



Brighton Council

MINUTES OF THE **PLANNING COMMITTEE MEETING**
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 5.30P.M. ON TUESDAY,
11TH FEBRUARY, 2014

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

IN ATTENDANCE: Cr Curran, Cr Garlick, Cr Jeffries, Cr Williams; Mr J Dryburgh (Manager Development Services); Mrs J Banks (Manager Governance) and Miss J Tyson (Planning Officer).

1. APOLOGIES:

All members were present.

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*.

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 AMENDMENT, COMBINED AMENDMENT AND SUBDIVISION UNDER SECTION 43A OF THE ACT – LOT 982 CHESWICK CRESCENT, BRIDGEWATER, RECREATION TO RESIDENTIAL AND SUBDIVISION OF 9 RESIDENTIAL LOTS AND ASSOCIATED ROAD LOTS - SECTION 35 REPORT:

FILE REFERENCE: RZ 2013/01

Author: Planning Officer (D Allingham)

Applicant: Brighton Council

Owner: Brighton Council

Location: Lot 982 Cheswick Crescent, Bridgewater (Volume 6706 Folio 983)

Application no.: RZ 2013/01

Zoning: *Recreation (Residential proposed)*

Planning Instrument: *Brighton Planning Scheme 2000*

Date received:

Date advertised: N/A

Decision required N/A

Background:

Council seeks to amend the *Brighton Planning Scheme 2000* by means of rezoning a section of Certificate of Title Volume 6706 Folio 983 Bridgewater, from Recreation to Residential. The application is a combined rezoning and subdivision application under Section 43A of the Act. The first section of this report addresses the proposed draft amendment and the second section addresses the subdivision.

This request is a result of significant strategic work that has been undertaken by Council. The Brighton Industrial and Housing Corporation (BIHC), Housing Tasmania and Brighton Council have entered into an agreement to enable the development of affordable housing in the Brighton area.

A range of options will be provided to achieve home ownership for those who would otherwise find it difficult, including the use of the value of the Council-owned block as an equity deposit for a mortgage. The Agreement stipulates that subject to successful approval of this rezoning and subdivision, "two lots approved and suitable for two unit development" will be transferred to the Director of Housing. Two lots out of proposed Lots 1, 6 or 9 will be transferred to Housing Tasmania for unit development as per The Agreement as these three lots are all of adequate size and shape for unit development.

The remaining lots may be developed by Council or the BIHC or Council may sell them to private developers.

The proposed rezoning and subsequent subdivision and development further a large suite of well-considered strategic directions established for the area.

Site Description:

The subject site is located in the residential area of Bridgewater on the southern side of the East Derwent Highway. The parent site is approximately 22.5 hectares and adjoins residential areas to the east and west and a community services precinct to the north, which includes the Brighton Civic Centre and the Brighton Community Centre. The adjoining property to the south is Crown Land which is undeveloped and connects with the Derwent River foreshore.

The site is currently well served by public transport with Metro buses stopping on a regular and frequent route along the nearby Scott Road and Green Point Road. From a car use perspective the site has good access to the East Derwent Highway via Scott Road.

The site also has excellent pedestrian linkages and is less than a five minute walk to the Green Point shopping plaza, Civic Centre, Medical Centre, Community Health Centre and various other service providers in Bridgewater. The site is also within walking distance of St. Paul's Primary School and the Jordan River Learning Federation Middle and Senior Schools. A number of informal trails have been formed across the subject site linking the surrounding residential and commercial areas and also providing access to the Derwent River foreshore.

The aspect means that the subject site receives a high level of solar access, and as such would allow the design of future dwellings to achieve a high degree of energy efficiency and residential amenity.

The site is void of any development and predominately has grassy cover. A creek runs through the centre of the site, effectively dividing the site in a north and south section. The creek is part of Council's drainage network and has several large stormwater pipes entering into it from Cheswick Crescent. The flow rate of the creek has been modelled by Council's Engineers and there will be no impact on the proposed subdivision in a 100 year flood event. The creek flows east to west through the site to a detention basin on the adjoining lot.

The southern section of the parent site slopes moderately towards the creek from south to north, dropping approximately 14 metres from the highest point to the lowest point. There is a gentler slope on the northern side of the creek as it ascends north towards the community service precinct. The only prominent vegetation on the site is a group of large willows growing in the creek bed and one large eucalypt in the southern most corner of the site.

In regards to zoning, the subject site is zoned Recreation, as is the adjoining lot to the south-east. Adjoining lots to the north, east and west are zoned Residential. Further to the north are Commercial zoned properties and to the south-west is the Green Point Sewerage Treatment Plant (STP) which is zoned Infrastructure. There are no overlays applicable to the site.

Part of the site falls within the 300 metre Standard Recommended Attenuation Distance (SRAD) from a STP required by the Scheme. Council commissioned VIPAC Engineers & Scientists Ltd to undertake odour emissions modelling for the site. The report is attached and further details of the modelling are covered elsewhere in this report.

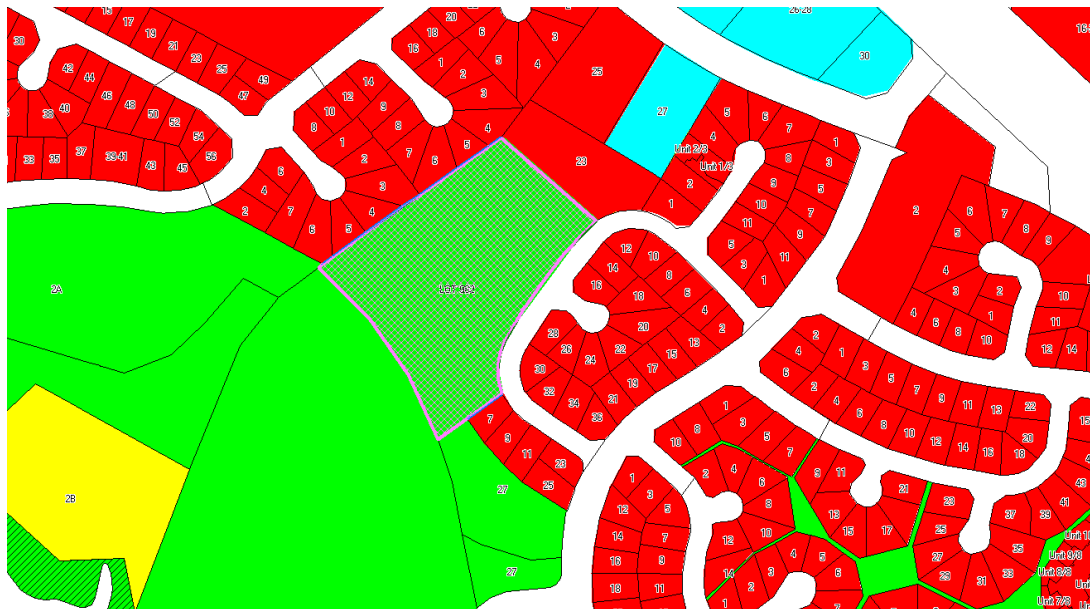


Figure 1: Zoning map of the subject area.



