



Brighton Council

MINUTES OF THE PLANNING AUTHORITY MEETING

OF THE BRIGHTON COUNCIL HELD

IN THE COUNCIL CHAMBER, COUNCIL OFFICES

OLD BEACH AT 5.45 P.M. ON TUESDAY, 3 OCTOBER 2023

1. Acknowledgement of Country

2. Attendance

Cr L Gray (Chairperson); Cr P Owen (Deputy Chairperson); Cr B Curran; Cr A De La Torre; Cr G Irons and Cr M Whelan.

IN ATTENDANCE: Cr J McMaster; Cr T Murtagh; Mr J Dryburgh (General Manager); Ms J Banks (Director Governance & Regulatory Services); Mr C Pearce-Rasmussen (Director Asset Services) and Mrs J Blackwell (Acting Director, Development Services)

3. Apologies

Cr De La Torre moved, Cr Curran seconded that Cr Geard be granted leave of absence.

CARRIED

VOTING RECORD

| In favour | Against |
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| Cr Curran | |
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| Cr De La Torre | |
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| Cr Gray | |
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| Cr Irons | |
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| Cr Owen | |
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| Cr Whelan | |
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4. Public Question Time and Deputations

There was no requirement for public question time.

5. Declaration of Interest

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairperson of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest or conflict of interest in any item on the Agenda.

In accordance with Section 48(4) of the *Local Government Act 1993*, it is the responsibility of councillors to then notify the general manager, in writing, the details of any interest(s) that the councillor has declared within 7 days of the declaration.

There were no declarations of interest.

6. Council Acting as Planning Authority

In accordance with the provisions of Part 2 Regulations 25 of the *Local Government (Meeting Procedures) Regulations 2015*, the intention of the Council to act as 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 6 on this agenda, inclusive of any supplementary items.

6.1 Substitute Draft Planning Scheme Amendment - RZ 2022-02 - S.40K Report

Author: B White (Planning Officer)

Authorised: J Blackwell (A/Director Development Services)

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| File Reference: | RZ 2022-02 |
| Author: | Brian White |
| Applicant: | Brighton Council Officers |
| Owner: | Brighton Council |
| Location: | <ol style="list-style-type: none"> 1. 131 Cove Hill Road, Bridgewater, contained in Certificate of Title Volume 31616, Folio 1697; 2. Lot 105 Taylor Crescent, Bridgewater, contained in Certificate of Title Volume 177664, Folio 105; and 3. A portion of the land contained in Certificate of Title Volume 7884, Folio 1368. |
| Zoning: | Utilities & Open Space |
| Planning Instrument: | Tasmanian Planning Scheme - Brighton |
| Date Advertised: | 16 th August 2023 to 18 th September 2023 |

Representations:

Two (2)

1. Background

The report considers the exhibition period regarding substitute draft amendment RZ 2022-02 to the Tasmanian Planning Scheme – Brighton Local Provisions Schedule (LPS).

Council's Planning Authority, at its meeting of the 14th March 2023, agreed to proposed combined planning scheme amendment (RZ 2022 – 02) and permit application (SA 2022/ 37) made by Brighton Council Officers for the following:

- Rezone 131 Cove Hill Road from Utilities to Light Industrial.
- Rezone 2,763m² of Lot 105 Taylor Crescent from Open Space to Light Industrial.
- Rezone a portion of the land contained in Certificate of Title Volume 7884, Folio 1368, from Utilities to Light Industrial.
- Approve a reorganisation of boundaries (via subdivision) to add 2,763m² of Lot 105 Taylor Crescent to 131 Cove Hill Road.

The previously considered combined draft amendment and subdivision plan is provided as Figure 1 below.

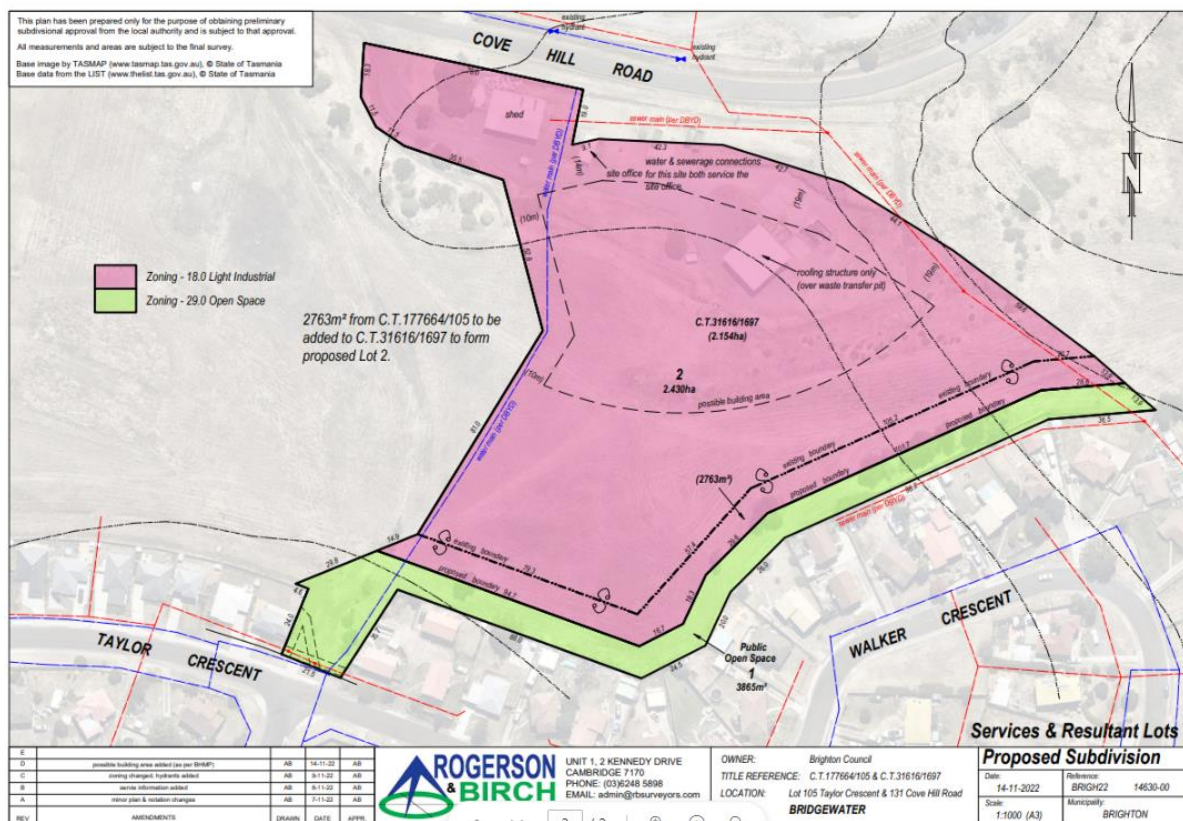


Figure 1 Previously initiated amendment and subdivision

The combined permit and amendment application was exhibited for a period of twenty-eight (28) days (s. 40H). Council then approved the amendment and permit application to be sent to the Tasmanian Planning Commission (TPC) for determination.

The TPC considered the draft amendment and permit application and sent Council Officers a Direction seeking further information to be discussed at a hearing into the matter. The TPC identified concerns with the draft amendment and permit application including:

- The useability and safety of the existing open space lot to the rear of the houses fronting Walker Crescent which runs between Taylor Crescent and the Crown Land (Open Space) to the east along the Jordan River.
- Possible safety concerns with reducing the width of the open space lot.
- Whether the open space land with frontage to Walker Crescent would be better being zoned General Residential rather than zoned Open Space to provide a future house lot.
- The useability of the steep section of the site under the provisions of the Light Industrial Zone.

The TPC identified that it had no jurisdiction to consider planning permit SA 2022/ 37 as it could be approved under the current zoning. Council Officers agreed with the TPC's view on the planning permit, so the permit application has been removed from the application.

Following the hearing, the TPC issued a further direction to Council Officers requiring that draft amendment RZ 2022-02 be substantially modified and replaced with a substitute draft amendment to consider those previously identified issues.

Council Officers submitted a response to the TPC which is provided as Attachment A to this report, and which included the substitute draft amendment shown in Figure 2 below.

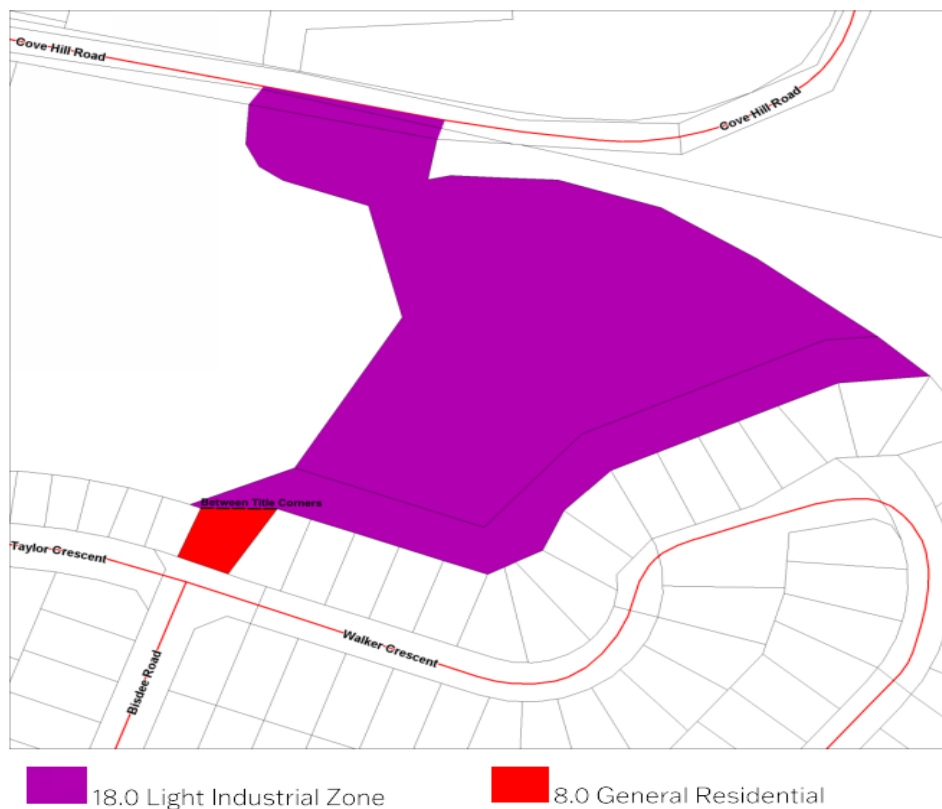


Figure 2 Substitute Draft Amendment

The key changes of the substitute draft amendment are as follows:

- a) 131 Cove Hill Road and the majority of Lot 105 Taylor Crescent be zoned Light Industrial.
- b) Portion of lot 105 Taylor Crescent be rezoned General Residential to create a future house lot.

The substitute amendment will result in a split zoning of lot 105 Taylor Crescent so a future subdivision application will be required to create the future house lot.

The TPC informed Council Officers on 9 August 2023 that the substitute draft amendment had been certified and was ready for public exhibition under Section 40P(3) of the Land Use Planning and Approvals Act 1993 (LUPAA).

The substitute draft amendment was exhibited for a period of 28 days between the 18th August 2023 and the 18th September 2023.

Two (2) representations were received during advertising.

2. Representations and Response

| Representation 1 - Taswater Advice on Amendment |
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| TasWater have provided an amended submission pursuant to section 56S (2) of the <i>Water and Sewerage Industry Act 2008</i> stating that they have no objections nor formal comments for the Tasmanian Planning Commission in relation to this matter, and do not require to be notified nor attend any subsequent hearings. |
| The representation is provided as attachment A to this report. |
| Representation 2 – Young Group Representation |
| Young Group have submitted their support for the amendment. |
| Section 40K Response |
| The submissions do not impact on the draft amendment. The draft amendment therefore is still considered to meet the LPS criteria. |

3. Conclusion

The representations regarding the draft amendment do not require modification to the substitute draft amendment RZ 2022-02.

It is therefore recommended that the Planning Authority forwards this report and the relevant attachments to the Tasmanian Planning Commission for determination.

4. Options

- a) To adopt the recommendation; or
- b) 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:

It is recommended that Council resolves:

- a) pursuant to section 40K(1) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmania Planning Commission that two (2) representations were received during the exhibition of draft amendment RZ 2022-02.
- b) pursuant to section 40K(2) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmania Planning Commission that the representation received does not warrant modifications to RZ 2022-02.
- c) pursuant to Section 40K(1) of the *Land Use Planning and Approvals Act 1993*, provide this report and the relevant attachments regarding draft amendment RZ 2022-02 to the Tasmanian Planning Commission.

DECISION

Cr De La Torre moved, Cr Curran seconded that the recommendation be adopted.

