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PART A - DRAFT LPS: SUMMARY OF REPRESENTATIONS AND PLANNING AUTHORITY RESPONSE

Representation No.1	TasWater
Matter(s) raised in the representation (including property information details where applicable)	The representation provides a statement that TasWater is satisfied with the content of the draft LPS.
Planning Authority response	As part of preparing the draft LPS, advice was sought from TasWater on the appropriate zoning of land containing major TasWater infrastructure (such as sewage treatment plants and water storage reservoirs). TasWater previously advised Council of the properties containing such infrastructure and where the Utilities Zone was nominated by TasWater as the appropriate zone to be applied by the draft LPS. The draft LPS has been prepared to be consistent with this previous advice from TasWater.
Recommended action	No modification to the draft LPS is required.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.2	Lesley Hall
Matter(s) raised in the representation (including property information details where applicable)	<p>The representation requests the application of the Rural Living Zone to land at 179 Winspears Road, East Devonport (Certificate of Title reference: 135670/1) which comprises a land area of approximately 37ha.</p> <p>As instructed by the State Planning Provisions, the Rural Living Zone includes the option of four "sub-zones" according to existing or desired lot size and character:</p> <ul style="list-style-type: none"> Rural Living Zone A (1ha) Rural Living Zone B (2ha) Rural Living Zone C (5ha) Rural Living Zone D (10ha) <p>The representation does not specify which of the Rural Living sub-zones is sought for this site. The draft LPS has applied the Agriculture Zone to the site as shown in yellow outline in Figure 1 below.</p> <p>Figure 1 – Location of site 179 Winspears Road, East Devonport (CT135670/1) (Source: DCC Gecortex – aerial imagery February 2019).</p> <p>The representation includes the following reasons:</p> <ul style="list-style-type: none"> - access issues affect the suitability for other uses made allowable by the Agriculture Zone; - site has limitations with regard to soil quality and drainage; - adjoins existing Rural Living zoned land; and - limited supply of rural-residential blocks in the Devonport local government area.
Planning Authority response	(1) The LPS Zone and Code Application Guideline is the principal point of instruction for the allocation of zones and codes made with the draft LPS. With regard to the requested assignment of land Rural Living Zone (that is not currently zoned Rural Living

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	<p>under the Interim Planning Scheme), the LPS Zone and Code Application Guideline provides the following specific instruction:</p> <p>RLZ 2 <i>The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</i></p> <ul style="list-style-type: none"> (a) <i>consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or</i> (b) <i>the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10ha or greater.</i> <p>(2) The representation does not address how the above requirements of the instruction at RLZ 2 of the LPS Zone and Code Application Guideline can be satisfied.</p> <p>(3) There is no local strategic analysis (such a residential settlement strategy) currently available to inform the application of the Rural Living Zone at this location, and the <i>Cradle Coast Regional Land Use Strategy 2010-2030</i> provides no definitive or specific guidance to support the application of the Rural Living Zone for this area. Consequently, the specific requirements of the LPS Zone and Code Application Guideline are not satisfied.</p> <p>(4) Council recognises the need to undertake some more contemporary localised strategic land use planning reviews (such as the preparation of a residential settlement strategy and the like) which is currently being pursued – but ultimately this will occur outside and separate to the draft LPS process.</p> <p>(5) The Rural Living Zone assignments proposed with the draft LPS describe areas where there is an established pattern of residential use and development (including well defined patterns of subdivision) that is readily identifiable as “rural-residential”. This is not the circumstance occurring at 179 Winspears Road, East Devonport (CT 135670/1)).</p> <p>(6) In the current absence of any localised strategic planning (such as a residential settlement strategy) to justify the application of the Rural Living Zone to this site as proposed by the representation, it cannot be reconciled that the LPS criteria at section 34(2) of LUPAA are satisfied. More specifically there is no satisfaction of the Schedule 1 LUPAA objective relating to the fair, orderly, sustainable use and development of land.</p> <p>(7) The representation does not include any justification or discussion against the LPS criteria at s.34(2) of LUPAA.</p> <p>(8) The site is an approximately 37ha land parcel that forms part of a larger contiguous area of land utilised for varying forms of agricultural use (which is readily evident from the aerial imagery of the site and surrounds). This surrounding area incorporates land in both the Devonport and Latrobe municipal areas. The adjoining land to the east and south of the subject site is situated in the Latrobe local government area and is also proposed for inclusion with the Agriculture Zone under the Latrobe draft LPS - so there is a consistency and co-ordination with the juxtaposition of zoning at this location.</p> <p>(9) The application of the Agriculture Zone as currently shown is appropriately consistent with the instruction contained in the LPS Zone and Code Application Guideline, the methodology for application of the Agriculture Zone detailed at Appendix S of the draft LPS Supporting Report, and appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA.</p> <p>(10) There is insufficient strategic merit in the representation that reasonably demonstrates the requested revision to apply the Rural Living Zone:</p> <ul style="list-style-type: none"> (a) is consistent with the instruction contained in the LPS Zone and Code Application Guideline; or (b) achieves satisfaction of the LPS criteria at section 34(2) of LUPAA; <p>(11) The matters raised in the representation do not reasonably demonstrate that a modification is appropriate or necessary. It follows that no recommendation is made to modify the draft LPS.</p>
Recommended action	No modification to the draft LPS
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

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Representation No.3	Department of Police, Fire & Emergency Management
Matter(s) raised in the representation (including property information details where applicable)	The representation is largely observational in nature and generally relates to how the draft LPS will apply the Flood-Prone Areas Hazard Code as prescribed by the State Planning Provisions. The representation also makes mention of some contemporary flood studies undertaken by Entura in the adjoining local government areas of Central Coast and Latrobe concerning areas of the Forth River and Mersey River catchments (and as commissioned by those respective local councils) which are suggested could be incorporated into the draft Devonport LPS to inform the preparation of a Flood-Prone Areas Hazard Code overlay map.
Planning Authority response	<p>Flood Prone Areas Hazard Code</p> <ol style="list-style-type: none"> (1) Whilst this Code can be referenced by an overlay map, Council does not have sufficient data which could reliably inform the preparation of such a map. (2) The representation provides advice that the State Government is currently undertaking a flood hazard mapping project that will deliver a state-wide comprehensive and consistent flood hazard map. Once this mapping detail is finalised it will be made available to local councils to inform the LPS overlay mapping for the application of the Flood-Prone Area Hazard Code. (3) Despite the absence of an overlay map, the instruction at provision C12.2.4 of the SPPs means that the Flood Prone Areas Code can still be called in where a planning authority reasonably believes that a site may be subject to flooding hazard. The representation confirms this interpretation that the Flood Prone Areas Code can operate without an overlay map. (4) The draft LPS as exhibited is appropriately consistent with the requirements of the State Planning Provisions in that it allows for the effective operation of the Flood-Prone Areas Hazard Code, and appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA. (5) The commentary in the representation relating to some contemporary flood studies undertaken by Entura in the adjoining local government areas of Central Coast and Latrobe concerning areas of the Forth River and Mersey River catchments (and as commissioned by those respective local councils) is noted. However, Council has no knowledge of the methodology behind those studies and these would only provide a partial representation of the extent of Mersey River and Forth River catchment areas located within the Devonport local government area. Additionally, the information gathered by these Entura studies is not owned by Council so there would be a financial cost to obtain this data. On these terms and noting the current statewide flood hazard mapping project underway – the need to modify the draft LPS and seek to include this Entura mapping information is not considered necessary and may unnecessarily delay the finalisation of the draft LPS. (6) The representation details that the SES is currently working with the Department of Justice to prepare guidance on what information a planning authority should rely on to determine whether land is subject to flooding hazard and the intention for this information to be issued as a new guideline under section 8A of LUPAA. This initiative is duly noted and supported. (7) On consideration of the above rationale, the representation does not raise any matters which necessitate a modification to the draft LPS.
Recommended action	No modification to the draft LPS.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.4	Veris
Matter(s) raised in the representation (including property information details where applicable)	<p>The representation requests the application of the Rural Living Zone (A) to land at 126 Brooke Street (Certificate of Title reference 9450/29) which comprises a land area of approximately 3.4ha.</p> <p>The representation also provides an agricultural land capability report, a potential subdivision design layout and a bushfire hazard management report in support of the requested Rural Living Zone assignment.</p> <p>The draft LPS has applied the Agricultural Zone to the site as shown in yellow outline in Figure 1 below.</p>

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	 <p>Figure 1 – Location of site 126 Brooke Street, East Devonport (CT9450/29) (Source: DCC Geocortex – aerial imagery February 2019).</p> <p>The representation includes the following reasons:</p> <ul style="list-style-type: none"> - the land has limited value for agricultural use and is constrained for such use (citing the identified constraints shown in the Agriculture Zone guidance mapping shown on the LIST map); and - Assignment of the Rural Living Zone would establish a “buffer” between the established residential use and development to the west and the adjacent farming land to the east.
<p>Planning Authority response</p>	<p>(1) The LPS Zone and Code Application Guideline provides the principal point of instruction for the zone and code applications made with the draft LPS. With regard to the requested assignment of land Rural Living Zone (that is not currently zoned Rural Living under the Interim Planning Scheme), the LPS Zone and Code Application Guideline provides the following specific instruction:</p> <p style="padding-left: 40px;">RLZ 2 <i>The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</i></p> <ul style="list-style-type: none"> <i>(a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or</i> <i>(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10ha or greater.</i> <p>(2) The representation does not address how the above requirements of the instruction at RLZ 2 of the LPS Zone and Code Application Guideline can be satisfied.</p> <p>(3) There is no local strategic analysis (such a residential settlement strategy) currently available to inform the application of the Rural Living Zone at this location, and the <i>Cradle Coast Regional Land Use Strategy 2010-2030</i> provides no definitive or specific guidance to support the application of the Rural Living Zone for this area. Consequently, the requirements of the LPS Zone and Code Application Guideline are not satisfied.</p> <p>(4) Council recognises the need to undertake some more contemporary localised strategic land use planning reviews (such as the preparation of a residential settlement strategy and the like) which is currently being pursued – but ultimately this will occur outside and separate to the draft LPS process.</p> <p>(5) The site is located at the interface of an established residential settlement area and adjoining farming land. The proposed application of the Rural Living Zone to this site would further extend that existing settlement boundary. In the current absence of any localised strategic planning (such as a residential settlement strategy) to justify the application of the Rural Living Zone as proposed, it cannot be reconciled that the LPS criteria at section 34(2) of LUPAA are satisfied. More specifically there is no satisfaction of the Schedule 1 LUPAA objective relating to the fair, orderly, sustainable use and development of land.</p> <p>(6) The representation does not include any justification or discussion against the LPS criteria at s.34(2) of LUPAA.</p> <p>(7) The application of the Agriculture Zone proposed with the draft LPS has been informed by the State prepared guidance mapping published on the LIST map database titled ‘<i>Land Potentially Suitable for Inclusion with the Agriculture Zone</i>’. The methodology</p>

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	<p>behind the preparation of this guidance mapping is based upon the Agricultural Land Mapping Project commissioned by the State Government.</p> <p>(8) Whilst this guidance mapping does identify some potential constraints for the subject land at 126 Brooke Street, East Devonport (CT9450/29) – it is important to note the detail included in the <i>Agricultural Land Mapping Project Background Report</i> which provides:</p> <p style="padding-left: 40px;"><i>“The mapping of titles as ‘potentially constrained’ does not in itself indicate or justify an alternate zoning to the Agriculture Zone for that title.”</i></p> <p>(9) In this case the land forms part of a larger contiguous area of land utilised for varying forms of agricultural use (which is readily evident from the aerial imagery of the site and surrounds), is identified as prime agricultural land and is also located within the Sassafra Wesley Vale Irrigation District as proclaimed under Part 9 of the <i>Water Management Act 1999</i> - which are two land attributes specifically recognised by the principles of the <i>State Policy on the Protection of Agricultural Land 2009</i> (refer to Principles 2 & 8).</p> <p>(10) A further observation on the detail provided with the representation relates to the proposal plan of subdivision for this site as provided with the representation. Drawing No. 8917-002 details a proposed 4 lot subdivision design where lots shown as ‘1’ and ‘2’ feature a land area of 5853m² and 5945m² respectively. It should be noted that these proposed lot sizes would not satisfy the absolute minimum lot size of 8000m² for the subdivision of new lots in the Rural Living Zone (A) as required by clause 11.5.1 P1 of the State Planning Provisions.</p> <p>(11) The application of the Agriculture Zone as exhibited with the draft LPS is appropriately consistent with the instruction contained in the LPS Zone and Code Application, the methodology for application of the Agriculture Zone detailed at Appendix S of the draft LPS Supporting Report, and appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA.</p> <p>(12) There is insufficient strategic merit in the representation that reasonably demonstrates the requested revision to apply the Rural Living Zone:</p> <ul style="list-style-type: none"> (a) is consistent with the instruction contained in the LPS Zone and Code Application Guideline; or (b) achieves satisfaction of the LPS criteria at section 34(2) of LUPAA. <p>(13) The matters raised in the representation do not reasonably demonstrate a modification is appropriate or necessary. It follows that no recommendation is made to modify the draft LPS.</p>
Recommended action	No modification to the draft LPS
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.5	Scouts Tasmania
Matter(s) raised in the representation (including property information details where applicable)	<p>The representation relates to the property at 342 Pumping Station Road, Forth. The property comprises two adjoining land titles as described by Certificate of Titles 196943/1 and 233644/1 respectively.</p> <p>As shown in Figure 1 below, the draft LPS has applied the Environmental Management Zone to that portion of the land described by CT196943/1 and the Rural Zone to the area described by CT233644/1.</p> <div style="text-align: right;">  <ul style="list-style-type: none"> Environmental Management Agriculture Rural </div> <p>Figure 1 - Location of site 342 Pumping Station Road, Forth (CT196943/1 and CT233644/1) (Source: DCC Geocortex – aerial imagery February 2019).</p>

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	<p>The representation objects to the application of the Environmental Management Zone to the land described by CT196943/1 and requests that it instead be assigned to the Rural Zone to match that zoning applied to CT233644/1.</p> <p>The representation includes the following reasons:</p> <ul style="list-style-type: none"> - The reservation of the land under the <i>Nature Conservation Act 2002</i> should not mean that the is assigned to the Environmental Management Zone. - The reservation of the land under the <i>Nature Conservation Act 2002</i> is largely the result of historical legacy originating from when the land was first proclaimed as a sanctuary in June 1952 under the <i>Animals and Birds Protection Act 1928</i>. - Suggests that the land does not have significant ecological, scientific, cultural or scenic value and is therefore inconsistent with the purpose of the Environmental Management Zone; - Suggests that the Environmental Management zoning would restrict the use and development under other ownership should Scouts Tasmania determine to dispose of the property. 										
<p>Planning Authority response</p>	<p>(1) Before the draft LPS was made available for public exhibition, the Commission was required to be satisfied that the particular set of criteria contemplated under section 34(2) of LUPAA were met. As part of this assessment process, the Commission directed Council (pursuant to section 35(5)(b) of LUPAA) to undertake some modifications to the draft LPS from that which was originally submitted in June 2019.</p> <p>(2) One of the modifications directed by the Commission was the application of the Environmental Management Zone to this land at 342 Pumping Station Road, Forth (CT CT196943/1). The reason for this direction was provide for a zoning application that is consistent with <i>Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application (June 2018)</i> which was issued by the Tasmanian Planning Commission in accordance with s.8A of LUPAA.</p> <p>(3) The LPS Zone and Code Application Guideline provides the principal point of instruction for the allocation of zones and codes made with the draft LPS. With regard to application of the Environmental Management Zone (EMZ), the LPS Zone and Code Application Guideline includes the following instruction at EMZ 1:</p> <p><i>The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:</i></p> <ul style="list-style-type: none"> (a) land reserved under the <i>Nature Conservation Act 2002</i>; (b) land within the <i>Tasmanian Wilderness World Heritage Area</i>; (c) riparian, littoral or coastal reserves; (d) Ramsar sites; (e) any other public land where the primary purpose is for the protection and conservation of such values; or (f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development. <p>(4) As detailed in paragraph 3 above, the LPS Zone and Code Application Guideline includes the specific instruction that the Environmental Management Zone be applied to land that is reserved under the <i>Nature Conservation Act 2002</i>.</p> <p>(5) The representation asserts that the reservation under the <i>Nature Conservation 2002</i> is largely the result of historical legacy whereby the land was first proclaimed as a sanctuary for the “protection of birds generally” in June 1952 under the <i>Animals and Birds Protection Act 1928</i>. The chain of subsequent legislative amendments that has seen this land brought under the <i>Nature Conservation Act 2002</i> is understood to be that as generally described in the below table.</p> <table border="1" data-bbox="523 1496 1294 1917"> <thead> <tr> <th>Legislation</th> <th>Comment/clause reference</th> </tr> </thead> <tbody> <tr> <td><i>Animals and Birds Protection Act 1928</i></td> <td>Proclaimed a ‘sanctuary’ in June 1952 [section 6(ii) and section 24]</td> </tr> <tr> <td><i>National Parks and Wildlife Act 1970</i></td> <td>The sanctuary became a ‘conservation area’ for the purposes of the <i>National Parks and Wildlife Act 1970</i> [section 53 and Schedule 2].</td> </tr> <tr> <td><i>Regional Forest Agreement (Land Classification) Act 1998 (s.24)</i></td> <td>Declared to be reserved land in the class of private sanctuary (and taken to have been so declared under the <i>National Parks and Wildlife Act 1970</i>) [section 24]. Proclamation made under s.2(1) of the <i>Regional Forest Agreement Act (Land Classification) 1998</i> on 28 April 1999 (36 of 1999) and notified in the Gazette on 30 April 1999.</td> </tr> <tr> <td><i>Nature Conservation Act 2002</i></td> <td>Identified as a private sanctuary. Taken to be reserved land in in the corresponding class and the same name it had under the now repealed <i>National Parks and Wildlife Act 1970</i>. [Schedule 4, clause 2]</td> </tr> </tbody> </table>	Legislation	Comment/clause reference	<i>Animals and Birds Protection Act 1928</i>	Proclaimed a ‘sanctuary’ in June 1952 [section 6(ii) and section 24]	<i>National Parks and Wildlife Act 1970</i>	The sanctuary became a ‘conservation area’ for the purposes of the <i>National Parks and Wildlife Act 1970</i> [section 53 and Schedule 2].	<i>Regional Forest Agreement (Land Classification) Act 1998 (s.24)</i>	Declared to be reserved land in the class of private sanctuary (and taken to have been so declared under the <i>National Parks and Wildlife Act 1970</i>) [section 24]. Proclamation made under s.2(1) of the <i>Regional Forest Agreement Act (Land Classification) 1998</i> on 28 April 1999 (36 of 1999) and notified in the Gazette on 30 April 1999.	<i>Nature Conservation Act 2002</i>	Identified as a private sanctuary. Taken to be reserved land in in the corresponding class and the same name it had under the now repealed <i>National Parks and Wildlife Act 1970</i> . [Schedule 4, clause 2]
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<i>Nature Conservation Act 2002</i>	Identified as a private sanctuary. Taken to be reserved land in in the corresponding class and the same name it had under the now repealed <i>National Parks and Wildlife Act 1970</i> . [Schedule 4, clause 2]										

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	<p>(6) Irrespective of how this land was brought under the <i>Nature Conservation Act 2002</i> – it is land specifically reserved for conservation purposes under this Act. More specifically Schedule 1 of the <i>Nature Conservation Act 2002</i> describes the values of land classified as a private sanctuary as: ‘an area of land that has significant natural or cultural values, or both.’</p> <p>(7) Clause 3.4 of the LPS Zone and Code Application Guideline provides the further instruction that the primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible. The below table details the zone purpose statement for the Environmental Management Zone as prescribed by the State Planning Provisions.</p> <table border="1"> <thead> <tr> <th>Zone</th> <th>Zone Purpose</th> </tr> </thead> <tbody> <tr> <td>Environmental Management Zone</td> <td> <p>The purpose of the Environmental Management Zone is:</p> <p>(1) To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value; and</p> <p>(2) To allow for compatible use or development where it is consistent with:</p> <p>(a) the protection, conservation and management of the values of the land; and</p> <p>(b) applicable reserved land management objectives and objectives of reserve management plans.</p> </td> </tr> </tbody> </table>	Zone	Zone Purpose	Environmental Management Zone	<p>The purpose of the Environmental Management Zone is:</p> <p>(1) To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value; and</p> <p>(2) To allow for compatible use or development where it is consistent with:</p> <p>(a) the protection, conservation and management of the values of the land; and</p> <p>(b) applicable reserved land management objectives and objectives of reserve management plans.</p>
	Zone	Zone Purpose			
	Environmental Management Zone	<p>The purpose of the Environmental Management Zone is:</p> <p>(1) To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value; and</p> <p>(2) To allow for compatible use or development where it is consistent with:</p> <p>(a) the protection, conservation and management of the values of the land; and</p> <p>(b) applicable reserved land management objectives and objectives of reserve management plans.</p>			
<p>(8) The reservation of this land under the <i>Nature Conservation Act 2002</i> is the determining factor in the application of the Environmental Management Zone as proposed by the draft LPS. This legislative recognition establishes the land is of some environmental significance and specifically reserved for conservation purposes. There is an apparent logic to conclude that these attributes are appropriately consistent with the purpose of the Environmental Management Zone which is to provide for the “<i>protection, conservation and management of land with significant ecological, scientific, cultural or scenic value</i>”.</p> <p>(9) If the representor’s position is that the reservation of the land as a private sanctuary under the <i>Nature Conservation Act 2002</i> is more a circumstance of historical legacy (resulting from its original proclamation in 1952 under the <i>Animals and Birds Protection Act 1928</i>) rather than any environmental significance for conservation – then the landowner may wish to consider an approach to the State Government seeking the revocation of the reservation in accordance with section 21 of the <i>Nature Conservation Act 2002</i>.</p> <p>(10) The draft LPS has applied the Environmental Management Zone to this site in accordance with the specific direction from the Commission (pursuant to section 35(5)(b) of LUPAA) and in accordance with the specific instruction contained in the LPS Zone and Code Application Guideline which directs that the Environmental Management Zone be applied to land reserved under the <i>Nature Conservation Act 2002</i>.</p> <p>(11) The application of the Environmental Management Zone to this site does not prevent the continued use of the site by Scouts Tasmania. Section 12 of LUPAA appropriately provides for lawfully existing use and development to be recognised irrespective of the zoning applied by the draft LPS. Clause 9.2 of the State Planning Scheme also provides for a development (excluding subdivision) that is associated with a use made discretionary by the applicable zone Use Table of the State Planning Provisions to be considered as if it had a permitted use status in that Use Table where the proposal for development does not establish a new use, or substantially intensify the existing use.</p> <p>(12) On consideration of the rationale set out above, there is satisfaction that the application of the Environmental Management Zone to the site at 342 Pumping Station Road, Forth (CT196943/1) as exhibited with the draft LPS is appropriate and maintains satisfaction of the LPS criteria at section 34(2) of LUPAA.</p> <p>(13) The matters raised in the representation do not reasonably demonstrate that a modification is appropriate or necessary. It follows that no recommendation is made to modify the draft LPS.</p>					
<p>Recommended action</p>	<p>No modification to the draft LPS</p>				
<p>Effect of recommendation on the draft LPS</p>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>				

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Representation No.6	Australian Institute of Architects
Matter(s) raised in the representation (including property information details where applicable)	<p>The representation provides suggestions to modify the provisions of the Particular Purpose Zone – Elimatta Hotel (DEV-P1.0) and Devonport Regional Homemaker Centre Specific Area Plan (DEV-S3.0) as contained with the written document component of the draft LPS.</p> <p>The comments made in the representation are reproduced verbatim as below.</p> <p>DEV-P1.0 Particular Purpose Zone – Elimatta Hotel DEV-P1.5 Use Standards DEV-P1.5.1 Amenity - A5 & P5: <i>"Air conditioning, air extraction, heating or refrigeration systems or compressors should not only be considered in terms of the noise, odours, fumes or vibrations that might be created, but should also be considered in terms of their visual impact. The location and design of these services should therefore be considered in this regard in terms of their impact on both development within the area, but also for adjoining or immediately opposite properties."</i></p> <p>DEV-S1.0 Devonport Regional Homemaker Centre Specific Area Plan DEV-S1.6 Use Standards DEV-S1.6.1 Floor areas A2 (a): <i>"We believe that mandating that tenancies be not less than 500m2 is limiting the variety of uses for the site. We note that 'Food Services', including a limited number of takeaway food shops and restaurants, are listed as being permitted in the Use Table. Many of these uses would be financially unviable if they were required to be not less than 500m2. We recommend allowing these uses to be exempt from this particular floor area requirement."</i> A2 (b): <i>"This clause is unclear overall. There is no explanation as to what the percentage (35%) is measuring, and the same percentage is referenced in both part (i) and (ii), which is confusing as the area of tenancies listed in each of these parts is different."</i></p> <p>DEV-S1.6.1 Signs A2: <i>"It is unclear if this clause regarding the height of the signs is just referring to signs located on the Bass Highway frontage or if it also refers to Stony Rise Road and signage within the site. We would recommend that consideration should also be given to the width & length or area of the sign, not just the height."</i></p>
Planning Authority response	<ol style="list-style-type: none"> (1) The Particular Purpose Zone – Elimatta Hotel (DEV-P1.0) and Devonport Regional Homemaker Centre Specific Area Plan (DEV-S3.0) included with the draft LPS also form part of the current Interim Planning Scheme. (2) These existing provisions are brought under the draft LPS by means of the transitional arrangements enabled under Schedule 6 of LUPAA - the Minister for Planning has made a declaration that these provisions must transition from the current Interim Planning Scheme into the draft LPS. (3) With regard to the ability to modify these existing provisions, Schedule 6 (clause 8C) of LUPAA only allows for a very specific and limited range of modifications to be made as part of transitioning these existing provisions into the draft LPS. These are known as 'permitted alterations' and are limited to modifications which are necessary to conform with the requirements of the State Planning Provisions including matters such as terminology, clause numbering, and references. (4) Whilst the comments raised in the representation are appropriately noted, these modifications extend beyond the permitted alterations made allowable under Schedule 6, clause 8C of LUPAA. (5) On consideration of the above rationale, the representation does not raise any matters which necessitate a modification to the draft LPS.
Recommended action	No modification to the draft LPS.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

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<p>Representation No.7</p>	<p>Plan Place Pty. Ltd.</p>
<p>Matter(s) raised in the representation (including property information details where applicable)</p>	<p>The representation relates to the land described by the property address of 17 Devonport Road, Miandetta (Certificate of Title reference 42522/4) and an adjoining portion of Crown Land.</p> <p>The draft LPS has applied the Recreation Zone to the site as shown in yellow outline in Figure 1 below.</p>  <p>Figure 1 – Location of site 17 Devonport Road, Miandetta (CT42522/4) (Source: DCC Geocortex – aerial imagery February 2019).</p> <p>The representor has previously advised of an imminent application to be made to Council for a combined permit and amendment to the current Interim Planning Scheme – a circumstance foreshadowed in the representation.</p> <p>That application will propose a new Particular Purpose Zone to be applied to the site which endeavours to better recognise the mixture of use and development both existing and desired to occur on the site. Council will consider this application in accordance with the usual planning scheme amendment process and requirements under LUPAA.</p>
<p>Planning Authority response</p>	<ol style="list-style-type: none"> (1) This site is currently zoned Recreation under the existing Interim Planning Scheme and so the zoning proposed with the draft LPS is a translation of that existing zoning. (2) The site contains a mixture of existing use and development including a function centre and associated parking area facilities, mini-golf course, café, visitor accommodation (serviced apartments) and a manager's residence. (3) It was a deliberate position not to try address the preparation of this new PPZ for this site through the draft LPS process. This is due to a combination of reasons including: <ol style="list-style-type: none"> (a) the representor's previously stated intention to seek this change as an amendment to the current Interim Planning Scheme which has been made known to Council for some time; and (b) the draft LPS process should not necessarily replace the usual amendment process under LUPAA (an action which may unnecessarily complicate and delay the draft LPS process). (4) The representation does purport to be seeking the insertion of the new PPZ as part of the draft LPS process (that is not for the purposes of section 35E(3) of LUPAA). The representation does not include any justification or discussion against the mandatory requirements for a new PPZ as set out under section 32(4) of LUPAA – and similarly there is no commentary provided in regard to the LPS criteria at section 34(2). (5) Instead, the purpose of the representation seems essentially to ensure that the draft LPS assessment process is "aware" that there will be an imminent amendment application made to the Interim Planning Scheme proposing the insertion of a new PPZ to be applied to this site. Council is awaiting receipt of this application seeking to amend the current Interim Planning Scheme. (6) Although not seemingly the intent of the representation, it is relevant to provide some commentary that the finalisation of the draft LPS process should not be unnecessarily complicated or elongated by this matter which can be appropriately considered under the usual planning scheme amendment process under LUPAA – a process which will be commenced with the submission of the application seeking amendment to the current

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	<p>Interim Planning Scheme. The draft LPS process should not be used to supplant this normal statutory assessment process.</p> <p>(7) This application seeking to amend the current Interim Planning Scheme is imminent and Council will consider this application in accordance with the usual amendment process under LUPAA. In the event that the PPZ is approved and becomes effective to the Interim Planning Scheme then there are opportunities for that PPZ to be incorporated into the draft LPS via the transitional arrangements at Schedule 6, clause 8A(1) of LUPAA.</p> <p>(8) On consideration of the above rationale, the representation does not raise any matters which necessitate a modification to the draft LPS.</p>
Recommended action	No modification to the draft LPS
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.8	TasNetworks
Matter(s) raised in the representation (including property information details where applicable)	<p>The representation addresses the following matters:</p> <ul style="list-style-type: none"> • Utilities Zone <ul style="list-style-type: none"> - requests application of the Utilities Zone to the site containing the TasNetworks 'Kelcey Tier Communication Site' at 42A Wrenswood Drive, Quoiba (CT62986/1). • Electricity Transmission Infrastructure Protection Code overlay map <ul style="list-style-type: none"> - Identifies minor mapping discrepancy for where the overlay has been applied to the TasNetworks Devonport Substation at 78-80 Stony Rise Road, Miandetta (CT132779/1). • Natural Assets Code – Priority Vegetation Area overlay <ul style="list-style-type: none"> - seeks to exclude the application of the Priority Vegetation Area overlay from the sites occupied by TasNetworks facilities and infrastructure at: <ul style="list-style-type: none"> i. the TasNetworks Devonport Substation at 78-80 Stony Rise Road, Miandetta (CT132779/1); ii. the TasNetworks Devonport Asset Communication Site at 162 Middle Road, Miandetta (CT132779/2); and iii. the Kelcey Tier Communication Site (42A Wrenswood Drive, Quoiba (CT162986/1)). • Transitional provisions (Schedule 6 of LUPAA): DEV-P1.0 - Particular Purpose Zone – Elimatta Hotel; DEV-S1.0 - Devonport Regional Homemaker Centre Specific Area Plan; DEV-S2.0 – Devonport Homemaker Service Industrial Centre Specific Area Plan; and DEV-S3.0 – Devonport Reserved Residential Land Specific Area Plan <ul style="list-style-type: none"> - requests modification to the abovementioned Particular Purpose Zone and Specific Area Plans. The requested modifications include: <ul style="list-style-type: none"> i. the insertion of the Utilities use class as discretionary use in the use tables of DEV-P1.0, DEV-S1.0 and DEV-S2.0; and ii. revisions to the development standards of DEV-P1.0 and DEV-S3.0 to include standards relating to subdivision. • State Planning Provisions <ul style="list-style-type: none"> - includes commentary on the State Planning Provisions and in particular how the exemption provisions at clause 4.0 may result in conflict with the requirements of the Electricity Transmission Infrastructure Protection Code.
Planning Authority response	<p>Utilities Zone – TasNetworks 'Kelcey Tier Communication Site' - 42A Wrenswood Drive, Quoiba (CT62986/1)</p> <p>(1) The representation requests that the draft LPS zoning for this site be revised and the Utilities Zone be applied. The exhibited draft LPS has applied the Rural Living A Zone to this site.</p> <p>(2) It is acknowledged that this TasNetworks communications infrastructure forms a key part of the broader electricity transmission network and could be considered as major utilities infrastructure for the purposes of the LPS Zone and Code Application Guideline (specifically instruction UZ 1(d)). Clause 3.4 of this Guideline provides the further instruction that the primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible.</p>

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	<p>(3) There is an apparent logic that this site which contains key TasNetworks infrastructure (and forming part of a broader electricity transmission network) represents major utilities infrastructure and should be considered for inclusion with the Utilities Zone. This infrastructure is located on its own individual title which is utilised solely as a TasNetworks communication site, and the application of the Utilities Zone can be aligned specifically to this cadastral parcel.</p> <p>(4) The representation establishes an appropriate justification that reasonably demonstrates the revision to apply the Utilities Zone is consistent with the instruction contained in the LPS Zone and Code Application Guideline and appropriately achieves the purpose of the Utilities Zone as contemplated by the State Planning Provisions.</p> <p>(5) Following the above logic, a modification to the draft LPS is recommended to revise the zoning of the 'TasNetworks Kelcey Tier Communication Site' at 42A Wrenswood Drive, Quoiba (CT162986/1) to apply to the Utilities Zone.</p> <p>Electricity Transmission Infrastructure Protection Code overlay</p> <p>(6) The requirements for the preparation of the Electricity Transmission Infrastructure Protection Code (ETIPC) overlay map are set out under clause LP1.7.3 of the State Planning Provisions, which includes the instruction that the draft LPS must contain an overlay map as produced by TasNetworks showing communication station buffer areas, electricity transmission corridors, and substation facility areas (including buffer areas).</p> <p>(7) The draft LPS has sought to apply this overlay in accordance with the standardised mapping prepared by TasNetworks and published on the Land Information System Tasmania (LIST) mapping database.</p> <p>(8) The discrepancy noted in the representation between the draft LPS overlay and the mapping published on the LIST appears to be only very minor and relates to the overlay where it applies to the TasNetworks Substation at 78-80 Stony Rise Road, Miandetta (CT132779/1).</p> <p>(9) The representation provides the following detail on this overlay discrepancy: <i>"TasNetworks notes that there is a slight discrepancy between the ETIPC layer in the LPS and the ETIPC Overlay on LISTmap. In particular, the border of the ETC is highlighted where it meets the substation buffer layer in the LPS mapping. TasNetworks requests that this be amended to match the LISTmap layer for consistency across the State."</i></p>  <p>Figure 1 – Excerpt from TasNetworks representation showing the Electricity Transmission Infrastructure Protection Code overlay discrepancy – the draft LPS overlay is shown on the left and the LIST map detail is shown on the right.</p> <p>(10) The Electricity Transmission Infrastructure Protection Code overlay included with the draft LPS should be consistent with the equivalent mapping information prepared by TasNetworks and published on the LIST map database. This achieves consistency with the requirements of the State Planning Provisions (specifically clause LP1.7.3) and also the instruction contained with the LPS Zone and Code Application Guideline.</p> <p>(11) Recommendation is therefore made to correct any mapping error or discrepancy identified by TasNetworks in relation to the Electricity Transmission Infrastructure Protection Code overlay applied by the draft LPS – specifically that identified in paragraphs 8-9 above.</p> <p>Natural Assets Code – Priority Vegetation Area overlay</p> <p>(12) The representation seeks to exclude the application of the Priority Vegetation Area overlay from the sites occupied by the following TasNetworks facilities and infrastructure:</p>
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	<p>(a) Devonport Substation (78-80 Stony Rise Road, Miandetta (CT132779/1));</p> <p>(b) Devonport Asset Communication Site (162 Middle Road, Miandetta (CT132779/2));</p> <p>(c) Kelcey Tier Communication Site (42A Wrenswood Drive, Quoiba (CT162986/1)).</p> <p>(13) In support of these requested modifications the representor details that the clearance of vegetation is required for the safety and maintenance of electricity infrastructure.</p> <p>(14) The Natural Assets Code of the State Planning Provides requires a "Priority Vegetation Area" (PVA) to be included with a Local Provisions Schedule by means of a mapped overlay. This overlay map will show where the standardised requirements of the Natural Assets Code of the State Planning Provisions (relating to priority vegetation) will be applied in the Devonport local government area.</p> <p>(15) The requirements for the preparation of the PVA overlay map are set out under clause LP1.7.5(c) of the State Planning Provisions, which includes instruction that the identification of the PVA overlay map must:</p> <ul style="list-style-type: none"> (a) include threatened native vegetation communities as identified on TASVEG Version 3 mapping, as published on the Department of Primary Industries, Parks, Water and the Environment's (DPIPWE) website and available on the Land Information System Tasmania (LIST) database; (b) be derived from threatened flora data from the Natural Values Atlas, as published on the DPIPWE's website and available on the Land Information System Tasmania; and (c) be derived from threatened fauna data from the Natural Values Atlas, as published on the DPIPWE's Environment's website for the identification of significant habitat for threatened fauna species. <p>(16) The above mapping parameters establish quite a broad and high level set of information sources. To assist with a more localised context for the PVA overlay, local councils across the State engaged the services of Natural Resource Management Pty Ltd to assist with the preparation of the priority vegetation area mapping.</p> <p>(17) As part of a standardised/consistent approach across the State, the mapping prepared by Natural Resource Management P/L has sought to identify "priority vegetation areas" in accordance with a "Regional Ecosystem Model". The Regional Ecosystem Model (REM) employs a complex layering of biodiversity values to define the importance of vegetation area. The methodology engaged by the REM can be generally summarised as follows:</p> <ul style="list-style-type: none"> (a) Integrates spatial data on the distribution of the major components of biodiversity, and the factors affecting them; (b) Models key biodiversity attributes that derive from multiple inputs; (c) Analyses the relationships among the components of biodiversity and the environment; and (d) Spatially identifies areas which have immediate or potential conservation concerns, and provides indicators of their relative importance, to inform approaches and priorities for management. <p>(18) Further information on the Regional Ecosystem Model (REM) is included with the information provided at Appendix V of the Draft LPS Supporting Report.</p> <p>(19) The Priority Vegetation Area (PVA) overlay map included with the Devonport draft LPS is based upon the mapping independently prepared and supplied by Natural Resource Management Pty Ltd. This incorporates the mandatory mapping criteria required by the State Planning Provisions (at clause LP1.7.5(c)) and also the standardised REM methodology devised by Natural Resource Management Pty Ltd which has been used across the State in the production of the PVA overlay mapping for each local council as part of preparing a draft Local Provisions Schedule.</p> <p>(20) The representation does not identify any circumstance relevant to the criteria at clause LP1.7.5 (d) of the State Planning Provisions which supports the need to modify the PVA overlay as exhibited with the draft LPS.</p> <p>(21) The <i>Electricity Supply Industry Act 1996</i> (and associated <i>Electricity Supply Industry Regulations 2018</i>) establish exemptions to any requirement under LUPAA and provide for the maintenance of vegetation in proximity to infrastructure that is necessary for the protection of that electricity infrastructure or public safety. These exemptions are generally reflected in the State Planning Provisions (especially clause 4.4.1(b)).</p> <p>(22) The exemptions available under the <i>Electricity Supply Industry Act 1996</i> (and associated <i>Electricity Supply Industry Regulations 2018</i>) and the State Planning</p>
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	<p>Provisions are adequate to provide TasNetworks relief from the requirements in relation to priority vegetation and the management of its existing electricity infrastructure. These exemptions apply irrespective of how the PVA overlay is applied by the draft LPS.</p> <p>(23) There is satisfaction that the PVA overlay as currently shown is appropriately consistent with the requirements of the State Planning Provisions, the instruction contained within the Zone and Code Application Guideline, and appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA.</p> <p>(24) The representation does not reasonably demonstrate the PVA overlay as currently shown:</p> <ul style="list-style-type: none"> (a) is inconsistent with a provision of the State Planning Provisions (specifically the requirements at clause C1.7.5(c)); (b) is inconsistent with the standardised REM methodology developed by Natural Resources Management P/L for the preparation of the PVA overlay (as detailed at Appendix V of the draft LPS Supporting Report); (c) is inconsistent with the instruction contained with the LPS Zone and Code Application Guideline; or (d) does not satisfy the LPS criteria at section 34(2) of LUPAA. <p>(25) Following the rationale set out above, no recommendation is made to modify the draft LPS in response to this particular matter raised in the representation.</p> <p>Transitional provisions (Schedule 6 of LUPAA):</p> <ul style="list-style-type: none"> - DEV-P1.0 - Particular Purpose Zone – Elimatta Hotel; - DEV-S1.0 - Devonport Regional Homemaker Centre Specific Area Plan; - DEV-S2.0 – Devonport Homemaker Service Industrial Centre Specific Area Plan; and - DEV-S3.0 – Devonport Reserved Residential Land Specific Area Plan <p>(26) The representation requests modification to the abovementioned Particular Purpose Zone and Specific Area Plans. The requested modifications include:</p> <ul style="list-style-type: none"> (a) the insertion of the Utilities use class as discretionary use in the use tables of DEV-P1.0, DEV-S1.0 and DEV-S2.0; and (b) revisions to the development standards of DEV-P1.0 and DEV-S3.0 to include standards relating to subdivision. <p>(27) The abovementioned Particular Purpose Zone (PPZ) and Specific Area Plans (SAPs) are further described in the written document component of the draft LPS. The PPZ and each SAP are contained with current Interim Planning Scheme in some form.</p> <p>(28) These existing provisions are brought under the draft LPS by means of the transitional arrangements enabled under Schedule 6 of LUPAA - the Minister for Planning has made a declaration that these provisions must transition from the current Interim Planning Scheme into the draft LPS.</p> <p>(29) With regard to the ability to modify these existing provisions, Schedule 6 (clause 8C) of LUPAA only allows for a very specific and limited range of modifications to be made as part of transitioning these existing provisions into the draft LPS. These are known as 'permitted alterations' and are limited to modifications which are necessary to conform with the requirements of the State Planning Provisions including matters such as terminology, clause numbering, and references.</p> <p>(30) The suggested modifications raised in the representation extend beyond the permitted alterations made allowable under Schedule 6, clause 8C of LUPAA.</p> <p>(31) On consideration of the above rationale, the representation does not raise any matters which necessitate a modification to the draft LPS on this particular issue.</p> <p>State Planning Provisions</p> <p>(32) The representation includes commentary on the State Planning Provisions and in particular how the exemption provisions at clause 4.0 may result in conflict with the requirements of the Electricity Transmission Infrastructure Protection Code. On the matter of the representor's listed issues with the State Planning Provisions, the representation includes the following statement:</p> <p><i>"Please note, this aspect of the TasNetworks' representation should not be taken as a request to change or amend the SPPs. However, this information is provided to highlight fundamental land use conflict issues that could occur as each LPS implements the SPPs across the State."</i></p> <p>(33) The draft LPS process is not about a review or remaking of the State Planning Provisions. The public consultation and approval of the State Planning Provisions has already been completed. The State Government has formally made the State Planning Provisions as state-wide planning rules. The LPS process is about where those rules are</p>
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	<p>to be applied in each local council area (through the allocation of zones, codes, etc). In other words, the draft LPS is about determining where the rules of the State Planning Provisions apply – not reviewing what the rules are.</p> <p>(34) The requirements of section 35E of LUPAA establish what matters can and cannot be considered as representations in respect of the exhibition of a draft LPS. The effect of sub-sections 35E(4) and 35E(5) makes it clear that any matter contained in a representation to the effect that the content of a provisions of the State Planning Provisions should be altered is not to be taken as a representation.</p> <p>(35) The matters raised in the TasNetworks representation are matters to which section 35E(4) of LUPAA relate and therefore are not taken to be a representation to the draft LPS.</p> <p>(36) Whilst section 35G of LUPAA does provide Council with the opportunity to advise the Commission with an opinion that the content of a provision of the State Planning Provisions should be altered – in this case (and given the specific nature of the issue relating to TasNetworks infrastructure) there is no recommendation for a submission from Council relating to the State Planning Provisions. Instead TasNetworks is encouraged, if they have not already done so, to raise the issue with the Minister for Planning who may consider whether there is a need to modify the State Planning Provisions (in accordance with section 30C of LUPAA).</p>
<p>Recommended action</p>	<p>Recommend modification to the draft LPS to:</p> <p>(a) Apply the Utilities Zone to the TasNetworks 'Kelcey Tier Communication Site' at 42A Wrenwood Drive, Quoiba (CT162986/1)); and</p> <p>(b) correct any mapping error or discrepancy identified by TasNetworks in relation to the Electricity Transmission Infrastructure Protection Code overlay applied by the draft LPS (specifically where it is applied to the TasNetworks Substation at 78-80 Stony Rise Road, Miandetta (CT132779/1)).</p>
<p>Effect of recommendation on the draft LPS</p>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>

Representation No.9	EnviroPlan
<p>Matter(s) raised in the representation (including property information details where applicable)</p>	<p>The representation requests the application of the Rural Living Zone to the property at 20 Fraser Street, Spreyton (Certificate of Title reference 113548/67) which comprises a land area of approximately 4.3ha.</p> <p>As instructed by the State Planning Provisions, the Rural Living Zone includes the option of four "sub-zones" according to existing or desired lot size and character:</p> <ul style="list-style-type: none"> Rural Living Zone A (1ha) Rural Living Zone B (2ha) Rural Living Zone C (5ha) Rural Living Zone D (10ha) <p>Whilst the representation does not specify the sub-zone sought – based upon the existing size of the site it is assumed that Rural Living Zone A is the option intended by the representation.</p> <p>The draft LPS has applied the Rural Zone to the site as shown in yellow outline in Figure 1 below.</p>  <p>Figure 1 – Location of site 20 Fraser Street, Spreyton (CT113548/67) (Source: DCC Geocortex – aerial imagery February 2019).</p>

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	<p>The representation includes the following reasons:</p> <ul style="list-style-type: none"> - application of the Rural Living Zone will enable the land to be use for residential uses that contain a rural character; and - proposed application of the Rural Living Zone is consistent with an established settlement pattern.
<p>Planning Authority response</p>	<p>Request for application of the Rural Living Zone</p> <p>(1) The LPS Zone and Code Application Guideline is the principal point of instruction for the allocation of zones and codes made with the draft LPS. With regard to the assignment of land to the Rural Living Zone (that is not currently zoned Rural Living under the Interim Planning Scheme), the LPS Zone and Code Application Guideline provides the following specific instruction:</p> <p><i>RLZ 2 The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</i></p> <ul style="list-style-type: none"> (a) <i>consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or</i> (b) <i>the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10ha or greater.</i> <p>(2) The representation does not address how the above requirements of the instruction at RLZ 2 of the LPS Zone and Code Application Guideline can be satisfied.</p> <p>(3) There is no local strategic analysis (such a residential settlement strategy) currently available to inform the application of the Rural Living Zone at this location, and the <i>Cradle Coast Regional Land Use Strategy 2010-2030</i> provides no definitive guidance to support the application of the Rural Living Zone in this area. Consequently, the requirements of the LPS Zone and Code Application Guideline are not satisfied.</p> <p>(4) Council recognises the need to undertake some more contemporary localised strategic land use planning reviews (such as the preparation of a residential settlement strategy and the like). These initiatives are currently being pursued – but ultimately this will occur outside and separate to the draft LPS process.</p> <p>(5) The history in relation to previous rezoning attempts for this site also has some relevance to the consideration of this representation. The site has been the subject of previous amendment applications seeking a rezoning of the land to enable further residential use and development. In 2011 and 2012 applications for an amendment to the <i>Devonport & Environs Planning Scheme 1984</i> to rezone the property were refused by the Tasmanian Planning Commission (the Commission). A representation to this effect was also made to the <i>Devonport Interim Planning Scheme 2013</i> (the Interim Planning Scheme) seeking a rezoning of the site when the Interim Planning Scheme was made available for public exhibition circa late 2013 – however this also proved unsuccessful.</p> <p>(6) A key consideration in each of these previous rezoning attempts has been the proximity of the Fonterra dairy processing facility located to the north of the subject site and the potential for land use conflicts with those factory operations. It is appropriate that these issues are given appropriate further consideration and it is noted that the representation makes no comment or acknowledgement of that matter.</p> <p>(7) The Fonterra factory provides a major employment and economic contribution to the region. The factory operations at the Spreyton site is a Level 2 Activity for the purposes of the <i>Environmental Management and Pollution and Control Act 1994</i> and there is potential for off-site noise and odour considerations which may upon adjacent sensitive use.</p> <p>(8) The State Planning Provisions include the Attenuation Code, the purpose of which is:</p> <ul style="list-style-type: none"> (a) to minimise adverse impacts on the health, safety and amenity of sensitive use from activities which have the potential to cause emissions; and (b) to minimise the likelihood for sensitive use to conflict with, interfere with, or constrain, activities which have the potential to cause emissions. <p>(9) The Attenuation Code will apply in accordance with the requirements and standards prescribed by the State Planning Provisions. The Table at C9.1 includes a standard recommended attenuation distance of 500m for milk processing facility with a Level 2 Activity status.</p> <p>(10) Any future residential use and development of the site at 20 Fraser Street would need to have appropriate regard to the requirements of the Attenuation Code of the State Planning Provisions – which may influence matters such as lot size, lot configuration,</p>

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	<p>and the positioning of dwellings on each lot. It is noted that the representation provides no commentary on attenuation requirements.</p> <p>(11) For the site to be considered as suitable for inclusion with a Rural Living Zone (or any other zone where residential use is prioritised), there must be an appropriate balance found between accommodating that residential use and development whilst minimising the risk for conflict, interference, or constraint of the adjacent Fonterra facility. That requires a level of strategic planning which is not presently available nor can reasonably be provided as part of the draft LPS process.</p> <p>(12) In the current absence of any localised strategic planning (including a residential settlement strategy) to support the proposed application of the Rural Living Zone at this location and the previously identified land use conflict issues with the adjacent Fonterra facility to the north - it cannot be reconciled that the LPS criteria at section 34(2) of LUPAA are satisfied. More specifically there is no satisfaction of the Schedule 1 LUPAA objective relating to the fair, orderly, sustainable use and development of land.</p> <p>(13) The application of the Rural Zone as currently shown is appropriately consistent with the instruction contained within the Zone and Code Application Guideline, the methodology for application of the Rural Zone detailed at Appendix S of the draft LPS Supporting Report, and appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA.</p> <p>(14) There is insufficient strategic merit in the representation that reasonably demonstrates the requested revision to apply the Rural Living Zone:</p> <p style="padding-left: 40px;">(a) is consistent with the instruction contained in the LPS Zone and Code Application Guideline; or</p> <p style="padding-left: 40px;">(b) achieves satisfaction of the LPS criteria at section 34(2) of LUPAA.</p> <p>(15) The matters raised in the representation do not reasonably demonstrate that a modification to the draft LPS is appropriate or necessary. It follows that no recommendation is made to modify the draft LPS.</p>
Recommended action	No modification to the draft LPS
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.10	Ms June Hilder
Matter(s) raised in the representation (including property information details where applicable)	<p>The representation addresses the following matters:</p> <ul style="list-style-type: none"> • Environmental Management Zone <ul style="list-style-type: none"> - Suggests the application of the Environmental Management Zone to land area occupied by the Mersey Bluff reserve area. • Natural Assets Code – Priority Vegetation Area overlay <ul style="list-style-type: none"> - Suggests the overlay should apply to land in the Mersey Bluff reserve and also 'several smaller reserves' (sic.) including the Mary Street wetlands. • Local Historic Heritage Code overlays <ul style="list-style-type: none"> - Queries why the overlays associated with the Local Historic Heritage Code have not been applied to the areas of Aboriginal heritage significance around the Mersey Bluff reserve. • Parking and Sustainable Transport Code <ul style="list-style-type: none"> - Queries why the Parking and Sustainable Transport Code is limited to only a Parking Precinct Plan overlay.
Planning Authority response	<p>Request for application of Environmental Management Zone – Mersey Bluff reserve area</p> <p>(1) The representation requests the application of the Environmental Management Zone (EMZ) to the area occupied by the Mersey Bluff reserve which has been assigned to the Open Space Zone by the draft LPS.</p> <p>(2) This land is currently zoned Open Space under the existing Interim Planning Scheme and so the zoning proposed with the draft LPS is a translation of that existing zoning. This land area includes a caravan park, sealed walking tracks and roadways, and sealed car parking areas.</p>

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(3) The zoning applied by the draft LPS at this location is shown in Figure 1 below.

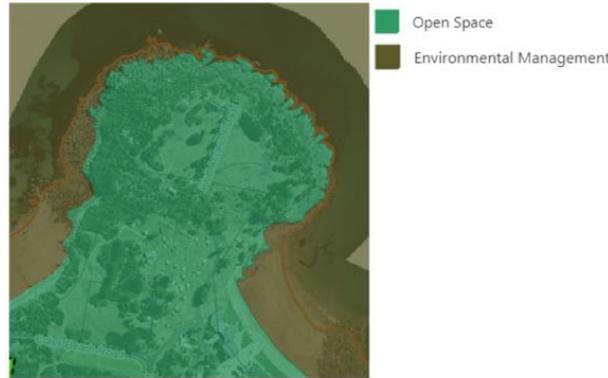


Figure 1 – Mersey Bluff Reserve area (Source: DCC Geocortex – aerial imagery February 2019).

(4) The LPS Zone and Code Application Guideline is the principal point of instruction for the allocation of zones and codes made with the draft LPS. With regard to the representor’s request for the application of the Environmental Management Zone (EMZ), the LPS Zone and Code Application Guideline includes the following instruction at EMZ 1:

The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:

- (a) land reserved under the Nature Conservation Act 2002;
- (b) land within the Tasmanian Wilderness World Heritage Area;
- (c) riparian, littoral or coastal reserves;
- (d) Ramsar sites;
- (e) any other public land where the primary purpose is for the protection and conservation of such values; or
- (f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development.

(5) The instruction described in paragraph 4 above specifically requires land to have “significant ecological, scientific, cultural or scenic value” for it to be considered for inclusion with the EMZ. There is an apparent logic that term “significant” in this context is intended to impart some higher level of satisfaction for land to be considered for inclusion with the EMZ there should be “significant” ecological, scientific, cultural or scenic values to direct that zoning assignment.

(6) Clause 3.4 of the LPS Zone and Code Application Guideline provides the instruction that the primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible. The below table details the zone purpose statement for the Open Space Zone and the Environmental Management Zone as prescribed by the State Planning Provisions.

Zone	Zone Purpose
Open Space	The purpose of the Open Space Zone is: (1) To provide land for open space purposes including for passive recreation and natural or landscape amenity; and (2) To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.
Environmental Management Zone	The purpose of the Environmental Management Zone is: (1) To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value; and (2) To allow for compatible use or development where it is consistent with: (a) the protection, conservation and management of the values of the land; and (b) applicable reserved land management objectives and objectives of reserve management plans.

(7) The area occupied by the Mersey Bluff reserve includes land that has been modified from its natural state. There is existing, well established use and development including a caravan park, sealed walking tracks and vehicular roads, and also dedicated sealed vehicle parking areas.

