

TASMANIAN PLANNING COMMISSION



DECISION

Planning scheme	Tasmanian Planning Scheme - Brighton
Amendment	RZ 2023-03 rezone 27 Scott Road, Bridgewater from Open Space to Inner Residential Zone
Planning authority	Brighton Council
Applicant	Brighton Council
Date of decision	9 April 2024

Decision

The draft amendment is modified under section 40N(1)(b) of the *Land Use Planning and Approvals Act 1993* as set out in Annexure A and is approved under section 40Q.

John Ramsay
Executive Commissioner

REASONS FOR DECISION

Background

Amendment

The draft amendment proposes to rezone land at 27 Scott Road, Bridgewater (folios of the Register 6706/983 and 10085/1) from the Open Space Zone to the Inner Residential Zone.

Site information

The site consists of two folios of the Register (10085/1 and 6706/983), both addressed at 27 Scott Road, Brighton. The site covers an area of 7,620m² with a frontage to Scott Road and Barton Crescent. The land is owned by the Director of Housing.

The prevailing land use is residential, and the site is developed with multiple dwellings. The surrounding area is characterised by residential and recreational land uses. The site is located approximately 380m from Green Point Road, which is recognised as a Major Activity Centre (Government Services and Community infrastructure) in the Southern Tasmania Regional Strategy 2010-2035 (the regional strategy).

The site is zoned Open Space and it is covered by the Bushfire-Prone Areas Code.

Issues raised in representations

The draft amendment was referred to TasWater under section 56S of the *Water and Sewerage Industry Act 2008*. In response TasWater made a representation stating no objection to the draft amendment and that TasWater did not wish to attend any hearing.

Planning authority's response to the representations

The planning authority considered the representations and recommended:

- d) Pursuant to section 40K (2)(c) of the *Land Use Planning and Approvals Act 1993*, advise the Tasmanian Planning Commission that the representation received during advertising does not warrant modification to draft amendment RZ 2023/ 003 as detailed in this report.
- e) Pursuant to section 40(K)(2)(d) of the *Land Use Planning and Approvals Act 1993* advise the Tasmanian Planning Commission that the planning authority is satisfied that the draft amendment of the LPS meets the LPS Criteria.

Consideration of the draft amendment

1. Under section 40M of the *Land Use Planning and Approvals Act 1993* (the Act), the Commission is required to consider the draft amendment to the Local Provisions Schedule (LPS) and the representations, statements and recommendations contained in the planning authority's section 40K report and any information obtained at a hearing.
2. No representations were received and the Commission did not hold a hearing.
3. The Commission must also consider whether the draft amendment meets the LPS criteria as set out under section 34(2) of the Act:
 - (a) contains all the provisions that the SPPs specify must be contained in an LPS;
and

- (b) is in accordance with section 32; and
- (c) furthers the objectives set out in Schedule 1; and
- (d) is consistent with each State policy; and
- (da) satisfies the relevant criteria in relation to the TPPs; and
- (e) as far as practicable, 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; and
- (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; and
- (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and
- (h) has regard to the safety requirements set out in the standards prescribed under the *Gas Safety Act 2019*.

Regional land use strategy

4. The relevant regional land use strategy is the Southern Tasmania Regional Land Use Strategy 2010-2035 (regional strategy).
5. The planning authority submitted that the draft amendment is consistent with the following policies of the regional strategy:
 - 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.
 - 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.
 - 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.
 - AC3.1 Actively encourage people to walk, cycle and use public transport to access Activity Centres.
 - 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.

Commission consideration

- 6. The subject site is located within the Regional Land Use Strategy’s Urban Growth Boundary, in an area that is fully serviced, developed with established multiple dwellings and generally surrounded by residential development. The land to the north is zoned Inner Residential, the land to the east and south is zoned General Residential and the land to the west is zoned Open Space as shown in Figure 1.



Figure 1 – Subject site and surrounding zones

7. The Commission agrees that the draft amendment is consistent with the regional strategy's regional policies regarding Settlement and Residential Development, Land Use and Transport Integration, and Social Infrastructure.
8. The draft amendment recognises the existing on-site development which contributes to the mix of residential dwellings in an area that is well located and accessible to public transport, employment and education opportunities.
9. The Commission finds that rezoning areas for residential uses in proximity to the Bridgewater Activity Centre will enhance the viability and vibrancy of the centre, consistent with the regional strategy's policies regarding activity centre hierarchy and land use and transport integration.
10. The Commission finds that the draft amendment is, as far as is practicable, consistent with the regional strategy.

