal satisfies a Performance Criteria, it should be approved under S.57 of the Act, and if not, it should be refused.

An 'Acceptable solution' under the Scheme means:

'...those matters set out in any relevant provision or schedule of this planning scheme, which are objective (generally measurable) criteria, designated as an acceptable means of meeting the corresponding purpose, objective or intent. Council is bound to grant a permit under Section 58 of the Act, either unconditionally or subject to such conditions or restrictions as it may impose for use or development that complies with all relevant acceptable solutions.'

The acceptable solution provides that each unit requires a minimum 350m² of land. This measurable standard is designed to meet the corresponding purpose, objective or intent for medium density development. An application for units that meets the acceptable solution(s) shall be granted a permit.

The Performance Criteria means:

'...those matters set out in any relevant provision or schedule of this planning scheme, which are generally (but not always) subjective criteria, to assess performance against corresponding purpose, objective or intent. Council may grant a permit under Section 57 of the Act, either unconditionally or subject to such conditions or restrictions as it may impose, or refuse an application for use or development that applies performance criteria.'

A development application that cannot meet the 'acceptable solution', such as applying to build units on land with less than 350m² per unit would rely solely on meeting the 'Performance Criteria' to prove the development would still meet the requirements of the schedule. If a proposed development relies on the performance criteria, then such an application will be assessed as discretionary under Section 57 of the Act. To use the same example, an applicant that proposes to build units would need to prove that such a development would '...protect the amenity of adjoining lots and the surrounding area'; effectively allowing a higher density of development.

Therefore this report assesses the merits of removing P1 from clause S7.9(a) and maintaining dwelling density at the acceptable solution, which would be compliant with S.7.6 'Where performance criteria are not provided for in the Schedule, use or development must comply with the relevant Acceptable Solution.' In other words, the provision to be removed does not need to be replaced, as applications would simply need to meet the Acceptable Solution.

Consultation:

A copy of the draft planning scheme amendment must be forwarded to the Tasmanian Planning Commission ("the TPC") within 7 days of the draft amendment being certified. The certified draft amendment (RZ 2011/03) must then be placed on public exhibition for a period being not less than 3 weeks or more than 2 months, with public notice of the exhibition being given in the 'Mercury' newspaper.

Consultation has been held with the Council's Senior Technical Officer.

It is proposed that the draft amendment be placed on public exhibition at the Council's and Commission's offices for 3 weeks.

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:

Advertising costs will be incurred during the exhibition period. A fee of \$250.00 is required to be paid to the Commission on submission of the certified draft amendment.

Other issues:

Before certifying a draft amendment, a planning authority must determine that a draft amendment meets the requirements specified in section 32 of the Act, which provides that an amendment to a planning scheme:

- a) *Must seek to further the objectives of the Resource Management and Planning System of Tasmania set out in Schedule 1 of the Act; and*
- b) *Must be prepared in accordance with the provisions of State Policies made under the State Policies and Projects Act 1993; and*
- c) *May make any provision that relate to the use, development, protection or conservation of any land; and*
- d) *Must have regard to the safety requirements set out in the standards proscribed under the Gas Pipelines Act 2000.*
- e) *must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and*
- f) *must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.*

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:

Objectives of the Resource Management and Planning System of Tasmania

The Objectives of the Resource Management and Planning System of Tasmania are listed below with appropriate planning comment:

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- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*

The proposed amendment will have no adverse impact on natural or physical resources or the maintenance of ecological processes and genetic diversity.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*

Stipulating a minimum allowable area for medium density development is in greater fairness to the community; and it is a clear standard ensuring that the same rules apply to everyone. Medium density development constructed at the 'Acceptable solution' for density helps to ensure that existing land users and residents in Brighton's residential zones are not subject to a sense of overcrowding and can maintain a high level of residential amenity.

- (c) *to encourage public involvement in resource management and planning; and*

The public will be involved in the planning scheme amendment through opportunity to make representation and attend public hearings.

Council officers are regularly contacted by concerned residents and real estate agents about the likelihood of adjoining allotments becoming medium density housing. Residents are often concerned about the lot size and the density at which houses are built.

The removal of P1 gives more confidence to both members of the public and Council officers about what is an acceptable area of land needed to sustain medium density housing, without as much speculation.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*

The draft amendment should further promote economic development by effectively streamlining processes for developers, in that:

- The Scheme becomes clearer and easier to understand;
- developers can ascertain with better clarity what land would be appropriate to develop medium density housing;
- it will also help to reduce development application assessment times; in that less applications will be subject to the Section 57 discretionary process.

- (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.*

Consultation will involve the TPC, the Brighton Council and the community.

The draft amendment applies to Schedule 7 Medium Density Housing (restricted to the Residential Zone), and therefore only applies to:

'Use or development of land for medium density housing, including apartments, residential buildings and units, must be undertaken in accordance with the standards set out in clause S7.7.'

The amendment will not vary existing planning scheme provisions and respects and furthers the Objectives of Part 2 of Schedule 1 of the Act.

The proposed Planning Scheme Amendment as it relates to the Objectives of Part 2 of Schedule 1 of LUPAA are discussed below:

- (a) *to require sound strategic planning and co-ordinated action by State and local government;*

Council, as planning authority, have taken the initiative to amend the planning scheme under Section 34 of The Act as a response to issues arising from planning approvals, and to serve the best interests of both current and future residents of Brighton.