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	<p>(8) The natural landscape and amenity value of this land are appropriately recognised by the application of the Open Space Zone which in turn is appropriately consistent with the instruction contained in LPS Zone and Code Application Guideline. Specifically, there is satisfaction that the application of the Open Space Zone to this land as shown with the exhibited draft LPS achieves the zone purpose of the Open Space Zone to the greatest extent possible. There is further satisfaction that the application of the Open Space Zone to this land reflects a logical and sound translation from the current Interim Planning Scheme.</p> <p>(9) In order to be satisfied that there is "significant" ecological, scientific, cultural or scenic values and therefore modify the draft LPS to apply the Environment Management Zone to this land – it is reasonable for this threshold of "significance" to be informed/demonstrated by an appropriate level of justification. That is not a conclusion which can be reasonably established from the matters raised and the information contained in the representation.</p> <p>(10) The application of the Open Space Zone as currently shown is appropriately consistent with the purpose of that Zone as contemplated by the State Planning Provisions, the instruction contained within the LPS Zone and Code Application Guideline, and appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA.</p> <p>(11) The matters raised in the representation do not reasonably demonstrate that a modification to apply the Environmental Management Zone is appropriate or necessary. It follows that no recommendation is made to modify the draft LPS.</p> <p>Areas of Aboriginal heritage significance around the Mersey Bluff reserve area</p> <p>(12) It is a deliberate policy position that the State Planning Provisions do not include Aboriginal heritage as part of the heritage listings/precincts of the Local Historic Heritage Code. Instead such matters are considered under the <i>Aboriginal Heritage Act 1975</i> and associated assessment processes thereunder.</p> <p>(13) As detailed in the draft LPS Supporting Report, all local heritage interests identified under the draft LPS are currently included with the Interim Planning Scheme. They are included with the draft LPS by means of the transitional provisions enabled under Schedule 6 of LUPAA.</p> <p>(14) The local heritage interests described by the Interim Planning Scheme were identified as part of a wide ranging local heritage study commissioned by the Council in 2001 which was conducted by an independent heritage consultant. These were initially incorporated into the <i>Devonport and Environs Planning Scheme 1984</i> and then transitioned across to the current Interim Planning Scheme when that commenced in October 2013.</p> <p>(15) Following the above rationale there is no modification recommended to the draft LPS in response to this matter raised in the representation.</p> <p>Request for application of the Natural Assets Code – Priority Vegetation Area overlay to the Mersey Bluff reserve area and the Mary Street wetlands</p> <p>(16) The Natural Assets Code of the State Planning Provides requires a "Priority Vegetation Area" (PVA) to be included with a Local Provisions Schedule by means of a mapped overlay. This overlay map will show where the standardised requirements of the Natural Assets Code of the State Planning Provisions (relating to priority vegetation) will be applied in the Devonport local government area.</p> <p>(17) The requirements for the preparation of the PVA overlay map are set out under clause LPI.7.5(c) of the State Planning Provisions, which includes instruction that the identification of the PVA overlay map must:</p> <ul style="list-style-type: none"> (a) include threatened native vegetation communities as identified on TASVEG Version 3 mapping, as published on the Department of Primary Industries, Parks, Water and the Environment's (DPIPWE) website and available on the Land Information System Tasmania (LIST) database; (b) be derived from threatened flora data from the Natural Values Atlas, as published on the DPIPWE's website and available on the Land Information System Tasmania; and (c) be derived from threatened fauna data from the Natural Values Atlas, as published on the DPIPWE's Environment's website for the identification of significant habitat for threatened fauna species. <p>(18) The above mapping parameters establish quite a broad and high level set of information sources. To assist with a more localised context for the PVA overlay, local councils across the State engaged the services of Natural Resource Management Pty Ltd to assist with the preparation of the priority vegetation area mapping.</p> <p>(19) As part of a standardised/consistent approach across the State, the mapping prepared by Natural Resource Management P/L has sought to identify "priority</p>
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	<p>vegetation areas" in accordance with a "Regional Ecosystem Model". The Regional Ecosystem Model (REM) employs a complex layering of biodiversity values to define the importance of vegetation area. The methodology engaged by the REM can be generally summarised as follows:</p> <ul style="list-style-type: none"> (a) Integrates spatial data on the distribution of the major components of biodiversity, and the factors affecting them; (b) Models key biodiversity attributes that derive from multiple inputs; (c) Analyses the relationships among the components of biodiversity and the environment; and (d) Spatially identifies areas which have immediate or potential conservation concerns, and provides indicators of their relative importance, to inform approaches and priorities for management. <p>(20) Further information on the Regional Ecosystem Model (REM) is included with the information provided at Appendix V of the Draft LPS Supporting Report.</p> <p>(21) The Priority Vegetation Area (PVA) overlay map included with the Devonport draft LPS is based upon the mapping independently prepared and supplied by Natural Resource Management Pty Ltd. This incorporates the mandatory mapping criteria required by the State Planning Provisions (at clause LP1.7.5(c)), and also the standardised REM methodology devised by Natural Resource Management Pty Ltd which has been used across the State in the production of the PVA overlay mapping for each local council as part of preparing a draft Local Provisions Schedule.</p> <p>(22) There is satisfaction that the PVA overlay as currently shown is appropriately consistent with the requirements of the State Planning Provisions, the instruction contained within the Zone and Code Application Guideline, and appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA.</p> <p>(23) Whilst the vegetated areas of the locations identified in the representation (e.g. the Mersey Bluff reserve area and the Mary Street Wetlands) are recognised and appropriately assigned to the Open Space Zone under the draft LPS, these areas have not been assessed to meet the requirements of the State Planning Provisions to warrant or necessitate the application of the PVA overlay. More specifically they have not been identified for inclusion under the standardised REM methodology devised by Natural Resource Management Pty Ltd to inform the preparation and content of the PVA overlay mapping.</p> <p>(24) The representation does not demonstrate nor establish the PVA overlay as currently shown:</p> <ul style="list-style-type: none"> (a) is inconsistent with a provision of the State Planning Provisions (specifically the requirements at clause LP1.7.5(c)); (b) is inconsistent with the standardised REM methodology developed by Natural Resources Management P/L for the preparation of the PVA overlay (as detailed at Appendix V of the draft LPS Supporting Report); (c) is inconsistent with the instruction contained with the LPS Zone and Code Application Guideline; or (d) does not satisfy the LPS criteria at section 34(2) of LUPAA. <p>(25) The matters raised in the representation do not reasonably demonstrate that a modification is appropriate or necessary. It follows that no recommendation is made to modify the draft LPS.</p> <p>Parking and Sustainable Transport Code</p> <p>(26) The representation includes the question as to why the Parking and Sustainable Transport Code is limited to only a Parking Precinct Plan. This query warrants some further clarification.</p> <p>(27) The Code can be informed by reference to two overlays : a parking precinct plan, and a pedestrian priority street overlay. However, it does apply more broadly than the just the areas described by these overlays.</p> <p>(28) The draft Devonport LPS includes a Parking Precinct Plan which provides for a reduction of on-site car-parking. This has the effect that land identified within the overlay is not required to provide car-parking spaces in accordance with the standardised requirements set out under Table C2.1 of the State Planning Provisions. This Parking Precinct Plan is based on the existing "Local Parking Area" overlay contained with the current Interim Planning Scheme. It is included with the draft LPS by means of the transitional provisions enabled under Schedule 6 of LUPAA. The Parking Precinct Plan</p>
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	<p>will translate on the same spatial application as the Local Parking Area included with the current Interim Planning Scheme.</p> <p>(29) The draft LPS does not provide for the inclusion of a Pedestrian Priority Street overlay, as there is currently no information, plan or other study to inform the preparation or content of such an overlay. However, this does not mean that such an overlay cannot be incorporated into the LPS in the future.</p> <p>(30) There are no matters raised in the representation on this matter that necessitate a modification of the draft LPS.</p>
Recommended action	No modification to the draft LPS
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.11	Central North Field Naturalists
Matter(s) raised in the representation (including property information details where applicable)	<p>The representation comprises two submissions and includes commentary on the following matters.</p> <ul style="list-style-type: none"> • Environmental Management Zone <ul style="list-style-type: none"> - Requests the application of the Environmental Management Zone to land occupied by the Hiller Flora Reserve at 34-44 Lovett Street, Devonport (part of CT131917/2), and land at Bellamy Road, Forthside (identified by PIDs: 7740802 and 6380526). • Natural Assets Code – Priority Vegetation Area overlay <ul style="list-style-type: none"> - Suggests the overlay should apply to land in the Mersey Bluff reserve area and the Mary Street wetlands (note this is the same as that matter raised in Representation 10).
Planning Authority response	<p>Request for application of Environmental Management Zone - Hiller Flora Reserve (34-44 Lovett Street, Devonport (part of CT131917/2) and land at Bellamy Road, Forthside (identified by PIDs: 7740802 and 6380526)</p> <p><i>General property information</i></p> <p>(1) The Hiller Flora Reserve forms part of the land described by the property address of 34-44 Lovett Street, Devonport (Certificate of Title reference 131917/2) which is land owned by the Devonport City Council. The actual Hiller Flora Reserve area is located on that portion of site located to the south of Lawrence Drive. It can aptly be described as a natural reserve (containing native vegetation) with a land area of approximately 2.6ha and is surrounded by an urbanised environment containing established residential use and development to the east and south, Hillcrest Primary School to the west and the Devonport Soccer Club facilities to the north.</p> <p>(2) The representation requests the application of the Environmental Management Zone (EMZ) to the area occupied by the Hiller Flora Reserve which has been assigned to the Open Space Zone by the draft LPS. This land is currently zoned Open Space under the existing Interim Planning Scheme and so the zoning proposed with the draft LPS is a translation of that existing zoning.</p> <p>(3) The zoning applied to the Hiller Flora Reserve and surrounding area is shown in Figure 1 below.</p> <div style="text-align: right;"> </div> <p>Figure 1 – Location of site 34-44 Lovett Street, Devonport (CT131917/2) (Source: DCC Geocortex – aerial imagery February 2019</p>

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- (4) The other land area referred to in the representation for which the application of the Environmental Management Zone is requested, is land at Bellamy Road, Forthside. Whilst there is no identifying property address (or PID number) provided in the representation - from the map that was provided with Representation 11 it can be concluded that it relates to those properties identified by PID numbers 774802 and 6380526.
- (5) The draft LPS has applied the Rural Zone to the site as shown in yellow outline in Figure 2 below. These are Crown Land properties and, as noted in the representation, this land is identified as a Public Reserve for the purposes of the *Crown Lands Act 1976*.



Figure 2 – Location of land at Bellamy Road, Forthside (PID: 774802 and PID: 6380526) (Source: DCC Geocortex – aerial imagery February 2019).

- (6) The rationale for the application of the Rural Zone to these properties has been previously provided at Appendix N of the draft LPS Supporting report (specifically site numbers 38 and 40).
- (7) This land area is generally characterised by a contiguous pattern of dense vegetation across an undulating/steep topographical profile. The site identified by PID 7744082 is further observed to contain a mining lease (42M/1982) which is shown in Figure 3 below.

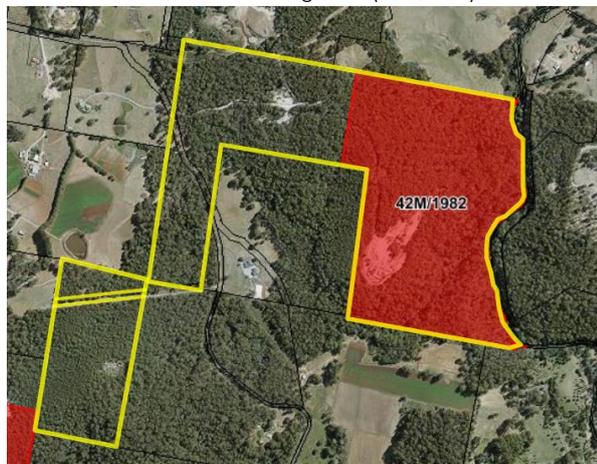


Figure 3 – Aerial image showing extent of mining lease over land identified by PID 7740802 at Bellamy Road, Forthside (Source: www.thelist.tas.gov.au)

- (8) As can be observed from Figure 3 above the area described by mining lease 42M/1982 incorporates a significant portion of the site described by PID 7740802 – including the entire eastern portion of the site where it adjoins the Don River catchment area.

Zone assignments for the Hiller Flora Reserve & land at Bellamy Road, Forthside (PIDs 6380526 & 7740802)

- (9) The draft LPS proposes the application of the Open Space Zone to the Hiller Flora Reserve, and the application of the Rural Zone to the subject land located at Bellamy Road, Forthside. The representor requests the application of the Environmental Management Zone to each of these land areas.
- (10) The LPS Zone and Code Application Guideline provides the principal point of instruction for the allocation of zones and codes made with the draft LPS. With regard to the

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	<p>application of the Environmental Management Zone (EMZ), the LPS Zone and Code Application Guideline includes the following instruction at EMZ 1:</p> <p><i>The Environmental Management Zone should be applied to land with significant ecological, scientific, cultural or scenic values, such as:</i></p> <ul style="list-style-type: none"> (a) land reserved under the Nature Conservation Act 2002; (b) land within the Tasmanian Wilderness World Heritage Area; (c) riparian, littoral or coastal reserves; (d) Ramsar sites; (e) any other public land where the primary purpose is for the protection and conservation of such values; or (f) any private land containing significant values identified for protection or conservation and where the intention is to limit use and development. <p>(11) The instruction described in paragraph 10 above requires land to have "significant ecological, scientific, cultural or scenic value" for it to be considered for inclusion with the EMZ. There is an apparent logic that the term "significant" in this context is intended to impart some higher level of satisfaction for land to be considered for inclusion with the EMZ there should be "significant" ecological, scientific, cultural or scenic value(s) to inform that zoning assignment.</p> <p>(12) Clause 3.4 of the LPS Zone and Code Application Guideline provides the instruction that the primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible.</p> <p>(13) The below table details the zone purpose statements for the Open Space Zone, the Rural Zone, and the Environmental Management Zone as prescribed by the State Planning Provisions.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Zone</th> <th style="text-align: left;">Zone Purpose</th> </tr> </thead> <tbody> <tr> <td>Open Space</td> <td> The purpose of the Open Space Zone is: (1) To provide land for open space purposes including for passive recreation and natural or landscape amenity; and (2) To provide for use and development that supports the use of the land for open space purposes or for other compatible uses. </td> </tr> <tr> <td>Rural Zone</td> <td> The purpose of the Rural Zone is: (1) To provide for a range of use or development in a rural location: (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics; (b) that requires a rural location for operational reasons; (c) is compatible with agricultural use if occurring on agricultural land; (d) minimises adverse impacts on surrounding uses; and (2) To minimise conversion of agricultural land for non-agricultural use; and (3) To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements. </td> </tr> <tr> <td>Environmental Management Zone</td> <td> The purpose of the Environmental Management Zone is: (1) To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value; and (2) To allow for compatible use or development where it is consistent with: (a) the protection, conservation and management of the values of the land; and (b) applicable reserved land management objectives and objectives of reserve management plans. </td> </tr> </tbody> </table> <p>(14) In order to be satisfied that there is "significant" ecological, scientific, cultural or scenic values and therefore modify the draft LPS and instead apply the Environment Management Zone to the land areas nominated in the representation – it is reasonable for this threshold of "significance" to be informed/demonstrated by an appropriate level of justification. That is not a conclusion which can be reasonably established from the matters raised and the information contained in the representation.</p> <p>(15) The Hiller Flora Reserve is a natural reserve with a land area of approximately 2.6ha located amongst a predominantly urban setting. The natural landscape and amenity value of this land are appropriately recognised by the application of the Open Space Zone which in turn is appropriately consistent with the following instruction contained in the LPS Zone and Code Application Guideline:</p>	Zone	Zone Purpose	Open Space	The purpose of the Open Space Zone is: (1) To provide land for open space purposes including for passive recreation and natural or landscape amenity; and (2) To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.	Rural Zone	The purpose of the Rural Zone is: (1) To provide for a range of use or development in a rural location: (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics; (b) that requires a rural location for operational reasons; (c) is compatible with agricultural use if occurring on agricultural land; (d) minimises adverse impacts on surrounding uses; and (2) To minimise conversion of agricultural land for non-agricultural use; and (3) To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.	Environmental Management Zone	The purpose of the Environmental Management Zone is: (1) To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value; and (2) To allow for compatible use or development where it is consistent with: (a) the protection, conservation and management of the values of the land; and (b) applicable reserved land management objectives and objectives of reserve management plans.
Zone	Zone Purpose								
Open Space	The purpose of the Open Space Zone is: (1) To provide land for open space purposes including for passive recreation and natural or landscape amenity; and (2) To provide for use and development that supports the use of the land for open space purposes or for other compatible uses.								
Rural Zone	The purpose of the Rural Zone is: (1) To provide for a range of use or development in a rural location: (a) where agricultural use is limited or marginal due to topographical, environmental or other site or regional characteristics; (b) that requires a rural location for operational reasons; (c) is compatible with agricultural use if occurring on agricultural land; (d) minimises adverse impacts on surrounding uses; and (2) To minimise conversion of agricultural land for non-agricultural use; and (3) To ensure that use or development is of a scale and intensity that is appropriate for a rural location and does not compromise the function of surrounding settlements.								
Environmental Management Zone	The purpose of the Environmental Management Zone is: (1) To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value; and (2) To allow for compatible use or development where it is consistent with: (a) the protection, conservation and management of the values of the land; and (b) applicable reserved land management objectives and objectives of reserve management plans.								

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	<p><i>OSZ 1 The Open Space Zone should be applied to land that provides, or is intended to provide, for the open space needs of the community, including land identified for:</i></p> <p style="padding-left: 40px;"><i>(a) passive recreational opportunities; or</i></p> <p style="padding-left: 40px;"><i>(b) natural or landscape amenity within an urban setting.</i></p> <p>(16) There is satisfaction that the application of the Open Space Zone to this land as shown with the exhibited draft LPS achieves the zone purpose of the Open Space Zone to the greatest extent possible. There is further satisfaction that the application of the Open Space Zone to this land reflects a logical and sound translation from the current Interim Planning Scheme.</p> <p>(17) It is considered that the land shown in Figure 2 and identified by PID 6380526 and PID 7440802 at Bellamy Road, Forthside is appropriately described by the application of the Rural Zone and is consistent with the methodology described in Appendix S of the Supporting Report for the allocation of that Zone.</p> <p>(18) Although the land at Bellamy Road, Forthside is noted as being a 'Public Reserve' under the <i>Crown Lands Act 1976</i> – that in itself is not considered justification for the application of the Environmental Management Zone and there is no such specific instruction included with the LPS Zone and Code Application Guideline.</p> <p>(19) A substantial portion of the land identified with the subject properties at Bellamy Road is occupied by a mining lease (see Figure 3 previously). The mining lease area is understood to occupy an area of approximately 33ha on the site described by PID 7740802.</p> <p>(20) There is satisfaction that the application of the Rural Zone to the identified in the representation at Bellamy Road, Forthside and as shown with the exhibited draft LPS achieves the zone purpose of the Rural Zone to the greatest extent possible, is appropriately consistent with the instruction contained in the LPS Zone and Code Application Guideline, and is consistent with the methodology for application of the Rural Zone detailed at Appendix S of the draft LPS Supporting Report.</p> <p>(21) Whilst the representation makes particular mention of the natural value of the Don River watercourse in this location (and which adjoins the eastern boundary of PID 7740802) – it is observed that the watercourse itself at this location is assigned to the Environmental Management Zone in the draft LPS (see Figure 2 previously).</p> <p>(22) A further observation in regard to the protection/management of vegetation at the two sites nominated is that the Natural Assets Code – Priority Vegetation Area overlay is applied to both of these land areas. The riverine area of the Don River watercourse adjacent to the land at Bellamy Road, Forthside is also mapped by the Natural Assets Code – Waterway and Coastal Protection Area overlay included with the draft LPS.</p> <p><i>Conclusion regarding zone assignments</i></p> <p>(23) The application of the Open Space Zone to the area occupied by the Hiller Flora Reserve at 34-44 Lovett Street, Devonport (part of CT131917/2), and the application of the Rural Zone to the areas of Crown Land at Bellamy Road, Forthside (described by PID 774802 and PID: 6380526) is appropriately consistent with the requirements of the State Planning Provisions, the instruction contained within the LPS Zone and Code Application Guideline, and appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA.</p> <p>(24) The matters raised in the representation do not reasonably demonstrate that a modification to apply the Environmental Management Zone to these sites is appropriate or necessary. It follows that no recommendation is made to modify the draft LPS</p> <p>Request for application of the Natural Assets Code – Priority Vegetation Area overlay to the Mersey Bluff reserve area and the Mary Street wetlands</p> <p>(25) This same matter and same properties are addressed in the Planning Authority Response to Representation 10. That same response is applicable here. Refer to that response for Representation 10 (specifically paragraphs 16 - 25) and the resulting conclusion that the representation does not demonstrate nor establish the PVA overlay as currently shown:</p> <p style="padding-left: 40px;">(a) is inconsistent with a provision of the State Planning Provisions (specifically the requirements at clause LP1.7.5(c));</p> <p style="padding-left: 40px;">(b) is inconsistent with the standardised REM methodology developed by Natural Resources Management P/L for the preparation of the PVA overlay (as detailed at Appendix V of the draft LPS Supporting Report);</p> <p style="padding-left: 40px;">(c) is inconsistent with the instruction contained with the LPS Zone and Code Application Guideline; or</p> <p style="padding-left: 40px;">(d) does not satisfy the LPS criteria at section 34(2) of LUPAA.</p>
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	(26) The matters raised in the representation do not reasonably demonstrate that a modification is appropriate or necessary. It follows that no recommendation is made to modify the draft LPS.
Recommended action	No modification to draft LPS.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.12	Mr David Bennett
Matter(s) raised in the representation (including property information details where applicable)	<p>The representation seeks a revision to the draft LPS to apply the Rural Living Zone to the land at 179 Winspears Road, East Devonport (Certificate of Title reference 135670/1). The draft LPS has applied the Agricultural Zone to the site as shown in yellow outline in Figure 1 below.</p>  <p>Figure 1 – Location of site 179 Winspears Road, East Devonport (CT135670/1) (Source: DCC Geocortex – aerial imagery February 2019).</p> <p>This is the same property to that which Representation 2 relates which also requests the application of the Rural Living Zone.</p> <p>The representation includes the following reasons:</p> <ul style="list-style-type: none"> - limited value for agriculture owing to limitations associated with soil quality and drainage; and - limited supply of Rural Living lots in the Devonport local government area.
Planning Authority response	<p>(1) This same property and request for the Rural Living Zone is addressed in the Planning Authority Response to Representation 2. That same response is applicable here. Refer to that response and the resulting conclusion that there is insufficient strategic merit in the representation that reasonably demonstrates the requested revision to apply the Rural Living Zone:</p> <ul style="list-style-type: none"> (a) is consistent with the instruction contained in the LPS Zone and Code Application Guideline; or (b) achieves satisfaction of the LPS criteria at section 34(2) of LUPAA; <p>(2) The matters raised in the representation do not reasonably demonstrate that a modification is appropriate or necessary. It follows that no recommendation is made to modify the draft LPS.</p>
Recommended action	No modification to draft LPS.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

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<p>Representation No.13</p>	<p>Michell Hodgetts & Associates</p>																																																
<p>Matter(s) raised in the representation (including property information details where applicable)</p>	<p>The representation is made on behalf of 11 landowners in the Tugrah area. The properties to which the representation relates are described in the below table.</p> <table border="1" data-bbox="531 394 1311 658"> <thead> <tr> <th></th> <th>Property address</th> <th>Certificate of Title</th> <th>PID</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>44-48 Greenwood Lane, Tugrah</td> <td>135299/3</td> <td>2031396</td> </tr> <tr> <td>2</td> <td>372 Tugrah Road, Tugrah</td> <td>116195/1</td> <td>7126888</td> </tr> <tr> <td>3</td> <td>381 Tugrah Road, Tugrah</td> <td>54117/9</td> <td>7586235</td> </tr> <tr> <td>4</td> <td>405 Tugrah Road, Tugrah</td> <td>54117/10 54117/11</td> <td>72596</td> </tr> <tr> <td>5</td> <td>373 Tugrah Road, Tugrah</td> <td>171535/1</td> <td>3449225</td> </tr> <tr> <td>6</td> <td>59 Nielsens Road, Tugrah</td> <td>132882/4</td> <td>1972936</td> </tr> <tr> <td>7</td> <td>80 Nielsens Road, Tugrah</td> <td>132882/5</td> <td>1972944</td> </tr> <tr> <td>8</td> <td>78 Nielsens Road, Tugrah</td> <td>132712/1</td> <td>7740546</td> </tr> <tr> <td>9</td> <td>203 Wrenswood Drive, Quoiba</td> <td>101377/1</td> <td>7740554</td> </tr> <tr> <td>10</td> <td>349 Tugrah Road, Tugrah</td> <td>174264/1</td> <td>3549875</td> </tr> <tr> <td>11</td> <td>351 Tugrah Road, Tugrah</td> <td>174264/2</td> <td>3549867</td> </tr> </tbody> </table> <p>Figure 1 below further identifies these properties including the zoning assignments proposed by the draft LPS.</p>  <p>Figure 1 – Location of 11 properties listed in Representation 13 and also showing draft LPS zone assignments (Source: www.thelist.tas.gov.au and DCC Geocortex).</p> <p>As shown in Figure 1, and in reference to the 11 properties listed in the representation, the draft LPS has applied:</p> <ul style="list-style-type: none"> (a) the Agriculture Zone to those properties numbered 1-5; and (b) the Rural Zone to those properties numbered 6-11. <p>The representation addresses the following matters:</p> <ul style="list-style-type: none"> ● Application of Rural Living Zone <ul style="list-style-type: none"> - Requests that the eleven properties listed in the representation be assigned to the Rural Living Zone. - The reasons include that this land is not suitable for agricultural use, it provides a logical extension of the Rural Living Zone to the north and east of this land, and cites a shortage of Rural Living zoned land in the Devonport local government area. ● Natural Assets Code – Priority vegetation Area overlay <ul style="list-style-type: none"> - Queries why this land has been identified under the Priority Vegetation Area overlay, noting that nothing of significance was previously identified in a previous Forest Practices Report undertaken in the "1990's" (sic.) 		Property address	Certificate of Title	PID	1	44-48 Greenwood Lane, Tugrah	135299/3	2031396	2	372 Tugrah Road, Tugrah	116195/1	7126888	3	381 Tugrah Road, Tugrah	54117/9	7586235	4	405 Tugrah Road, Tugrah	54117/10 54117/11	72596	5	373 Tugrah Road, Tugrah	171535/1	3449225	6	59 Nielsens Road, Tugrah	132882/4	1972936	7	80 Nielsens Road, Tugrah	132882/5	1972944	8	78 Nielsens Road, Tugrah	132712/1	7740546	9	203 Wrenswood Drive, Quoiba	101377/1	7740554	10	349 Tugrah Road, Tugrah	174264/1	3549875	11	351 Tugrah Road, Tugrah	174264/2	3549867
	Property address	Certificate of Title	PID																																														
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<p>Planning Authority response</p>	<p>Rural Zone/Agriculture Zone</p> <p>(1) The State Planning Provisions include two standardised zones for the management of rural and agricultural areas – the Rural Zone and the Agriculture Zone.</p> <p>(2) The purpose of the Agricultural Zone is to primarily provide for agricultural use and production and other supporting uses. The Rural Zone is more focussed towards a broader range of non-urban land use which has very limited potential for agricultural use. The draft LPS applies the Rural Zone to land in non-urban areas with limited or no potential for agricultural use as a consequence of topographical, environmental, or other constraining characteristics of the area. Included with the Rural Zone assignments of the draft LPS are a number of the large "bush blocks" at the southern end of Tugrah Road which recognises these properties have limited potential for agricultural use.</p>																																																

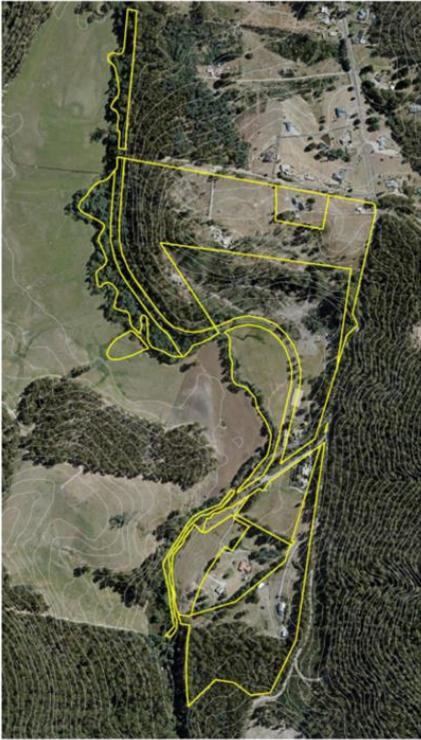
ATTACHMENT 1



	<p>Request for application of Rural Living Zone</p> <p>(3) As instructed by the State Planning Provisions, the Rural Living Zone includes the option of four "sub-zones" according to existing or desired lot size and character:</p> <ul style="list-style-type: none"> Rural Living Zone A (1ha) Rural Living Zone B (2ha) Rural Living Zone C (5ha) Rural Living Zone D (10ha) <p>The representation does not specify which of the Rural Living sub-zones is sought for this location.</p> <p>(4) The LPS Zone and Code Application Guideline is the principal point of instruction for the allocation of zones and codes made with the draft LPS. With regard to the assignment of land to the Rural Living Zone (that is not currently zoned Rural Living under the Interim Planning Scheme), the LPS Zone and Code Application Guideline provides the following specific instruction:</p> <p style="padding-left: 40px;">RLZ 2 <i>The Rural Living Zone should not be applied to land that is not currently within an interim planning scheme Rural Living Zone, unless:</i></p> <ul style="list-style-type: none"> <i>(a) consistent with the relevant regional land use strategy, or supported by more detailed local strategic analysis consistent with the relevant regional land use strategy and endorsed by the relevant council; or</i> <i>(b) the land is within the Environmental Living Zone in an interim planning scheme and the primary strategic intention is for residential use and development within a rural setting and a similar minimum allowable lot size is being applied, such as, applying the Rural Living Zone D where the minimum lot size is 10ha or greater.</i> <p>(5) The representation does not address how the above requirements of the instruction at RLZ 2 of the LPS Zone and Code Application Guideline can be satisfied.</p> <p>(6) There is no local strategic analysis (such as a residential settlement strategy) currently available to inform the application of the Rural Living Zone at this location, and the <i>Cradle Coast Regional Land Use Strategy 2010-2030</i> provides no definitive or specific guidance to support the application of the Rural Living Zone for this area. Consequently, the requirements of the LPS Zone and Code Application Guideline are not satisfied.</p> <p>(7) Council recognises the need to undertake some more contemporary localised strategic land use planning reviews (such as the preparation of a residential settlement strategy and the like) which is currently being pursued – but ultimately this will occur outside and separate to the draft LPS process.</p> <p>(8) In the current absence of any localised strategic planning (including a residential settlement strategy) it cannot be reconciled that the LPS criteria at section 34(2) of LUPAA are satisfied. More specifically there is no satisfaction of the Schedule 1 LUPAA objective relating to the fair, orderly, sustainable use and development of land.</p> <p>(9) The Rural Living Zone assignments proposed with the draft LPS describe areas where there is an established pattern of residential use and development (including well defined patterns of subdivision) that is readily identifiable as "rural-residential". This is not the circumstance occurring with the 11 properties nominated in the representation. Figure 2 below demonstrates the readily defined pattern of rural-residential subdivision which is located to the north and east of the land described in the representation.</p> <div style="display: flex; align-items: flex-start;">  <div style="margin-left: 10px;"> <p>Figure 2 – Detail showing adjacent land where there is an established pattern of residential use and development (including well defined patterns of subdivision) that is readily identifiable as "rural-residential". (Source: www.thelist.tas.gov.au)</p> </div> </div>
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	<p>(10) There is insufficient strategic merit in the representation that reasonably demonstrates the requested revision to apply the Rural Living Zone:</p> <p style="padding-left: 40px;">(a) is consistent with the instruction contained in the LPS Zone and Code Application Guideline; or</p> <p style="padding-left: 40px;">(b) achieves satisfaction of the LPS criteria at section 34(2) of LUPAA.</p> <p>(11) The matters raised in the representation do not reasonably demonstrate a modification to apply the Rural Living Zone to this land is appropriate or necessary. It follows that no recommendation is made to modify the draft LPS and apply the Rural Living Zone.</p> <p>(12) The proposed application of the Rural Zone to the sites identified as 6-11 in the representation (and shown in Figure 1 previously) is further detailed in Appendix N of the draft LPS Supporting Report (see site numbers 25, 27, 29, 30, 31, & 45). Appendix S of the Supporting Report also sets out the methodology for how the Rural Zone has been applied by the draft LPS.</p> <p>(13) The application of the Rural Zone to those sites listed as 6-11 in the representation and as exhibited with the draft LPS is appropriately consistent with the instruction contained in the LPS Zone and Code Application Guideline, the methodology for application of the Rural Zone detailed at Appendix S of the draft LPS Supporting Report, and appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA.</p> <p>Further application of the Rural Zone for the properties listed at 1-5 in the representation</p> <p>(14) Although there is insufficient strategic merit to justify the Rural Living Zone as requested by the representation, it is noted that the properties listed as 1-5 in the representation (and shown in Figure 1) which are currently assigned to the Agriculture Zone share some similar topographic and vegetation characteristics to the adjacent land (described by site numbers 6-11 in the representation) which is assigned to the Rural Zone.</p> <p>(15) Although there is no readily distinguishable or uniform pattern of subdivision associated with rural-residential use and development (that is more readily observable in the adjacent Rural Living Zone areas to the North and East) – there is dwelling development occurring on what can generally be described as large “bush blocks”.</p> <p>(16) The irregular shape, vegetation and topography characteristics of these properties can be seen in Figure 3 below which shows the subject sites identified in yellow outline and with Australian Height Data (AHD) contour information also shown. (Note the below image also includes adjacent land parcels in this area including 40 Greenwood Lane, 42 Greenwood Lane, and Crown Land parcels adjacent to the Don River).</p> <div style="display: flex; align-items: flex-start;">  <div style="font-size: small;"> <p>Figure 3 – Supporting aerial imagery (from February 2019) sourced from Council’s GIS system and showing AHD contour information at 5m increments. The properties shown in yellow outline include those identified as numbers 1-5 in Representation 13 (and shown in Figure 1 previously).</p> </div> </div>
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	(17) The irregular shape of these lots, and steep topography of the area contribute significant constraints to agricultural use occurring on this land. In these circumstances the application of the Rural Zone is considered appropriate and there is no existing agricultural use occurring at an intensity or scale (or apparent potential for such use) to otherwise warrant the application of the Agriculture Zone. The land that these sites occupy is not considered to be 'agricultural land' for the purposes of the definition provided at clause 3.1 of the State Planning Provisions.																																												
	(18) There is reasonable consideration that the properties shown in the below table could be considered for inclusion with the Rural Zone. The same logic that was applied to support the assignment of the adjacent land to the Rural Zone could similarly be applied to these sites and which would appropriately meet the methodology for the Rural Zone assignments set out under Appendix S of the draft LPS Supporting Report. That these sites were not previously assigned to the Rural Zone with the exhibited draft LPS - could be considered to be a mapping oversight. Whilst the properties detailed at numbers 3, 7, 8, 9 & 10 in the below table were not specifically listed in the representation, there is a reasonable and apparent logic that the Rural Zone should also be applied to these properties.																																												
	<table border="1"> <thead> <tr> <th></th> <th>Property address</th> <th>Certificate of Title Reference</th> <th>PID Number</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>44-48 Greenwood Lane, Tugrah</td> <td>135299/3</td> <td>2031396</td> </tr> <tr> <td>2</td> <td>372 Tugrah Road, Tugrah</td> <td>116195/1</td> <td>7126888</td> </tr> <tr> <td>3</td> <td>392 Tugrah Road, Tugrah</td> <td>235484/1</td> <td>7493485</td> </tr> <tr> <td>4</td> <td>381 Tugrah Road, Tugrah</td> <td>54117/9</td> <td>7586235</td> </tr> <tr> <td>5</td> <td>405 Tugrah Road, Tugrah</td> <td>54117/10, 54117/11</td> <td>72596</td> </tr> <tr> <td>6</td> <td>373 Tugrah Road, Tugrah</td> <td>171535/1</td> <td>3449225</td> </tr> <tr> <td>7</td> <td>40 Greenwood Lane, Tugrah</td> <td>235483/1, 235485/1, 249158/1</td> <td>7493469</td> </tr> <tr> <td>8</td> <td>42 Greenwood Lane, Tugrah</td> <td>135299/1</td> <td>2031388</td> </tr> <tr> <td>9</td> <td>Crown Land parcels adjoining the Don River watercourse not identified by property address</td> <td>27322/2, 30043/1</td> <td>Not specified</td> </tr> <tr> <td>10</td> <td>Other cadastral parcels at this specific location not identified by property address. CT reference or PID number, generally including parcels described as 'Road (type unknown)' and 'Onshore Water Body'.</td> <td>Not specified</td> <td>Not specified</td> </tr> </tbody> </table>		Property address	Certificate of Title Reference	PID Number	1	44-48 Greenwood Lane, Tugrah	135299/3	2031396	2	372 Tugrah Road, Tugrah	116195/1	7126888	3	392 Tugrah Road, Tugrah	235484/1	7493485	4	381 Tugrah Road, Tugrah	54117/9	7586235	5	405 Tugrah Road, Tugrah	54117/10, 54117/11	72596	6	373 Tugrah Road, Tugrah	171535/1	3449225	7	40 Greenwood Lane, Tugrah	235483/1, 235485/1, 249158/1	7493469	8	42 Greenwood Lane, Tugrah	135299/1	2031388	9	Crown Land parcels adjoining the Don River watercourse not identified by property address	27322/2, 30043/1	Not specified	10	Other cadastral parcels at this specific location not identified by property address. CT reference or PID number, generally including parcels described as 'Road (type unknown)' and 'Onshore Water Body'.	Not specified	Not specified
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(19) An additional Rural Zone assignment table (similar to that included with Appendix N of the draft LPS Supporting Report) has been prepared to support the proposed Rural Zone additions detailed above. This information is included as Attachment 1 – Part C .																																													
(20) Clause 3.4 of the LPS Zone and Code Application Guideline provides the instruction that the primary objective in applying a zone should be to achieve the zone purpose to the greatest extent possible. The below table details the zone purpose statements for the Rural Zone as prescribed by the State Planning Provisions.																																													
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(21) On consideration of the inherent characteristics of this land which has significant constraints for agricultural use – there is a reasonable conclusion that the application of the Rural Zone is a more appropriate zoning assignment than the Agriculture Zone. More specifically, there is satisfaction that the application of the Rural Zone to this land would achieve the zone purpose of the Rural Zone to the greatest extent possible.																																													
(22) A further observation is made that the western boundary of this land is framed by the course of the Don River. This watercourse provides a natural boundary which is also considered to be a logical point to demarcate the boundary between the Rural Zone and the Agriculture Zone at this location.																																													
(23) The application of the Rural Zone to the properties described above is deemed to be appropriately consistent with the purpose of the Rural Zone as contemplated by the																																													

ATTACHMENT 1



	<p>State Planning Provisions, the instruction contained within the LPS Zone and Code Application Guideline, the methodology for application of the Rural Zone detailed at Appendix S of the draft LPS Supporting Report, and appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA. Modification to the draft LPS is therefore recommended.</p> <p>Natural Assets Code – Priority Vegetation Area overlay</p> <p>(24) The representation queries the application of the Priority Vegetation Area overlay to the properties identified in the representation.</p> <p>(25) The Natural Assets Code of the State Planning Provides requires a "Priority Vegetation Area" (PVA) to be included with a Local Provisions Schedule by means of a mapped overlay. This overlay map will show where the standardised requirements of the Natural Assets Code of the State Planning Provisions (relating to priority vegetation) will be applied in the Devonport local government area.</p> <p>(26) The requirements for the preparation of the PVA overlay map are set out under clause LP1.7.5(c) of the State Planning Provisions, which includes instruction that the identification of the PVA overlay map must:</p> <ul style="list-style-type: none"> (a) include threatened native vegetation communities as identified on TASVEG Version 3 mapping, as published on the Department of Primary Industries, Parks, Water and the Environment's (DPIPWE) website and available on the Land Information System Tasmania (LIST) database; (b) be derived from threatened flora data from the Natural Values Atlas, as published on the DPIPWE's website and available on the Land Information System Tasmania; and (c) be derived from threatened fauna data from the Natural Values Atlas, as published on the DPIPWE's Environment's website for the identification of significant habitat for threatened fauna species. <p>(27) The above mapping parameters establish quite a broad and high level set of information sources. To assist with a more localised context for the PVA overlay, local councils across the State engaged the services of Natural Resource Management Pty Ltd to assist with the preparation of the priority vegetation area mapping.</p> <p>(28) As part of a standardised/consistent approach across the State, the mapping prepared by Natural Resource Management P/L has sought to identify "priority vegetation areas" in accordance with a "Regional Ecosystem Model". The Regional Ecosystem Model (REM) employs a complex layering of biodiversity values to define the importance of vegetation area. The methodology engaged by the REM can be generally summarised as follows:</p> <ul style="list-style-type: none"> (a) Integrates spatial data on the distribution of the major components of biodiversity, and the factors affecting them; (b) Models key biodiversity attributes that derive from multiple inputs; (c) Analyses the relationships among the components of biodiversity and the environment; and (d) Spatially identifies areas which have immediate or potential conservation concerns, and provides indicators of their relative importance, to inform approaches and priorities for management. (e) Further information on the Regional Ecosystem Model (REM) is included with the information provided at Appendix V of the Draft LPS Supporting Report. <p>(29) The Priority Vegetation Area (PVA) overlay map included with the Devonport draft LPS is based upon the mapping independently prepared and supplied by Natural Resource Management Pty Ltd. This incorporates the mandatory mapping criteria required by the State Planning Provisions (as described in paragraph 23 above), and also the standardised REM methodology devised by Natural Resource Management Pty Ltd which has been used across the State in the production of the PVA overlay mapping for each local council as part of preparing a draft Local Provisions Schedule.</p> <p>(30) There is satisfaction that the PVA overlay as currently shown is appropriately consistent with the requirements of the State Planning Provisions, the instruction contained within the Zone and Code Application Guideline, and appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA.</p> <p>(31) The representation does not demonstrate nor establish that the PVA overlay as currently shown:</p> <ul style="list-style-type: none"> (a) is inconsistent with a provision of the State Planning Provisions (specifically the requirements at clause C1.7.5(c)); (b) is inconsistent with the standardised REM methodology developed by Natural Resources Management P/L for the preparation of the PVA overlay (as detailed at Appendix V of the draft LPS Supporting Report);
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	<p>(c) is inconsistent with the instruction contained with the LPS Zone and Code Application Guideline; or</p> <p>(d) does not satisfy the LPS criteria at section 34(2) of LUPAA.</p> <p>(32) Following the rationale set out above, no recommendation is made to modify the draft LPS in response to this particular matter raised in the representation.</p> <p>Further application of the Natural Assets Code – Priority Vegetation Area overlay</p> <p>(33) Notwithstanding the conclusions presented in paragraphs 30-32 above, with the proposed further application of the Rural Zone to those properties detailed in paragraph 18 (where the proposed change is to remove these from the Agriculture Zone and instead apply the Rural Zone) there is a consequential need to reinstate the Priority Vegetation Area (PVA) overlay to these sites.</p> <p>(34) The PVA was previously removed in accordance with the requirement of clause C7.2.1(c) of the State Planning Provisions and also the instruction at NAC 13 of the LPS Zone and Code Application Guideline which holds that the PVA overlay must not apply to land in the Agriculture Zone. The Rural Zone is compatible with the PVA overlay and must be so applied.</p> <p>(35) The full mapping version of the PVA overlay (without modification to exclude non-compatible zones) is detailed with Appendix V of the draft LPS Supporting Report.</p> <p>(36) The proposed reinstatement of the PVA overlay to those properties identified to be included with the Rural Zone achieves an appropriate consistency with the requirements of the State Planning Provisions, the instruction contained within the Zone and Code Application Guideline, and by extension the LPS criteria prescribed under section 34(2) of LUPAA.</p>
<p>Recommended action</p>	<ol style="list-style-type: none"> 1. No modification recommended to the draft LPS to apply the Rural Living Zone as requested by the representation. 2. Modification recommended to the draft LPS to apply the Rural Zone to the following properties: <ol style="list-style-type: none"> (a) 44-48 Greenwood Lane, Tugrah (CT135299/3); (b) 372 Tugrah Road, Tugrah (CT116195/1); (c) 392 Tugrah Road, Tugrah (CT235484/1); (d) 381 Tugrah Road, Tugrah (CT54117/9); (e) 405 Tugrah Road, Tugrah (CT54117/10 and CT54117/11); (f) 373 Tugrah Road, Tugrah (CT171535/1); (g) 40 Greenwood Lane, Tugrah (CT235483/1, CT 235485/1 & CT249158/1); (h) 42 Greenwood Lane, Tugrah (CT135299/1); (i) Crown Land parcels described by CT27322/2 and CT30043/1; and (j) Other cadastral parcels at this specific location not identified by property address, CT reference or PID number, generally including parcels described as 'Road (type unknown)' and 'Onshore Water Body'. 3. Following the recommendation at (2) above, modification recommended to the draft LPS to reinstate the Natural Assets Code – Priority Vegetation Area overlay to the following properties: <ol style="list-style-type: none"> (a) 44-48 Greenwood Lane, Tugrah (CT135299/3); (b) 372 Tugrah Road, Tugrah (CT116195/1); (c) 392 Tugrah Road, Tugrah (CT235484/1); (d) 381 Tugrah Road, Tugrah (CT54117/9); (e) 405 Tugrah Road, Tugrah (CT54117/10 and CT54117/11); (f) 373 Tugrah Road, Tugrah (CT171535/1); (g) 40 Greenwood Lane, Tugrah (CT235483/1, CT 235485/1 & CT249158/1); (h) 42 Greenwood Lane, Tugrah (CT135299/1); (i) Crown Land parcels described by CT27322/2 and CT30043/1; and (j) Other cadastral parcels at this specific location not identified by property address, CT reference or PID number, generally including parcels described as 'Road (type unknown)' and 'Onshore Water Body'.
<p>Effect of recommendation on the draft LPS</p>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>

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Representation No.14	Mr Vishnu Prahalad										
Matter(s) raised in the representation (including property information details where applicable)	<p>The representation addresses the following matters:</p> <ul style="list-style-type: none"> • Natural Assets Code – Future Coastal Refugia Area overlay - Requests that the areas mapped as 'Special Consideration', 'Case by Case Consideration Zone' and 'Incompatible Zone' on the Future Coastal Refugia Guidance Map published on the Land Information System Tasmania (LIST) database are included in the Future Coastal Refugia Area overlay. - Specifically identifies the following two areas for inclusion with the FCRA overlay: <ul style="list-style-type: none"> i. Part of the land occupied by the Devonport Golf Club at 66 Woodrising Avenue, Spreyton – mapped as a 'Case by Case Consideration Zone' on the LIST Guidance Map; and ii. Area adjacent to the Don River south of the Bass Highway (see CT144123/26 and surrounds) - mapped as a 'Special Consideration Zone' on the LIST Guidance Map. 										
Planning Authority response	<p>Background</p> <p>(1) The Natural Assets Code of the State Planning Provisions requires a Future Coastal Refugia Area (FCRA) to be included with the draft LPS by means of a mapped overlay. This overlay map will show where the standardised requirements of the Natural Assets Code of the State Planning Provisions (relating to the protection of future coastal refugia areas) will be applied in the Devonport local government area. This aims to address outcomes of the <i>State Coastal Policy 1996</i>, namely ensuring the sustainability of major ecosystems and natural processes in coastal areas.</p> <p>(2) The terminology "future coastal refugia areas" relates to areas identified for the potential landward retreat of coastal habitats such as saltmarshes and tidal wetlands as a consequence of predicted sea level rise.</p> <p>(3) The FCRA overlay map included with the draft Devonport LPS has been derived from the "Future Coastal Refugia Area Guidance Map" (the Guidance Map) published on the LIST database. The Guidance Map categorises areas based on the zoning under current interim planning schemes and provides for the identification of "compatible zones", "special consideration zones", "case by case consideration zones" and "incompatible zones".</p> <p>(4) The FCRA Guidance Map was produced by the Derwent Estuary Program in conjunction with UTAS and aligns with the Department of Premier and Cabinet's (DPAC) predicted sea level rise data (which is presented in the Coastal Inundation Hazard Code) for the year 2100 to assist in predicting future coastal saltmarsh and tidal wetland areas.</p> <p>Future Coastal Refugia Area (FCRA) overlay map included with the draft LPS</p> <p>(5) The FCRA overlay map which forms part of the draft Devonport LPS includes some modifications where there is variation from the information shown on the LIST Guidance Map.</p> <p>(6) These modifications were made in accordance with the instruction contained in the LPS Zone and Code Application Guideline. The specific instruction relating to the preparation of the FCRA overlay is contained at NAC 4 – NAC 6 and which contemplates modifications so that the overlay is not applied where it would constrain existing or future use and development on the land for which it is zoned.</p> <p>(7) Further supporting rationale for these modifications are outlined in the draft LPS Supporting Report at Appendix U (section 2). The below table includes a reproduction of that information. Also included with the below table is detail showing the extent of the LIST Guidance Map for the FCRA at the two specific locations mentioned in the representation.</p> <table border="1" data-bbox="472 1576 1327 1912"> <thead> <tr> <th data-bbox="472 1576 683 1637">Zone category (as shown on the LIST Guidance Map)</th> <th data-bbox="689 1576 1072 1637">Comment</th> <th data-bbox="1078 1576 1327 1637">LPS Zone and Code Application reference Guideline</th> </tr> </thead> <tbody> <tr> <td data-bbox="472 1646 683 1809">Compatible zone</td> <td data-bbox="689 1646 1072 1809">The "compatible zone" mapping shown on the LIST Guidance Map forms the basis for the Future Coastal Refugia overlay map. The only modification made to the compatible zone mapping component is to exclude the overlay from applying to the land occupied by the Devonport Yacht Club.</td> <td data-bbox="1078 1646 1327 1809">Mapping applied in accordance with instruction NAC 4 (c) and NAC 6 (d).</td> </tr> <tr> <td data-bbox="472 1818 683 1912">Special consideration zone</td> <td data-bbox="689 1818 1072 1912">Not incorporated into the draft LPS Future Coastal Refugia overlay map. There is only a very limited instance of this mapping component in the municipal area. Council has no information and no further</td> <td data-bbox="1078 1818 1327 1912">Excluded from the draft LPS overlay map in accordance with instruction NAC 6 (b)(ii).</td> </tr> </tbody> </table>		Zone category (as shown on the LIST Guidance Map)	Comment	LPS Zone and Code Application reference Guideline	Compatible zone	The "compatible zone" mapping shown on the LIST Guidance Map forms the basis for the Future Coastal Refugia overlay map. The only modification made to the compatible zone mapping component is to exclude the overlay from applying to the land occupied by the Devonport Yacht Club.	Mapping applied in accordance with instruction NAC 4 (c) and NAC 6 (d).	Special consideration zone	Not incorporated into the draft LPS Future Coastal Refugia overlay map. There is only a very limited instance of this mapping component in the municipal area. Council has no information and no further	Excluded from the draft LPS overlay map in accordance with instruction NAC 6 (b)(ii).
Zone category (as shown on the LIST Guidance Map)	Comment	LPS Zone and Code Application reference Guideline									
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Special consideration zone	Not incorporated into the draft LPS Future Coastal Refugia overlay map. There is only a very limited instance of this mapping component in the municipal area. Council has no information and no further	Excluded from the draft LPS overlay map in accordance with instruction NAC 6 (b)(ii).									

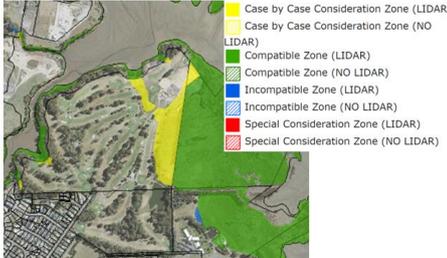
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		<p>work has been undertaken to verify this mapping. Furthermore, the relevant land to which the guidance mapping applies is identified for inclusion with the Rural Living Zone under the draft LPS. The application of this zoning is not considered compatible with the Future Coastal Refugia Area overlay and may significantly constrain future use and development on the land for which it is zoned. It is therefore excluded from the Future Coastal Refugia Area overlay map.</p>	
	<p>Case by case consideration zone</p>	<p>Not incorporated into the draft LPS Future Coastal Refugia overlay map.</p> <p>There is only limited instance of this mapping component in the municipal area. Council has no information and no further work has been undertaken to verify this mapping. The Guidance Map predominantly identifies these areas on land assigned to the Utilities Zone (such as around the Victoria Bridge or within the rail corridor adjacent to Formby Road) or the Recreation Zone where it is identified on parts of the land occupied by the Devonport Golf Club at Spreyton.</p> <p>Each of these instances is not considered compatible with the Future Coastal Refugia Area overlay and may significantly constrain the existing and future use and development on the land. It is therefore excluded from the Future Coastal Refugia Area overlay map.</p>	<p>Excluded from the draft LPS overlay map in accordance with instruction NAC 6 (c) (ii).</p>
	<p>Incompatible zone</p>	<p>The "incompatible zones" shown on the Guidance Map are based on zone allocations made with the current Interim Planning Scheme. The LPS Zone and Code Application Guideline identifies the following relevant incompatible zones:</p> <ul style="list-style-type: none"> - General Residential - Inner Residential - Low Density Residential - Village - Urban Mixed Use - Local Business - General Business - Central Business - Commercial - Light Industrial - General Industrial - Port and Marine <p>With regard to the zone allocations proposed with the draft LPS, the areas identified on the Guidance Map remain as "incompatible zones" and are therefore excluded from the Future Coastal Refugia Area overlay map.</p>	<p>Excluded from the draft LPS overlay map in accordance with instruction NAC 6 (a).</p>
Specific locations mentioned in the representation			
Location		Comment/justification	
<p>Area of Don River, south of the Bass Highway</p>  <p>(Source: www.thelist.tas.gov.au)</p>		<p>Not incorporated into the draft LPS Future Coastal Refugia overlay map.</p> <p>Council has no information and no further work has been undertaken to verify this mapping. The relevant land to which the guidance mapping applies is identified for inclusion with the Rural Living A Zone under the draft LPS. The application of this zoning is not considered compatible with the FCRA overlay and may significantly constrain future use and development on the land which is zoned for residential use. It is therefore excluded from the Future Coastal Refugia Area overlay map.</p>	

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	<p>Land occupied by the Devonport Golf Club (66 Woodrising Avenue, Spreyton)</p>  <p>(Source: www.thelist.tas.gov.au)</p>	<p>Reference to LPS Zone and Code Application Guideline</p> <p>The Rural Living A Zone is not one of those zones listed at NAC 6 (b) (i). Excluded from the draft LPS overlay map in accordance with instruction NAC 6 (b)(ii).</p> <p>Not incorporated into the draft LPS Future Coastal Refugia overlay map.</p> <p>Council has no information and no further work has been undertaken to verify this mapping.</p> <p>The relevant land to which the guidance mapping applies is on land occupied by the Devonport Golf Club and which is assigned to the Recreation Zone. This is not considered to be compatible with the FCRA overlay and may significantly constrain future use and development on the land which is zoned for recreation/sporting use. It is therefore excluded from the Future Coastal Refugia Area overlay map.</p> <p>Reference to LPS Zone and Code Application Guideline</p> <p>Excluded from the draft LPS overlay map in accordance with instruction NAC 6 (c) (ii).</p>
	<p>(8) Following the justification set out in the above table, the modifications to the FCRA Guidance Map published on the LIST have been made in accordance with the requirements set out under the LPS Zone and Code Application Guideline – specifically the instruction contained at NAC 6.</p> <p>(9) The FCRA overlay as currently shown is appropriately consistent with the requirements of the State Planning Provisions, the instruction contained within the Zone and Code Application Guideline, and appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA.</p> <p>(10) The matters raised in the representation do not establish nor demonstrate the FCRA overlay as currently shown:</p> <ul style="list-style-type: none"> (a) is inconsistent with a provision of the State Planning Provisions; (b) is inconsistent with the instruction contained with the LPS Zone and Code Application Guideline; or (c) does not satisfy the LPS criteria at section 34(2) of LUPAA. <p>(11) The matters raised in the representation do not reasonably demonstrate that a modification is necessary to the FCRA overlay. It follows that no recommendation is made to modify the draft LPS.</p>	
<p>Recommended action</p>	<p>No modification to the draft LPS.</p>	
<p>Effect of recommendation on the draft LPS</p>	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>	

<p>Representation No.15</p>	<p>Department of State Growth</p>	
<p>Matter(s) raised in the representation (including property information details where applicable)</p>	<p>The representation addresses the following matters:</p> <ul style="list-style-type: none"> • Appropriate zoning for land containing Private Timber Reserves <ul style="list-style-type: none"> - Raises queries in relation to the zoning proposed for properties at 2 Paloona Reservoir Road, Paloona (CT168203/1 and CT168208/1), 99 Braddons Lookout Road, Leith (CT206727/1 and CT124019/1) and 129 Braddons Lookout Road, Leith (CT38018/1) which include Private Timber Reserves (as declared under the <i>Tasmanian Forest Practices Act 1985</i>). - The representation suggests the Rural Zone may be more appropriate. - The draft LPS has applied the Agriculture Zone to the abovementioned properties. • Industrial land at Quoiba <ul style="list-style-type: none"> - Raises some queries with how the draft LPS has applied the Light Industrial Zone and the General Industrial Zone. 	