CARRIED

VOTING RECORD

| In favour | Against |
|----------------|-----------|
| Cr Curran | Cr Whelan |
| Cr De La Torre | |
| Cr Gray | |
| Cr Irons | |
| Cr Owen | |

6.2 Planning Scheme Amendment to rezone 27 Scott Road, Bridgewater from Open Space to Inner Residential Zone - S40D(b) Report

Author: K Tran (Planning Officer)

Authorised: J Blackwell (A/Director Development Services)

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|----------------------|---|
| File Reference | RZ 2023-03 |
| Type of Application: | S40D(b) |
| Applicant: | Brighton Council Officers |
| Subject Site: | 27 Scott Road, Bridgewater – C/T 6706/983 & C/T 10085/1 |
| Owner: | Director of Housing |
| Zoning: | Open Space |
| Planning Instrument | Tasmanian Planning Scheme – Brighton |

1. Executive Summary

This report has been prepared by Brighton Council officers, in support of an application pursuant to s40D(b) of the *Land Use Planning and Approvals Act 1993* ('the Act') for a proposed amendment to the Tasmanian Planning Scheme – Brighton Local Provisions

Schedule. S40D(b) provides that a planning authority “*may, of its own motion, prepare a draft amendment of an LPS*”.

The proposed planning scheme amendment involves rezoning land at 27 Scotts Road, Bridgewater from “Open Space Zone” to “Inner Residential Zone”. The two lots that form the site were identified for rezoning to Inner Residential in the planning authority’s Local Provisions Schedule (LPS) Supporting Report relating to the Tasmanian Planning Scheme.

The proposal therefore seeks rectification of an anomaly in the Brighton LPS. The planning authority also requests that the Tasmanian Planning Commission exempts the proposed amendment from public exhibition in accordance with Section 40I(2)(b)(ii) of the Act as the amendment is to amend the zoning to reflect the existing use and development of social housing on the subject site, which was constructed in the 1970s. It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited.

It is submitted that the proposed amendment ought be considered under Section 40 of the Act on the basis that it is consistent with the requirements of Section 34 and the objectives of the Act. The proposed amendment also complies with the Ministerial Guidelines No.1 as the land meets the zone purpose of the Inner Residential zone, as well as the zone application guidelines. The proposed amendment is in general conformity with the Brighton Structure Plan (2018) which identifies the land for conventional density housing.

To proceed, the Planning Authority must first agree to the amendment to the LPS. If the amendment is agreed to, the Planning Authority must notify the Tasmanian Planning Commission (the Commission) of the decision and commence public exhibition (if directed to do so by the Commission).

If approved by the Planning Authority, the final decision will be made by the Commission, who will likely invite any representors to attend a public hearing.

It is recommended that the Planning Authority certify the draft amendment to the LPS.

2. Legislative and Policy Content

The purpose of this report is for the Planning Authority to consider whether to, of its own motion, prepare a draft amendment of an LPS as described in this report.

The amendment request is made under section 40D(b) of the *Land Use Planning and Approvals Act 1993* (the Act). The provisions of the Act establish the test of whether a planning scheme amendment is reasonable or not.

Section 40F(1) of the Act requires the Planning Authority to consider the criteria of the LPS when approving or refusing an amendment. The LPS criteria is contained in section 34 of the Act.

This report details the reasons for the officer recommendation. The Planning Authority is not bound to adopt the recommendations in this report. The Planning Authority can either: (1) adopt the recommendation; or (2), vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa). Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2005*.

3. Risk and Implications

There is minimal risk associated with the proposed rezoning as the site was developed for residential purposes quite some time ago. The application is to correct an anomaly in the zoning.

4. Proposal

It is proposed to rezone 27 Scott Road, Bridgewater from 'Open Space' to 'Inner Residential'. The proposed zoning will allow for the consistency of the existing Use and Development of the land with the zone purpose.

The subject site comprises land that is suitable to support the existing Use and Development.

This report has been prepared to support the proposed amendment to the Brighton LPS under Section 40 of the Act.

5. Rationale for the amendment

The proposed amendment will allow for the consistency of the site's existing residential use and development with suitable zoning, which supports the current use of the land as well as the potential future use and development. The proposal will also remove an anomaly under the Brighton LPS.

6. Site Location & Context

The subject site consists of two titles, both addressed at 27 Scott Road, Brighton (CT 10085/1 & 6706/983), see Figure 1. The Director of Housing owns the land.



Figure 1. Subject Site and Surrounding Areas (Source LISTmap, accessed 23 August 2023).

The area of the subject site is 7620m² with a frontage of approximately 51.41m to Scott Road and 69m to Barton Crescent. There are existing Multiple Dwelling units on the subject site. The land to the north of the subject land, addressed as 15 Cheswick Court, Bridgewater, is currently Council's property and zoned as Inner Residential. The land to the west of the subject land is also Brighton Council's land and is being used as Public Open Space – Open Space Zone.

The surrounding area, Bridgewater and specifically, Green Point Road, has been designated as a Major Activity Centre in the STRLUS. The Bridgewater Activity Centre has been further strengthened by a new \$1 million Civic Park (identified a “Future Park”). The new Parkland, complemented by higher density development on its fringe, is expected to improve the amenity of the area and actively encourage people to walk and cycle to access the Activity Centre. In addition to that, the area surrounding 27 Scott Road, is also in keeping with the Centacare Evolve Housing' Bridgewater-Gagebrook Master Plan, which aims to deliver better housing outcomes for residents within the area.

7. Current Zone and Overlays

The subject site is zoned 'Open Space' under the Tasmanian Planning Scheme – Brighton (See Figure 2). The Bushfire-prone Areas Code fully covers the subject site. There are no heritage-listed places on or adjoining the site.

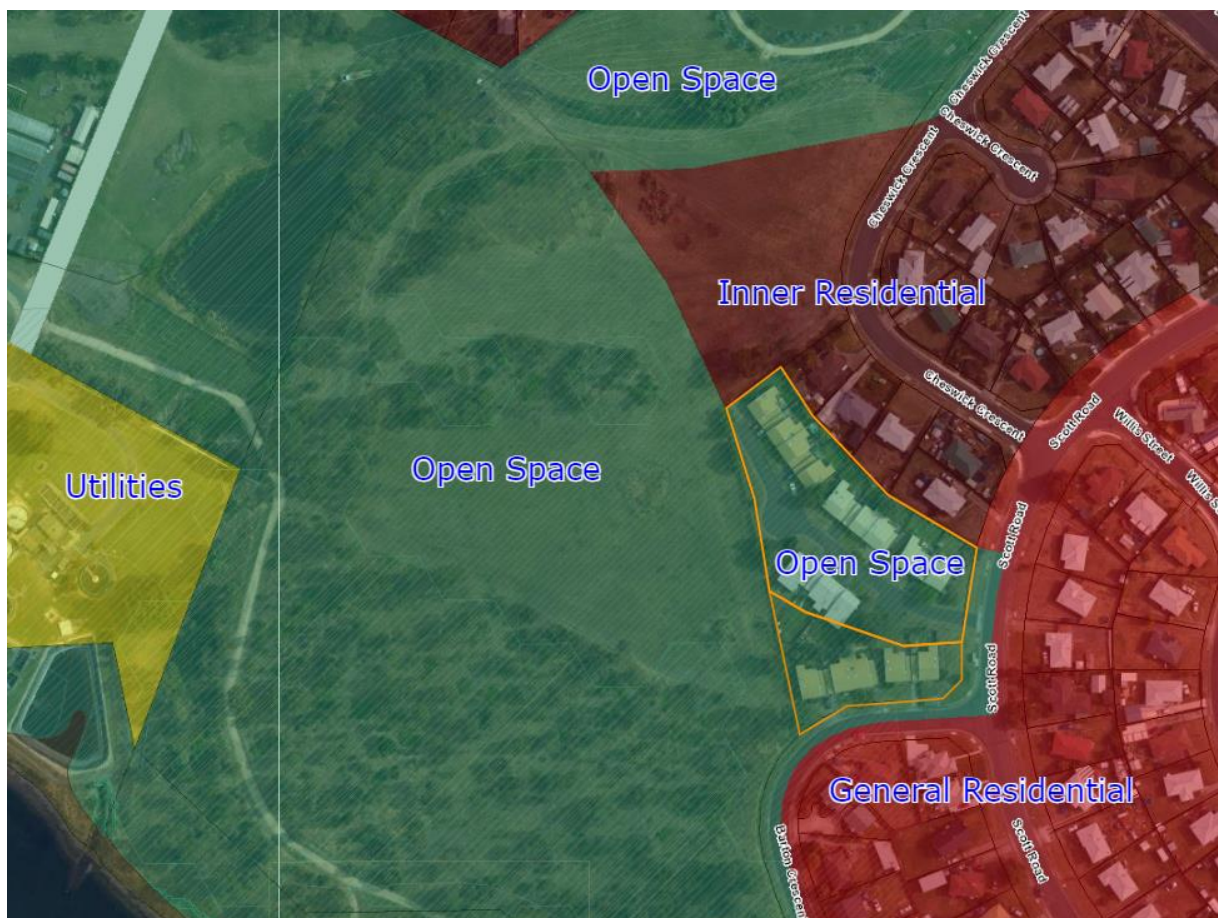


Figure 2. Zoning of the Subject Site and Surrounding Areas (Source LISTmap, accessed 23 August 2023).

8. Existing infrastructure

The site is serviced with reticulated services.

9. Planning Scheme Amendment Proposal

Pursuant to s40D(b) of the Act, the applicant seeks to amend the Tasmanian Planning Scheme – Brighton Local Provisions Schedule by:

- Rezone the site from 'Open Space' to 'Inner Residential' as shown in Figure 3.

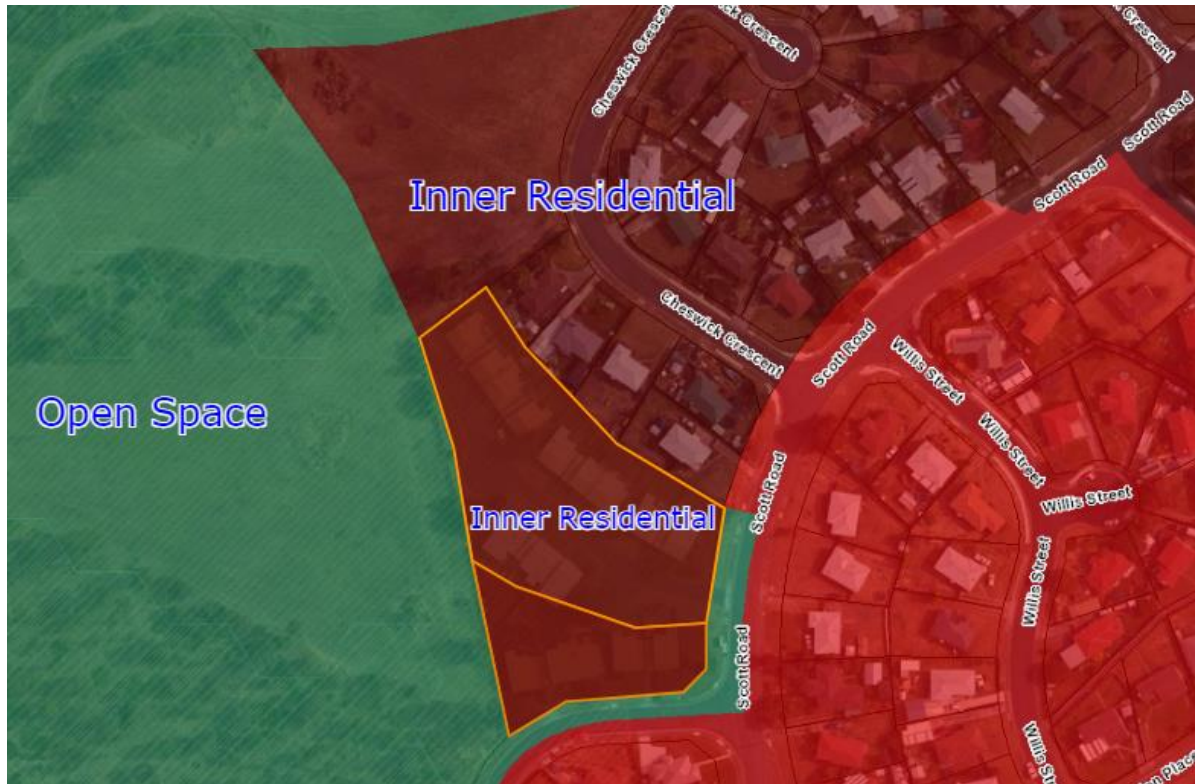


Figure 3. Proposed Zoning.

The subject site is currently zoned as 'Open Space'. The existing development on the site, however, is a Residential Use, a prohibited Use for the zone. Homes Tasmania developed the site for housing, and it has been used as such since the 1970s. The rezoning of the site will correct the anomaly of zoning for this site under the Brighton LPS and support the existing and future use of the site. As shown in Figure 4 of Attachment B, the intent was the whole of the area in yellow would be rezoned to Inner Residential. For some reason, the open space zoned land was omitted from the amended mapping.

