



Application for Planning Approval

Land Use Planning and Approvals Act 1993

Notice is given pursuant to s40G of the *Land Use Planning and Approvals Act 1993* that the Brighton Planning Authority has certified draft Amendment RZ2023/03 to the Local Provisions Schedule.

A copy of the certified draft amendment and all other documents may be viewed on Council's website www.brighton.tas.gov.au and at the Council Offices, 1 Tivoli Road, Old Beach between 8.15am and 4.45pm Monday to Friday from **6th November 2023** until **4th December 2023**.

What land is affected by the amendment?

27 Scott Road, Bridgewater

What does the draft amendment seek to do?

The amendment seeks to rezone the affected land from **Open Space Zone** to **Inner Residential Zone**.

How can I be involved?

Any person may make representation about the draft amendment during the above period by letter addressed to the General Manager, Brighton Council, 1 Tivoli Road, Brighton 7017 or by email to development@brighton.tas.gov.au

Representations should include a daytime telephone number to allow council officers to discuss, if necessary, any matters raised.

It is important, if you wish to make comment that you put your comments in writing to Council. This will allow you to be involved in future processes relating to the draft amendment.

Further information regarding the draft amendment can be obtained from Development Services, ph: 03 62687041

JAMES DRYBURGH
General Manager



Brighton
going places

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

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Authorised: Jo Blackwell (A/Director Development Services)

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
Attachments	Attachment A - Instrument of Certification Attachment B – Excerpt from Brighton LPS Supporting Report relating to subject site

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 exempt 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 to 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 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's 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*.

2. 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.

3. 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 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.

4. Rational 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.

5. 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.

6. 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.