Figure 2: An aerial photograph of the subject area.



Figure 3: A photograph of the portion of the site to be rezoned to residential taken from Cheswick Crescent.

Consultation:

A copy of the draft planning scheme amendment must be forwarded to the Tasmanian Planning Commission within 7 days of the draft amendment being certified, and to Southern Water. The certified draft amendment 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 Management Team, Senior Technical Officer, Municipal Engineer and Senior Environmental Health Officer. Extensive consultation has also occurred with TasWater on various occasions regarding this area to ensure that their strategic work considers these potential infill areas. TasWater agreed that the SRAD from the Green Point STP could be relaxed if it can be demonstrated that the odour criteria in schedule 3 of the *Tasmanian Environmental Protection Policy (EPP) (Air Quality) 2004* wouldn't be exceeded. Further information about the Odour Modelling Report commissioned by Council which justifies the relaxation of the SRAD is covered in the Development Application section of this report.

Council's project engineer has also modelled flooding impacts to ensure that there are no flood inundation risks for the proposal.

It is proposed that the draft amendment be placed on public exhibition 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 Land Use Planning & Approvals Act 1993 ("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.

Brighton Planning Scheme 2000

The planning scheme establishes a series of objectives for achieving sustainable use and development of land in the scheme area. The proposal seeks to amend the Planning Scheme by rezoning a portion of one title from Recreation Zone to Residential Zone (see Figure 1).

Recreation

The relevant provisions of the Recreation Zone that currently apply to the land are considered below.

Clause 2.7 of the Scheme establishes the Recreation and Leisure Objective of the Planning Scheme as follows:

- (a) *To promote appropriate sporting and recreation facilities for a changing population base.*
- (b) *To maximise community access to recreation facilities.*
- (c) *To maintain, conserve and manage areas of recreation land use.*
- (d) *Open space linkages within the urban areas and along the foreshore and watercourse areas will encourage their longer-term development and usage for recreation activity.*

- (e) *Development of prominent ridgelines and highly visible elevated areas together with locations adjacent important watercourses and vegetation habitat are those that are discouraged in the Scheme.*

The *Brighton Municipal Area Open Space Strategy 2012* prepared by Inspiring Place identifies the site as “open space having the potential to be a focus of the town given its position”. As mentioned previously the site is bisected by a creek which creates a natural divide between the north and south section. The south section, which is subject to this rezoning, is not ideal for most recreation purposes given its size and slope (See Figure 3). However, the flatter section to the north will remain as recreational land and the smaller recreation area will allow Council to concentrate resources to upgrade the area to be a more prominent community park in the future. Planned works include revegetation and beautification of the creek to assist with stormwater management (see the “Stormwater” section below for more information). It will also provide an opportunity to strengthen and formalise the existing open space linkages within the urban areas and along the foreshore which will encourage their longer-term development and usage for recreation activity. The vital wide public space linking the public and commercial heart of Bridgewater with the foreshore is not compromised subject to this proposal. As such, the proposed rezoning will increase the potential for the area to be developed as a “district level community park”.

The section of the site subject to the rezoning will be reasonably visible area in a local context given its elevation, however it is not considered a prominent or a ridgeline in the broader context. The area to be rezoned is effectively an extension of an existing residential area at a lower elevation. The large open space area to the south of the subject site has a scattering of large canopy trees that provide a visual buffer to the site when viewed from the Derwent River foreshore.

Clause 6.9.1 of the Scheme establishes the purpose of the Recreation zone as follows:

- (a) *To recognise areas for public recreation and open space.*
- (b) *To protect and conserve areas of significance where appropriate.*

The site has been identified as an area of significance within the open space network given its proximity to residential and commercial areas and its strong linkages to the Derwent River foreshore. While the subject land can be considered suitable for public recreation, there is an abundance of public open space in the surrounding area. The proposed rezoning ensures that there is still ample and appropriately located recreation land available to facilitate Council’s strategy for this area to become a key public area within Bridgewater.

Residential

Clause 2.2 of the Scheme establishes the Residential Objective of the Planning Scheme as follows:

- (a) *To encourage and facilitate opportunities for diversity in residential type, choice and affordability commensurate with Brighton’s quality of lifestyle and environment.*
- (b) *To promote Brighton as an independent suburb within the regional metropolitan context.*

- (c) *To establish residential growth within existing settlement areas serviced with infrastructure.*
- (d) *To ensure that the future patterns of residential development protect and enhance the natural and man-made assets of the Municipality.*
- (e) *To encourage infill within the existing townships and suburbs as a consolidation of services and to provide definable communities with strong interconnectivity.*
- (f) *To discourage the loss of existing housing stock by conversion to or redevelopment for non-residential uses.*
- (g) *Concentration of new residential development remains within the green field sites of Tivoli Green and Compton and for continued growth of Old Beach and Brighton – Pontville. Other areas will concentrate on the infill of existing developed areas within the service capabilities of the local area.*

The proposed rezoning is for the purposes of “encouraging and facilitating opportunities for diversity in residential type, choice and affordability” of residential development. Rezoning the subject site to allow the subdivision of 9 additional residential lots encourages residential growth within an existing settlement area serviced with infrastructure. The area proposed to be rezoned to Residential is within the central area of the existing settlement of Bridgewater and is extremely well connected to essential services.

Rezoning the site to Residential is consistent with the above objectives.