In addition to that, the proposed rezoning will extend the existing 'Inner Residential' zone, providing consistency with the Southern Tasmania Land Use Strategy 2010-2035, as well as the Brighton Structure Plan 2018.

9.1 Use Implications

9.1.1 Current versus proposed zone uses.

The proposed rezoning will provide consistency for the existing use of the site with the zoning of it.

Table 3-1 compares current permit requirements with those under 'Inner Residential' zoning. Uses in *italic* are uses that could occur in the proposed zone but are prohibited in the current zone, including the existing use of Residential on the subject site. The proposed amendment to 'Inner Residential' corrects the Brighton Local Provisions Schedule anomaly and supports more suitable urban uses on the site.

Table 3-1: Comparison of uses of 'Open Space' to 'Inner Residential'

| Status | Open Space Zone (Current) | Inner Residential Zone (Proposed) |
|--------------------|---|--|
| No Permit Required | <ul style="list-style-type: none"> Natural and Cultural Values Management Passive Recreation Utilities: If for minor utilities and underground utilities | <ul style="list-style-type: none"> Natural and Cultural Values Management Passive Recreation <i>Residential: If for a single dwelling</i> Utilities: If for minor utilities |
| Permitted | <ul style="list-style-type: none"> N/A | <ul style="list-style-type: none"> <i>Residential: If not listed as No Permit Required</i> <i>Visitor Accommodation</i> |
| Discretionary | <ul style="list-style-type: none"> Community Meeting and Entertainment Crematoria and Cemeteries: If for a cemetery Emergency Services Food Services General Retail and Hire Pleasure Boat Facility Resource Development: If for <ul style="list-style-type: none"> a. marine farming shore facility or other facility that relies upon a coastal location to fulfill its purpose; or b. grazing Sports and Recreation Tourist Operation Transport Depot and Distribution: If associated with wharves, water taxis, or commuter or passenger ferry terminals Utilities: If not listed as No Permit Required. Vehicle Parking Visitor Accommodation: If for camping and caravan park or overnight camping areas. | <ul style="list-style-type: none"> <i>Business and Professional Services: If for a consulting room, medical centre, veterinary centre, child health clinic, or the provision of residential support services.</i> Community Meeting and Entertainment: If for a place of worship, art and craft centre, public hall, community centre or neighbourhood centre. <i>Educational and Occasional Care: If not for a tertiary institution.</i> Emergency Services Food Services: If not for a take away food premises with a drive through facility. <i>General Retail and Hire</i> Sports and Recreation: If for a fitness centre, gymnasium, public swimming pool or sports ground. Utilities: If not listed as No Permit Required. |

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|------------|-----------------|-----------------|
| Prohibited | All other uses. | All other uses. |
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The comparative analysis demonstrates that the proposed rezoning from 'Open Space' to 'Inner Residential' will correct the anomaly of the existing social housing development, which is a prohibited use under the current zone.

The proposed change accords with the characteristics of the area, adjoining land, State Policies and Council's strategic vision. The 'Inner Residential' zone provides for urban uses that accommodate a range of dwelling types at higher densities, visitor accommodation and non-residential uses, primarily servicing the local community, providing they do not cause an unreasonable loss of amenity.

There are no proposed amendments to the Use Standards, Development Standards or Codes.

The proposed rezoning will not unreasonably affect the character of the area. In fact, it is not likely that the proposed changes will create any adverse impacts on the existing character and use of the area but to formalise the existing use and development of housing on the lot. The proposed change will not just correct an anomaly in the Brighton LPS but also enable more suitable future use and development of the land without needing to address scheme provisions that relate to non-confirming uses, etc.

10. Legislative Implications

10.1 Land Use Planning and Approvals Act 1993

The Act is the principal planning legislation and forms an essential part of the Resource Management and Planning System (RMPS). The following section considers the applicable criteria under LUPAA 1993.

Objectives of LUPAA

Schedule 1 of LUPAA sets out the objectives to be furthered by the Act, provides an assessment of the proposed amendment against the objectives of the RMPS and the planning process established by the Act.

Table 4 -1 Assessment against objectives of RMPS and planning process

| Part 1 | Assessment |
|--|---|
| a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; | <p>The proposed amendment corrects the anomaly of the Brighton LPS regarding the inconsistency between the zoning and existing development of the subject land. The proposed amendment would promote appropriate land use and justify the existing development, having regard to the attributes of the subject land and surrounding land. It will enable the land for existing residential use as well as future development. The site is fully connected to reticulated services.</p> <p>The amendment will have minimal impact with regard to ecological processes and genetic diversity and accordingly, the amendment is considered to furthered Objective (a) of Part 1.</p> |

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| b) To provide for the fair, orderly and sustainable use and development of air, land and water; | <p>The proposed amendment will justify the existing residential development and provide for urban use in a location that:</p> <ul style="list-style-type: none"> • Adjoins existing urban/inner residential land and developments • Is connected reticulated water and sewerage supply <p>Any future development will be required to comply with the existing provisions of the Planning Scheme applicable to the site and will be controlled by provisions in the applicable zones and codes.</p> <p>Accordingly, the amendment is considered to further Objective (b) of Part 1.</p> |
| c) To encourage public involvement in resource management and planning; | <p>The proposed amendment was part of Brighton Council submission to TPC for the LPS and a public notification period was conducted in accordance with the requirements of the Land Use Planning and Approval Acts 1993. In addition to that, the proposed amendment is also qualified for the exemption from public exhibition under Section 40(2)(b): the draft amendment is for correcting an error in the LPS.</p> <p>Accordingly, the amendment is considered to further Objective (c) of Part 1.</p> |
| d) To facilitate economic development in accordance with the objectives set out in paragraph a), b) and c); | <p>The proposed amendment will formalize the existing use and development of housing, which is a demonstration of efficient land utilization. The land is fully connected to reticulated services and has promoted economic growth and the delivery of urban uses and housing at a suitable location.</p> <p>Accordingly, the amendment is considered to further Objective d) of Part 1.</p> |
| 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. | <p>The proposed amendment process is demonstrative of the sharing of responsibility for planning.</p> <p>Accordingly, the amendment is considered to further Objective e) of Part 1.</p> |
| Part 2 | Amendment Response |
| a) To require sound strategic planning and coordinated action by State and local government; | <p>The proposed amendment is consistent with the Southern Tasmania Regional Land Use Strategy.</p> <p>Accordingly, the amendment is considered to further Objective a) of Part 2.</p> |

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| b) To establish a system of planning instruments to be the principal way of setting objectives, policies and controls of the use, development and protection of land; | <p>The proposed amendment contributes to an established planning scheme that sets controls for use and development.</p> <p>Accordingly, the amendment is considered to further Objectives b) of Part 2.</p> |
| 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; | <p>The existing site has been developed for housing and has an acceptable environmental impact as outputs are controlled through the standards under the Planning Scheme. The existing development of housing on the subject site is demonstrative of the efficient use of the land that contributes to the area's social and economic development.</p> <p>Accordingly, the amendment is considered to further Objective c) of Part 2.</p> |
| 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; | <p>The proposed amendment corrects an anomaly with Brighton LPS and provide consistency with state, regional and municipal policy as outlined in this report. The proposed amendment does not affect the attainment of this objective.</p> <p>Accordingly, the amendment is considered to further Object d) of Part 2.</p> |
| e) To provide for the consolidation of approvals for land use or development and relates matters, and to co-ordinate planning approvals with related approvals; | <p>The existing development and Use on the subject land are prohibited under the current zoning. The proposed amendment will provide opportunity for the existing housing development and residential use of the subject land to be formally approved.</p> <p>Accordingly, the amendment is considered to further Objectives e) of Part 2.</p> |
| f) To promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; | <p>The proposed amendment will directly provide a pleasant, efficient, and safe environment for living, justifying the certainty of possible uses of residential for the subject land and conforming the subject land with surrounding residential areas.</p> <p>Accordingly, the amendment is considered to further Objective f) of Part 2.</p> |
| g) To conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; | <p>The proposed amendment will have no impact upon listed or identified places of value.</p> <p>Accordingly, the amendment is considered to further Objective g) of Part 2.</p> |
| 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; | <p>The proposed amendment will correct the anomaly of the existing residential use and housing developed on the subject site. The amendment will not likely adversely impact public infrastructure, assets, or utilities as the site makes the best use of land that is for higher density residential, which is also conform with the surrounding areas.</p> |

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| | Accordingly, the amendment is considered to further Objective h) of Part 2. |
| i) To provide a planning framework which fully considers land capability. | <p>The proposed amendment does not affect the attainment of this objective.</p> <p>Accordingly, the amendment is considered to further Objective i) of Part 2.</p> |

10.2 S.34 Criteria

Section 34(2) of the Act sets out the criteria to be met by a planning instrument.

Tables 4-2 provide an assessment of the proposed amendment against the criteria.

Table 4-2 Assessment against S34

| Criteria | Assessment |
|---|---|
| a) Contains all the provisions that the SPPs specify must be contained in an LPS | The proposed amendments accords with the structure and contents of the LPS. |
| b) Is in accordance with Section 32 | Section 32 of the Act sets out the contents of the LPSs. The changes to the zoning and overlays are all provisions that apply to the LPS. |
| c) Furthers the objectives set out in Schedule 1 | The proposed amendments meet with the objectives in Schedule 1 as discussed above. |
| d) Is consistent with each State policy | This is addressed in Section 9.4 which demonstrates that the proposed rezoning is in accordance with the state policy. |
| da) Satisfies the relevant criteria in relation to the TPPs | There is no current adopted TPPs |
| e) As far as practical, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates | This is addressed in Section 3.4 which demonstrates that the proposal is consistent with the Southern Regional Land Use Strategy 2010 – 2035. |
| f) Has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates | This is addressed in Section 10.1.1 which demonstrates the proposal is consistent with the Brighton Strategic Plan 2023-2033. |
| g) As far as practical, is consistent and co-ordinated with any LPSs that apply to the municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates. | The site is not adjacent to another municipal area. |

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| h) Has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019 | The proposed amendment relates to land situated outside of the declared pipeline corridor, and as such, will not affect the safety requirements of the Act. |
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10.3 Ministerial Guideline No.1 Local Provisions Schedule (LPS): Zone and Code application

Ministerial Guideline No.1, issued under section 8A of LUPAA, provides an easy reference guide for the application of all zones and codes for the preparation of LPS and the amendment to LPS.

It is suitable to propose the rezoning of the subject land from 'Open Space' to 'Inner Residential', rectifying the anomaly under the LPS, recognising the residential use of the subject land, providing consistency with the zoning of surrounding land, adjacent land uses, infrastructure provision and regional land use strategy.

Table 4.3 below provide an assessment of the site against the Zone application guidelines.

Table 4.3 – Consideration of the Zone application guidelines for Inner Residential Zone

| Criteria | Assessment |
|--|--|
| <p>IRZ - 1 The Inner Residential Zone should be applied to urban residential areas that are connected to a reticulated water supply service, reticulated sewerage system, and a public stormwater system, and have been identified for higher density development where any of the following conditions exist:</p> <ul style="list-style-type: none"> a) characterised by higher dwelling density with greater presence of non-housing activity; b) proximity to activity centres with a range of services and facilities; or c) located along high frequency public transport corridors. | <p>In the Brighton Council's LPS submission, the site has been identified as suitable for higher-density residential development. In fact, the site was developed for higher density development of housing units since 1970s.</p> <p>Bridgewater has been designated as a Major Activity Centre in the STRLUS. The subject land is in close proximity (within 400m) to the Bridgewater Activity Centre (See Figure 4). The Bridgewater Activity Centre has since further been strengthened by a new \$1 million Civic Park development with walking tracks, cycle way and other facilities that will improve the amenity of the area and actively encourage healthy lifestyle for local residents. (See Figure 5)</p> <p>The subject land and surrounding area is also well serviced by public transport as can be seen by the number of metro bus stops along Scott Road, Green Point Road through to Paice Street. (See Figure 5)</p> |
| <p>IRZ - 2 The Inner Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if:</p> <ul style="list-style-type: none"> a) within the Inner Residential Zone in an interim planning scheme; or b) within an equivalent zone under a section 29 planning scheme | <p>The land, whilst developed for Inner Residential purposes, is currently zoned 'Open Space' and, therefore, does not meet this application guideline.</p> |

IRZ - 3 The Inner Residential Zone should not be applied to land that is highly constrained by hazards, natural or cultural values or other impediments that will limit developing the land to higher densities.

The land is not highly constrained by hazards, natural or cultural values or other impediments that limit developing the land to higher densities.

