



Brighton Council

MINUTES OF THE **PLANNING AUTHORITY MEETING**
OF THE BRIGHTON COUNCIL HELD
IN THE COUNCIL CHAMBER, COUNCIL OFFICES
OLD BEACH AT 6.12 P.M. ON TUESDAY,
8TH JUNE, 2021

PRESENT: Cr Gray (Chairperson); Cr Curran (Deputy Mayor); Cr Foster; Cr Garlick; Cr Geard; Cr Jeffries; Cr Murtagh; Cr Owen and Cr Whelan

IN ATTENDANCE: Mrs J Banks (Governance Manager); Mr H Macpherson (Municipal Engineer); and Mrs J Blackwell (Senior Planner)

1. ACKNOWLEDGEMENT OF COUNTRY:

2. APOLOGIES:

All members were present.

3. QUESTION TIME & DEPUTATIONS:

As there were no members in the gallery there was no requirement for question time.

4. 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 2015*, 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 2015*.

There were no declarations of interest.

5. COUNCIL ACTING AS PLANNING AUTHORITY:

In accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, 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 5 on this agenda, inclusive of any supplementary items.

5.1 SOUTHERN TASMANIA REGIONAL LAND USE STRATEGY – AMEND GROWTH SCENARIO FOR CYGNET TOWNSHIP, HUON VALLEY COUNCIL:

Type of Report:	Planning Authority
Address:	Cygnet Township
Requested by:	Huon Valley Council
Proposal:	Amend the Regional Land Use Strategy to amend the Growth Management Strategy for Cygnet Township
Author:	Manager Development Services (David Allingham)

1. Executive Summary

- 1.1. The Huon Valley Council (HVC) has submitted a request to the Minister for Planning to amend the Southern Tasmanian Regional Land Use Strategy (STRLUS) 2010-2035 to include the following footnote under Table 3 Growth Management Strategy for Settlements:

***For the Cygnet Township, the growth strategy does not preclude residential growth through rezoning of existing urban land within the established settlement boundaries if supported by residential land supply and demand data ana analysis from a suitably qualified person.*

- 1.2. The Minister for Planning has requested that HVC seek endorsement for this amendment to the STRLUS from all councils within the southern region, in the form of a Council resolution.
- 1.3. STRLUS sets a moderate growth strategy for Cygnet which equated to 70 new dwellings, however this has now been exceeded. Based on a report commissioned by Council which considers up to date data and growth projections the above amendment is considered necessary.
- 1.4. The proposal is recommended to be supported and Council write to the Minister for Planning seeking an urgent review of STRLUS.

2. Legislative & Policy Content

- 2.1. The Southern Tasmanian Regional Land Use Strategy (STRLUS) was approved by the Minister for Planning on 27 October 2011. The STRLUS was subsequently amended on 1 October 2013, 14 September 2016, 9 May 2018, and 19 February 2020. Most of the amendments to the STRLUS were to provide for minor expansions of the Urban Growth Boundary.
- 2.2. Under Section 5A of *the Land Use Planning and Approvals Act 1993* (LUPAA), the Minister must undertake regular and periodic reviews of regional strategies. To date, no broad review has taken place, nor has the process for a review begun.
- 2.3. The Tasmanian Planning Commission (TPC) has advised it cannot consider planning scheme amendments that are inconsistent with STRLUS.
- 2.4. Currently, there is no statutory mechanism for either individuals or Planning Authorities to apply to amend the STRLUS.
- 2.5. As no thorough review of STRLUS has commenced and there is no statutory mechanism for it to be amended by an individual or planning authority, the Planning Policy Unit has prepared an Information Sheet, which provides guidance on when and under what circumstances the regional land use strategies are reviewed and amended. It also provides information on the requirements and process for reviewing and considering amendments to the regional land use strategies.
- 2.6. The Information Sheet recommends that written endorsement for the proposed change is sought from all planning authorities in the relevant region as well as all relevant State Service agencies.
- 2.7. The purpose of this report is to enable the Planning Authority to determine whether to support an amendment to the STRLUS as requested by the HVC (see Attachment A).

