



**Brighton
Council**

PLANNING SCHEME AMENDMENT BRIGHTON INTERIM PLANNING SCHEME 2015 – AMENDMENT RZ 2018/03

The Tasmanian Planning Commission has approved the following planning scheme amendment: Rezone 13 Gage Road, Gagebrook (Certificate of Title 245525/1) and part of adjacent road reserve from General Residential to Local Business. The amendment is effective from **5 June 2019**. The amendment may be viewed at www.brighton.tas.gov.au and at the Council Offices, 1 Tivoli Road, Old Beach from **24 May 2019**

Ron Sanderson, General Manager

Brighton
going places

Email admin@brighton.tas.gov.au
www.brighton.tas.gov.au

TASMANIAN PLANNING COMMISSION

Our ref: DOC/19/58605
Officer: Claire Armstrong
Phone: 03 6165 6831
Email: tpc@planning.tas.gov.au

30 May 2019

Mr Ron Sanderson
General Manager
Brighton Council
1 Tivoli Road
OLD BEACH TAS 7017

Attention: Ms Helen Hanson

By email: admin@brighton.tas.gov.au; Helen.Hanson@brighton.tas.gov.au

Dear Mr Sanderson

**Brighton Interim Planning Scheme 2015
Amendment RZ 2018-03
Rezone 13 Gage Road, Gagebrook
from General Residential to Local Business**

The Tasmanian Planning Commission has modified and approved this draft amendment, under section 41(ab) and 42, of the former provisions of the *Land Use Planning and Approvals Act 1993* (the Act).

The Commission has specified that the approved amendment comes into operation on .
The Commission will make the necessary amendments to the planning scheme for viewing on the [iplan website](#)

Please find enclosed a copy of the Commission's decision and approved amendment.

In accordance with section 42(3)(d) of the Act, Council is required to give notice of the decision and in this respect your attention is drawn to regulation 8 of the *Land Use Planning and Approvals Regulations 2014*.

If you require further information please contact Claire Armstrong, Planning Adviser, on 03 6165 6831.

Yours sincerely



Helen Glassick
Administrative Officer

TASMANIAN PLANNING COMMISSION



DECISION

Planning scheme	Brighton Interim Planning Scheme 2013
Amendment	RZ 2018-03 - rezone 13 Gage Road, Gagebrook (Certificate of Title 245525/1) from General Residential to Local Business
Planning authority	Brighton Council
Date of decision	21 May 2019

Decision

The draft amendment is modified under section 41(ab) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 42.

Peter Fischer
Acting Executive Commissioner

Note:

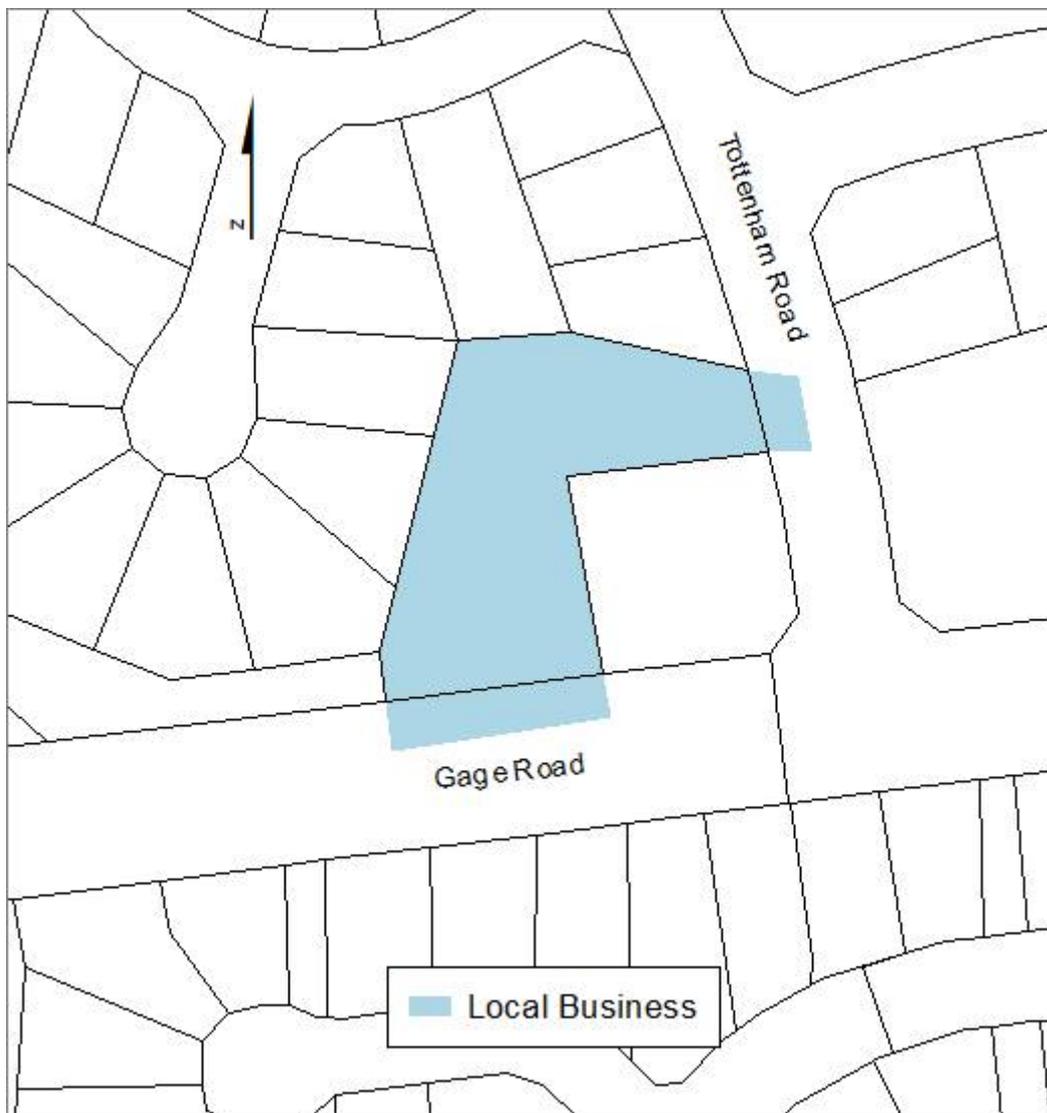
References to provisions of the *Land Use Planning and Approvals Act 1993* (the Act) are references to the former provisions of the Act as defined in Schedule 6 – Savings and transitional provisions of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The former provisions apply to an interim planning scheme that was in force prior to the commencement day of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme Act) 2015*. The commencement day was 17 December 2015.