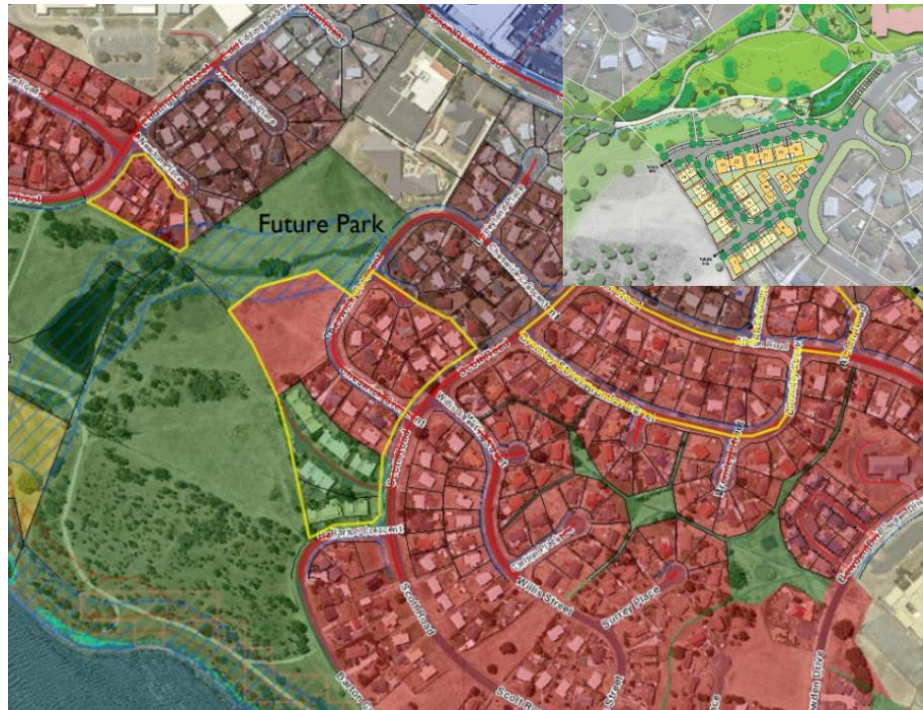


Figure 4. Bridgewater Major Activity Centre Plan and Concept (Brighton Structure Plan 2018).

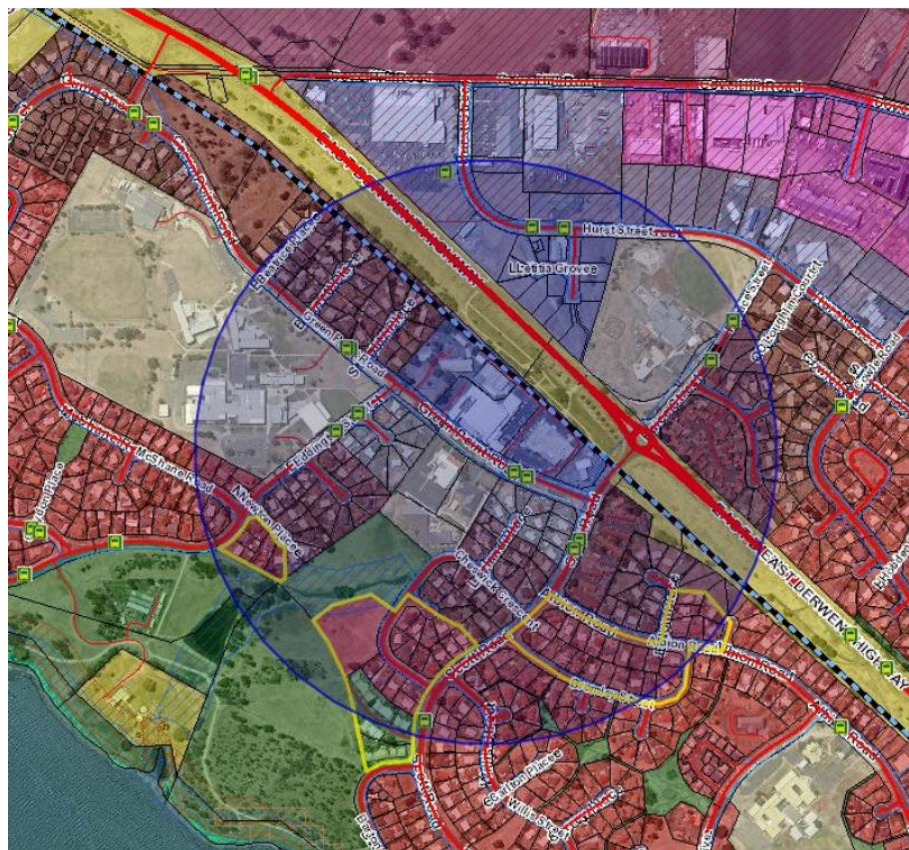


Figure 5. 400m radius from Bridgewater Major Activity Centre and metro stops (Brighton Structure Plan 2018).

10.4 State Policies

10.4.1 Tasmanian State Coastal Policy 1996

The subject site is located within 1 kilometre of the coastal high-water mark, therefore, is considered to be subject to the Tasmanian State Coastal Policy 1996. Due to the existing residential use and development of the subject land and also of the surrounding area, the proposed amendment to LPS is not likely to adverse effect any environmentally sensitive areas. The proposal is consistent with the Policy regarding urban and residential development.

10.4.2 Water Quality Management 1997

The subject site proposed to be rezoned into 'Inner Residential' is fully serviced by reticulated services from TasWater (Water and Sewer Main), ensuring water issues are adequately managed on-site with minimal off-site impacts.

The existing provisions within the Tasmanian Planning Scheme – Brighton are applicable to the subject land, and will ensure that any existing or future use and development on the land is consistent with this policy.

10.4.3 State Policy on the Protection of Agricultural Land 2009

As the site is zoned 'Open Space', the subject land is not considered agricultural land for the purposes of the State Policy on the Protection of Agricultural Land 2009. The land has also been developed for Residential Use and therefore, this policy is not considered applicable to the proposed amendment.

10.4.4 National Environment Protection Measures

The proposed amendment is not likely to adversely impact any environmental matters specified in this policy and therefore, deemed consistent with the Policy.

10.5 Regional Policies

10.5.1 Southern Tasmania Regional Land Use Strategy 2010 – 2035

The Southern Tasmania Regional Land Use Strategy 2010 – 2035 is a regional level policy document providing policies and strategies to guide future land use and development of Southern Tasmania. The proposed amendment is deemed consistent with the Policies under the following:

Recreation and Open Space:

- ❖ ROS 1.5 Ensure residential areas, open spaces and other community destinations are well connected with a network of high quality walking and cycling routes.

Social Infrastructure:

- ❖ SI 1.3 Provide social infrastructure that is well located and accessible in relation to residential development, public transport services, employment and education opportunities.

- ❖ SI 2 Provide for the broad distribution and variety of social housing in areas with good public transport accessibility or in proximity to employment, education other community services.
- ❖ SI 2.1 Provide flexibility in planning schemes for a variety of housing types (including alternative housing models) in residential areas.

Physical Infrastructure

- ❖ PI 1.1 Preference growth that utilizes under-capacity of existing infrastructure through the regional settlement strategy and Urban Growth Boundary for metropolitan area of Greater Hobart.
- ❖ PI 2.1 Use the provision of infrastructure to support desired regional growth, cohesive urban and rural communities, more compact and sustainable urban form and economic development.

Land Use and Transport Integration

- ❖ LUTI 1.1 Give preference to urban expansion that is in physical proximity to existing transport corridors and the higher order Activity Centres rather than Urban Satellites or dormitory suburbs.
- ❖ LUTI 1.2 Allow higher density residential and mixed use developments within 400, and possibly up to 800 metres (subject topographic and heritage constraints) or integrated transit corridors.
- ❖ LUTI 1.11 Encourage walking and cycling as alternative modes of transport through the provision of suitable infrastructure and developing safe, attractive and convenient walking and cycling environments.

Activity Centres

- ❖ AC3.1 Actively encourage people to walk, cycle and use public transport to access Activity Centres.

Settlement and Residential Development

- ❖ SRD 1 Provide a sustainable and compact network of settlements with Greater Hobart at its core, that is capable of meeting projected demand.
- ❖ SRD 1.5 Ensure land zoned residential is developed at a minimum of 15 dwellings per hectare (net density)
- ❖ SRD 2 Manage residential growth for Greater Hobart on a whole of settlement basis and in a manner that balances the needs for greater sustainability, housing choice and affordability.
- ❖ SRD 2.6 Increase densities to an average of at least 25 dwellings per hectare (net density)(i) within a distance of 400 to 800 metres of Integrated transit corridors and Principal and Primary Activity Centres, subject to heritage constraints.
- ❖ SRD 2.9 Encourage a greater mix of residential dwelling types across the area with a particular focus on dwelling types that will provide for demographic change including an ageing population.

- ❖ SRD 2.11 Increase the supply of affordable housing.

11. Local Strategic Documents

11.1.1 Brighton Strategic Plan 2023-2033

The proposal accords with the following goals of the Brighton Strategic Plan 2023-2033:

- 1.1 Build resilience and opportunity.
- 1.4 Encourage a sense of pride, local identity and engaging activities.
- 2.4 Ensure strategic planning and management of assets has a long term sustainability and evidence-based approach.
- 3.3 Community facilities are safe, accessible and meet contemporary needs.
- 4.1 Be big picture, long-term and evidence-based in our thinking.
- 4.3 Ensure strong engagements and relationships to shape the agenda and advocate for our community.

It is submitted that the proposed rezoning accords with the Brighton Strategic Plan 2023-2033.

11.1.2 Brighton Structure Plan 2018

The Brighton Structure Plan 2018 (Structure Plan) vision is:

'In 2023 the municipality of Brighton will be known as a hard-working and cohesive community. It will be a hub for its residents and the wider region, with substantial local job opportunities, and a community that is working together to create a bright future for Brighton.'

It seeks to create 'A diverse range of housing opportunities will cater for the increased population who seek to live, learn, work and retire in Brighton.'

The Structure Plan contains three strategies for housing:

- *Strategy 1: Maintain an urban growth boundary*
- *Strategy 2: Plan for housing growth within the urban growth boundary*
- *Strategy 3: Increase housing diversity*

The proposed amendment to zoning would correct the anomaly in zoning of an existing housing developed site and recognise the existing as well as support any future residential use or development to occur on the land. This would also support the attainment of the vision and strategies within the Structure plan by:

- Maintaining the urban growth boundary
- Formalising the existing land supply for higher density housing
- Supporting the delivery of housing opportunities for the Brighton community.

The proposal is consistent with the Structure Plan

11.2 *Local Provision Schedule*

The Tasmanian Planning Scheme – Brighton Local Provisions Schedule (the Planning Scheme) is the relevant planning instrument.

The subject site is located within the 'Open Space' zone. It is subject to the Bushfire-Prone overlay.

The 'Planning Scheme Purpose and Objectives' under Part A of the Scheme are addressed in the next subsection of this report.

11.2.1 *Planning Scheme Purpose and Objectives*

- **Planning Scheme Purpose**

The proposed amendment is consistent with the 'Planning Scheme Purpose' as it furthers the objectives of the Planning System and Planning Processes as set out in Parts 1 and 2 of the Schedule 1 of the Act, as well as being consistent with the objectives of the Planning Scheme as set out in part 3.0 of the Planning Scheme and is consistent with the LPS Criteria (S34).

- **Zoning**

The relevant zoning aspects associated with the proposed rezoning of the subject site from 'Open Space' to 'Inner Residential' are addressed in the section below.

The purpose of the '**Open Space**' zone as per clause 29.1 of the Planning Scheme, is stated as follows:

29.1.1 To provide land for open spaces purposes including for passive recreation and natural or landscape amenity.

29.1.1 To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.

The purpose of the '**Inner Residential**' zone as per clause 9.1 of the Planning Scheme, is stated as follows:

9.1.1 To provide for a variety of residential use or development that accommodates a range of dwelling types at higher densities.

9.1.1 To provide for the efficient utilization of available social, transport and other service infrastructure.

9.1.3 To provide for non-residential use that:

- a) primarily serves the local community; and
- b) does not cause an unreasonable loss of amenity, through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.

9.1.4 To provide for Visitor Accommodation that is compatible with residential character.

In comparing the two Zone Purpose Statements above, the key change in policy direction for the overarching purpose of the subject land can be summarized as follows:

- Currently, the zone's purpose is to provide for open spaces purposes such as passive recreation and natural or landscape amenity. The zoning also provides for use and development of similar nature.
- The proposed rezoning, the new zone purpose will be primarily to provide for higher-density residential uses and non-residential uses that support the local community and do not cause unreasonable loss of amenity.
- Under the proposed amendment, the land will meet the zone purpose of the 'Inner Residential' zone and, rectify the anomaly of the zone where development of Residential use was developed when in the existing zoning, it should be prohibited. The proposed rezoning will also provide consistency for the character of the area and adjoining sites as well as applicable State and Local Government policies.

11.2.2 Code Implications

Future use and development will be subject to assessment against a number of codes including the:

- Bushfire-Prone Areas Code
- Parking and Sustainable Transport Code
- Road and Railway Assets Code

The application of these Codes will not significantly change with the proposed amendment as no change is proposed to the extent of code overlay.