The amendment better serves the purposes of the Residential Zone Purpose 6.2.1:

- a) *To ensure sufficient land is available to meet anticipated demand for residential use in the next 5 years.*
- b) *To protect residential amenity by reducing the potential for land use conflicts between residential uses and other uses.*
- c) *To allow for a range of housing types within the zone, subject to meeting performance guidelines, so as to satisfy different housing needs within the community.*
- d) *To restrict non-residential uses to those that are compatible with maintaining residential amenity and servicing local needs.*
- e) *A broad range of residential options should be accommodated subject to the maintenance of satisfactory levels of amenity for new and existing development.*

Accordingly, the standout improvements will be:

- To better protect residential amenity and reduce the potential for conflict between residential uses.
- To ensure better clarity in the Planning Scheme.
- To ensure more certainty for developers
- To meet anticipated demand for residential land supplies; calculations of land supply are based on the acceptable solution for lot size. This, accordingly, should still allow for a range of housing types within the zone.

- (b) *to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.*

The proposed amendment will form part of the Planning Scheme, which controls the use, development and protection of land.

Standards for Medium density housing, do not solely rest on P1 by any means, as there is already a range of 'Decision Guidelines' and requirements that developers must meet in order to satisfy the purposes of the scheme. Approvals are guided by a number of matters such as provisions of private open space, car parking space, building design, setbacks from boundaries and landscaping. The removal of P1 further ensures and controls better building and neighbourhood amenity without as much complexity.

- (c) *to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and*

As discussed above, the scheme already gives due weight to environmental, social and economic effects. The amendment can only further these considerations.

- (d) *to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and*

The proposed amendment furthers this objective and is consistent with State, Regional and local planning policies and strategies.

- (e) *to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and*

The proposed amendment better streamlines planning approval processes thereby ensuring faster delivery of any other related approvals.

- (f) *to secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania; and*

The amendment embraces the overarching purpose of this objective

- (g) *to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and*

Though not particularly prevalent, the amendment does help to preserve a typically Australian way of life. It's believed that the 'Acceptable Solution' for medium density housing will mean more space is dedicated to open space; such areas are more aesthetically pleasing to residents and give new residents the opportunity to use their private open spaces (or shared open space) for pursuing more outdoor activities.

- (h) *to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and*

Unfortunately medium density housing, by its very nature, tends to require a lot of hard surfaces. Such surfaces are necessary to allow for parking, larger driveways, turning bays and footpaths. This creates extra hard surface water runoff and an increased burden on public storm water infrastructure.

Given the narrow rectangular shape of lots, common to urban areas, it is difficult to design medium density housing without using large concreted or hard surface areas. It means, the greater the number of dwelling per lot, the more hard surface necessary to accommodate its residents.

The proposed amendment will therefore help to relax a potential burden on public infrastructure. As it will give better certainty to Council and developers of what land is suitable for medium density housing; and better plan and allow for future development.

- (i) *to provide a planning framework which fully considers land capability.*

The planning authority will consider land capability issues during the assessment process for medium density development, in collaboration with other planning approval mechanisms.

State Policies

State Policies are made under the *State Policies and Projects Act 1993*. Section 13C provides that a Council is bound by a State Policy Section and Section 13(1) provides that if a planning scheme is inconsistent with a State Policy the planning scheme is void to the extent of that inconsistency.

The draft amendment is not considered contrary to any State policy.

Gas Pipeline Safety

Section 32(a) of the Act provides that a draft amendment must have regard to the safety requirements for gas pipelines.

There are no issues of gas pipeline safety associated with the draft amendment.

Adjacent Land Use Conflicts

As detailed in the responses to the 'Objectives of the Resource Management and Planning System of Tasmania', the proposed amendment will help to raise neighbourhood amenity in the best interests of Brighton's residents. It will reduce conflict between different types of residential developments, especially in areas where there is mixed residential density types.

Regional Impacts

Though recent studies into land use planning and development indicate the necessity for more infill development in the Greater Hobart Area, the proposed amendment will better ensure the quality of such development.

Conclusion:

It has been discussed that the proposed amendment is consistent with the requirements specified in section 32 of the Act and that the amendment should ultimately improve both, the quality of medium density housing and its associated development processes.

Options:

1. To certify an amendment in accordance with the recommendation.
2. To certify an alternative amendment as determined by Council.
3. To refuse to certify an amendment.

RECOMMENDATION

- A. That in accordance with Section 35(1) of the *Land use Planning and Approvals Act 1993*, Council certifies that draft amendment RZ 2011/3 to the Brighton Planning Scheme 2000 meets the requirements of Section 32 of the *Land Use planning and Approvals Act 1993*; and
- B. That in accordance with Section 35(2) of the Land Use Planning and Approvals Act 1993, Council directs that draft amendment RZ 2011/3 be certified by instrument in writing affixed with the common seal of the Council; and
- C. That in accordance with Section 35(2) of the Land Use Planning and Approvals Act 1993, Council directs that a certified copy of draft amendment RZ 2011/3 be given to the Tasmanian Planning Commission within 7 days;
- D. That in accordance with Section 38 of the Land Use Planning and Approvals Act 1993, Council directs that draft amendment RZ 2011/3 be placed on public exhibition for three weeks.