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<p>Planning Authority response</p>	<p>Appropriate zoning for land containing Private Timber Reserves</p> <p>(1) Private Timber Reserves (PTRs) are declared under the <i>Forest Practices Act 1985</i> and are used to register areas of privately owned land for the establishing, growing or harvesting of timber from a native or plantation forest. PTRs are operated in accordance with the Forest Practices Code and such other activities as the Forest Practices Authority considers to be compatible with establishing forest, or growing or harvesting timber. Once a PTR is declared and gazetted it remains with that relevant land title in perpetuity unless otherwise revoked by the current landowner or the Forest Practices Authority.</p> <p>(2) Section 11(3) of LUPAA provides a specific exemption in relation to PTRs which provides that nothing in a planning scheme (including the Tasmanian Planning Scheme) affects forestry operations conducted on land declared as a private timber reserve under the <i>Forestry Practices Act 1985</i>. This exemption applies irrespective of the zoning applied by the draft LPS – so the issue of zoning to specifically recognise a PTR is somewhat inconsequential.</p> <p>99 Braddons Lookout Road, Leith (CT206727/1 and CT124019/1) and 129 Braddons Lookout Road, Leith (CT38018/1)</p> <p>(3) Figure 1 below show the properties nominated in the representation. Also shown is the draft LPS zoning for these properties and the areas of Private Timber Reserve designations as detailed on the LIST map database.</p> <div data-bbox="478 828 1292 1265" style="text-align: center;"> </div> <p>Figure 1 – Location of sites 99 Braddons Lookout Road, Leith (CT206727/1 and CT124019/1) and 129 Braddons Lookout Road, Leith (CT38018/1) and also showing draft LPS zone assignments (Source: www.thelist.tas.gov.au and DCC Geocortex).</p> <p>(4) The properties identified above generally represent small isolated land areas declared as PTRs located within an area more broadly suited and utilised for agricultural use and where the prevailing land zone in the area as applied by the draft LPS is the Agriculture Zone.</p> <p>(5) Appendix S of the draft LPS Supporting Report includes the methodology for how the Rural Zone and the Agriculture Zone has been applied by the draft LPS. The methodology for the application of the Rural Zone includes the following consideration:</p> <p style="padding-left: 40px;"><i>“Land where there is a pattern (or cluster) of extractive industry or forestry operations (including mining leases and private timber reserves). Individual or isolated instances of such operations are not considered as specific justification for inclusion with the Rural Zone.”</i></p> <p>(6) The situation identified by the representation for the properties shown in Figure 1 above does not meet the above test. Instead it better conforms with the methodology contemplated for the application of the Agriculture Zone.</p> <p>(7) The representation also makes the following observation in respect of these properties:</p> <p style="padding-left: 40px;"><i>“In both cases the aerial imagery does not suggest a forestry use, and it is possible the PTRs could be revoked.”</i></p> <p>(8) The application of the Agriculture Zone as exhibited with the draft LPS is appropriately consistent with the instruction contained in the LPS Zone and Code Application, the methodology for application of the Agriculture Zone detailed at Appendix S of the draft LPS Supporting Report, and appropriately satisfies the LPS criteria prescribed under section 34(2) of LUPAA.</p>
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(9) Following the above logic there is no modification recommended to the draft LPS in response to the matters raised in the representation.

2 Palooa Reservoir Road, Palooa (CT168203/1 and CT168208/1)

(10) Figure 2 below show the properties nominated in the representation. Also shown is the draft LPS zoning for these properties and the areas of Private Timber Reserve designations as detailed on the LIST map database.



Figure 2 – Location of site 2 Palooa Reservoir Road, Palooa (CT168203/1 and CT168208/1) and also showing draft LPS zone assignments (Source: www.thelist.tas.gov.au and DCC Geocortex).

(11) As can be seen from the above aerial imagery, these properties contain a mix of vegetation and land that has been cleared for pastoral use. The PTR designation only occupies a small portion located to the north of each land title – whilst the majority of the site is used for pasture.

(12) There is no general alignment of the PTR with the cadastral boundaries of the site. A split zoning is not considered to be appropriate, noting the direction contained in Practice Note 7 – Draft LPS mapping: technical advice (as issued by the Tasmanian Planning Commission) which includes the instruction to “minimise the use of zone boundaries that do not align with cadastral parcels or road centrelines”.

(13) As indicated with the detail shown in Figure 2, the site forms part of a larger contiguous area of land more broadly suited and utilised for agricultural use and where the prevailing land zone in the area applied by the draft LPS is the Agriculture Zone. This situation appropriately conforms with the methodology contemplated for the application of the Agriculture Zone as described in Appendix S of the draft LPS supporting report.

(14) The application of the Agriculture Zone as exhibited with the draft LPS is appropriately consistent with the instruction contained in the LPS Zone and Code Application, the methodology for application of the Agriculture Zone detailed at Appendix S of the draft LPS Supporting Report, and appropriately satisfies the LPS criteria prescribed under section 34(2) of LUPAA.

(15) Following the above logic there is no modification recommended to the draft LPS in response to the matters raised in the representation.

Industrial land at Quoiba

(16) The proposed reassignments of land at Quoiba from the General Industrial Zone (of the Interim Planning Scheme) into the Light Industrial Zone under the draft LPS – are further detailed in Appendix L of the draft LPS Supporting Report (see site numbers 1-10 and 27-33).

(17) The comparison between the zoning assignments for the industrial land around this Quoiba under the current Interim Planning Scheme and that proposed by the draft LPS is shown in Figure 3 below.



Figure 3 – Comparison of zoning at Quoiba and surrounds. Current Interim Planning Scheme zoning is shown on the left and the zoning applied by the draft LPS is shown on the right. (Source: DCC Geocortex).

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	<p>(18) The prevailing nature of the existing use and development of this land is deemed to be more appropriately described by the application of the Light Industrial Zone rather than the retention of the General Industrial Zone.</p> <p>(19) The reassignment of the Light Industrial Zone appropriately reflects the established industrial land use patterns at this location – with the heavier industrial activities situated to the east of Devonport Road and which are proposed to be retained to a General Industrial zoning with the draft LPS.</p> <p>(20) Consideration of the existing and desired land use at this location is for off-site impacts that are minimal or can be appropriately managed to minimise conflict with, or unreasonable loss of amenity to other uses. This is consistent with the proposed application of the Light Industrial Zone. The application of the Light Industrial Zone to this area more appropriately meets the purpose of that zone, more so than the General Industrial Zone which contemplates greater off-site impacts. Allocation of the Light Industrial Zone to this land also better aligns with the instruction contained at GLZ 2 of the Zone and Code Application Guideline which generally prescribes that the General Industrial Zone should not directly adjoin land zoned for residential purposes.</p> <p>(21) As noted in the representation, the same industrial land use options prescribed for the General Industrial Zone in the State Planning Provisions are also available for the Light Industrial Zone – albeit there may be additional considerations which recognise matters relevant to managing the interface with adjacent land which is zoned for residential purposes. There is adjacent General Residential zoned land around the industrial area at Quoiba and there is some strategic logic that a planning scheme appropriately recognises and provides for this interface. The application of the Light Industrial as proposed with the draft LPS meets this purpose.</p> <p>(22) In line with the rationale set out above, these reassignments do not represent a loss of industrial land, but rather the allocation of a more appropriate zone to describe land where there is an existing pattern of light industrial type use and development and where there is the strategic intention to retain that pattern of light industrial land use – particularly to manage the interface with adjacent General Residential Zone land.</p> <p>(23) The application of the Light Industrial Zone in this area of Quoiba as currently shown is appropriately consistent with the instruction contained in the LPS Zone and Code Application Guideline, the purpose and function of the Light Industrial Zone as contemplated by the State Planning Provisions, and appropriately satisfies the LPS criteria under section 34(2) of LUPAA.</p> <p>(24) Following the above logic there is no modification recommended to the draft LPS in response to the matters raised in the representation.</p>
Recommended action	No modification to the draft LPS
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.16	TasFire
Matter(s) raised in the representation (including property information details where applicable)	<p>The representation addresses the following matters:</p> <ul style="list-style-type: none"> • Bushfire Prone Areas Code Overlay <ul style="list-style-type: none"> - Provides updated Bushfire-Prone Areas Code mapping with recent revisions to remove land that is no longer classified as bushfire prone. These are shown as Attachment 2. • DEV-S3.0 Devonport Reserved Residential Land Specific Area Plan (SAP) <ul style="list-style-type: none"> - Raises query in relation to this SAP and whether there should be an operational provision inserted to specifically reference the Bushfire-Prone Areas Code.
Planning Authority response	<p>Bushfire Prone-Areas Code overlay</p> <p>(1) Since Council first submitted its draft LPS to the Tasmanian Planning Commission in June 2019, there is now more recent TasFire mapping data available to inform the Bushfire-Prone Areas Code overlay. There is a readily apparent logic for the draft LPS overlay maps to have regard to the most up to date bushfire mapping information as prepared and endorsed by the Tasmania Fire Service.</p>

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	<p>(2) The revisions to the Bushfire-Prone Areas Code overlay detailed in the representation essentially relate to removing inconsistencies in the mapping to exclude properties from the overlay which TasFire no longer classify as being bushfire-prone for the purposes of the Bushfire-Prone Areas Code of the State Planning Provisions. These modifications include areas of recent residential subdivision development. It is important to note that the revisions proposed by the representation relate to removing properties from the overlay – it is not proposed to include any new areas in the overlay.</p> <p>(3) These modifications have the effect of removing an inconsistency between the draft LPS and the State Planning Provisions – because these properties no longer meet the definition of bushfire prone vegetation provided at clause C13.3.1 of the State Planning Provisions.</p> <p>(4) Consistent with instruction at BPAC 1 of the LPS Zone and Code Application Guideline, the revised Bushfire-Prone Areas Code overlays maps have been prepared and endorsed by the Tasmania Fire Service.</p> <p>(5) The representation establishes appropriate justification that reasonably demonstrates modifications should be made to the draft LPS to enable the Bushfire-Prone Areas Code overlay to be informed by the most up to date mapping information prepared and endorsed by the Tasmania Fire Service.</p> <p>(6) The revisions proposed by representation will remove an inconsistency between the draft LPS and the State Planning Provisions, are consistent with the requirements of the Bushfire Prone-Areas Code of the State Planning Provisions, consistent with the instruction contained in the LPS Zone and Code Application Guideline, and also provide for an appropriate satisfaction of the LPS criteria at section 34(2) of LUPAA.</p> <p>DEV-S3.0 Devonport Reserved Residential Land Specific Area Plan</p> <p>(7) The representation also raises a query relating to the abovementioned Specific Area Plan as contained in the draft Devonport LPS written document. This SAP is included with the draft LPS by means of Ministerial declaration under Schedule 6 of LUPAA.</p> <p>(8) The query raised by TasFire is whether the provision at DEV-S3.2.2 should also include an operational provision to reference the Bushfire-Prone Areas Code – and by extension of that logic also to the provision at DEV-S3.8.1.</p> <p>(9) Consideration has been given to this matter and whilst it could be considered a 'permitted alteration' of the purposes of Schedule 6, clause 8(c) of LUPAA, there is a satisfaction that the Bushfire-Prone Areas Code applies irrespective of whether such a provision is inserted or not.</p> <p>(10) Such operational provisions are used in other the Specific Area Plans and Particular Purpose Zone predominately where there is a direct overlap (or conflict) with another provision in a zone or code of the State Planning Provisions. That is not necessarily the case in this instance.</p> <p>(11) Following the above logic there is no modification recommended to the draft LPS in response to this particular matter raised in the representation.</p>
Recommended action	Recommend modification to the draft LPS to insert the revised Bushfire-Prone Areas Code overlay maps as supplied by the Tasmania Fire Service.
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

Representation No.17	TasRail
Matter(s) raised in the representation (including property information details where applicable)	The representation relates to the application of the Utilities Zone to recognise TasRail railway infrastructure. A number of revisions are requested to the draft LPS to address inconsistencies in the zone maps where the Utilities Zone should be applied to land that forms part of the State Rail network.

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The representation identifies seven specific instances where TasRail requests the application of the Utilities Zone to be applied. These are instances are further detailed as items A-G below.



Item A
 Area shaded in orange in the aerial image to the left located at Formby Road, Devonport (Certificate of Title reference 26023/5)
 Land is recognised by the LIST map database as forming part of the State Rail Network.
 As shown in the image to the right, the exhibited draft LPS has applied the Commercial Zone/Urban Mixed Use Zone to this land (the relevant land parcel is that demarcated by the black dot).



Item B
 Area shaded in orange in the aerial image to the left located off Finlaysons Way, Devonport (not described by certificate of title)
 Land is recognised by the LIST map database as forming part of the State Rail Network.
 As shown in the image to the right, the exhibited draft LPS has generally applied the Commercial Zone to this land (the relevant land parcel is that demarcated by the black dot).



Item C
 Area shaded in orange in the aerial image to the left located at 1 Devonport Road, Devonport (comprising Certificates of Title 230641/1, 78162/1, 203089/1, 203204/1, 33075/1, 33075/2 – and with a common PID number of 7506135).
 All of this land is recognised by the LIST map database as forming part of the State Rail Network.
 As shown in the image to the right, the exhibited draft LPS has generally applied the Port and Marine Zone to this land (the relevant land parcels are those demarcated by the black dots).



Item D
 There is a "gap" in the Utilities Zone where the TasRail rail bridge crosses the Don River.
 This rail bridge forms part of the 'Western Line' of the State Rail Network.

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	<div data-bbox="475 322 938 629"> </div> <div data-bbox="948 322 1302 472"> <p>Item E</p> <p>There is a "gap" in the Utilities Zone within the TasRail rail corridor. This is the rail crossing on the Coles Beach Link Road.</p> <p>This crossing forms part of the part of the 'Western Line' of the State Rail Network.</p> </div> <div data-bbox="475 658 746 1106"> </div> <div data-bbox="756 658 1023 1016"> <p>Item F</p> <p>Area shown in orange outline in the aerial image to the left.</p> <p>This land seems to be located within the property identified as 5 Formy Road, Devonport (Certificate of Title reference 141113/1).</p> <p>This land is not specifically recognised by the LIST map database as forming part of the State Rail Network – nor is it specifically described by a distinct cadastral parcel.</p> <p>As shown in the aerial image to the right, the exhibited draft LPS has generally applied the Port and Marine Zone to this land (the relevant land area is that generally demarcated by the black dot).</p> </div> <div data-bbox="1031 658 1321 1115"> </div> <div data-bbox="475 1137 746 1554"> </div> <div data-bbox="756 1137 1023 1496"> <p>Item G</p> <p>Area shown in orange outline in the aerial image to the left.</p> <p>This land seems to be located within the property identified as 5 Formy Road, Devonport (Certificate of Title reference 141113/1).</p> <p>This land is not specifically recognised by the LIST map database as forming part of the State Rail Network – nor is it specifically described by a distinct cadastral parcel.</p> <p>As shown in the aerial image to the right, the exhibited draft LPS has generally applied the Port and Marine Zone to this land (the relevant land area is that generally demarcated by the black dot).</p> </div> <div data-bbox="1031 1137 1321 1554"> </div>
<p>Planning Authority response</p>	<p>Application of the Utilities Zone to the State Rail Network</p> <ol style="list-style-type: none"> (1) It is accepted that land specifically identified as forming part of the State Rail Network should be assigned to the Utilities Zone by the draft LPS. That position is appropriately consistent with the requirements of the LPS Zone and Code Application Guideline and the purpose of the Utilities Zone as contemplated by the State Planning Provisions. (2) The draft LPS has sought to apply the Utilities Zone to land described by the State Rail Network and to this end has relied upon the cadastral information published on the LIST map database to inform the identification of such land. Any omission of such detail from the draft LPS is an unintended oversight and should be corrected. <p>Response to Items A, B and C</p> <ol style="list-style-type: none"> (3) The matters raised in items A, B & C above all relate to distinct cadastral land parcels that are specifically identified by the LIST map database as forming part of the State

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	<p>Rail Network. The draft LPS should be modified to include these sites within the Utilities Zone.</p> <p>(4) The representation establishes an appropriate justification that reasonably demonstrates modifications should be made to the draft LPS to apply the Utilities Zone to land identified as forming part of the State Rail Network. These revisions to apply the Utilities Zone are consistent with the instruction contained in the LPS Zone and Code Application Guideline, appropriately achieves the purpose of the Utilities Zone as contemplated by the State Planning Provisions, and also provides for an appropriate satisfaction of the LPS criteria at section 34(2) of LUPAA.</p> <p>Response to Items D and E</p> <p>(5) The matters raised in items D & E above relate to "gaps" in the Utilities Zone at two specific locations where the rail corridor includes a rail crossing at the Coles Beach Link Road and also the rail bridge where it passes over the Don River. These gaps are considered to be anomalous mapping inconsistencies. There is a readily apparent logic that the Western Line rail corridor extends through these locations and they form part of the State Rail Network.</p> <p>(6) Whilst these specific sections of the rail corridor are not identified by cadastral boundary, the Utilities Zone should be applied to "fill" these gaps and apply the Utilities Zone in generally the same alignment as that applied to the rail corridor on either side of the gap.</p> <p>(7) The representation establishes appropriate justification that reasonably demonstrates modifications should be made to the draft LPS to apply the Utilities Zone to land identified as forming part of the State Rail Network. These revisions to apply the Utilities Zone are consistent with the instruction contained in the LPS Zone and Code Application Guideline, appropriately achieve the purpose of the Utilities Zone as contemplated by the State Planning Provisions, and also provide for an appropriate satisfaction of the LPS criteria at section 34(2) of LUPAA.</p> <p>Response to Items F and G</p> <p>(8) Those matters raised in items F & G above warrant some further consideration. These areas are not specifically recognised by the LIST map database as forming part of the State Rail Network – nor are they specifically described by distinct cadastral parcels. Instead they are located within the property identified as 5 Formby Road, Devonport (Certificate of Title reference 141113/1) – which represents land owned by the Tasmanian Ports Corporation (TasPorts). This property is assigned to the Port and Marine Zone with the draft LPS. The representation requests the application of a split zoning to account for these instances.</p> <p>(9) With regard to the use of split zoning with a draft LPS, <i>Practice Note 7 – Draft LPS mapping: technical advice</i> (as issued by the Tasmanian Planning Commission) includes the instruction to "minimise the use of zone boundaries that do not align with cadastral parcels or road centrelines".</p> <p>(10) A further consideration here is that the rail assets identified by the representor are located upon land in separate ownership – being land owned by TasPorts. As there is no distinct cadastral parcel (nor land title) to identify the assets there could be inadvertent implications on the landowner as a result of applying the Utilities Zone.</p> <p>(11) In any event, the location of these rail assets within the Port and Marine Zone as currently shown by the draft LPS is not necessarily inconsistent with the purpose and function of that Zone – nor is this zoning deemed to unreasonably impede or conflict with TasRail's operation of these rail assets.</p> <p>(12) Following the above logic there is no modification recommended to the draft LPS in response to these particular matters in the representation described by items F and G above.</p> <p>Other</p> <p>(13) TasRail also raises the query as to "why Coles Beach Road (as a public road) is not zoned Utilities and covered by the Road and Railway Assets Code?"</p> <p>(14) The application of the Utilities Zone to roads in the Devonport local government area has been made in accordance with the instruction contained in the LPS Zone and Code Application Guideline. Following the instruction at UZ 1 and UZ 2 there is no requirement for Coles Beach to be assigned to the Utilities Zone.</p> <p>(15) The Road and Railway assets code will be applied in accordance with the State Planning Provisions. Clause C3.3.1 of the State Planning Provisions enables for a 'road or railway attenuation area' that can be applied without reference to an overlay and instead be applied via description (see the below extract from clause C3.3.1 of the State Planning Provisions: <i>Road or railway attenuation area means an area within 50m of the boundary of:</i></p>
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	<p>(a) a major road with a speed limit above 60km/h;</p> <p>(b) the rail network;</p> <p>(c) a future major road; or</p> <p>(d) a future railway.</p> <p>(16) On consideration of the above rationale, the representation does not raise any matters which necessitate a modification to the draft LPS on this particular issue.</p>
Recommended action	<p>Recommend modification to the draft LPS to:</p> <ol style="list-style-type: none"> Apply the Utilities Zone to land identified as forming part of the State Rail Network, being land described as: <ol style="list-style-type: none"> Certificates of Title: 26023/5, 230641/1, 78162/1, 203089/1, 203204/1, 33075/1, and 33075/2; and land not described by certificate of title that immediately adjoins the western boundary of the land described by Certificate of Title 249887/1; and Apply the Utilities Zone to the “gaps” where the ‘Western Line’ rail corridor makes the crossing at the rail bridge over the Don River and the road crossing at the Coles Beach Link road. The Utilities Zone should be applied in generally the same alignment as that applied to the rail corridor on either side of the gap
Effect of recommendation on the draft LPS	<p>There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>

Representation No.18	Devonport City Council
Matter(s) raised in the representation (including property information details where applicable)	<p>The representation requests modification to remove that part of the Natural Assets Code - Waterway and Coastal Protection Area overlay where it overlaps the Devonport Tennis Club facilities at 18-32 North Street, Devonport (part of Certificate of Title 156211/1). The extent of the Waterway and Coastal Protection Area as at this location included with the exhibited draft LPS is shown in Figure 1 below.</p>  <p>Figure 1: Extent of the draft LPS Waterway and Coastal Protection Area overlay at the Devonport Tennis Club facilities at 18-32 North Street, Devonport (Source: www.thelist.tas.gov.au)</p> <p>The reasons submitted by the representation are:</p> <ul style="list-style-type: none"> - The area occupied by the Devonport Tennis Club facilities at 18-32 North Street, Devonport represents land that has been heavily modified from its natural state. The tennis club facilities represent well established development at this location. - The Waterway and Coastal Protection Area overlay is not considered compatible with this circumstance and the application of the overlay may unreasonably impact/constrain the existing use and development of the tennis club site. - Consistent with the instruction contained at NAC 3(d) of the LPS Zone and Code Application Guideline, the WCPA should be removed from where it overlaps the tennis club facilities.
Planning Authority response	<p>(1) The Natural Assets Code of the State Planning Provides requires a Waterway and Coastal Protection Area (WCPA) to be included with the draft LPS by means of a mapped overlay. This overlay map will show where the standardised requirements of</p>

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	<p>the Natural Assets Code of the State Planning Provisions (relating to waterway and coastal protection) will be applied in the Devonport local government area.</p> <p>(2) The WCPA overlay map included with the draft Devonport LPS has been derived from the "Waterway and Coastal Protection Area Guidance Map" (the Guidance Map) published on the Land Information System Tasmania (LIST) database. This Guidance Map was generated by the Derwent Estuary Program in conjunction with UTAS as an extension to the work that was completed to apply the WCPA overlay for the equivalent code in the current interim planning schemes of local councils in the Southern Region of the State.</p> <p>(3) The Guidance Map published on the LIST map database attempts to identify:</p> <ul style="list-style-type: none"> (a) wetlands and saltmarshes based on the Department of Primary Industries, Parks, Water and Environment (DPIPWE) Conservation of Freshwater Ecosystem Values (CFEV) Program mapping, TASVEG 3.0, and additional areas identified by UTAS; and (b) the applicable buffer areas from tidal coastlines, water bodies (e.g. lakes and artificial storage areas, excluding farm dams) and waterways based on CFEV catchment mapping and other relevant data obtained from the LIST database. <p>(4) The WCPA overlay map which forms of the draft LPS includes some modifications where there is variation from the information shown on the LIST Guidance Map.</p> <p>(5) These modifications were made in accordance with the instruction contained within the State Planning Provisions and also Guideline No.1 – Local Provisions Schedule (LPS): zone and code application (the LPS Zone and Code Application Guideline) which was issued by the Tasmanian Planning Commission pursuant to section 8A of LUPAA. The LPS Zone and Code Application Guideline is the principal point of instruction for the zone and code applications included with the draft Devonport LPS.</p> <p>(6) In particular instruction NAC 3(d) of Guideline No.1 contemplates modifications to the areas shown on the LIST Guidance Map to remove areas of existing development. Further supporting rationale for these modifications are outlined in the draft LPS Supporting Report at Appendix U.</p> <p>(7) The area occupied by the Devonport Tennis Club facilities at 18-32 North Street, Devonport represents land that has been heavily modified from its natural state. The WCPA overlay is not considered compatible with this circumstance and the application of the overlay may unreasonably impact/constrain the existing use and development of the tennis club site. On these terms, and consistent with the instruction contained at NAC 3(d) of the LPS Zone and Code Application Guideline, the WCPA should be removed from where it overlaps the tennis club facilities.</p> <p>(8) The suggested modification is that the WCPA overlay should be concluded at the edge of the tennis club facilities which are readily evident from the aerial imagery and which correlate to the existing fence line around the site. The red outline detailed in Figure 2 below shows the proposed revised boundary for the WCPA overlay around the tennis club area.</p> <div data-bbox="517 1326 1321 1659" data-label="Image"> </div> <p>Figure 2: Proposed revised boundary for the WCPA overlay around the Devonport Tennis Club facilities at 18-32 North Street, Devonport (Source: www.thelist.tas.gov.au)</p> <p>(9) The modification to the WCPA overlay described above is deemed to be of a relatively minor nature and which is essentially to correct what is perceived to be an anomalous mapping inconsistency. This modification was originally proposed with the draft LPS endorsed by Council and submitted to the Commission in June 2019 under section 35(1) of LUPAA.</p> <p>(10) The representation establishes an reasonable justification for a modification to the WCPA overlay and that modification is appropriately consistent with the requirements of the State Planning Provisions, is consistent with the modifications contemplated by</p>
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	<p>the LPS Zone and Code Application Guideline for the preparation of the WCPA overlay map (specifically instruction NAC 3(d)), and can appropriately satisfy the LPS criteria prescribed under 34(2) of LUPAA.</p> <p>(11) Following the above logic, a modification to the draft LPS is recommended to revise the application of the Waterway and Coastal Protection Area overlay to remove that part of the overlay where it overlaps the Devonport Tennis Club facilities at 18-32 North Street, Devonport (CT156211/1) – as further described in paragraph 8 above.</p>
Recommended action	Recommend modification to the draft LPS to modify the Natural Assets Code – Waterway and Coastal Protection Area overlay to remove that part of the overlay where it overlaps the Devonport Tennis Club facilities at 18-32 North Street, Devonport (CT156211/1)
Effect of recommendation on the draft LPS	There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.

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PART B – DRAFT LPS: SUMMARY OF RECOMMENDED MODIFICATIONS

Following assessment of the representations received during the exhibition period (as detailed in Part A), and in accordance with sections 35F(2)(c) and 35F2(e) of LUPAA, the following table sets out the Planning Authority's recommendations for modifications to the draft LPS. The below details should be read in conjunction with the information provided in *Part A – Draft LPS: Summary of Representations and Planning Authority Response*.

Item No.	Matter for modification	Further Particulars	Reasons
1	Utilities Zone	<p>Modification to apply the Utilities Zone to the TasNetworks 'Kelcey Tier Communication Site' at 42A Wrenswood Drive, Quoiba (CT162986/1));</p> <p>Modification to apply the Utilities Zone to land identified as forming part of the State Rail Network, being land described as:</p> <p>(a) Certificates of Title: 26023/5, 230641/1, 78162/1, 203089/1, 203204/1, 33075/1, and 33075/2; and</p> <p>(b) land not described by certificate of title that immediately adjoins the western boundary of the land described by Certificate of Title 249887/1; and</p> <p>Modification to apply the Utilities Zone to the "gaps" where the 'Western Line' rail corridor makes the crossing at the rail bridge over the Don River and the road crossing at the Coles Beach Link road. The Utilities Zone should be applied in generally the same alignment as that applied to the rail corridor on either side of the gap.</p>	<p>A. Modifications allow for the Utilities Zone to be appropriately applied to land containing major electricity network infrastructure, and land comprising part of the State Rail Network.</p> <p>B. Application of the Utilities Zone is appropriately consistent with the instruction contained in the LPS Zone and Code Application Guideline and is consistent with the purpose of the Utilities Zone as contemplated by the State Planning Provisions.</p> <p>C. Modifications provide for an appropriate satisfaction of the LPS criteria at section 34(2) of LUPAA.</p> <p>D. Proposed modifications are essentially to correct mapping inconsistencies and have the effect of enabling a better consistency between the draft LPS and the State Planning Provisions. These are therefore not considered to be substantial modifications for the purposes of section 35K of LUPAA, and can be considered as the types of modifications contemplated by section 40I of LUPAA.</p> <p>E. There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>
2	Rural Zone	<p>Modification to apply the Rural Zone to the following properties:</p> <p>(a) 44-48 Greenwood Lane, Tugrah (CT135299/3);</p> <p>(b) 372 Tugrah Road, Tugrah (CT116195/1);</p> <p>(c) 392 Tugrah Road, Tugrah (CT235484/1);</p> <p>(d) 381 Tugrah Road, Tugrah (CT54117/9);</p> <p>(e) 405 Tugrah Road, Tugrah (CT54117/10 and CT54117/11);</p> <p>(f) 373 Tugrah Road, Tugrah (CT171535/1);</p> <p>(g) 40 Greenwood Lane, Tugrah (CT235483/1, CT235485/1 & CT249158/1);</p>	<p>A. The irregular shape of these lots, and steep topography of the area contribute significant constraints to agricultural use occurring on this land. In these circumstances the application of the Rural Zone is considered appropriate and there is no existing agricultural use occurring at an intensity or scale (or apparent potential for such use) to otherwise warrant the application of the Agriculture Zone.</p> <p>B. That these sites were not previously assigned to the Rural Zone with the exhibited draft LPS - could be considered to be a mapping oversight.</p> <p>C. An additional Rural Zone assignment table (similar to that included with Appendix N of the draft LPS Supporting Report) has been prepared to support the proposed Rural Zone additions detailed above. This information is included as Attachment 1 – Part C.</p> <p>D. Modification to apply the Rural Zone:</p> <p>i. Is appropriately consistent with the purpose of the Rural Zone as contemplated by the State Planning Provisions;</p>

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Item No.	Matter for modification	Further Particulars	Reasons
		<p>(h) 42 Greenwood Lane, Tugrah (CT135299/1);</p> <p>(i) Crown Land parcels described by CT27322/2 and CT30043/1; and</p> <p>(j) Other cadastral parcels at this specific location not identified by property address, CT reference or PID number, generally including parcels described as 'Road (type unknown)' and 'Onshore Water Body'.</p>	<p>ii. Is appropriately consistent with the instruction contained within the LPS Zone and Code Application Guideline for the application of the Rural Zone;</p> <p>iii. is consistent with the methodology for application of the Rural Zone detailed at Appendix S of the draft LPS Supporting Report, and</p> <p>iv. appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA.</p> <p>E. Modifications are not considered to be substantial modifications for the purposes of section 35K of LUPAA. In support of this position the following observations are made:</p> <p>i. There is only a relatively small number of properties involved in the modification;</p> <p>ii. The policy positions established by the State Planning Provisions for the Agriculture Zone and the Rural Zone share some elements of commonality which provide for the management of rural and agricultural areas. On these terms the modification to apply the Rural Zone instead of the Agriculture Zone is not considered to represent a significant change in the policy contemplated by the State Planning Provisions;</p> <p>iii. There is also a reasonable consideration that the modification to apply the Rural Zone removes an inconsistency between the draft LPS and the State Planning Provisions because this land is not appropriate for inclusion with the Agriculture Zone - instead it is better described by the Rural Zone and better reflects the purpose of the Rural Zone. That these sites were not previously assigned to the Rural Zone with the exhibited draft LPS - could be considered to be a mapping oversight; and</p> <p>iv. The range of land use options (described by the respective Use Tables of the Agriculture Zone and the Rural Zone under the State Planning Provisions) are generally available across each of these zones - so there is no loss of land use opportunities resulting from the proposed modification.</p> <p>F. Following the logic set out in (E) above, it is not considered that the modification to apply the Rural Zone to these sites is a "significant modification" to the extent that the public interest is unreasonably prejudiced.</p> <p>G. There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>
3	Electricity Transmission Infrastructure Protection Code overlay	Modification to correct a minor mapping discrepancy identified by TasNetworks in relation to the Electricity Transmission Infrastructure Protection Code overlay applied by the draft LPS (specifically where it is applied to the TasNetworks Substation at 78-80 Stony Rise Road, Miandetta (CT132779/1).	<p>A. Modification is required so that the Electricity Transmission Infrastructure Protection Code overlay is applied consistent with the mapping information prepared by TasNetworks and published on the LIST map database.</p> <p>B. Modification achieves consistency with the requirements of the State Planning Provisions (specifically clause LP1.7.3) and also the instruction contained within the LPS Zone and Code Application Guideline.</p>

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Item No.	Matter for modification	Further Particulars	Reasons
			<p>C. Modification appropriately satisfies the LPS criteria at section 34(2) of LUPAA.</p> <p>D. Proposed modification is essentially to correct a minor mapping inconsistency. This is not considered to be a substantial modification for the purposes of section 35K of LUPAA, and can be considered as the type of modification contemplated by section 40I of LUPAA.</p> <p>E. There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>
4	Natural Assets Code – Waterway and Coastal Protection Area (WCPA) overlay	Modification to correct mapping inconsistency for the Natural Assets Code – Waterway and Coastal Protection Area overlay to remove that part of the overlay where it overlaps the Devonport Tennis Club facilities at 18-32 North Street, Devonport (part of CT156211/1).	<p>A. Modification to the WCPA overlay is of a relatively minor nature and is essentially to correct an anomalous mapping inconsistency. This modification was originally proposed with the draft LPS endorsed by Council and submitted to the Commission in June 2019 under section 35(1) of LUPAA.</p> <p>B. Modification is appropriately consistent with the LPS Zone and Code Application Guideline for the preparation of the WCPA overlay map (specifically instruction NAC 3(d)).</p> <p>C. Modification appropriately satisfies the LPS criteria at section 34(2) of LUPAA.</p> <p>D. Proposed modification is essentially to correct an anomalous mapping inconsistency. This is not considered to be a substantial modification for the purposes of section 35K of LUPAA, and can be considered as the type of modification contemplated by section 40I of LUPAA.</p> <p>E. There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>
5	Natural Assets Code – Priority Vegetation Area (PVA) overlay	<p>Following the recommendation at Item No. 2 in this Table, consequential modification to reinstate the Natural Assets Code – Priority Vegetation Area overlay to the following properties is required:</p> <p>(a) 44-48 Greenwood Lane, Tugrah (CT135299/3);</p> <p>(b) 372 Tugrah Road, Tugrah (CT116195/1);</p> <p>(c) 392 Tugrah Road, Tugrah (CT235484/1);</p> <p>(d) 381 Tugrah Road, Tugrah (CT54117/9);</p> <p>(e) 405 Tugrah Road, Tugrah (CT54117/10 and CT54117/11);</p> <p>(f) 373 Tugrah Road, Tugrah (CT171535/1);</p> <p>(g) 40 Greenwood Lane, Tugrah (CT235483/1, CT 235485/1 & CT249158/1);</p> <p>(h) 42 Greenwood Lane, Tugrah (CT135299/1);</p>	<p>A. The PVA was previously removed in accordance with the requirement of clause C7.2.1(c) of the State Planning Provisions and also the instruction at NAC 13 of the LPS Zone and Code Application Guideline which holds that the PVA overlay must not apply to land in the Agriculture Zone. The Rural Zone is compatible with the PVA overlay and must be so applied.</p> <p>B. The proposed reinstatement of the PVA overlay to those properties identified to be included with the Rural Zone (described at Item 2 of this Table) achieves:</p> <ol style="list-style-type: none"> consistency with the requirements of the State Planning Provisions (specifically the requirements at clause LP1.7.5(c) and clause C7.2.1(c)); consistency with the instruction contained within the LPS Zone and Code Application Guideline; consistency with the standardised Regional Ecosystem Model (REM) methodology developed by Natural Resources Management P/L for the preparation of the PVA overlay (as detailed at Appendix V of the draft LPS Supporting Report); and appropriate satisfaction of the LPS criteria at section 34(2) of LUPAA. <p>C. Modifications are not considered to be substantial modifications for the purposes of section 35K of</p>

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Item No.	Matter for modification	Further Particulars	Reasons
		<p>(i) Crown Land parcels described by CT27322/2 and CT30043/1; and</p> <p>(ii) Other cadastral parcels at this specific location not identified by property address, CT reference or PID number, generally including parcels described as 'Road (type unknown)' and 'Onshore Water Body'.</p>	<p>LUPAA. In support of this position the following observations are made:</p> <ul style="list-style-type: none"> i. There is only a relatively small number of properties involved in the modification; ii. These properties were originally mapped with the PVA overlay prepared in accordance with the requirements of the State Planning Provisions (specifically the requirements at clause LP1.7.5(c) and clause C7.2.1(c) and utilising the standardised REM methodology developed by Natural Resources Management P/L for the preparation of the PVA overlay (as detailed at Appendix V of the draft LPS Supporting Report); iii. The reinstatement of the PVA is a direct consequence of the modification to apply the Rural Zone to these properties. On this basis it achieves consistency between the draft LPS and the State Planning Provisions because the PVA overlay must be applied to the Rural Zone; iv. The PVA was previously removed in accordance with the requirement of clause C7.2.1(c) of the State Planning Provisions and also the instruction at NAC 13 of the LPS Zone and Code Application Guideline which holds that the PVA overlay must not apply to land in the Agriculture Zone; v. The full mapping version of the PVA overlay (without modification to exclude non-compatible zones) was made available for public exhibition with Appendix V of the draft LPS Supporting Report; vi. The provisions of the Natural Assets Code of the State Planning Provisions relating to development within a priority vegetation area are of a relatively specific nature – being applicable to the clearance of vegetation and also subdivision; and vii. The effect of these provisions (when also considered in conjunction with the underlying Rural Zone provisions) – means that the modification to reinstate the PVA overlay would only apply to a relatively limited range of developments contemplated by the planning scheme. <p>D. Following the logic set out in (C) above, it is not considered that the modification to reinstate the Priority Vegetation Area overlay to these sites is a "significant modification" to the extent that the public interest is unreasonably prejudiced.</p> <p>E. There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>
6	Bushfire-Prone Areas Code overlay	Recommend modification to the draft LPS to Insert the revised Bushfire-Prone Areas Code overlay maps as supplied by the Tasmania Fire Service.	<p>A. Modification enables the Bushfire-Prone Areas Code overlay to be informed by the most up to date mapping information prepared and endorsed by the Tasmania Fire Service.</p> <p>B. The revised Bushfire-Prone Areas Code overlay mapping supplied by TasFire relates to removing inconsistencies in the mapping to exclude properties from the overlay which TasFire no longer classify as</p>

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Item No.	Matter for modification	Further Particulars	Reasons
			<p>being bushfire-prone for the purposes of the Bushfire-Prone Areas Code of the State Planning Provisions.</p> <p>C. Modifications have the effect of removing an inconsistency between the draft LPS and the State Planning Provisions – because these properties no longer meet the definition of bushfire prone vegetation provided at clause C13.3.1 of the State Planning Provisions.</p> <p>D. Consistent with instruction at BPAC 1 of the LPS Zone and Code Application Guideline, the revised Bushfire-Prone Areas Code overlays maps included have been prepared and endorsed by the Tasmania Fire Service.</p> <p>E. Modifications appropriately satisfy the LPS criteria at section 34(2) of LUPAA.</p> <p>F. Modifications are not considered to be substantial modifications for the purposes of section 35K of LUPAA. In support of this position the following observations are made:</p> <ul style="list-style-type: none"> i. The modifications relate to removing properties from the overlay – it is not proposed to include any new areas in the overlay; ii. These modifications have been prepared and endorsed by the Tasmania Fire Service as the appropriate authority on the content of the Bushfire-Prone Areas Code overlay mapping; iii. Modifications remove an inconsistency between the draft LPS and the State Planning Provisions – because these properties no longer meet the definition of bushfire prone vegetation provided at clause C13.3.1 of the State Planning Provisions; and iv. The Bushfire-Prone Areas Code has a specific application under the State Planning Provisions (SPPs). In accordance with clause C13.2.1 this Code applies to subdivision development within a bushfire prone area, and also vulnerable use or hazardous use within a bushfire prone area. In these terms it applies to a specific and relatively limited range of use and development contemplated by the planning scheme. <p>G. Following the logic set out in (F) above, it is not considered that the modification to remove properties from the overlay (and therefore not to be subject to application of the Bushfire Prone Areas Code) is a “significant modification” to the extent that the public interest is prejudiced. Instead, and noting the specific effect of removing an inconsistency between the draft LPS and the State Planning Provisions (as detailed in F (iii) above), it is reasonable that this matter can be considered as the type of modification contemplated by section 40I of LUPAA.</p> <p>H. There is no effect on the draft LPS as a whole resulting from implementing the recommendation. Satisfaction of the LPS criteria at section 34(2) of LUPAA is maintained.</p>



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PART C – SUPPORTING INFORMATION FOR ADDITIONAL RURAL ZONE ASSIGNMENTS (POST EXHIBITION)

Assignment of land to the Rural Zone

NOTES	ABBREVIATIONS	
<p>1. The inclusion of the Rural Zone with the State Planning Provisions (SPPs) is the result of a recalibration of the existing standard Rural Resource Zone and Significant Agriculture Zone included with interim planning schemes around the State. Further information on the recalibration of the Rural Zone and Agricultural Zone made with the SPPs is included with Appendix S.</p> <p>2. The spatial application of the Rural Zone with the draft LPS does not propose any reassignments per se because land proposed for inclusion in this Zone is already zoned Rural Resource under the current Interim Planning Scheme (DIPS) which has some general zoning equivalence.</p> <p>3. The primary source of instruction for zone allocation is the LPS Zone and Code Application Guideline.</p> <p>4. The Rural Zone made with the SPPs is more focused towards non-urban land use which is otherwise compromised or significantly constrained for agricultural use (with the exception of plantation forestry). The Rural Zone does not preclude agricultural use, however such use would be considered to be occurring at a lesser intensity than on land included with the Agriculture Zone (again with the exception of plantation forestry). The Agricultural Zone includes some limitations on prime agricultural land being used for plantation forestry which is consistent with the principles contemplated by the <i>State Policy on the Protection of Agricultural Land 2009</i>.</p> <p>5. In accordance with the further instruction contained in the LPS Zone and Code Application Guideline, the draft LPS applies the Rural Zone to land in non-urban areas with limited or no potential for agriculture as a consequence of topographical, environmental or other characteristics of the area.</p> <p>6. The instruction contained at RZ 2 of the LPS Zone and Code Application Guideline provides that the Rural Zone should only be applied after considering whether the land is suitable for the Agriculture Zone in accordance with the "<i>Land Potentially Suitable for Agriculture Zone</i>" map layer as published on the Land Information System Tasmania (the LIST) database. Further information on this LIST guidance mapping is included with Appendix S.</p> <p>7. The further methodology engaged by the draft LPS for the application of the Rural Zone considers the following cumulative criteria:</p> <p>(a) Land that is zoned Rural Resource under the existing Interim Planning Scheme;</p> <p>(b) Land that is excluded from the "<i>land potentially suitable for Agriculture Zone</i>" guidance mapping published on the Land Information System Tasmania (LIST) database and is not otherwise considered suitable for inclusion with the Agriculture Zone, having regard to:</p> <ol style="list-style-type: none"> the methodology set out for the application of the Agriculture Zone as prepared for the draft LPS; the existing use and development and the land size of the site; whether the land is significantly constrained for agricultural use due to topographical, environmental or other constraining factors (such as proximity to residential use and development including land zoned for such purposes); and the extent of the land involved and how that land sits relative to the surrounding zoning (including the prevailing zoning in that location); <p>(c) Land that is shown within the "<i>land potentially suitable for Agriculture Zone</i>" guidance mapping published on the LIST database and having regard to:</p> <ol style="list-style-type: none"> whether that land is significantly constrained for agricultural use due to topographical, environmental or other constraining factors (such as proximity to residential use and development including land zoned for such purposes); existing use and development of such land and whether this forms part of a pattern/sequence of similar use and development on adjacent sites in that location (including the suitability of such use and development to be described by the application of the Rural Zone); and the extent of the land involved and how that land sits relative to the surrounding zoning (including the prevailing zoning in that location); <p>(d) Land where there is a pattern (or cluster) of extractive industry or forestry operations (including mining leases and private timber reserves). Individual or isolated instances of such operations are not considered as specific justification for inclusion with the Rural Zone; and</p> <p>(e) Land that is not otherwise proposed for reassignment to an alternative zone under the draft LPS (i.e. to the Rural Living Zone, Agriculture Zone, or the Utilities Zone).</p> <p>8. Aerial imagery has been included only for those sites where further visual information assists with constructing the justification for zoning assignments.</p> <p>Cradle Coast Regional Land Use Strategy 2010 - 2030 (the Regional Strategy)</p> <p>A. Consideration of the proposed Rural Zone reassignments against the relevant policy matters of the <i>Cradle Coast Regional Land Use Strategy 2010-2030</i> is provided at the conclusion of the below table.</p>	<p>"1984 Planning Scheme"</p>	<p>means the <i>Devonport & Environs Planning Scheme 1984</i>. The planning scheme that existed before the commencement of the DIPS in October 2013.</p>
	<p>"DIPS"</p>	<p>means the <i>Devonport Interim Planning Scheme 2013</i></p>
	<p>"LPS"</p>	<p>means Local Provisions Schedule</p>
	<p>"LUPAA"</p>	<p>means the <i>Land Use Planning and Approvals Act 1993</i></p>
	<p>"LPS Zone and Code Application Guideline"</p>	<p>means <i>Guideline No.1 – Local Provisions Schedule (LPS): zone and code application (June 2018)</i> as issued by the Tasmanian Planning Commission under section 8A of LUPAA (attached as Appendix E in the draft LPS Supporting Report).</p>
<p>LIST Layer Analysis (land potentially suitable for Agriculture Zone)</p>	<p>means the "<i>land potentially suitable for Agriculture Zone</i>" guidance map layer published on the Land Information System Tasmania (LIST) database. This guidance mapping has been prepared as part of the State Government's Agricultural Land Mapping Project. Further information on this is included with Appendix S in the draft LPS Supporting Report.</p>	



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Site No.	Certificate of Title Reference	Council Property Identification (PID) No.	Property address	Locality	Existing use and development	Zoning pre-DIPS (1984 Planning Scheme)	Existing zoning (DIPS)	Proposed zoning (LPS)	LIST Analysis (land potentially suitable for Agriculture Zone)	Layer for	Comments	Assessment against LPS Zone and Code Application Guideline	Recommendation
SECTION I - EXISTING RURAL RESOURCE ZONE LAND THAT IS EXCLUDED FROM THE "LAND POTENTIALLY SUITABLE FOR AGRICULTURE ZONE" ANALYSIS LAYER SHOWN ON THE LIST MAP DATABASE AND NOT OTHERWISE CONSIDERED APPROPRIATE FOR INCLUSION WITH THE AGRICULTURE ZONE													
1.	235483/1 249158/1 235485/1	7493469	40 Greenwood Lane	Tugrah	Undeveloped land that is characterized by thin, irregular shaped land parcels around the Don River watercourse and generally comprising well established vegetation.	Rural	Rural Resource	Rural	Excluded from analysis.		Commentary on site numbers 1-3 is considered collectively as below. In support of this commentary, an aerial image is provided at Section III of this Table detailing these sites with Australian Height Datum (AHD) contour information also shown to demonstrate the irregular lot shape and size, and the inherent topography of this land.	Deemed capable of meeting instruction RZ 1 & RZ 2 of the LPS Zone and Code Application Guideline.	Assign to the Rural Zone.
2.	27322/2	Not specified	Not specified.	Tugrah	Thin, irregular shaped parcel of Crown land around the Don River watercourse and generally comprising well established vegetation.	Rural	Rural Resource	Rural	Excluded from analysis.		This land has been specifically excluded from "land potentially suitable for Agriculture Zone" guidance mapping published on the LIST database.	As above.	Assign to the Rural Zone.
3.	Other land not described by Certificate of Title Reference	Not specified.	Not specified.	Tugrah	Other cadastral parcels at this specific location not identified by property address, CT reference or PID number, generally including: - Road (type unknown); and - 'Onshore Water Body'.	Rural	Rural Resource	Rural	Excluded from analysis.		This is undeveloped land characterized by thin, irregular shaped land parcels around the Don River watercourse and includes land containing well established vegetation. This land can be observed in the aerial image provided in Section III of this Table which demonstrates the inherent vegetation characteristics and topography of this land. The size and shape of this land significantly constrain its potential for agricultural use. With the proposed application of the Rural Zone to the sites listed as 4-11 below, there is a logic for that same zoning to be applied here and which appropriately conforms with the Rural Zone methodology described in Note 7 to this Table (and further detailed at Appendix S of the draft LPS supporting report). The western boundary of this land is framed by the course of the Don River. This watercourse provides a natural boundary which is also considered to be a logical point to demarcate the boundary between the Rural Zone and the Agriculture Zone at this location.	As above.	Assign to the Rural Zone.



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Site No.	Certificate of Title Reference	Council Property Identification (PID) No.	Property address	Locality	Existing use and development	Zoning pre-DIPS (1984 Planning Scheme)	Existing zoning (DIPS)	Proposed zoning (LPS)	LIST Layer Analysis (land potentially suitable for Agriculture Zone)	Comments	Assessment against LPS Zone and Code Application Guideline	Recommendation
SECTION II - LAND THAT IS OTHERWISE DEEMED AS APPROPRIATE FOR INCLUSION WITH THE RURAL ZONE												
4.	30043/1	Not specified	Not specified	Tugrah	Thin, irregular shaped parcels of Crown land adjacent to the Don River watercourse.	Rural	Rural Resource	Rural	Potentially constrained (Criteria 2A)	Commentary on site numbers 4-11 is considered collectively as below. In support of this commentary, an aerial image is provided at Section III of this Table detailing these sites with Australian Height Datum (AHD) contour information also shown to demonstrate the irregular lot shape and size, and the inherent topography of this land.	Deemed capable of meeting instruction RZ 1 and RZ 3 (a) & (b) of the LPS Zone and Code Application Guideline.	Assign to the Rural Zone.
5.	135299/3	2031396	44-48 Greenwood Lane	Tugrah	Site comprises a land area of approx. 11.9ha. Site contains a single dwelling and is further characterized by undulating/steep topography with stands of well established vegetation.	Rural	Rural Resource	Rural	Potentially constrained (Criteria 3)	These sites share some similar topographic and vegetation characteristics to the adjacent land to the east which is assigned to the Rural Zone by the draft LPS. The same logic that was applied to support the application of the Rural Zone at that location could similarly be applied to these sites and which appropriately conforms with the Rural Zone methodology described in Note 7 to this Table (and further detailed at Appendix S of the draft LPS Supporting Report).	As above.	Assign to the Rural Zone.
6.	135299/1	2031388	42 Greenwood Lane	Tugrah	Site comprises a land area of approx. 9521m ² . Site contains 2 x multiple dwellings (approved by planning permit PA2015.0012).	Rural	Rural Resource	Rural	Potentially constrained (Criteria 3)	Although there is no readily distinguishable or uniform pattern of subdivision associated with rural-residential use and development (that is more readily observable in the adjacent Rural Living Zone areas to the North and East) – there is dwelling development occurring on what can generally be described as large "bush blocks".	As above.	Assign to the Rural Zone.
7.	116195/1	7126888	372 Tugrah Road	Tugrah	Site comprises a land area of approx. 10.6ha. Site contains a single dwelling and is further characterized by steep topography with stands of well established vegetation. Site also observed to have some landslide hazard considerations (low hazard band) as detailed on the LIST map database.	Rural	Rural Resource	Rural	Potentially constrained (Criteria 2A)	The irregular shape of these lots, and steep topography of the area contribute significant constraints to agricultural use occurring on this land. In these circumstances the application of the Rural Zone is considered appropriate and there is no existing agricultural use occurring at an intensity or scale (or apparent potential for such use) to otherwise warrant the application of the Agriculture Zone. The land that these sites	As above.	Assign to the Rural Zone.
8.	235484/1	7493485	392 Tugrah Road	Tugrah	Thin land parcel used in conjunction with (and under the same ownership) as that land described by 372 Tugrah Road. This section of land predominantly serves as an access strip.	Rural	Rural Resource	Rural	Potentially constrained (Criteria 2B)		As above.	Assign to the Rural Zone.
9.	171535/1	3449225	373 Tugrah Road	Tugrah	Site comprises a land area of approx. 6.7ha. Site contains a single dwelling and is further	Rural	Rural Resource	Rural	Potentially constrained (Criteria 2A)		As above.	Assign to the Rural Zone.



ATTACHMENT 1

Site No.	Certificate of Title Reference	Council Property Identification (PID) No.	Property address	Locality	Existing use and development	Zoning pre-DIPS (1984 Planning Scheme)	Existing zoning (DIPS)	Proposed zoning (LPS)	LIST Layer Analysis (land potentially suitable for Agriculture Zone)	Comments	Assessment against LPS Zone and Code Application Guideline	Recommendation
					characterized by somewhat steep topography and a significant stand of dense and well established vegetation occupying the south of the site.					occupy is not considered to be 'agricultural land' for the purposes of the definition provided at clause 3.1 of the State Planning Provisions. Furthermore, the land capability layer published on the Land Information System Tasmania (LIST) indicates that this area does not contain any prime agricultural land.		
10.	54117/9	7586235	381 Tugrah Road	Tugrah	Site comprises a land area of approx. 1.9ha and contains a single dwelling.	Rural	Rural Resource	Rural	Potentially constrained (Criteria 2A)		As above.	Assign to the Rural Zone.
11.	54117/10 54117/11	7259672	405 Tugrah Road	Tugrah	Site comprises a land area of approx. 1.6ha and contains a single dwelling.	Rural	Rural Resource	Rural	Potentially constrained (Criteria 2A)	<p>The western boundary of this land is framed by the course of the Don River. This watercourse provides a natural boundary which is also considered to be a logical point to demarcate the boundary between the Rural Zone and the Agriculture Zone at this location.</p> <p>In consideration of the rationale set out above, the reassignment of the Rural Zone is considered a more appropriate zone assignment than the Agriculture Zone. The application of the Rural Zone to these sites:</p> <p>(a) enables the draft LPS to have a better consistency with the State Planning Provisions;</p> <p>(b) is consistent with instruction contained with the LPS Zone and Code Application Guideline;</p> <p>(c) is consistent with the methodology for application of the Rural Zone detailed at Note 7 to this Table and also Appendix S of the draft LPS Supporting Report; and</p> <p>(d) appropriately meets the LPS criteria prescribed under section 34(2) of LUPAA.</p>	As above.	Assign to the Rural Zone.

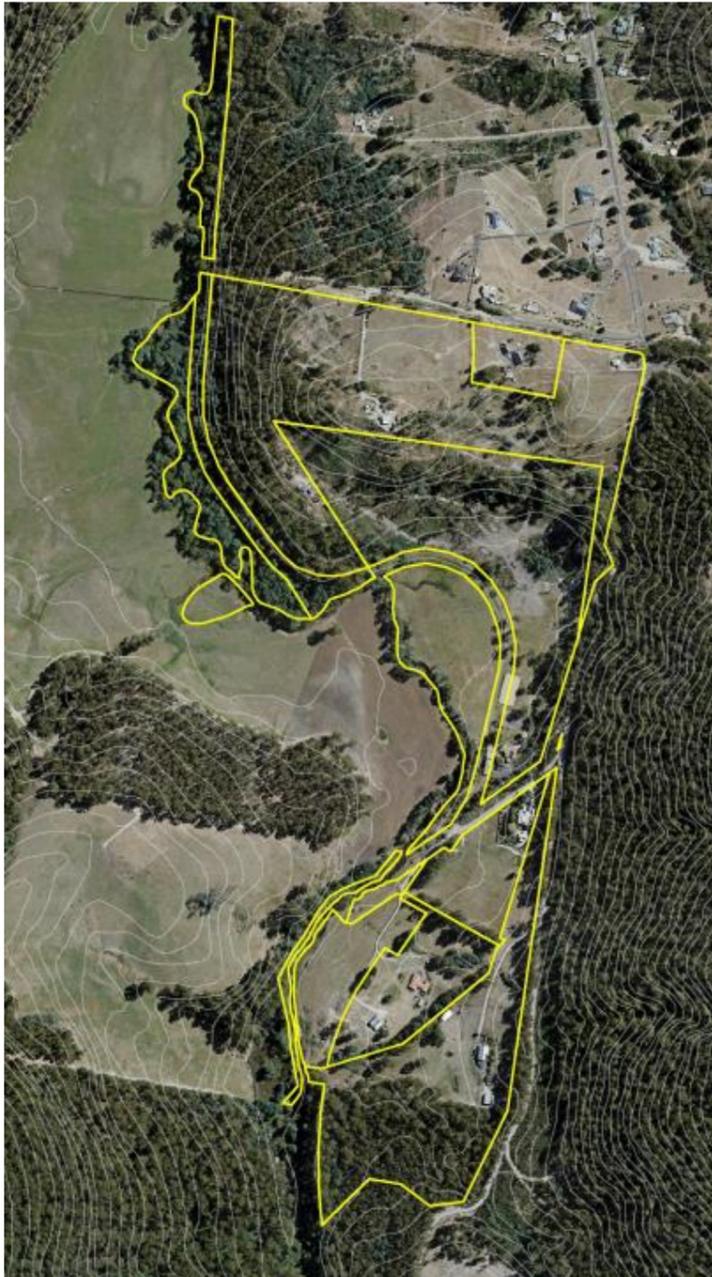


ATTACHMENT 1

Site No.	Certificate of Title Reference	Council Property Identification (PID) No.	Property address	Locality	Existing use and development	Zoning pre-DIPS (1984 Planning Scheme)	Existing zoning (DIPS)	Proposed zoning (LPS)	LIST Analysis potentially suitable for Agriculture Zone)	Layer (land for)	Comments	Assessment against LPS Zone and Code Application Guideline	Recommendation
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SECTION III – SUPPORTING AERIAL IMAGERY FOR SITE NUMBERS 1-11

The below aerial imagery (from February 2019) is sourced from Council's Geocortex GIS system and further shows AHD contour information at 5 metre increments. The properties identified by site numbers 1-11 in the table above are depicted by yellow outline in the below image.