It is considered that these codes adequately control development within the Zone.

12. Relevant Issues

12.1 Section 40I (2) Application

The site has been developed and used for residential purposes (multiple dwellings) since the 1970s, contrary to the Open Space zoning. Accordingly, the planning authority requests that the Tasmanian Planning Commission dispenses with public exhibition in accordance with Section 40I(2)(b)(ii) of the Act as this request for planning scheme amendment is made in order to correct the zoning. It is submitted that the public interest will not be prejudiced by the draft amendment not being publicly exhibited, as the site is already developed for residential uses.

12.2 Context, Setting and Visual Impact

The subject site sits in the middle of residential areas to the north, south and east with the north area is also zoned Inner Residential. The proposed 'Inner Residential' zone is considered consistent with surrounding lands. The development control of the proposed 'Inner Residential' zone would be the most suitable, considering the existing housing development on the site has been there since 1970s and being consistent with all applicable State and Brighton Council Policies and Structure Plan.

12.3 Traffic and Transport Networks

The proposed rezoning of the site from 'Open Space' to 'Inner Residential' will not increase vehicle movements as the site is already developed for housing and no further development or intensification of the use is being proposed.

The development controls of the proposed 'Inner Residential' zone and the applicable Codes under the Planning Scheme are such that current and any future use and development on site will be appropriately managed in terms of impact on traffic and transport. In addition, any future use or development would be required to meet the Parking and Sustainable Transport Code C2.0 and Road and Railway Assets Code C3.0 under the Planning Scheme.

12.4 Noise

Noise emissions would be regulated in accordance with the Planning Scheme provisions and the requirements of the Environmental Management and Pollution Control Act 1994.

12.5 Heritage

There is no identified or known Aboriginal or cultural heritage on the site or adjoining land. The land has previously been disturbed and developed.

The site is not listed on the Tasmanian Heritage Register or under the Planning Scheme for historic heritage values.

12.6 Flora and Fauna

The site is identified on TheList TASVEG4.0 as 'Urban areas'.

There are no threatened vegetation communities, threatened species or threatened species habitats present on the site. Furthermore, the site has already been developed and will not have any significant impact on natural values.

12.7 Social Impacts & Economic Impacts

The proposed amendment will not impact provisions related to safety, security, and crime prevention, and future use and development will be managed by the applicable zone and code provisions under the planning scheme.

The proposed amendment seeks to rectify the anomaly of zoning of the land, which will recognise the suitable use of the site, which has already been developed for residential purposes since 1970s. The proposed amendment would provide consistency in character of the area, facilitate options for additional housing development and make efficient use of the land.

The proposed amendment and future use and development of the land will be controlled by the applicable zone and code provisions under the Planning Scheme that will ensure amenity impacts are appropriately managed.

13. Conclusion

The proposal is for the rezoning of 27 Scott Road, Bridgewater from 'Open Space' to 'Inner Residential' to correct the anomaly of the Brighton LPSs, on a site that has been developed for residential housing since 1970s and has been identified as suitable for the extension of Inner Residential Zone in suburb of Bridgewater. The amendment will not impact the applicable Overlay of Bushfire-Prone Areas.

Key development controls of the Planning Scheme to control any future use and development include:

- ❖ Development standards for residential buildings and works;
- ❖ Development standards for non-dwelling buildings and works; and
- ❖ Development standards for Subdivision.

In addition to considerations related to the Planning Scheme, the proposed rezoning of the subject site has also been analysed against the relevant objectives of the Act, and Southern Tasmania Regional Land Use Strategy 2010-2035, as well as general planning matters.

The proposed scheme amendment has been prepared in accordance with the Act, which sets out the matters to be considered. It is submitted that the proposed scheme amendment is in accordance with all statutory requirements, including Ministerial Guideline No.1 in terms of Zone Purpose and Zone Application Guidelines.

On this basis, it is recommended that Council initiate and certify draft amendment RZ 2023-03 as detailed in this report and in the attachments.

RECOMMENDATION:

- A. That in accordance with s40D(b) of the *Land Use Planning and Approvals Act 1993* that the planning authority, of its own motion, prepare a draft amendment of an LPS, to be known as draft amendment RZ 2023-03, by amending the planning scheme map to rezone the land at 27 Scotts Road, Bridgewater from Open Space to Inner Residential Zone.
- B. That in accordance with Section 40F(2)(a) of the *Land Use Planning and Approvals Act 1993*, Council considers that draft amendment RZ 2023-03 satisfies the provisions of Section 34 of the Land Use Planning and Approvals Act 1993.
- C. That in accordance with Section 40F(3) of the Land Use Planning and Approvals Act 1993, Council directs that draft amendment RZ 2023-03 be certified by instrument in writing affixed with the common seal of the Council; and
- D. That in accordance with Section 40F(4) of the *Land Use Planning and Approvals Act 1993*, Council directs that a certified copy of draft amendment RZ 2023-03 be given to the Tasmanian Planning Commission within seven (7) days.
- E. That in accordance with Section 40FA(1) of the *Land Use Planning and Approvals Act 1993*, Council directs that a copy of the draft amendment RZ 2023-03 be provided to relevant agencies and those state service, or State authorities, that the planning authority considers may have an interest in the draft amendment.

- F. That in accordance with Section 40I(2)(b)(ii) of the *Land Use Planning and Approvals Act 1993* Council is to request approval from the Commission in accordance with Section to dispense with the public exhibition required by Section 40G(1) of the *Land Use Planning Act 1993*.
- G. That if consent to dispense with public exhibition pursuant to Section 40I(2)(b)(ii) of the *Land Use Planning and Approvals Act 1993* is not received from the Commission, that in accordance with Section 40G(1) of the *Land Use Planning and Approvals Act 1993*, draft amendment RZ 2023-03 be placed on public exhibition as soon as practicable.

DECISION

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

CARRIED

VOTING RECORD

| In favour | Against |
|----------------|---------|
| Cr Curran | |
| Cr De La Torre | |
| Cr Gray | |
| Cr Irons | |
| Cr Owen | |
| Cr Whelan | |

The Acting Director Development Services requested that this item be deferred to the November meeting pending further advice from the applicant.

6.3 Development Application DA 2023/58 - Storage (Warehouse) at 1 Letitia Grove, Bridgewater

Author: J Blackwell (A/Director Development Services)

| | |
|-------------------|---|
| Applicant: | CGJ Properties Pty Ltd |
| Subject Site: | 1 Letitia Grove, Bridgewater |
| Proposal: | Storage (Warehouse) |
| Planning Scheme: | Tasmanian Planning Scheme - Brighton |
| Zoning: | General Business |
| Codes: | Signs Code - C1.0 Parking and Sustainable Transport Code – C2.0 Road and Railway Assets Code – C3.0 |
| Local Provisions: | BRI-15.0 – General Business Zone Local Area Objectives |
| Use Class: | Storage |
| Discretions: | 15.2 Use Table 15.3.2 A1 & A2 – Discretionary Use |

| | |
|-------------------------|--|
| | 15.4.2 A1 – Setback 15.4.3 A1 – Building Design 15.4.3 A2 – Building façade C1.6.1 Design and Siting of signs C1.6.2 Illuminated signs C2.5.1 - Car parking numbers C2.6.4 Lighting of parking areas In GBZ and CBZ C2.6.8 Siting of parking and turning areas C3.5.1 - Traffic Generation at a vehicle crossing, level crossing or new junction |
| Representations: | Nil |
| Recommendation: | Refusal |

1. STATUTORY REQUIREMENTS

The purpose of this report is to enable the Planning Authority to determine application DA 2023/58.

The relevant legislation is the *Land Use Planning and Approvals Act 1993* (LUPAA). The provisions of LUPAA require a planning authority to take all reasonable steps to ensure compliance with the planning scheme.

Council's assessment of this proposal should also consider the issues raised in any representations received, the outcomes of the State Policies and the objectives of Schedule 1 of the *Land Use Planning and Approvals Act, 1993* (LUPAA).

This report details the reasons for the officer recommendation. The Planning Authority must consider this report but is not bound to adopt the recommendation. Broadly, the Planning Authority can either:

- (1) adopt the recommendation, or
- (2) vary the recommendation by adding, modifying, or removing recommended reasons and conditions or replacing an approval with a refusal (or vice versa).

Any alternative decision requires a full statement of reasons to comply with the *Judicial Review Act 2000* and the *Local Government (Meeting Procedures) Regulations 2015*.

2. SITE ASSESSMENT

The subject site is vacant land and comprises a land area of 1660m² and is located on the corner of Hurst Street and Letitia Grove, Bridgewater (Figure 1). The land slopes to the south and has existing vehicle access from Letitia Grove. The site is serviced for reticulated water and sewer, as well as gas. There is a TasWater reuse main located along the eastern boundary (Figure 2). A metro bus stop is located adjacent to the northern boundary of the site, near an existing kerb ramp.



Figure 1: Aerial image of site (source: Brighton Council)

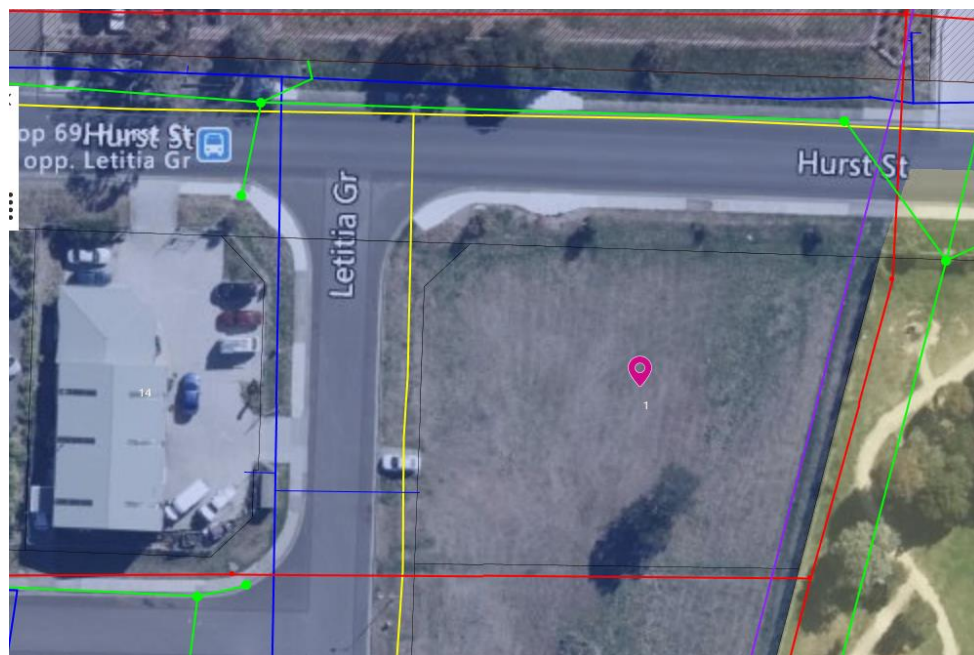


Figure 2: servicing provision (source: Spectrum Spatial Analyst (SSA), Brighton Council)

The land is zoned General Business, as shown in figure 3. The eastern boundary adjoins the St Pauls Catholic Primary School, which is zoned community purpose.



Figure 3: Zoning map (source: Listmap)

3. PROPOSAL

The proposal is for a warehouse 30.0m x 24.4m x 9.3m high with an entry annex. Vehicle access will be solely off Letitia Grove. The warehouse will provide street access to an office space from Hurst Street as shown on the northern elevation, and vehicle access from Letitia Grove (refer western elevation).

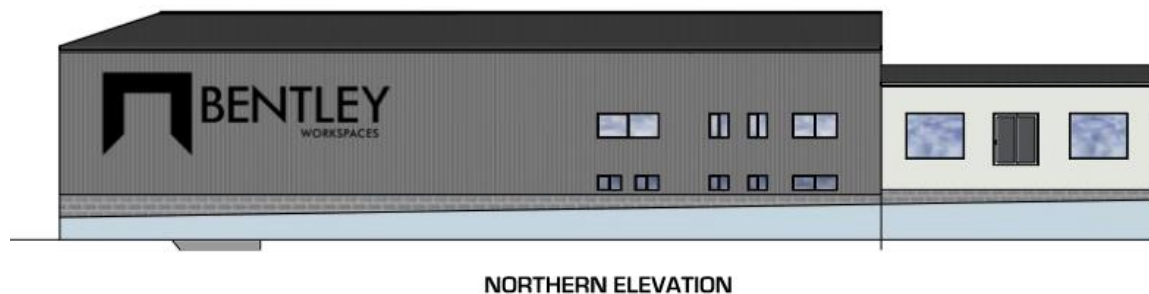


Figure 4: Proposed Northern elevation (source: Application Documents)



Figure 5: Proposed western elevation (source: application documents)

The plans shown 5 car parking spaces in the frontage between the Letitia Grove boundary and the warehouse, two of which will be located under the proposed office space.