DECISION:

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

CARRIED

VOTING RECORD

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

4.2 DRAFT PLANNING SCHEME AMENDMENT – ALTERATIONS TO RURAL RESIDENTIAL SUBDIVISION STANDARDS-SECTION 39 REPORT:

FILE REFERENCE:	RZ 2010/04
AUTHOR:	Planning Officer (Miss A Beyer)
APPROVED:	Senior Planner (Mr J Dryburgh)
Applicant:	Brighton Council
Owner:	Not Applicable
Location:	Applicable to all existing Rural Residential zoned land within the Municipality
Application no.:	RZ 2010/04
Zoning:	<i>Rural Residential</i>
Date received:	Not applicable
Date advertised:	11 December 2010- 14 January 2011
Decision required	NA

Proposal:

This report seeks to amend the *Brighton Planning Scheme 2000* (“the Scheme”) by means of altering the Rural Residential subdivision standards specified under Clause 6.3.9 and 6.3.10. Specifically, the amendment aims to determine an appropriate minimum lot size for the Rural Residential zone that is based upon a strategic response as opposed to the current subdivision standard dependency on the provision of water, average lot sizes and the size of titles at 1st January 2000. There is no logical basis for using this methodology to determine the size of lots within the zone. It is therefore proposed to review the lot sizes occurring within the Rural Residential zone and to strategically determine what areas shall be appropriate for differing lot sizes. Logically, areas closer to settlements should facilitate a consolidation of lots and areas located further afield and that pose other significant land use constraints shall require larger lot sizes.

The proposed amendment will also delete the maximum density provision specified under Clause 6.3.9(b) which requires a maximum density of 1 lot per hectare where a full reticulated water supply is provided and 1 lot per 2 hectares where a full reticulated water supply is not available. This in effect makes the minimum lot size provisions redundant which serves no purpose. As such it is proposed to retain a flat minimum lot size standard to determine land use densities.

In addition Clause 6.3.10 indicates that in the instances where a maximum density is to be applied to a subdivision proposal, such density shall be based on the area of land described in existing individual title individual titles as at the 1st January 2000. This effectively results in an inconsistent approach to subdivision of land. It is proposed to delete this provision in order to provide some consistency in continuing the current development pattern and density.

Currently, the Scheme prescribes minimum lot sizes of 2, 1 and 0.5 hectares for the zone. Smaller lot sizes are permissible only in the event there is the provision of a full reticulated water supply. This is not an acceptable approach as lot sizes should be derived from factors that address sustainable development including proximity to services and facilities, surrounding land uses, maximising densities of existing zoned land, environmental values, land capability and land hazard potential.

In order to distinguish the different lot sizes applicable to differing Rural Residential areas, precincts will be allocated. This will act much the same as the hatched overlay occurring over the Rural Residential zone at present to determine what lot size will apply in certain circumstances.

The intention is to achieve lot sizes that best utilise the available land resource whilst maintaining a level of residential amenity consistent with the established development pattern.

Background:

The land subject to the proposed amendment includes all current Rural Residential zoned land within the Municipality and is contained on the fringe of the Brighton Township, Honeywood and Old Beach to the east and Bridgewater and Boyer Road to the west. The land on the fringe of the Brighton Township is supporting lot sizes of 0.5 – 1 hectare, land located in Honeywood and Old Beach is subject to a horizontal hatched overlay which means the minimum lot size for this area is 1 hectare subject to the provision of a full reticulated water supply. The land at Bridgewater is being developed down to 0.5 hectare lots as it is serviced with water and the land extending along Boyer Road is generally not serviced with a full water supply and thus a 2 hectare minimum lot size applies.

Generally, the Rural Residential zoned land across the Municipality supports single detached dwellings on larger allotments for 'rural living' purposes. A single dwelling is permitted within the Rural Residential Zone and this density is not proposed to change. The zone also supports limited small scale enterprises in the hobby farm context.

The vast majority of the Rural Residential zoned land occurs on previously cleared and grazed agricultural land that has since been subdivided as a result of the lack of viability in many farming activities and in line with the market trend over the past two decades towards a 'rural living' lifestyle change.

