

# TASMANIAN PLANNING COMMISSION

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## DECISION

<b>Planning scheme</b>	Central Coast Interim Planning Scheme 2013
<b>Amendment</b>	PSA2020004 - rezone 640 Forth Road, Forth from Local Business to Low Density Residential and include in the Forth Specific Area Plan
<b>Planning authority</b>	Central Coast Council
<b>Applicant</b>	Veris Australia for Peter and Grada Robertson
<b>Date of decision</b>	18 February 2021

## Decision

The draft amendment is approved under section 42 of the *Land Use Planning and Approvals Act 1993*.



Sandra Hogue  
**Executive Commissioner**

### Note:

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

## REASONS FOR DECISION

### Background

#### Amendment

The draft amendment proposes to rezone 640 Forth Road, Forth (folio of the Register 252652/1) from Local Business to Low Density Residential and include the land in the Forth Specific Area Plan.

#### Site information

The land is located on the eastern side of the Forth River, within the village of Forth.

The lot size is 759m<sup>2</sup> and is developed with an existing building. The building has been used for a number of uses, including post office, residential and most recently a cafe. The owner seeks to convert the building back to a residential use.

In the Central Coast Planning Scheme 2005 the site was zoned Low Density Residential and rezoned to Local Business in the Central Coast Interim Planning Scheme 2015 (planning scheme). The Bushfire-Prone Areas Overlay applies to the site.

Surrounding land is zoned Low Density Residential to the north, east and south and Local Business to the west. The site is accessed by vehicle from Forth Road.

The site is fully serviced and lies within the TasWater water and sewer service areas.

#### Issues raised in representations

No representations were received during the exhibition period.

TasWater provided a Submission to Planning Authority Notice (SPAN) advising it does not object to the draft amendment to the planning scheme and has no formal comments for the Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings.

Under section 56P(1) of the *Water and Sewerage Industry Act 2008*, the TasWater submission is taken to be a representation made under subsection 43F(5).

#### Planning authority's response to the representations

The planning authority determined to:

1. Not make any changes to the draft amendment to rezone land known as 640 Forth Road, Forth from Local Business to Low Density Residential and to include the site within the Forth Specific Area Plan as initiated and certified at its meeting held 21 September 2020.
2. Pursuant to s.39 of the (previous) Land Use Planning and Approvals Act 1993 endorse and send this report to the Tasmanian Planning Commission.
3. Delegate the General Manager its powers and functions to represent the Planning Authority at hearings pursuant to s.40 of the (previous) Land Use Planning and Approvals Act 1993.

## Consideration of the draft amendment

1. Under section 40 of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the amendment and the representations, statements and recommendations contained in the planning authority's section 39 report.
2. One representation was received and after consultation under section 40(2A) of the Act, the Commission dispensed with holding a hearing.
3. The amendment has been initiated and certified by the Central Coast Council in its capacity as planning authority, and further supported in the reports under sections 35 and 39.
4. Under section 32(1), in the opinion of the relevant decision-maker, a draft amendment:
  - (a)-(d) . . .
  - (e) must, as far as practicable, avoid potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;
  - (ea) must not conflict with the requirements of section 300;
  - (f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.
5. Section 32(1)(e) is not relevant to the draft amendment as the subject site does not adjoin an adjacent municipal area.
6. Section 300 includes that:
  - (1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker, practicable, consistent with the regional land use strategy for the regional area in which is situated the land to which the scheme applies.
7. Subsections 300(2)-(5) inclusive relate to the effect of amending a local provision with respect to common provisions. These matters are not relevant, as to the draft amendment has no implications for any common provisions.
8. Under section 32(1)(f), regional impacts of use and development permissible under the amendment have been considered with reference to the Cradle Coast Regional Land Use Strategy 2010-2030, Living on the Coast (regional strategy).
9. Under section 32(2), the provisions of section 20(2)-(9) inclusive apply to the amendment of a planning scheme in the same manner as they apply to a planning scheme.

## Regional Land Use Strategy

10. In the regional strategy, Forth is identified as a Local Service Centre. The regional strategy identifies Local Service Centre as:

Local centres are of varying population size and cater primarily to the immediate needs of the local community in housing, education, health, culture and entertainment, community support, personal service, and convenience retail options at a level which does not service a regional or sub-regional population.

Employment and business options are sized and orientated to the local population. This may involve economic activity dependent on a strategic or resource based need.

11. The Growth Scenario in the regional strategy for Forth is Medium.

Medium – demand is driven by internal population change and growth and/or moderate positive inward migration. Growth relies on intensification of existing land supply within designated urban boundaries and/or expansion
12. The regional strategy at page 166 states that ‘Growth in smaller centres is not anticipated as substantial. There is opportunities for infill by increased densities subject to infrastructure capacity, an option under consideration at Forth’.
13. The Settlement Development and Growth Management Strategy for Forth in the regional strategy is referenced as Contained.

Contained strategy promotes a mix of intensification and strategically planned expansion to retain compact urban form and provide a mix of development and growth opportunities. The mix does not need to occur in balanced proportion. The approach allows for optimum use of available and planned infrastructure in both established and new release areas.
14. The applicant submits that the proposed rezoning will allow for the optimal utilisation of existing infrastructure for residential use in an established urban area of Forth. The site comprises an existing building and therefore allows for the re-use of the building for residential purposes which furthers the objectives of the Forth Settlement Strategy.
15. The applicant considers that Forth does not require additional land zoned for further business opportunities to service the local community and the rezoning of the land allows for an additional residential use in an already established urban area with existing basic level services available.
16. The planning authority submits that the regional strategy identifies opportunities to allow infill development and to rationalise boundaries and the draft amendment would result in infill of the Low Density Residential Zone.
17. The planning authority also submits that the draft amendment promotes a zone for the land that would be compatible with surrounding areas to the north, east and south, and would allow the existing building to be used for permitted residential purpose.
18. The site also sits within the Forth Local Area Plan (Urban Design Guidelines) 2010. The applicant notes that one of the key strategies identified in the plan is the importance of strengthening the village atmosphere by concentrating local businesses on the western side of the river.

### **Commission’s consideration**

19. The Commission agrees with the applicant and planning authority submission that the draft amendment will allow for an additional residential use in an already established urban area with existing basic level services available.
20. The site is surrounded by existing residential development and is underutilised land which is no longer used for a local business use. On this basis, the Commission finds that the draft amendment is, as far as practicable, consistent with the regional strategy.

### **Planning scheme provisions**

21. In the Forth Specific Area Plan (SAP), the use for residential is permitted for a single dwelling. The SAP applies specific use and development standards to land within the overlay, including two minimum lot sizes.

22. Clause F1.7.2 A1 of the SAP applies a minimum lot size of 2,000m<sup>2</sup> however this clause only applies to subdivision. The draft amendment proposes to apply the 2,000m<sup>2</sup> lot size to the site. The planning authority notes that there are existing lots within the Forth Specific Area Plan smaller than 2,000m<sup>2</sup>.

### **Commission's consideration**

23. As the site has an existing building and no subdivision is required, the Commission accepts that the application of the 2,000m<sup>2</sup> minimum lot size is compatible with the surrounding Low Density Residential zoned land.

### **State Policies and Resource Management and Planning System Objectives**

24. The Commission finds that no State Policies are relevant to the draft amendment and that it seeks to further the Objectives of the Resource Management and Planning System in Schedule 1.

### **Decision on draft amendment**

25. The Commission finds that the draft amendment is in order and gives its approval.