Clause 6.2.1 of the Scheme establishes the purpose of the Residential zone as follows:

- (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.*

The *Brighton Structure Plan 2012* (BSP) identifies an anticipated demand for 1,982 residential lots by 2032 (not including Rural Living allotments). The proposed rezoning will help to ensure sufficient land is zoned appropriately for the demand. Whilst there are major infill opportunities within the Brighton Township, there are actually very limited existing infill opportunities within Bridgewater. It is important these opportunities are created in Bridgewater, particularly in close proximity to the “Activity Centre” represented by Greenpoint and Cove Hill shopping and services precincts.

The Southern Tasmania Regional Land Use Strategy (STRLUS) and the BSP both highlight the importance of infill residential development and an increase in residential development and residential density surrounding this key “Activity Centre”.

The only adjoining non-residential uses are for recreation/open space, which is generally considered to compliment residential land-use.

The subdivision plan associated with this draft amendment provides for a range of lot sizes and configurations, which will encourage the development of a range of housing types to satisfy the needs of the community and ensure the development of a heterogeneous and attractive residential precinct.

The decision guidelines relating to the Residential zone pursuant to Clause 6.2.2 of the Planning Scheme are provided as follows:

- (a) *the building appearance from public streets and adjoining sites is visually compatible with surrounding development;*
- (b) *the siting and design of the development protect the amenity of neighbours, minimise overshadowing and overlooking, enable passive surveillance without unreasonably diminishing privacy, and contribute to residential character and usability of private open space;*
- (c) *issues relevant to multi-unit housing are addressed adequately; and*
- (d) *the design and siting of lots and buildings optimises solar access and water usage, minimizes waste and contributes to efficient use of energy and water.*

The Decision Guidelines are discussed in more detail within the subdivision section of this report however it is worth noting here that there is nothing about the subject site that would make achieving any of the Guidelines difficult.

The subdivision standards relating to the Residential zone pursuant to Clause 6.2.8 of the Planning Scheme are provided as follows:

- (a) *minimum lot size of 400m² , except for the Residential zoned land with frontage to Stanfield Drive (not including that area within the St Ann’s Development Plan), where a minimum lot size of 2000m² shall apply;*
- (b) *average lot size of 550m² where three or more lots are created, except for the Residential zoned land with frontage to Stanfield Drive (not including that area within the St Ann’s Development Plan), where an average lot size of 2500m² shall apply;*
- (c) *minimum frontage of 3.6m;*
- (d) *a building envelope with minimum dimensions of 10m x 15m clear of any easements, the front boundary setback or any other title restrictions including rights of way, shall be shown on the plan; and*
- (e) *where the division is of a building alone, lots must each have a minimum area of 200m².*

The subdivision standards are discussed further within the subdivision section of this report, but the site is well connected to streets and is of a shape suitable for a subdivision that easily meets all of the above standards.

The draft amendment is consistent with all relevant provisions of the Planning Scheme.

Strategic Assessment

It is necessary to demonstrate that there is a strategic basis for the proposed rezoning, and in particular that the demand for housing in the Municipality is strong enough to justify the creation of further residential land at this time.

In June 2009, Council adopted the *Brighton Structure Plan 2009*, which was prepared by Aurecon. In February 2012, Council adopted the *Brighton Structure Plan Revision 2012* (BSP) which updated the 2009 structure plan particularly in response to much higher actual growth and future growth predictions than were originally used as a basis for the 2009 Structure Plan. The BSP builds on the work done in the Joint Land Use Planning Initiative (JLUPI). The BSP contains a detailed analysis of the land and services required within the Council Area to meet current and future needs.

The BSP seeks to provide for the consolidation of existing residential area by pursuing infill opportunities such as proposed. Brighton is expected to continue to have one of the highest growth rates in the state, with projected growth rates in excess of 2 per cent while the state average is 0.6 per cent. The BSP states in Section 6.3.2 that Brighton will need an additional 3,669 dwellings by 2032 and only approximately 1,027 of these could potentially be achieved within existing appropriately zoned areas (including Rural Residential areas). Of the 2,642 dwellings required from land not currently zoned for residential purposes it is calculated that this equates to an additional 1,982 residential allotments and 264 rural residential allotments. The BSP also showed that when the Army Camp subdivision in Brighton was excluded there were only 162 potential residential allotments within the Municipal area, with very few of these being located within the Bridgewater/Gagebrook area. The successful take up of the first small area of BIHC land in Herdsmans Cove shows clearly there is demand for residential infill development within the Bridgewater - Herdsmans Cove area. The proposed rezoning is clear example of appropriate infill residential development.

The BSP clearly shows the demand for additional residential land in appropriate areas. This demand is likely only to increase with the employment opportunities that will follow the pending operation of the Brighton Transport Hub (due to open in May this year) and associated take up of surrounding industrial land. The STRLUS stipulates a priority of providing for increased residential density, particularly utilising infill opportunities. Policy SRD 2.1 of STRLUS states that residential growth in greater Hobart should occur through 50% infill development and 50% greenfield development. The subject land is located centrally within a well-established residential area and as such is a clear example of residential infill.

STRLUS identifies Brighton as a "Major Satellite of Greater Hobart" and states that it should provide approximately 15 per cent of the residential infill growth for greater Hobart over the 25 year planning period.

Policy SRD 2.10 stipulates that the Southern Region must “increase the supply of affordable housing.” The primary purpose of this rezoning is to provide additional residential land for the development of quality affordable housing.

The *Brighton Municipal Area Open Space Strategy 2012* (OSS) (prepared by Inspiring Place) was undertaken to audit the entire open space network of Brighton and to establish what areas could be enhanced and invested in as key open space areas, what areas were inappropriate as open space and had a more appropriate use and what areas that are not currently open space should be considered for purchase to improve the open space network.

There is no shortage of open space within the Brighton Area and it is a well-connected network that is constantly being upgraded. One of the key strategic directives of the OSS is to “develop a district level park” at the subject site, given its central location to civic, educational and commercial facilities, “with connections to the Derwent River foreshore”.

While the OSS does not refer to the possibility of residential development on the subject site, there is still a large open space that would be suitable for a “district level park”. The concentration of the recreation area will mean that Council will be able to more effectively manage its resources to provide the necessary upgrades the open space area to become a focus area in the local community. Any money made by council through sale or development of open space is generally directed back into open space improvements within the same area. The connections to the Derwent River foreshore will also be strengthened and formalised as a result of the upgrades.