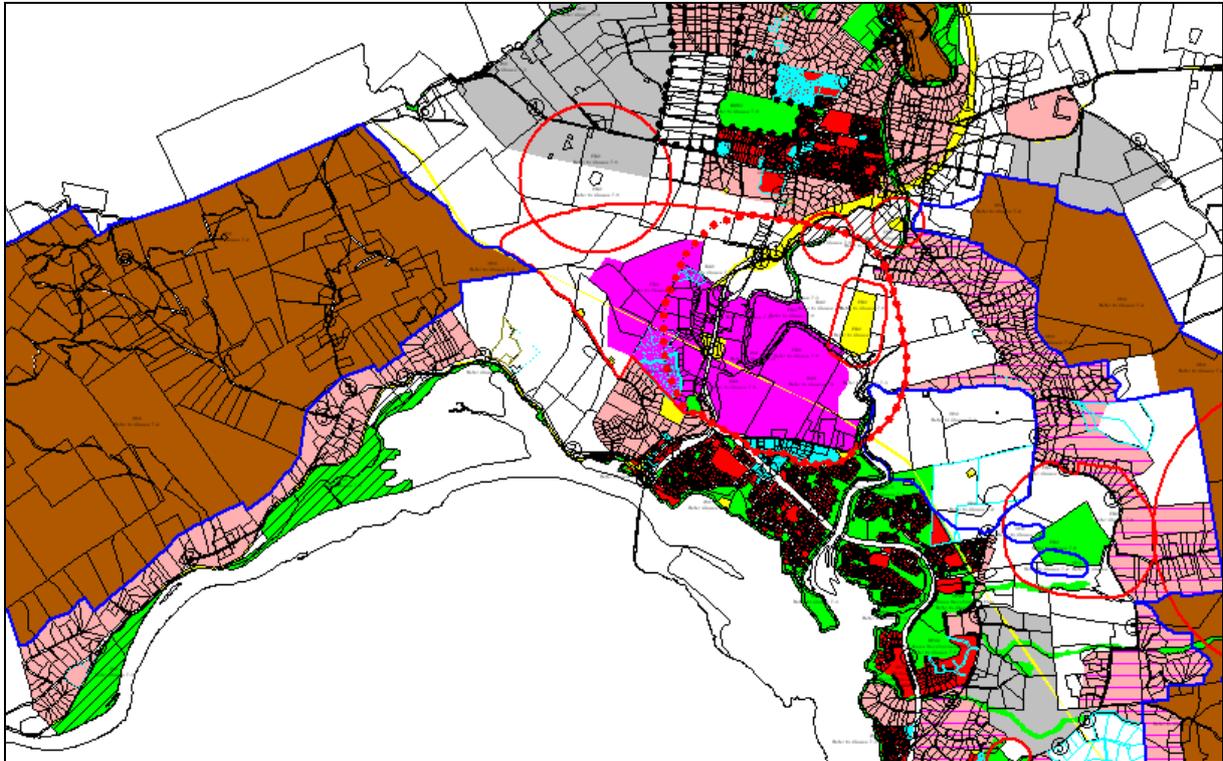


Plate 1: The *Brighton Planning Scheme 2000* zoning map identifying the allocated Rural Residential zones in 'light pink'.

Consultation:

Council certified the draft amendment at its meeting on the 16 November. Following this, 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* between the 11 December 2010 and the 14 January 2011. Due to a technical error in displaying the documentation associated with the amendment (the exhibited plan was considered to not of a sufficient readability), the Tasmanian Planning Commission directed that draft planning scheme amendment be re-advertised in accordance with Section 43(1)(a) of the Act.

Twenty one (21) and two (2) non statutory representations were received during the statutory timeframe in relation to the proposed planning scheme ordinance amendment.

The issues raised by the representors' are detailed as follows:

Issue	Planning Response
Representation 1: (Old Beach- East of the East Derwent Hwy and including Shelmore Dr and Natalie Cr area)	
<i>As the owners, ratepayers of three properties in the Municipality, we are delighted by the proposed alteration. It is a common sense response to the need for more residential blocks in the municipality (due to population growth) which strikes a balance with the need for a semi-rural option for those who not want higher density living.</i>	<i>The representation is in support of the proposal therefore no modifications are considered necessary.</i>
Representation 2: (Ford Road)	
<i>We agree with Council's proposed changes to the Brighton Planning Scheme 2000. Our understanding is that alterations to the rural residential subdivision standards will allow us, as well as the owners of adjoining properties to subdivide those properties subject to meeting certain criteria.</i>	<i>This assumption is correct, as 2 Andrea Court would be able to be subdivided into two allotments subject to the frontage, access and any other relevant planning scheme requirements being met.</i>
Representation 3: (Old Beach- East of the East Derwent Hwy and including Shelmore Dr and Natalie Cr area)	
<i>I write in support of the draft Planning Scheme Amendment, particularly as it relates to rural residential land at Old Beach in proximity or adjacent to land zoned residential. The amendment recognises the opportunity to consolidate existing settlements and reduce the contrast in residential density.</i>	<i>The representation is in support of the proposal therefore no modifications are considered necessary.</i>
Representation 4: (Kathleen Drive extending South to Gunners Quoin Road)	
<i>The most advantageous outcome for the Harries would be for the draft amendment to also include a minor rezoning to reflect the desired subdivision and the existing density of lots owned by Chugg and Pullen to the west. It is requested that Council undertake further investigations into the rezoning of land in the vicinity of 136 Gunners Quoin Road to Rural Residential or any such equivalent zone that arises as a result of the adoption of the Standards Planning Scheme Template.</i>	<i>The draft amendment does not apply to the land at 136 Gunners Quoin Road as the property is zoned Landscape and Skyline Conservation. It is unlikely this property would be rezoned as it forms an important visual element in the landscape and would contravene both the Brighton Structure Plan and Southern Tasmania Regional Land Use Strategy, which has placed a moratorium on further expansion of land for rural living purposes.</i>