TASMANIAN PLANNING COMMISSION

Brighton Interim Planning Scheme 2015

Draft amendment RZ 2018-03

Rezone 13 Gage Road, Gagebrook (Certificate of Title 245525/1) and part of adjacent road reserve from General Residential to Local Business.



REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to rezone 13 Gage Road, Gagebrook (CT 245525/1) from the General Residential Zone to the Local Business Zone.

Site information

The subject site is a vacant, flat, L-shaped parcel with road frontage to both Gage Road and Tottenham Road in Gagebrook. The site is currently zoned General Residential and is located in between General Residential-zoned land accommodating houses to the north and west, and the Local Business-zoned land accommodating a petrol station on the corner of Gage Road and Tottenham Road. Land across Gage Road to the south and Tottenham Road to the east is also zoned General Residential. Council advises that 50 new strata title dwelling units, identified for social housing are approved and under construction at 17-39 Gage Road (land immediately to the east across Tottenham Road).

The site is about 120 metres east of the intersection of Gage Road with East Derwent Highway. Gagebrook Primary School is about 75 metres to the north and the Brighton Council chambers is located about 200 metres to the east.

Issues raised in representations

One representation was received from TasWater which states that it does not object to the amendment. TasWater also advises that the site is adequately serviced for water, but that the sewer main would need to be up-sized for a length of approximately 510 metres to comply with their adopted standards for reticulated sewer servicing to commercial and industrial lots.

Planning authority's response to the representations

The planning authority advised that no representations were received and no modification to the amendment is considered necessary.

Consideration of the draft amendment

1. Under section 40 of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the amendment and the representations, statements and recommendations contained in the planning authority's section 39 report.
2. One representation was received and after consultation under section 40 (2A) of the Act, the Commission dispensed with holding a hearing.
3. The amendment has been initiated and certified by the Brighton Council, in its capacity as planning authority, and further supported in the reports under sections 35 and 39.
4. Under section 32(1), in the opinion of the relevant decision-maker, a draft amendment:
 - (a)-(d) . . .
 - (e) must, as far as practicable, avoid potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;

- (ea) must not conflict with the requirements of section 300;
 - (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.
5. Section 32(1)(e) is not relevant to the draft amendment as the subject site does not adjoin an adjacent municipal area.
 6. Section 300 includes that:
 - (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the regional land use strategy for the regional area in which is situated the land to which the scheme applies.
 7. Section 300(2)-(5) inclusive relates to the effect of amending a local provision with respect to common provisions. These matters are not relevant to the draft amendment as there are no implications for any common provisions.
 8. Under section 32(1)(f), regional impacts of use and development permissible under the amendment have been considered with reference to the Southern Tasmania Regional Land Use Strategy 2010-2035 (the regional strategy).
 9. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme.