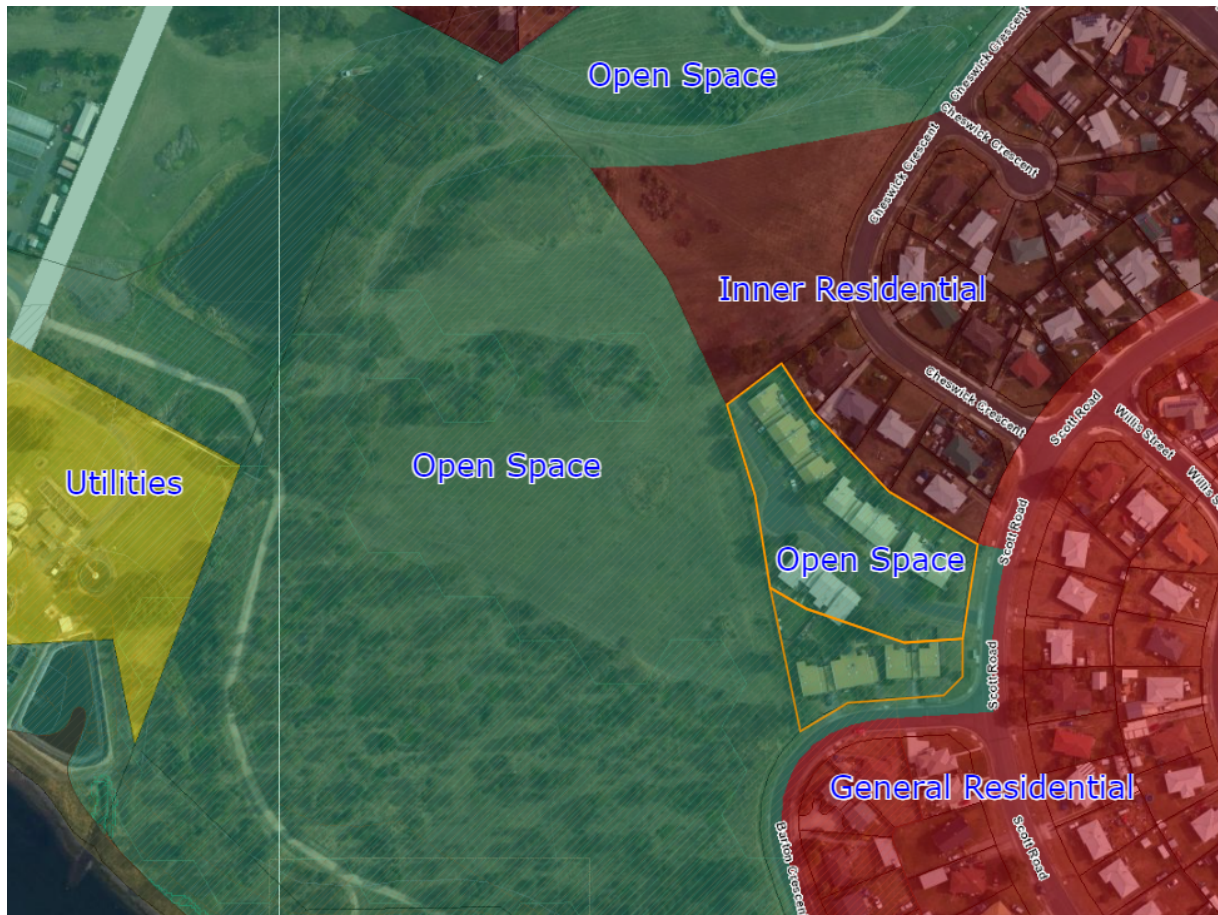


Figure 2. Zoning of the Subject Site and Surrounding Areas (Source LISTmap, accessed 23 August 2023).

7. Existing infrastructure

The site is serviced with reticulated services.

8. 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.

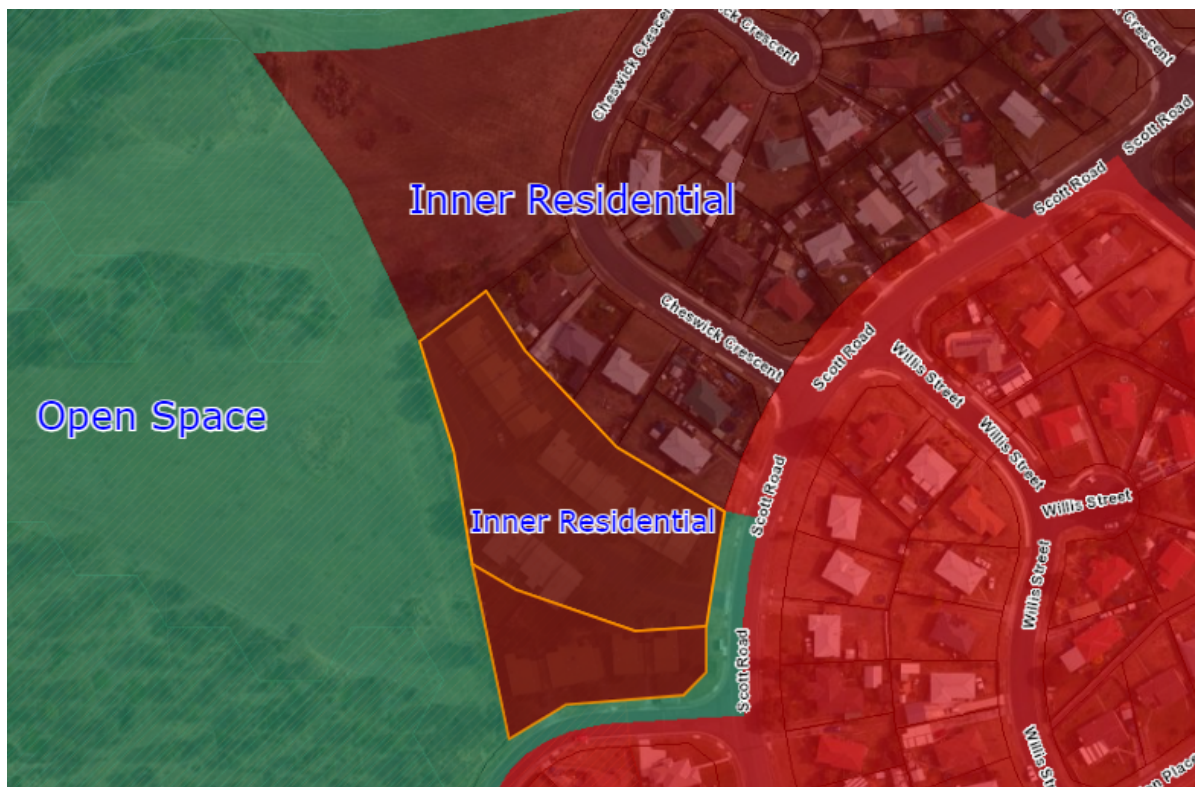


Figure 3. Proposed Zoning.