3. Risk & Implications

- 3.1. Approval or refusal of this request will have no direct financial implications for the Planning Authority.

4. Site Detail

- 4.1. The site is the Cygnet township in the Huon Valley Council area. The *Huon Valley Land Use & Development Strategy* sets an Urban Growth Boundary and Cygnet Strategy map for the township (See Figure 1).

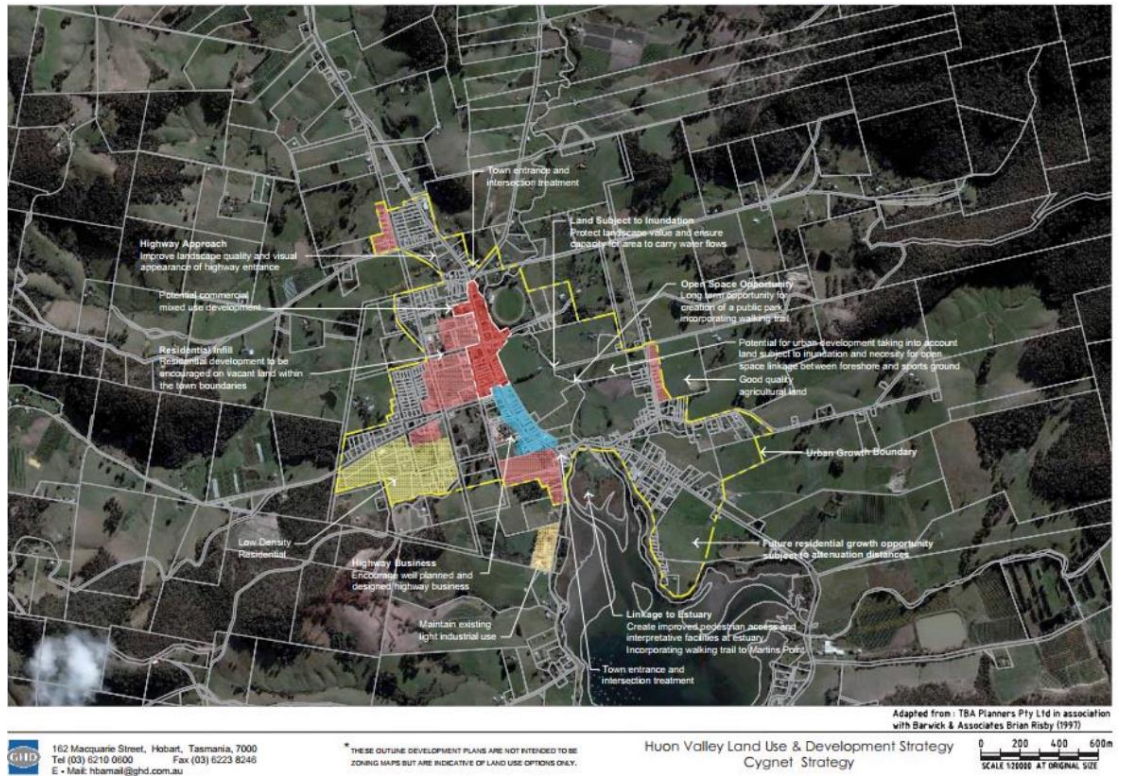


Figure 1: Cygnet Strategy map - Huon Valley Land Use and Development Strategy

5. Proposal

- 5.1. The proposal is to seek Brighton Council’s endorsement for amending the STRLUS to include the following footnote under *Table 3 Growth Management Strategy for Settlements*:

***For the Cygnet Township, the growth strategy does not preclude residential growth through rezoning of existing urban land within the established settlement boundaries if supported by residential land supply and demand data ana analysis from a suitably qualified person.*

- 5.2. Currently, STRLUS sets a moderate growth strategy for Cygnet which equated to 70 new dwellings, however this has now been exceeded. This means the projected number of new buildings to be built in the township had been reached 15 years earlier than forecast.
- 5.3. The Tasmanian Planning Commission (TPC) have indicated that no more land in the Cygnet township can be rezoned for residential purposes because Cygnet has reached its growth target.
- 5.4. HVC commissioned a supply and demand analysis of residential land within the township to be carried out by SGS Economics and Planning.