The application is supported by the attached plans and schematic drawings, together with a supporting statement prepared by Ian Stanley.

4. PLANNING SCHEME ASSESSMENT

Compliance with Applicable Standards:

5.6.1 A use or development must comply with each applicable standard in the State Planning Provisions and the Local Provisions Schedules.

5.6.2 A standard is an applicable standard if:

- (a) the proposed use or development will be on a site within:
 - (i) a zone;
 - (ii) an area to which a specific area plan relates; or
 - (iii) an area to which a site-specific qualification applies; or
- (b) the proposed use or development is a use or development to which a relevant applies; and
- (c) the standard deals with a matter that could affect, or could be affected by, the proposed use or development.

5.6.3 Compliance for the purposes of subclause 5.6.1 of this planning scheme consists of complying with the Acceptable Solution or satisfying the Performance Criterion for that standard.

5.6.4 The planning authority may consider the relevant objective in an applicable standard to determine whether a use or development satisfies the Performance Criterion for that standard.

Determining applications (clause 6.10.1):

6.10.1 *In determining an application for any permit for use or development the planning authority must, in addition to the matters required by section 51(2) of the Act, take into consideration:*

- (a) *all applicable standards and requirements in this planning scheme; and*
- (b) *any representations received pursuant to and in conformity with section 57(5) of the Act,*

but in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.

Use Class

The Use Class is categorised as Storage under the Scheme. In the General Business Zone the “Storage” use class is discretionary. Further, Clause 6.2.2 of the Scheme notes that “a use or development that is directly associated with and a subservient part of another use on the same site must be categorised into the same Use Class as that other use.” Accordingly the proposed office space will also be classed as storage.

As the Use Class is discretionary, it must be consistent with the Zone Purpose as follows:

15.1 Zone Purpose

The purpose of the General Business Zone is:

- 15.1.1 *To provide for business, retail, administrative, professional, community, and entertainment functions within Tasmania’s main suburban and rural centres.*
- 15.1.2 *To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.*
- 15.1.3 *To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.*
- 15.1.4 *To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.*

The proposal is considered to be inconsistent with the above because the proposed storage use:

- does not provide for business, retail, administrative, professional, community and entertainment functions,
- compromises the activity centre hierarchy, and
- does not encourage activity at pedestrian levels, nor does it provide active frontages.

Compliance with Performance Criteria

The proposal meets the Scheme’s relevant Acceptable Solutions with the exception of the following.

Clause 15.3.2 A1/P1 Discretionary Uses

| | |
|---|--|
| Objective: | |
| That uses listed as Discretionary do not compromise or distort the activity centre hierarchy. | |
| Acceptable Solution | Performance Criteria |
| No Acceptable Solution | <p>P1 A use listed is discretionary must:</p> <ul style="list-style-type: none"> (a) not cause an unreasonable loss of amenity to properties in adjoining residential zones; and (b) be of an intensity that respects the character of the area. |

The proposal is for a discretionary use (storage). As there is no acceptable solution to address, assessment against the performance criteria is relied upon.

The proposal is for a warehouse, which is not intended to be open to the public (pers. communication, A Shedden, 2023). It provides for a small office space accessible from Hurst Street, with vehicle access located from Letitia Grove. Preliminary documents provided to council but not formally submitted suggest that there will be one full-time employee at the site and no sales available from the site.

The applicant provided an undated and unsigned submission prepared by Ian Stanley to address the activity centre hierarchy. That statement is included as part of the application documents (pp 30-32).

In considering the performance criteria and Mr Stanley's submission, it is considered that P1(a) can be satisfied given the proximity to the nearest residential development.

In relation to P1(b), the scale of the proposed development is similar to existing structures in Hurst Street, such 9-11 Hurst Street (medical centre) and 13 Hurst Street (Childcare Centre), albeit with much smaller site coverages than that proposed with this application. As noted by Mr Stanley, there is an eclectic mixture of uses within the Cove Hill general business zone. However, each of the existing uses within close proximity of the proposed development are businesses which provide a service to the community, whether for mechanical repairs, beauty services, multicultural services, general retail, food services, medical services or child care services. The same can be applied to other approved uses in Bridgewater's General Business Zone. In contrast, the proposed use will not be available to the public and is to be used for the sole purpose of storing office furniture, and the assembly of same as required.

The proposal must also be in alignment with the Local Area Objectives as set out in the Brighton Local Provisions Schedule of the Planning Scheme. Clause BRI-15.0 provides LAO's for Cove Hill as shown on an overlay map BRI-15.2 as follows:

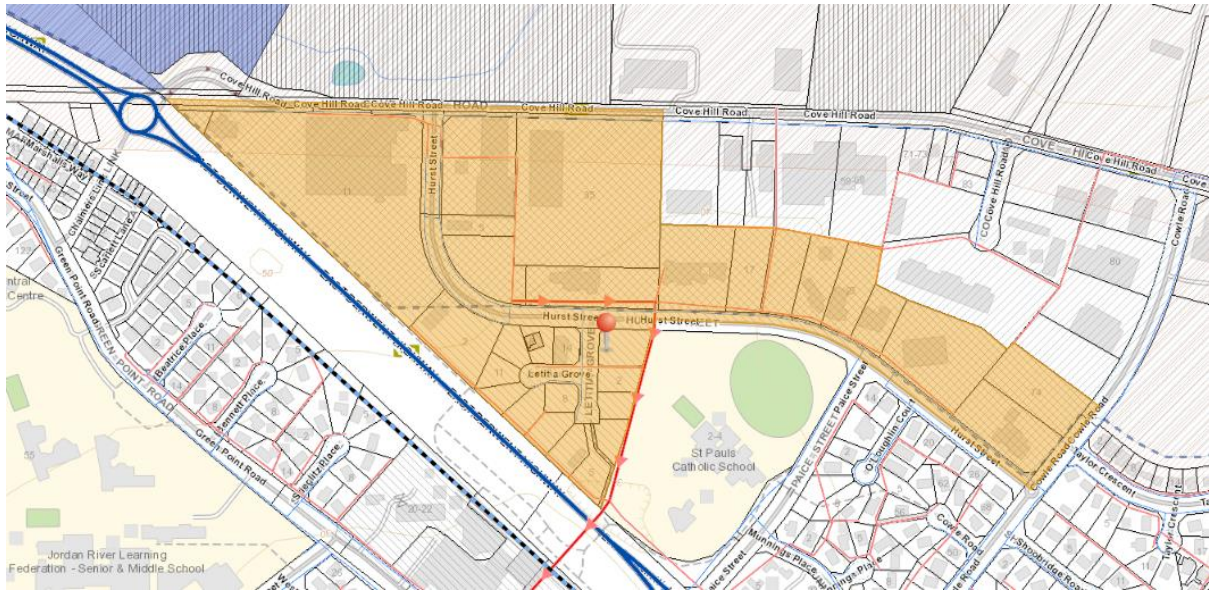


Figure 6: Overlay Map – BRI 15.2 - General Business Zone Local Area Objectives (source: Listmap)

The Local Area Objectives for the Cove Hill area are:

BRI-15.0 General Business Zone Local Area Objectives

| | | |
|----------|--|--|
| Bri-15.2 | Cove Hill, shown on an overlay Map as BRI-15.2 | To develop Cove Hill as a bulky goods and larger format retailing focal point. Larger speciality format retailing and support services to include supermarkets, hardware, discount department stores, camping, disposals, clothing, furniture, lighting, cafes, restaurants and entertainment facilities are to be concentrated at Cove Hill |
|----------|--|--|

As the proposed use is not for any of the uses outlined in the LAO, and existing uses are ones that provide a service to the community, it is considered that the proposal is in conflict with the intensity of the character of the area.

Accordingly, the PC is not satisfied as the proposed use is not of an intensity that respects the character of the area.

Clause 15.3.2 A2/P2 Discretionary Uses

| Objective: | |
|---|---|
| That uses listed as Discretionary do not compromise or distort the activity centre hierarchy. | |
| Acceptable Solution | Performance Criteria |
| No Acceptable Solution | <p>P1 A use listed as discretionary must not compromise or distort the activity centre hierarchy, having regard to:</p> <p>(a) The characteristics of the site;</p> |

| | |
|--|--|
| | <p>(b) The need to encourage activity at pedestrian levels;</p> <p>(c) The size and scale of the proposed use;</p> <p>(d) The functions of the activity centre and surrounding activity centres; and</p> <p>(e) the extent that the proposed use impacts other activity centres.</p> |
|--|--|

The proposal is for a discretionary use (storage) under Table 15.2 of the Scheme. As there is no acceptable solution, assessment against the performance criteria is relied upon.

The applicant relies on the undated and unsigned submission prepared by Ian Stanley to address the activity centre hierarchy. That statement is included as part of the application documents (pp 30-32).

The planning scheme includes the following definitions:

| Term | Definition |
|---|--|
| Activity Centre | means a place that provides a focus for retail, commercial, services, employment and social interaction in cities and towns; |
| Activity Centre Hierarchy | Means the activity centre network or hierarchy referred to in a relevant regional land use strategy |
| Business and Professional Services | <i>Use of land for administration, clerical, technical, professional or similar activities. Examples include a bank, call centre, consulting room, funeral parlour, medical centre, office, post office, real estate agency, residential support services, travel agency and veterinary centre.</i> |
| General Retail and Hire | <i>use of land for selling goods or services, or hiring goods. Examples include an adult sex product shop, amusement parlour, beauty salon, betting agency, bottle shop, cellar door sales, commercial art gallery, department store, hairdresser, market, primary produce sales, local shop, shop, shop front dry cleaner and supermarket</i> |
| Storage | <i>use of land for storage or wholesale of goods, and may incorporate distribution. Examples include boat and caravan storage, self storage, contractors yard, freezing and cool storage, liquid fuel depot, solid fuel depot, vehicle storage, warehouse and woodyard.</i> |

Whilst the use of the area is comprised of mixed uses, those uses are predominantly characterised by retail, commercial and service providers, which are permitted uses within the zone and address the Local Area Objectives for the Cove Hill area. Generally speaking, the Cove Hill shopping area provides tenancies relating to general retail and hire including newsagent, supermarket, butcher, fast food outlets, discount department stores, newsagency, op-shops, beauty services, as well as medical care, child care, and religious services.

Objectives for Discretionary Uses (15.3.2 A2/P2)

The objective of the standards relating to Discretionary uses is to ensure that "uses listed as Discretionary do not compromise or distort the activity centre hierarchy". As noted above, the activity centre hierarchy is defined by the network or hierarchy referred to in a relevant regional land use strategy. The Southern Tasmanian Regional Land Use Strategy (STRLUS) is the relevant regional land use strategy.

STRLUS

STRLUS is a broad policy document that has been implemented to facilitate and manage change, growth and development within Southern Tasmania for the period 2010-2035. It is a document which provides comprehensive land use policies and strategies for the southern region. Page 85 of STRLUS defines the role and functions of activity centres:

"Activity Centres provide the focus for services, employment and social interaction in cities and towns. They provide a broader function than just retail and commercial centres, they are also community meeting places, centres of community and government services, locations for education and employment, settings for recreation, leisure and entertainment activities, and places for living through new forms of higher density housing with good levels of amenity..."

STRLUS (p88) has identified Bridgewater as a major activity centre, which has the various roles and functions as shown in figure 6 below.

| MAJOR ACTIVITY CENTRE | | |
|--|---|---------------------------------------|
| Role | To serve the surrounding district and provide a range of convenience goods and services as well as some community services and facilities. | Moonah Bridgewater (Greenpoint) |
| Employment | Provides a focus for employment at the LGA level, primarily in retailing, but complemented by a range of office based employment mainly in professional and personal services | |
| Commercial including retail | At least 1 major supermarket, a range of speciality shops and secondary retailing. May contain small discount department store. Office spaces are limited to small-scale finance, banking, insurance, property, and professional services. | |
| Government Services & Community infrastructure | Community Hall, Community Health Centres, some urban community space, Private Medical Centre, may include some social services such as Service Tasmania or Centrelink Customer Service Centre. Educational facilities either within or in close proximity are highly desirable. Should be centre of Local Government services within the relevant LGA, if no primary or principal activity centre exists in that LGA. | |
| Residential | Some shop-top residential and increased density of surrounding residential area should be encouraged if located in an inner urban environment. | |
| Entertainment | Includes some night-time activities, focussed on dining. | |
| Access | High quality bus services linking from residential catchment. If locationally possible, should be linked with other public transport modes. | |
| Catchment | Complements the Primary and Principal Activity Centres. Generally an LGA wide catchment, although may attract people from adjacent LGAs. | |

Figure 7: Roles and functions of a Major Activity Centre, STRLUS, p. 88

In contrast, Industrial land use (STRLUS p.81) is defined as relating to

“the manufacturing, assembling, processing, storage and distribution of products and goods. It can include wholesaling and retailing of goods...”

which is more akin to the use proposed for this site.