The shape of the proposed rezoning and subdivision area has been designed without sharp edges or corners to ensure that the area integrates well with the open space, both in visual and physical terms. The subdivision layout that is proposed for the subject land provides for road corridors and pedestrian accesses that are wide and will include landscaping, local neighbourhood park elements and infrastructure.

Given the accepted zoning rule for new schemes, whereby the road takes on the dominant surrounding zoning, it has not been considered necessary to zone the landscaped road corridor as Recreation Zone (Open Space Zone in the new scheme). This area will form part of Council’s road reserve. The residential zoning will not inhibit this. This will also allow for minor amendments to the subdivision plan that will not necessitate rezoning.

The *Bridgewater/Gagebrook Housing Regeneration Master Plan 2010* identifies that 42% of properties in the area are owned by Housing Tasmania. This is the largest housing disparity in Tasmania with the municipality of Brighton significantly exceeding the average ratio of public to private housing. As such, the localised private housing market has experienced a sustained period of underperformance and lack of investment in comparison to the Greater Hobart Region.

The Plan identifies the need to move towards more privately owned housing stock, which has proved difficult given the low development margins in the area that are considered below the benchmark levels that would be needed to stimulate further private investment. The proposed rezoning and subdivision of land by council provides a housing solution that meets the social needs of the local community by providing affordable housing opportunities in an established residential area close to key services. A move towards a greater mix of housing ownership has been shown to improve social inclusion and community empowerment and reduce the problematic issues of low cost housing.

The proposed rezoning is consistent with the *Draft Residential Development Strategy 2011* prepared by the Office of the State Architect. This strategy aims to support State and regional settlement strategies and develop a broad vision for the provision of housing in Tasmania. Consistent with this rezoning, the Strategy *promotes opportunities for greater housing choice, higher density, environmentally responsive and socially integrated residential developments, and the creation of more liveable and sustainable communities.*

The *Draft Residential Development Strategy 2011* also outlines the importance of a positive relationship between private residential land and public land, a relationship that has been considered deeply as part of this draft amendment with the outcome of a very positive integration between both public and private home ownership, but also public and private development.

The draft amendment is consistent with Council's Strategic Plan 2006-2016.

The proposed rezoning is consistent with the above body of strategic work and it furthers the objectives and implements recommendations made within them. As such, the draft amendment is entirely consistent with the relevant strategic framework.

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:

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

With regard to the maintenance of ecological processes and genetic diversity, the site has been managed as vacant urban Council land for decades. Furthermore, the creek running through the subject site is part of Council's drainage network and flows from a culvert on the Cheswick Crescent boundary. As such, the natural values of the site have been significantly degraded over the years with the loss of vegetation and invasion of exotic species. The subject land is devoid of significant native vegetation and does not include any threatened vegetation listed under Schedule 3A of the *Nature Conservation Act 2000*. The area does not contain any threatened flora or fauna species listed under the *Tasmanian Threatened Species Protection Act 1995*.

It is planned for the future that Council invest in significant landscaping and planting in the areas earmarked for public open space including revegetation and beautification of the creek for improved stormwater management pedestrian linkages and road reserves primarily to improve visual and residential amenity, but also to improve environmental values. It is likely that an environmental net gain will be achieved through the proposed works.

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

The rezoning will significantly improve the existing character of the area both in terms of new residential development and the improvement of the open space network by means of the creation of a more open, usable and safe area. The draft amendment and associated subdivision will also assist in providing opportunity for home ownership to people who may otherwise not have the opportunity and additional public housing.

The subject site is within an established area and can be developed such that it not only provides residential development opportunities, but adds to the moveability and amenity of the surrounding area.

As such, the proposed amendment will provide for the fair, orderly and sustainable use and development of air, land and water.

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

The public will be involved in the draft planning scheme amendment through opportunity to make representation and attend public hearings. The public have also had the opportunity to provide input in to the BSP.

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

The draft amendment will facilitate economic development in the area by providing suitable land for residential development and associated public infrastructure works. This development will help to meet the demand for residential land currently shown in the area and the associated population growth will help to consolidate Bridgewater as the main activity centre providing essential services to the surrounding area. In the short term, the creation of new residential lots will help stimulate the local building industry.

The site lends itself to efficient development and ongoing living, given the good solar access and access to both pedestrian and vehicular networks.

(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.

This proposal has evolved through a partnership between Housing Tasmania, the BIHC and Brighton Council. It has involved significant strategic work carried out by the private sector and will require significant private sector involvement should it be approved. Consultation will involve the Tasmanian Planning Commission, the Brighton Council and the community.

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

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

The proposed amendment is seen as a strategic response to the demand for additional residential land as recognised in the JLUPI Land Use Strategy, the BSP and the STRLUS, which have all been adopted by Council. Additionally, the *Bridgewater/Gagebrook Housing Regeneration Master Plan 2010* aims to move towards more private housing ownership to assist in eliminating a number of social issues associated with the high numbers of public housing in the area. Seven of the lots will be developed by Council, BIHC or by private developers with clear conditions placed upon them by council, ensuring that they will be owned privately, with the remaining two lots going to Housing Tasmania for two multiple dwelling developments.

The subject site has been identified as suitable for infill development in a range of other strategic documents mentioned in the "Strategic Assessment" section earlier in this report where the full strategic case for this draft amendment is made. Unlike some rezonings, there is a clear plan for subdivision and development of the subject land attached to this rezoning, which ensures a clear vision of how the land will be developed as opposed to myriad development options under the Residential zone.

Much of the strategic work that this rezoning relies upon for justification has been undertaken via partnerships between State and local government. As such, the proposed planning scheme amendment represents sound strategic planning and co-ordinated action by State and local government.

- (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 proposal has been submitted in accordance with Section 34 of the Act and is consistent with all relevant legislation. The proposed amendment will form part of the Planning Scheme, which controls the use, development and protection of land. The draft amendment will enable residential development to occur on land in a suitable area. The draft amendment has been considered against a suite of planning strategies, including STRLUS, the BPS, the OSS, Council's Strategic Plan and the *Bridgewater/Gagebrook Housing Regeneration Master Plan 2010*.