<p>Representation 5: (Land to the east of Brighton Township and Bypass)</p>	
<p>We have already had plans drawn up for 1 hectare blocks and feel that it would be a benefit for us to be able to sell these at a land size that buyers could afford to buy and build on. 2 hectares is too large for busy people to maintain these days.</p>	<p>Currently 290 Briggs Road is subject to a 2 hectare minimum lot size for any subdivision as the land has a restricted water supply. In the event the draft amendment is approved, this property would be able to facilitate 0.5 hectare allotments which would result in a reasonable lot yield.</p>
<p>Representation 6: (Boyer Road)</p>	
<p>We object to the proposal in the strongest of terms, Boyer Road is unsuitable to accommodate more traffic in its current form and it is already dangerous with no room for error with the current volume of traffic. It would be even more dangerous if there were additional cars turning into driveways along the road as there is nowhere for cars and trucks to go.</p>	<p>The representor has misinterpreted the intent for the Boyer Road area. It is not proposed to allow for further consolidation of lots within this area but rather to increase the lot size to minimise future development.</p>
<p>It would appear the Council has little control over what is happening on existing blocks with a caravan and a carport erected on a block along Boyer Road- where is their buildings application?</p>	<p>This issue is not relevant to this draft amendment and will be addressed through appropriate staff within Council as a separate matter.</p>
<p>We came to live in this area because of the seclusion. We now have a neighbour on our doorstep with a shipping container and an unfinished dwelling. The acreage blocks should be for people who want privacy and space, not a low cost alternative for those who can't afford a house and land in the suburbs.</p>	<p>As mentioned above, the representor has misunderstood the intention for future development of the Dromedary area. The lot size has not been reduced in order to prevent further development as much as possible given the area is bushfire prone and has limited servicing infrastructure.</p>
<p>Representation 7: (Compton Road)</p>	
<p>Our objection to the draft planning scheme amendment is that Infrastructure needs to be in place or part of the development to make the plan work. I do not see any plans to improve the infrastructure as part of the plan. Infrastructure issues that need to be addressed in the area are:</p> <ul style="list-style-type: none"> • Sewerage, • Public transport, • Improving roads, 	<p>Infrastructure provision is a crucial element in determining appropriate locations for further consolidation and infill development. With regard to sewerage, the minimum lot size proposed would be adequate to support on-site wastewater treatment systems which is consistent with most rural living areas across the State as it is more economically viable. It is therefore considered an unnecessary and onerous requirement for Southern Water to sewer</p>

<ul style="list-style-type: none">• <i>Cub and guttered roads,</i>• <i>Footpaths.</i>	<p><i>Rural Residential areas.</i></p> <p><i>With regard to public transport, it is understood that the frequency and reliability of the public transport service to and from Hobart is poor, however rural residential areas are highly car dependent areas as they are generally located on the fringe of urban areas that is outside the scope of a viable public transport network.</i></p> <p><i>With regard to road improvements, Council's Senior Technical Officer has advised that the condition of Compton Road is not to accepted standards, however its design is appropriate. Compton Road would have the capacity to deal with the small amount of additional traffic generation. Some localised road widening may be necessary and this could be achieved by Council developing a scheme where subdividers are required to provide a cash contribution towards road widening.</i></p> <p><i>From DIER's perspective, as the junction is already provided with a short channelised turn lane for traffic entering from the Gagebrook direction, it would be likely that the only improvement required in the short to mid-term would possibly be a left-turn slip lane, similar to the turn lane at Stanfield Drive.</i></p> <p><i>With respect to footpaths, this infrastructure is not necessary within Rural Residential areas and as such is not commonly found. Road reserves are generally wide enough to accommodate space for walking at the side of the road and most people within Rural Residential areas do not require such facilities as the lots themselves are large enough to accommodate recreational pursuits.</i></p>
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<p><i>We do not need to become suburbia. What impact will be on the existing wildlife and environment when you clear more land and knock down trees to build more houses?</i></p>	<p><i>The proposal would not change the zoning therefore the lots would still remain rural residential in nature and general density.</i></p> <p><i>Compton Road contains Eucalyptus amygdalina forest and woodland on dolerite native vegetation community. This particular vegetation community is not listed as threatened under Schedule 3A of the Nature Conservation Act 2002, however this draft amendment does not permit its removal. Any removal of vegetation required through an application for subdivision or development may necessitate the submission of a flora and fauna survey report to decipher the impacts on significant vegetation.</i></p>
<p>Representation 8: (South Baskerville Road)</p>	
<p><i>As we understand it, the proposal is to allow a minimum block size of 0.5 hectare and a consequence of this would be to allow property owners to subdivide their land.</i></p>	<p><i>The proposed minimum lot size for this area is 0.5 hectare therefore the representors assumption is correct.</i></p>
<p><i>Issue with traffic, both pedestrian and vehicular. Most households these days have two vehicles. Based on these assumptions that eventually all property owners subdivide this would increase the number of vehicle movement, based on 2 per car per day increase from 4 per block to 12 per block. When these traffic movements are added to existing traffic, which includes trucks entering and existing Baskerville Quarry, there will be a considerable increase in traffic movements.</i></p>	<p><i>The accepted traffic engineering guidelines suggest that the average vehicle movements for a rural residential property is 8 per day. Therefore 120 vehicle movements per day could be generated if the lots were subdivided to their full potential. The standard vehicle movements on Baskerville Road is between 550-710. Therefore the proposal would result in a 20 percent increase if all lots were developed to their full potential. The road count did not extend all the way to the junction with the East Derwent Highway, therefore the actual traffic numbers would be higher. This is not a significant increase in traffic generation compared to the current vehicles utilising Baskerville Road. In addition, Baskerville Road is a local road servicing a rural residential area therefore the standard does not need to be as high as for a residential area.</i></p>