ATTACHMENT 1



CONSIDERATIONS AGAINST THE CRADLE COAST REGIONAL LAND USE STRATEGY 2010-2030 (the Regional Strategy)	
<p>Notwithstanding the previous commentary made under section 2.3 of the supporting report on the nature of the Regional Strategy as a broad strategic policy framework, the following general policy considerations are deemed relevant to the proposed assignment of land to the Rural Zone.</p>	
Regional Strategy Policy Statement (Part C)	Comment
<p>3.3.3 – Agricultural Production Policy statement 3.3.3(a) instructs the identification of “land significant for agriculture”. The term “land significant for agriculture” is defined by the Regional Strategy as meaning “land not within a settlement or conservation area and which has State, regional and local importance for agricultural use”.</p> <p>4.3.2 – Rural Land Policy statement provides guidance for the use of land in rural areas.</p>	<p>The proposed assignments of land to the Rural Zone with the draft LPS (as described in the above Table) is made from land currently zoned Rural Resource under the DIPS.</p> <p>Policy statement 3.3.3 (a) of the Regional Strategy requires the identification of land within the Region which is land significant for agriculture. However, simply because the land is zoned Rural Resource under the DIPS does not automatically imply that the land is significant for agriculture.</p> <p>The existing Rural Resource Zone is used to broadly describe land used for a wide range of rural type uses including agriculture, mining, forestry and other primary industry activity as well as other non-urban use that is not directly related to agriculture or other primary industry use. This existing Zone is used to account for a diverse range of rural locations from areas of fertile agricultural soils through to areas with very limited potential for agricultural use.</p> <p>Notwithstanding the definition of the term “land significant for agriculture” made with the Regional Strategy, the use of the word “significant” warrants some further examination. The term “significant” is utilized a number of times in the policy statement contained at 3.3.3 of the Regional Strategy. It is considered that inclusion of the word “significant” in this context, is a demonstration that the Regional Strategy intends to impart some higher level of satisfaction for land to be considered as “significant” for agriculture in a State, regional or local context.</p> <p>The land identified for assignment to the Rural Zone as described in the above Table is not considered to be of State, regional or local significance for agriculture. As detailed in the above Rural Zone assignment table, this land represents rural areas that are constrained for agricultural use by a number of contributing factors. These areas are more appropriately described by the application of the Rural Zone.</p> <p>Land identified as significant for agriculture is instead identified by the application of the Agriculture Zone made with the draft LPS.</p> <p>The draft LPS applies the Rural Zone in a manner consistent with the relevant policy considerations of the Regional Strategy.</p>

ATTACHMENT 2**Draft Devonport Local Provisions Schedule - Representations**

List of representations received during the public exhibition period (23 March 2020 – 12 June 2020)

No.	Representor
1	TasWater
2	Lesley Hall
3	Department of Police, Fire & Emergency Management
4	Veris
5	Scouts Tasmania
6	Australian Institute of Architects
7	Plan Place Pty. Ltd.
8	TasNetworks
9	EnviroPlan
10	June Hilder
11	Central North Field Naturalists Inc.
12	David Bennett
13	Michell Hodgetts & Associates
14	Vishnu Prahalad
15	Department of State Growth
16	TasFire
17	TasRail
18	Devonport City Council

Representation 1 - TasWater

From: Taylor, Jason <Jason.Taylor@taswater.com.au>
Sent: Tuesday, 24 March 2020 4:55 PM
To: Devonport City Council
Subject: TasWater Representation - DEVONPORT DRAFT LOCAL PROVISIONS SCHEDULE (LPS)

To Whom It May Concern,

This email is to formally notify that TasWater is satisfied with the Devonport Draft Local Provisions Schedule.

TasWater made an earlier submission to Council and are satisfied that all matters are resolved.

Regards

Jason Taylor
Acting Department Manager – Development Services



D (03) 6237 8258
M 0459 167 683
F 1300 862 066
A GPO Box 1393, Hobart TAS 7001
169 Main Road, Moonah, TAS 7009
E jason.taylor@taswater.com.au
W <http://www.taswater.com.au/>

Have I been helpful? Please provide feedback by clicking [here](#).



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Representation 2 - Lesley Hall

DEVONPORT CITY COUNCIL
ABN 47 611 446 016
PO Box 504 Devonport TAS 7310 - 137 Rooke Street, Devonport
Telephone 03 6424 0511
Email council@devonport.tas.gov.au Web www.devonport.tas.gov.au

ONLINE FORM - SUBMIT A REPRESENTATION ON THE DRAFT DEVONPORT LOCAL PROVISIONS SCHEDULE

Please note the following information regarding the public disclosure of representations:

All representations received in relation to the draft Devonport LPS will be made public and reproduced in full (including names and contact details) as part of:

- (a) the meeting agenda prepared for a meeting of the Council following the public exhibition period and reporting on any representations received. This agenda is a publicly available document for any interested party to access and view;
- (b) the report which Council provides to the Tasmanian Planning Commission following the exhibition period. Copies of all representations will be provided to the Tasmanian Planning Commission; and
- (c) the information shown on the Tasmanian Planning Commission's website (www.iplan.tas.gov.au) relating to the assessment of the draft Devonport LPS. Copies of representations will be published on this website.

Representations may also be discussed as part of any public hearing conducted by the Tasmanian Planning Commission in its assessment of the draft LPS.

Submission Date

15/04/2020

Contact Information for person(s) making the representation

Name

Lesley Hall

Contact Address (Postal)

120 North St
Devonport, Tas 7310
Australia

Email Address

lesleyannehall2@gmail.com



The City with Spirit

Where an email address is provided in the space above, then Council will use this email address as the principal means of contacting you in relation to your submitted representation. Please ensure that the correct email address is supplied.

Phone

(040) 805-9366

Details of Representation

This relatively small piece of land is zoned as Rural Resource under the interim planning scheme. Would it be more appropriate to be zoned as Rural Living?

The land is bordered on the northern side by the Bass Highway, with no access to the land from this border.

On the western border, the land is already used as rural residential, and the adjacent blocks have dwellings and services to this boundary. This approach is through a mainly residential area, and is a school bus route.

On the eastern border, there is a large dam and farmland owned and used by a successful local farming family.

The other surrounding property to the south is owned and operated as agricultural land by the same farmers. (I believe this comes under the Latrobe Council)

The only access to the land is via the road on the southern side, Winspears Road, which is very narrow, already making it difficult for two vehicles to pass without driving onto the verges. This is already an issue with the trucks and farming machinery from the few neighbouring farming operations. With businesses or other permitted uses under Rural Resource, access for larger vehicles would be very difficult. There are several sharp bends in this access road. Entry to the eastern end of it is only from the northward bound lane of the Bass Highway, a very busy road with 110km speed limit at this point, and exit from it is also only in one direction to the north. The increase in large vehicles trying to access this area if it is developed for rural resource could be problematic. (At times traffic is already seen disobeying the signage and making an illegal turn south towards Latrobe across several lanes of this busy highway).

There is already development of a hub for rural resources close by, near the corner of the Exeter Highway and Port Sorell Main Rd, would it not be more appropriate for any further development of rural services to be at this already established site with better access? There are several other areas of rural services in or close to, the Devonport area, including in Don Road, Quoiba and Spreyton.

The land concerned was swamp, and although still very wet in places, has been improved with some drainage, and is currently used for agricultural purposes, mainly for stock with some parts suitable for cropping. Parts of the piece of land are more elevated and would be suitable for dwellings. With appropriate infrastructure I believe this would be a very suitable place for rural living to be developed. In the past there have been plans for a subdivision of this land, and also a plan for the Devonport Agricultural and Pastoral Society to relocate there, with a motel and other amenities, although this is no longer a possibility of course. These developments did not proceed for various reasons.

There are power line towers placed on the block also, which could make some developments difficult.

There are not many blocks of small acreage available in the Devonport municipality for rural living, and I believe there is likely to be a demand in the future for this.

Thank you for considering this matter.

Please provide your written comments on the draft LPS in the space above. If the representation relates to a particular property or properties, please include details of that property address above.

Consent and acknowledgement (required):



1.

I agree to the statement below

By providing an email address I consent to receiving any communication and notice in relation to this representation by email.

2.

I agree to the statement below

All representations received in relation to the draft Devonport LPS will be made public and reproduced in full (including names and contact details) as part of:

- (a) the meeting agenda prepared for a meeting of the Council following the public exhibition period and reporting on any representations received. This agenda is a publicly available document for any interested party to access and view;
 - (b) the report which Council provides to the Tasmanian Planning Commission following the exhibition period. Copies of all representations will be provided to the Tasmanian Planning Commission; and
 - (c) the information shown on the Tasmanian Planning Commission's website (www.iplan.tas.gov.au) relating to the assessment of the draft Devonport LPS. Copies of representations will be published on this website.
- Representations may also be discussed as part of any public hearing conducted by the Tasmanian Planning Commission in its assessment of the draft LPS.



From: Lesley Hall <lesleyannehall2@gmail.com>
Sent: Thursday, 16 April 2020 10:59 AM
To: Jennifer Broomhall
Subject: Re: Query - Submission of Representation on the Draft Local Provisions Schedule

Sorry, the property is 179 Winspears Rd. I had a little difficulty saving and then returning to the submission, and must have left off the address. It is a block of approx 37ha.

Thank you
Lesley Hall

Sent from my iPad

On 16 Apr 2020, at 10:18 am, Jennifer Broomhall wrote:

Good morning

Thank you for your submission as attached.

Could you please provide me with an address of the property you are referring to in the Devonport municipality that your representation refers to?

Regards
Jennifer

<image001.png>

Jennifer Broomhall | Planning Administration Officer

Devonport City Council
<image002.png>
137 Rooke Street, Devonport, TAS 7310
<image003.png>

<image004.png>
www.devonport.tas.gov.au
<image005.png>
+61 (3) 6424 0511

<image006.png>

<image007.png>

<image008.png>

<image009.png>

<image010.png>

From: no-reply@mg.devonport.tas.gov.au <no-reply@mg.devonport.tas.gov.au>
Sent: Wednesday, 15 April 2020 2:28 PM
To: Devonport City Council <council@devonport.tas.gov.au>
Subject: Submission of Representation on the Draft Local Provisions Schedule

Hello,

A new Submission of Representation on the Draft Local Provisions Schedule has been made and is ready to be registered by Planning.

Submitter: {I/We:3}

Thank You

Disclaimer: This e-mail including all attachments is intended solely for the named addressee. It is confidential and may be subject to legal or other professional privilege. If you receive this email in error, please destroy any copies and contact us to advise you have received the communication. The unauthorised use, disclosure, copying or alteration of this message is strictly prohibited by law without the express permission of the original sender. Any views expressed in this communication are those of the individual sender, except where the sender specifically states them to be the view of the Devonport City Council. The Devonport Council reserves the right to monitor and record e-mail messages to and from this address for the purposes of investigating or detecting any unauthorised usage of our system and ensuring its effective operation.

<Submission of a Representation for a Draft Local Provisions Schedule - {Development Application Number_8}.pdf>

Representation 3 - Dept. Police, Fire & Emergency Management

Department of Police, Fire and Emergency Management
 STATE EMERGENCY SERVICE
 GPO Box 1290 HOBART TAS 7001
 Phone (03) 6173 2700
 Email ses@ses.tas.gov.au Web www.ses.tas.gov.au



Our ref: A20/69852

07 April 2020

Mr Matthew Atkins
 General Manager
 Devonport Council
 PO Box 604
 DEVONPORT TAS 7310

Dear Mr Atkins

Representation – Draft Devonport Local Provisions Schedule

Thank you for the opportunity to make a representation on the Draft Devonport Local Provisions Schedule (LPS). This representation raises matters related to:

- Flood-prone areas hazards;
- Coastal inundation hazards; and
- Zoning;

Flood-prone areas hazards

The State Emergency Service (SES) notes that the draft LPS does not incorporate a Flood-Prone Areas Hazard Overlay. The *Draft Devonport LPS Supporting Report – section 3.5* provides the following explanatory statement regarding the absence of the overlay and operation of the Flood-Prone Areas Hazard Code:

“The draft LPS does not include an overlay map to inform the application of this Code. The Code can operate without reference to an overlay map”.

*Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application, clause FPHAZ 2, provides the following guidance to Council preparing a Flood-Prone Areas Hazard overlay. “In determining the extent of the flood-prone hazard area overlay, planning authorities may utilise their own data, including any equivalent overlay contained in an interim planning scheme or section 29 planning scheme for that municipal area, **or data from other sources.**”*

With respect to the above guidance, SES notes that a study prepared by Entura and commissioned by Latrobe Council in 2018, included modelling of the Mersey River downstream of Latrobe to just upstream of the Bass Highway Victoria Bridge in Devonport. The model was calibrated to the June 2016 flood event. The modelled extent includes the reach of the Mersey River from the boundary of the Latrobe and Devonport municipal areas to just upstream of the Bass Highway Victoria Bridge in Devonport. Consideration should be

given to incorporating mapping from this study into the Devonport LPS Flood-Prone Areas Overlay.

Additionally, Entura on behalf of Central Coast Council are currently in the process of finalising a Lower Forth River flood study that will include sections of the east bank of the Forth River that are within the Devonport Municipal Area. Consideration should be given to incorporating the 1% AEP layer from this study into the Devonport Council Flood-Prone Areas Overlay if it is finalised in a timely manner to coincide with the further preparation of the Devonport LPS.

In recognition of the limited flood-prone areas mapping across Tasmania, the State Government is undertaking the Tasmanian Flood Mapping Project. This project will deliver a state-wide comprehensive and consistent flood hazard map. The map will be made available to planning authorities for land use planning purposes, including updating LPS Flood-Prone Areas Hazard Overlays. The SES invite Devonport City Council to participate in this project.

Until the state-wide flood hazard map is delivered, many flood-prone areas will remain unmapped within a LPS Flood-Prone Areas Hazard Overlay.

SES take this opportunity to confirm that the absence of a Flood-Prone Areas Hazard Overlay in a LPS does not preclude the implementation of the Flood-Prone Areas Hazard Code.

The Flood-Prone Areas Hazard Code applies in a number of circumstances, including; to use in a habitable building, or development of land, identified in a report prepared by a suitably qualified person, that is requested by a planning authority, as subject to risk from flood or that has the potential to cause increased risk from flood.

A planning authority may request such a report where it reasonably believes, based on information in its possession, that the land is subject to risk from flood, or has the potential to cause increased risk from flood.

SES is working with the Department of Justice to prepare draft guidance on what information a planning authority should use to determine if it reasonably believes that land is subject to risk from flood or has the potential to cause increased risk from flood. A request will be made to the Tasmanian Planning Commission to consider issuing the guidance under section 8A of the *Land Use Planning and Approvals Act 1993*.

In the interim, SES suggests that, to determine if it reasonably believes that land is subject to risk from flood or has the potential to cause increased risk from flood, planning authorities should have regard to the best, publicly available flood hazard information including:

- any report adopted by a council in accordance with regulation 52(2)(b) of the *Building Regulations 2016*;
- any flood study available on the [Australian Flood Risk Information Portal](#);
- any flood hazard report prepared in accordance with the Flood-Prone Areas Hazard Code;
- any flood marks, photos, or other historical evidence that are publicly discoverable;
- Flood Data books available from the Department of Primary Industries, Parks, Water and Environment; and,
- the modelled 2016 flood high water mark extent map available on [ListMap](#) (layer called *June 2016 Flood HWM Extent*).

Coastal inundation hazards

SES notes that the draft LPS includes a Coastal Inundation Hazard Overlay. The overlay mapping, and Code list in *DEV – Table C11.1 – Coastal Inundation Hazard Bands AHD Levels*, have been informed by appropriate the data source, (*Coastal Hazards Technical Report*, prepared by the Department of Premier and Cabinet in 2016), and prepared in accordance with the *TPC Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application*.

SES supports the use of this information in the draft LPS to enable the full application of the *Coastal Inundation Hazard Code*, and the [Director's Determination – Coastal Inundation Hazard Areas](#) which commenced on the 16 March 2020 and will apply when the LPS is made.

Zoning

SES notes that there are few changes in zoning in the transition from the Interim Planning Scheme to the draft LPS. SES supports the use of zones that provide for the management of density in flood-prone and coastal inundation hazardous areas.

Yours faithfully



Andrew Lea ESM
Director

Representation 4 - Veris

Monday, 11 May 2020

Ref: 302227_L01_Rev0

Devonport City Council
PO Box 604
Devonport TAS 7310

Attention: The General Manager

Dear Sir

RE: Invitation to submit representation to the Draft Devonport Local Provisions Schedule

This representation is made by Veris Australia Pty Ltd on behalf of William David Bovill in respect of land comprised in Folio Reference 9450/29 at 126 Brooke Street, East Devonport. Our client has instructed Veris to make a representation to the Draft Devonport Local Provisions Schedule, which are currently advertised for public comment, concerning the zoning of this land.

Mr Bovill has requested that consideration be given to amending the zoning of his land from Agriculture Zone to Rural Living Zone A. This request is based on Mr Bovill's opinion as an experienced farm operator that the site is too constrained to be used for agriculture and supported by an expert agricultural report declaring the land to be "*unviable for further agricultural development*". Please see below further information detailing the request:

Site description

The subject site is located on the eastern edge of the established residential area of East Devonport. It has an area of approx. 3.42ha and is currently zoned Rural Resource. It is within the Operational Airspace of Devonport Airport. The Landslip Hazard within the Devonport Interim Planning Scheme 2013 (see Figure 1) indicates low risk. The subject land is within the Sassafras Wesley Vale Irrigation District.

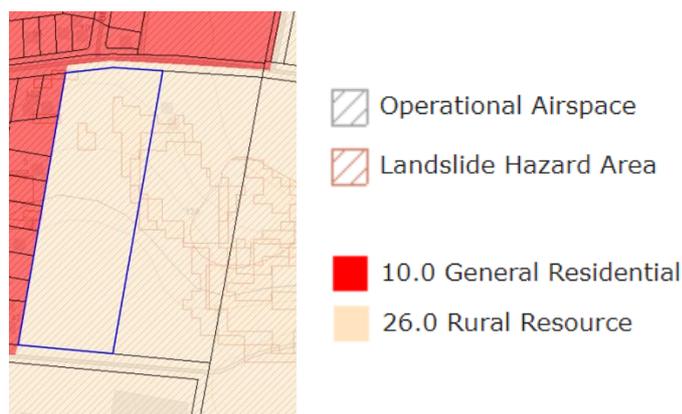


Figure 1: Site description (source: LIST)

The subject site is adjacent to residential zoned land to the north and west containing predominantly single

Devonport
100 Best Street
Devonport TAS 7310

T 03 6421 3500
devonport@veris.com.au
veris.com.au

Office Locations
Over 20 offices
across Australia
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Veris Australia
ABN 53 615 735 727

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dwellings. The average lot size to the west is approximately 1,300m² and approximately 800m² to the north. The land to the east is zoned Rural Resource containing a single dwelling. That land is about 3.6ha and used as a hobby farm containing a residential use. The land to the south is also zoned Rural Resource containing Costa Berry farms under a long-term lease. The subject land has no common boundary with land used for commercial agriculture.

Land Capability

The subject land consists of class 1,2 and 3 land which defines the land as Prime Agricultural land (see Figure 2).

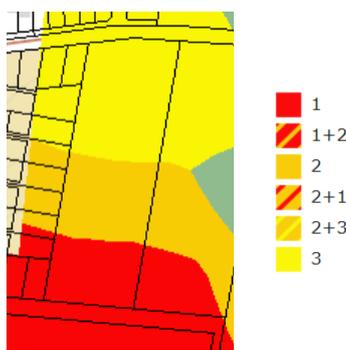


Figure 2: Land classification (source: LIST)

The “Land Capability Handbook – Guidelines for the Classification of Land in Tasmania” (Gross, 1999) identifies Class 1,2 and 3 land as:

CLASS 1
“Land well suited to a wide range of intensive cropping and grazing activities. It occurs on flat land with deep, well drained soils, and in a climate that favours a wide variety of crops. While there are virtually no limitations to agricultural usage, reasonable management inputs need to be maintained to prevent degradation of the resource. Such inputs might include very minor soil conservation treatments, fertiliser inputs or occasional pasture phases. Class 1 land is highly productive and capable of being cropped eight to nine years out of ten in a rotation with pasture or equivalent without risk of damage to the soil resource or loss of production, during periods of average climatic conditions.”

CLASS 2
*“Land suitable for a wide range of intensive cropping and grazing activities. Limitations to use are slight, and these can be readily overcome by management and minor conservation practices. However the level of inputs is greater, and the variety and/or number of crops that can be grown is marginally more restricted, than for Class 1 land.
 This land is highly productive but there is an increased risk of damage to the soil resource or of yield loss. The land can be cropped five to eight years out of ten in a rotation with pasture or equivalent during ‘normal’ years, if reasonable management inputs are maintained.”*

CLASS 3
*“Land suitable for cropping and intensive grazing. Moderate levels of limitation restrict the choice of crops or reduce productivity in relation to Class 1 or Class 2 land. Soil conservation practices and sound management are needed to overcome the moderate limitations to cropping use.
 Land is moderately productive, requiring a higher level of inputs than Classes 1 and 2. Limitations either restrict the range of crops that can be grown or the risk of damage to the soil resource is such that cropping should be confined to three to five years out of ten in a rotation with pasture or equivalent during normal years.”*

The Land Capability mapping is based on the permanent biophysical features of the land (including climate), and does not consider the economics of agricultural production.¹

¹ Land Capability Handbook, Second Edition, (CJ Grose, 1999)

Draft Devonport LPS

Methodology

The State Planning Provisions (SPPs) include two standardised zones for the management of rural and agricultural areas – the Rural Zone and the Agricultural Zone. These zones have been created as a result of a recalibration of the existing Rural Resource Zone and Significant Agriculture Zone; however, the latter has not been used within the Devonport Interim Planning Scheme 2013.

The Rural Resource Zone currently applied within the Devonport Interim Planning Scheme 2013 has been broadly applied to describe a diverse range of rural locations from areas of fertile agricultural soils through to areas with very limited potential for agricultural use.

The State Government has produced a guiding mapping layer published on the Land Information System Tasmania (LIST) database based on the results of the Agricultural Land Mapping Project. The Mapping Project included a constraint analysis to recognise existing limitations such as size, existing capital value, and proximity to residential use and development.

The subject site has been identified as potentially constrained (Criteria 3) as shown in Figure 3 below.

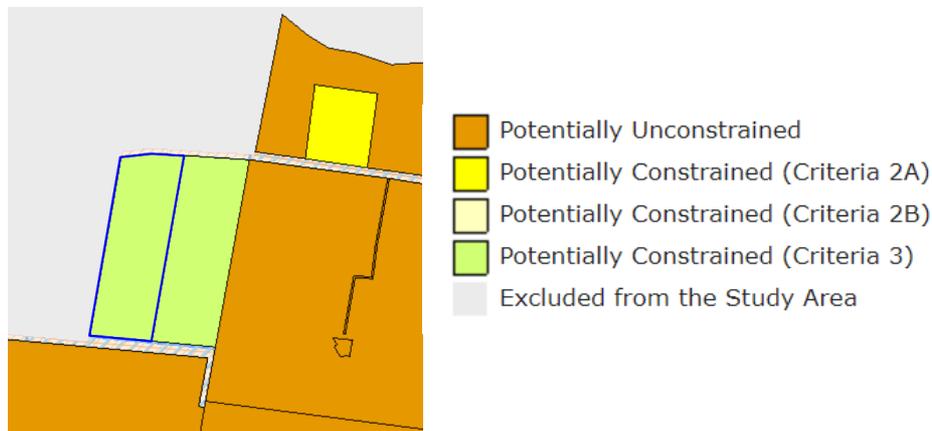


Figure 3: Land Potentially Suitable for Agricultural Zone (source: LIST)

Proposed Zone and Codes

The Draft Devonport LPS zoning map proposes to zone the subject land to zoned Agricultural.

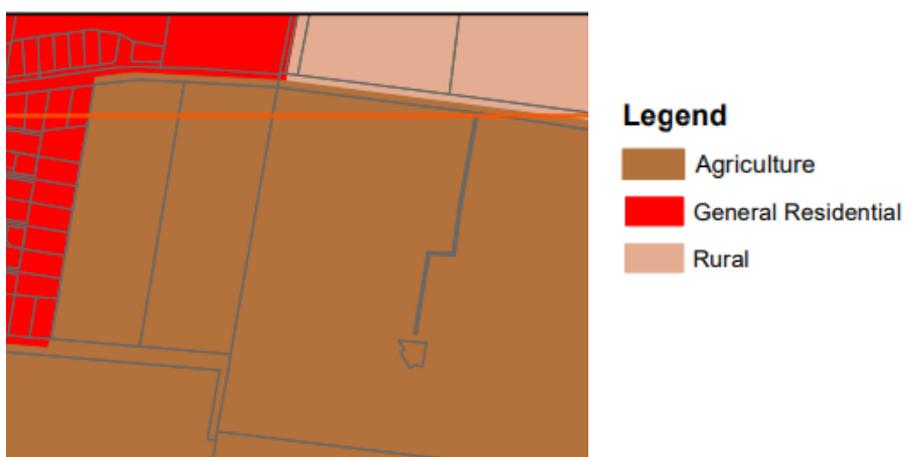


Figure 4: Tasmanian Planning Scheme - Devonport Local Provisions Schedule: Zone

Zone Purpose

Agriculture Zone – Tasmanian Planning Scheme

- To provide for use or development of land for agricultural use.
- To protect land for the use or development of agricultural use by minimising:
 - a) Conflict with or interference from non-agricultural uses;
 - b) Non-agricultural use or development that precludes the return of the land to agricultural use;
 - and
 - c) use of land for non-agricultural use in irrigation districts.
- To provide for use or development that supports the use of the land for agricultural use.

The supporting report does not provide any further information why the subject site was proposed to be zoned Agriculture Zone despite the identification of being potentially constrained.

The Draft Devonport LPS further proposes two overlays that affect the subject land:

- Bushfire-Prone Areas Code Overlay
- Airport Obstacle Limitation Area Overlay

Both proposed overlays are consistent with the currently applying overlays.

Request amendment to Draft Devonport LPS

The supporting report of Devonport City Council draft Local Area Provisions Schedule states that *“whilst the majority land currently zoned Rural Resource under the Interim Scheme will transition to the Agriculture Zone (in line with the mapping layer published on the LIST) the draft LPS does propose the assignment of some areas to an alternative zone such as Rural or Rural Living where there are existing factors that significantly constrain the use of such land for agricultural purposes.”*²

The owner of the land has engaged Symon Jones, a Farm Business Consultant and member of the Australian Institute of Agricultural Science and Technology to prepare an agricultural report considering economic features for agricultural production of the site.

The report states that although it is classed as prime agricultural land and is situated within an irrigation district; it has limited agricultural value. The land has significant physical constraints which restrict its agricultural use and potential. The land is further restricted in its contribution to productive agriculture due to a lack of irrigation water. Due to its constraints it is considered *“unviable for further agricultural development”*.

The report concludes that *“The proposal for rezoning would provide a more appropriate transition between the existing and adjoining general residential zone and potential Rural Resource uses on adjoining properties.”*³

The Purpose of the Rural Living Zone is (Tasmanian Planning Scheme)

- To provide for residential use or development in a rural setting where:
 - a) services are limited; or
 - b) existing natural and landscape values are to be retained.
- To provide for compatible agricultural use and development that does not adversely impact on residential amenity.
- To provide for other use or development that does not cause an unreasonable loss of amenity, through noise, scale, intensity, traffic generation and movement, or other off site impacts.
- To provide for Visitor Accommodation that is compatible with residential character.

² Draft Devonport Local Provisions Schedule – Supporting Report, February 2020 page 10

³ Agricultural Report by Symon Jones, 16/4/2020

The subject site is approx. 110m wide (east – west). The Agriculture Zone requires a setback to buildings for sensitive uses (e.g. residential) of 200m. This setback cannot be achieved which emphasises the existing constraint of the subject site for agricultural purposes.

Strategic consideration - Cradle Coast Regional Land Use Planning Framework 2010 – 2030 (2011)

The purpose of the Cradle Coast Land Use Planning Framework is to provide strategic foundation for land use planning in the Cradle Coast Region of Tasmania.

The Framework acknowledges the importance of agricultural land and proposes that all agricultural land is recognised as significant independent of size and ownership. The Framework aims to exclude use or development that has no need or reason to be located on agricultural land. (p.44)

However, the Framework also states that the planning processes recognise the importance of clean air to climatic and biological health and buffer development with potential to create adverse effect by nuisance and pollutant emissions from settlement areas. (p131).

Further, planning processes shall protect and buffer agriculture against incompatible use which may conflict and constraint potential sustainable production. Land significant for agriculture is not excluded from agricultural use unless the impact on loss of land for agricultural use and on adjoining agricultural use is minimal. (p.138/139)

The attached agricultural report supports the requested amendment by identifying the subject site as “*unviable for further agricultural development*”. The report also concludes that a potential rural residential development of the subject site is unlikely to place any further constraints on the nearby land but in fact would provide a buffer between the existing residential settlement and the agricultural land. In support of the Cradle Coast Regional Land Use Planning Framework the land to be “lost” for agricultural use is considered to have minimal impact. It furthermore allows for a buffer to minimise the potential effects by nuisance and pollutant from an agricultural use on the residential uses but also from the residential use on future agricultural use.

Based on the above Mr. Bovill requests to consider amending the zoning of the subject title to Rural Living Zone A to allow for future rural residential development to provide a buffer zone to the Agriculture Zone and the General Residential Zone. The request is supported by an agricultural report as well as a potential subdivision design accompanied by a bushfire report to illustrate potential future development opportunities for the site.

This representation has been commissioned by Mr. William David Bovill. All attached documents have been provided by him.

If you have any queries, please do not hesitate to contact our office.

Yours sincerely



Jana Rockliff



 TASMANIAN CONSULTING SERVICE ENGINEERING DESIGN PLANNING MANAGEMENT CONSTRUCTION 74 Oldaker Street, Devonport PO Box 1047, Devonport, Tasmania, Australia T 61 3 6424 9085 F 61 3 6424 5709 E mail@tascon.com.au	Issue:	Date:	Description:	Checked	Approved	 This document is and shall remain the property of Tasmanian Consulting Service (TCS). It shall be used only for the purpose for which it was commissioned, and only in accordance with the terms of that commission between TCS and their client. It shall not be copied, reproduced, or used to furnish any information for any reason without the prior agreement of TCS. Do not scale. Check all dimensions before commencing on-site. If in doubt, ask. A3 Scale 1:500 Datum:	William David Bovill (Owner) Land Comprising CT 9450 / 29 246 Brooke Street, East Devonport Subdivision	Drawing: 8917-001 Issue: P2	
	P1	17-05-19	Preliminary Issue for Internal Review ONLY	S.P.A.	S.P.A.				SITE PLAN; EXISTING NOT FOR CONSTRUCTION
	P	17-07-19	Issued for Client Review						



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	P1	17-05-19	Preliminary Issue for Internal Review ONLY	S.P.A.	S.P.A.				8917-003
	P	17-07-19	Issued for Client Review						Issue: P2



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	P1	17-05-19	Preliminary Issue for Internal Review ONLY	S.P.A.	S.P.A.			
	P	17-07-19	Issued for Client Review			A3 Scale 1:500 Datum:	SETOUT OF BUILDING AREAS NOT FOR CONSTRUCTION	

Agricultural Report

Rezoning of Title to Enable Future Development

Property:

**126 Brooke Street
East Devonport
Tasmania 7310**

16/4/2020

Prepared by:

Symon Jones
Farm Business Consulting
sylofive@gmail.com
0409012366

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1. Executive Summary

The agricultural report draws attention to the fact that while the land known as 126 Brook street is classed as prime agricultural land and situated in an irrigation district, it has limited agricultural value.

The report identifies the land as having significant physical constraints which restrict its agricultural use and potential.

The land area estimated at 3.42 hectares limits any agricultural activity of a commercial size and scale and any proposal to intensively farm the area would be compromised by its proximity to the adjacent neighbouring residents situated off Bovill Street and the recent subdivision activity to the north known as Driftwood Sands causing potential disruption to the residential amenity.

The land is further restricted in its contribution to productive agriculture due to a lack of irrigation water, the uncertainty of irrigation water being available, the cost of purchasing water and the significant cost of developing irrigation infrastructure to deliver water on site.

Furthermore, as the land is situated between a residential area, small hobby scale land and a commercial berry enterprise it has no connectivity to other agricultural land of significant value and therefore is considered unviable for further agricultural development.

The report identifies a pattern of residential development within immediate proximity to the land and as there is no natural buffer between the existing residential zoning and the rural resource zoning on the site, rezoning the land to rural living would seem a more appropriate buffer providing for lifestyle development lots.

The proposal for rezoning would provide a more appropriate transition between the existing and adjoining general residential zone and potential Rural Resource uses on adjoining properties.

2. Preamble

I am an agricultural farm business consultant holding an Associate Diploma in animal production and management from Hawkesbury Agricultural College and a member of the Australian Institute of Agricultural. (Trading as The Australian Institute of Agricultural Science and Technology.) I have been providing farm business and general agricultural advice for over 10 years as a consultant. Previously working with Davey and Maynard and Macquarie Franklin.

I have developed agricultural reports for Deloitte, Seller Muldoon Benton, Melbourne, National Australia Bank, Farm Household Allowance Scheme, and the Department of State Growth.

3. Terms of reference (TOR)

To develop an agricultural report as requested by Mr WD Bovill for the purpose of making an application to the Tasmanian Planning Commission to rezone a parcel of land known as 126 Brooke Street East Devonport from *Rural Resource* to *Rural Living* for the purpose of future residential development. **Client:** WD Bovill, East Devonport

Property: 126 Brooke Street, East Devonport. Zoning: Rural Resource (3.42 ha)

Identification: PID 3149 4341 CT 9450/29

Proposal: Rezoning of title to enable future development.

Land Capability: Assessed land capability: Class 1 (0.85) Class 2 (1.09) Class 3 (1.71) (*indicative areas*)

Assessment Comments:

A field inspection and desktop study has been undertaken to confirm the findings in support of an application for rezoning. This report summarises those findings

4. Scope

The scope of the agricultural report is to

- provide information to support the terms of reference,
- provide a description of the property, its location, current use and value within the existing farming business, and
- identify key characteristics of the land and the surrounding area that currently restrict its use and viability as productive agricultural land, and which make it suitable for repurposing to rural living.

5. Property Description

126 Brooke Street is a vacant area of prime agricultural land zoned rural resource, comprising approximately 3.42 hectares (8.4 acres) situated on the edge of the East Devonport municipality.

*Property Identification Number - PID 349 4341 and Title Reference 9450/29

The land has a northerly aspect and is situated between Brooke Street to the North, Upper Drew Street to the South, Bovill Street to the West and a neighbouring property to the East. There is no common boundary with any commercial farming property.

As a result, the Brooke Street property is isolated by its boundaries and restricted by its size. This limits any agricultural enterprise of significant scale. Therefore, it is not considered subservient to the main farming property.

The western boundary *Figure 1*, backs onto a developed residential area restricting intensive agricultural activities such as intensive crop management, the use of pesticides and herbicides, noise due to crop management and associated crop husbandry by way of pollution, dust and afterhours traffic.

Figure 1:



**Western Boundary
Shared/ Residential**

Figure 2:



**North facing
New subdivision**

Figure 3:



**Eastern Boundary
Shared Neighbour**

Figure 4:



**Southern Boundary
Costa Berries**

The North facing boundary *Figure 2*, is situated directly opposite a recently developed subdivision providing for further low-density housing within proximity to the land. The development imposes constraints on the type of agricultural enterprise which can be reasonably farmed without causing impact to those residents.

The east boundary is shared with a neighbour separating any larger scale farming land. (See *Figure 3*).

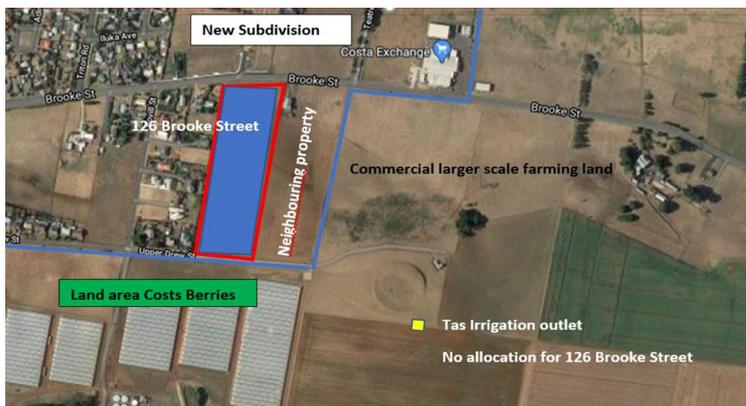
The land is used for hobby farm purposes and provides a buffer between a larger farming property and the proposed development.

All land to the south off Drew Street, is under long term lease to the Costa Berry Exchange, *Figure 4*, for which careful consideration is required when planning agricultural activities on the Brooke Street land to prevent negative impact on the sensitive and high value berry enterprise (See *figure 5*).

Figure 5: Map showing key land usage around 126 Brooke Street land area.



Figure 6: Map showing 126 Brooke Street land in relation to the surrounding area



Legend

- █ Boundary around 126 Brooke Street
- █ Area 126 Brooke Street
- █ Tas Irrigation outlet (no Allocation for Brooke Street)
- █ Costa Berries land

5.1. Locality

The greater population of Devonport at June 2018 is estimated at around 30,297 having grown at an average annual rate of 0.17% year on year over the preceding five years. Therefore, future growth in the surrounding areas is likely to continue at the current rate.

East Devonport is part of the greater Devonport municipality and has a population estimate of 4,802 people (2016 ABS Census). Its main industries are 10.9% manufacturing, 11.0% Retail trade, 13.7% health and social assistance, 8.3% accommodation and food services, 8.7% transport, postal and warehousing, 7.3% construction, 3.7% education and training, 1.9% wholesale trade, 2.6% administration and support services. (2016 ABS Census). *Figure 7* highlights the planning zones in the East Devonport area.

Recent developments include the 7.1 million Costa Berry exchange and the Piping Lane or Bellfields industrial site subdivision.

Figure 7: Planning Scheme Zones (*Devonport Interim planning scheme 2013 List Maps*)



6. Land Capability Classification

The land backs on to a general residential area and is zoned rural resource, situated in an irrigation district area; however, it has no access to irrigation water and therefore can only be used for low intensity purposes. This is despite its land capability classification described as prime agricultural land, (See Figure 7)

Prime Agricultural land is defined as being agricultural land classified as Class 1,2 or 3 land, based on the definitions and methodology from the *Land Capability Handbook*, Second Edition, (CJ Grose, 1999).

“Land capability assessment considers the physical nature of the land (e.g. geology, soils, slope) plus other factors (e.g. climate, erosion hazard, land management practices) which determine how that land can be used without destroying its long-term potential for sustainable agricultural production. It also considers limitations that might affect agricultural use, e.g. stoniness, drainage, salinity or flooding. Land capability assessment is therefore based on the permanent biophysical features of the land (including climate), and does not consider the economics of agricultural production,

Land capability can be interpretive and subjective. Land capability assessment should not be confused with land suitability assessment which, in addition to the biophysical features, may take into account economic, social and/or political factors in evaluating the 'best' use of a particular type of land”

(ref: Land Capability Handbook CJ Grose 1999 DPIWE)

The classification system comprises seven classes of land ranked in order of increasing degree of limitation in relation to agricultural use and decreasing order of versatility. Class 1 is the best land and Class 7 the poorest. *Figures 8 and 9* highlight the Land Classification and definition criteria within the surrounding region.

Figure 8:
126 Brooke Street Land Capability Classification.
(List maps land capability)

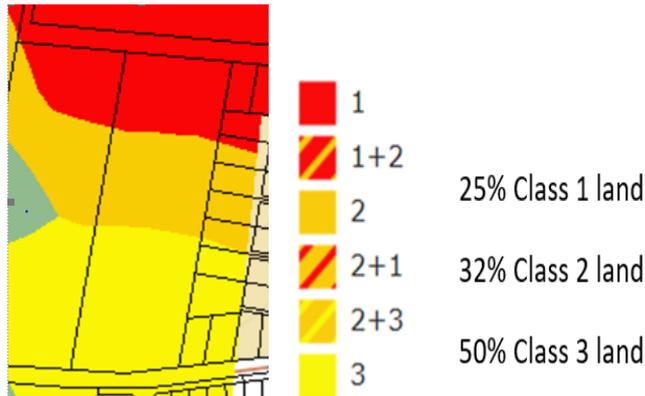


Figure 9:
Coastal land classification criteria.
Geology and Risk
(Source – CJ Grose DPIWE)

Typical Landform	Moderately steep to gently undulating ridge tops and associated valley sides
Geology	Tertiary basalt and sediments (Wesley Vale sands)
Soil Type	Red ferrosols on basalts and kurosolts and Dermosols on Wesley Vale sediments; occasional podosols
Slope Range	0-18%
Drainage Status	Well
Permeability	Mod - high
Erosion risk	Low on basalt, mod-high on Wesley Vale Sediments.
Main Limitations	Water erosion especially under irrigation; wind erosion on sandy soils
Land Capability Classes	1, 2, 3

The land is diverse in terms of soil classification, in that it is not all Class 1 land, which moderately limits or complicates its agricultural potential, in addition to being such a small area restricting enterprise scale. In addition, the existing residential development off Brooke and Bovill Streets encroaches onto the same land of the same capability and classification. *Figure 8*

The soil for Class 1 and 2 is described as a deep Red Ferrosol soil derived from parent basalt material, which is typically free draining with well-developed soil structure and a soil depth of around 80cm.

However, the area is dominated by Class 3 Red Ferrosol soil and whilst it shares similar soil characteristics as the Class 1 and Class 2 soils, the area is compromised by the slope of the land and potential for increased runoff, erosion and soil compaction leading to a shorter growing season (see *Figure 10*)

Figure 10: Contour lines of land. Photo depicts contour lines at 5 metre intervals and relative slope.
(list maps)



As described in *figure 11*, the red shaded area represents around 25% or 0.85 of a hectare of Class 1 land. The orange shaded area around 32% or 1.09 hectares of Class 2 land and 50% or 1.71 hectares as Class 3.

Note: A pit soil analysis was undertaken. The features observed, identified the structure and characteristics typical of a true red ferrosol soil, was consistent with mapped data.

The land is typical of the coastal region as described in *Figure 9*, showing land characteristics with inherent limitations and risk. Due to the degree of slope, intensive cropping will expose the land to erosion and loss of topsoil under heavy rainfall.

7. Surrounding Land Use

The surrounding farmland comprises predominately Class 3 and Class 4 agricultural land and is a long-established mixed farming operation.

Figure 11: Surrounding Land capability and Classification (enterprise suitability) (*list maps land capability*)



The land is most suited to livestock production and includes sheep and beef breeding and fattening enterprises.

With respect to the Brooke Street land, in relation to other commercial farmed land, direct access is restricted by neighbouring land. As such, the lack of direct access and lack of irrigation water makes the land less significant and valuable.

7.2. Value adding and economic contribution

Due to the lack of irrigation water, its relatively small size, and lack of direct access, the performance of the land in terms of its economic contribution to any farming business is significantly compromised.

The land is currently renovated and sown to new pasture, managed and maintained with grazing livestock. However, its economic productivity is poor.

The economic yield of the land is determined by pasture production influenced by seasonal climate conditions and stocking rate, also influenced by class and type of livestock and access to infrastructure.

The area of land comprising 3.42 hectares is restrictive by size but also restricted by access to available water. Therefore, the number of grazing days and subsequent livestock production is limited. Potential yield can be determined from Dairy Australia's National Dairy RDE Strategy, under

the Feed Base and Animal Nutrition program of 1 tonne of pasture dry matter consumed per 100 mm of rainfall being achievable. Adapting this strategy for beef and or sheep, an aspirational target yield in a rainfall climate of 760 mm would assume an achievable pasture target of 7.6 tonne of dry matter per hectare or a total of 26 tonne of dry matter.

To capture its rate of return using a cow/calf enterprise example, one would assume a pasture intake at 3% of body weight per day for a 550 kg cow, over the production year 365 days. One cow would consume around 6 tonne of pasture dry matter. With a theoretical stocking rate of 1.26 cows per hectare, the maintenance of 4.3 cows in total on this land would seem unviable in terms of operational scale and rate of return.

Whilst it is acknowledged that some crops could be grown without irrigation water, yields would be significantly reduced or even unviable. Irrigation extends the length of the growing season well into the summer months and at times allows the growing of more than one crop a season in some areas.

Note: Irrigation water required for the Brooke Street land is estimated at around 5 megalitres per hectare or a total of 17 megalitres based on climate data and the crop factor of the crop.

8. Climate

Whilst the climate is described as temperate maritime with drier summers and cool, mild wetter winters, irrigation is considered essential to achieve economic and reliable productivity. This is a reflection on the seasonal distribution of precipitation rather than the lack of rainfall throughout the region.

Rainfall is estimated at around 760 mm (Figures 12,13,14). Yearly totals vary due to seasonal climate variability. Precipitation in the area is winter dominant with around 25% of annual rainfall falling during the months of July and August, January through to March is the driest period with around 15% of annual rainfall.

Figure 12: Mean rainfall & Temperature

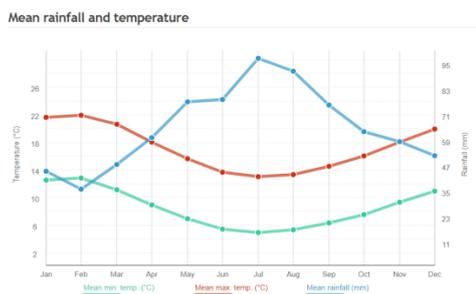


Figure 13: Rainfall mm/annum
Simplified rainfall isohyet diagram from the Forth survey area

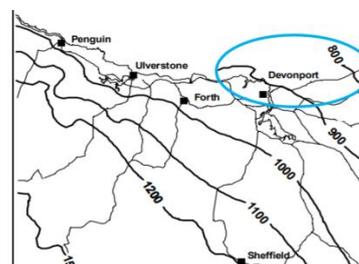


Figure 14: Mean Rainfall chart (Bureau of Meteorology)

Rainfall															
Mean rainfall (mm)	42.6	36.1	48.7	59.1	75.2	78.3	97.0	89.5	74.3	61.1	56.8	52.3	764.5	55	1962 2020
Decile 5 (median) rainfall (mm)	34.9	31.3	40.2	49.0	67.4	72.2	89.3	81.7	76.4	59.4	57.6	47.0	758.4	57	1962 2020
Mean number of days of rain ≥ 1 mm	4.8	4.3	5.5	7.1	9.0	9.5	11.9	11.7	10.0	8.1	7.2	6.3	95.4	57	1962 2020

Evaporation

10

Where rainfall totals may seem adequate, using evaporation as a measure, ESOCIM data shows that there are only 5 months of the year where rainfall exceeds evaporation for the Devonport East Devonport area. *Figure 15*

Evapotranspiration is the added water lost through evaporation and plant transpiration and significantly impacts pasture and crop production and must be replaced through irrigation to meet crop requirements.

Bureau of meteorology data shows evapotranspiration, average estimated losses of 700 mm for the Devonport area, almost the equivalent of rainfall received for the year, creating a water deficit over the summer period. *Figure 16*.

Figure 15: Number of months that rainfall exceeds evaporation across the Forth survey area (as calculated from ESOCIM data) (*Forth weather station/ DPIWE land capability*)

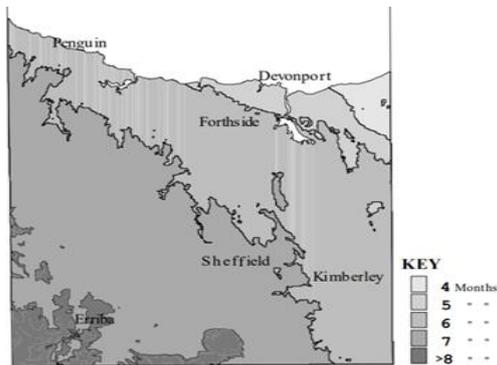
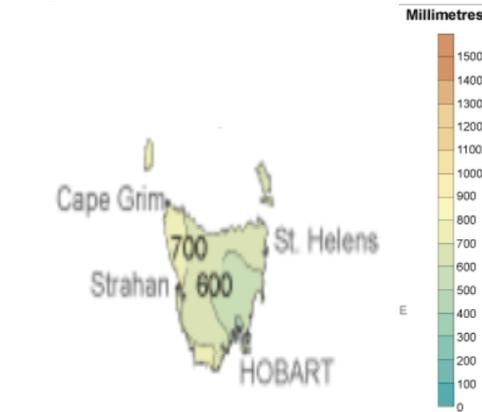


Figure 16: Evapotranspiration in mm/annum



Bureau Meteorology

Average areal actual evapotranspiration Annual

9. Irrigation Feasibility

The Sassafras Wesley Vale Irrigation Scheme commenced operations during the 2011 -12 irrigation season to address irrigation water deficits. It delivers 5,460 megalitres of water to the townships of Sassafras, Harford, Thirlstane, Moriarty, Wesley Vale, Pardoe and East Devonport. The scheme was fully subscribed meaning there is no additional water available. (*see Figure 17*).

Figure 17: Sassafras/Wesley Vale Irrigation Scheme (Source Tasmanian irrigation)



The Brooke Street land has no irrigation services and therefore significant capital investment is required to install necessary infrastructure to deliver water to the land. A plan of the capital development to achieve an irrigation service is shown in Figure 18 and a breakdown of estimated capital development cost is shown in Table 1.

The closest Tasmanian Irrigation outlet is 350 meters from the Brooke Street land and currently delivers in excess of 80 Megalitres to the Costa Berry facility as shown in Figure 19.

Figure 18: Irrigation development Plan
(Showing indicative pipe work and storage)

Figure 19: TI Irrigation outlet (Costa)



Additional water delivery capacity from this outlet is unavailable.

A tranche three Sassafras Wesley Vale Irrigation Scheme upgrade is proposed with an indicative capital cost of water expected to sell for \$1390 - \$1450 per megalitre. However, obtaining water from the tranche 3 upgrade is unknown at this stage. Regardless, it is not the intention from the landowner to apply for water as the development cost, and financial returns are not deemed to be feasible.

17 Megalitres would be required for the site plus additional delivery hardware with an estimated capital cost of at \$100,000 or \$30,000 /hectare. This would appear to be unsustainable.

Table 1: Estimated breakdown of Irrigation Capital Investment

Capital Investment	Unit cost	No of Units	Cost
TI Irrigation Water	\$1,450	17	\$24,650
Underground Pipe	\$90	60	\$5,400
Trenching and installation	\$9	350	\$3,150
Pump Installation/shed	1	12,000	\$12,000
Holding Dam 40*30*5	1	30,000	\$30,000
Hydro /Wiring	1	25,000	\$25,000
Estimated Total Capital Investment			\$100,200

10. Conclusions

The loss of approximately 3.4 hectares of prime agricultural land to rural living on this title is considered to have little effect on the surrounding agricultural area. Its physical limitations such as size and location significantly limit its agricultural potential.

The title of the land is geographically constrained by the adjacent residential zones, and the house and land to the east and therefore it has no connectivity to other agricultural land of commercial scale, or the area currently farmed by Costs Berries to the south.

Whilst the land classification and capability study identify the characteristics of the Brooke Street land as being prime agricultural land, there are significant questions relating to its commercial suitability and viability as prime agricultural land due to lack of irrigation water, infrastructure, the cost benefit of securing the water and infrastructure, land area and proximity to the adjacent residential areas. Furthermore, while the land is currently used for some grazing activity any type of activity associated with irrigated intensive cropping has potential to affect the residential amenity causing greater concern or conflict for residents. Indeed, any proposed buffer or setback which would reduce the impact of dust or spray drift would severely compromise the already small area of available farming land.

Therefore, rezoning of the land is unlikely to place any further constraints on the nearby land. It is also unlikely that this title would be attractive for farming in conjunction with other holdings.

Finally, Principle 3 of the State Policy on the Protection of Agricultural land 2009 states the following: *'Agricultural land is a valuable resource and its use for the sustainable development of agriculture should not be unreasonably confined or restrained by non-agricultural use or development'*.

As described in the report the observations have identified existing unintentional restraints through urban development and natural physical limitations. The land is not subservient to the existing farming land surrounding it and therefore any development should not impact on the same surrounding agricultural land due to the natural buffer of the neighbouring small allotment and the pre-existing residential boundaries.

References

DPIWE (2009) Cadastre Parcels Dataset. Tas Map Department of Primary Industries, Parks Ware and Environment.

List Maps Tasmania Interim Planning scheme 2013

Grose, C. J., (1999). Land Capability Handbook: Guidelines for the Classification of Agricultural Land in Tasmania (Second Edition). Tasmania Australia. Department of Primary Industries water and Environment.

Tasmanian Irrigation

State policy on the Protection of Agricultural Land 2009

Attachment A - CV



Position:

- Farm Business Consultant

Qualifications:

- Ass Dip Animal Production
- Cert 1V Farming

Area of Expertise:

- Dairy and Beef farm management
- Receivership and transitional farm management
- Farm business budgets and advice.
- Farm design and development
- Feed budgeting
- Stock management
- Pasture coaching
- Milk quality management

Contact Details:

M: 0409 012 366

0418 676 089

sylofive@gmail.com

Symon Jones

Symon Jones Farm Business Consulting

1 beach Street

Leith

TASMANIA 7315

ABN 36 599 299 487

Email sylofive@gmail.com

INTRODUCTION

Symon has pursued a 30-year professional career within the rural industry with an initial primary focus in the dairy industry. He combines his wide range of practical skills with specialist training undertaken at the Hawkesbury Agricultural College (NSW).

Symon practices as an independent Agri business consultant, having a current engagement with Rogers Reidy Hobart and with the Institute of Agriculture as a Senior Dairy Development and Extension officer. Symon recently owned and operated a 500 cow dairy operation on the North West Coast of Tasmania and has been recognised for his efforts as a nominee, finalist and winner of the Tasmanian Dairy Business Awards.

Symon is an experienced farm business and grazing management consultant working with both dairy and beef clients throughout Tasmania. He has assisted in the management of a number of dairy, prime lamb and cropping operations including some larger scale dairy farms owned by a large investment group.

Symon has successfully managed a number of dairy, beef and cropping farms through the receivership process by providing farm business advice, strategic planning and day to day operational management and has developed a strong network of farmer and agribusiness professionals across both Tasmania and Victoria to assist him in this role.

During his career, Symon has also provided assistance to other practicing dairy farmers in his role as a pasture coach and mentor within the Department of Primary industry, Parks, Water and Environment (DPIWE) for the 20/12 and Pasture Plus extension programs.

Symon is former farmer, director, and Chairman of the Dairy Tasmania Board and the Tasmanian regional farmer delegate on the Fonterra Australia Supplier Forum.

PROFESSIONAL EXPERIENCE.

2015- 2020 Independent Consultant farm business management for Rogers Reidy, Hobart

Deloitte Launceston/Hobart, Tasmanian Institute of Agriculture.

Farm business applications Department of State Growth and Development.

2015: Six-year appointment as Farmer Director and Chairman of the Dairy Tasmania board.

2015: Four-year appointment as Fonterra Australia Supplier forum delegate

2015: Management Barrington dairy/cropping property Receivers as mortgagee in Possession.

2014: Receiver Management-Mackay Rural dairy, Dairy Plains

2014: Receiver management, Tomahawk Dairy, Colac Western Victoria.