STRLUS also requires the amenity of activity centres to be protected from the utilisation of land in the activity centre for industrial purposes which may then compromise the mixed use objectives of an Activity Centre.

More specifically, the relevant regional policies identified in STRLUS, applicable to this proposal are:

AC1 Focus employment, retail and commercial uses, community services and opportunities for social interaction in well-planned, vibrant and accessible, regional activity centres that are provided with a high level of amenity and with good transport links with residential areas.

AC1.1 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 1.8 Ensure that new development and redevelopment in established urban areas reinforce the strengths and individual character of the urban area in which the development occurs.

AC 1.11 Provide for 10 – 15 years growth of existing activity centres through appropriate zoning within planning schemes.

The applicant has submitted that the proposal is a commercial use, however in accordance with the scheme, and based on the information provided that the intended use is for the storage of goods, with no sales to occur from the site, the proposed use cannot satisfy the definition for ***Business and Professional Services*** as defined above. In this case, the business (office) component of the proposal is subservient to the dominant storage use, as it would not exist without the storage use (refer clause 6.2.2 of the Scheme, previously outlined).

The applicant submits that *“the activity centre will not be enhanced by encouraging activity at pedestrian level”*. This assertion is not accepted. The City of Sydney¹ defines an active frontage as

“a continuous business or retail use that open directly to the footpath. These uses provide activity on the streets, they enhance public security and passive surveillance

¹ <https://www.cityofsydney.nsw.gov.au/>

and improve the amenity of the public domain by pedestrian activity. They also assist in supporting the economic viability of the street”.

Heffernan et al² expand that definition to identify that an active frontage can significantly affect people’s perceptions of a public space in terms of its safety, comfort, sociability and liveliness.

In relation to P2(c), the applicant submits that the size and scale of the proposed development is consistent with other developments (ie the big box shopping centre). There is a mix of size and scale provided in the Cove Hill shopping area. However in contrast, the other developments have a lesser site coverage overall and are approved for permitted uses such as those outlined above or, in some cases, approved under previous planning scheme/s.

Accordingly, it is considered that the proposal cannot satisfy the performance criteria as it is considered to compromise the activity centre hierarchy.

Clause 15.4.2 A1/P1 Setback

| | |
|---|---|
| Objective: | |
| That building setback: | |
| (a) is compatible with the streetscape; (b) does not cause an unreasonable loss of residential amenity to adjoining residential zones; and (c) minimises opportunities for crime and anti-social behaviour through setback of buildings. | |
| Acceptable Solution | Performance Criteria |
| A1 Buildings must be: (a) built to the frontage at ground level; or (b) have a setback of not more or less than the maximum and minimum setbacks of the buildings on adjoining properties. | P1 Buildings must have a setback from a frontage that is compatible with the streetscape and minimises opportunities for crime and anti-social behaviour, having regard to: (a) providing small variations in building alignments to break up long facades; (b) providing variations in building alignment appropriate to provide a forecourt or space for public use such as outdoor dining or landscaping; (c) the avoidance of concealment spaces; (d) the ability to achieve passive surveillance; and (e) the availability of lighting. |

² Heffernan, E; Heffernan T and Pan, W (2014) "The relationship between the quality of active frontages and public perceptions of public spaces", Urban Design International, 19 (1), 92-102.

The proposal provides for a northern setback of 2m increasing to 3.3m on the western end of the site, disregarding the corner truncation. The setback to the western boundary from the office is approximately 2.5m and 13m+/- from the warehouse. Adjoining land to the south is vacant.

The land to the east is used for St Pauls Catholic Primary School (SPCPS), and is zoned Community Purpose. The sports fields for the school are adjacent to the subject site. The entrance to the school is from Paice Street, which has a 0m setback to the frontage.

Accordingly, the proposal does not satisfy the Acceptable Solution and the performance criteria must be satisfied.

In addressing the performance criteria, it is considered that the proposal addresses crime prevention through design (CPTeD) by providing a slight variation in the building where the warehouse meets the office space, but limiting concealment spaces on each façade. The low height of the proposed retaining walls along Letitia Grove also minimise any concealment spaces. The area provided for landscaping (2 – 3m deep) will restrict the type of landscaping that can be provided on the site. However trees have been established in the road reserve by Council, which will assist in enhancing the visual appeal of the building, should the proposal be approved. Further, the elevations show windows from the office space, which could provide opportunities to achieve passive surveillance, should the office be in use. Solar security lighting is proposed for each corner of the proposed building.

Accordingly, the PC is satisfied with conditions.

Clause 15.4.3 A2/P2 Design (Façade)

| Objective: | |
|---|---|
| That building façades promote and maintain high levels of pedestrian interaction, amenity and safety and are compatible with the streetscape. | |
| Acceptable Solution | Performance Criteria |
| <p>A1 New buildings or alterations to an existing façade must be designed to satisfy all of the following:</p> <ul style="list-style-type: none"> (a) provide a pedestrian entrance to the building that is visible from the road or publicly accessible areas of the site; (b) if for a ground floor level façade facing a frontage: <ul style="list-style-type: none"> (i) not have less than 40% of the total surface area consisting of windows or doorways; or | <p>P1 New buildings or alterations to an existing façade must be designed to be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> (a) how the main pedestrian access to the building addresses the street or other public places; (b) windows on the façade facing the frontage for visual interest and passive surveillance of public spaces; (c) architectural detail or public art on large expanses of blank walls on the façade facing the frontage and other public spaces |

| | |
|---|--|
| <ul style="list-style-type: none"> (ii) not reduce the surface area of windows or doorways of an existing building, if the surface area is already less than 40% (c) if for a ground floor façade facing a frontage, must <ul style="list-style-type: none"> (i) not include a single length of blank wall greater than 30% of the length of façade on that frontage; or (ii) not increase the length of an existing blank wall, if already greater than 30% of the length of the façade on that frontage; and (d) provide awnings over a public footpath if existing on the site or on adjoining properties. | <p>so as to contribute positively to the streetscape and public spaces.</p> <ul style="list-style-type: none"> (d) Installing security shutters or grilles over windows or doors on a façade facing the frontage or other public spaces only if essential for the security of the premises and any other alternatives are not practical; and (e) The need for provision of awnings over a public footpath. |
|---|--|

The plans show that less than 40% of the total surface area for the proposal comprises windows or doorways, at ground level, with less than 10% of the surface area being shown for the northern (Hurst Street) façade, and a lesser amount for the Letitia Grove façade. Therefore assessment against the performance criteria is relied upon.

The PC requires that new buildings must be designed to be compatible with the existing streetscape. The nearby businesses appear to have been designed to provide their entrances as a focal point for their customers, with car parking close to the main pedestrian accesses (see Figure 9).

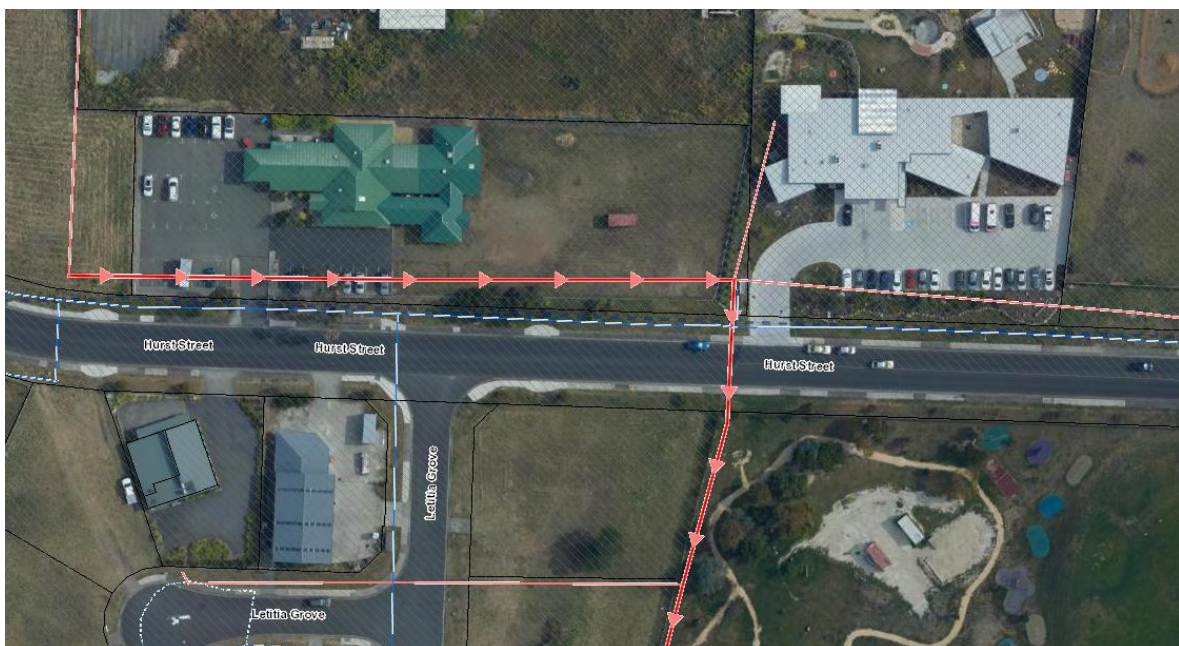


Figure 8 - Existing businesses with close proximity to the subject site (Source: Listmap)

The main pedestrian access for the proposed building is located at the western end of the building, accessible from Hurst Street, with the windows provided in the office space providing opportunities for passive surveillance. There appears to be an additional entrance to the office space from the sub-floor area adjacent to car parking space number 2 (refer drawing no: 23020/8). However, no internal footways for pedestrians are shown on the plan.

The applicant has included signage on both sides of the building to break up the expanse of surface area on each elevation, as shown in figures with both signs to be illuminated. The plans also show the surface area of the northern elevation broken up with the installation of alternate coloured Colorbond “Monument”, with the main of the warehouse to be Colorbond “Bluegum” and use of alternate cladding; the office space is to be clad in Axon cladding, again in “Bluegum”.

There is no requirement for an awning over public land, given the 2m+/- building setback to the Hurst Street frontage.

It is considered that the proposal can satisfy the PC.

Clause 15.4.4. A1/P1 Fencing

| Objective: | |
|---|---|
| That fencing: | |
| (a) is compatible with the streetscape; and | |
| (b) does not cause an unreasonable loss of residential amenity to adjoining residential zones | |
| Acceptable Solution | Performance Criteria |
| A1 No Acceptable Solution. | <p>P1 a fence (including a free-standing wall) within 4.5m of a frontage must contribute positively to the streetscape, having regard to:</p> <p>(a) its height, design, location and extent;</p> <p>(b) its degree of transparency; and</p> <p>(c) the proposed materials and construction</p> |

The proposal provides for a 2.0m high, black SHS (square hollow section) boundary fence, as shown on the landscaping plan. Whilst there is no acceptable solution to address, there is an exemption provided in the planning scheme which allows for:

“4.6.3 Fences (including free-standing walls) within 4.5m of a frontage, if located in:

- (a) the General Residential Zone, Inner Residential Zone, Low Density Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone, Commercial Zone or any particular purpose zone, and if not more than a height of:*

- (i) 1.2m above existing ground level if the fence is solid; or
- (ii) 1.8m above existing ground level, if the fence has opening above the height of 1.2m, which provide a uniform transparency of at least 30% excluding any posts or uprights) ...”

The proposal for a 2.0m high SHS security fence exceeds the height provided by the exemption in clause 4.6.3 of the Scheme, so the performance criteria must be considered.

As outlined above, the applicant proposes a black 2.0m high SHS security fence and sliding gate. The applicant has not specified the minimum transparency to be applied to the fence. However, it is considered that a condition could be included in any permit approved that requires details of the proposed fencing, not less than 30% transparency and able to support passive surveillance of the public realm, is to be provided to the Director Development Services for approval prior to commencement of any works.

Accordingly, the PC is satisfied with conditions.

Clause C1.6.1 A1/P1 Design and Siting of Signs

| | |
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| Objective: | |
| That | |
| (a) signage is well designed and sited; and | |
| (b) signs do not contribute to visual clutter or cause an unreasonable loss of visual amenity to the surrounding area | |
| Acceptable Solution | Performance Criteria |
| <p>A1 A sign must:</p> <p>(a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and</p> <p>(b) meet the sign standards for the relevant sign type set out in Table C1.6,</p> <p>excluding for the following sign types for which there is no Acceptable Solution:</p> <ul style="list-style-type: none"> (i) roof sign; (ii) sky sign; and (iii) billboard | <p>P1.1</p> <p>A sign must:</p> <p>(a) be located within the applicable zone for the relevant sign type set out in Table C1.6; and</p> <p>(b) be compatible with the streetscape or landscape having regard to:</p> <ul style="list-style-type: none"> (i) the size and dimensions of the sign; (ii) the size and scale of the building upon which the sign is proposed; (iii) the amenity of the surrounding properties; (iv) the repetition of messages or information; (v) the number and density of signs on the site and on adjacent properties; and |

| | |
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| | <p>(vi) the impact on the safe and efficient movement of vehicles and pedestrians.</p> <p>P1.2 – Not applicable as the proposed sign is not a roof sign, sky sign or billboard</p> |
|--|--|

The Signs Code allow wall signs as permitted in the General Business Zone if they meet the following criteria:

- (a) *Must not extend beyond the wall or above the top of the wall to which it is attached;*
- (b) *Have a maximum area of 4.5m²*
- (c) *Must not occupy more than 25% of the wall area*

The proposal is for two (2) illuminated wall signs, one measuring 7.5m x 2.5m (18.75m²) and the other being 4.5m x 1.8m (8.1m²), as shown in the application documents, which does not satisfy the acceptable solution. Therefore assessment against the performance criteria is relied upon.