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.

8.1 Use Implications

8.1.1 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 italics 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)
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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 • Residential: If for a single dwelling • Utilities: If for minor utilities
Permitted	<ul style="list-style-type: none"> • N/A 	<ul style="list-style-type: none"> • Residential: If not listed as No Permit Required • Visitor Accommodation
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"> • Business and Professional Services: If for a consulting room, medical centre, veterinary centre, child health clinic, or the provision of residential support services. • Community Meeting and Entertainment: If for a place of worship, art and craft centre, public hall, community centre or neighbourhood centre. • Educational and Occasional Care: If not for a tertiary institution. • Emergency Services • Food Services: If not for a take away food premises with a drive through facility. • General Retail and Hire • Sports and Recreation: If for a fitness centre, gymnasium, public swimming pool or sports ground. • Utilities: If not listed as No Permit Required.
Prohibited	All other uses.	All other uses.

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.

9. Legislative Implications

9.1 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 further Objective (a) of Part 1.</p>
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</p>

	<p>Planning and Approval Acts 1993. In addition to that, the proposed amendment is also qualified for the exemption from public exhibition under Section 40I(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>
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	<p>The proposed amendment corrects an anomaly with Brighton LPS and provides consistency with state, regional and municipal policy as outlined in this report. The proposed amendment does not affect the attainment of this objective.</p>

management policies at State, regional and municipal levels;	Accordingly, the amendment is considered to further Object d) of Part 2.
e) To provide for the consolidation of approvals for land use or development and related matters, and to coordinate 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 an 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 well-being 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> <p>Accordingly, the amendment is considered to further Objective h) of Part 2.</p>
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>

9.2 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
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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 coordinated with any LPSs that apply to the municipal areas adjacent to the municipal area to which the relevant planning instrument relates.	The site is not adjacent to another municipal area.
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.

9.3 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 provides 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, cycleway and other facilities that will improve the amenity of the area and actively encourage a 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 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 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>
<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.</p>	<p>The land is not highly constrained by hazards, natural or cultural values or other impediments that limit developing the land to higher densities.</p>