2013: Receiver management, White Water Dairy Smithton, Tas

2012: Receiver management, Blackwood Park Westbury, Tas

2012: Receiver management, Skerritt Dairy Campbell Town, Tas

2011: Receiver management, Keroo Dairies Smithton, Tas

2011 – 2013: Consultant - Macquarie Franklin (agribusiness)

2007-2011: Consultant - Davey& Maynard (agribusiness)

2005 – 2007: Pasture Coach - DPIWE

2002 – 2005: Companion Focus farm participant - DPIWE

2004 – 2005: Pasture Plus working group chairman

2001: Field Officer, Vegetables - Forth Farm Produce

1999: Productivity Specialist, Fertiliser - Incitec Pivot

1996: Marcus Oldham Rural Leadership Course participant

1993: Present: Owner/operator dairy business

1992: US Dairy Tour Minnesota

1990: Share farming - Circular Head



Environmental Service and Design Pty Ltd
ABN 97 107 517 144 ACN 107 517 144

Office
74-80 Minna Road
Heybridge TAS 7316
Phone : (03) 6431 2999
Fax: (03) 6431 2933
www.esandd.com.au

Postal
PO Box 651
Burnie TAS 7320

Bushfire Hazard Management Report

246 Brooke Street EAST DEVONPORT



Applicant:

William David Bovill
246 Brooke Street
EAST DEVONPORT TAS 7310

Prepared by:

Bruce Harpley
Environmental Service and Design Pty Ltd
Version 1: 5 December 2019

Contact Phone Number:

0429 355 259

E- Mail:

bharpley@esandd.com.au

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CODE E1 – BUSHFIRE-PRONE AREAS CODE

CERTIFICATE¹ UNDER S51(2)(d) LAND USE PLANNING AND APPROVALS ACT 1993

1. Land to which certificate applies²

Land that is the Use or Development Site that is relied upon for bushfire hazard management or protection.

Name of planning scheme or instrument:

Devonport Interim Planning Scheme 2013

Street address:

246 Brooke Street East Devonport

Certificate of Title / PID:

9450/29

Land that is not the Use or Development Site that is relied upon for bushfire hazard management or protection.

Street address:

N/A

Certificate of Title / PID:

2. Proposed Use or Development

Description of Use or Development:

(Provide a brief description of the proposed use or development; including details of scale, siting and context.)

4 lot subdivision

¹ This document is the approved form of certification for this purpose and must not be altered from its original form.

² If the certificate relates to bushfire management or protection measures that rely on land that is not in the same lot as the site for the use or development described, the details of all of the applicable land must be provided.

Code Clauses³:

E1.4 Exempt Development

E1.5.1 Vulnerable Use

E1.5.2 Hazardous Use

E1.6.1 Subdivision

3. Documents relied upon⁴

Documents, Plans and/or Specifications

Title: Rezoning and Subdivision – Proposal Site Plan

Author: Tasmanian Consulting Service

Date: 10 October 2019 **Version:** P3

Bushfire Hazard Report

Title: Bushfire Hazard Management Report

Author: Bruce Harpley

Date: 5 December 2019 **Version:** 1

Bushfire Hazard Management Plan

Title: Bushfire Hazard Management Plan and Specification

Author: Bruce Harpley

Date: 5 December 2019 **Version:** 1

Other Documents

Title: N/A

Author:

³ Indicate by placing X in the corresponding for the relevant clauses of E1.0 Bushfire-prone Areas Code.

⁴ List each document that is provided or relied upon to describe the use or development, or to assess and manage risk from bushfire. Each document must be identified by reference to title, author, date and version.

Date:

Version:

4. Nature of Certificate⁵

<input type="checkbox"/>	E1.4 – Use or development exempt from this code		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.4 (a)	Insufficient increase in risk	

<input type="checkbox"/>	E1.5.1 – Vulnerable Uses		
	E1.5.1.1 Standards for vulnerable use		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.5.1.1 P1.	Risk is mitigated	
<input type="checkbox"/>	E1.5.1.1 A2	BHMP	
<input type="checkbox"/>	E1.5.1.1 A3	Emergency Plan	

<input type="checkbox"/>	E1.5.2 – Hazardous Uses		
	E1.5.2.1 Standards for hazardous use		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.5.2.1 P1.	Risk is mitigated	
<input type="checkbox"/>	E1.5.2.1 A2	BHMP	
<input type="checkbox"/>	E1.5.2.1 A3	Emergency Plan	

<input checked="" type="checkbox"/>	E1.6.1 – Development standards for subdivision		
	E1.6.1.1 Subdivision: Provision of hazard management areas		
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.6.1.1 P1.	Hazard Management Areas are sufficient to mitigate risk	

⁵ The certificate must indicate by placing X in the corresponding for each applicable standard and the corresponding compliance test within each standard that is relied upon to demonstrate compliance to Code E1
 BAL Assessment: 246 Brooke Street East Devonport Page 5 of 29

<input type="checkbox"/>	E1.6.1.1 A1. (a)	Insufficient increase in risk	
X	E1.6.1.1 A1. (b)	Provides BAL 19 for all lots	Refer section 3.2 and 3.3
<input type="checkbox"/>	E1.6.1.1 A1. (c)	Consent for Part 5 Agreement	

E1.6.1.2 Subdivision: Public and fire fighting access			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.6.1.2 P1.	Access is sufficient to mitigate risk	
<input type="checkbox"/>	E1.6.1.2 A1. (a)	Insufficient increase in risk	
X	E1.6.1.2 A1. (b)	Access complies with Tables E1, E2 & E3	Refer section 2.5

E1.6.1.3 Subdivision: Provision of water supply for firefighting purposes			
	Assessment Criteria	Compliance Requirement	Reference to Applicable Document(s)
<input type="checkbox"/>	E1.6.1.3 A1. (a)	Insufficient increase in risk	
X	E1.6.1.3 A1. (b)	Reticulated water supply complies with Table E4	Refer section 2.6
<input type="checkbox"/>	E1.6.1.3 A1. (c)	Water supply consistent with the objective	
<input type="checkbox"/>	E1.6.1.3 A2. (a)	Insufficient increase in risk	
X	E1.6.1.3 A2. (b)	Static water supply complies with Table E5	Refer section 2.6
<input type="checkbox"/>	E1.6.1.3 A2. (c)	Static water supply is consistent with the objective	

5. Bushfire Hazard Practitioner⁶

Name: Bruce Harpley **Phone No:** 0429 355 259

Address: Environmental Service & Design Pty Ltd **Fax No:** 6431 2933

PO Box 651 **Email Address:** bharpley@esandd.com.au

BURNIE 7320

Accreditation No: BFP - 140 **Scope:** 1, 2, 3A and 3B

6. Certification⁷

I, certify that in accordance with the authority given under Part 4A of the Fire Service Act 1979 –

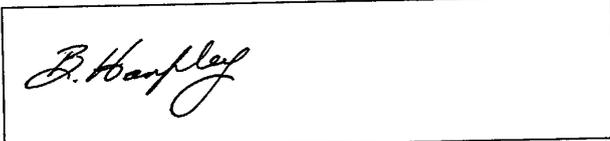
The use or development described in this certificate is exempt from application of Code E1 – Bushfire-Prone Areas in accordance with Clause E1.4 (a) because there is an insufficient increase in risk to the use or development from bushfire to warrant any specific bushfire protection measure in order to be consistent with the objectives for all the applicable standards identified in Section 4 of this Certificate.

or

There is an insufficient increase in risk from bushfire to warrant the provision of specific measures for bushfire hazard management and/or bushfire protection in order for the use or development described to be consistent with the objective for each of the applicable standards identified in Section 4 of this Certificate.

and/or

The Bushfire Hazard Management Plan identified in Section 4 of this certificate is in accordance with the Chief Officer's requirements and can deliver an outcome for the use or development described that is consistent with the objective and the relevant compliance test for each of the applicable standards identified in Section 4 of this Certificate.

Signed: certifier 

Date: 5 December 2019 **Certificate No:** 6970-1

⁶ A Bushfire Hazard Practitioner is a person accredited by the Chief Officer of the Tasmania Fire Service under Part IVA of Fire Service Act 1979. The list of practitioners and scope of work is found at www.fire.tas.gov.au.

⁷ The relevant certification must be indicated by placing X in the corresponding .
BAL Assessment: 246 Brooke Street East Devonport

Scope of Assessors Accreditation

Bruce Harpley (BFP-140) is accredited by the Chief Officer of the Tasmania Fire Service under Section 60B of the *Fire Service Act 1979* for scope of works:

1. Certify a Bushfire Hazard Management Plan for the purposes of the *Building Act 2016*
2. Certify an Exemption from a Bushfire Hazard Management Plan for the purposes of the *Building Act 2016* or the *Land Use Planning and Approvals Act 1993*
- 3A. Certify a Bushfire Hazard Management Plan meets the Acceptable Solutions for Vulnerable Uses and Hazardous Uses for the purposes of the *Land Use Planning and Approvals Act 1993*.
- 3B. Certify a Bushfire Hazard Management Plan meets the Acceptable Solutions for small subdivisions for the purposes of the *Land Use Planning and Approvals Act 1993*.

Works performed by **Bruce Harpley (BFP-140)** that require Tasmania Fire Service endorsement:

- 3C. Certify a Bushfire Hazard Management Plan meets the Acceptable Solutions for large subdivisions for the purposes of the *Land Use Planning and Approvals Act 1993*.
4. Certify an Emergency Management Strategy or Bushfire Emergency Plan

Disclaimer

This document has been prepared for the sole use of the client and for a specific purpose, as expressly stated in the document. *Environmental Services and Design Pty Ltd* undertakes no duty nor accepts any responsibility to any third party not being the intended recipient of this document. The information contained in this document has been carefully compiled based on the clients' requirements and *Environmental Services and Design Pty Ltd's* experience, having regard to the assumptions that *Environmental Services and Design Pty Ltd* can reasonably be expected to make in accordance with sound professional principles. *Environmental Services and Design Pty Ltd* may also have relied on information provided by the client and/or other external parties to prepare this document, some of which may not have been verified. Subject to the above conditions, *Environmental Services and Design Pty Ltd* recommends this document should only be transmitted, reproduced or disseminated in its entirety.

Bushfires in Tasmania are an unpredictable natural phenomenon and preparing a Bushfire Hazard Management Plan increases your chances of defending your property and assists in the protection the people whom frequent it. This Fire Hazard Management Plan in no way guarantees immunity from a bushfire in or around your property or the effects thereof.

Any measures implemented based on the advice from *Environmental Services and Design Pty Ltd*, is offered as potential methods of reducing your properties risk of fire damage only and is not to be relied upon as a total solution. It in no way guarantees that any or all buildings on site will survive the effects of a bushfire nor does it guarantee the safety and security of any individuals whom frequent the property.

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Nothing in this Disclaimer affects any rights or remedies to which you may be entitled under the Trade Practices Act 1974 (as amended).

Each paragraph of this disclaimer shall be deemed to be separate and severable from each other. If any paragraph is found to be illegal, prohibited or unenforceable, then this shall not invalidate any other paragraphs.

Re-Certification – Ability to Re-Evaluate

If in the event that the land owner requests a re-assessment of this plan due to a reduced or eliminated bushfire risk in the future; an Accredited Bushfire Assessor can over-ride any or all of the requirements or provisions of this plan. This provision serves to formally expunge any Part 5 Agreement with a Council Planning Authority (if placed on a Title as a condition of Permit) or to reduce the construction standards required under *AS3959 Construction of Buildings in Bushfire Prone Areas* (as amended) if the bushfire risk is reduced to **BAL – LOW** or a threat no longer exists.

BAL Assessment: 246 Brooke Street East Devonport

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Section 1

1. Introduction

Environmental Services and Design Pty Ltd has been engaged by Tasmanian Consulting Service on behalf of the owners to complete a bushfire hazard management assessment for a 4 lot subdivision of land at 246 Brooke Street East Devonport CT 9450/29. The proposal includes rezoning of the lot from rural resource to rural living.

Lots 1 and 2 are to be accessed from Brooke Street while lots 3 and 4 are to be accessed from Upper Drew Street.

The purpose of this report is to document the assessment under Planning Directive 5.1 - Bushfire-Prone Areas Code and identify the bushfire attack level and any bushfire hazard management areas in accordance with AS3959-2018.

Section 2

2.1 Property Details

Property Address	246 Brooke Street East Devonport
Certificate of Title	9450/29
Type of Application	Subdivision
Area	Lot 1 – 4975m ² , lot 2 – 6819m ² , lot 3 - 12,281m ² and lot 4 – 10,609m ²
Zoning	Rural Resource (proposed change to rural living)
Surrounding Zoning	North and West – General residential South and East – Rural resource
Planning Scheme	Devonport Interim Planning Scheme 2013
Existing land Use	Agriculture

2.2 Surrounding land use

Surrounding land uses noted during the site assessment are:

- North – Road and developed and vacant residential lots; and
- South – Green houses; and
- East – Agriculture; and
- West – Developed residential.

2.3 Vegetation Assessment

Lot 1

Site assessment determined vegetation in relation to the building envelope shown for lot 1 within 100m as:

- North – low threat – roadway and residential development for over 100m;
- South – grassland for over 100m;
- East – grassland 11.5m; and
- West – low threat – residential development for over 100m

Lot 2

Site assessment determined vegetation in relation to the building envelope for lot 2 as:

- North – low threat – roadway and residential development for over 100m;
- South – grassland for over 100m;
- East – grassland 15m; and
- West – grassland 12m.

Lot 3

Site assessment determined vegetation in relation to building envelope for lot 3 as:

- North – grassland for over 100m;
- South – grassland for over 100m;
- East – grassland for over 100m; and
- West – Low threat – residential development.

Lot 4

Site assessment determined vegetation in relation to building envelope for lot 3 as:

- North – grassland for over 100m;
- South – grassland 42m then low threat – roadway and greenhouses;
- East – grassland for over 100m; and
- West – Low threat – residential development.

Vegetation is assessed as grassland to the east and within all 4 lots as the area is greater than 1500m², zoning is to change to rural living and does not meet the exemption requirements of AS3959 clause 2.2.3.2.

2.4 Topography

Site slopes vary in relation to the proposed building envelopes and are assessed as follows:

Lot 1

- North – 6⁰ down slope;
- South – up slope;
- East – across slope; and
- West – across slope.

Lot 2

- North – 6⁰ down slope;
- South – up slope;
- East – across slope; and
- West – across slope.

Lot 3

- North – 8⁰ down slope;
- South – up slope;
- East – across slope; and
- West – across slope.

Lot 4

- North – 2-8⁰ down slope;
- South – up slope;
- East – across slope; and
- West – across slope.

2.5 Access

Lot 1 and 2

Proposal shows an 8m wide double driveway shared between lots 1 and 2 from Brooke Street. Proposal does not describe construction of the driveway.

Each lot will have rights to an access with a minimum width of 8m. Access length to the building envelope is between 20m – 31m.

As noted in section 2.6 below access is not required for firefighting appliances to access a static water point.

Property access for lots 1 and 2 complies with the requirements of Planning Directive 5.1 Bushfire-Prone Areas Code Table E2 element A.

Lot 3

Access to lot 3 is proposed from Upper Drew Street and proposal shows an 8m wide double driveway shared with lot 4. Proposal does not detail the construction of the driveway. Length of access to the building envelope exceeds 30m but is less than 200m.

Access will be required to a static water point for firefighting purposes. Access will require hardstand of the same construction to the static water supply tank.

Access must comply with the requirements of Table E2 of planning Directive 5.1 Bushfire-Prone Areas Code. A copy of Table E2 is attached and forms part of the Bushfire Hazard Management Plan specification.

Lot 4

Access to lot 4 is proposed from Upper Drew Street and proposal shows an 8m wide double driveway shared with lot 3. Proposal does not detail the construction of the driveway. Length of access to the building envelope is between 39m - 42m.

As noted in section 2.6 below access is not required for firefighting appliances to access a static water point.

Property access for lot 4 complies with the requirements of Planning Directive 5.1 Bushfire-Prone Areas Code Table E2 element A.

2.6 Water Supply

There is a reticulated water supply to the area and fire hydrants were identified on the northern side of Brooke Street opposite lot 1 and lot 2.

Lot 1

The furthest point of the building envelope is within a 120m hose lay of the hydrant on the northern side of Brooke Street to the north west of the proposed access.

Reticulated water supply for firefighting purposes meets the requirements of Planning Directive 5.1 Bushfire-Prone Areas Code Table E4 element A.

Lot 2

The furthest point of the building envelope is within a 120m hose lay of the hydrant on the northern side of Brooke Street to the north east of the proposed access.

Reticulated water supply for firefighting purposes meets the requirements of Planning Directive 5.1 Bushfire-Prone Areas Code Table E4 element A.



Hydrant – northern side of Brooke Street

Lot 3

The proposal includes installation of a hydrant in Upper Drew Street to the south west of the access to lots 3 and 4. With an access length greater than 100m the hydrant is not within a 120m hose lay of the furthest portion of the building envelope.

A static water supply for firefighting purposes is required.

Static water supply must be within a 90m hose lay of the building to be protected, have a minimum 10,000L capacity and be metal, concrete or lagged with non-combustible material if above-ground.

Static water supply must comply with the requirements of Planning directive 5.1 Bushfire-Prone Areas Code Table E5 elements a to E.

A copy of Table E5 is attached and forms part of the Bushfire Hazard Management Plan specification.

Lot 4

The furthest point of the building envelope is within a 120m hose lay of the proposed new hydrant on Upper Drew Street to the west of the proposed access.

Reticulated water supply for firefighting purposes meets the requirements of Planning Directive 5.1 Bushfire-Prone Areas Code Table E4 element A.

3.0 Site Assessment

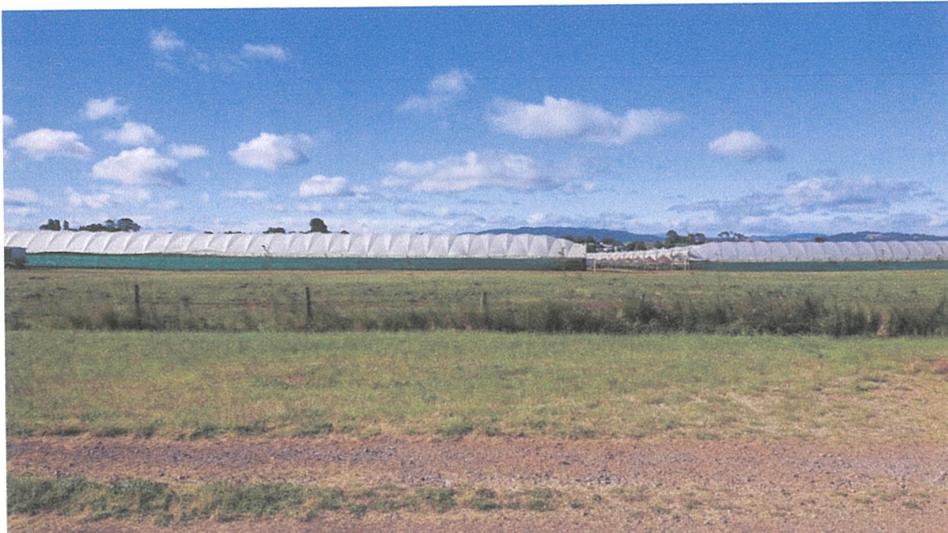
A site assessment was carried out on 2 December 2019 and a desk top study was carried out on 5 December 2019. The proposal plan, prepared by Tasmanian Consulting Service, is at attachment C. Relevant site photographs are below.



Lots 1 and 2 – north



Lots 1 and 2 – South from northern boundary



Lot 4 – south



Lot 3 and 4 – east

3.1 Fire Danger Index

The fire danger index as per Table 2.1 AS3959-2009 for Tasmania is 50.

3.2 BAL Assessment – Lot 1

Vegetation classification (refer Table 2.3)	North	<input checked="" type="checkbox"/>	South	<input checked="" type="checkbox"/>	East	<input checked="" type="checkbox"/>	West	<input checked="" type="checkbox"/>
	North East	<input type="checkbox"/>	South West	<input type="checkbox"/>	South East	<input type="checkbox"/>	North West	<input type="checkbox"/>
Group A Forest								
Group B Woodland								
Group C Scrub land								
Group D Scrub								
Group E Mallee/Mulga								
Group F Rainforest								
Group G Grassland			X		X			
Low threat vegetation	X						X	
Exclusions	Insert relevant exclusion paragraph descriptor from clause 2.2.3.2 (e) & (f)							
Prevailing winds	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>	
Distance to classified vegetation	Show distance in metres							
	>100m		14m		11.5m		>100m	
Effective Slope	Upslope							
Slope under the classified vegetation	Upslope/0°	<input type="checkbox"/>	Upslope/0°	<input checked="" type="checkbox"/>	Upslope/0°	<input checked="" type="checkbox"/>	Upslope/0°	<input checked="" type="checkbox"/>
	North	<input checked="" type="checkbox"/>	South	<input checked="" type="checkbox"/>	East	<input checked="" type="checkbox"/>	West	<input checked="" type="checkbox"/>
	North East	<input type="checkbox"/>	South West	<input type="checkbox"/>	South East	<input type="checkbox"/>	North West	<input type="checkbox"/>
	Downslope							
	>0 to 5	<input type="checkbox"/>	>0 to 5	<input type="checkbox"/>	>0 to 5	<input type="checkbox"/>	>0 to 5	<input type="checkbox"/>
	>5 to 10	<input checked="" type="checkbox"/>	>5 to 10	<input type="checkbox"/>	>5 to 10	<input type="checkbox"/>	>5 to 10	<input type="checkbox"/>
	>10 to 15	<input type="checkbox"/>	>10 to 15	<input type="checkbox"/>	>10 to 15	<input type="checkbox"/>	>10 to 15	<input type="checkbox"/>
	>15 to 20	<input type="checkbox"/>	>15 to 20	<input type="checkbox"/>	>15 to 20	<input type="checkbox"/>	>15 to 20	<input type="checkbox"/>
BAL Value for each side of site	Low		12.5		19		Low	

3.2 BAL Assessment – Lot 2

Vegetation classification (refer Table 2.3)	North <input checked="" type="checkbox"/>	South <input checked="" type="checkbox"/>	East <input checked="" type="checkbox"/>	West <input checked="" type="checkbox"/>
	North East <input type="checkbox"/>	South West <input type="checkbox"/>	South East <input type="checkbox"/>	North West <input type="checkbox"/>
Group A Forest				
Group B Woodland				
Group C Scrub land				
Group D Scrub				
Group E Mallee/Mulga				
Group F Rainforest				
Group G Grassland		X	X	X
Low threat vegetation	X			
Exclusions	Insert relevant exclusion paragraph descriptor from clause 2.2.3.2 (e) & (f)			
Prevailing winds	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Distance to classified vegetation	Show distance in metres			
	>100m	14m	15m	14m
Effective Slope	Upslope			
	Upslope/0° <input type="checkbox"/>	Upslope/0° <input checked="" type="checkbox"/>	Upslope/0° <input checked="" type="checkbox"/>	Upslope/0° <input checked="" type="checkbox"/>
Slope under the classified vegetation	North <input checked="" type="checkbox"/>	South <input checked="" type="checkbox"/>	East <input checked="" type="checkbox"/>	West <input checked="" type="checkbox"/>
	North East <input type="checkbox"/>	South West <input type="checkbox"/>	South East <input type="checkbox"/>	North West <input type="checkbox"/>
	Downslope			
	>0 to 5 <input type="checkbox"/>	>0 to 5 <input type="checkbox"/>	>0 to 5 <input type="checkbox"/>	>0 to 5 <input type="checkbox"/>
	>5 to 10 <input checked="" type="checkbox"/>	>5 to 10 <input type="checkbox"/>	>5 to 10 <input type="checkbox"/>	>5 to 10 <input type="checkbox"/>
	>10 to 15 <input type="checkbox"/>	>10 to 15 <input type="checkbox"/>	>10 to 15 <input type="checkbox"/>	>10 to 15 <input type="checkbox"/>
	>15 to 20 <input type="checkbox"/>	>15 to 20 <input type="checkbox"/>	>15 to 20 <input type="checkbox"/>	>15 to 20 <input type="checkbox"/>
BAL Value for each side of site	Low	12.5	12.5	19

3.2 BAL Assessment – Lot 3

Vegetation classification (refer Table 2.3)	North	<input checked="" type="checkbox"/>	South	<input checked="" type="checkbox"/>	East	<input checked="" type="checkbox"/>	West	<input checked="" type="checkbox"/>
	North East	<input type="checkbox"/>	South West	<input type="checkbox"/>	South East	<input type="checkbox"/>	North West	<input type="checkbox"/>
Group A Forest								
Group B Woodland								
Group C Scrub land								
Group D Scrub								
Group E Mallee/Mulga								
Group F Rainforest								
Group G Grassland	X		X		X			
Low threat vegetation							X	
Exclusions	Insert relevant exclusion paragraph descriptor from clause 2.2.3.2							
							(f)	
Prevailing winds	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>	
Distance to classified vegetation	Show distance in metres							
	19m		15m		14m		15m	
Effective Slope	Upslope							
Slope under the classified vegetation	Upslope/0°	<input type="checkbox"/>	Upslope/0°	<input checked="" type="checkbox"/>	Upslope/0°	<input checked="" type="checkbox"/>	Upslope/0°	<input checked="" type="checkbox"/>
	North	<input checked="" type="checkbox"/>	South	<input checked="" type="checkbox"/>	East	<input checked="" type="checkbox"/>	West	<input checked="" type="checkbox"/>
	North East	<input type="checkbox"/>	South West	<input type="checkbox"/>	South East	<input type="checkbox"/>	North West	<input type="checkbox"/>
	Downslope							
	>0 to 5	<input type="checkbox"/>	>0 to 5	<input type="checkbox"/>	>0 to 5	<input type="checkbox"/>	>0 to 5	<input type="checkbox"/>
	>5 to 10	<input checked="" type="checkbox"/>	>5 to 10	<input type="checkbox"/>	>5 to 10	<input type="checkbox"/>	>5 to 10	<input type="checkbox"/>
	>10 to 15	<input type="checkbox"/>	>10 to 15	<input type="checkbox"/>	>10 to 15	<input type="checkbox"/>	>10 to 15	<input type="checkbox"/>
	>15 to 20	<input type="checkbox"/>	>15 to 20	<input type="checkbox"/>	>15 to 20	<input type="checkbox"/>	>15 to 20	<input type="checkbox"/>
BAL Value for each side of site	12.5		12.5		12.5		Low	

3.2 **BAL Assessment – Lot 4**

Vegetation classification (refer Table 2.3)	North	<input checked="" type="checkbox"/>	South	<input checked="" type="checkbox"/>	East	<input checked="" type="checkbox"/>	West	<input checked="" type="checkbox"/>
	North East	<input type="checkbox"/>	South West	<input type="checkbox"/>	South East	<input type="checkbox"/>	North West	<input type="checkbox"/>
Group A Forest								
Group B Woodland								
Group C Scrub land								
Group D Scrub								
Group E Mallee/Mulga								
Group F Rainforest								
Group G Grassland	X		X		X			
Low threat vegetation							X	
Exclusions	Insert relevant exclusion paragraph descriptor from clause 2.2.3.2							
							(f)	
Prevailing winds	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>	
Distance to classified vegetation	Show distance in metres							
	16m		14m		14m		>100m	
Effective Slope	Upslope							
Slope under the classified vegetation	Upslope/0°	<input type="checkbox"/>	Upslope/0°	<input checked="" type="checkbox"/>	Upslope/0°	<input checked="" type="checkbox"/>	Upslope/0°	<input checked="" type="checkbox"/>
	North	<input checked="" type="checkbox"/>	South	<input checked="" type="checkbox"/>	East	<input checked="" type="checkbox"/>	West	<input checked="" type="checkbox"/>
	North East	<input type="checkbox"/>	South West	<input type="checkbox"/>	South East	<input type="checkbox"/>	North West	<input type="checkbox"/>
	Downslope							
	>0 to 5	<input checked="" type="checkbox"/>	>0 to 5	<input type="checkbox"/>	>0 to 5	<input type="checkbox"/>	>0 to 5	<input type="checkbox"/>
	>5 to 10	<input type="checkbox"/>	>5 to 10	<input type="checkbox"/>	>5 to 10	<input type="checkbox"/>	>5 to 10	<input type="checkbox"/>
	>10 to 15	<input type="checkbox"/>	>10 to 15	<input type="checkbox"/>	>10 to 15	<input type="checkbox"/>	>10 to 15	<input type="checkbox"/>
	>15 to 20	<input type="checkbox"/>	>15 to 20	<input type="checkbox"/>	>15 to 20	<input type="checkbox"/>	>15 to 20	<input type="checkbox"/>
BAL Value for each side of site	12.5		12.5		12.5		Low	

3.3 Risk Assessment

In relation to lots 1, 2 and 4 the following factors have been considered:

- Proposed access complies with the requirements of Table E2 element A of Planning Directive 5.1 - Bushfire-Prone Areas Code; and
- Reticulated water supply for firefighting complies with the requirements of Planning Directive 5.1 – Bushfire-Prone Area Code; and
- Bushfire Attack Levels at section 3.2 are valid for the assessed vegetation and slopes based on distances from the proposed building envelopes.

In relation to lot 3 the following factors have been considered:

- Access must comply with the requirements of Table E2 element B of Planning Directive 5.1 - Bushfire-Prone Areas Code; and
- A static water supply for firefighting purposes is required; and
- Static water supply must comply with the requirements of Planning Directive 5.1 – Bushfire-Prone Area Code Table E5 elements A to E.

3.4 Conclusion

Having regard to all the provisions of clause E1.6 of Planning Directive No 5.1 Bushfire-prone Areas Code there is a requirement for a hazard management plan.

The attached hazard management plan indicates that each of the proposed lots has hazard management areas equal to or greater than BAL 19.

Copies of Table E2 element B and Table E5 are included as attachments D and E and form part of the hazard management plan specification.

Section 4

Bushfire Hazard Management Plan

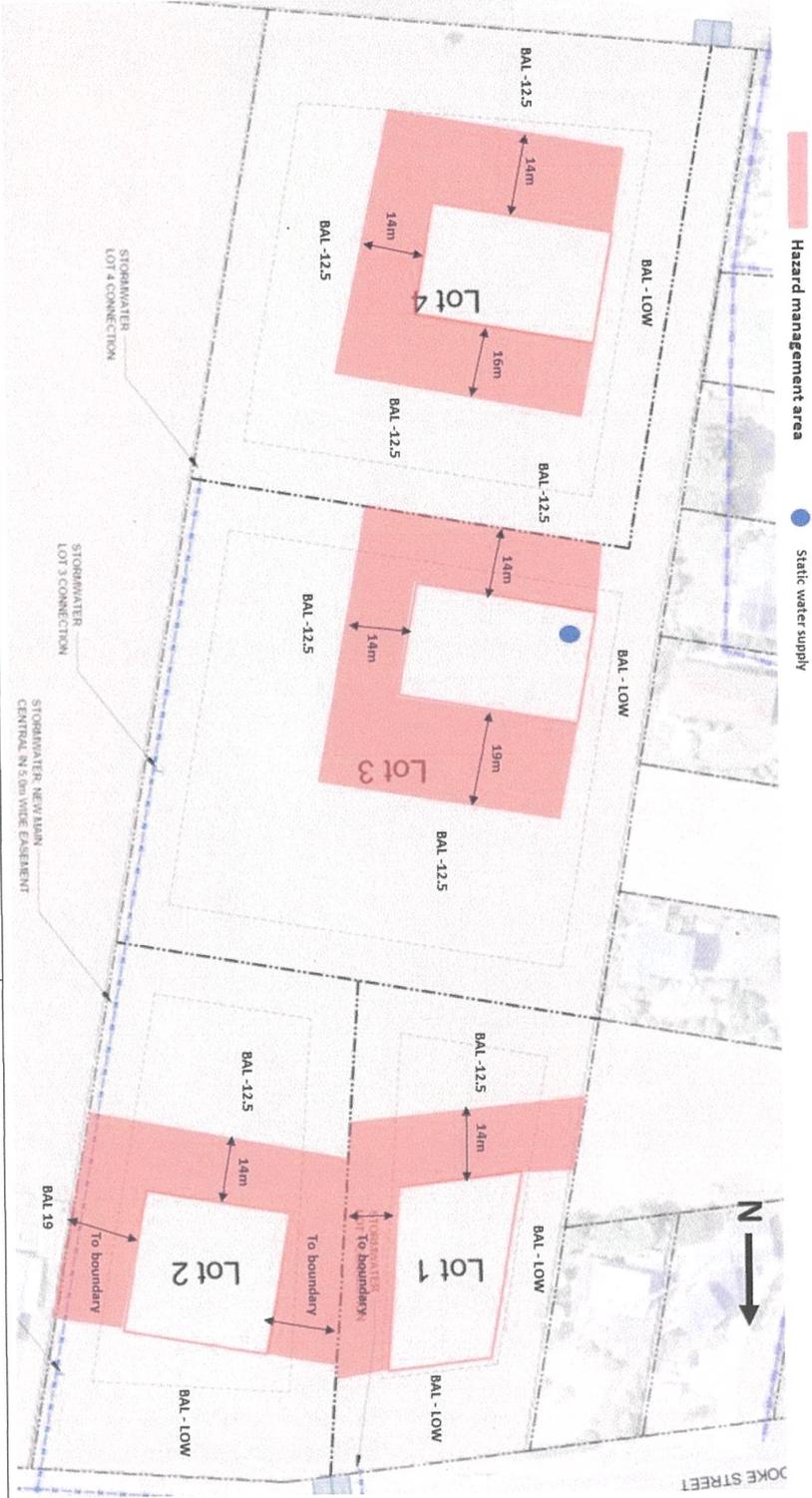
Plan and Specifications (including hazard management areas)

Attachment A

Environmental Services and Design Pty Ltd
 PO Box 651
 BURNIE TAS 7320
 www.esandd.com.au
 (03) 6431 2999



Bushfire Hazard Management Plan
 Hazard Management Areas
 246 Brooke Street East Devonport
 Title Reference: 9450/29



This plan has been prepared only for the purpose of complying with E1, Bushfire-Prone Areas Code and the information shown hereon must not be used for any other purpose. All dimensions and areas are in meters.		Scale: NTS	Drawing No: 6970-1
Drawn: Bruce Harpley BFP-140		Date: 5 December 2019	Revision No: 0
This Bushfire Hazard Management Plan must be read in conjunction with the requirements detailed in Attachment B of this plan			

Attachment B

<p>Environmental Services and Design Pty Ltd PO Box 651 BURRILE TAS 7320 www.esand.com.au (03) 6431 2999</p> 	<p>Bushfire Hazard Management Plan Specification</p> <p>246 Brooke Street East Devonport Title Reference: 9450/29</p>	
<p>1.1 Introduction The Bushfire Attack Level (BAL) assessment is for the proposed 2 lot subdivision at 25 Ozanne Drive GAWLER. The development will have a Hazard Management Area (HMA) surrounding the features identified on Drawing No: 6896-1 and 6896-2. Vegetation greater than 1ha within 100m (50m grassland) of the proposal site was assessed against the Acceptable Solutions Criteria of the municipal planning scheme. AS3959-2009 was used to assign a BAL level to the development utilising a range of data specific to the subject site.</p> <p>1.2 Water Supply The subject land is not connected to municipal water supply and there are no fire hydrants in the area. A static water supply for firefighting purposes will be required. Future development for a habitable building will require a static water supply with a minimum capacity of 10,000L, that complies with the requirements of Table E3 elements B to E of Planning Directive 5.1 - Bushfire-Prone Areas Code is required. A copy of the static water supply requirements is at attachment F and forms part of the hazard management specification.</p> <p>1.3 Access Road access is via crossovers and access from Ozanne Drive which is a Council maintained roadway that comply with municipal standards. Private access is from the existing right-of-way from Ozanne Drive. Access to the site for fire appliances to both lots must be accommodated by a compliant access with provision for sufficient room for the suitable manoeuvrability of vehicles. Any future residential development must include an access for each lot that complies with the requirements of Table E2 of Planning Directive 5.1 - Bushfire-Prone Areas Code. A copy of the access requirements is included at attachment F and forms part of the hazard management plan specification. Egress from the site is via a CLASS 4A road which is constructed to Standards enabling safe passage for a variety of vehicle sizes through to a state road.</p>	<p>1.4 Landscaping It is the responsibility of the land owner to maintain the landscaping in accordance with the Bushfire Hazard Management Plan. All paths and pedestrian areas within 1m of any habitable structure on the subject site must be constructed of non-combustible materials (i.e. stone, paving, concrete, pebbles etc.). Vegetation along pathways should be of a low flammability type and in accordance with the Tasmania Fire Services' brochure - Fire Retardant garden plants. Plants that produce a lot of debris or fine fuels should be avoided. Trees and shrubs that retain dead material in branches, or which shed long strips of bark, or rough fibrous bark, or large quantities of leaves should be avoided. Vines on walls or tree canopies over roofed areas should be avoided. Timber, woodchip and flammable mulches cannot be used and brush and timber fencing should be avoided.</p> <p>1.5 Hazard Management Area (HMA) A bushfire Hazard Management Area (HMA) will be developed within and/or up to the property boundaries for each lot. Refer to the Drawing No 6896-1 and 6896-2. The specified width of the HMA is to enable construction of a habitable building on each lot to comply with Planning Directive 5.1. Lot 1 hazard management area shown on the hazard management plan indicates the lot can achieve a BAL rating of 12.5 which exceeds the BAL 19 requirement. Lot 2 hazard management area shown on the hazard management plan indicates the lot can achieve a BAL of 12.5 and 19 which meets the requirements. This area is to be regularly maintained and managed and in particular between the months of September and March in each calendar year. Landscaping in the HMA is to be minimised, grass maintained to a maximum height of 50mm with fuel loads not exceeding 2 tonnes per hectare.</p>	<p>1.6 Maintenance prior to the onset of each fire season</p> <ul style="list-style-type: none"> • Guttering on all habitable structures must be inspected and cleared of debris annually • Ensure all hoses and brass connectors are in good working order • All valley and wall/roof junctions are inspected and debris removed • Roof sheeting inspected for damages or dislodged roofing materials (replace if necessary) • Painted surfaces are in good condition and decaying timbers given particular attention to repair • Screens/shutters on windows and doors are in good working condition and fit well without breaks, holes or tears • Door mats to be of non-combustible materials • Woodpiles, garden sheds and other combustible materials to be kept well away from habitable structures. <p>This BHMP is achieved by:</p> <ul style="list-style-type: none"> • Pathways located on the subject land to be of non-combustible materials • Fuel loads to be kept to less than 2 tonnes per hectare • Total shrub cover is to be kept to a maximum of 20% of the available area. • Clear space from any habitable structures of at least 4 times the mature height of any shrubs planted • Shrubs must not be planted in cluster forms or clumps • Remove ground level fuels and trim the bottom of tree canopies to at least a height of 2m off ground level • Minimise ground level fuels wherever possible.



TASMANIAN CONSULTING SERVICE CONSULTING ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, ENVIRONMENTAL CONSULTANTS 111-113 BROADWAY, HOBART TASMANIA 7000 Phone: 03 6233 1111 Fax: 03 6233 1111 Email: info@tasmanianconsulting.com.au		Title: 246 Date: 21/07/20 Drawn: P3 Checked: P3 Approved: P3	Description: P1: 21/07/19: Initial Site Plan P2: 21/07/19: Revised Site Plan P3: 21/07/20: Revised Site Plan P4: 21/07/20: Revised Site Plan P5: 21/07/20: Revised Site Plan P6: 21/07/20: Revised Site Plan P7: 21/07/20: Revised Site Plan P8: 21/07/20: Revised Site Plan P9: 21/07/20: Revised Site Plan P10: 21/07/20: Revised Site Plan P11: 21/07/20: Revised Site Plan P12: 21/07/20: Revised Site Plan P13: 21/07/20: Revised Site Plan P14: 21/07/20: Revised Site Plan P15: 21/07/20: Revised Site Plan P16: 21/07/20: Revised Site Plan P17: 21/07/20: Revised Site Plan P18: 21/07/20: Revised Site Plan	Client: William David Bovill (Owner) Land Comprising CT 9450 / 29 246 Brooke Street, East Devonport Subdivision	Project: SITE PLAN: PROPOSED NOT FOR CONSTRUCTION	Drawing No: 8917-002 Date: P3
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Attachment D – Standards for property access – element B

<p>B.</p>	<p>Property access length is 30m or greater; or access is required for a fire appliance to a fire fighting water point.</p>	<p>The following design and construction requirements apply to property access:</p> <ul style="list-style-type: none"> (a) all-weather construction; (b) load capacity of at least 20t, including for bridges and culverts; (c) minimum carriageway width of 4m; (d) minimum vertical clearance of 4m; (e) minimum horizontal clearance of 0.5m from the edge of the carriageway; (f) cross falls of less than 3 degrees (1:20 or 5%); (g) dips less than 7 degrees (1:8 or 12.5%) entry and exit angle; (h) curves with a minimum inner radius of 10m; (i) maximum gradient of 15 degrees (1:3.5 or 28%) for sealed roads; and 10 degrees (1:5.5 or 18%) for unsealed roads; and (j) terminate with a turning area for fire appliances provided by one of the following: <ul style="list-style-type: none"> (i) a turning circle with a minimum outer radius of 10m; or (ii) a property access encircling the building; or (iii) a hammerhead "T" or "Y" turning head 4m wide and 8m long.
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Attachment E – Table E5 Static water supply for fire fighting

Element	Requirement
<p>A. Distance between building area to be protected and water supply.</p>	<p>The following requirements apply:</p> <ul style="list-style-type: none"> (a) the building area to be protected must be located within 90m of the fire fighting water point of a static water supply; and (b) the distance must be measured as a hose lay, between the fire fighting water point and the furthest part of the building area.
<p>B. Static Water Supplies</p>	<p>A static water supply:</p> <ul style="list-style-type: none"> (a) may have a remotely located offtake connected to the static water supply; (b) may be a supply for combined use (fire fighting and other uses) but the specified minimum quantity of fire fighting water must be available at all times; (c) must be a minimum of 10,000l per building area to be protected. This volume of water must not be used for any other purpose including fire fighting sprinkler or spray systems; (d) must be metal, concrete or lagged by non-combustible materials if above ground; and (e) if a tank can be located so it is shielded in all directions in compliance with section 3.5 of <i>Australian Standard AS 3959-2009 Construction of buildings in bushfire-prone areas</i>, the tank may be constructed of any material provided that the lowest 400mm of the tank exterior is protected by: <ul style="list-style-type: none"> (i) metal; (ii) non-combustible material; or (iii) fibre-cement a minimum of 6mm thickness.

C.	Fittings, pipework and accessories (including stands and tank supports)	<p>Fittings and pipework associated with a fire fighting water point for a static water supply must:</p> <ul style="list-style-type: none"> (a) have a minimum nominal internal diameter of 50mm; (b) be fitted with a valve with a minimum nominal internal diameter of 50mm; (c) be metal or lagged by non-combustible materials if above ground; (d) if buried, have a minimum depth of 300mm²; (e) provide a DIN or NEN standard forged Storz 65mm coupling fitted with a suction washer for connection to fire fighting equipment; (f) ensure the coupling is accessible and available for connection at all times; (g) ensure the coupling is fitted with a blank cap and securing chain (minimum 220mm length); (h) ensure underground tanks have either an opening at the top of not less than 250mm diameter or a coupling compliant with this Table; and (i) if a remote offtake is installed, ensure the offtake is in a position that is: <ul style="list-style-type: none"> (i) visible; (ii) accessible to allow connection by fire fighting equipment; (iii) at a working height of 450 – 600mm above ground level; and (iv) protected from possible damage, including damage by vehicles.
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D.	Signage for static water connections.	The fire fighting water point for a static water supply must be identified by a sign permanently fixed to the exterior of the assembly in a visible location. The sign must: (a) comply with water tank signage requirements within <i>Australian Standard AS 2304-2011 Water storage tanks for fire protection systems</i> ; or (b) comply with the Tasmania Fire Service Water Supply Guideline published by the Tasmania Fire Service.
E.	Hardstand	A hardstand area for fire appliances must be: (a) no more than 3m from the fire fighting water point, measured as a hose lay (including the minimum water level in dams, swimming pools and the like); (b) no closer than 6m from the building area to be protected; (c) a minimum width of 3m constructed to the same standard as the carriageway; and (d) connected to the property access by a carriageway equivalent to the standard of the property access.



Tasmanian Branch
The Lea Scout Centre
330 Proctors Road
Kingston 7050

Phone 03 6229 9385
Fax 03 6229 9387
Email tas.bhq@tas.scouts.com.au
ABN 88 436 518 233

City of Devonport
council@devonport.tas.gov.au

General Manager
City of Devonport

11 May 2020

Draft Devonport Local Provisions Schedule (LPS) Representation

This representation is lodged by Scouts Australia Tasmania (Scouts). The representation concerns Scout property at 342 Pumping Station Road Forth.

The Scout property comprises 2 adjoining titles with a total area of 53.55ha. The lots (titles) and zoning in the draft LPS are as follows:

- Lot 1. 342 Pumping Station Rd Forth, title 196943/1, zone 23 Environmental Management.
- Lot 2. 342 Pumping Station Rd Forth, 233644/1, zone 20 Rural.

Scouts supports the Rural zoning of Lot 2.

Both Lots are in zone 26 Rural Resource under the current Devonport Interim Planning Scheme 2013.

This representation opposes the Environment Management zoning for Lot 1 and submits the appropriate zoning is zone 20 Rural.

The grounds for the request for Rural zoning for Lot 1 are as follows:

1. Environment Management zoning assigned to Lot 1 appears to be on the basis of having a reserve classification. Council's *Supporting Report February 2020* at Appendix AA refers to Lot 1 'Forth Scout Camp' being zoned Environmental Management as the site is reserved as a 'private sanctuary' under the *Nature Conservation Act 2002*. The report claims that the site being a 'private sanctuary' recognises that the land has 'significant environmental value'.

The listing of Lot 1 as 'private wildlife sanctuary' was proclaimed on 13 June 1952 under the provisions of the *Animals and Birds Protection Act 1928* to provide a sanctuary for the 'protection of birds generally' (as described in the Governor Cross' proclamation'). Over time and subsequent legislation, the 'private sanctuary' was again gazetted on 30 April 1999 and consequently brought under the *Nature Conservation Act 2002*. It is understood the 1952 nomination was at the behest of the then landowner. The sanctuary classification also reflects the environmental values of Scouting. However, Scouts contend the 'private sanctuary' listing should not be a barrier to the future land use and alternative uses of Lot 1 or being zoned Rural.

2. The current land use is primarily outdoor activities, camping, indoor activities, overnight accommodation and meeting space. The property is used for Scout activities as well as being hired by outside bodies for activities including education and training.

Whilst the site has environmental values nurtured by Scouts those values do not align with the purpose for the Environmental Management zone in the State Planning Provisions.

3. The purpose for the Environmental Management zone is stated as:

1. 23.1.1 To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value.
2. 23.1.2 To allow for compatible use or development where it is consistent with:
 - (a) the protection, conservation and management of the values of the land; and
 - (b) applicable reserved land management objectives and objectives of reserve management plans.

The Scout property is not land with significant ecological, scientific, cultural or scenic values. No specific significance is attached to the land except a 1952 proclamation to provide 'sanctuary for birds generally'. Lot 1 is not significant in terms of views and vistas remote from the site. Scout activities on the site are not specifically directed at the protection, conservation and management of the land. Lot 1 is not reserved (as in being public land) land except as classified as a 'private sanctuary' under the *Nature Conservation Act 2002*.

4. Further to the purpose of the zone, the focus on reserved land is clearly shown in the Environmental Management zone Use Table (State Planning Provisions cl.23.2) where all the permitted uses are confined to land where:

'an authority under the *National Parks and Reserved Land Regulations 2009* is granted by the Managing Authority or approved by the Director- General of Lands under the *Crown Lands Act 1976*.

The *National Parks and Reserved Land Regulations 2009* have expired, and the land is not Crown land. If the 2009 expired regulation were to be taken to be the *National Parks and Reserved Management Regulations 2019* this regulation does not deal with private sanctuaries. Lot 1 does not have a management plan applying under the *National Parks and Reserved Management Act 2002*.

Aside from the protection of existing use and the no permit required uses (Natural and Cultural Values and Passive Recreation) any activity proposed for Lot 1 under Environmental Management zoning would be discretionary or prohibited.

5. Further to the Use Standards for the zone (State Planning Provisions cl.23.3.1) we find the objective is:

'That uses listed as Discretionary recognise and reflect the relevant values of the reserved land.'

The tests for the Performance Criteria are akin to those applying to reserved public land more so than private land.

6. Turning to the Development Standards for Buildings and Works (State Planning Provisions cl.23.4.1) the objective is:

That the development area is:

- (a) compatible with the values of the site and surrounding area; and
- (b) minimises disturbance of the site.

This objective is not consistent with the use, development and activities undertaken on Lot 1 currently and into the future.

7. Turning to the Development Standards for subdivision (cl.23.5), the Acceptable Solutions standards are directed at the Crown, State authority and reserved Crown land.
8. Environment Management zoning would restrict the use and development of Lot 1 under other ownerships should Scouts need to dispose of the property.

9. Alternatively Rural zoning for Lot 1 is consistent with the zoning for Lot 2 and surrounding Rural and Agriculture zoning except for the land parcel to the north, *Champion Park*, that is zoned Environmental Management being public land owned by Devonport Council.

In summary

For Scouts property, Lot 1. 342 Pumping Station Rd Forth, title 196943/1, zone 20 Rural is requested.

Scouts submit zone 23 Environmental Management is not appropriate because:

1. under the *National Parks and Reserved Management Act 2002*, no management plan has been prepared or approved or a management authority declared in respect to the classification of the land as 'private sanctuary'; and
2. it would be inappropriate for a private 'sanctuary for birds generally' to determine the zoning of privately-owned land.

Scouts submit zone 20 Rural is appropriate because for:

1. consistency with the current use and development of Lot 1 and available uses in the future either as Scout land or land in other ownerships; and
2. consistency with the Rural zoning of the adjoining Scout land (Lot 2) that is part of the Scout use of both properties. Lot 2, in part, has a plantation forest under private timber reserve that reflects the broad rural and other uses of the two Scout properties.



Michael Hovington
Chief Commissioner
Scouts Australia Tasmania



Representation 6 - Australian Institute of Architects

ABN 72 000 023 012
The Royal Australian Institute of Architects
trading as Australian Institute of Architects

1/19a Hunter Street
Hobart TAS 7000

P: (03) 6214 1500
tas@architecture.com.au
architecture.com.au

The General Manager
Devonport City Council
PO Box 604
Devonport TAS 7310

Date: 25.05.2020

By email to: council@devonport.tas.gov.au

To the General Manager,

RE: Draft Devonport Local Provisions Schedule

The Tasmanian Chapter of the Australian Institute of Architects (the Institute) has reviewed the Devonport City Council's *Draft Local Provisions Schedule* and would like to make the following representation.

Overall, we support the *Draft Local Provisions Schedule*, however have a few comments as listed below.

DEV-P1.0 Particular Purpose Zone – Elimatta Hotel

DEV-P1.5 Use Standards

DEV-P1.5.1 Amenity

A5 & P5:

Air conditioning, air extraction, heating or refrigeration systems or compressors should not only be considered in terms of the noise, odours, fumes or vibrations that might be created, but should also be considered in terms of their visual impact. The location and design of these services should therefore be considered in this regard in terms of their impact on both development within the area, but also for adjoining or immediately opposite properties.

DEV-S1.0 Devonport Regional Homemaker Centre Specific Area Plan

DEV-S1.6 Use Standards

DEV-S1.6.1 Floor areas

A2 (a):

We believe that mandating that tenancies be not less than 500m² is limiting the variety of uses for the site. We note that 'Food Services', including a limited number of takeaway food shops and restaurants, are listed as being permitted in the Use Table. Many of these uses would be

financially unviable if they were required to be not less than 500m². We recommend allowing these uses to be exempt from this particular floor area requirement.

A2 (b):

This clause is unclear overall. There is no explanation as to what the percentage (35%) is measuring, and the same percentage is referenced in both part (i) and (ii), which is confusing as the area of tenancies listed in each of these parts is different.

DEV-S1.6.1 Signs

A2:

It is unclear if this clause regarding the height of the signs is just referring to signs located on the Bass Highway frontage or if it also refers to Stony Rise Road and signage within the site. We would recommend that consideration should also be given to the width & length or area of the sign, not just the height.

We thank you for the opportunity to make a representation on this Draft Schedule, and the Institute would be happy to discuss any issues mentioned in further detail if required.

Yours sincerely,



Jennifer Nichols
Tasmanian Executive Director,
Australian Institute of Architects



Shamus Mulcahy
Tasmanian President,
Australian Institute of Architects

The Australian Institute of Architects is the peak body for the architectural profession, representing 11,500 members across Australia and overseas. The Institute actively works to improve the quality of our built environment by promoting quality, responsible and sustainable design. To learn more about the Institute, log on to www.architecture.com.au.

Representation 7 - Plan Place Pty. Ltd.

Waterfront Complex – Devonport Draft LPS Representation



22 May 2020

Mr M. Atkins
General Manager
City of Devonport
PO Box 604
Devonport TAS 7310

c/- council@devonport.tas.gov.au

Dear Mr Atkins,

REPRESENTATION TO THE DEVONPORT DRAFT LOCAL PROVISIONS SCHEDULE

I am writing in regard to the Devonport Draft Local Provisions Schedule (draft LPS) and the property known as the Waterfront Complex at 17 Devonport Road, Devonport (CT 42522/4).



Figure 1: The site (red shaded area), Waterfront Complex, 17 Devonport Road, Devonport, and adjoining Crown land(PID 1962391).

The representation is made by Plan Place Pty Ltd on behalf of the property owner, Rynmarc Pty Ltd (refer to Figure 1) and also relates to 590m² of Crown land

0438 155 035
heidi@planplace.com.au
www.planplace.com.au

Waterfront Complex – Devonport Draft LPS Representation



(identified in PID 196239). The latter is applicable as the private building, the Waterfront Function Centre, is partially constructed outside of the property boundary. The partial location of this building on Crown land was not by error but legally constructed in 2001 with all necessary consents obtained. This is detailed in the attached Planning Submission.

The Waterfront Complex (the site) contains a range of use and development including (refer to Figure 2):

- a function centre and associated car parking area (excess 80 spaces);
- a mini-golf course, BBQ shelter, storage shed and café;
- self-contained apartments (four apartments in two constructed buildings); and
- a manager's residence.

Additional visitor accommodation apartments as approved by the minor amendment to Planning Permit PA2014.017 will commence construction in the near future.

Land Use Composition

The composition of land uses across the site is shown on Figure 2. This highlights that there are currently three distinct precincts and details the established uses on the site.

Precinct 1: Function Centre & Car Park

Precinct 1 contains the Waterfront Function Centre building and associated car park and occupies nearly a third of the site. The internal driveway which extends from the carriageway of Devonport Road into Precinct 1 is the point of access and egress servicing the entire site.

The building located on the waterfront is operated as a separate business entity to any other use on the site. The building and car park is only actively used if there is a booked function otherwise it sits dormant for the remainder of the time.

The bookings of the function centre are of a varied nature and range from weddings, birthday parties, government event or similar and are not directly associated with the use class 'sport and recreation' conducted on the site. At present the bookings have in recent times significantly declined, particularly since the establishment of other function centres in the municipal area.

The bicycle and pedestrian path forming part of the Great Foreshore Ride is also contained within Precinct 1 and follows the title boundary of CT 42522/4 before continuing on the adjoining Crown land. This infrastructure was established in 2011.

Waterfront Complex – Devonport Draft LPS Representation

Place.



Figure 2: Composition of uses on the site (source: theLISTmap)

Precinct 1 does not contain major recreational facilities such as a golf course, sporting facilities or the like. Additionally, there are no facilities within Precinct 1 that support any water based activities that may be undertaken on the Mersey River. The bicycle and pedestrian path is not considered to be within the definition of 'active recreation'.

The purpose of the function centre is not associated with any 'active or organised recreational use and development' of the site. The use is not considered to be a complementary to the mini-golf course in Precinct 2.

The proposed change of use of the function centre building to 'visitor accommodation' will also not be associated with any 'sport and recreation' use.

Precinct 2: Mini-Golf, Café, Managers Residence

Precinct 2 occupies an estimated 24% of the site and contains:

- a café, operating Monday to Sunday generally between business hours;
- an 18 hole mini-golf course, operating Monday to Sunday in conjunction with the café;
- a manager's residence (occupied);
- a storage shed;
- a BBQ shelter; and
- car park.