Strategic justification

10. In the report under section 35, the planning authority notes that a number of large subdivisions and social housing developments have recently been approved in the area and that limited community infrastructure is available. The planning authority considers that rezoning of the site to the Local Business Zone would facilitate the creation of a local activity centre to service high dependency needs of the increased population. The regional strategy defines the role of a local centre as providing “a focus for day-to-day life within an urban community.” The planning authority notes:
 - The uses provided for in the Local Business Zone supports the type of services required to create a local activity centre which is able to adapt with the changing needs of the local community.
11. The planning authority considers the draft amendment supports the following Social Infrastructure Policies of the regional strategy:
 - SI 1.2 Match the location and delivery of social infrastructure with the needs of the community and, where relevant, in sequence with residential land release.
 - SI 1.4 Identify and protect sites for social infrastructure, particularly in high social dependency areas, targeted urban growth areas (both infill and greenfield) and in identified Activity Centres.
 - SI 1.5 Provide multi-purpose, flexible and adaptable social infrastructure that can respond to changing and emerging community needs over time.
 - SI 1.6 Co-locate and integrate community facilities and services to improve service delivery, and form accessible hubs and focus points for community activity, in a manner consistent with the Activity Centre hierarchy.

12. The planning authority also notes the site is located in close proximity to existing services, including the Gagebrook Primary School and the Brighton Council chambers, and is well connected to public transport, as well as being easily accessible by car, cycling and walking.
13. The planning authority considers the draft amendment is also consistent with the following Activity Centre policies in the regional strategy by providing additional land for commercial activity to support the high social needs of the area:
 - AC 1.1 Implement the Activity Centre Network through the delivery of retail, commercial, business, administration, social and community and passenger transport facilities.
 - AC 1.2 Utilise the Central Business, General Business, Local Business Zones to deliver the activity centre network through planning schemes, providing for a range of land uses in each zone appropriate to the role and function of that centre in the network.
 - AC 1.4 Promote a greater emphasis on the role of activity centres, particularly neighbourhood and local activity centres, in revitalising and strengthening the local community.
 - AC 1.6 Encourage an appropriate mix of uses in activity centres to create multi-functional activity in those centres.
 - AC 1.10 Activity centres should encourage local employment, although in most cases this will consist of small scale businesses servicing the local or district areas.
14. The planning authority refers to the Brighton Structure Plan 2018, which identifies the communities of Gagebrook and Herdsman's Cove as being physically disconnected from facilities in the wider area and further impacted by a lack of local services, and that additional community infrastructure is required.
15. The planning authority notes that the Bridgewater-Gagebrook Housing Regeneration Master Plan 2010 also found a lack of good quality commercial/retail premises and services in Gagebrook in 2010, and that the subject site was identified as an opportunity for mixed use development.

Commission's consideration

16. The Commission agrees the rezoning will support the activity centre and is consistent with the social infrastructure policies of the regional strategy by increasing commercially zoned land in the area to create a local activity centre.
17. The Commission considers the opportunity to facilitate additional local services in Gagebrook is justified, and the site is an appropriate location for such use and development.
18. The Commission finds the draft amendment is, as far as is practicable, consistent with the regional strategy.

TasWater submission

19. The TasWater submission provided the following advice:

In accordance with the TasWater adopted standards for reticulation sewer servicing, commercial and industrial lots and other lots where large flows may be expected need to be serviced by a minimum DN225mm reticulation main. The sizing of mains in the immediate area does not meet this requirement and it is anticipated that approximately 510m of existing DN150mm sewer would need to be up-sized to DN225mm to comply with this requirement.

20. The planning authority provided a further submission which states that any infrastructure works would be undertaken at the development stage and therefore the TasWater submission does not have any significant impact on the rezoning. The planning authority further notes:
- ...any future commercial uses are likely to have a lower impact on TasWater infrastructure than permitted residential development of the site under the current zoning.

Commission's consideration

21. The Commission notes that the upgrade earmarked by TasWater is reasonably significant and could be a disincentive to future development occurring on the site. However the Commission agrees with the planning authority that any required infrastructure works would be assessed and undertaken at development stage. Further, the need for additional commercial land in Gagebrook is high and the Commission considers this need outweighs the potential for higher than usual development costs.

State Policies and Resource Management and Planning System Objectives

22. The Commission finds that the draft amendment is consistent with the relevant State Policies and that it seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

Modifications required to draft amendment

23. Modification is required to extend the Local Business Zone to the road centreline of adjacent road reserves, for consistency with the surrounding zoning convention.

Decision on draft amendment

24. Subject to the modification described above, the Commission finds that the draft amendment is in order and gives its approval.

Attachments

Annexure A – Modified amendment

Annexure A

Modified amendment RZ 2018/03 Brighton Interim Planning Scheme 2015

Rezone 13 Gage Road, Gagebrook (Certificate of Title 245525/1) and part of adjacent road reserve from General Residential to Local Business.