<p><i>There are no safe places to walk, the road is too narrow to allow a truck and car to pass safely without significant action by both drivers and even two cars can find it difficult to pass each other.</i></p>	<p><i>The Municipal Standards for rural residential development does not require footpaths to be provided. This is because generally there are no recreation facilities to link footpaths to (ie parks, resreroes) and lots are large enough to support recreational activities on site.</i></p>
<p>Representation 9: (All Rural Residential Zoned land)</p>	
<p><i>This amendment is extremely significant in its impact across the Municipality. In Council's assessment, it has the potential to create over 1000 new rural residential lots. I find it amazing the amendment is severely deficient of strategic documentation and basic individual site assessments that provide the evidence of a fair and orderly development.</i></p>	<p><i>Council has considered all relevant issues within the Section 35 report.</i></p>
<p><i>Most of these sites have major impediments to such widespread consolidation including, deficient road and pedestrian networks, deficient water infrastructure, no buffering from agricultural uses and major infrastructure, soil stability, land use conflicts, development of otherwise viable residential land and the assessment of public open space.</i></p>	<p><i>As above.</i></p>
<p><i>The proposed amendment goes far beyond the perceived life of this Planning Scheme. Trying to create lot numbers that will reflect 2011-2032 projected population levels is inappropriate and potentially disastrous. There is limited demand, enough to justify further consolidation but not at a scale which this amendment suggests.</i></p>	<p><i>Strategic planning is about planning for the future and based on the growth projections for the State, Brighton is expected to become the fastest growing Municipality in the State.</i></p>
<p><i>The report states that consultation has been held with Southern Water whom have indicated some upgrades will be needed.</i></p>	<p><i>Southern Water have intentions to upgrade their facilities in the future to accommodate the projected growth within the Municipality and have accounted for the projected lot yields under this proposal.</i></p>

<p><i>In my opinion only some of the proposed changes should be supported by Council, however these changes are significantly affected by a number of factors which require further assessment.</i></p>	<p><i>This has been addressed previously above.</i></p>
<p><i>The amendment is incorrectly being considered as a general ordinance alteration, whereas Council should at first be undertaking further strategic planning to demonstrate how each of these areas would most appropriately be zoned to encourage the most efficient use of the land and infrastructure whilst identifying and responding to conflicting uses.</i></p>	<p><i>The proposal is consistent with the latest strategic directions from a State level, to severely limit further rural residential subdivision. It would not be an acceptable planning outcome to rezone the land to residential or to expand rural residential land as this would conflict with the regional strategic land use work being undertaken and strategic land use strategies prepared for Brighton Council which encourage consolidation of existing rural residential areas.</i></p>
<p>Representation 10: (Old Beach- East of the East Derwent Hwy and including Shelmore Dr and Natalie Cr area)</p>	
<p><i>I am writing to advise you that I am in favour of the residential subdivision standards planning scheme that has been proposed for the Myna Park area in Old Beach.</i></p>	<p><i>The representation is in support of the proposal therefore no modifications are considered necessary.</i></p>
<p>Representation 11: (Old Beach- East of the East Derwent Hwy and including Shelmore Dr and Natalie Cr area)</p>	
<p><i>I am writing to advise you that I am in favour of the residential subdivision standards planning scheme that has been proposed for the Myna Park area in Old Beach.</i></p>	<p><i>The representation is in support of the proposal therefore no modifications are considered necessary.</i></p>
<p>Representation 12:</p>	
<p><i>I am writing to advise you that I am in favour of the alteration of the residential subdivision standards planning scheme that has been proposed for the Myna Park area in Old Beach. We have no objections to this proposal.</i></p>	<p><i>The representation is in support of the proposal therefore no modifications are considered necessary.</i></p>

Representation 13: (Land to the east of the Brighton Township)	
<i>We like living here as we are country people and the land is flat which helps in my old age, but because of my deteriorating physical health and my daughters two sons not living away we are not able to look after this large property without some help. It would be much easier to look after the smaller property which would result from this proposed alteration to the subdivision standard, if they are approved, as it would allow us to sell off part of the property. Then there is the additional possibility of the Council being able to provide extra services in this area with the advent of there being up to double thee dwellings in the same area which would give Council more rate revenue with which to provide the infrastructure for these extra services. We appreciate the efforts of the Brighton Council in setting the example for being so progressive while maintaining our excellent flat rating system which is most fair and which helps those of us who rely only on pensions to make ends meet.</i>	<i>The representation is in support of the proposal therefore no modifications are considered necessary.</i>
Representation 14: (Old Beach- East of the East Derwent Hwy and including Shelmore Dr and Natalie Cr area)	
<i>Thank you for the prompt and detailed response to my enquiry relating to the Planning Scheme Amendment affecting our property. Can you advise whether positive feedback to the proposal is desirable in support, or whether it is only those opposing the amendment you are looking for? If it is both, please record my positive opinion in the record.</i> <i>(Note: the representor was advised that the intention for the Old Beach area is to reduce the minimum lot size within the Rural Residential Zone to 0.5 hectare in which they are in favour of as it would allow their 1 hectare allotment to be subdivided.)</i>	<i>The representation is in support of the proposal therefore no modifications are considered necessary.</i>