- (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*

The land contains no environmental values of significance. The proposed rezoning is actually likely to stimulate and provide capital for better environmental management of the land.

The subject site is in close proximity to a growing commercial and service activity centre at Bridgewater and the pending employment opportunities of the Brighton Transport Hub and nearby industrial estate. As such, car dependence for future residence is significantly reduced.

- (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 supports this Objective and is consistent with State, Regional and local planning policies and strategies. The BSP was developed after considering all the relevant policies for the area and after doing so identified the need for additional residential infill development and also that the subject site is upgraded to a district level park. Council identified that its resources would be used more efficiently to develop a portion of the open space and the remaining area as an appropriate area for residential infill.

As demonstrated earlier in this report the draft amendment is consistent with the STRLUS. The draft amendment is also consistent with all state-level policies.

- (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*

This Objective is furthered by the use of Section 43a of the Act to apply for a combined rezoning and subdivision approval.

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

The proposed development of the area affected by this rezoning is surrounded by large high quality sections of public open space and has excellent access (and views for some lots), to the Derwent River foreshore.

This open space combined with quality development of the residential section of land and associated road reserves will ensure a pleasant local environment that will enhance the surrounding area.

The proposed rezoning is considered very efficient in terms of the subject land's proximity to major transport routes, schools, the Bridgewater activity centre (defined as a Major Activity Centre in the STRLUS), public transport, employment opportunities, civic buildings, pedestrian linkages and open space and recreation facilities. The close proximity to all of the above services and facilities creates the opportunity for residential development with great efficiency.

- (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*

The area is not known to contain any items or places of scientific, aesthetic, architectural or historic interest.

If any Aboriginal heritage sites are discovered during potential future works then the *Aboriginal Relics Act 1975* will apply for reporting and management purposes.

- (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*

All necessary public infrastructure can be easily provided to the site. Proposed servicing plans have been submitted as part of this combined rezoning and subdivision application.

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

The capability of the subject land has been fully considered, it is low quality agricultural land with significant limitations on its use for agriculture, including its small size and proximity to sensitive uses. It is considered that the proposed mix of quality residential lots supported by landscaped road networks and pedestrian and open space linkages represented the best utilisation of the land.

State Policies

The *State Coastal Policy 1996* (Coastal Policy) came into operation on 10 October 1996. This Policy applies to the coastal zone, which includes all State waters and land within 1 km from the High Water Mark (HWM)¹. The subject land is located within 1 km from the HWM of the ocean and as such the Coastal Policy applies to the land.

Three main principles guide Tasmania's State Coastal Policy:

- Natural and cultural values of the coast shall be protected.
- The coast shall be used and developed in a sustainable manner.
- Integrated management and protection of the coastal zone is a shared responsibility.

The following provisions of the Coastal Policy are of relevance to the assessment of this development application:

Clause 1.1.1 provides the following:

The coastal zone will be managed to ensure sustainability of major ecosystems and natural processes.

The subject site has direct access and direct sight lines to the Derwent River foreshore. However, the subject site is within an established urban area, and the adjoining lot to the south which is Crown Land, provides a natural buffer to the foreshore and will ensure the sustainability of major ecosystems and natural processes.

¹ *State Coastal Policy Validation Act 2003*

It is a requirement for any approved use or development to implement best practice sediment control on site during construction which will ensure that the Derwent or Jordan rivers are not affected by upstream pollutants. Additionally, all proposed lots will be connected to reticulated sewerage ensuring that there is no effluent from the properties.

Clause 1.1.10 provides the following:

The design and siting of buildings, engineering works and other infrastructure, including access routes to the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.

Clause 2.1.3 goes further to state:

Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.

Large canopy trees provide a visual buffer when viewing the land from the foreshore or coastal area, though the subject land will be partially visible. However, it is considered that the proposal would not unreasonably diminish the aesthetic values that the coastal area currently exhibits given that the proposal is basically an extension of an existing residential area and there are a number of existing residential buildings that are closer to the foreshore.

The proposal will mean that a number of informal access routes to the Derwent River foreshore will become unusable which will result in strengthening of the existing well-established access routes. On this basis, the proposal is considered to accord to the design and siting requirements of the Coastal Policy.

Clause 2.4.2 also states:

Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.

The rezoning will result in an infill development within an established residential area which is in accordance with the Coastal Policy.

The draft amendment is considered to accord to the State Coastal Policy.

State Policy on Water Quality Management 1997

The *State Policy on Water Quality Management 1997* (Water Quality Policy) came into operation on 27 September 1997. Clause 31.5 of the 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 rezoning will lead to access and service extension and development. The risk of sediments being transported into surface waters such that environmental harm might be caused during development will be dealt with by future subdivision and development permit conditions in accordance with regional guidelines for best practice. A Soil and Water Management Plan will be required as per Schedule 4 of the Planning Scheme, by means of a permit condition to ensure practical measures are taken to prevent pollution from the construction site.

The Revised State Policy for the Protection of Agricultural Land 2007 (PAL Policy)

The PAL Policy applies to all agricultural land in Tasmania. The subject land is located in a residential area with no legitimate agricultural potential and it is therefore considered that the Agricultural Policy does not apply to the land.

National Environmental Protection Measures (NEPM).

NEPMs are broad framework setting statutory instruments made under the *National Environment Protection Council (Tasmania) Act 1995* and are taken to be State Policies. Eight NEPMs have been made to date which deal with air quality, movement of waste, site contamination and used packaging materials. None of the NEPMs are considered relevant to the proposed draft amendment.

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.

Potential for Land Use Conflicts S 32 1 (e)

There are no potential land use conflicts caused by the proposed rezoning. The rezoning would simply allow for the infill of an under-utilised parcel of vacant land within a well-established residential settlement. The additional residential land will not compromise the integrity of the open space network because the existing land is problematic due to size and design and because the proposed development of the land includes strengthening existing linkages and upgrading neighbourhood parks.

This issue of proximity to the sewerage treatment facility has been modelled and well investigated. It has been demonstrated to the satisfaction of TasWater that the rezoning and residential subdivision of this site is entirely compatible with the facility.