- 5.5. In its letter to Brighton council, HVC have stated the following:

As outlined within the attached reports the moderate growth strategy for Cygnet that is within the STRLUS has already been exceeded and there is an acute shortage of residential land within the urban growth boundary of Cygnet to accommodate demand. Subsequently this is placing risk of urban sprawl and fragmentation of agricultural land.

The proposed amendment to the STRLUS will help to resolve this matter by allowing current and accurate residential land supply and demand data to be considered for applications that request rezoning to support residential growth within the Cygnet urban growth boundaries.

6. Planning Assessment

- 6.1. STRLUS is significantly out of date and is urgent need of review.
- 6.2. STRLUS is also a broad policy document and the policy statements were never intended to be applied as specific regulatory requirements.
- 6.3. HVC have prepared a land-use planning strategy for Cygnet which includes an urban growth boundary. They have now also prepared a "Cygnet Residential Demand and Supply Analysis" based on up-to-date data and growth projections which concludes that land within the Cygnet Urban Growth Boundary needs to be rezoned to meet demand.
- 6.4. HVC find themselves in a situation bordering on the ridiculous where they cannot rezone land within an UGB to meet demand because the Minister and Tasmanian Planning Commission (TPC) are treating the outdated STRLUS as a regulatory document.

7. Conclusion

- 7.1. HVC's request for Brighton Council's endorsement to amend STRLUS should be supported and Brighton Council write to the Minister requesting that the STRLUS be urgently reviewed.

RECOMMENDATION:

That Council:

- (A) Resolve to endorse the amendment to the Southern Tasmania Regional Land Use Strategy 2010-2035 to include the following footnote under *Table 3 Growth Management Strategy for Settlements*:

***For the Cygnet Township, the growth strategy does not preclude residential growth through rezoning of existing urban land within the established settlement boundaries if supported by residential land supply and demand data ana analysis from a suitably qualified person.*

And;

- (B) Given the Southern Tasmania Regional Land Use Strategy 2010-2035 has not been reviewed for 10 years and is based on out of date data and projections, the Council write to the Minister for Planning seeking urgent action to fast track the Southern Tasmanian Regional Land Use Strategy Review.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

5.2 DRAFT PLANNING SCHEME AMENDMENT - REQUEST TO REZONE 1 ELDERSLIE ROAD, BRIGHTON FROM GENERAL RESIDENTIAL ZONE TO COMMUNITY PURPOSE ZONE - SECTION 40K REPORT:

File Reference:	SA 2021/004 - RZ 2021/002
Author:	Jo Blackwell
Applicant:	ERA Planning and Environment
Owner:	The Crown (Department of Education)
Location:	1 Elderslie Road, Brighton
Application No:	RZ 2021/002
Zoning:	General Residential Zone
Planning Instrument:	Tasmanian Planning Scheme - Brighton
Date Received:	14 th April 2021
Dated Advertised:	28 th April 2021 to 26 th May 2021
Decision Required:	8 th June 2021
Representations:	Nil

1. Executive Summary

- 1.1. The report considers the rezoning of 1 Elderslie Road, Brighton from General Residential Zone to Community Purpose Zone.
- 1.2. The request to initiate the rezoning was approved by Council's Planning Authority at its meeting on 20th April 2021.
- 1.3. The draft amendment was advertised in the *Mercury* newspaper on 28th April 2021 and 8th May 2021 for the period 28th April 2021 to 26th May 2021.
- 1.4. A notice of draft amendment was forwarded to the Tasmanian Planning Commission on 26th April 2021.
- 1.5. No representations to the draft amendment were received during the public notification period.
- 1.6. The proposal is a recommendation to:
 - 1.6.1 Advise the Tasmanian Planning Commission that no representations were received following exhibition of draft amendment RZ 2021/002 to the Tasmanian Planning Scheme - Brighton.
 - 1.6.2 Advise the Tasmanian Planning Commission that no modification to the draft amendment RZ 2021/002 is necessary.