Representation 15: (Old Beach- East of the East Derwent Hwy and including Shelmore Dr and Natalie Cr area)	
<i>We write in response to your letter of 2nd June 2011 in relation to Notice of Draft Planning Scheme Amendment. We object to the proposal as we purchased and choose to build where we have, in a rural residential zone, so as to enjoy the space, tranquillity and features which come with owning and developing an area of land of 1ha or more. Had we wanted to live in 'suburbia' we would not have sold our previous home.</i>	<i>The proposal would result in a slight reduction in the permissible lot sizes for the zone. The zoning would not be altered therefore the Representor's assumption that the change to the density would result in the urbanisation of the area is not justified as a 0.5 hectare allotment is approximately eight times larger than the average urban residential lot.</i>
Representation 16: (Ford Road)	
<i>We advise Brighton Council that we object to any changes to the Brighton Planning Scheme. The only people that we can see that will benefit by the alteration to the subdivision standards are the land owners that meet the Council's requirements. These title holders will make a profit. For us, we are unable to subdivide and this amendment is of no advantage to us. We have purchased our property in a rural area, for the space. With all the growth that Brighton has had so far, we haven't noticed any new services to support this growth.</i>	<i>The Representor is correct in stating that the beneficiaries of the amendment will be those that already have an adequate land area to do so and meet the access requirements of the Scheme.</i>
Representation 17: (Land to the east of the Brighton Township)	
<i>We wish to advise you that we agree to the alteration to Rural Residential Subdivision Standards of Volcanic Drive Brighton.</i>	<i>The representation is in support of the proposal therefore no modifications are considered necessary.</i>
Representation 18: (Old Beach- East of the East Derwent Hwy and including Shelmore Dr and Natalie Cr area)	
<i>Further to our recent comments we are writing to again show our support that this planning scheme amendment goes ahead.</i>	<i>The representation is in support of the proposal therefore no modifications are considered necessary.</i>
Representation 19: (Boyer Road)	
<i>We both accept Council's recommendations concerning the amendment.</i>	<i>The representation is in support of the proposal therefore no modifications are considered necessary.</i>

<p>Representation 20: (South of the Brighton Township including Dylan St and Melinda Ct)</p>	
<p><i>Thank you for the opportunity to comment on the proposed alterations to the Rural Residential subdivision standards which may affect land within my area. I understand that the proposal is to allow a reduction in lot sizes to a minimum of 0.5 ha rather than 1 ha. I oppose the proposal for the following reasons:</i></p>	<p><i>Council's intention is to allow for a minimum lot size of 0.5 hectare within Dylan Street and Melinda Court Rural Residential area of Brighton therefore the Representor's understanding is correct.</i></p>
<p><i>When I purchased my property some 18 years ago I did so on the understanding that population density in the area would be low and that I would be able to maintain an acceptable distance between my house and those of existing neighbours. Indeed I positioned my house on my block in order to maximise the distance between my house and those of existing neighbours. Further, I have planted trees to act as a barrier between myself and the dwellings of potentially new neighbours. This proposal would result in an increase in population density in my areas as potential neighbours would be able to build closer to my house and property boundaries. I consider that this change therefore de-values my property and discounts the reasons for which I elected to become a resident of this area of Brighton.</i></p>	<p><i>The Representor has raised valid concern regarding the amenity impacts associated with an increase in the density of surrounding properties. The properties surrounding the Representor's property are capable of being subdivided in half which would potentially create three additional adjoining neighbours if these landowners were to subdivide. The siting of the existing dwelling on the Representor's property maintains a minimum 25 metre separation to all property boundaries which is fairly generous and well in excess of the minimum setback requirements under the Scheme for the Zone. This distance in conjunction with the setback standards applying to future development of neighbouring lots will preserve the residential amenity of this property to a degree. The economic implications of the amendment are not a valid planning concern, however it is considered that the amendment would further economic investment in the Municipality through the creation of new lots for the market.</i></p>
<p><i>Secondly, this proposal cannot equitably achieve the Council's objective on increasing population density in the area as many of the blocks affected cannot be subdivided and meet the minimum access standards. My block has a driveway which is approximately 6 metres wide. I understand that this is not suitable for accessing multiple properties. In Melinda Court, 5 of the 14 blocks could not be subdivided due to unsuitable access. In</i></p>	<p><i>The amendment does not seek to allow everyone the opportunity to subdivide as this would undermine the zone intent as a much reduced lot size would need to be applied. It is also not practical to change the boundaries between all allotments in order to allow those who cannot subdivide, be able to subdivide.</i></p>

<p><i>Dylan Street, 4 of the 17 blocks have unsuitable access. If the Council were to proceed with this proposal they would need to support the subdivision of ALL blocks by either waiving the minimum access standards or negotiating appropriate access with all properties adjacent to a restricted access properties on behalf of the existing tenants.</i></p>	
<p>Representation 21: (Bridgewater Rural Residential Area)</p>	
<p><i>We have viewed a copy of the certified draft amendment which involves our property at Serenity Drive Bridgewater and support the proposed amendment on the following grounds:</i></p>	<p><i>Refer to below comments.</i></p>
<p><i>(a) The subject property is the balance after 29 half hectare blocks have been previously subdivided in accordance with the provisions of the planning scheme leaving 5.8 hectares remaining under the density provision of the scheme.</i></p>	<p><i>This statement is correct and the land forms a valuable contribution to the rural residential land supply within Bridgewater. The land is serviced, unconstrained and within a close proximity to the Bridgewater and Brighton Town centres therefore it is illogical to prevent the land from being developed to a density that is consistent with that of the surrounding area.</i></p>
<p><i>(b) The existing lots on this subdivision are all serviced with roads, reticulated water and sewerage services to Council requirements and these facilities have been designed to cater for extension to the balance area.</i></p>	<p><i>As above.</i></p>
<p><i>(c) The previous subdivision was popular with home owners and sold quickly and I have no doubt that demand for such lots is still high.</i></p>	<p><i>Given the site hold panoramic views over the Derwent River, Mount Wellington, Mount Dromedary and the Meehan Range, it is evident that the site would respond well to market demand. Growth projections for the Municipality indicate a clear demand for additional rural residential living within the Municipality.</i></p>