Regional Impacts s 32 1 (f)

As discussed earlier in this report, the proposed rezoning is entirely consistent with the STRLUS in terms of the mix of infill and greenfield residential development and is well within the Urban Growth Boundary defined within the Residential Strategy.

The proposed rezoning presents a positive regional impact. It is consistent with demand and is within the recommended areas for expansion. The proposed rezoning will also facilitate the provision of improved affordable housing options that will enable people to own their own home close to essential services for a similar cost to renting a government property.

There are no foreseeable significant adverse regional impacts.

Draft Brighton Planning Scheme

The translation of this draft amendment into the new Brighton Scheme will simply be a straight translation from the current Residential Zone to the General Residential Zone and the adjoining Recreation Zone in this area will become Open Space Zone.

Conclusion

The proposed draft amendment seeks to utilise a section of a large area of vacant land currently zoned Recreation for residential infill to allow for the orderly strategic expansion and densification of Bridgewater and to provide suitable lots for private affordable housing options and two multi-unit lots for Housing Tasmania.

The land provides informal pedestrian linkages to the Derwent River foreshore and limited open space value at present. These roles are able to be enhanced via this combined rezoning and subdivision plan.

The draft amendment is consistent with all relevant local and regional strategies and plans. The draft amendment is also consistent with all relevant policies and legislation and will help to satisfy a proven demand for additional residential land in appropriate locations while improving the quality of the open space network.

On the above basis, the amendment meets all the requirements for certification.

DEVELOPMENT APPLICATION

Proposal

This subdivision proposal involves the subdivision of 9 residential lots and associated road lots. The existing Council owned lot involved in this subdivision proposal is Certificate of Title Volume 6706 Folio 982 (Lot 982 Cheswick Crescent, Bridgewater).

Planning Scheme

The subject land will be located within the Residential Zone of the Planning Scheme and within an established residential area. A small section of the subject land, to the east of Lot 1, is intended to become part of the landscaped open space network and will be within road allotments and as such can also be zoned Residential given the drafting guidelines for new schemes and the fact that they will be owned by Council for road and open space purposes.

Part of the site falls within the 300 metre Standard Recommended Attenuation Distance (SRAD) from the Green Point STP required by the Scheme. Council commissioned VIPAC Engineers & Scientists Ltd to undertake odour emissions modelling for the site. The attached report, and the section below, demonstrates that the SRAD can be relaxed in this instance.

Scheme Objectives - Residential

Clause 2.2 of the Scheme establishes the Residential Objective of the Planning Scheme as follows:

- (a) *To encourage and facilitate opportunities for diversity in residential type, choice and affordability commensurate with Brighton's quality of lifestyle and environment.*
- (b) *To promote Brighton as an independent suburb within the regional metropolitan context.*
- (c) *To establish residential growth within existing settlement areas serviced with infrastructure.*
- (d) *To ensure that the future patterns of residential development protect and enhance the natural and man-made assets of the Municipality.*
- (e) *To encourage infill within the existing townships and suburbs as a consolidation of services and to provide definable communities with strong interconnectivity.*
- (f) *To discourage the loss of existing housing stock by conversion to or redevelopment for non-residential uses.*
- (g) *Concentration of new residential development remains within the green field sites of Tivoli Green and Compton and for continued growth of Old Beach and Brighton - Pontville. Other areas will concentrate on the infill of existing developed areas within the service capabilities of the local area.*

The proposed subdivision facilitates the creation of residential lots suitable for development. As mentioned previously an agreement is in place between Housing Tasmania, the BIHC and Brighton Council to develop lots for quality affordable houses, with a range of packages and design options available. Seven of the lots will be developed by Council, BIHC or private developers. Two of the larger lots will be transferred to Housing Tasmania for unit development. The mix of single dwellings and multi-unit developments is consistent with the surrounding character in this area.

The lots are well situated to take advantage of Brighton's quality of lifestyle and environment by being close to the foreshore, recreation facilities and the Bridgewater "activity centre". The subdivision is well-located for public transport networks, local employment opportunities and is within commutable distance from Hobart.

The proposed subdivision is considered to be infill and as such provides for residential growth within the existing settlement area, which is serviced with infrastructure. The development is located to adjoining residential properties, ensuring that the community remains well defined.

Residential Zone

Clause 6.2.1 of the Scheme establishes the purpose of the Residential zone as follows:

- (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.*

There is a known demand for affordable housing, which is not currently being satisfied. The proposed subdivision and subsequent development will help to meet this demand.

There are no likely land use conflicts given that this is a residential subdivision within a residential area and there is very limited scope for significant non-residential uses in the area.

The subdivision consists of a range of lot sizes all with excellent solar access given the slope of the site, which will allow for the development of a range of housing styles with a high degree of amenity. All lots proposed have wide frontages ensuring that future developments integrate with the street, which is considered to provide for a higher level of amenity and connectivity. However, the design also includes a landscaped cul-de-sac that will improve the appearance of the area's public realm.

Decision Guidelines

The decision guidelines relating to the Residential zone pursuant to Clause 6.2.2 of the Planning Scheme are provided as follows:

- (a) *the building appearance from public streets and adjoining sites is visually compatible with surrounding development;*
- (b) *the siting and design of the development protect the amenity of neighbours, minimise overshadowing and overlooking, enable passive surveillance without unreasonably diminishing privacy, and contribute to residential character and usability of private open space;*
- (c) *issues relevant to multi-unit housing are addressed adequately; and*
- (d) *the design and siting of lots and buildings optimises solar access and water usage, minimizes waste and contributes to efficient use of energy and water.*

As previously discussed, the subdivision design provides for a mix of residential lots, the majority of which have orientations that will allow for a high level of solar access, particularly to the rear portions of the lots where private areas tend to be. All lots have been laid out to optimise solar access. There are a range of lot sizes and shapes, which will assist in creating diverse housing options and the creation of an area that is not uniform.

The objective of the subdivision design was to create a pleasant, walkable and affordable area, and as a result, the subdivision location and layout contributes to a suite of development efficiencies. The land is close to the East Derwent Highway, Metro Bus Stops and public walking trails, making it highly efficient in terms of accessibility and commuting. The Bridgewater shopping centres are only a couple of minutes' walk from the site. Given the site is infill it also has all necessary services available and as such no major works or extensions to services are required.