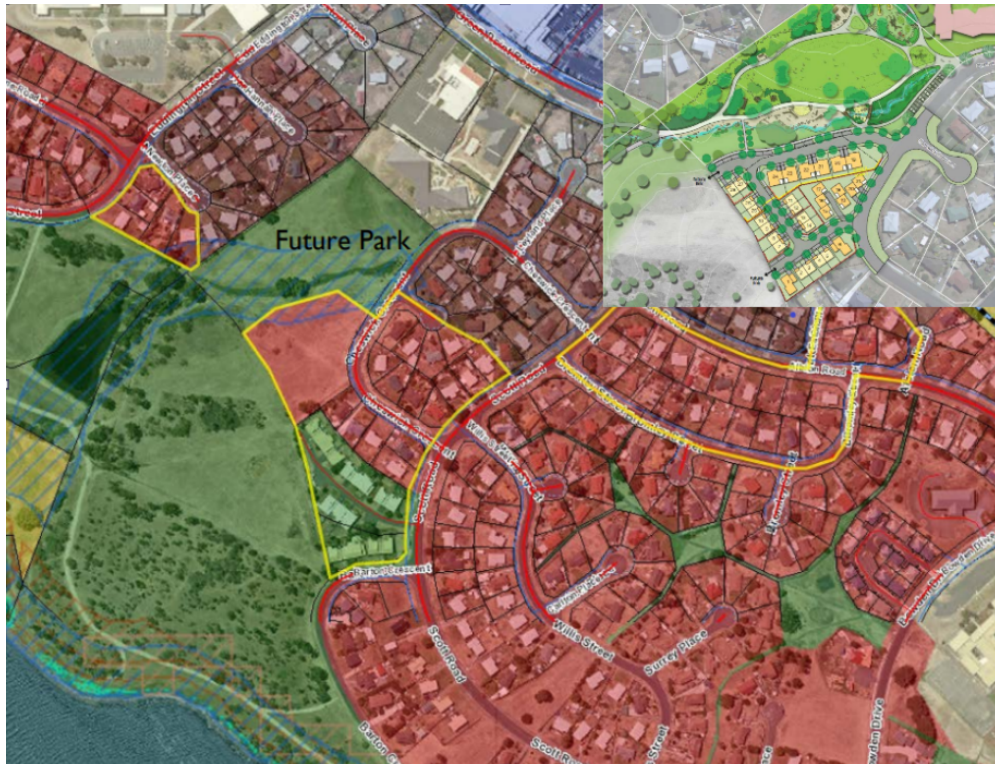


Figure 4. Bridgewater Major Activity Centre Plan and Concept (Brighton Structure Plan 2018).

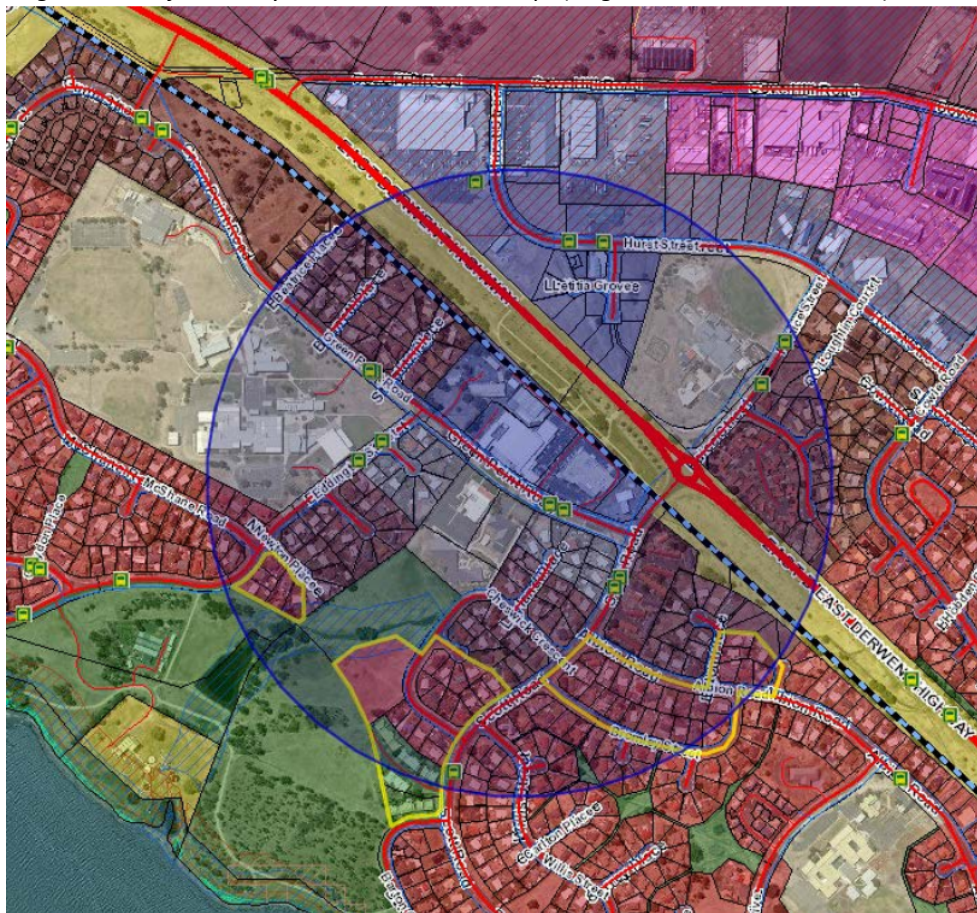


Figure 5. 400m radius from Bridgewater Major Activity Centre and metro stops (Brighton Structure Plan 2018).