There is only one sign proposed for each wall, in a general business zone which does not adjoin a residential area. It is not considered that the proposed signage will impact on the save and efficient movement of vehicles and pedestrians nor does it conflict with existing signage in the area.

Accordingly, the PC is satisfied.

Clause C1.6.2 A1/P1 Illuminated Signs

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| Objective: | |
| <p>That:</p> <ul style="list-style-type: none"> (a) illuminated signs are compatible with the streetscape; (b) the cumulative impact of illuminated signs on the character of the area is managed, including the need to avoid visual disorder or clutter of signs; and (c) any potential negative impacts of illuminated signs on road safety and pedestrian movement are minimised. | |
| Acceptable Solution | Performance Criteria |
| A1 No Acceptable solution | <p>P1 An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> (a) the location of the sign |

| | |
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| | <ul style="list-style-type: none"> (b) the size of the sign; (c) the intensity of the lighting; (d) the hours of operation of the sign; (e) the purpose of the sign; (f) the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity; (g) the intended purpose of the changing message of the sign; (h) the percentage of the sign that is illuminated with changing messages; (i) the proposed dwell time; and (j) whether the sign is visible from the road and the proximity to and impact on an electronic traffic control device. |
|--|--|

There is no acceptable solution, so the performance criteria must be addressed.

The proposal provides for two illuminated wall signs (18.75m² and 8.1m²), one for each street frontage. There is no impact on residential amenity given the orientation and separation distances to the nearest residential uses, and limited impact on any view corridors or the natural environment given the existing zoning and uses.

The applicant has not proposed operating hours for the proposed signs. As the separation distance to residential uses is in excess of 200m to the east and south, and the proposed signage is facing north and west, this is not considered to be an issue. The nearest electronic traffic control device is located on the East Derwent Highway near the school crossing, approximately 500 away, which will not be affected.

Accordingly, the PC is satisfied.

Clause C2.5.1 A1/P1 Car Parking Numbers

| | |
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| Objective: | |
| That an appropriate level of car parking spaces are provided to meet the needs of the use. | |
| Acceptable Solution | Performance Criteria |
| A1 The number of on-site car parking spaces must be no less than the number specified in Table 2.1, less the number of car parking spaces that cannot be provided due to the site | P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to: <ul style="list-style-type: none"> (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; |

| | |
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| <p>including container refund scheme space, excluding if:</p> <ul style="list-style-type: none"> (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash in lieu) must be in accordance with that plan; (b) the site is contained within a parking precinct plan and subject to clause C2.7 (c) the site is subject to clause C2.5.5; or (d) it relates to an intensification or an existing use or development or a change of use where: <ul style="list-style-type: none"> (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or (ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case the on site car parking must be calculated as follows: $N = A + (C - B)$ <p>N = Number of on-site car parking spaces</p> <p>A = Number of existing on site car parking spaces</p> <p>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</p> | <ul style="list-style-type: none"> (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (g) the effect on the streetscape; and (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development. <p>P1.2 The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area. |
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|--|--|
| C = Number of on-site car parking spaces required for the proposed development specified in Table C2.1 | |
|--|--|

The proposal plans show five (5) car parking spaces. The site area is 1660m², and the parking requirement in Table C2.1 requires 1 car parking space for each 200m² of site area. Accordingly, to satisfy the acceptable solution, nine (9) car parking spaces would be required. Therefore, assessment against the performance criteria is relied upon.

The application was referred to Council's development engineer for assessment. That officer notes that the applicant has not provided any justification against the performance criteria to support the reduction in car parking spaces. Further, the turning sweeps for the proposed car parking spaces shown do not show the radius plotting which would validate the accuracy of the drawn sweeps.

Accordingly, the performance criteria cannot be satisfied.

Clause C2.6.7 A1/P1 Lighting within General Business Zone and Central Business Zone

| | |
|--|---|
| Objective: | |
| That parking and vehicle circulation roads and pedestrian paths within the General Business Zone and Central Business Zone, which are used outside daylight hours, are provided with lighting to a standard which: | |
| (a) enables easy and efficient use; | |
| (b) promotes the safety of users; | |
| (c) minimises opportunities for crime or anti-social behaviour; and | |
| (d) prevents unreasonable light overspill impacts. | |
| Acceptable Solution | Performance Criteria |
| A1 In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with Clause 3.1 "Basis of Design" and Clause 3.6 "Car Parks" in Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public | <p>P1 In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roadways and pedestrian paths, which are used outside daylight hours must be provided with lighting, having regard to:</p> <p>(a) enabling easy and efficient use of the area;</p> <p>(b) minimising potential for conflicts involving pedestrians, cyclists and vehicles;</p> |

| | |
|---|---|
| spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements. | <p>(c) minimising opportunities for crime or anti-social behaviour through the creation of concealment spaces;</p> <p>(d) any unreasonable impact on the amenity of adjoining properties through light overspill; and</p> <p>(e) the hours of operation of the use.</p> |
|---|---|

The proposal provides for solar security lighting on each corner of the building, which is not considered to satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The proposal was referred to council's development engineer who notes that the parking areas will be overshadowed by the entry annex above and will require adequate lighting to meet the standard.

It is considered that including a condition can be included in any permit approved for the lighting to meet AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements*.

Accordingly, the PC is satisfied with conditions.

Clause C2.6.8 A1/P1 Siting of Parking and Turning Areas

| Objective: | |
|---|--|
| That the siting of vehicle parking and access facilities in an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone does not cause an unreasonable visual impact on streetscape character or loss of amenity to adjoining properties | |
| Acceptable Solution | Performance Criteria |
| A1 Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line. | <p>P1 Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas, may be located in front of the building line where this is the only practical solution and does not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(a) topographical or other site constraints;</p> <p>(b) availability of space behind the building line;</p> <p>(c) availability of space for vehicle access to the side or rear of the property;</p> |

| | |
|--|---|
| | <p>(d) the gradient between the front and the rear of existing or proposed buildings;</p> <p>(e) the length of access or shared access required to service the car parking;</p> <p>(f) the location of the access driveway at least 2.5m from a window of a habitable room of a dwelling;</p> <p>(g) the visual impact of the vehicle parking and access on the site;</p> <p>(h) the streetscape character and amenity;</p> <p>(i) the nature of the zone in which the site is located and its preferred uses; and</p> <p>(j) opportunities for passive surveillance of the road.</p> |
|--|---|

The proposal provides for parking forward of the building for the primary frontage (Letitia Grove), which does not satisfy the acceptable solution, therefore assessment against the performance criteria is relied upon.

The subject site is a corner site with the pedestrian access to the building facing the secondary frontage (Hurst Street). There is a TasWater reuse main located along the eastern (rear) boundary.

Given the corner siting, and location and wall length of the proposed warehouse, it would be difficult for the applicant to provide sufficient car parking at the rear of the site. Similarly, nearby businesses have all provided parking forward of the building line (Figure 8), which has been offset by landscaping.

The visual impact of the proposed parking forward of the building line can be mitigated through the requirement for a low height retaining wall needed to address the slight slope of the site, and the landscaping shown on the landscaping plan. It is recommended that a condition for an amended landscaping plan detailing some larger species trees to be planted along the Letitia Grove frontage be included in any permit approved, to mitigate the visual impact of the parking areas and the scale of the building. It is also recommended that the planting be continued along the southern boundary of the nominated parking areas.

Accordingly, the PC is satisfied with conditions.

Clause C3.5.1 A1/P1 Traffic Generation at a vehicle crossing, level crossing or new junction

| Objective: | |
|--|---|
| To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction | |
| Acceptable Solution | Performance Criteria |
| <p>A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing. <p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p>A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p>A1.4 Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road. (c) A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction. | <p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority. |

The proposal will require the widening of the existing vehicle access, for which road authority consent has not been provided pursuant to A1.2. Specific vehicle movements have not been provided with the application to address A1.4. Therefore the proposal does not satisfy the acceptable solution and must be assessed against the performance criteria.

The application was referred to council's development engineer for assessment. That officer advises that *"the applicant has not demonstrated conclusively that entry and exit can occur safely and in accordance with the standard"* and that if road authority consent was applied for based on the current design, it would not be supported.

Further, whilst the applicant has noted in a preliminary planning submission but not formally submitted with the application, that there will no increase in vehicle movements per day (vmpd), the number of vehicle movements expected to occur has not been identified. It is considered that the number of vehicles under 5.5m in length will be able to satisfy the acceptable solution of 20% or 40 vmpd (whichever is the greater). However, movements for vehicles exceeding 5.5m are limited to 20% or 5vmpd (whichever is the greater). Given the low thresholds for increased movements for larger vehicles, and the proposal use for storage, the applicant has not demonstrated that it can satisfy the performance criteria.

Accordingly, the PC is not satisfied as the proposal:

- (a) will not be granted road authority consent for the cross-over to be widened as currently shown;
- (b) has not demonstrated the required number of vehicle movements per day and any impact on the road network.

5. Referrals

Development Engineer

The proposal was referred to council's development engineer, who has considered the proposal. That officer's comments have been incorporated into this assessment where necessary.

The officer has also considered stormwater management as proposed in the application. That officer notes that there is an intention to develop an impervious surface of 1239m² or 75% of the site. In accordance with a request to demonstrate how treatment and detention was to occur in accordance with the Tasmanian Stormwater Policy Guidance and Standards for Development, the applicant proposes treatment and detention by way of a treatment and detention train, including a Biofilter treatment and tank detention onsite. However, the proposed stormwater management, has not provided sufficient detail to demonstrate that it can meet the treatment targets, as well as be maintained and operate accordingly.

Accordingly, it is recommended that the proposal be refused as it cannot demonstrate that it meets the appropriate stormwater management required under the Tasmanian Stormwater Policy Guidance and Standards for Development.

TasWater

The proposal was referred to TasWater for comment. TasWater have issued a Submission to Planning Authority Notice, dated 18th July 2023, reference number TWDA 2023/00393-BTN, which is to be attached to any permit issued by the Planning Authority.

6. Conclusion

The proposal for Storage (Warehouse) at 1 Letitia Grove, Bridgewater in Tasmania, is not considered to satisfy all relevant provisions of the Tasmanian Planning Scheme - Brighton, and as such is recommended for refusal.

RECOMMENDATION:

That: Pursuant to the *Tasmanian Planning Scheme - Brighton*, Council refuse application DA2023/0058 for Storage (Warehouse) at 1 Letitia Grove, Bridgewater in Tasmania for the following reasons as outlined in the officer's report:

1. That application DA 2023/0058 for Storage (Warehouse):
 - a. is inconsistent with the Zone Purpose in that the proposed use:
 - i. does not provide for business, retail, administrative, professional, community or entertainment functions;
 - ii. compromises the activity centre hierarchy; and
 - iii. does not encourage activity at pedestrian levels, nor does it provide active frontages.
 - b. does not satisfy the Local Area Objectives for the General Business Zone (Cove Hill) as shown on overlay map BRI-15.2.
 - c. does not satisfy the performance criteria in clause 15.4.3 P1 in that it has not demonstrated that the proposed use is of an intensity that respects the character of the area.
 - d. does not satisfy the performance criteria in clause 15.4.3 P2 in that the proposed use will compromise the activity centre hierarchy.
 - e. does not satisfy the performance criteria in clause C3.5.1 P1 in that it has not demonstrated that the proposal will minimise any adverse effects on the safety of the vehicle crossing or efficiency of the road network.
 - f. does not demonstrate that the stormwater management satisfies the requirements for stormwater treatment and detention in accordance with the Tasmanian Stormwater Policy Guidance and Standards for Development.

DECISION

Cr De La Torre moved, Cr Irons seconded that this item be deferred to the November Ordinary Council meeting pending further information from the applicant.

CARRIED**VOTING RECORD**

| In favour | Against |
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| Cr Curran | |
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| Cr De La Torre | |
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| Cr Gray | |
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| Cr Irons | |
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| Cr Owen | |
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| Cr Whelan | |
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Meeting closed: 6.25pm

Confirmed:

(Mayor)

Date:

17 October 2023