<p>(d) Under the present controls the balance area is waste land and a liability to the owners when it could be developed as an asset to the Municipality merely by the removal of the density provision provided in the scheme where appropriate services can be provided.</p>	<p>As above.</p>
<p>(e) The balance area of 5.8 hectares of this subdivision is an annual summer fire hazard and is a continual worry to the neighbours. Development would take this problem away from the community and the owners.</p>	<p>The land does not present a major fire risk as it is generally well maintained and is cleared of vegetation.</p>
<p>(f) There is a high demand for this type of large fully serviced lot in Brighton and nothing to satisfy that demand.</p>	<p>Initial population projections within the Brighton Structure Plan were based on those provided within the JLUPI Land Use Strategy. Those projections were calculated using ABS data. The population projections have since been updated to reflect more recent data and projections which have been released by the DCAC and also by the ABS. The Structure Plan conducted a residential land supply analysis which indicated that there are a total of 121 potential rural living allotments. In comparison to future trends, 584 rural living allotments are required to meet demand by 2032. This highlights a severe shortage of rural residential allotments in the Municipality. The proposal would assist in alleviating the demand pressures triggered by the rapid population growth expected to be experienced until 2032.</p>
<p>(g) There are two adjacent subdivisions with a similar problem restricting their full potential.</p>	<p>This is correct. Both 17 Samuel Street and 7 Cobbs Hill Road are the balance land associated with previous rural residential subdivisions.</p>

<p>(h) Many owners find that a one hectare lot is excessive to their requirements.</p>	<p>Due to people's increasingly busy lifestyles, there is a growing trend in preference for smaller, more manageable properties. 0.5 hectare allotments will still retain the semi-rural, semi-residential character in a serviceable district.</p>
<p>(i) This half hectare lot area is close to the closer settled area of the town of Bridgewater and forms a suitable transition to the adjacent area of rural use.</p>	<p>The proposed amendment would encourage a slight densification of an existing appropriately zoned area. The Bridgewater area of Rural Residential zoning forms the western most extent of urban development and the land beyond to the west is zoned Rural with most of the land within this zoning being utilised for farming purposes.</p>
<p>(j) Since this planning scheme was prepared waste water treatment systems for individual lots has been greatly improved and readily accessible.</p>	<p>The 0.5 hectare minimum lot size requirement proposed to be applied to this area of rural residential zoning would be a sufficient size to accommodate an on-site wastewater treatment system. Generally, these types of systems can be accommodated on suburban sized allotments if the site characteristics are favourable.</p>
<p>(k) The deletion of the density provision on this land complies with the scheme objectives and purpose for the Rural Residential Zone.</p>	<p>The removal of the density provision is entirely consistent with the Purpose of the Zone as it would avoid the formation of ribbon type development and would encourage the consolidation of the existing Rural Residential zoned areas.</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 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 twenty one submissions being received by Council indicating both support and objection towards the proposal. Those not in favour of the draft amendment raised valid concerns relating to the necessary upgrades to physical and social infrastructure in order to support the draft amendment. It is acknowledged that upgrades to road and servicing provision will be required and this can be achieved on an incremental basis in the future. The proposal is entirely consistent with the outcomes suggested within the land use strategies prepared for Brighton Council and the Regional Land Use Strategy prepared for Southern Tasmania. All strategic work prepared has indicated a high demand for rural residential living allotments and that the approach for providing this demand is through the consolidation of existing Rural Residential zoned land. Brighton is expected to experience a critical shortage of rural living land according to the latest growth projection data and the proposal will assist in alleviating some of this pressure. Due consideration has been given to land use issues such as land instability, servicing, attenuation from agricultural uses, road infrastructure and land use conflicts and this has formulated the basis behind which areas should be capable of supporting a higher lot yield and which should retain the status quo.

On the above basis, no modifications are required to the draft amendment.

Conclusion:

This report recommends the initiation of the draft amendment to strategically alter the existing minimum lot size requirements currently applicable to subdivision within the Rural Residential zone. The amendment would involve amending section 6.3.9 of the Planning Scheme so that it identifies minimum lot sizes for areas based on a strategic land use approach as opposed to solely relying on the provision of reticulated water and lot averages based on titles at 1st January 2000. The proposed amendment would also delete clause 6.3.10 as it currently unnecessarily hinders subdivision and is resulting in large variances in lot sizes within an area.

This draft amendment is consistent with all relevant policies and legislation and will help to satisfy a known demand for land for rural living purposes in appropriate locations within the Municipality which is consistent with recent land use strategies conducted for the Brighton municipality including the JLUPI Land Use Strategy and the Brighton Structure Plan June 2009 and the Southern Tasmanian Regional Land Use Strategy.

The public consultation period resulted in submission primarily raising support for the proposal, however several concerns were raised over issues such as required infrastructure improvements, traffic generation and the impacts increased densities may have on the character of an area. These concerns are valid, however the infrastructure required to satisfy additional dwelling demands would be developed incrementally and where the relevant authorities see fit.

It is considered that Council as the planning authority, continue to support the draft amendment without modification.

Options:

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

RECOMMENDATION:

- 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 twenty one (21) representations were received following exhibition of draft amendment RZ 10-04 to the *Brighton Planning Scheme 2000*; and
- C. Advise the Tasmanian Planning Commission that that no modifications to draft amendment RZ 2010/04 of the *Brighton Planning Scheme 2000* are necessary.

DECISION:

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

CARRIED

VOTING RECORD

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

The meeting closed at 5.35 p.m.

Confirmed: _____
(Mayor)

Date: _____
19th July 2011