9.4 State Policies

9.4.1 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.

9.4.2 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.

9.4.3 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.

9.4.4 National Environment Protection Measures

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

9.5 Regional Policies

9.5.1 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 to 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.

10. Local Strategic Documents

10.1.1 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.

10.1.2 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

10.2 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.

10.2.1 *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.

10.2.2 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.

11. Relevant Issues

11.1 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.

11.2 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.

11.3 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.

11.4 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.

11.5 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.

11.6 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.

11.7 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.

12. 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:

The land fails to meet the Zone Application Guidelines for the Open Space Zone, particularly regarding OSZ 1 as it has no passive recreational opportunities for the public and the natural or landscape amenity for the area is minimal given the large amounts of surrounding Crown Land. The land is privately owned and has no strategic open space purpose and therefore does not satisfy OSZ 3.

Proposed Zone – General Residential Zone

Applying the General Residential Zone is the most logical alternative, given the land adjoins this zone and it is already developed by a residential use.

The land satisfies GRZ 1 as it is connected to reticulated water and sewerage.

The land satisfies GRZ 2 as it falls within the urban growth boundary provided by STRLUS. Furthermore, the Brighton Structure Plan (BSP) identifies 1982 additional dwelling will be required by 2032 and identifies there are significant opportunities for infill development in Bridgewater, including the potential use of existing public open space (section 8.2.1).

The land is consistent with GRZ 3 as it is not constrained by hazards, nor does it contain natural values or other impediments.

3.2.2. Minor expansion of the Inner Residential Zone

Expanding the Inner Residential Zone around the Bridgewater Major Activity Centre