Suitability of the site

11. In its report supporting the draft amendment, the planning authority, noted that the site is suitable for the Inner Residential Zone.
12. The planning authority submitted:

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.
13. The planning authority noted that the proposed rezoning would not impact on the application of the prevailing codes in the planning scheme. The site is not listed in the Local Historic Heritage Code, or within a state listed property on the Tasmanian Heritage Register. There is no identified or known Aboriginal or cultural heritage on the site or adjoining land.
14. The planning authority submitted that the site is conveniently located to take advantage of walkable areas, shorter vehicle trips, and the existing local public transport. The site is connected to the reticulated services and located within close proximity to the Green Point Road activity centre and its services. The planning authority further noted that the site is in a location where there is an established residential character.
15. The planning authority further states:

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.
16. The planning authority concluded that the draft amendment aligns with the Guideline No. 1 as the site:
 - has been identified as a higher density residential development site;
 - is located in a close proximity of the Bridgewater Activity Centre;
 - is well serviced by public transport; and
 - is not highly constrained by hazards, natural or cultural values or other impediments that limit developing the land to higher densities.

Commission consideration

17. The Commission agrees with the planning authority that the site is suitable for the proposed rezoning. The Commission notes that the Zone Purpose Statements for the Inner Residential Zone include development that is capable of being serviced by the existing infrastructure and is connected to the transport and recreational network.
18. The Commission finds that the subject portion of the site is suitably located and serviced to further the Inner Residential Zone Purpose Statements. The Commission agrees with the planning authority that the subject site is not adversely constrained by natural hazards, or other restrictions.

Local Strategies

Brighton Strategic Plan 2023-2033

19. The planning authority considered that the draft amendment is consistent 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.

Brighton Structure Plan 2018

20. The planning authority submitted that the draft amendment aligns with the vision of the Brighton Structure Plan 2018 as it aims to create:

A diverse range of housing opportunities will cater for the increased population who seek to live, learn, work and retire in Brighton.
21. With respect to the strategies for housing, the planning authority noted that the draft amendment would correct an anomaly in zoning of the site, which is currently used for residential purposes, and would support the following strategies:
 - Maintaining the urban growth boundary;
 - Formalising the existing land supply for higher density housing; and
 - Supporting the delivery of housing opportunities for the Brighton community.

Commission consideration

22. The Commission agrees that the draft amendment aligns with the local strategies, recognises existing residential use within the urban growth boundary at a density consistent with the application of the Inner Residential Zone. The Commission further notes that the draft amendment would formalise the existing residential use, in accordance with the Brighton Structure Plan 2018.
23. The Commission considers that the draft amendment is consistent with the local strategies.

State Policies

Tasmanian State Coastal Policy 1996

24. The site is located within 1km of the coastal high-water mark, and therefore the above policy applies.
25. The planning authority submitted:

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 adversely affect any environmentally sensitive areas. The proposal is consistent with the Policy regarding urban and residential development.

Water Quality Management 1997

26. The planning authority noted that the site is connected to the reticulated services which will ensure that water issues will be managed on-site and will have minimal off-site impacts. The planning authority further noted that the relevant provisions of the Tasmanian Planning Scheme - Brighton will ensure that any development on the site is consistent with the above policy.

National Environment Protection Measures

27. The planning authority considers that the draft amendment would not have any adverse impacts on any matters specified in the above state policy.

Schedule 1

28. The planning authority considered that the draft amendment furthers the Objectives of Schedule 1. The planning authority noted that the draft amendment aims to correct an anomaly in the planning scheme regarding an inconsistency between the prevailing zone and existing land use. The planning authority considered that the draft amendment is consistent with state, regional and municipal strategies.
29. The planning authority concluded:

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.

Commission consideration

30. The Commission finds that the draft amendment is consistent with the relevant State Policies and furthers the Objectives of Schedule 1 of the Act.

Modifications required to draft amendment

31. Under section 40M of the Act the Commission must consider whether modifications to a draft amendment of an LPS ought to be made.
32. The draft amendment is modified by amending the text and mapping for clarity, including the extending the Inner Residential Zone along the road reserve to the north to correspond with the prevailing Inner Residential Zone in the surrounding area.
33. The draft amendment is also modified by changing the CT references to the folios of the Register.

Decision on draft amendment

34. Subject to the modifications described above, the Commission is satisfied that the draft amendment meets the LPS criteria and gives its approval.

Attachments

Annexure A – Modified amendment RZ-2023-03

Annexure A

Modified amendment RZ-2023-03 - Tasmanian Planning Scheme - Brighton

Rezone 27 Scott Road, Bridgewater (folios of the Register 6706/983 and 1008/1) and the adjacent road parcel (folio of the Register 238703/1) from the Open Space Zone to the Inner Residential Zone, as shown below.