2. Background

- 2.1. Council at its meeting of 20th April 2021 resolved to amend the *Tasmanian Planning Scheme – Brighton* by rezoning 1 Elderslie Road, Brighton from General Residential Zone to Community Purpose Zone.
- 2.2. The purpose of the proposed rezoning is to provide for appropriately zoned land to facilitate the construction and ongoing operation of a state of the art high school on the site for years 7-12.

3. Consultation

- 3.1. The Draft Amendment was exhibited in accordance with Section 40G of the *Land Use Planning and Approvals Act 1993* (the Act) and Section 7 of the *Land Use Planning and Approvals Act Regulations 2014* from 28th April 2021 to 26th May 2021 inclusive.
- 3.2. No representations were received to the application during the public exhibition period.
- 3.3. A Submission to Planning Authority Notice was received from TasWater stating that that entity does not object to the proposal, a copy of which is attached.

- 3.4. The application was also referred to TasNetworks who replied via email as follows:

“Based on the information provided, the rezoning of 1 Elderslie Road, Brighton from General Residential to Community Purpose zone is not likely to adversely affect TasNetworks’ operations. However, we await the development application once it is submitted, subject to the decision regarding rezoning.”

4. Legislation

- 4.1 Section 40K(1) of the Act provides that a Planning Authority (Council) must, within 35 days after the public notification period has closed, forward to the Tasmanian Planning Commission a report in relation to the draft amendment of an LPS.
- 4.2 Section 40K(2) of the Act requires the report to contain:
- (a) *a copy of each representation made under section 40J in relation to the draft amendment before the end of the exhibition period in relation to the draft amendment, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and*
 - (b) *a copy of each representation, made under section 40J in relation to the draft amendment after the end of the exhibition period in relation to the draft amendment, that the planning authority, in its discretion, includes in the report; and*
 - (c) *a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –*
 - (i) *whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and*
 - (ii) *the effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendation; and*
 - (d) *a statement as to whether it is satisfied that the draft amendment of an LPS meets the LPS criteria; and*
 - (e) *any recommendations in relation to the draft amendment that the planning authority thinks fit.*
- 4.2 Subsection (b) relates specifically to any representation received.
- 4.3 Subsection (c) allows the Planning Authority (Council) to provide any additional information or recommendation in relation to the draft amendment as certified or recommend to the Tasmanian Planning Commission that a modification should be made regardless of any representation.
- 4.4 Subsection (d) requires the Planning Authority (Council) to consider whether the proposal satisfies the LPS criteria contained within Section 34 of the Act.

- 4.4 Subsection (e) requires the Planning Authority to recommend any changes it may think appropriate after consideration of section 40K(2)(a)-(d) of the Act.
- 4.5 As the draft amendment has been initiated and certified the Tasmanian Planning Commission must make a determination on the matter.

5. Assessment

- 5.1. No representations were received to the draft amendment and the submissions from TasWater and TasNetworks do not warrant modification to the permit.
- 5.2. The Planning Authority does not consider that there are any changes warranted to the application.

Options:

- 1. To adopt the recommendation; or
- 2. To adopt an alternative recommendation satisfying the provisions of section 40K of the Act, with a full statement of reasons as determined by Council.

RECOMMENDATION:

That in accordance with Section 40K of the *Land Use Planning and Approvals Act 1993* Council resolves to:

- A. Advise the Tasmanian Planning Commission that no representations were received following exhibition of draft amendment RZ 2021/02 to the Tasmanian Planning Scheme - Brighton; and
- B. Advise the Tasmanian Planning Commission that no modification to amendment RZ 2021/02 is considered necessary to the initial s.38 report.

DECISION:

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

CARRIED

VOTING RECORD

In favour	Against
Cr Curran	
Cr Foster	
Cr Garlick	
Cr Geard	
Cr Gray	
Cr Jeffries	
Cr Murtagh	
Cr Owen	
Cr Whelan	

The meeting closed at 6.20pm.

Confirmed: _____

(Mayor)

Date: _____ 15th June 2021 _____