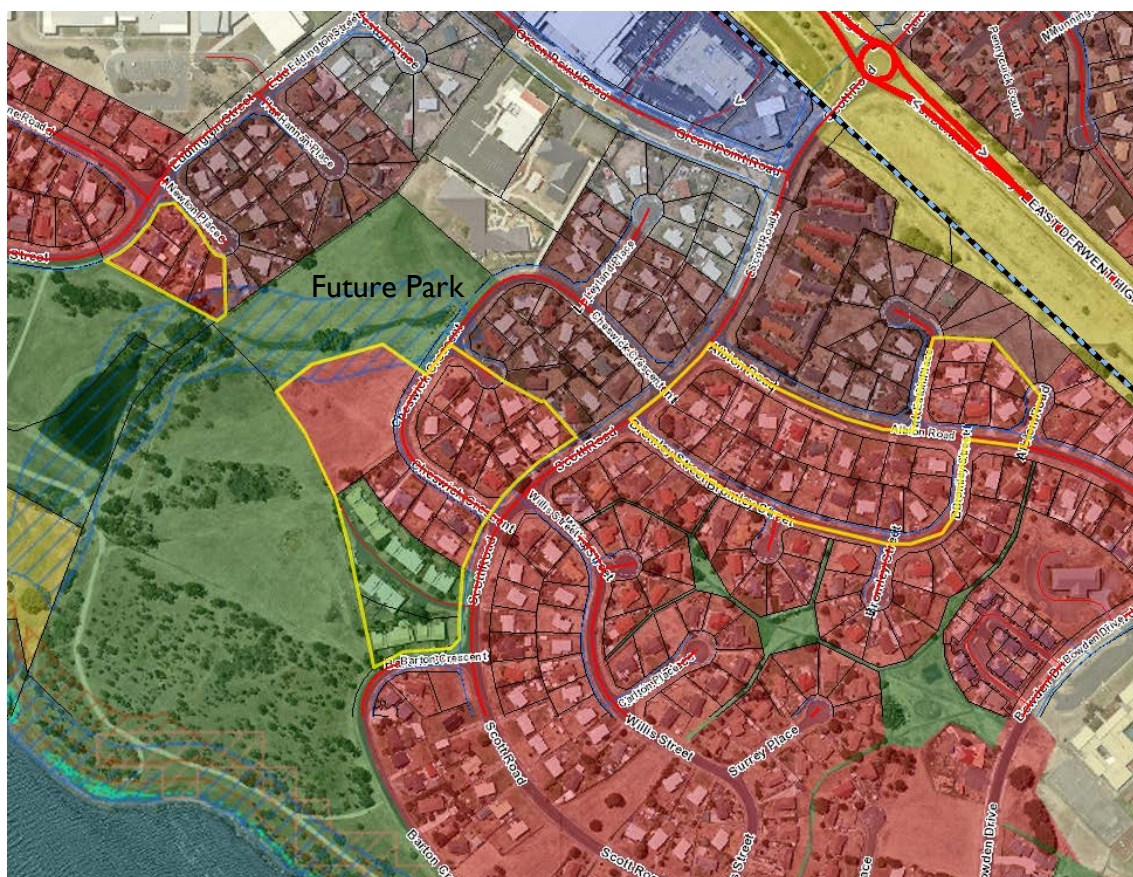


Figure 4 - The Inner Residential Zone is expanded to the areas within the yellow outline (Source: LISTMap)

Background

Council propose to extend the Inner Residential Zone to 51 properties (identified within yellow outline in Figure 4) within Bridgewater. The land is currently zoned General Residential under BIPS 2015, except for 27 Scott Road which is currently zoned Open Space Zone but is developed by 17 units. All land has access to reticulated water and sewerage and all the land extends from the existing Inner Residential Zone.

Bridgewater (Green Point) 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” in Figure 4 and design shown in Figure 5).. The new Parkland, complemented by higher density development on its fringe, will improve the amenity of the area and actively encourage people to walk and cycle to access the Activity Centre, which is consistent with AC3.1 of STRLUS.

Council has also been working with Centacare Evolve Housing (CEH), who has been transferred much of Housing Tasmania’s portfolio in the municipality, to deliver their Bridgewater Gagebrook Master Plan which provides a strategy for delivering a better future for the residents of Bridgewater-Gagebrook. The Master Plan aims to deliver high quality affordable housing suitable for a private/public tenant mix using a higher density housing model and to improve the physical and social environment for residents. Council has agreed, in-principle, to transfer the vacant area of land currently zoned General Residential to CEH for

development by higher density development which would be better suited to the Inner Residential Zone. A concept design of the proposed development of this lot is shown in Figure 5.



Figure 5 - Concept Plan of Bridgewater Parkland and medium density residential development.

All the land proposed to be extended to the Inner Residential Zone is within proximity to the Bridgewater Major Activity Centre. Figure 6 shows a 400m radius from the centre of Green Point Road, which is arguably the centre of the Activity Centre. The area is also well serviced by public transport as can be seen by the number of metro bus stops depicted.