The 18 hole mini-golf course comprises an estimated area of 3000m² or approximately



9.4% of the site. The mini-golf course was the one of the first activities to establish on CT 42522/4 after the amusement park Serendipity closed in the 1980s. This facility is categorised to be within the use class 'sport and recreation'. The café and manager's residence are contained within a single building and are approved to operate in conjunction with the mini-golf course.

The mini-golf course attracts visitors to the site beyond the local population catchment of Devonport, drawing on the sub-regional and regional catchment. While the mini-golf is deemed to be an organised physical activity, it is primarily undertaken for leisure and entertainment rather than any organised sporting events or competitions.

Precinct 3: Residential and Visitor Accommodation

Precinct 3 occupies approximately 49 percent of the site (although not all of this area is useable due to the cliff face) and is approved for visitor accommodation.

The visitor accommodation, of which four apartments are constructed (two buildings), are not an integral part of the café, manager's residence, mini-golf development. Although it is acknowledged that the visitor accommodation is complemented and supported by development within Precinct 2 in conjunction with the pedestrian/bicycle pathway. These uses add to the visitor experience, providing opportunity for relaxation and exercise.

The visitor accommodation was not constructed specifically to support the mini-golf course or café and can operate and function independently to the 'sport and recreation' use class contained in Precinct 2.

Devonport Interim Planning Scheme

The site is zoned Recreation and Environmental Management under the Devonport Interim Planning Scheme 2013 (the Scheme). These zones bring certain challenges for use and development on the site. Most recently challenges have arisen as demand for the Waterfront Function Centre declines, forcing an alternative use of the building to be explored such as visitor accommodation. Under the Scheme visitor accommodation is prohibited in the Environmental Management Zone as it cannot meet the qualification in the Use Table.

An alternative zone for the site has been sought for some time as this is not the first use and development challenge to arise for the site.

This matter was raised in an earlier representation made through the interim planning scheme process but did not lead to an amendment to the zoning of



the site. In addition to this representation, discussions with Council staff have occurred with respect to pursuing a combined amendment and planning permit to the Scheme. It is intended to lodge an application as soon as possible.

Devonport Draft Local Provisions Schedule (draft LPS)

The draft LPS proposes to apply the equivalent zones in the State Planning Provisions (SPPs) as were applied in the Scheme (refer to Figure 3).

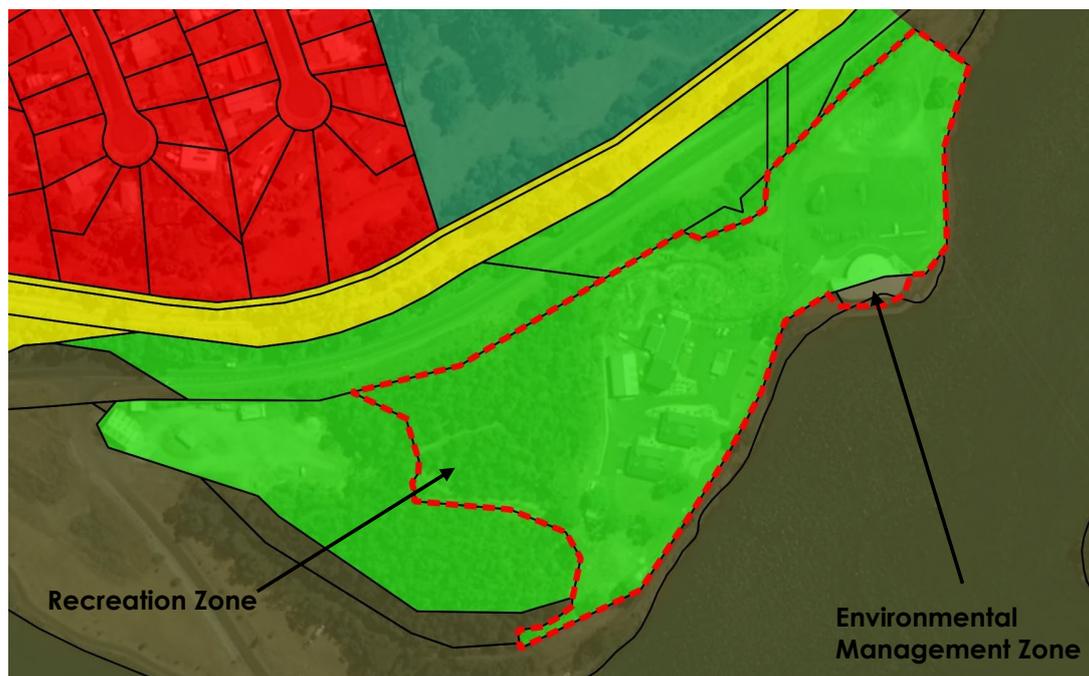


Figure 3: Proposed zones, Map 8 of 10, Devonport Local Provisions Schedules - Zones

The proposed zoning will continue to exacerbate the existing issue. It is also noted that the spatial application of these zones is not aligned with:

- Guideline No. 1 Local Provisions Schedule (LPS): zone and code application¹; or
- the strategic intent and direction of the outcomes sought by the Devonport City Council Strategic Plan 2009-2030.

Therefore the draft LPS does not consider the strategic context, the established or future uses of the site. The Devonport Draft Local Provisions Supporting Report does not refer or discuss the zoning of the site. While the provisions of the 23.0

¹ Guidelines as issued by the Tasmanian Planning Commission under section 8A of the Land Use Planning and Approvals Act 1993 with the approval of the Minister for Planning and Local Government.

Waterfront Complex – Devonport Draft LPS Representation



Environmental Management Zone and the 28.0 Recreation Zone of the SPPs providing some relief for use and development opportunities, the like-for-like translation results in a fundamental conflict between the purpose of each zone and planning outcome sought.

As the property owner wishes to proceed with visitor accommodation with some urgency, an application pursuant to 43A of the former *Land Use Planning and Approvals Act 1993*² for a combined amendment and planning permit will be lodged with the Council as soon as consent from the Crown is obtained.

This will seek to:

- rezone the site to Particular Purpose; and
- obtain a planning permit for a change of use to visitor accommodation for the Waterfront Function Centre building.

The Planning Submission associated with this proposed application is attached to this representation, detailing the rationale for applying a Particular Purpose Zone. While it is acknowledged that the application is with respect to the Scheme rather than the draft LPS, it provides vital information and evidence relevant to this process.

As the draft LPS process may conflict with the timelines of the combined rezoning and amendment for the site, it is requested that the proposed amendment and its implications for zoning are duly considered in this process.

Please do not hesitate to contact the undersigned should you wish to discuss this representation further.

Yours sincerely,

Heidi Goess
Director, Plan Place Pty Ltd

² This is referring to the former provisions of the *Land Use Planning and Approvals Act 1993* before 16 December 2016 as per the transitional arrangements provided by Schedule 6 of the *Land Use Planning and Approvals Act 1993*.



43a Combined Rezoning and Planning Permit Application



17 Devonport Road, Devonport & Crown Land



Issue	Version 4
Date	May 2020
Project Number	17.032
Project Name	Combined 43A Application, Waterfront Complex, 17 Devonport Road, Devonport and Crown Land
Author	Heidi Goess
Document	S43a_PlanningSubmission_Rynmarc_v4



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1 Introduction

The application seeks an amendment to the Devonport Interim Planning Scheme 2013 (the Scheme) and a planning permit for the change of use of the Waterfront Function Centre pursuant to 43a of the *Land Use Planning and Approvals Act 1993*¹ (the Act). The application form is contained in Appendix A.

The Planning Submission, prepared on behalf of Rynmarc Pty Ltd, concerns the Waterfront Complex at 17 Devonport Road, Devonport and adjoining Crown land (refer to Figure 1). Rynmarc Pty Ltd, as the property owner, has given consent for Plan Place Pty Ltd to lodge this application. Crown consent for the property PID 1962391 has also been obtained. The consents are in accordance with section 43D of the former Act (refer to Appendix A).



Figure 1: Aerial photograph of the property boundaries (including Crown land) subject to this application (aerial photograph source: theLISTmap)

This Planning Submission has been prepared to:

- provide the rationale for zoning the site Particular Purpose;
- demonstrate compliance with the requirements of the Act; and
- provide the information required for the proposed change of use concerning the existing function centre.

¹ This is referring to the former provisions of the *Land Use Planning and Approvals Act 1993* before 16 December 2016 as per the transitional arrangements provided by Schedule 6 of the *Land Use Planning and Approvals Act 1993*.

2 Combined Amendment and Planning Permit

The application made pursuant to 43a of the Act seeks to:

- *rezone 17 Devonport Road and adjoining Crown land to Particular Purpose Zone – the Cove as set out in Appendix C;*
- *obtain a planning permit for a change of use for the Waterfront Function Centre from 'community meeting and entertainment' to 'visitor accommodation'.*

2.1 Particular Purpose Zone – Waterfront Complex



Figure 2: The application proposes to apply the Particular Purpose Zone – Waterfront Complex (red shaded area) to the site and the Crown land (source: 6ty°)

The amendment proposes to apply a Particular Purpose Zone (PPZ) to the land area as shown in Figure 2. This rezoning includes Crown land comprising an area of approximately 590m².

The proposed zone boundary of the PPZ in relation to the inclusion of Crown land can be accurately defined by the lease area as per the Lease (DPIPWE Ref: 076344) approved on 6 March 2020 (refer to Appendix D).

The spatial application of the PPZ, if approved, will replace the Recreation Zone and Environmental Management Zone (refer to Figure



3) shown on the zone maps, *Devonport Interim Planning Scheme 2013* (the Scheme).

The spatial application of an alternative zone is sought as:

- the existing uses on the site are not aligned with the purpose and intent of the Recreation Zone or the Environmental Management Zone; and
- prohibits the reuse of the existing function centre for 'visitor accommodation'.

This Planning Submission considers the local and regional strategic context and demonstrates that the requirements of the Act are met.

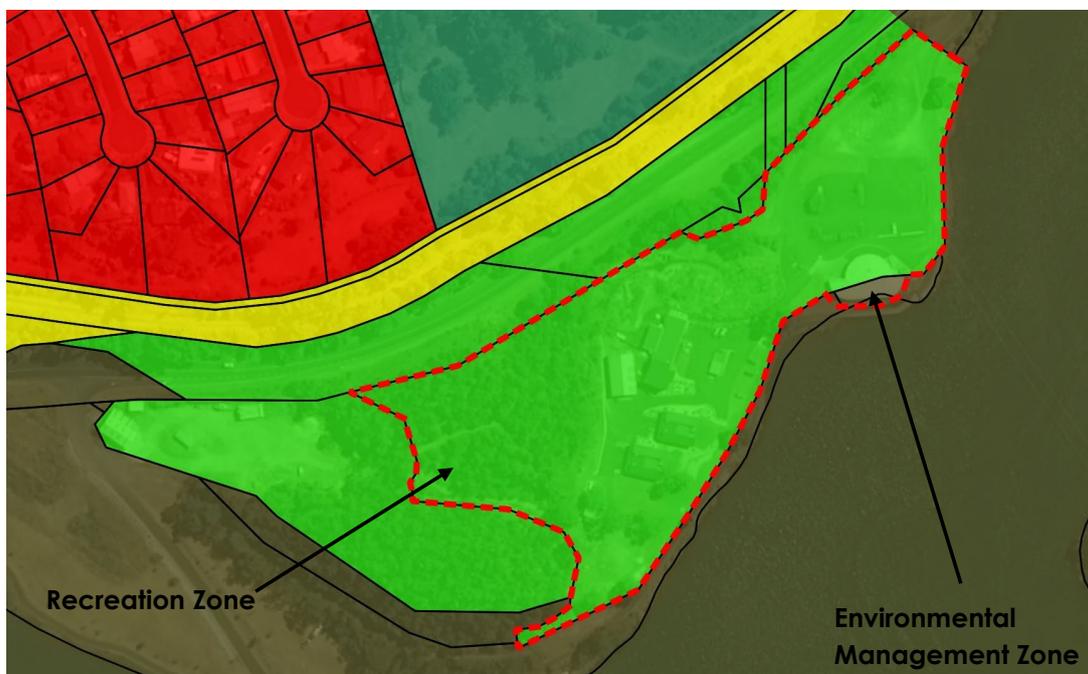


Figure 3: Excerpt of the zone map, *Devonport Interim Planning Scheme 2013*. Red dashed lined shows the spatial application of the PPZ over the current zones (source: theLISTmap)

2.2 Planning Permit - Change of Use

The application proposes a change of use for the existing Waterfront Function Centre (refer to Figure 2) from the use class 'community meeting and entertainment' to 'visitor accommodation'.

This change of use only involves reconfiguring the internal floorspace of the building. The application for a planning permit is considered in section 9 of this report.



3 Property Overview

An overview the site subject to this proposed rezoning of land is provided in Table 1. Please note that the land area subject to the rezoning will be referred to as 'the site' throughout this report (refer to Figure 4).

<i>Table 1: Overview of the Site</i>																	
3.1 Site Overview and Surrounding Uses																	
Site	<p>Waterfront Complex, 17 Devonport Road, Devonport (CT42522/4) and Crown land, PID 1962391.</p>  <p>Figure 4: The site, 17 Devonport Road and adjoining Crown land (source: 6ty Pty Ltd)</p>																
Owners	The property owners are the Crown and Rynmarc Pty Ltd. All consents are provided in Appendix B																
Certificates of Title and Area (Appendix E)	<table border="1"> <thead> <tr> <th>Certificates of Title</th> <th>PID</th> <th>Area</th> <th>Address</th> </tr> </thead> <tbody> <tr> <td>42522/4</td> <td>7703892</td> <td>3.117</td> <td>17 Devonport Road,</td> </tr> <tr> <td>N/A</td> <td>1962391</td> <td>590m²</td> <td>Crown land -No address</td> </tr> <tr> <td>Total Area</td> <td></td> <td>3.177</td> <td></td> </tr> </tbody> </table>	Certificates of Title	PID	Area	Address	42522/4	7703892	3.117	17 Devonport Road,	N/A	1962391	590m ²	Crown land -No address	Total Area		3.177	
Certificates of Title	PID	Area	Address														
42522/4	7703892	3.117	17 Devonport Road,														
N/A	1962391	590m ²	Crown land -No address														
Total Area		3.177															
Frontage	CT 42522/4 has approximately 350m+/- linear frontage to Devonport Road.																
Site Description	The site is located to the south of the Bass Highway and is flanked between Devonport Road and the Mersey River. The State Railway Network (Western Line) runs parallel to the site on the north-western side of Devonport Road (refer to Figure 5).																

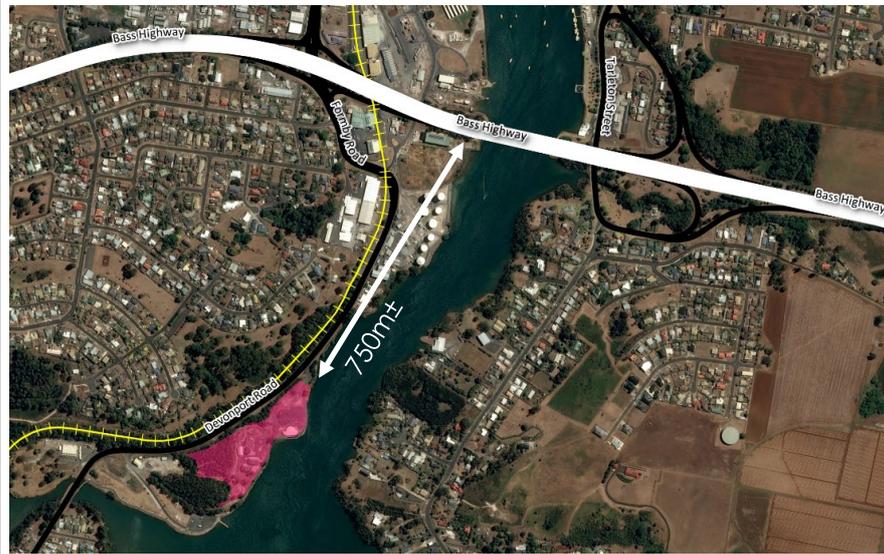


Figure 5: The site in relation to the Bass Highway (source: theLISTmap)

The site, located between the rocky outcrop and the Mersey River (refer to Figure 6), is flat and open. The site has direct views of development along the eastern bank of the river and residential development of Ambleside. The elevated portion of the site is accessed via an internal driveway.

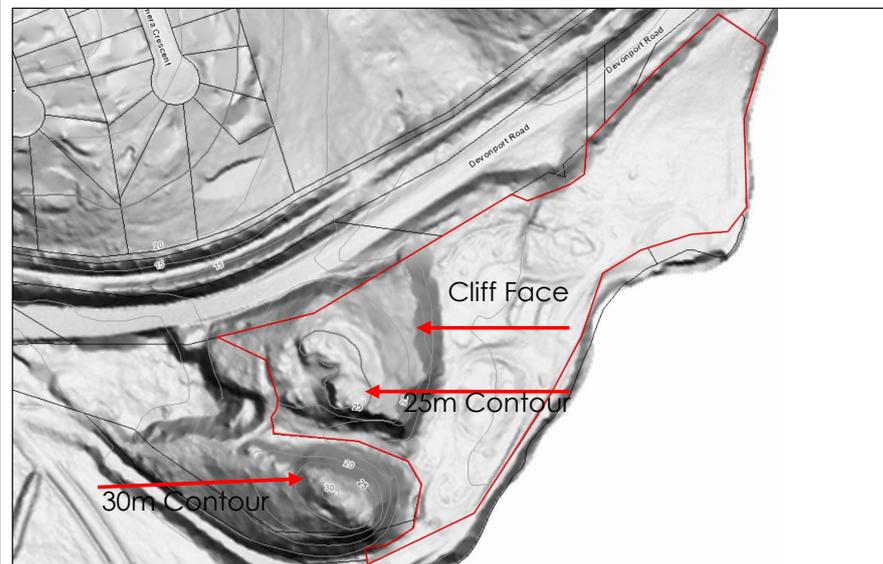


Figure 6: Hillshade Basemap showing the topography of the site and its elevation (source: theLISTmap)

The site contains (refer to Figures 7 and 8):

- a function centre and associated car parking area (excess 80 spaces);
- a mini-golf course, bbq shelter, storage shed and café;



- self-contained apartments (four apartments in two constructed buildings); and
- a manager's residence.



Figure 7: Composition of uses on the site (source: Bing Aerial and theLISTmap)



Figure 8: Approved visitor accommodation for the site as per Planning Permit 2014.0173. Both Unit Block Type 1 have been constructed (source:6ty°)



<p>Site Coverage</p>	 <p>Figure 9: Location of Buildings across the site.</p> <table border="1" data-bbox="445 736 1326 1131"> <thead> <tr> <th>Building</th> <th>Site Coverage</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Waterfront Function Centre ±600m²</td> </tr> <tr> <td>2</td> <td>Café ±300m²</td> </tr> <tr> <td>3</td> <td>Managers Residence Ground Floor: ±95m² First Floor: ±135m²</td> </tr> <tr> <td>4</td> <td>Visitor Accommodation (Constructed) ±460m² (two units at 230m² each PA2014.0173).</td> </tr> <tr> <td>5</td> <td>Storage Shed ±250m²</td> </tr> <tr> <td>6</td> <td>BBQ Shelter ±30m²</td> </tr> <tr> <td>7</td> <td>Other sheds ≤60m²</td> </tr> <tr> <td>Site Coverage</td> <td>±5% (±10%)²</td> </tr> </tbody> </table> <p>Note: measurements are an estimate only, derived from the LISTmap in addition to scaling of plans previously prepared for the site. Calculated site coverage is for roofed buildings only.</p>	Building	Site Coverage	1	Waterfront Function Centre ±600m ²	2	Café ±300m ²	3	Managers Residence Ground Floor: ±95m ² First Floor: ±135m ²	4	Visitor Accommodation (Constructed) ±460m ² (two units at 230m ² each PA2014.0173).	5	Storage Shed ±250m ²	6	BBQ Shelter ±30m ²	7	Other sheds ≤60m ²	Site Coverage	±5% (±10%) ²
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² Site coverage will increase to ±10% if remaining approved buildings as per PA2014.0173 are constructed.



<p>Planning Permits – History (Post 1999)</p>	<table border="1"> <thead> <tr> <th>Planning Permit</th> <th>Use/Development</th> <th></th> </tr> </thead> <tbody> <tr> <td>PA990217</td> <td>Function Centre</td> <td>Constructed</td> </tr> <tr> <td>SA2007.0019</td> <td>2 lot Subdivision</td> <td>Permit Lapsed</td> </tr> <tr> <td>PA2011.093</td> <td>Café</td> <td>Constructed</td> </tr> <tr> <td>PA2011.0127</td> <td>Motel</td> <td>Superseded by Apartments</td> </tr> <tr> <td>PA2014.0131</td> <td>Manager's Residence</td> <td>Constructed</td> </tr> <tr> <td>PA2014.0173</td> <td>Waterfront Apartments</td> <td>Villa 2 Buildings constructed (refer to Appendix F)</td> </tr> </tbody> </table>	Planning Permit	Use/Development		PA990217	Function Centre	Constructed	SA2007.0019	2 lot Subdivision	Permit Lapsed	PA2011.093	Café	Constructed	PA2011.0127	Motel	Superseded by Apartments	PA2014.0131	Manager's Residence	Constructed	PA2014.0173	Waterfront Apartments	Villa 2 Buildings constructed (refer to Appendix F)
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PA2014.0173	Waterfront Apartments	Villa 2 Buildings constructed (refer to Appendix F)																				
<p>Amended Planning Permit PA2014.0173</p> <p>A minor amendment to Planning Permit PA2014.0173 was approved pursuant to s56 of the Act. This modifies visitor accommodation approved on the lower levels of the site (refer to Appendix G) and reduces building height.</p>																						
<p>Lease Area (refer to Appendix D).</p>																						
<p>PLAN IS FOR ILLUSTRATION PURPOSES ONLY</p> <ul style="list-style-type: none"> Lease Area Freehold Property CT 42522/4 → Locality Point <p>File Number: 076344</p> <p>PID: 1962391</p> <p>Area Estimate: ± 590 m²</p>	<p style="text-align: center;">Locality Plan</p>																					
<p>Figure 10: Lease Area over Crown Land</p>																						
<p>Function Centre Building</p>	<p>The Waterfront Function Centre building was constructed in 2001. The building is contained on CT 42522/4 and Crown land (refer to Figure 10). The appropriate approvals were granted by the Council (PA990217) and the Crown (Lease No. 076344 and File Reference M426566) prior to the construction of the building.</p>																					



A new lease was approved on 6 March 2020 and is approved for a period of 10 years. The property owner could not obtain a lease for a longer period than 10 years. A request to purchase the land by Rynmarc Pty Ltd was denied.

3.2 Infrastructure and Services

Reticulated sewerage system and mains water

The site is serviced by reticulated sewerage system and mains water (refer to Figures 11 and 12).



Figure 11: Reticulated Mains Water and Sewerage System (source: theLISTmap).

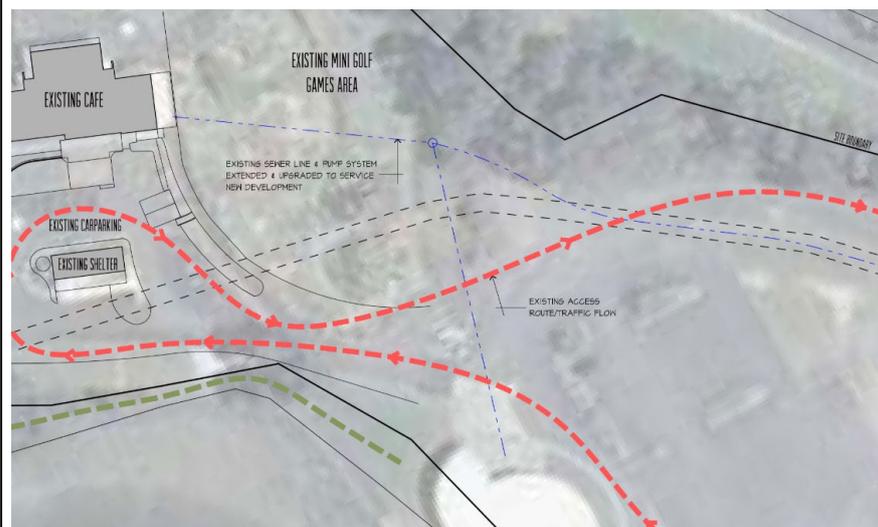


Figure 12: Internal Private Sewer Line traverses the proposed PPZ (source: 6tyo)



	<p>An internal private sewer line traverses the property to connect to the TasWater pump station, approximately 300m north-east of the site. The development for visitor accommodation (Planning Permit PA2014.0173) was approved with capacity to service the 36 approved apartments from this private line.</p>
<p>Stormwater</p>	<p>The site is not connected to the reticulated stormwater system. Stormwater is managed and drained to the Mersey River. Water sensitive urban design principles are utilised on-site to slow surface water run-off. There are no concentrated flows to the Mersey River.</p>
<p>Access</p>	 <p><i>Figure 13: Road Network showing the Bass Highway and Devonport Road in relation to the proposed rezoning (source: theLISTmap)</i></p> <p>Devonport Road is a main connector road between the Devonport CBD and Spreyton (refer to Figure 13). Devonport Road is a sealed road with 4m lanes (nominal 1m sealed shoulders).</p> <p>Vehicle access is obtained from the north-western corner of the site from Devonport Road and connects with an internal driveway. The existing access is a sealed driveway, widening with auxiliary lanes to facilitate left and right turns into the site.</p> <p>The speed limit is 60 km/hr along this section of Devonport Road. The road authority (City of Devonport) was consulted with respect to the proposed change of use. There were no specific requirements raised with respect to access.</p>



Please note that at the time the application was approved for visitor accommodation by PA2014.0173, the speed limit of Devonport Road in this location was 80km/hr.

General vehicle use as stated within the Traffic Impact Assessment:

- 90 vehicle trips per day from the proposed accommodation;
- and
- 300 vehicle trips per day café/function centre.

Traffic Impact Assessment provided as part of planning permit PA2014/0173 is attached for information in Appendix H.

3.3 Natural Hazards

Landslide Hazard



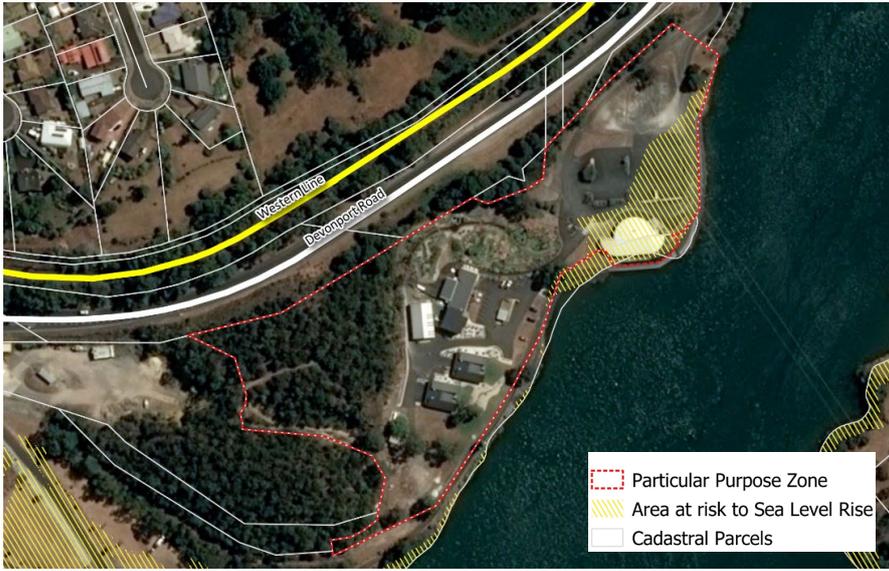
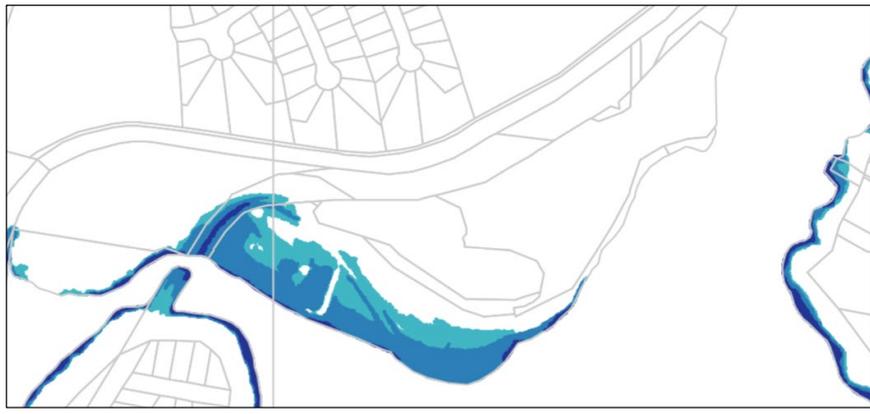
Figure 14: Landslide Planning Map (source: Hazard Band Series, Dept. Premier and Cabinet, theLISTmap)

Rockfall susceptibility (refer to Figure 14) is identified as a risk for the site. A landslide risk assessment was undertaken by GeoTon Pty Ltd in 2014 in conjunction with the application PA2014/0173 granted by the Council for visitor accommodation (refer to Appendix I). This is attached for information only.

The assessment demonstrated that the use and development for visitor accommodation achieves tolerable level of risk. The recommendations from the assessment have been actioned on the site.

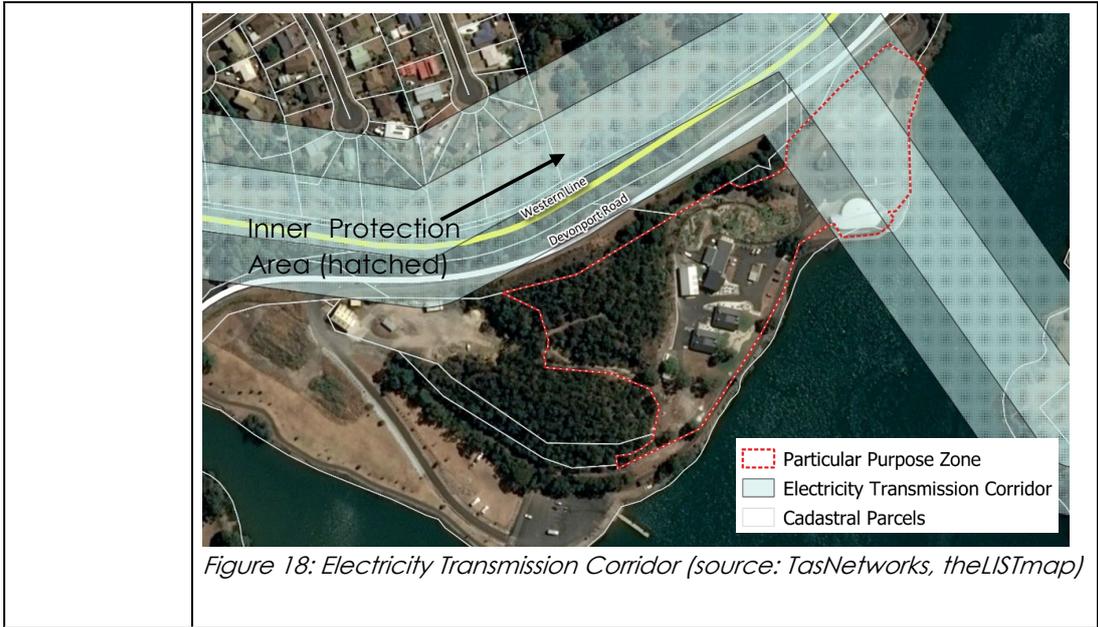
The Waterfront Function Centre building is not identified being subject to a landslide risk.



<p>Coastal Inundation & Flooding</p>	 <p><i>Figure 15: Coastal inundation risk in relation to the site (source: theLISTmap)</i></p>  <p><i>Figure 16: Coastal Inundation Hazard Code Overlay, Map 6 of 7 DevLPS. The site is outside of the hazard bands (areas shaded in blue).</i></p> <p>Coastal Inundation Mapping for Tasmania was prepared for the Department of Premier and Cabinet in June 2016. This indicated that the site is subject to coastal inundation and flooding.</p> <p>Anecdotal evidence suggests that flooding of the Mersey River in recent years did not impact on the site. All buildings were unaffected. This has been verbally advised by Council. Please note that the proposed Coastal Inundation Hazard Code Overlay is modified in the draft Devonport LPS (endorsed by Council on 24 June 2019). The site in the draft LPS is removed from the proposed overlay.</p>
<p>Bushfire Management</p>	<p>The site is identified as being within a bushfire-prone area. A Bushfire Hazard Management Plan is in place for the visitor accommodation (refer to Appendix J) and is attached for information. A Bushfire Hazard Management Plan is not required for the change of use for the Function Centre building.</p>



3.4 Native Vegetation	
TasVEg	<p style="text-align: center;"><i>Figure 17: TasVeg 3.0 for the site (source: theLISTmap)</i></p> <p>There is a dense stand of vegetation (dry eucalypt forest and woodland contained on the rocky outcrop of the site which continues in a linear formation of trees along the frontage of the site (partially within the road reserve of Devonport Road). The vegetation on the site also extends into the adjoining property to the south-west at 19 Devonport Road (refer to Figure 17).</p> <p>The existing vegetation along the frontage obscures the visibility of the development from adjacent residential development at Miandetta and passing motorists traveling along Devonport Road.</p>
3.5 Other Site Restrictions	
Electricity Transmission Corridor (±25% of the site)	<p>The Electricity Transmission Corridor Protection Area (Figure 18) occupies approximately 8000m² or 25% of the site. New development is restricted within this portion of the site.</p>



3.6 Surrounding Land Uses

Figure 19 (a): Overlooking Devonport from Ambleside, fuel tanks are prominent in view

A mix of commercial, industrial and residential development is established along Devonport Road, between the Bass Highway and site. The buildings and structures most notable along this section of road are the warehouse at 4 Formby Road and the white fuel tanks at 2 Westpoint Road.

The cluster of white painted fuel tanks (refer to Figures 18 a- d) along the western banks of the Mersey River are a dominant feature in the urban landscape and river environment when viewed from upstream or from the adjacent high points of Ambleside or the Bass Highway.

The rail infrastructure divides the site from residential development at Miandetta and the public open space. Residential uses at Miandetta predominately comprise single and two storey detached dwellings on traditional urban sized lots, intermixed with some multiple dwellings.

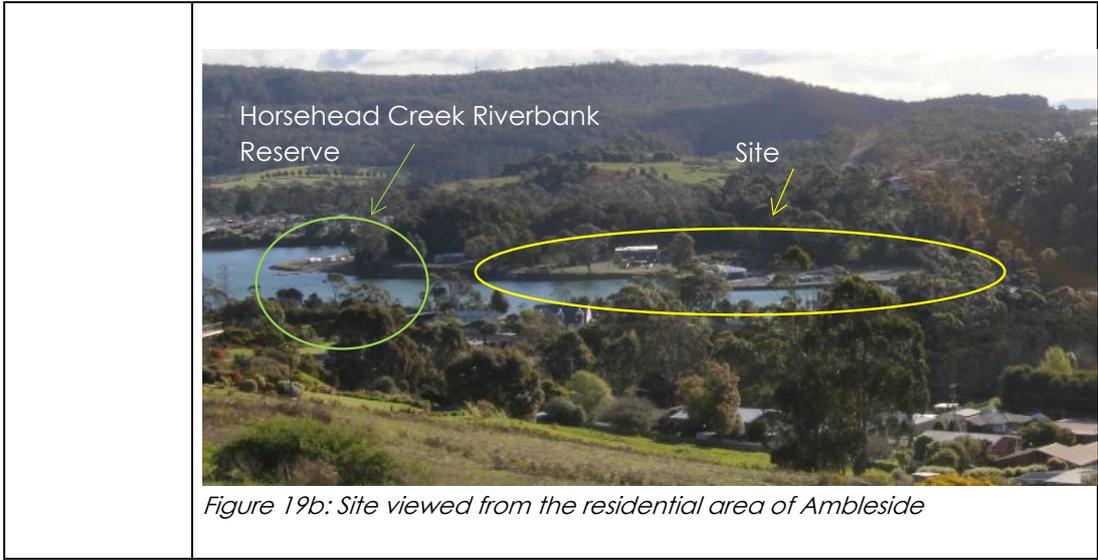


Figure 19b: Site viewed from the residential area of Ambleside



Figure 19c: Bike Riding and cycling and walking pathway located on the site forming part of the Great Foreshore Ride.

The land immediately adjoining the southern side of the site, identified on Certificate of Title 149487/2 at 19 Devonport Road is utilised for the inspection of large public vehicles. The topography of this adjoining land ensures that this activity is isolated from the existing development of 17 Devonport Road.

The land at 19A Devonport Road, is the Horsehead Creek Boat Ramp (Crown land) associated public car park (refer to Figure 9b). Vehicle access to the boat ramp is obtained from Devonport Road.

TasWater treatment plant is located to the west of the site. The natural features of the locality including the existing road and rail network ensures that the site is well separated from adjoining residential development of Miandetta.



4 Rationale for a Particular Purpose Zone

The following section of this report builds the rationale for applying a Particular Purpose Zone (PPZ) to the site. The proceeding discussion considers:

- the purpose of the Recreation Zone and the Environmental Management Zone in context of the vision of the site;
- alternative zones available to be spatially applied to the site and if these could achieve the desired planning outcomes;
- development opportunity of the site and the function and purpose of applying a PPZ; and
- the proposed rezoning in context of the established hierarchy of centres within the municipal area.

Before the above points are considered, it is imperative to understand the desired vision and objectives for the site. These are outlined below in section 4.1.

4.1 Vision and Objectives for the Site

The vision and objectives for the site seek to develop a vibrant and dynamic location, comprising a mix of use and development. The visions and objectives of the site are aligned with the strategic goals articulated by the number of local strategies endorsed by Council. This is discussed in section 5 of the report.

The vision for the site are:

- 1 To create a safe, secure, vibrant waterfront environment connected to the CBD through a walking and cycling network that is enjoyed by permanent residents and visitors building on the recreational and leisure experiences offered in Devonport;
- 2 To support and strengthen the regional attraction for north-west Tasmania and the visitor economy; and
- 3 To facilitate economic and employment growth in Devonport and the region.

The objectives are:



(a)	To provide opportunity for infill development, comprising a mix of residential, visitor accommodation, small scale commercial development and limited retail activities;
(b)	To create an open landscaped waterfront that forms a seamless extension between the private property and public space;
(c)	To facilitate building renewal, reuse and adaptation for continued sustainability of existing buildings.
(d)	To diversify experiences and create a public space that is welcoming, vibrant and lively, offering a safe, secure site that appeals to riders, pedestrians and visitors to Devonport; and
(e)	To be a riding destination as part of the Great Foreshore Ride, increasing the patronage of this pathway by recreational and commuter riders and pedestrians alike through providing a mix of uses, including small scale commercial activity on the site.

4.2 Current Zones

The site is zoned Recreation and Environmental Management under the Scheme (refer to Figure 20).

The spatial application of the Recreation Zone to 17 Devonport Road was due to the requirement of a 'like for like' translation between the Scheme and the former *Devonport and Environs Planning Scheme 1984 (Scheme 1984)*.

Under this same transitional arrangement, the Recreation Zone was applied to the adjoining property at 19 Devonport Road. Additionally the zoning was also applied to the road reserves adjoining the site.

In the drafting of the Scheme, the Environmental Management Zone was applied to all public land in the coastal zone of the municipal area (although there are some exceptions to this rule).

A representation was made on behalf of the property at the time of the (draft Interim) Scheme was on public exhibition which highlighted the anomalies that arise with respect to continuing to apply the Recreation Zone to CT 42522/4. The portion of Crown land was not addressed in the representation.



The merits of the zoning for the site was not considered in any detail through the interim planning scheme process.

The Devonport Draft Local Provisions Schedule has applied a similar rationale to the zoning of the site, applying the equivalent zones available under the State Planning Provisions (SPPs) of the Tasmanian Planning Scheme . This is discussed in section 9 of the report.

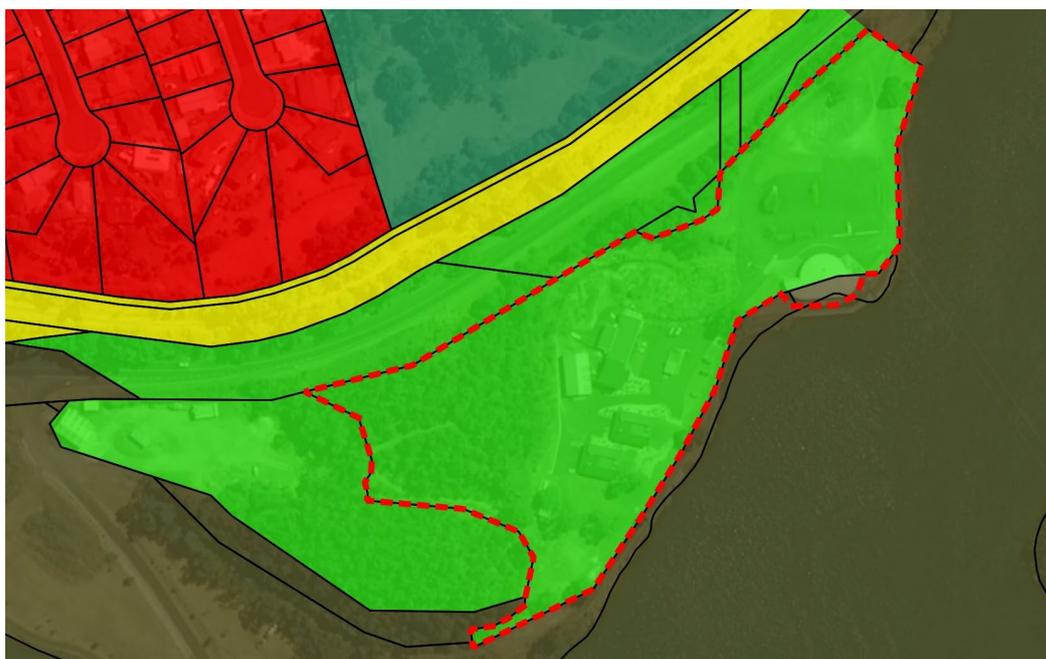


Figure 20: Zone Map, Devonport Interim Planning Scheme 2013 showing the current zoning of the site (source: theLISTmap)

4.2.1 Recreation Zone

The Recreation Zone is spatially applied to the site and adjoining properties listed in Table 2.

Table 2: Titles within Recreation Zone at Devonport Road		
CT	Address	Ownership
42522/4	17A Devonport Road	Private
149487/2	19 Devonport Road	Private
32702/1	Road	Public
32702/2	Road	Public
42884/1 (part)	Road	Public
No identifier	Road	Public

The application for the purpose of this rezoning is focussed on CT 42522/4 as this land is subject to the combined 43A application.



The zoning of the adjoining property at 19 Devonport Road and the road reserve of Devonport Road is a matter for consideration by Council.

This report does not comment on the merits of the Recreation Zone that is spatially applied to 19 Devonport Road as it is outside of the scope of this brief.

With respect to the zoning of the road reserves, the same principle as adopted for the municipal area as a whole should be applied in this instance. Therefore it is assumed that the road reserves adjoining the site will be either subsumed into same zone as the site or the Utilities Zone will be applied. This is a matter for Council's resolution.

4.2.1.1 Zone Purpose

The purpose of the Recreation Zone as expressed by clause 18.1.1.1 is, "*to provide for a range of active and organised recreational use or development and complementary uses that do not impact adversely on the recreational use of the land*".

The key words underpinning this statement are 'recreational use and development' and 'complementary uses'.

The terms 'recreational' and 'complementary' are not defined by the Scheme and therefore the common and natural meaning of these words are applied.

The Macquarie Concise Dictionary defines 'recreational' to mean, "relating to, or used for recreation". 'Recreation' is defined as "*refreshment by means of some pastime, agreeable exercise or the like*" or "*a pastime, diversion, exercise or other resource affording relaxation and enjoyment*".

'Complementary' is defined as "*combining in such a way as to enhance or emphasise the qualities of each other or another*". The word 'emphasise' means to '*make more clearly defined*' with 'enhance' meaning to '*intensify, increase, or further improve the quality, value, or extent of*'. These meanings imply that the 'complementary uses' are there to support and strengthen the function and role of land for recreational use.

Further interpretation of the Zone Purpose is aided by the local area objectives and desired future character statements. These are articulated by clauses 18.1.2 and 18.1.3 respectively.

18.1.2 Local Area Objectives

Place.

Provide convenient and accessible opportunity for organised recreation events, structured physical activity, competitive sport, and hobbies or pursuits to meet municipal, sub-regional or regional requirements

18.1.3 Desired Future Character Statements

Use or development on recreation land –

(a) may occur on natural and modified sites in urban and rural settings for indoor and outdoor activity;

(b) is not required to be comparable with development on adjacent land;

(c) may involve large outdoor facilities and highly modified sites, and include buildings and structures for administration, club room and change facilities, grandstands and spectator mounds, light towers and score boards, and facilities for vehicle parking;

(d) may involve indoor facilities in large buildings with distinctive typology, bulk and height, and include expansive external area for vehicle parking; and

(e) may impact on amenity of use on adjacent land through factors associated with the occupational and operational practices of recreation, including attendance by large numbers of people, high traffic volume and expansive vehicle parking, a large workforce or client base, duration and frequency of events, extended or intermittent hours of operation, and a readily apparent visual or operational presence within an urban or rural setting

The local area objective reinforces the purpose of the zone.

The desired future character statements further articulate that a range of large scale indoor or outdoor facilities including large buildings are anticipated.

The operative word in these statements is 'may' (with the exception of subclause (b)). This implies that 'it is possible' rather than absolute and by no means suggests that all use and development on land zoned Recreation must be developed for large scale facilities or buildings. Therefore it is assumed that the Recreation Zone can contain a mix of recreational facilities serving different roles, functions as implied by the local area objective.

There are no specific local area objectives or desired character statements to further define the meaning of 'complementary uses', although the Use Table provides guidance in this regard.



The Use Table allows consideration of a range of use classes and are listed as either 'No Permit Required', 'Permitted' or 'Discretionary'. The use classes can be divided into two broad categories (refer to Table 3):

1. Not qualified; and
2. Qualified.

From Table 3 it is taken that the core use class of the Recreation Zone is 'sport and recreation' as this is listed as permitted and not qualified in any way.

Table 3: Use Table, 18.0 Recreation Zone	
Uses with no Qualification	Uses with Qualification
Passive recreation (discretionary where cannot meet No Permit Required' use.	Business and professional services
Sport and recreation	Community meeting and entertainment
Motor racing facility (discretionary)	Educational and occasional care
Pleasure boat facility	Emergency services
Utilities	Food Services
Visitor Accommodation (discretionary)	General retail and hire
	Hotel services
	Pleasure boat facility (qualified for permitted but not discretionary pathway)
	Tourist operation
	Research and development
	Service Industry
	Storage
	Utilities
	Vehicle Parking
	Visitor Accommodation (qualified for permitted but not discretionary pathway)

The use class 'sport and recreation' is defined as, *"use of land for organised or competitive recreation or sporting purposes including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, public swimming pool, racecourse and sports ground"*.



Additionally, 'passive recreation', 'motor sport facility' and 'pleasure boat facility' are taken to be associated with a recreational use as per the definitions in Table 8.2 within the Scheme.

The remaining use classes, with the exception of 'emergency services'; 'tourist operation', 'utilities' are all qualified (irrespective being listed as permitted or discretionary) and can only be considered if is in conjunction or associated with a 'sport and recreation' use conducted on the land. Therefore, it is determined that these uses are complementary as referred to in the Zone Purpose.

The exception is the use class 'visitor accommodation' as this is listed as permitted and discretionary in the Use Table. Where 'visitor accommodation' cannot satisfy the permitted qualification, the Use Table provides for a discretionary permit pathway independent to any 'sport and recreation' use conducted on the land.

The question then arises to the nature and composition of use and development on CT 42522/4. The proceeding discussion establishes *if* the uses conducted on the land are undertaken:

- in conjunction with the use class 'sport and recreation'; or
- if the established uses are conducted independently to the 'sport and recreation' use class.

Additionally, a comparison of land areas zoned Recreation is also considered as this gives context with respect to the underlying characteristics of the spatial application of this zone across the municipal area.

4.2.1.2 Use Composition

The nature of use and development on CT 42522/4 can be broadly divided into three main precincts (refer to Figure 21):

1. Function Centre and Car park (yellow outline);
2. Mini-Golf and Cafe (green outline); and
3. Visitor Accommodation (blue outline).

Precinct 1: Function Centre & Car Park

Precinct 1 contains the Waterfront Function Centre building and associated car park and occupies nearly a third of the site. The internal driveway which extends from the carriageway of Devonport Road into Precinct 1 is the point of access and egress servicing the entire site.



The building located on the waterfront of Precinct 1 is operated as a separate business entity to any other use on CT 42522/4. The building and car park is only actively used if there is a booked function otherwise it sits dormant for the remainder of the time.

The bookings of the function centre are of a varied nature and range from weddings, birthday parties, government event or similar and are not directly associated with the use class 'sport and recreation' conducted on the site. In recent times functions held at the venue have significantly declined, particularly since the establishment of other function centres in the municipal area.

The bicycle and pedestrian path forming part of the Great Foreshore Ride is also contained within Precinct 1 and follows the title boundary of CT 42522/4 before continuing on the adjoining Crown land. This infrastructure was established in 2011. While this is a recreational use, the pathway is considered to be within the definition of 'passive recreation'.



Figure 21: Use Composition of the Site, showing three distinct pre (source: theLISTmap)

Precinct 1 does not contain major recreational facilities such as a golf course, sporting facilities or the like. Additionally, there are no facilities within Precinct 1 that support any water based activities that may be undertaken on the Mersey River. The bicycle and pedestrian path is not considered to be within the definition of 'active recreation'.

The purpose of the function centre is not associated with any 'active or organised recreational use and development' of the site. The use is not considered to be a complementary to the mini-golf course in Precinct 2.



The proposed change of use of the function centre building to 'visitor accommodation' will also not be associated with any 'sport and recreation' use.

Precinct 2: Mini-Golf, Café, Managers Residence

Precinct 2 occupies an estimated 24% of the site and contains:

- a café, operating Monday to Sunday generally between business hours;
- an 18 hole mini-golf course, operating Monday to Sunday in conjunction with the café;
- a manager's residence (occupied);
- a storage shed;
- a BBQ shelter; and
- car park.

The 18 hole mini-golf course comprises an estimated area of 3000m² or approximately 9.4% of the site. The mini-golf course was the one of the first activities to establish on CT 42522/4 after the amusement park Serendipity closed in the 1980s. This facility is categorised to be within the use class 'sport and recreation'. The café and manager's residence are contained within a single building and are approved to operate in conjunction with the mini-golf course.

The mini-golf course attracts visitors to the site beyond the local population catchment of Devonport, drawing on the sub-regional and regional catchment. While the mini-golf is deemed to be an organised physical activity, it is primarily undertaken for leisure and entertainment rather than any organised sporting events or competitions.

Precinct 3: Residential and Visitor Accommodation

Precinct 3 occupies approximately 49 percent of the site (although not all of this area is useable due to the cliff face) and is approved for visitor accommodation.

The visitor accommodation, of which four apartments are constructed (two buildings), are not an integral part of the café, manager's residence, mini-golf development. Although it is acknowledged that the visitor accommodation is complemented and supported by development within Precinct 2 in conjunction with the pedestrian/bicycle pathway. These uses add to the visitor experience, providing opportunity for relaxation and exercise.

The visitor accommodation was not constructed specifically to support the mini-golf course or café and can operate and function



independently to the 'sport and recreation' use class contained in Precinct 2.

4.2.1.1 Recreation Zone

The Recreation Zone does not implicitly imply that the land area zoned for this purpose must be occupied entirely by the use class 'sport and recreation' use. Nor does it imply that facilities must be of a certain scale or size to be zoned for this purpose.

The Zone Purpose, however, does infer that the dominant land use is for an activity that supports a recreational use, with secondary uses being allowed where these do not interfere with the continuation of the land for the stated purpose.

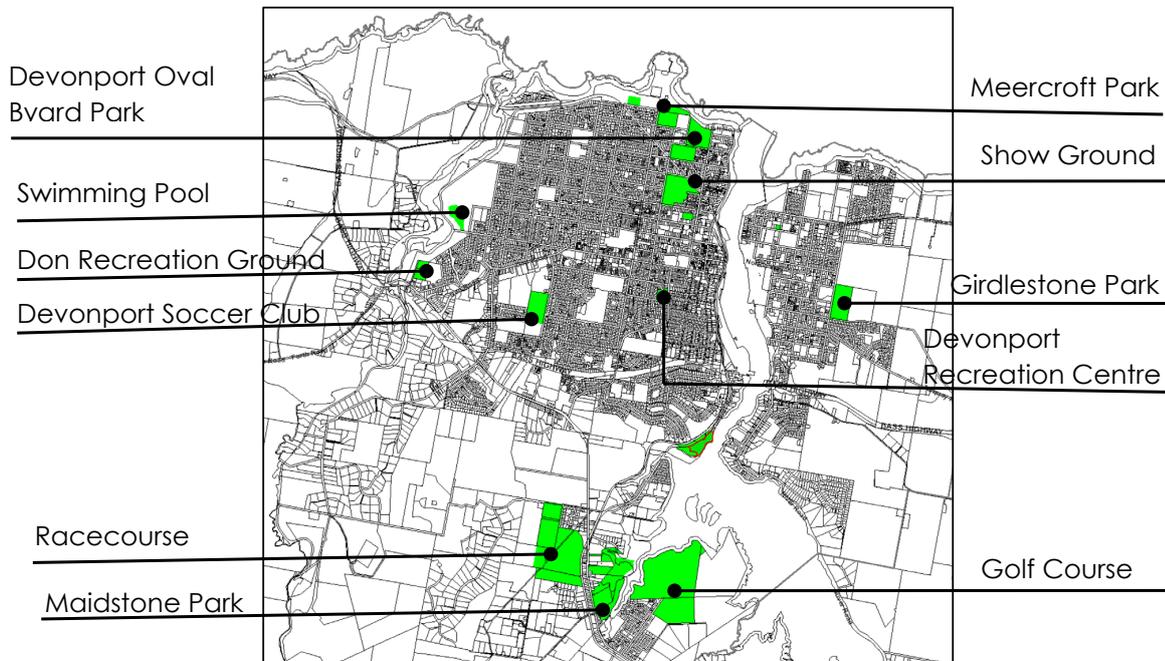


Figure 22: Recreation Zone, Devonport Interim Planning Scheme (source: theLISTmap).

From the above considerations, the conclusion is reached that the use composition of CT42522/2 is not aligned with the purpose of the Recreation Zone for the following reasons:

- the active and organised recreation use is confined to Precinct 2 and does not extend to either Precincts 1 or 3;
- the use class 'sport and recreation' is not the primary purpose or intent of the title with only an estimated 24% of the land area utilised for this purpose;



- the title does not support any activity associated with water based sports or activities;
- the established uses within Precincts 1 and 3 are not dependent on any organised or active recreation use established on the site; and
- the bicycle and pedestrian path forms an extension of public open space and is considered to be passive recreation.

While the Use Table enables consideration of a range of uses, many of these are qualified requiring use and development (in most instances) to be associated with the 'sport and recreation' use of the land. This circumvents the vision and objectives for the site as articulated in section 4.1 of this report.

The title is a unique property with access to the waterfront of the Mersey River and is in a standalone location that is not contiguous with any adjoining properties due to topography. The established road and rail infrastructure severs any connection with the residential area of Miandetta to the west.

Although visitor accommodation is approved as a discretionary use, the objectives and vision of the title is not intended to be focussed on providing active and organised recreational uses in this location.

The objectives and vision for the site strive for a broader mix of use and development beyond that which is currently allowed and is contrary to the purpose of the Recreation Zone. Therefore an alternative zone for this title is warranted.

4.2.2 Environmental Management Zone

The purpose of the Environmental Management zone as expressed by clauses 29.1.1.1 is, *"to provide for the protection, conservation and management of areas with significant ecological, scientific, cultural and aesthetic value, or with a significant likelihood of risk from a natural hazard"*.

In addition, clause 29.1.1.12, *'allows for complementary use and development where this consistent with any strategies for protection and management'*. The portion of Crown land zoned Environmental Management is privately developed with an existing building. The building was constructed over this land with consent from the Crown. Initially a 20 year lease was granted. This



lease is now superseded by the current lease which applies for a period of 10 years.

The natural landform is significantly modified, and its protection of any natural aesthetic value is significantly diminished.

The use and development controls under the Environmental Management zone provides for a mix of uses. Many of the use classes, however, are qualified therefore reducing the scope of use and development that can be considered for this portion of the site.