All lots have adequate shape and land area to ensure that the decision guidelines relating to development can be easily achieved.

Subdivision Standards

The subdivision standards relating to the Residential zone pursuant to Clause 6.2.8 of the Planning Scheme are provided as follows:

- (a) *minimum lot size of 400m² , except for the Residential zoned land with frontage to Stanfield Drive (not including that area within the St Ann's Development Plan), where a minimum lot size of 2000m² shall apply;*
- (b) *average lot size of 550m² where three or more lots are created, except for the Residential zoned land with frontage to Stanfield Drive (not including that area within the St Ann's Development Plan), where an average lot size of 2500m² shall apply;*
- (c) *minimum frontage of 3.6m;*
- (d) *a building envelope with minimum dimensions of 10m x 15m clear of any easements, the front boundary setback or any other title restrictions including rights of way, shall be shown on the plan; and*
- (e) *where the division is of a building alone, lots must each have a minimum area of 200m².*

The smallest residential lot proposed is 425m² and the average lot size across the entire subdivision is 611m². All lots have a minimum frontage well in excess of 3.6m and comfortably contain the required building envelope.

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.

All relevant matters under Clause 3.3 of the Scheme have been addressed throughout the various sections of this report with no significant issues arising from there consideration.

Applications to subdivide – Clause 3.4

The criteria within Clause 3.4 of the Scheme must be considered before determining an application for subdivision. All relevant criteria have been addressed elsewhere in the report and do not raise any significant issues.

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

The only relevant section of Schedule 4 is with regard to the requirement for a Soil and Water Management Plan where site disturbance is likely to be greater than 250m². A Soil and Water Management Plan is required to be prepared to the satisfaction of Council as a condition of approval.

Schedule 10: Attenuation Distances

Standard Recommended Attenuation Distances (SRAD) have been created to minimise the potential for conflict between uses sensitive to hazardous emissions and those likely to create a hazardous emission. Parts of the proposed residential subdivision fall within the 300 metre Attenuation distance for the Green Point Sewerage Treatment Plant (STP). Under Table S10.1 of the Scheme, no sensitive use (i.e. dwellings) is to be located within the attenuation area unless it can be demonstrated by a site specific study that the occupants and users of the sensitive use will not be adversely affected by the emission within the attenuation area.

TasWater agreed that the SRAD from the Green Point STP could be relaxed if it can be demonstrated that the odour criteria in schedule 3 of the Tasmanian Environmental Protection Policy (EPP) (Air Quality) 2004 wouldn't be exceeded.

As such, Council commissioned VIPAC Engineers & Scientists Ltd to prepare a report which modelled the odour emissions of the Green Point STP and their impact on the proposed subdivision (attached). The report found that odour emission levels from the Green Point STP are highly unlikely to exceed the Tasmanian *Environment Protection Policy (Air Quality) 2004* odour criteria level at the proposed residential subdivision.

TasWater had the VIPAC report independently reviewed and are satisfied that odour from the STP will have no significant impact on the proposed subdivision, or visa versa.

Given the favourable results of the Odour modelling report and the fact there are existing dwellings located closer to the Green Point STP than the proposed subdivision and Council records show that there have been no odour complaints made in recent times, it can be concluded that there are no constraints on the proposal as a result of potential odour emission from the STP.

TasWater

The proposal was referred to TasWater 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 are standard and shall form part of the recommended permit conditions.

Refer to engineering report below for additional comments.

Engineering report

With respect to engineering matters, Council's Project Engineer advises as follows –

Access

Access to the subdivision will be via a new junction onto Cheswick Crescent, located to provide good site distance in each direction. A new cul de sac will be constructed from the junction providing access to lots 1 to 6 and lot 9. Access to lots 7 and 8 will be provided off Cheswick Crescent. A right hand offset square type turning head will be provided at the end of the cul de sac. Council will consider landscaping and beautification measures along the road verges and intersection.

Stormwater

The site generally falls to the north towards the creek. Stormwater from the subdivision will discharge to a single point along the creek at a point in line with the boundary between lots 5 and 6. New stormwater mains will be constructed to collect stormwater from the new lots and road. The stormwater mains will be aligned along the edge of road and along lot boundaries. No on site treatment of stormwater is proposed however treatment will be provided by the existing creek and stormwater dam downstream. Council should use funds obtained from the sale of the lots to undertake revegetation and beautification of the creek with appropriate plants to ensure erosion is minimised and pollutant removal is maximised in accordance with the Brighton Council *Guidelines for Stormwater Design*.

Water and Sewer

The development proposal has been referred to Southern Water who imposed conditions.

Conclusion

The proposed subdivision meets all relevant requirements of the Planning Scheme and is considered to be a significant opportunity for the area that furthers a suite of strategic work.

There is no reason why the proposed subdivision should not be approved.

Options:

1. As per the recommendation.

2. To certify an alternative amendment and approve a Subdivision of 9 residential lots and associated road a lots as determined by Council.
 3. To refuse to certify the amendment and Subdivision.
-

RECOMMENDATION:

- A. That in accordance with Section 35(1) of the *Land Use Planning & Approvals Act 1993*, Council certifies that draft amendment RZ 13/01 to rezone land known as Certificate of Title Volume 6706 Folio 982 Bridgewater from Recreation to Residential as it 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 13/01 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 13/01 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 13/01 be placed on public exhibition for three weeks; and
- E. That Council approves under Section 43C(1) of the *Land Use Planning and Approvals Act 1993*, the subdivision of 9 residential lots and associated road and open space lots, 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*.

Staged development

3. 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 Manager Strategic Planning.

Planning Committee Meeting

11/2/14

4. 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

5. 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.

Covenants

6. Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's Manager Strategic Planning.
7. A covenant in gross (or restrictive covenant to which Council is to be made a party) must be created on lot 9, to the satisfaction of the Council's Manager Strategic Planning to:
 - prohibit vehicular access onto Cheswick Crescent.

Final plan

8. 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.
9. A fee 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.
10. 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.
11. 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.

12. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Landscaping

13. The Public Open Space 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 with the engineering drawings and approved by Council's Manager Strategic Planning. 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. Plant species shall be in accordance with the *Brighton Council Strategic Landscape Master Plan, January 2009*.

Weed management

14. 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.