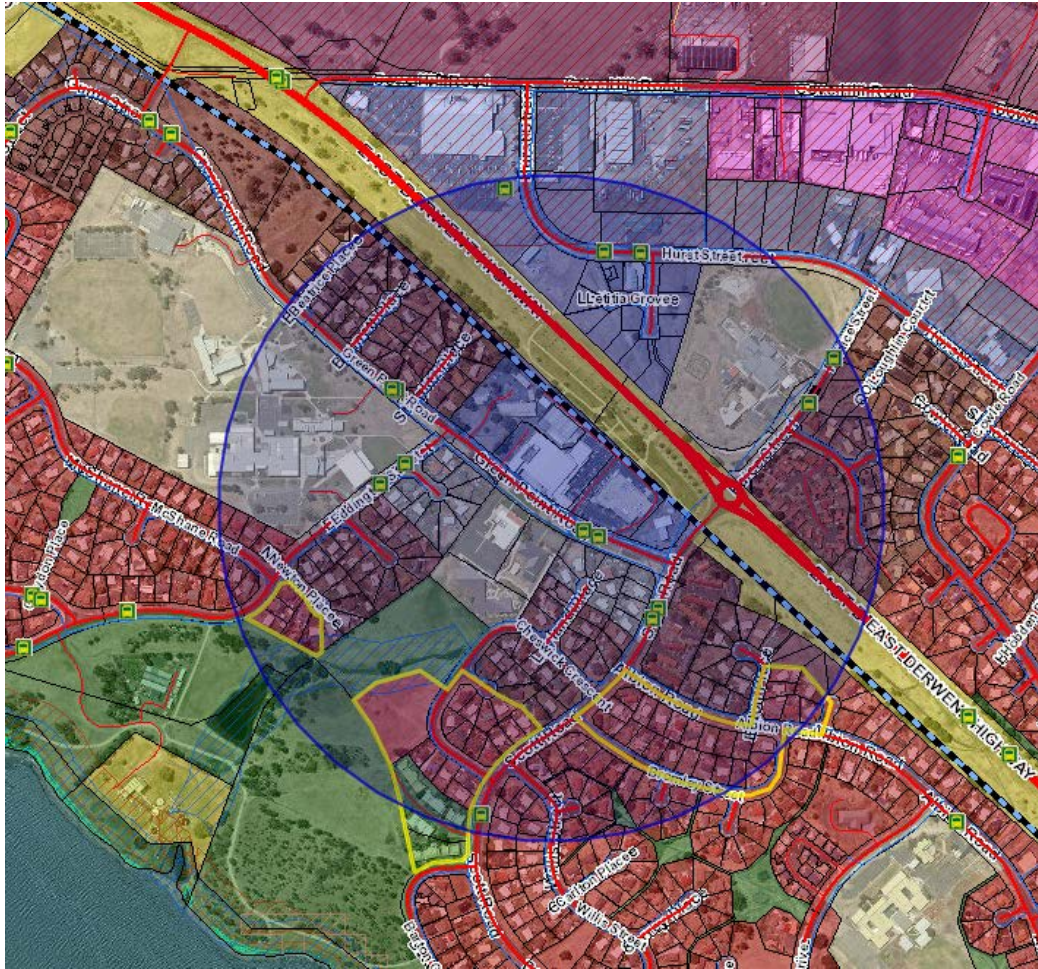


Figure 6 - 400m radius from Green Point Activity Centre and metro stops

The extension of the Inner Residential Zone is consistent with the following STRLUS policies:

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 and 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 utilises 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) of integrated transit corridors.

LUTI 1.1.1 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

AC 3.1 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.

Zone Application Guidelines

Inner Residential Zone

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:

- (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.*

The land is connected to a reticulated water supply service, reticulated sewerage and a public stormwater system, or has the ability to be.

As explained above the land is in close proximity to the Bridgewater Major Activity Centre, which includes a high frequency transport corridor.

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:

- (a) within the Inner Residential Zone in an interim planning scheme; or*
- (b) within an equivalent zone under a section 29 planning scheme.*

The land is currently zoned GRZ and OSZ and therefore does not meet this application guideline.