A change of use to 'visitor accommodation' not associated with 'sport and recreation' is prohibited. The Scheme provides no mechanism for reuse of the existing building under the Special Provisions. Therefore the capacity to adapt or reuse the existing function centre for an alternative use is prohibited.

There is no means to resolve this anomaly of the site other than to rezone this portion of the site, apply a specific area plan or insert a site specific qualification.

All three options are valid, however, a rezoning represents the best opportunity for assessing an application under a single zone which achieves an efficient operation of the Scheme and provides clear land use outcomes for the site.

The draft LPS also applies the equivalent Environmental Management Zone to the site. While there is more inbuilt flexibility³ in this zone in the Tasmanian Planning Scheme, the zoning continues to present challenges and does not represent a consistent or single approach to use and development to the site.

An equivalent clause is currently not available in the Scheme. Irrespective of this point, the established uses on the site are not consistent with the Zone Purpose of the Environmental Management Zone.

4.3 Application of Other Standard Zones

To facilitate use and development of the site in accordance with the vision and objectives (refer to Section 4.1), the spatial application of other standard zones currently available under the Scheme as per

³ The State Planning Provisions introduce clause 7.7 in the General Provisions, providing lead way to assess an application where a building projects into a different zone to be assessed in the zone which the main part of the building is located within.



Planning Directive No.1, The Format and Structure of Planning Schemes were considered. The findings are summarised in Table 4.

Zone		Comment
10	General Residential	Refer to 4.3.1
11	Inner Residential	Not applicable as residential use is not to be dominant on the site.
12	Low Density Residential	Not applicable. This zone is for the purpose of residential development on large lots and is contrary to the intent of the site. The limitations of the land area, topography, the Mersey River, access and natural hazards impedes the site from being developed in accordance with the Low Density Residential Zone.
13	Rural Living	Not applicable. This zone is for the purpose of residential development on large lots and lower order rural activities. The site is within the urban boundary of Devonport and is not suited to rural living or lower order agricultural pursuits.
14	Village Zone	Not used in the Scheme.
15	Urban Mixed Use	Refer to 4.3.2
17	Community Purpose Zone	Not applicable. The site does not contain any key community facilities such as schools, medical centres, emergency services or large community hall.
18	Recreation Zone	Refer to 4.2.1
19	Open Space	Not applicable. While the site does provide land that forms an extension of public open space, it is not in public ownership and not suited to the application of this zone.
20	Local Business Zone	The purpose is to provide business, commercial and community activities that serve the local population base. The site draws and serves more than the local population of the area it is within.



21	General Business Zone	Not used in the Scheme
22	Central Business Zone	Not applicable. This zone is only spatially applied to the CBD of Devonport
23	Commercial Zone	Not applicable. The site is not suited to large floor area retailing, service industry or warehousing.
24	Light Industrial	Not applicable. The site does not contain any light industrial activities for consideration of this zone.
25	General Industrial	Not applicable. The site does not contain any general industrial activities for consideration of this zone.
26	Rural Resource	Not applicable. The site is within the urban area of Devonport.
27	Significant Agriculture	Not used in the Scheme.
28	Utilities Zone	Not applicable. There is no public infrastructure or utilities located on the site.
29	Environmental Management	Refer to 4.2.2
30	Major Tourism	Not used in the Scheme
31.0	Port and Marine Zone	Not applicable. The site is not part of any port and marine activity.
32.0	Particular Purpose Zone – Elimatta Hotel	Not applicable as this applies to a specific land area.

4.3.1 General Residential Zone

The purpose of the General Residential Zone is to provide for both residential use and non-residential uses that primarily serve the local community.

While this zone can facilitate residential and non-residential uses, the 'residential' use class, is likely to be confined to Precincts 2 and 3.

The site is also separated from the residential areas of Quoiba and Miandetta. The closest points of these residential areas are not within 500m walking distance. The connectivity to the residential area of Miandetta is also lost due to the established infrastructure of the railway line and Devonport Road. The site is not conducive to providing services that primarily serve the day-to-day population of Miandetta. Additionally, there are already established businesses to provide this service to the local population.



Accordingly, the spatial application of this zone is not considered appropriate.

4.3.2 Urban Mixed Use Zone

The purpose of the Urban Mixed Use zone is, "to provide for integration of residential, retail, community services and commercial activities in urban locations".

The zone can comprise an unstructured mix of activity for living, employment, retail and community purposes. It can contain land use activities and services that attract a broader catchment area and not simply limiting it to activities that primarily serve the local residential population.

While this zone provides for a mix of uses where no particular use dominates, there is potential to give rise to activity (such as a service industry) that is not desired and could conflict with existing uses on the site.

The zoning is also intended to apply to areas where it is adjacent or incorporates high frequency public transport corridors, which is not the case for the site.

The Urban Mixed Use Zone is not considered appropriate for the spatial application of the site

Summary

From these findings the conclusion is reached that there is no standard zone that can be spatially applied to the site that achieves the intended outcomes of any of the standard zones or the articulated vision and objectives for the site. Therefore, a tailored approach is required to resolve the zoning of the site.

4.4 Role and Function of a PPZ

In absence of a standard zone, a PPZ provides opportunity for a tailored approach which can limit and guide use and development on the site. This means that commercial development and retail development can be sufficiently controlled to not only achieve the intended land use outcomes but also ensures that the role and function of the PPZ is in accordance with the centre hierarchy for the municipal area.

The following discussion considers the role and function of a PPZ



4.4.1 Repurposing of the Function Centre Building

The Waterfront Function Centre building since its construction has been utilised for a restaurant before it became a function centre.

Over the last year, the number of events at the function centre has been slowly declining. This is attributed to the changing urban setting in Devonport with the opening of the convention centre within the CBD. It is anticipated that redevelopment of the Devonport Golf Course facilities is also likely to reduce demand for the existing venue.

While the planning system does not manage impact of a new commercial use on the viability of another existing commercial use, the provision of new venues in Devonport requires the site to evolve and introduce use and development controls that assist with repurposing the existing building.

The uses available for an adaptive reuse of the building limited, particularly if the use class residential can be considered on the site. Therefore, the repurposing of the building for certain use classes must consider the impact on sensitive uses. A PPZ provides scope for limiting and controlling the potential for land use conflicts internally on the site.

Additionally, the repurposing of the building is potentially impeded by the established reticulated services on the site. Although generally it is possible to overcome any challenges with sufficient investment.

Irrespective of the zoning and servicing capacity, the opportunity for new development is substantially reduced in this location due to the Electricity Transmission Corridor (ETC) which traverses the site. Opportunity for new development is essentially limited to the area shown in Figure 23.

A PPZ can control and tailor the scope of uses for the existing building and can guarantee that the zoning will not give rise to undesirable commercial and retail activities on the site.



Figure 23: Re-development potential of the site (shown as yellow hatched area)

4.4.2 Scope for New Development

The opportunity for new development is shown by the hatched area in Figure 22. New development on the site is most likely to occur in:

- Precinct 2, the mini-golf course; and
- Precinct 3, visitor accommodation.

A PPZ enables specific controls to be imposed to guide use and development in Precincts 2 and 3. Examples of opportunities are briefly discussed below.

4.4.2.1 Precinct 2, Mini-Golf Course

The mini-golf course area presents an opportunity for redevelopment once it reaches its end of life. This comprises an area of approximately 3000m² and could be redeveloped for additional visitor accommodation (if demand is established) or medium density residential use.

The area completely outside of the Electricity Transmission Corridor and new development in this location can achieve a 50m setback from the railway line. Shared access via the internal driveway could also service this location.

4.4.2.2 Precinct 3, Visitor Accommodation



In 2014 a planning permit PA2014.0173 was granted by Council for visitor accommodation. This permit has substantially commenced with the construction of two of the approved buildings on the lower levels of the site and new buildings are planned for construction in the coming twelve months.

The elevated portion of the site, if not developed for visitor accommodation is most likely to be utilised for a residential use given its scenic outlook from this elevated position. Commercial and retail activities are not likely on this portion of the site due to the limited access and elevated position.

4.4.3 PPZ and Centre Hierarchy

The use classes 'business and professional services' and 'general retail and hire' are sought for the site as these are considered an essential ingredient for vitality and vibrancy with the purpose of drawing people consistently to the site.

Zone	Centre Hierarchy
Central Business Zone	Major centre serving region and sub-region.
Commercial Zone	Centre to provide large floor area retailing and may serve the region and sub-region as well as the local population.
Local Business Zone	Small to medium centre serving mostly the local population base.
Urban Mixed Use Zone	Self-contained urban activity centre which provides for a mix of uses. Within the Devonport municipal area this acts as a supporting zone to the land area zoned Central Business.
General Residential	Usually a small number of businesses clustered together providing convenience goods and services serving the day-to-day of the local residential population.

The Scheme implements a strategic model setting a hierarchy for activity centres across the municipal area through the spatial application of standard zones as contained in *Planning Directive No 1 – the Format and Structure of Planning Schemes*.

The zoning focusses activities in strategic locations, each serving a particular purpose and function. The use and development controls embedded in each zone then further regulate the type, size and the nature of commercial and retail activities that can establish in a particular location.



The hierarchy of activity centres can be generally defined by four main zones in the Scheme (refer to Table 5).

The General Residential zone is also acknowledged in Table 5. While residential use is intended to be dominant in this zone, it also provides for a limited range of small scale commercial and retail activities and therefore forms part of the centre hierarchy.

The Central Business zone is the largest single zoned location where retail and commercial activities are permissible with intent of clustering a range of services to meet the needs of the wider population within and outside of the municipal area. The remaining three zones serve different roles and are of a lower order (refer to Figures 24 and 25) than the Central Business zone.

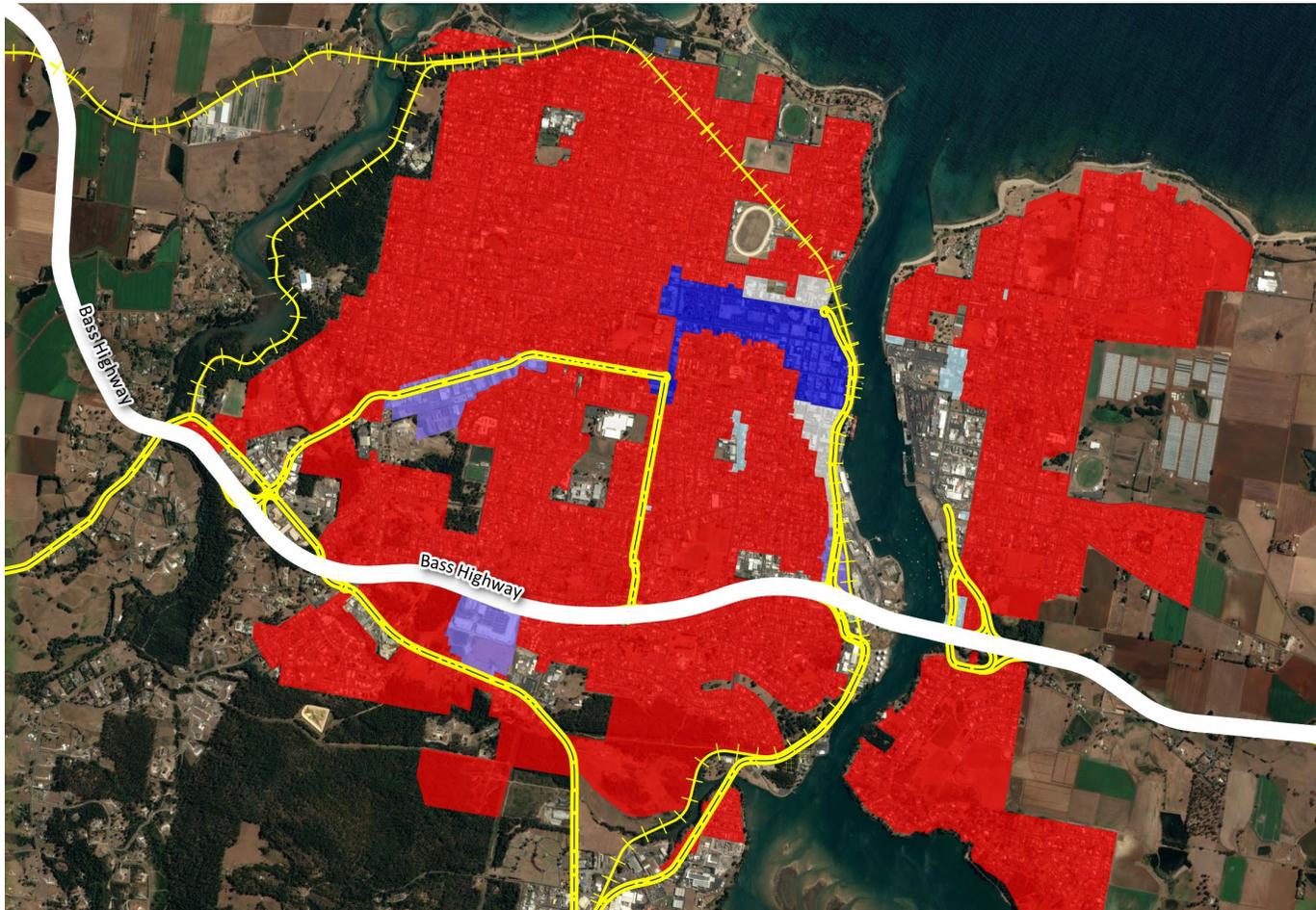


Figure 24: Spatial application of the five main zones across the municipal area identified in Tables 5 and 6

Place.

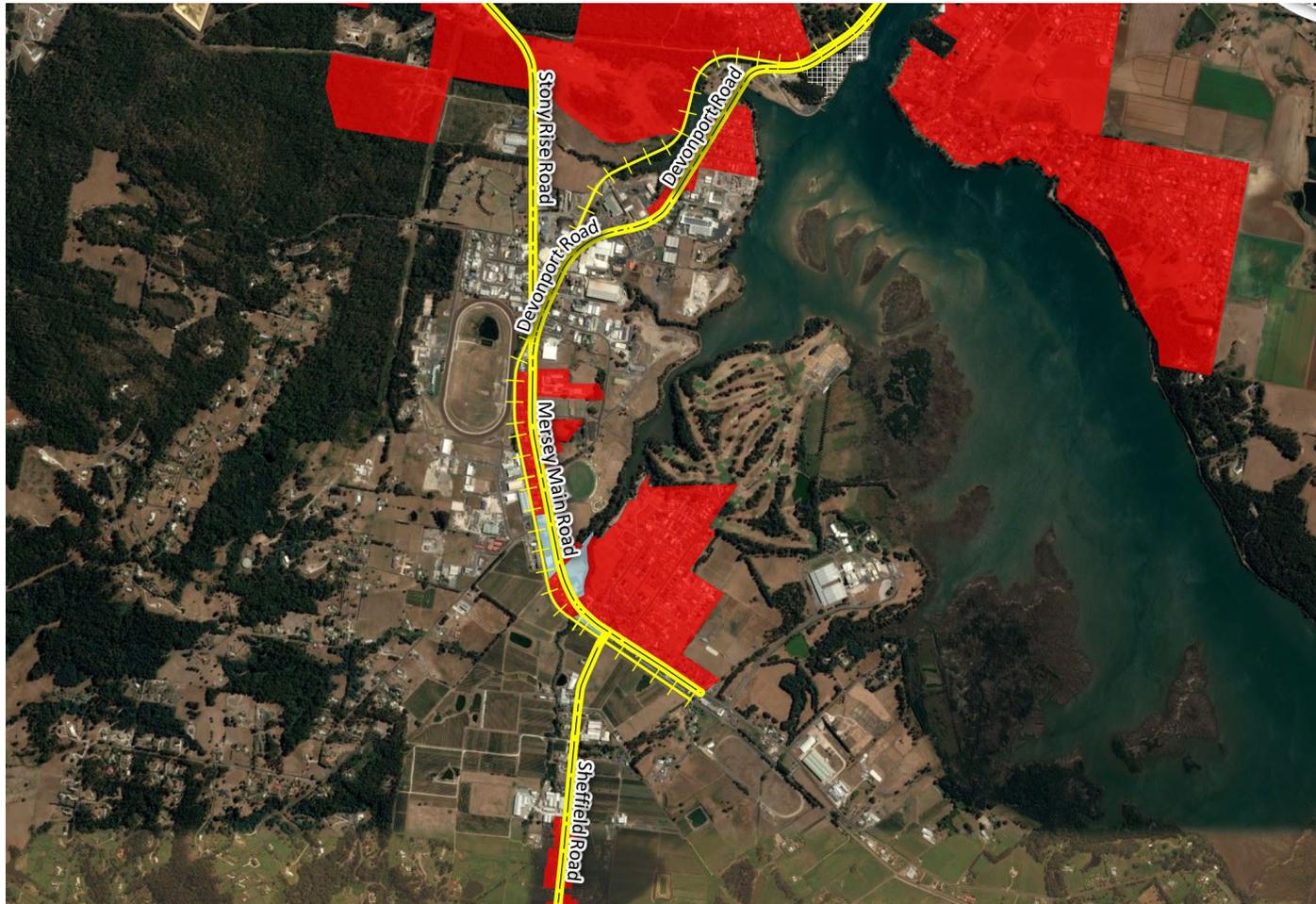


Figure 25: Spatial application of the five main zones across the municipal area identified in Tables 5 and 6



**Table 6:
Zones that can consider planning permit applications for, "business and professional services" and " general retail and hire"**

Zone		Business & Professional Services		General Retail & Hire	
10	General Residential	✓	Permitted – qualified must be a medical centre (300m ² limited to 3 professionals). Otherwise discretion	✓	Permitted – qualified must be for a local shop. Otherwise prohibited
15	Urban Mixed Use Zone	✓	Permitted	✓	Permitted
17	Community Purpose	✓	Permitted qualified – medical centre, office civic or public purpose, funeral parlour. Otherwise discretionary but must be complementary to a community use on land in the zone.	✓	Discretionary qualified -must be associated with the use of land in the zone or occasional market.
18	Recreation	✓	Permitted – qualified – must be associated with use of land in zone. Otherwise prohibited	✓	Discretionary qualified -must be associated with the use of land in the zone or occasional market.
19	Open Space	✓	Qualified –limited and must be aligned with open space purpose of the land	✓	Qualified – must be associated with use of land
20	Local Business	✓	Permitted qualified – office including professional and not more than gross floor area of 300m ² . Otherwise discretionary	✓	Permitted qualified limited to grocery or convenience goods. Otherwise discretionary.
22	Central Business	✓	Permitted	✓	Permitted if not in Area A (refer to Figure 25)
23	Commercial	✗	Prohibited	✗	Prohibited



The centre hierarchy is then further reinforced with the by Use Table in each zone. Table 6 examines the zones where the Council can consider the use classes, 'business and professional services' and 'general retail and hire'.

From Table 6, it can be noted that the Central Business zone and Urban Mixed Use Zone is open, allowing a permitted permit pathway for both use classes irrespective of size and scale. Where the Local Business zone qualifies these use classes, subjecting an application to a discretionary permit pathway where it exceeds certain parameters.

For example, in the Local Business zone a discretionary permit pathway for an application within the use class 'business and professional services' is triggered where it exceeds a gross floor area of 300m² and it is not for an office, medical centre, veterinary centre.

With respect to this qualification, it is important to note that this is changing once the draft Devonport Local Provisions Schedule comes into effect as part of the as part of the Tasmanian Planning Scheme.

The current qualifications imposed by the Local Business zone will be lifted for both use classes in the equivalent zone under the State Planning Provisions and will have a 'no permit required' pathway.

With this in mind, the site is intended to contain a mix of use and development with not one use being dominant over the other. The draft amendment proposes to open the scope of commercial and retail activities that can establish on the site by relaxing the use classes 'business and professional services' and 'general retail and hire'.

The advantage of introducing a PPZ for the site means that there is capacity to allow a broader scope of the aforementioned use classes in a controlled setting. This is comparable to the use and development controls in relation to the Local Business zone (refer to Figures 26 and 27) and to a lesser degree the General Residential zone.

For these reasons, it is concluded that a PPZ with appropriate limitations and restrictions can be comfortably integrated into the Scheme without compromising the centre hierarchy or detracting away from the Central Business zone of the municipal area.



5 Local Strategic Context

This section of the report considers if the vision and objectives of the site (refer to section 4.1 of this report) and if this is aligned with the applicable local strategies.

The Devonport Strategic Plan 2011-2030 (DSP) is the overarching strategic document of the municipal area and is further underpinned by a series of local strategies. Aside from the DSP, the strategies most applicable to this amendment are as follows:

- Bike Riding Strategy 2015-2020;
- Pedestrian Strategy 2016-2021;
- Open Space Strategy;
- Retail Strategy 2018-2023; and
- Tourism Development Strategy 2009-2019.

The proceeding discussion considers the vision and objectives of the site in context of the aforementioned local strategies.

5.1 Devonport Strategy 2009-2030

The DSP was adopted by the Council in 2009, reviewed in 2013-14 with the new version endorsed by the Council in 2014.

The DSP is focussed on achieving a city that is *“strong, thriving and welcoming place to live which is balanced with living lightly by the river and sea”*. Table 7 outlines the applicable goals and objectives of the DSP and considers if the vision and objectives of the site are aligned.

Table 7: Assessment of the Devonport Strategic Plan	
Goal 1: Living lightly on the environment	
Outcome 1.3 “Living lightly” is promoted and encouraged	
1.3.1	Identify and implement initiatives to educate and encourage our community on opportunities to “live lightly”
Comment	
The investment in 2011 into Devonport's bike riding and pedestrian network resulted in the extension of Great Foreshore Ride infrastructure to include the site and adjoining Crown land.	
The construction of the pathway has resulted in a pivotal change in the relationship between private property and public open space of the waterfront. This was facilitated by private land which was donated from the parent title of the site.	
The vision and objectives articulated in section 4.1 support the cycling community by committing to maintaining an open, safe, and pleasant	



<p>waterfront environment. The intent of objectives (a), (b), (c) and (e) (refer to section 4.1) is to encourage walking, commuter, and recreational riding. This potentially reduces the reliance on passenger vehicles by visitors to access the site. This means fewer car trips, reducing emissions. This is consistent with Outcome 1.3.</p>	
<p>Outcome 1.4 Our energy use is reduced</p>	
1.4.1	<p>Promote reduction, re-use and recycling options to minimise waste materials within Council, the community and businesses.</p>
<p>Comment</p> <p>Objective (b) (refer to Section 4.1) focuses on building adaptation and renewal, opening opportunity for repurposing buildings to respond to the changing land use pattern in the urban environment.</p> <p>Of course this is not without challenges as the National Construction Code imposes requirements for certain classes of buildings that can render any conversion costly for re-development.</p> <p>The objective seeks to apply use and development controls that provide an alternative compatible use for existing buildings on the site. The underlying principle of this objective is to enable reinvestment, reducing the risk of a building becoming vacant and eventually deteriorating resulting in its demolition and consequently generating waste materials.</p> <p>The building adaptation objective promotes waste minimisation which is consistent with Outcome 1.4.</p>	
<p>Goal 2: Building a Unique City</p>	
<p>Outcome 2.1 Council's Planning Scheme facilitates appropriate property use and development</p>	
2.1.1	<p>Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use.</p>
2.1.3	<p>Work in partnership with neighbouring councils, State Government and other key stakeholders on regional planning and development issues</p>
<p>Comment</p> <p>The draft amendment is made in recognition that the spatial application of the current Recreation Zone and Environmental Management Zone and the associated controls are misaligned with the established land use pattern of the site.</p> <p>The integration of the objectives (refer to Section 4.1) through a tailored approach to zoning over the site ensures that it delivers an open waterfront environment with an appropriate mix of land use that does</p>	



not result in any conflicts or detract from the Devonport CBD (refer to section 4.4.3). This is consistent with Outcome 2.1.	
Outcome 2.3 Infrastructure priorities support well planned, managed and appropriately funded development within our unique City	
2.3.5	Provide and maintain sustainable park, gardens and open spaces to appropriate standards
Comment	
The objectives promote private investment into the public open space of the waterfront environment. This supports the Outcome of 2.3 and associated strategy.	
Outcome 2.4 Promote the development of the CBD in a manner which achieves the Living City Principles Plan	
2.4.1	Implement initiatives from the LIVING CITY Master Plan
2.4.3	Implement initiatives to encourage private investment aligned with the outcomes of the LIVING CITY Master Plan
Comment	
<p>The Living City Master Plan is an urban renewal project concerning new tourism opportunities, food experiences and business prospects. Its goal is to revitalise Devonport's CBD to consolidate services and bring new life to the city. 17 Devonport Road has connectivity (all modes) with the CBD area and as such can be a satellite space to be used to support its growth.</p> <p>The site has connectivity along the waterfront and can form part of the "enhanced public realm and park" with paths and cycle way already connected.</p> <p>The objectives strive to build and strengthen the relationship of the site with the CBD through the Great Foreshore Ride network.</p> <p>Limited commercial activity is considered an essential ingredient to support this network and intends to facilitate an increase in riding and walking by the local population. This also aids with sustaining a level of activity on the site, particularly when the tourism declines in the quieter months of the year.</p> <p>The redevelopment of the site is impeded by several infrastructure constraints, this in conjunction with use and development controls of the proposed PPZ (refer to section 6) ensures that commercial activities are of a scale and nature which is compatible with the hierarchy of centres within the municipal area.</p>	
Goal 3: Growing a Vibrant Economy	
Outcome 3.2 Devonport's visitor industry is developed around its natural assets, history and location	
3.2.1	Support tourism through the provision of well designed and managed infrastructure and facilities.



3.2.3	Facilitate a pro-active approach by business to embrace tourism opportunities.
3.2.4	Promote our natural environment and assets to underpin tourism opportunities.
<p>Comment</p> <p>The site bares a close relationship with the Mersey River and is ideally situated to promote tourism to Devonport. Visitor accommodation is contained on the site and is supported by a café, mini-golf course, and the Great Foreshore Ride infrastructure.</p> <p>To stimulate the local economy and provide for continued investment on the site, a tailored approach is proposed by the PPZ. This is with the intent of striking a balance, ensuring there is a healthy mix of activity creating a vibrant site that appeals to visitors to Devonport. The composition of the mix of uses support tourism and the visitor economy.</p> <p>The objectives (refer to Section 5.1) of the site are aligned with Outcome 3.2.</p>	
3.3 Access in to, out of, and around the City is well planned and managed	
3.3.1	Improve the City's physical access and connectivity focusing on linkages to and from key access points
<p>Comment</p> <p>Open spaces (both public and private) that area accessible, provide good facilities, are free, and well connected are key to achieving Outcome 3.3.</p> <p>The construction of the Great Foreshore Ride infrastructure over private property is an integral part in providing access through walking and riding. The objectives of the site seek to protect this infrastructure and intends to maintain access via walking and bike riding.</p> <p>The mix of uses also ensure passive surveillance creating a safe and secure site. This is partly achieved through the location of a mix of uses that seek to generate continued activity on the site during the week as well as the weekend.</p> <p>This is consistent with Outcome 3.3.</p>	
3.4 Our economic progress continuously improves	
3.4.1	Work in partnership with industry and government to identify needs of business and industry to pursue opportunities, which fosters economic development in the area.
3.4.2	Promote, encourage, and develop initiatives that support the local economy
Comment	



<p>The current zoning may result in a downturn in activity on the site as it did when the Serendipity Fun Park ceased in the late 1980s if there is not any capacity to respond to changing land use patterns.</p> <p>The issue of an underutilised or vacant building in and around Devonport has in the past only been too common. To foster economic development, the objectives (refer to Section 4.1) seek to modify the zoning to provide limited opportunity for commercial use and development.</p> <p>The mix of uses is critical and tries to strike a balance to ensure that the site is not solely dependent on the visitor economy for its survival. A mix of uses generates economic activity, stimulates the local economy as the visitor economy can fluctuate. This is consistent with Outcome 3.4 and associated strategies.</p>	
<p>Goal 4: Building Quality of Life</p>	
<p>4.1 Sport and recreation facilities and programs are well planned to meet community need</p>	
<p>4.1.3</p>	<p>Promote passive recreational usage including walking, bike paths, trails, parks and play spaces.</p>
<p>Comment</p> <p>The objectives continue to support the passive recreational usage of the Great Foreshore Ride by retaining an open and pleasant attractive environment.</p> <p>Improved walking and cycling routes and other activities and facilities encourage active community participation which is consistent with Outcome 4.1 and associated strategy.</p>	
<p>4.7 An engaged community promotes and values diversity and equity</p>	
<p>4.7.2</p>	<p>Encourage opportunities for active participation in community life</p>
<p>Comment</p> <p>The objectives (refer to Section 5.1) of the site are intended to stimulate activity, promote reinvestment into buildings and infrastructure which in turn support community participation.</p> <p>While an element of the site is targeted at the visitor economy, the mix of activities, facilities and infrastructure provided on the site are there for the enjoyment of the permanent residential population as well as visitors to Devonport.</p> <p>A vibrant site encourages walking and cycling, adds to the experience of visitors to Devonport and increases active participation by the community. This also then provides a forum for social interaction and increased community engagement.</p>	



5.2 Bike Riding Strategy 2015-2020

The Devonport Bike Riding Strategy 2015-2020 (BRS) is focused on providing safe and well-connected bike riding routes for Devonport with the intention of making bike riding more accessible and improving safety. This strategy not only targets recreational riders, but also seeks to increase commuter cycling to local destinations.

The Great Foreshore Ride is an extensive bike riding route which starts from Don River and extends along the entire length of the foreshore and concludes presently at Quioba (refer to Figure 25). While only a small section of the Great Foreshore Ride traverses the site, it is integral to forming a continuous route (mostly off-road) as it moves towards Horsehead Creek Boat Ramp.

The site is ideally positioned to take advantage of the unique setting and zoning requires tailored controls to uphold the intent of the BRS that would otherwise not be achieved through standardised zoning.

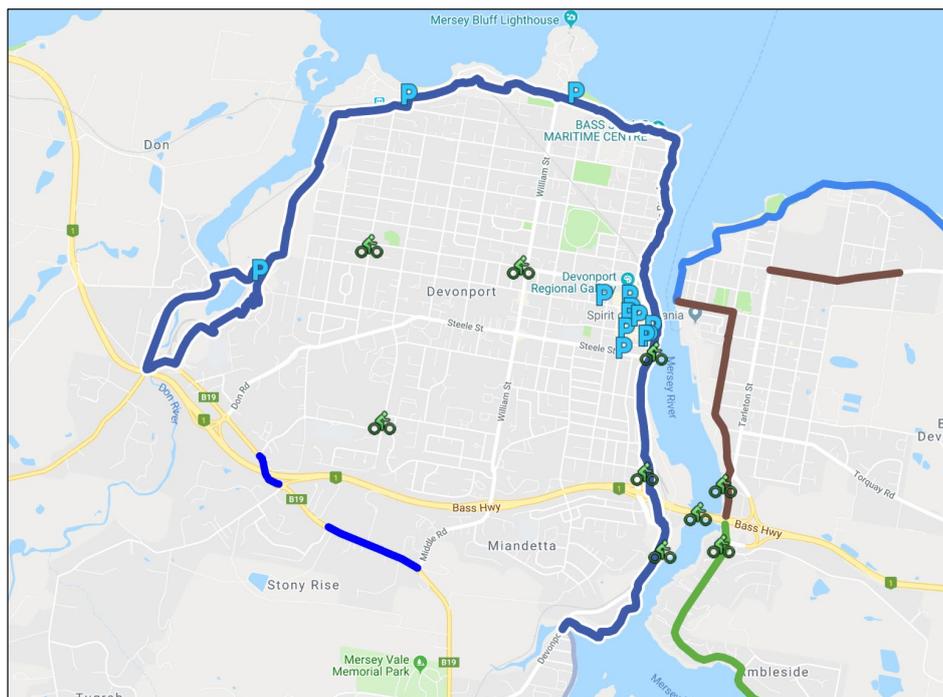


Figure 26: The Great Foreshore Ride shown by a dark blue line (source: City of Devonport website)

Commercial use and development on the site are seen to be critical element to increasing the site's population catchment and appeal, generating human activity and in turn stimulating a high visitation rate to the site.



Activity is integral to supporting this infrastructure and becomes another riding/walking destination in the same way that the playground, surf club and restaurants attract cyclists and walkers to the Mersey Bluff.

The vision and objectives, integrated as part of the use and development controls, further the desired outcomes of the BRS.

5.3 Pedestrian Strategy 2016-2021

The Pedestrian Strategy 2016-2021 (Pedestrian Strategy) seeks to: 'make walking in Devonport safe and convenient and to enable and encourage walking as a mode of transport'.

Pedestrian Strategy seeks to provide continued provision of infrastructure and signage to supports a safe and convenient walking environment.

The shared bicycle and pedestrian network traversing the site and adjoining Crown land facilitates this desired outcome.

The objectives seek to retain this shared pathway consistent with the Pedestrian Strategy and the rezoning proposes use and development controls that seek to protect this key attribute of the site.

5.4 Open Space Strategy

The proposed amendment supports the Open Space Strategy (OSS) of the Council which was endorsed in January 2015.

The OSS defines public open space or 'open space' is all parks, gardens, Reserves, road reserves and other parcels of land owned and or managed by Council, which is accessible to the public and serves an open space purpose. This includes spaces provided for passive, active, formal and informal recreation as well as for conservation purposes".

The section of the path bicycle and pedestrian path is contained on private land and therefore is not defined as 'public open space' or 'open space'. This small section of the pathway on private land provides the opportunity for off-road infrastructure for cycling and walking.

The Pedestrian Network Strategy, Bike Riding Strategy are aligned with the vision and objectives of the site.



5.5 Devonport Retail Strategy 2018-2023

The Devonport Retail Strategy was endorsed by the Council in June 2018 and sets the direction for commercial and retail activities until 2023.

The DRS focusses on growth in in downtown retailing in the CBD as well as becoming the service hub of the North West Coast.

The objectives of the DRS are as follows:

- Increase visitation to CBD;
- Strengthen the retail experience;
- Build the capacity of retailers;
- Strengthen communication between Council and retailers.

The proposed PPZ and the vision of the site works in conjunction with these objectives and does not propose in any way to compromise the role and function of the CBD (refer to section 4.4.3).

5.6 Devonport Tourism Strategy 2009-2019

The Devonport Tourism Strategy (DTS), January 2010, is most likely set for an upcoming review. Although the DTS remains relevant to this amendment.

The DTS recognises that visitors seek experiences and adventures. Welcoming public spaces form an integral part in the experience a visitor to Devonport. The amendment provides flexibility and range of uses that has the capacity to stimulate investment, improve the landscape environment and retain activity on the site.

A vibrant and dynamic site draws visitors to the location and is more likely to add to the experience of the waterfront environment than a location that is empty and underutilised.



6 Particular Purpose Zone

The PPZ has been drafted to provide a unique set of controls to regulate use and development (refer to Appendix C). Table 8 examines the components of the PPZ and the purpose of the proposed controls for the site.

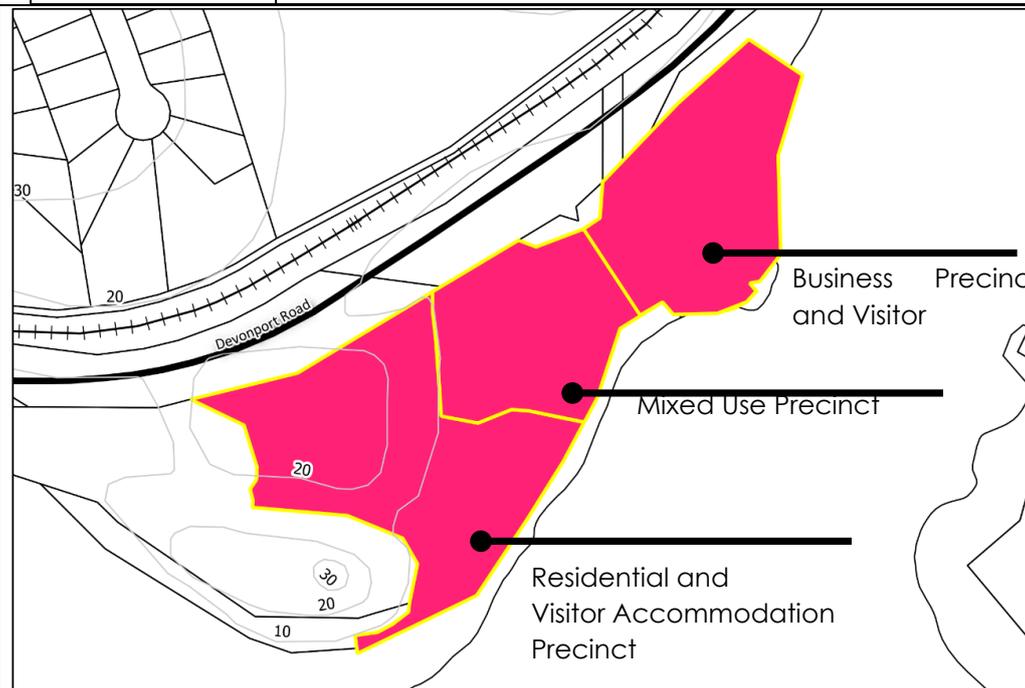
Table 8: Particular Purpose Zone – Waterfront Complex	
33.1 Zone Purpose	
33.1.1 Zone purpose statements:	
33.1.1.1	To provide for a mix of use and activities that are compatible with Visitor Accommodation and Residential use.
33.1.1.2	To provide for limited commercial uses that do not compromise or distort the role of existing activity centres.
33.1.1.3	To provide for use and development that does not interfere with the function of the cycling and pedestrian network.
<p>The PPZ purpose reflects the waterfront location and its unique mix of uses to stimulate a vibrant and energetic zone that adds to the positive experiences of the local population; recreational and commuter riders; and visitors to Devonport.</p> <p>The PPZ provides opportunity for visitor accommodation and residential uses but also recognises that a proportion of non-residential uses are equally important with respect to becoming a riding destination within Devonport.</p> <p>A mix of uses complements the bike riding/pedestrian pathway traversing the zone. This facilitates an increase in patronage of the latter which is aligned with the endorsed local strategies (refer to Section 5).</p>	
33.2 Local Area Objectives	
(a)	To facilitate an integrated mix of activities, buildings, parking and landscaped open spaces.
(b)	To provide for adaption and reuse of existing buildings to support the vitality of the zone.
(c)	To provide for use and development that does not cause unreasonable loss of amenity to Visitor Accommodation or Residential use from noise, traffic generation and movement, light or other emissions.
(d)	The appearance of development is of a bulk, scale and type that is sympathetic to the topography of the site and the waterfront location.



(e) To provide for use and development that supports the continued use of the cycling and pedestrian network.

The area contains three local area precincts as shown on Figure 32.1.2 to this zone.

<p>Retail and Business Precinct</p>	<p>The Business and Visitor Precinct is to provide for:</p> <ul style="list-style-type: none"> (a) the reuse and adaptation of a building that existed on the effective date for visitor accommodation or a single tenancy for commercial use; (b) the use of the car parking area for a market or similar activity providing this does not interfere with the internal driveway servicing the Mixed Use Precinct or the Residential and Visitor Accommodation Precinct.
<p>Mixed Use Precinct</p>	<p>The Mixed Use Precinct is to provide a limited commercial activity higher density residential development and/or visitor accommodation.</p>
<p>Residential and Visitor Accommodation Precinct</p>	<p>The Residential and Visitor Accommodation Precinct is for residential development and visitor accommodation.</p>



Comment

The local area objectives articulate the vision of the zone providing direction for use and development. The PPZ is not intended to be all commercially focussed or service the day-to-day needs of the local population. Additionally, the zone is intended to attract visitors and the population of Devonport to the zone without compromising or detracting the activities located in the CBD. The application of



precincts provides certainty and gives clear direction of the anticipated uses across the site. The local area objectives are aligned with the land use planning outcomes sought as discussed in section 5 of the report.

As the Living City Masterplan takes shape, the proposed rezoning allows to fill a gap in the market for commercial properties and respond to the changing urban environment in Devonport. The PPZ is intended to facilitate adaptation and reuse of existing buildings such as the function centre.

An alternative use to the function centre within the zone is timely as the residential use class is opened for the site. The activities of the function centre means that noise generated from an event held sometimes attracted complaint from adjacent properties. The conversion of the function centre use will ensure that potential conflict with future residential uses on the site is minimised.

This reinforces the Cradle Coast Regional Strategy and the local strategies.

33.2 Use Table	
Use Class	Qualification
No Permit Required	
Natural and cultural values management	
Passive recreation	
Utilities	If for minor utilities
Permitted	
Food Services	If not for (a) a drive-through facility; or (b) take-away food shop.
Residential	
Sports and recreation	If for outdoor recreation.
Visitor accommodation	If not for camping or caravan park.
Discretionary	
Business and Professional Services	If for (a) consulting room; or (b) veterinary centre.
Community meeting and entertainment	If for (a) function centre; (b) place of worship; or (c) public art gallery.
General Retail and Hire	If for (a) market; (b) private art gallery; and (c) shop
Sports and recreation	
Tourist Operation	



Utilities																	
<p>Comment</p> <p>Residential and visitor accommodation are listed as permitted in the zone. Consequently, non-residential uses, with the exception of 'food services' and 'sport and recreation' are listed as discretionary.</p> <p>The definition of each of the use classes are wide ranging and could give rise to inappropriate development. Therefore certain use classes in the Table are qualified to limit non-residential uses considered inappropriate in the zone.</p>																	
<p>33.3 Use Standards</p> <p>33.3.1 Discretionary Uses</p> <table border="1"> <tr> <td>Objective:</td> <td colspan="2">That non-residential use does not cause an unreasonable loss of amenity to residential use.</td> </tr> <tr> <td>Acceptable Solutions</td> <td colspan="2">Performance Criteria</td> </tr> <tr> <td>A1 Hours of operation of for Discretionary Use must be within 6:00am to 6pm.</td> <td colspan="2">P1 Hours of operation for Discretionary Use must not cause an unreasonable loss of amenity to a residential use or visitor accommodation within the zone having regard to: (a) the timing, duration or extent of vehicle movements; and (b) noise, lighting or other emissions.</td> </tr> <tr> <td>A2 External lighting for a Discretionary Use must: (a) not operate within the hours of midnight to 6.00am, excluding any security lighting; and (b) if for security lighting, be baffled so that direct light does not extend into the adjoining property.</td> <td colspan="2">P2 External lighting for a use must not cause an unreasonable loss of amenity to the residential zones, having regard to: (a) the level of illumination and duration of lighting; (b) the distance to habitable rooms of an adjacent dwelling or visitor accommodation.</td> </tr> <tr> <td>A3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a non-residential use must be within the hours of:</td> <td colspan="2">P3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a non-residential use must not cause</td> </tr> </table>			Objective:	That non-residential use does not cause an unreasonable loss of amenity to residential use.		Acceptable Solutions	Performance Criteria		A1 Hours of operation of for Discretionary Use must be within 6:00am to 6pm.	P1 Hours of operation for Discretionary Use must not cause an unreasonable loss of amenity to a residential use or visitor accommodation within the zone having regard to: (a) the timing, duration or extent of vehicle movements; and (b) noise, lighting or other emissions.		A2 External lighting for a Discretionary Use must: (a) not operate within the hours of midnight to 6.00am, excluding any security lighting; and (b) if for security lighting, be baffled so that direct light does not extend into the adjoining property.	P2 External lighting for a use must not cause an unreasonable loss of amenity to the residential zones, having regard to: (a) the level of illumination and duration of lighting; (b) the distance to habitable rooms of an adjacent dwelling or visitor accommodation.		A3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a non-residential use must be within the hours of:	P3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a non-residential use must not cause	
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<p>(a) 7:00am to 6:00pm Monday to Saturday; and (b) 9:00 to 4pm Sunday and public holidays.</p>	<p>unreasonable loss of amenity to sensitive uses having regard to: a) the extent and timing of traffic generation; b) the nature of the proposed use; and c) mitigation measures proposed.</p>
<p>A4 Air conditioning, air extraction, heating or refrigeration systems or compressors for a Discretionary Use must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by residential uses or visitor accommodation in the zone</p>	<p>P4 Noise, odours, fumes or vibration generated from a Discretionary Use must not cause unreasonable loss of amenity to residential uses or visitor accommodation in the zone, having regard to - (a) the characteristics and frequency of any emissions generated; (b) the nature of the proposed use; (c) the topography of the site; (d) the landscaping of the site; and (e) any mitigation measures proposed.</p>

Comment

The use standards are focussed on assessing the potential impacts and emissions of non-residential uses contained within the zone. The objective of the standard and associated acceptable solutions and performance criteria are with the purpose of protecting residential amenity.

33.3.2 Discretionary Uses in the Retail and Business Precinct and Mixed Use Precinct

<p>Objective</p>	
<p>That Discretionary Uses in the Retail and Business Precinct or the Mixed Use Precinct are consistent with the local area objectives.</p>	
<p>Acceptable Solution</p>	<p>Performance Criteria</p>
<p>A1 General Retail and Hire Use or Business and Professional Services uses in the Business and Visitor Precinct must: (a) be contained in an existing building and (b) be for a single tenancy.</p>	<p>P1 A General and Retail Hire or Business and Professional Services in the Business and Visitor Precinct must not compromise or distort the activity centre hierarchy, having regard to: (a) the local area objectives;</p>



	<p>(b) the characteristics of the site; (c) the size and scale of the proposed use; and (d) the extent that the proposed use impacts on activity centres outside of the zone.</p>										
<p>A2 General Retail and Hire Use or Business and Professional Services uses in the Mixed Use Precinct: (a) has a gross floor of not more than 200m²; and (a) is for a single tenancy.</p>	<p>P2 No Performance Criterion.</p>										
<p>Comment</p> <p>This proposed clause is focussed on limiting 'business and professional services' and 'general retail and hire' uses. The imposed controls for non-residential uses within the zone, ensuring that commercial activities are not dominant and do not distort any other activity centres outside of the zone.</p>											
<p>33.3.3 Outdoor Storage</p> <table border="1"> <tr> <td>Objective:</td> <td colspan="2">That outdoor storage areas do not detract from the appearance of the zone or surrounding area.</td> </tr> <tr> <td>Acceptable Solutions</td> <td colspan="2">Performance Criteria</td> </tr> <tr> <td> <p>A1 Outdoor storage areas must not be visible from any road, public open space or pedestrian network in or adjoining the zone.</p> </td> <td colspan="2"> <p>P1 Outdoor storage areas excluding any goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.</p> </td> </tr> </table>			Objective:	That outdoor storage areas do not detract from the appearance of the zone or surrounding area.		Acceptable Solutions	Performance Criteria		<p>A1 Outdoor storage areas must not be visible from any road, public open space or pedestrian network in or adjoining the zone.</p>	<p>P1 Outdoor storage areas excluding any goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.</p>	
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<p>Comment</p> <p>This clause is concerned with the appearance of outdoor storage. As the zone forms part of the public realm, outdoor storage should not be visible from public open spaces</p>											
<p>33.4.1 Building Height and Setbacks</p> <table border="1"> <tr> <td>Objective</td> </tr> <tr> <td> <p>The height and setback of buildings is to:</p> <ul style="list-style-type: none"> (a) minimise the visual prominence when viewed from the Bass Highway, Devonport Road, the Mersey River environment or other public spaces; (b) not cause unreasonable loss of sunlight to a habitable room of a sensitive use; and (c) minimise the impact on the pedestrian network on adjoining land and parallel to the banks of the Mersey River. </td> </tr> </table>			Objective	<p>The height and setback of buildings is to:</p> <ul style="list-style-type: none"> (a) minimise the visual prominence when viewed from the Bass Highway, Devonport Road, the Mersey River environment or other public spaces; (b) not cause unreasonable loss of sunlight to a habitable room of a sensitive use; and (c) minimise the impact on the pedestrian network on adjoining land and parallel to the banks of the Mersey River. 							
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Acceptable Solution	Performance Criteria
<p>A1</p> <p>Building height must be not more than 10m.</p>	<p>P1</p> <p>Building height must be compatible with existing buildings and not cause unreasonable loss of amenity having regard to:</p> <ul style="list-style-type: none"> (a) the topography; (b) the bulk and form of existing and proposed buildings; (c) the apparent height of proposed buildings when viewed from the Bass Highway, Devonport Road, and other public places; and (d) overshadowing of public places; (e) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings and visitor accommodation.
<p>A3</p> <p>Buildings must have a setback from the frontage of Devonport Road of:</p> <ul style="list-style-type: none"> (a) not less than 5m; or (b) not less than the setback of a building existing on the site. 	<p>P3</p> <p>Buildings must have a setback from the frontage of Devonport Road that is compatible with the streetscape, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the zone; (b) the setback of existing buildings within the zone; (c) the height, bulk and form of existing and proposed buildings; and (d) the safety or road users.
<p>A3</p> <p>Buildings, fences, freestanding walls must not be constructed within 30m of the mean high water mark of the Mersey River.</p>	<p>P3</p> <p>No Performance Criterion..</p>
<p>Comment</p> <p>The approved visitor accommodation has a maximum height of 10m. New buildings cannot be constructed under the Electricity Transmission Corridor.</p> <p>A setback of 5m from the frontage of Devonport Road was applied as this is consistent with approved development within the zone. The perceived setback from Devonport Road will be more than 20m due to the existing wide road reserve.</p>	



Building and fences cannot be constructed within 30m of the high water mark to retain open view lines and strong visual connection with the Mersey River.

33.4.2 Private open space for all dwellings

<p>Objective</p> <p>That dwellings are compatible with the amenity and character of the site and provide:</p> <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight. 	
<p>Acceptable Solution</p>	<p>Performance Criteria</p>
<p>A1</p> <p>A dwelling must have private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is not less than: <ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of: <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10. 	<p>P2</p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <ul style="list-style-type: none"> (a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.
<p>Comment</p>	



<p>This clause requires that each residential use (dwelling) is provided with private open space.</p>	
<p>33.4.3 Separation of multiple dwellings</p>	
<p>Objective</p>	
<p>That the separation between multiple dwellings provides reasonable opportunity for sunlight to enter private open space for dwellings on the same site.</p>	
<p>Acceptable Solution</p>	<p>Performance Criteria</p>
<p>A1</p> <p>A multiple dwelling that is to the north of the private open space of another dwelling, must be setback a distance of 6m from the northern edge of private open space.</p>	<p>P1</p> <p>A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site.</p>
<p>A2</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <ul style="list-style-type: none"> i. it is separated by a screen of not less than 1.7m in height; or ii. the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level. 	<p>P2</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
<p>Comment</p>	



These development standards are concerned with protecting privacy.	
33.4.4 Waste Disposal for Multiple Dwellings	
Objective	
To provide for the storage of waste and recycling bins for multiple dwellings	
Acceptable Solution	Performance Criteria
A1 A dwelling must have a storage area, for waste and recycling bins, that is an area of not less than 1.5m² per dwelling and is within (a) a common storage area with an impervious surface that: (i) has a setback of not less than 4.5m from a frontage; (ii) is not less than 5.5m from any dwelling; and (iii) is screened from a dwelling by a wall to a height of not less than 1.2m above the finished surface level of the storage area.	P1 A multiple dwelling must have storage for waste and recycling bins that is: (a) capable of storing the number of bins required for the site; (b) screened from the frontage and dwellings; and (c) in a location that can be accessed by a waste collection service.
Comment	
This development standard is to enforce waste storage area for multiple dwellings.	
33.5 Subdivision	
33.5.1 Lot Design	
Objective	
That each lot: (a) Has an area and dimensions appropriate for use and development in the zone; (b) Is provided with appropriate access to a road; and (c) Contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards.	
Acceptable Solution	Performance Criteria
A1 No Acceptable Solution	P1



	<p>Each lot or a lot proposed on a plan of subdivision must be suitable for use and development that is consistent with the purpose of the zone, having regard to the combination of:</p> <ul style="list-style-type: none"> a) slope, shape, orientation and topography of site; b) any established pattern of use and development; c) connection to the road network; d) availability of or likely requirements for utilities; e) any requirement to protect ecological, scientific, historic, cultural or aesthetic values; and f) present of any natural hazards.
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p>P2</p> <p>Each lot, or proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; the anticipated nature of vehicles likely to access the site; and (d) the ability for emergency services to access the site.
<p>33.5.3 Services</p>	
<p>Objective</p>	
<p>That the subdivision of land provides services for future use and development of the land.</p>	
<p>Acceptable Solution</p>	<p>Performance Criteria</p>
<p>A1</p> <p>Each lot, or lot proposed in a plan of subdivision, must have a connection to a full water supply service.</p>	<p>P1</p> <p>Each lot or a lot proposed on a plan of subdivision must be suitable for use and development that is consistent with the purpose of the zone, having regard to the combination of:</p>



		<ul style="list-style-type: none"> (a) slope, shape, orientation and topography of site; (b) any established pattern of use and development; (c) connection to the road network; (d) availability of or likely requirements for utilities; (e) any requirement to protect ecological, scientific, historic, cultural or aesthetic values; and (f) any natural hazards. 	
A2	<p>Each lot, or a lot proposed in a plan of subdivision, must be have a connection to a reticulated sewerage system.</p>	P2	No Performance Criterion.
A3	<p>Each lot, or lot proposed in a plan of subdivision, must be capable of connecting to:</p> <ul style="list-style-type: none"> (a) a public stormwater system; or (b) existing stormwater system on the site without increasing the rate of discharge to a waterway. 	P3	<p>A lot proposed in a plan of subdivision must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, have regard to:</p> <ul style="list-style-type: none"> (a) the size of a lot; (b) topography of the site; (c) the flow and rate of discharge to a waterway; (d) any existing buildings on the site; (e) any area of the site covered by impervious surfaces; and (f) water sensitive design measures proposed.
<p>Comment</p> <p>Provisions for provides for opportunity for subdivision and ensuring that lots are appropriately serviced.</p>			



7 Cradle Coast Regional Land Use Strategy

The amendment must be as far as practical to be consistent with the Cradle Coast Regional Land Use Strategy 2010-20130 (CCRLUS).

In short, the CCRLUS provides overall direction on future use and development for the Cradle Coast Region. As required by the Act, this proposed rezoning must be consistent with the CCRLUS. There are no prescribed tests or criteria, however, to determine whether an amendment is consistent with the CCRLUS or what in fact is meant by 'practicable'.

Nevertheless, the spatial application of the proposed PPZ over the site is examined and considered against the relevant strategies and land use policies. The assessment of the strategies is considered as a collective, with not all land use policies being relevant or applicable to the amendment. The assessment has considered the amendment in context of the strategies and the land use planning policies categorised under the following headings:

- Implementation;
- Wise Use of Resources;
- Support for Economic Activity;
- Places for People; and
- Planned Provision of Infrastructure.

In the assessment, the strategies and land use policies have been considered in context of each other. Where a land use policy potentially conflicts with another, the collective position is adopted as reading each strategy or policy in isolation of the other can lead to incoherent or opposing outcomes. This approach is aligned with the approach advocated by the following statement,

"The Strategy does not provide definitive actions for how to deliver the intended result – rather it expresses the principles and policies against which all future proposals for processes and prescriptions for land use planning are to be considered. The Strategy may be applied as a series of questions or reference points to be addressed when contemplating and making land use policy and regulatory requirements" (page 117, CCRLUS).

The assessment of the amendment against the CCRLUS is outlined in Table 9.

Table 9: Applicable Strategies and Land Use Policies considered	
Section	Response
Implementation	
<i>The Cradle Coast Regional Land Use Strategy –</i>	
	<ul style="list-style-type: none"> • <i>Promotes regional land use policies that respect the natural environment, facilitate a robust and successful regional economy, provide liveable communities and a sustainable pattern of settlement, and guide new use and development toward a secure and prosperous future</i>



- *Consolidates and aligns land use planning with related strategies for economic, social, environmental, conservation and resource management applying for the Cradle Coast Region and places them into an overall context of an integrated regional land use strategy*
- *Provides a basis for the coordination of future actions and initiatives related to the growth and development of the Region and promotes arrangements which optimise benefit for regional communities*
- *Initiates a regional land use planning process to provide a strategic regional perspective and a coordinate framework for consistent regulatory action*

The amendment advocates a tailored approach for future use and development. This is aligned with the intended principles and policies of the CCRLUS. This strives to facilitate and promote a robust and successful regional economy and continues to build a liveable community and a sustainable development pattern as desired by the CCRLUS.

The amendment, through the process provided by the Act, will provide for its implementation in a coordinated fashion across State and Local governments and the private sector. The process also provides for community consultation.