Water quality

15. 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.
16. 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.
17. 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.
18. 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

19. 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

20. 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

21. 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.

Telecommunications, electrical and gas reticulation

22. Electrical reticulation and street lighting, telecommunication reticulation and gas reticulation must be installed underground in accordance with the requirements of Aurora Energy Pty. Ltd., Telstra, NBN Co. and the gas authority.
23. 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 Manager Strategic Planning.
24. 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.
25. 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.

Drainage

26. Stormwater management must be designed in accordance with the principles and service levels provided in the Brighton Council *Guidelines for Stormwater Design*.
27. Stormwater from the development is to be connected to the Council's existing reticulation system using a single point of discharge to the satisfaction of Council's Municipal Engineer.

28. Water sensitive urban design elements must be designed and constructed in accordance with *Water Sensitive Urban Design Engineering Procedures for Stormwater Management in Southern Tasmania* and best practice environmental management to the satisfaction of Council's Municipal Engineer.

TasWater

29. The development must meet all required Conditions of approval specified by TasWater Response to the Council Notice of Planning Application Referral, date 29/1/2014 (TWSA 2013/00266-BTN).

Roadwork's

30. The corners of the 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. 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) Proposed Cul De Sac
 - Fully sealed paved and drained carriageway with a seal width of 6.00m or at the turning head in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's Municipal Engineer.
 - Concrete kerb and channel both sides.
 - Concrete footpaths 1.50 metres wide located on one side.
 - Underground drains.
32. The carriageway surface course must be 10 mm nominal size hotmix asphalt with a minimum compacted depth of 30 mm 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.
33. Kerb ramps must be provided to accommodate the needs of people with disabilities in accordance with standard drawings prepared by the IPWE Aust. (Tasmania Division) and to the requirements of Council's Municipal Engineer.

Access

34. A separate reinforced concrete vehicle access must be provided from the road carriageway to each lot. The access must have a minimum width of 3.6 metres at the property boundary and be located and constructed in accordance with the standards shown on standard drawings SD 1003 and SD 1012 prepared by the IPWE Aust. (Tasmania Division) (attached) and the satisfaction of Council's Municipal Engineer.

Street signs

35. A street sign must be provided and installed at the intersection of the proposed cul de sac at the subdivider's full cost in accordance with the Australian Standard and the requirements of the Council's Municipal Engineer.

Engineering drawings

36. 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.

37. 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.

38. 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.

39. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.

40. 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;

Planning Committee Meeting

11/2/14

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

Construction amenity

41. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Strategic Planning
 - 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
42. 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.
43. 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 Manager Strategic Planning.
44. 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

45. 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

46. 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.
47. 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.
48. 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

49. Survey pegs to be stamped with lot numbers and marked for ease of identification.
50. 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

51. Prior to the works being placed on the 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

52. 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 Taylor seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

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

4.2 ENDORSEMENT OF BRIGHTON DRAFT INTERIM PLANNING SCHEME 2014:

FILE REFERENCE:

AUTHOR: Manager Development Services
(Mr J Dryburgh)

Background:

Well, it has been a long time coming! The purpose of this report is to seek Council endorsement of the Brighton Draft Interim Planning Scheme 2014.

Council has had several workshops on the Draft Scheme. The last one was following the informal public consultation period held in June 2013, to discuss matters raised and responses to them.

The key change that eventuated from this process was the removal of the Significant Agriculture Zone from the Scheme. This was raised by a number of residents as being problematic, as was the fact that agricultural land in Brighton is not high quality and that in practical planning terms, the Significant Agriculture Zone would not really achieve anything that the Rural Resource Zone wouldn't - within the Brighton context. As such, councilors decided to remove the Zone and use the Rural Resource Zone in its place.

Council's property at 84 Jetty Road is now proposed to be zoned Local Business Zone rather than Residential, consistent with Council's plans for the area and strategic work that suggests this is lacking in Old Beach.

All other changes are either of a minor editing and 'tidying-up' nature or have been changes to the regional model sections of the scheme. The changes to the regional sections are in response to public and agency submissions and edits to improve structure and consistency. None of the regional changes are considered significantly different to the draft interim scheme exhibited in June 2013, within the Brighton context.

Should councilors endorse the Draft Scheme it will then be forwarded to the Planning Minister for assessment and subsequent declaration. Recent advice from the Executive Commissioner of the Tasmanian Planning Commission (TPC) suggests it may be 6-9 months between submission and declaration. During this time it is expected Council's planning staff will have regular dialogue with those at the Planning Commission charged with providing assessment advice to the Minister and opportunities to justify the make-up of the Draft Scheme and represent Brighton's interests.

No doubt the Draft Scheme is not perfect, but there is now a consistent model across the southern region and indeed the State, which is a large step forward. This is a big change to Tasmania's planning system and it is expected unforeseen issues will reveal themselves through the assessment process and beyond that will need to be addressed as they surface. Most of these issues are likely to be faced commonly by the southern region and as such will be able to be addressed commonly.

Brighton Council has invested a lot of time and money into the development of its new scheme and the strategic work to support it. It is now time to put it to the next phase of the process, which is to endorse it and forward it to the Minister for Planning for declaration. After it is assessed and considered sufficient to be declared, the Minister will declare it as an interim scheme, the Planning Commission will then begin the formal hearing process to enable the interim scheme to become a normal planning scheme.

Consultation:

Consultation has occurred regularly over the past three years regarding the draft planning scheme between Councillors, the public, various agencies, council staff and Council's Manager Strategic Planning.

Risk Implications:

There is some risk that if Council do not declare the interim scheme in February that they may lag behind other councils in the region and receive negative press and political pressure.

Financial Implications:

There are no direct financial implications.

Options:

1. As per the recommendation.
2. As per the recommendation with specified minor changes.
3. Council does not adopt the recommendation.

RECOMMENDATION:

That Council resolve to endorse the Brighton Draft Interim Planning Scheme 2014 and forward it to the Minister for Planning seeking its formal declaration as an interim planning scheme.

DECISION:

Cr Geard moved, Cr Owen seconded that the recommendation be adopted subject to the zoning change at Compton Road to Rural Living 'B'.

CARRIED

VOTING RECORD

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

The meeting closed at 6.20 p.m.

Confirmed:

(Mayor)

Date:

18th February 2014