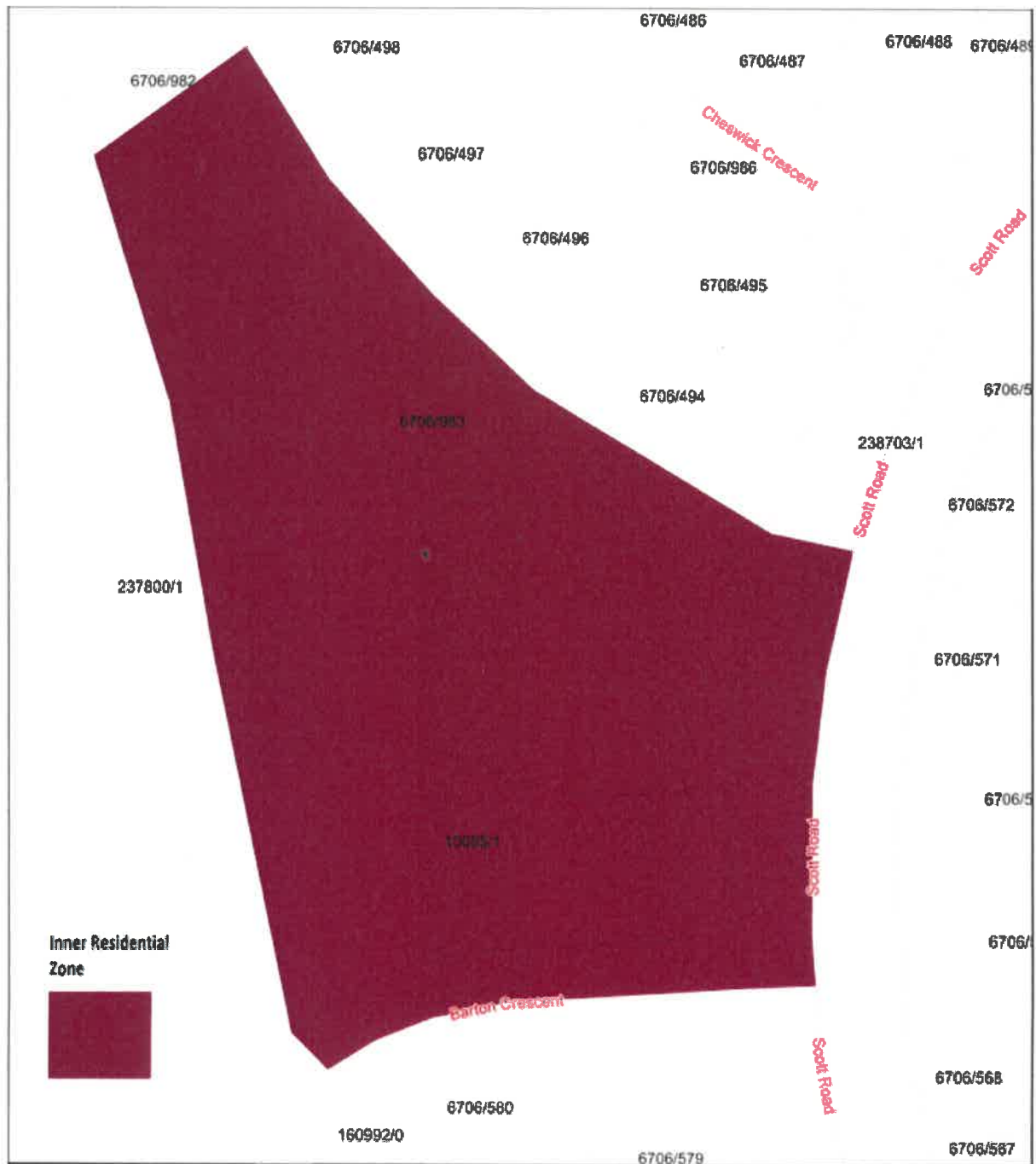
IRZ 3 The Inner Residential Zone should not be applied to land that is highly constrained by hazards, natural or cultural values or other impediments that will limit developing the land to higher densities.

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

Brighton Local Provisions Schedule

Amendment SA/2023/12 - RZ3

Amend the planning scheme maps to rezone 27 Scott Road, Bridgewater (CT 6706/983 & CT 1008/1) from Open Space to Inner Residential as shown in the image below.



70

Instrument of Certification

The Brighton Council Planning Authority resolved at its meeting held on 3rd October 2023 that Amendment SA 2023/12 - RZ3 of the *Tasmanian Planning Scheme - Brighton* meets the requirements specified in Section 32 of the *Land Use Planning and Approvals Act 1993*.

The common seal of the Brighton Council is affixed below, pursuant to the Council resolution of 03/10/2023 in the presence of:



General Manager



Submission to Planning Authority Notice

Council Planning Permit No.		Council notice date	5/10/2023
TasWater details			
TasWater Reference No.	TWDA 2023/01427-BTN		Date of response 17/10/2023
TasWater Contact	Shaun Verdouw	Phone No.	0467 901 425
Response issued to			
Council name	BRIGHTON COUNCIL		
Contact details	development@brighton.tas.gov.au		
Development details			
Address	27 SCOTT RD, BRIDGEWATER	Property ID (PID)	5038147
Description of development	Planning Scheme Amendment		
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56S(2) TasWater makes the following submission(s):</p> <ol style="list-style-type: none"> TasWater does not object and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings. 			
Advice			
<p>General</p> <p>For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards</p> <p>For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form</p>			
Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au