Wise Use of Resources

Use and development of natural and cultural resources in the Cradle Coast Region

- **safeguards the life supporting properties of air, water and land**
- **maintains and enhances the health and security of biodiversity and ecological processes**
- **provides sustainable access to natural resources and assets in support of human**
- **activity and economic prosperity**
- **recognises and respects natural and cultural heritage**
- **promotes the optimum use of land and resources**

2.3 Changing climate

a	<p>Promote outcomes which reduce carbon emissions and increase energy efficiency in a manner consistent with and appropriate to furthering declared Commonwealth and State policies and targets</p>	<p>The amendment focusses on continued support to retaining an open bicycle and pedestrian path on the site. This promotes reduction in carbon emissions by encouraging commuter and recreational riding, providing an alternative mode of transport and reducing car trips.</p> <p>The amendment intends to achieve adaptation and reuse of existing</p>
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		<p>buildings, providing opportunity to respond to a changing economic climate.</p> <p>This facilitates continued investment into the existing buildings on the site to assist with maintenance and continued upkeep, ensuring it does not fall in a state of disrepair and potentially extends the lifecycle of a building. This can assist with reducing building demolition resulting in waste generation going to landfill.</p>
b	<p>Promote compact and contained settlement centres which allow reduced dependency on private vehicle use and the length of daily journeys by providing communities with ready local access to daily needs for employment, education, healthcare, retail and personal services and social and recreation facilities, including</p> <ul style="list-style-type: none"> i. a greater mix and less dispersal or segregation in the nature and distribution of land use ii. improvement in the level of internal connectedness and convenience for pedestrian, cycle and public transport options iii. increase in urban densities for residential and commercial use iv. minimise expansion at the urban fringe and creation of rural residential clusters in remote or poorly connected locations 	<p>The amendment opens opportunity for infill development and supports growth and development for housing and local employment through a careful intensification of a mix of uses within the established urban boundary of Devonport.</p> <p>The site is accessible by Devonport Road and the Great Foreshore Ride. The bicycle and pedestrian pathway provides connectedness and convenience for pedestrian and cycle options, encouraging alternative modes of transport and strengthening its links with the CBD and in time with Spreyton. The amendment continues to retain an open waterfront environment to not impede this important network.</p> <p>The area open to redevelopment of the site limited. Although the controls will assist with facilitating infill development for residential and commercial uses. This maximises the efficient use of developed land and mitigates the cost of providing additional infrastructure services and amenities.</p>
2.4 Water Management		
b	<p>Identify the surface water and ground water features, hydrological function, and natural features and</p>	<p>Water sensitive design principles have been adopted on the site to minimise</p>



	<p>areas necessary for the ecological and hydrological integrity of catchments</p>	<p>concentration of water surface run-off from development.</p> <p>The Scheme also assesses the impact of surface water and ground water features from use and development through the relevant Codes.</p>
c	<p>Require catchments, natural water courses and water bodies be adequately buffered against likelihood for resource development, economic activity, utilities and settlement to have adverse effect on –</p> <ul style="list-style-type: none"> i. existing and known likely drinking water supplies ii. surface water, ground water, and water bodies susceptible to impact due to iii. extraction of water or the addition of nutrients, sediments and pollutants iv. hydrological function of water, including its chemical and physical properties, v. and its biological interaction with the environment 	<p>The site is mostly developed with the draft amendment providing opportunity for redevelopment.</p> <p>Walls and structures will be setback 30m from the high water mark. The amendment introduces development controls managing the number of discharge points of surface water from the site.</p>
d	<p>Limit modification of natural drainage systems, including change in channel alignment and in the nature of the stream beds and flow rates</p>	<p>The draft amendment does not propose to modify any natural drainage system or realign any channel.</p>
e	<p>Impact on water quality by runoff from adjacent use or development</p>	<p>The draft amendment does not include any new water discharge points.</p> <p>Any development would be required to comply with relevant legislation to protect water quality.</p>



<p>2.4 e</p>	<p>Require retention and rehabilitation of native vegetation within riparian and foreshore areas</p>	<p>Figure 27: TasVeg 3.0 for the site (source: theLISTmap)</p> <p>Any future removal of native vegetation required on the site will be assessed under the Scheme.</p>
<p>2.f</p>	<p>Require urban and rural land use or development incorporate measures to manage diffuse and point source pollution from storm water and wastewater discharge in accordance with the Tasmanian State Policy on Water Quality Management 1997 and the Tasmanian State Stormwater Strategy 2010</p>	<p>The draft amendment does not include any new water discharge points.</p> <p>These policies are integrated in the Scheme and therefore will require assessment of any development proposing new point discharge sources.</p>
<p>2.5 Land</p>		
<p>a</p>	<p>Recognise land is an irreplaceable and exhaustible resource</p>	<p>The draft amendment represents a developed site and facilitates infill and redevelopment within the urban area of Devonport.</p>
<p>b</p>	<p>Ensure the sustainable use or development of land in accordance with capability to provide the greatest economic and social for the region's communities benefit at least cost to natural values</p>	<p>The draft amendment promotes sustainable use and development allowing intensification of development on a site where the natural values are already modified.</p>
<p>c</p>	<p>Identify land for:...</p> <ul style="list-style-type: none"> i. protection and conservation ii. primary production; iii. economic activity; iv. settlement v. community, transport and utility infrastructure vi. tourism and recreation 	<p>The site is isolated from adjoining uses due to the topography, river and the railway established in this location. The site is suited to a mix of uses, taking advantage of this unique setting in the urban area of Devonport.</p>



		<p>The inclusion of Crown land into the zone will provide consistency to development on the site.</p> <p>This will not impact on the protection and conservation of the tidal river environment.</p>
2.6 Air		
a-c	<p>Land use planning processes recognise the importance of clean air to climatic and biological health and –</p> <ul style="list-style-type: none"> a. Maintain standards for natural air quality within the Region b. Promote development which satisfies or exceeds applicable regulatory standards c. for air quality d. Buffer development with potential to create adverse effects by nuisance and e. pollutant emissions from settlement areas 	<p>The draft amendment will not provide for use and development that will result in pollutant air emissions.</p>
2.7 Conservation		
b	<p>Recognise land is declared under the legislation of the Commonwealth and of the State of Tasmania for</p> <ul style="list-style-type: none"> i. comprehensive, adequate and representative natural areas are given longterm protection in formal reserves for the maintenance of biological diversity, ii. ecological process and geological feature iii. areas outside formal reserves which compliment, link or enhance areas of iv. conservation status, regional identity or local character are managed to retain natural values and function v. settlement and development on land adjacent to areas of conservation value 	<p>The site is not declared to be within a conservation area or identified as having significant environmental values. The portion of Crown land on the site is developed and has consequently modified the natural values.</p> <p>Continued access to the waterfront will not be impeded by the draft amendment.</p>



	i. is sited and managed to avoid adverse effect on natural values and processes	
e	Promote settlement and land use decisions which integrate with the Cradle Coast Natural Resource Management Strategy	The Scheme considers natural values and resource management as part of the individual applicable codes applied during the assessment of an application.
f	Require settlement development and growth has regard to likely adverse effect on areas of natural conservation value, including remnant vegetation, waterways and water bodies, and coastal systems	The site is adjoining and adjacent to the Mersey River. Development within 30m of the river is established. The draft amendment intends to minimise impacts on waterways by limiting new development within 30m of the river.
g	Restrict land clearing and disturbance of intact natural habitat and vegetation areas, including areas of forest and non-forest vegetation communities declared under the <i>Nature Conservation Act</i> , coastal wetlands, and remnant and appropriate cultural vegetation within settlement areas	The site includes vegetation. This is not contiguous outside of the Devonport Road reserve and adjoining land.
2.8 Coastal Management		
a	Place limits on the expansion of urban and residential use and development within the coastal zone to avoid linear settlement patterns and encroachment onto areas of intact coastal environment	The site is not an intact coastal environment.
c	Minimise or avoid use or development in areas subject to high levels of coastal hazard	The proposed draft Devonport LPS does not include the site in the coastal inundation overlay.
e	Require intensification and redevelopment within established settlements ensure continued and undiminished physical and visual public access to beaches, headland and waterways	The site is within the urban area of Devonport.
2.9 Cultural and Historic Heritage		
a – f	The site is significantly modified from its natural form. There are no known cultural or heritage values associated with the site.	



Wise Use of Resources – Overall Comment	
<p>The draft amendment involves a site that has been significantly altered from its natural state. The controls sought by this draft amendment seek to provide optimum use of land within the urban settlement of Devonport</p> <p>The Scheme will provide an assessment process that will duly consider any impacts of natural resources and values such as native vegetation, impact on water quality of development on the Mersey River and heritage.</p>	
Economic Activity	
<p><i>Prosperity and liveability of the Cradle Coast Region is achieved through economically, socially and environmentally sustainable development. Land use planning –</i></p> <ul style="list-style-type: none"> <i>• facilitates regional business through arrangements for the allocation, disposition and regulation of land use which promote diversification, innovation and entrepreneurship and avoid unnecessary restraint on competition and cost for compliance</i> <i>• promotes use and development which maximises the Region's economic potential in key sectors with deep capacity and potential for sustained growth and economic return or a clear strategic advantage</i> <i>• improves the social and environmental sustainability of the State and regional economy by allowing economic development and employment opportunities in a range of locations while respecting the link between a healthy environment and a healthy economy</i> <i>• supports and grows liveable regional communities through coordinate action aligned with State and regional economic development plans specific to the issues, challenges and opportunities of the Region</i> 	
a	<p>Facilitate supply of employment land in all settlement areas for industrial, business and institutional use including in residential locations</p> <p><i>Employment land “are locations designated for clusters of industry, business or other economic activity, including but not limited to manufacturing, processing, transport, storage, business and retail, institutions and tourism” (page 49, CCRLUS).</i></p> <p>The site is a hub of mixed use activity and has supported commercial activity over the last 19 years and has provided local employment.</p> <p>The draft amendment allows a broader range of commercial activities which facilitates new employment opportunities.</p>



c	<p>Ensure locations for employment use accommodate new forms and changing patterns of economic activity</p>	<p>The investment of new infrastructure and buildings within the Devonport CBD as part of the Living City Master Plan is stimulating new economic activity and revitalising the heart of the City.</p> <p>The demand for the retention of the existing building in Precinct 1 as a function centre is diminishing with new facilities establishing in the municipal area.</p> <p>The draft amendment provides opportunity for repurposing existing buildings and in turn provides capacity to respond to the changing economic activity within the municipal area.</p>
d	<p>Promote provision of employment land in locations where</p> <ol style="list-style-type: none"> i. land is physically capable of development ii. transport access and utilities can be provided at reasonable economic, social and environmental cost iii. there is access to resource, energy, communication, and workforce iv. sufficient separation can be provided to buffer impact on natural values, economic resources and adjoining settlement 	<p>The site is strategically located within the urban settlement and is separated from other land uses by a way of topography, infrastructure or other natural features.</p> <p>The relaxation of use and development controls increases opportunity for local employment in a location that:</p> <ul style="list-style-type: none"> • is serviced by road infrastructure and the bicycle network; • is adjacent to residential areas providing access to a potential workforce; and • will have minimal impact on natural resource.
e	<p>Protect designated economic activity and employment lands against intrusion by alternate forms of development</p>	<p>Visitor accommodation and other commercial activities including business and professional services on the site contribute to the local and regional economy.</p> <p>The offers employment opportunities at a location with both connectivity and access to walking and cycling.</p> <p>The new function centres within the Devonport area will undoubtedly</p>



		<p>impact on the economic viability and continuation of the function centre on the site. The proposal is paramount as the use and development controls will allow consideration by the planning authority for building reuse and adaptation.</p> <p>This will facilitate the opportunity to convert the function centre to an alternative use which in turn will provide continued employment and boost the economic viability of the site.</p> <p>Limited capacity for new development on the site ensures that commercial activities are small scale in type and nature.</p>
f	Indicate necessary infrastructure must be planned or available and protected to support current and forecast employment needs	The draft amendment is in a location that can be supported by existing infrastructure.
3.3.2 Natural Bio-Resource Production		
a-e	Not Applicable. The site is not identified as land significant for bio-resource use	
3.3.3 Agriculture Production		
a-v	Not Applicable. The site is converted land within the urban area of Devonport.	
3.3.4 Minerals, Construction Aggregate and Stone resources extraction		
(a-b)	Not Applicable. The site is converted land within the urban area of Devonport.	
3.3.5 Sustainable Tourism		
a	<p>facilitate tourism operations and facilities in locates that</p> <ul style="list-style-type: none"> i. leverage attraction and uniqueness of authentic experience in natural and wild places, including iconic destinations ii. integrate with other economic activity, including agriculture and mining iii. capitalise on natural and cultural heritage and landscapes iv. provide choice and diversity in character, distribution and scale 	<p>The site is a unique mix of development that serves to function visitor economy as well as the local and regional population base.</p> <p>The draft amendment will continue to support tourism.</p> <p>The reuse of the existing function centre for business and professional services is compatible with the established uses on the site and diversifies the economic activity in this location.</p>



f	integrate tourist experience and infrastructure into settlement centres to support and reinforce economic function	The draft amendment assists with facilitating continued investment into the site which in turn provides infrastructure and services that support the visitor economy.
g	void alienation and displacement of local communities and significant change in local character, function and identity	The draft amendment promotes an integrated mix of uses avoiding displacement of local communities by retention of an open waterfront environment accessible to the public.
h	ensure regulatory requirements and approval processes do not unduly direct or restrain the location, nature and flexibility of tourism operations and visitor accommodation.	The draft amendment will retain the opportunity for visitor accommodation to be considered on the site.
3.3.6 Visitor Accommodation		
	<ul style="list-style-type: none"> a. facilitate a range of visitor accommodation options b. locate high capacity accommodation in major settlement centres and key tourist locations c. designate sites for camping d. restrict permanent settlement within designated tourist sites and facilities 	<p>The draft amendment continues to provide for self-contained accommodation on the site that is distinctly different to traditional motel and hotel accommodation offered within the CBD.</p> <p>The site comprises a mix of uses and is not purely a designated tourist site within Devonport</p>
3.3.7 Energy Generation		
	Not Applicable. The site is not a site identified for alternative energy generation.	
3.3.8 Manufacturing and Processing		
	Not Applicable. The site is not intended for manufacturing and processing.	
3.3.9 Business and Commercial Activity		
a	facilitate convenient access in each settlement area to food and convenience goods retailers and services	The settlement areas are serviced by food and convenience goods by supermarkets and local stores located at Spreyton, Quoiba, Miandetta and Best Street. There is no intention for the site to provide services that meet the day-to-day needs of the local population.
b	promote the distribution of higher order retail goods and services throughout the Region in a manner consistent with recognised settlement patterns and at a scale, type and frequency of occurrence	The draft amendment restricts the use classes 'general retail and hire' and 'business and professional services' in the zone, ensuring the centre hierarchy for the municipal area continues to be implemented (refer to Section 4.4.3).



	appropriate to settlement size, local consumer demand, and relationship to the wider regional market.	
e	maintain the integrity, viability and vitality of established centres by locating new business and commercial development onto land within or immediately contiguous with existing town centres and commercial zones	<p>The precincts proposed reflect the established land use pattern on the site.</p> <p>The draft amendment allows consideration of the use classes 'business and professional services' and 'general retail and hire'. The use classes are tightly regulated and controlled in the zone to maintain the integrity, viability of the Devonport CBD.</p> <p>The amendment seeks to facilitate the reuse of existing buildings and infrastructure.</p>
f	promote increased mix of land use, including for housing, within accessible business centres to encourage viability and vitality	The site is not located within the CBD of Devonport. Although the amendment provides opportunity for housing in a location within 2.5km of the CBD.
g	prevent linear commercial development	The site will not exacerbate any linear commercial development along Devonport Road. Buildings are clustered together and are not individually accessible from Devonport Road.
h	prevent leakage of commercial and retail activities from preferred locations by restricting retail sales in other land use areas	The use and development controls imposed restrict 'general retail and hire' to a floor area of 200m ² . This is consistent with the size, scale and type of non-residential uses allowed within residential areas.
h (i)	provide designated locations for bulky goods and large format retailing, including for vehicle, building and trade supply, and home improvement goods	The Use Table does not allow consideration of bulky goods or large format retailing on the site.
j	restrict sale of food, clothing and carry away consumables through	Refer to (h) and (h)(i).



	bulky goods and large format retail outlets located outside town centres	
k	require proposals for major business or commercial development outside designated town centres be supported by need, absence of suitable alternative sites and of potential for immediate, incremental or cumulative adverse affect on established town centres and the regional pattern of retail and service provision	The controls imposed by the draft amendment provides for reuse of an existing building and other commercial activities at an appropriate scale and size for the location.
3.3.10 Micro enterprises		
	Not Applicable.	
Overall Comment - Economic Activity		
The draft amendment allows consideration of future commercial activities on the site. The controls are tightly regulated for 'general retail and hire' and 'business and professional services'. The opportunity for these use classes on the site are small and do not in any way compromise or draw activity away from the CBD of Devonport.		
4 Places for People		
<p><i>Regional settlements provide liveable and sustainable communities where</i></p> <ul style="list-style-type: none"> <i>the growth and development of centres is contained to create functional places which optimise use of land and infrastructure services and minimise adverse impact on resources of identified economic, natural or cultural value</i> <i>the pattern of settlement provides a network of compact, well connected and separate centres each with individual character and identity</i> <i>land supply is matched to need and there is a balance of infill and expansion</i> <i>there is coordinated and equitable access to provision of regional level services</i> <i>each settlement provides an appropriate level of local development and infrastructure facilities to meet locally specific daily requirements in employment, education, health care, retail, and social and recreation activity for its resident population</i> <i>each settlement provide a healthy, pleasant and safe place in which to live, work and visit there is diversity and choice in affordable and accessible housing</i> <i>people and property are not exposed to unacceptable levels of risk</i> <i>transport, utility and human service infrastructure is planned and available to meet local and regional need</i> <i>energy and resource efficiency is incorporated into the design, construction and operation of all activities</i> 		
4.3.1 Urban Settlement Areas		
b & c	Promote established settlement areas as the focus for growth and development.	The draft amendment will ensure that use and development is primarily focussed within the urban area of Devonport.



	Promote optimum use of land capability and the capacity of available and planned infrastructure service	Future uses allowed by the zone matches the capabilities of the site and the available infrastructure.
4.3.2 Rural Land		
a-e	The amendment does not concern rural land.	
4.4 Protecting People and Property		
b	Establish the priority for risk management is to protect the lives of people, the economic value of buildings, the functional capacity of infrastructure, and the integrity of natural systems.	<p>The main natural hazard is that the site is subject to landslide risk and is in a bushfire prone area.</p> <p>The Scheme implements appropriate Codes to manage the risks of the site through the assessment process.</p> <p>Previous investigations undertaken demonstrate that hazards can be appropriately managed to minimise risk to lives and property.</p>
4.5 Facilitating access to business and community services		
A & b	<p>Require each settlement area facilitate a mix of use and development of a nature and scale sufficient to meet for basic levels of education, health care, retail, personal services and social and economic activity and for local employment opportunities for the convenience of the local resident and catchment population.</p> <p>Locate business and community service activity reliant for operational efficiency on a regional scale population or on a single or limited number of sites at Burnie or Devonport, and at Latrobe, Ulverstone, Sheffield, Wynyard, Smithton, Currie and Queenstown</p>	The proposal will facilitate a zone that will provide for mix uses in a controlled fashion. The established uses and the conversation of the function centre will provide services and local employment opportunities.
4.7 Housing Land – places to live		
b	Facilitate choice and diversity in location, form and type of housing to meet the economic social, health and well-being requirements and preferences of all people;	The site has the potential to increase housing choice and diversity although this is limited to proposed Precinct 2 and Precinct 3.



		<p>Traditionally the residential areas of Miandetta are characterised by single detached dwellings on traditional sized lots. If the visitor accommodation should become superfluous, the proposed zone provides for the conversion of buildings for this purpose to residential use.</p> <p>The conversion of these buildings can be achieved through the adaptation of existing buildings.</p>
4.8 Healthy and Educated Communities		
c	<p>Facilitate local development of community service facilities in locations accessible and convenient to the population they serve</p>	<p>The draft amendment will not remove recreational facilities from the site.</p> <p>The site does not offer any major sporting facility. The adjoining walking and water pursuits of the Mersey River will not be impacted by the proposed rezoning.</p>
4.9 Active Communities		
a	<p>a. Assist implementation of the Tasmanian Open Space Policy and Planning Framework 2010 and the Cradle Coast Regional Open Space Strategy 2009 and other related sport and recreation plans and strategies endorsed by government agencies and planning authorities</p> <p>b. Recognise recreation, leisure and wellbeing opportunities are integrated with settlement activity and do not always require a discrete land allocation, such as urban trails and walkways as detailed in the North West Coastal Pathway project.</p>	<p>The draft amendment will continue to integrate the Great Foreshore Ride infrastructure with future use and development on the site.</p>
<p>Overall Comment – Places for People</p> <p>The draft amendment facilitates a mix of uses. The use class 'residential' is introduced to the Use Table facilitating opportunity for medium density housing within an assigned precinct on a site that is well connected to the CBD by a bicycle/walking network.</p>		



<p>Hazards can be appropriately managed for the site as demonstrated by previous investigations undertaken.</p> <p>The balance of community infrastructure, businesses, visitor accommodation and residential use provides for infill development within the urban area of Devonport and creates a point of interest to both visitors and local population.</p>	
<p>5 Planned Provision of Infrastructure</p>	
<p><i>Economic prosperity, liveable settlement and environmental health is underpinned by integrated land use and infrastructure planning to facilitate provision of adequate, appropriate and reliable infrastructure in a manner that –</i></p> <ul style="list-style-type: none"> • <i>ensures infrastructure is planned and available commensurate with the use and development of land</i> • <i>prioritises optimum use of existing infrastructure over provision of new or expanded services</i> • <i>protects the function, capacity and security of existing and planned infrastructure corridors, facilities and sites</i> 	
<p>Transport Systems - 5.4.4 Road Transport</p>	
<p>5.4.2 Sea Transport</p>	
<p>The amendment does not impact or impede the Devonport port.</p>	
<p>5.4.3 Air Transport</p>	
<p>The amendment does not impede on the Devonport Airport. The Scheme manages the impacts of land on the operation of the airport.</p>	
<p>5.4.4 Road Transport</p>	
<p>Require local road networks provide a high level of accessibility and connectedness to local destinations, including for pedestrian, cycle and public transport</p>	<p>The draft amendment will not modify the existing access arrangements to Devonport Road.</p>
<p>5.4.5 Rail Transport</p>	
<p>Recognise the strategic significance for Tasmanian import and export trade of the regional rail links to Western Junction and Melba for freight movement.</p>	<p>The amendment is separated by the road reserve of Devonport Road from the railway and is separated by 50m from the site. The Scheme manages impacts of sensitive uses on the railway.</p>
<p>5.4.6 Active Transport</p>	
<p>Recognise policies for improved pedestrian, cycle and public transport forms as an alternative to personal car travel contained in the Tasmanian Walking and Cycling Active Transport Strategy.</p>	<p>This policy seeks to reduce the number of short car trips with opportunity to walk and cycle. Car dependency is reduced by providing higher density mixed use areas with improved levels of connections.</p>
<p>5.5 Energy – generation, distribution and supply</p>	
<p>The amendment will not impact on energy supply or systems.</p>	
<p>5.6 Water Supply</p>	



The amendment allows for development that has capacity to be serviced by a mains water supply.	
5.7 Information Technology	
The amendment will not impact on information technology infrastructure.	
5.8 Waste Management – solid and liquid waste	
Seeks a coordinated approach to solid waste reduction, disposal and recovery action	The amendment seeks to repurpose existing buildings to ensure investment and continued upkeep with the intention of increasing the life cycle of the building.
5.9 Community Services	
Facilitate community service activity and facilities in locations for housing and business	The amendment continues to support the Great Foreshore Ride infrastructure.
Overall Comment – Planned Provision of Infrastructure	
The amendment seeks to create a site that forms a seamless extension with the waterfront. The bike riding and pedestrian network in conjunction with a limited mix of commercial uses creates a riding/walking destination in Devonport.	



8 Statutory Requirements

The former *Land Use Planning and Approvals Act 1993*⁴ (*the Act*) is the applicable legislation regulating the process and requirements for an amendment to the Scheme.

A decision to initiate an amendment to the Scheme is a strategic consideration. A decision on whether to approve and implement a planning scheme amendment is made by the Tasmanian Planning Commission (the Commission).

The Act provides transitional arrangements in Schedule 6. These arrangements apply during the transitional period between the introduction of legislation to create the Tasmanian Planning Scheme and the making of the Devonport Local Provisions Schedule. A planning authority can continue to initiate amendments to the Scheme until such time that a local provisions schedule is made.

Accordingly, the Council can consider the application made pursuant to section 43A of the former provisions⁵. In accordance with this section s33, the planning authority must make a decision whether to initiate an amendment of the Scheme. Before making this decision, it must consider whether the amendment meets the following criteria:

- furthers the statutory objectives for the Tasmanian Resource Management and Planning System of Tasmania and planning processes;
- be consistent with each State policy;
- be consistent, as far as practicable, with the Cradle Coast Regional Land Use Strategy;
- be consistent with 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;
- have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000;
- must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area;
- must not conflict with any mandatory provision required to be in the planning scheme by instruction of a Planning Directive; and

⁴ The former provisions is the Land Use Planning and Approvals Act 1993 that was in force on and before 16 December 2015.



- 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.

8.1 Objectives of the Resource Management and Planning System of Tasmania

The comments that follow are offered in support of this submission to demonstrate that the proposal furthers the Objectives of the Resource Management and Planning System as set out in Parts 1 and 2 of Schedule 1 of the Act.

8.1.1 Furthering the Objectives of Schedule 1 of the Act

<p><i>(a) promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity.</i></p>
<p>Response</p> <p>The draft amendment involves a highly modified and developed site that is uniquely located to take advantage of the views of the Mersey River.</p> <p>The impediments on the site as discussed in this report limits future use and development. The assessment against the applicable codes ensure that the natural and physical resources are duly considered in any application for a future use and development on the site.</p> <p>The impacts of the relaxation of the use and development controls to broaden the mix of uses on the site are applied to an area that is already approved to be developed.</p> <p>The amendment will not compromise the natural and physical resources and the maintenance of ecological processes and genetic diversity.</p>
<p><i>(b) To provide for the fair, orderly and sustainable use and development of air, land and water.</i></p>
<p>Response</p> <p>The draft amendment provides for infill development opportunity within the urban area of Devonport. Any future redevelopment of the site will utilise the existing infrastructure.</p> <p>This allows for fair, orderly and sustainable use of land, consistent with this objective.</p>



<i>(c) To encourage public involvement in resource management and planning.</i>
Response Public involvement will be achieved through the exhibition process of the amendment and associated planning permit application.
<i>(d) To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c).</i>
Response The draft amendment facilitates economic development as it opens opportunity for a broader range of use and development on the site. This will enable alternative compatible uses to establish on the site and improve the capacity of repurposing buildings which in turn will stimulate economic development. Specific development controls imposed in the Scheme will consider the impact on the natural values of the site.
<i>(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.</i>
Response Responsibility for resource management and planning will have been shared between the City of Devonport and the Tasmanian Planning Commission, the community and industry.

8.1.2 Objectives under Part 2 of Schedule 1 (of The Act).

<i>(a) To require sound strategic planning and co-ordinated action by state and local Government.</i>
Response The draft amendment is in accordance with the state policies, the CCRLUS and endorsed local strategies as discussed throughout this report. The proposed modification represents an approach consistent that is aligned with the strategic direction of the Council and State government.
<i>(b) To establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land.</i>
Response By consideration of this submission, the Scheme can be modified, providing a tailored approach consistent with the strategic context.



<p>The draft PPZ provides detailed use and development controls in conjunction with existing codes in the Scheme. The amendment to the Scheme sets the direction for use and development on the site that is consistent with the strategic goals and objectives as considered in sections 5 and 7 in this report.</p>
<p><i>(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.</i></p>
<p>Response The draft amendment is to facilitate further economic development in a serviced area of Devonport. This enables facilitating a mix uses on the site that facilitate the social infrastructure of the pedestrian and bicycle network. Creating a vibrant and dynamic site with safe and secure spaces is intended to encourage walking and riding by the population. This is considered to provide considerable benefits to the community as articulated in Council's local endorsed strategies.</p>
<p><i>(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.</i></p>
<p>Response The inclusion of the site into a PPZ will allow a broader and more efficient use of existing infrastructure (roads and services). The opportunity for further development on the site is consistent with the strategies and objectives advocated at a State, regional and municipal levels.</p>
<p><i>(e) To provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.</i></p>
<p>Response The draft amendment provides opportunity to consider the change of use of the function centre together rather than through two individual processes.</p>
<p><i>(f) To secure a pleasant, efficient and safe working, living and recreational environment for all Tasmanians and visitors to Tasmania.</i></p>
<p>Response Inclusion of land through the proposed zoning will help facilitate the integration of compatible and complementary land use activities that will not have an adverse impact on adjoining development.</p>



<i>(g) To conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.</i>
There are no buildings on the site that are of conservation value.
<i>(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.</i>
The site is located within a serviced area of Devonport.
i) To provide a planning framework which fully considers land capability.
The site is located within the urban area of Devonport. This objective is not considered to be relevant to this submission.

8.2 State Policies

The following State Policies are made under the *State Policies and Projects Act 1993*:

- State Policy on the Protection of Agricultural Land 2009;
- State Policy on Water Quality Management 1997; and
- Tasmanian State Coastal Policy 1996.

The National Environmental Protection Measures are automatically adopted as State Policies under the *State Policies and Projects Act 1993*.

The following section examines the State Policies as they apply to this amendment.

8.2.1 State Policy on the Protection of Agricultural Land 2009

The purpose of the State Policy on the Protection of Agricultural Land 2009 (PAL Policy) is to 'conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land'.

The site is within the established urban area of Devonport and does not impact on any agricultural land. This policy is not applicable to the amendment.

8.2.2 Tasmanian State Coastal Policy 1996

The State Coastal Policy 1996 (revised 16 April 2003) places significant emphasis on the 'precautionary principle' when making decisions in relation to use and development within coastal areas.



Accordingly, the relevant principles and outcomes of the State Coastal Policy as they apply to the site are assessed in context of the amendment. The relevant principles and outcome for consideration of this draft amendment are outlined in Table 10.

Table 7: Relevant principles and outcomes of the State Coastal Policy	
Principle	Outcome
1	Protection of Natural and Cultural Values of the Coastal Zone
1.1	Natural Resources and Ecosystems
1.1.2	<p>The coastal zone will be managed to protect ecological, geomorphologic and geological coastal features and aquatic environments of conservation value.</p> <p>Response The site is adjacent to inland tidal waters. The array of land uses that have occupied the site over time have resulted in the modification of the natural landform. The Scheme assesses any use and development that is within 30m of the Mersey River. New development within 30m (other than that already approved) of the waterway is unlikely given the restrictions associated with the site.</p>
1.1.3	<p>The coastal zone will be managed to conserve the diversity of all native flora and fauna and their habitats, including seagrass and seaweed beds, spawning and breeding areas. Appropriate conservation measures will be adopted for the protection of migratory species and the protection and recovery of rare, vulnerable and endangered species in accordance with this Policy and other relevant Acts and policies.</p> <p>Response The site is a highly modified and is approved for the construction of visitor accommodation.</p>
1.1.5	<p>Water quality in the coastal zone will be improved, protected and enhanced to maintain coastal and marine ecosystems, and to support other values and uses, such as contact recreation, fishing and aquaculture in designated areas.</p> <p>Response Use and development within the proposed PPZ will have capacity to connect to reticulated sewer and water. New</p>



Table 7: Relevant principles and outcomes of the State Coastal Policy	
Principle	Outcome
	stormwater discharges will be appropriately assessed against the relevant codes of the Scheme.
1.4	Coastal Hazards
1.4.1	<p>Areas subject to significant risk from natural coastal processes and hazards such as flooding, storms, erosion, landslip, littoral drift, dune mobility and sea level rise will be identified and managed to minimise the need for engineering or remediation works to protect land, property and human life.</p> <p>Response Mapping as part of the Hazard Band series prepared by the Department of Premier and Cabinet has identified a risk of coastal inundation and erosion and landslip hazard.</p> <p>Anecdotal evidence suggests that flooding of the Mersey River that has occurred in recent years did not impact on the site. All buildings were unaffected. This has been verbally advised by Council.</p> <p>Previous assessment of the landslip has demonstrated that the risk can be managed.</p>
2	Sustainable Development of Coastal Areas and Resources
2.1	Coastal uses and Development
2.1.2	<p>Development proposals will be subject to environmental impact assessment as and where required by State legislation including the Environmental Management and Pollution Control Act 1994.</p> <p>Response The use and development of land will be appropriately managed in accordance with the Scheme. The amendment does not provide for any use or development that will require assessment against the <i>Environmental Management and Pollution Control Act 1994</i>.</p>
2.1.5	The precautionary principle will be applied to development which may pose serious or irreversible environmental damage to ensure that environmental degradation can be avoided, remedied or mitigated. Development proposals shall include strategies to avoid or mitigate potential adverse environmental effects.



Table 7: Relevant principles and outcomes of the State Coastal Policy	
Principle	Outcome
	<p>Response</p> <p>Use and development will be assessed against the requirements of the Scheme. The site is highly modified from its natural state. The amendment will not give rise to any new development (other than already approved) within 30m of the waterway.</p>
2.1.6	<p>In determining decisions on use and development in the coastal zone, priority will be given to those which are dependent on a coastal location for spatial, social, economic, cultural or environmental reasons.</p> <p>Response</p> <p>The amendment concerns land area within the urban boundary of Devonport.</p>
2.4	Urban and Residential Development
2.4.2	<p>Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.</p> <p>Response</p> <p>The draft amendment will not result in any further ribbon development along Devonport Road.</p>
2.4.3	<p>Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy.</p> <p>Response</p> <p>The draft amendment will appropriately identify use and development compatible with the site.</p>

The proposed rezoning of the site is aligned with the intended outcomes of this Policy.

8.2.3 State Policy on Water Quality Management 1997

The State Policy on Water Quality Management is concerned with achieving 'sustainable management of Tasmania's surface water and groundwater resources by protecting or enhancing their qualities while allowing for sustainable development in accordance with the



objectives of Tasmania's Resource Management and Planning System'.

The management of surface water is appropriately managed through the current provisions within the Scheme. The existing provisions are aligned with this State Policy.

New use and development will be appropriately managed through the assessment process pursuant to section 57 or section 58 of the Land Use Planning and Approvals Act 1993.

8.3 Cradle Coast Regional Land Use Strategy

Section 7 of this report demonstrates that the draft amendment is consistent with the Cradle Coast Regional Land Use Strategy.

8.4 Section 66 of the Local Government Act 1993

Section 5 of this report considers the endorsed local strategy and demonstrates that the draft amendment is consistent with the local context.

8.5 Land Use Conflict

The topography, river, road and rail infrastructure separates the site from adjacent residential and recreational areas as demonstrated throughout this report. The draft amendment will not give rise to land use conflicts with development permissible under the Scheme applying to the adjacent area.

8.6 Gas Pipelines Act 2000

The infrastructure corridor containing the gas pipeline is not located in the vicinity of the site.

8.7 Mandatory Provisions

The common provisions in the Scheme are as follows:

- Planning Directive No 1 – the Format and Structure of Planning Schemes;
- Planning Directive 4.1 Standards for Residential Development in the General Residential Zone;
- Planning Directive No 5: Bushfire-Prone Areas Code; and
- Planning Directive No 6 – Exemption and Standards for Visitor Accommodation in Planning Schemes.



The amendment will rezone land to control the future use and development of the site. The amend will be in a format and structure that is consistent with Planning Directive No 1.

The amendment involves rezoning land from Recreation and Environmental Management to PPZ. Planning Directive 4.1, as referred to above, applies to land zoned General Residential. The rezoning will not conflict with any common provision of Planning Directive 4.1.

A Bushfire Hazard Assessment has been undertaken for the site, ensuring that areas to be rezoned can satisfy the requirements of the Planning Directive No 5 and therefore will not conflict with these provisions.

The Planning Directive No 6 does not apply to land zoned Particular Purpose.

8.8 Use and Development of the Region

The draft amendment intends to:

- protect the social infrastructure established on the site which has significant benefit to the community and visitors alike;
- stimulate economic development by providing opportunity for controlled commercial and retail activities to support the adaptation and reuse of existing buildings in the long term;
- continue to provide local employment opportunities through small scale commercial development; and
- create a safe and attractive site that forms a seamless extension of the public realm supporting incidental community interactions.

The draft amendment also provides for use and development which will result in the careful management of natural values, hazards and water management.

The various sections of this report have discussed the impacts that the use and development permissible under the draft amendment will have on the use and development of the region as an entity in environmental, economic and social terms.



9 Planning Application

9.1 Proposal

The application seeks a planning permit to convert the Waterfront Function Centre building located within the Commercial and Visitor Accommodation Precinct, from 'community meeting and entertainment' to 'visitor accommodation' (refer to Appendix K).

The proposed visitor accommodation will split the building into four individual rooms, each with their own bathroom and kitchenet. The visitor accommodation will operate seven days per week.

The application has been assessed as if the amendment to the Scheme is approved and therefore the assessment is against the provisions of the PPZ- and the applicable codes. The assessment against the Scheme is provided below.

9.2 Particular Purpose Zone – Waterfront Complex

33.3 Use Standards		
Scheme Standard	Comment	Assessment
33.3.1 Non - residential uses		
A1	The proposal is for a Permitted Use.	Complies
A2	External lighting associated with the building will not be modified by the proposal.	Not applicable
A3	Commercial vehicle movements will be within the hours of 7:00am to 6:00pm Monday to Saturday. Commercial vehicle movements will be restricted within the hours of 9:00am and 4:00pm on Sunday and public holidays.	Complies
A4	There is no new air conditioning, air extraction, pumping or refrigeration proposed.	Not applicable
33.3.2 Discretionary Uses in the Retail and Business Precinct and Mixed Use Precinct		
A1	the application is for visitor accommodation.	Not Applicable
A2	Use and development is not proposed within the Mixed Use Precinct.	Not Applicable
33.3.3 Outdoor Storage		
A1	The application does not propose outdoor storage areas	Not Applicable
33.4 Development Standards		
33.4.1 Dwelling Density		
A1	The application does not propose new dwellings	Not Applicable
A2	The application does not concern use and development within the Mixed Use Precinct.	Not Applicable
33.4.2 Building Height and Setbacks		



A1	The application does not propose a new building.	Not Applicable
A2	The application does not propose a new building.	Not Applicable
A3	The application does not propose the construction of a fence.	Not Applicable
33.4.3 Private open space for all dwellings		
A1	The application does not propose a residential use.	Not Applicable
33.4.4 Separation of multiple dwellings		
A1	The application does not include multiple dwellings.	Not Applicable
A2	The application does not include multiple dwellings.	Not Applicable
33.4.5 Waste Disposal for Multiple Dwellings		
A1	The application does not include multiple dwellings.	Not Applicable.
33.5 Subdivision		
Subdivision is not proposed as part of this application.		Not Applicable

9.3 Codes

9.3.1 E1 Bushfire-Prone Areas Code

The site is assessed to be within a bushfire-prone area. However, the Code is not applicable as the proposed change of use does not involve subdivision, a vulnerable use or hazardous use.

9.3.2 E2 Airport Impact Management Code

The site is identified on the DIPS Overlay Map as being within the operational airspace of the Devonport airport. Accordingly, the proposed use and development has been assessed against this code.

Scheme Standard	Comment	Assessment
E2.6.1 Exposure to Aircraft Noise		
A1	The proposal is placed well outside of the area subject to ANEF noise exposure level. Not Applicable to the proposed change of use.	Not Applicable
E2.6.2 Protection of operation airspace		
A1	The proposal is located 5km south-west of the Devonport Airport and at the very edge of the operational airspace. The s not located directly underneath any flight path. The proposal will not interfere with operation of the Devonport Airport.	Complies
E2.6.3 Public Safety Areas		
A1	The proposed use and development of the site is located 5km south-west of the Devonport Airport,	Not Applicable.



	outside any area used for take-off or landing. Not Applicable.	
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9.3.3 E3 Clearing and Conversion of Vegetation Code

The proposal does not require any clearing of vegetation. This Code is not applicable.

9.3.4 E4 Change in Ground Level Code

The proposal will not change the natural ground level of the site. This Code is not applicable.

9.3.5 E5 Local Heritage Code

The proposal does not concern a local heritage place. This Code is not applicable.

9.3.6 E6 Hazard Management Code

The site is identified on the Landslide Hazard Map under the DIPS. The proposed change of use is outside of any area subject to landslide risk.

9.3.7 E8 Telecommunication Code

The proposal does not propose any telecommunication facilities. This Code is not applicable

9.3.8 E7 Sign Code

The proposal will not require any new signage. This Code is not applicable.

9.3.9 E9 Traffic Generating Use and Parking Code

This code applies to all use or development. Accordingly, the proposal is assessed against the relevant provisions of this Code. The road authority has confirmed that the proposed change of use did not present any issue with respect to traffic generation or safety of the road network.

Scheme Standard	Comment	Assessment
E9.5.1 Provision of parking		
A1(a)	The change of use will require 1 space per bedroom. This means that 4 parking spaces are required. The site provides in excess of 80 parking spaces and complies with the standard.	Complies with the Acceptable Solution
E9.5.2 Provision for loading and unloading vehicles		



A1 (a)	Not required.	Complies with the Acceptable Solution
A1 (b)	Not Applicable. The proposal only requires 4 parking spaces.	Not Applicable
E9.5.3 Devonport Local Area Parking Scheme		
A1	The site does not fall within the Devonport Local Area Parking Scheme.	Not Applicable
E9.6.1 Design of vehicle parking and loading areas		
A1.1 and A1.2	The proposal is for a change of use and car parking will not be modified.	Not Applicable
A2	The proposal is for a change of use and car parking will not be modified.	Traffic Generating Use and Parking Code

9.3.10 E10 Water and Waterways Code

Scheme Standard	Comment	Assessment
E10.6.1 Proximity to a water body, watercourse or wetland		
A1	No new development is proposed.	Not Applicable
E10.6.2 Development in a shoreline area		
A1	No new development is proposed	Not Applicable



4 Conclusion

Based on the assessment within the above report it is considered that the Waterfront Complex, 17 Devonport Road, Devonport and Crown land can be zoned Particular Purpose. This submission has demonstrated:

- The site can is unique with the proposed PPZ providing flexibility for future use and development;
- The current zoning is not reflective of the purpose or intent of the site;
- The Environmental Management zone does not facilitate the reuse of existing buildings;
- The proposal furthers the Objectives and Resource Management and Planning System as set out in Part 1 and Part 2 of the Schedule 1 of the Land Use Planning and Approvals Act 1993; and
- The change of use of the function centre will provide for a compatible use on the site;
- The use and development restrictions of the site will ensure that business and professional services remain a limited use of the site.

For these reasons this submission can be supported.



Appendix A – Application Form



Appendix B - Section 43D Consents

TASMANIAN PLANNING COMMISSION

Form No. 1

Owners' consent

Accompanying draft planning scheme amendment requests under section 33(1), including combined permit applications under section 43A of the *Land Use Planning and Approvals Act 1993*.

Requests for draft amendments or combined permit applications require owners' consent. This form must be completed if the person making the request is not the owner, or the sole owner.

The person making the request must clearly demonstrate that all owners have consented.

Please read the notes below to assist with filling in this form.

1. Request made by:

Name(s):

Marcus and Deborah Higgs
Rynmarc Pty. Ltd.

Address:

13 Longview Crescent
Devonport, 7310

Email address:

matthew@waterfrontcomplex.com.au

Contact number:

0408 515 772

2. Site address:

Address:

17 Devonport Road
Devonport, 7310

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

3. Consent of registered land owner(s):

Every owner, joint or part owner of the land to which the application relates must sign this form (or a separate letter signed by each owner is to be attached).

Consent to this request for a draft amendment/and combined permit application is given by:

Registered owner :

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable): Director

Signature: *Meldges*

Date: 21/5/20

Registered owner (please print): RYMMARC O/L

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable): Director

Signature: *Biggs*

Date: 21/5/20

Registered owner (please print): RYMMARC O/L

Property identifier (folio of the register for all lots, PIDs, or affected lot numbers on a strata plan):

Position (if applicable):

Signature:

Date:

NOTES:**a. Who can sign as owner?**

Where an owner is a natural person they must generally sign the owner's consent form personally.

Where an owner is not a natural person then the signatory must be a person with legal authority to sign, for example company director or company secretary.

If the person is acting on behalf of the owner under a legal authority, then they must identify their position, for example trustee or under a power of attorney. Documentary evidence of that authority must also be given, such as a full copy of the relevant Trust Deed, Power of Attorney, Grant of Probate; Grant of Letters of Administration; Delegation etc.

Please attach additional pages or separate written authority as required.

b. Strata title lots

Permission must be provided for any affected lot owner and for common property for land under a strata title under the *Strata Titles Act 1998*. For common property, permission can be provided in one of the following ways:

- i. a letter affixed with the body corporate's common seal, witnessed by at least two members of the body corporate (unless there is only one member, in which case the seal must be witnessed by that member) and which cites the date on which the body corporate or its committee of management met and resolved to give its consent to the application; or,
- ii. the consent of each owner of each lot on the strata plan.

c. Companies

If the land is owned by a company then consent must be signed in accordance with the *Corporations Act 2001 (Cwth)* as follows:

- i. one company director and company secretary; or
- ii. two company directors; or
- iii. if a sole director/sole shareholder who is also the sole secretary, the sole director; or,
- iv. a company with a common seal may execute a document if the seal is fixed to the document and witnessed by two directors; or one director and a company secretary, or for a proprietary company that has a sole director who is also the sole company secretary, that director.

The ABN or ACN, the names and positions of those signing the consent, and a current ASIC company extract (www.asic.gov.au) must be provided.

d. Associations

If the land is owned by an incorporated association then the document must be signed in accordance with the rules of the association by, for example being:

- i. sealed and witnessed in accordance with the association's rules; or,
- ii. signed by a person authorised in accordance with the association's rules.

The ABN, the names and positions of those signing the consent, and copy of the association's rules must be provided.

e. Council or the Crown

If the land is owned by a council or the Crown then consent must be signed by a person authorised by the relevant council or, for Crown land, by the Minister responsible for the Crown land, or a duly authorised delegate.

The name and positions of those signing must be provided.

Effective Date: 30 March 2020

¹ 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.



Appendix C – Particular Purpose Zone – Waterfront Complex

33.0 Particular Purpose Zone – Waterfront Complex

33.1 Zone Purpose

33.1.1 Zone purpose statements:

- 33.1.1.1 To provide for a mix of use and activities that are compatible with Visitor Accommodation and Residential use.
- 33.1.1.2 To provide for limited commercial uses that do not compromise or distort the role of existing activity centres.
- 33.1.1.3 To provide for use and development that does not interfere with the function of the cycling and pedestrian network.

33.2 Local Area Objectives

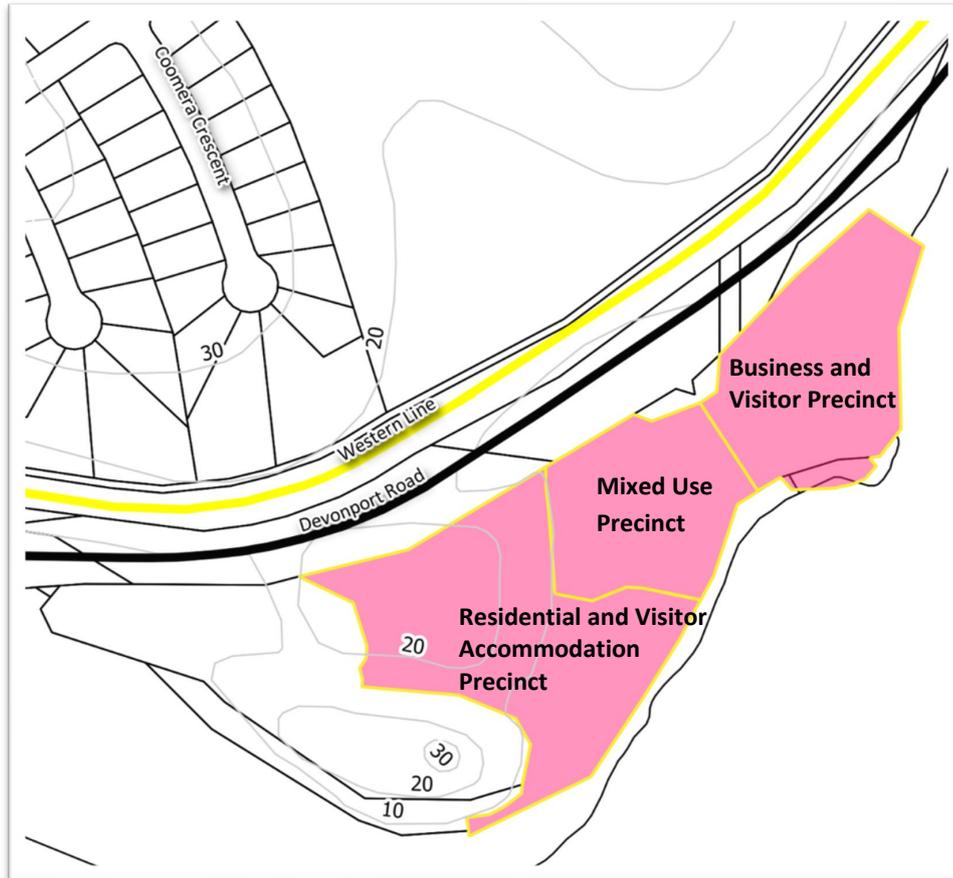
- (a) To facilitate an integrated mix of activities, buildings, parking and landscaped open spaces.
- (b) To provide for adaption and reuse of existing buildings to support the vitality of the zone.
- (c) To provide for use and development that does not cause unreasonable loss of amenity to Visitor Accommodation or Residential use from noise, traffic generation and movement, light or other emissions.
- (d) The appearance of development is of a bulk, scale and type that is compatible to the topography of the site and the waterfront location.
- (e) To provide for use and development that supports the continued use of the cycling and pedestrian network.

The area contains three local area precincts as shown on Figure 32.1.2 to this zone.

Retail and Business Precinct	The Business and Visitor Precinct is to provide for: (a) the reuse and adaptation of a building that existed on the effective date for visitor accommodation or a single tenancy for commercial use; (b) the use of the car parking area for a market or similar activity providing this does not interfere with the internal driveway servicing the Mixed Use Precinct or the Residential and Visitor Accommodation Precinct.
Mixed Use Precinct	The Mixed Use Precinct is to provide a limited commercial activity to service residents or visitors to the area, higher density residential development or visitor accommodation.

Residential and Visitor Accommodation Precinct	The Residential and Visitor Accommodation Precinct is for residential development and visitor accommodation.
--	--

Figure 32.1.2 – Waterfront Complex Precinct Plan



33.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and cultural values management	
Passive recreation	
Utilities	If for minor utilities
Permitted	
Community meeting and entertainment	If for (a) public art gallery.
Food Services	If not for: (a) a drive-through facility; or (b) take-away food shop.
Residential	
Sports and recreation	If for outdoor recreation.

Visitor accommodation	If not for camping or caravan park.
Discretionary	
Business and Professional Services	If for (a) consulting room; or (b) veterinary centre.
Community meeting and entertainment	If for (a) function centre; (b) place of worship; or (c) public art gallery.
Food services	I
General Retail and Hire	If for (a) market; (b) private art gallery; and (c) shop
Sports and recreation	
Tourist Operation	
Utilities	

33.3 Use Standards

33.3.1 Discretionary Uses

Objective:	That Discretionary Uses do not cause an unreasonable loss of amenity to visitor accommodation or residential use.	
Acceptable Solutions	Performance Criteria	
A1 Hours of operation of for Discretionary Use must be within 6:00am to 6pm.	P1 Hours of operation for Discretionary Use must not cause an unreasonable loss of amenity to a residential use or visitor accommodation within the zone having regard to: (a) the timing, duration or extent of vehicle movements; and (b) noise, lighting or other emissions.	
A2 External lighting for a Discretionary Use must: (a) not operate within the hours of midnight to 6.00am, excluding any security lighting; and (b) if for security lighting, be baffled so that direct light does not extend into the adjoining property.	P2 External lighting for a Discretionary Use must not cause an unreasonable loss of amenity within the zone or adjoining land, having regard to: (a) the level of illumination and duration of lighting; (b) the distance to habitable rooms of an adjacent dwelling or visitor accommodation.	
A3	P3	

Commercial vehicle movements and the unloading and loading of commercial vehicles for a non-residential use must be within the hours of: (a) 7:00am to 6:00pm Monday to Saturday; and (b) 9:00 to 4pm Sunday and public holidays.	Commercial vehicle movements and the unloading and loading of commercial vehicles for a non-residential use must not cause unreasonable loss of amenity to sensitive uses having regard to: a) the extent and timing of traffic generation; b) the nature of the proposed use; and c) mitigation measures proposed.
A4 Air conditioning, air extraction, heating or refrigeration systems or compressors for a Discretionary Use must be designed, located, baffled or insulated to prevent noise, odours, fumes or vibration from being received by residential uses or visitor accommodation in the zone	P4 Noise, odours, fumes or vibration generated from a Discretionary Use must not cause unreasonable loss of amenity to residential uses or visitor accommodation in the zone, having regard to - (a) the characteristics and frequency of any emissions generated; (b) the nature of the proposed use; (c) the topography of the site; (d) the landscaping of the site; and (e) any mitigation measures proposed.

33.3.2 Discretionary Uses in the Retail and Business Precinct and Mixed Use Precinct

Objective	
That Discretionary Uses in the Business and Visitor Precinct in the Mixed Use Precinct are consistent with the local area objectives.	
Acceptable Solution	Performance Criteria
A1 General Retail and Hire Use or Business and Professional Services uses in the Business and Visitor Precinct must: (a) be contained in an existing building and (b) be for a single tenancy.	P1 A General and Retail Hire or Business and Professional Services in the Business and Visitor Precinct must not compromise or distort the activity centre hierarchy, having regard to: (a) the local area objectives; (b) the characteristics of the site; (c) the size and scale of the proposed use; and (d) the extent that the proposed use impacts on activity centres outside of the zone.
A2 General Retail and Hire Use or Business and Professional Services uses in the Mixed Use Precinct:	P2 No Performance Criterion.

(a) has a gross floor of not more than 200m ² ; and (b) is for a single tenancy.	
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33.3.3 Outdoor Storage

Objective:	That outdoor storage areas do not detract from the appearance of the zone or surrounding area.	
Acceptable Solutions	Performance Criteria	
A1 Outdoor storage areas must not be visible from any road, public open space or pedestrian network in or adjoining the zone.	P1 Outdoor storage areas excluding any goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.	

33.4 Development Standards

33.4.1 Building Height and Setbacks

Objective		
The height and setback of buildings is to: (a) minimise the visual prominence when viewed from the Bass Highway, Devonport Road, the Mersey River environment or other public spaces; (b) not cause unreasonable loss of sunlight to a habitable room of a sensitive use; and (c) minimise the impact on the pedestrian network on adjoining land and parallel to the banks of the Mersey River.		
Acceptable Solution	Performance Criteria	
A1 Building height must be not more than 10m.	P1 Building height must be compatible with existing buildings and not cause unreasonable loss of amenity having regard to: (a) the topography; (b) the bulk and form of existing and proposed buildings; (c) the apparent height of proposed buildings when viewed from the Bass Highway, Devonport Road, and other public places; and (d) overshadowing of public places; (e) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings and visitor accommodation.	
A3	P3	

Buildings must have a setback from the frontage of Devonport Road of: (a) not less than 5m; or (b) not less than the setback of a building existing on the site.	Buildings must have a setback from the frontage of Devonport Road that is compatible with the streetscape, having regard to: (a) the topography of the zone; (b) the setback of existing buildings within the zone; (c) the height, bulk and form of existing and proposed buildings; and (d) the safety of road users.
A3 Buildings, fences, freestanding walls must not be constructed within 30m of the mean high water mark of the Mersey River.	P3 No Performance Criterion.

33.4.2 Private open space for all dwellings

Objective	
That dwellings are compatible with the amenity and character of the site and provide: (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight.	
Acceptable Solution	Performance Criteria
A1 A dwelling must have private open space that: (a) is in one location and is not less than: (i) 24m ² ; or (ii) 12m ² , if the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of: (i) 4m; or (ii) 2m, if the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is orientated between 30 degrees west of true north and 30 degrees east of true north; and	P2 A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is: (a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.

(d) has a gradient not steeper than 1 in 10.	
--	--

33.4.3 Separation of multiple dwellings

Objective	
That the separation between multiple dwellings provides reasonable opportunity for sunlight to enter private open space for dwellings on the same site.	
Acceptable Solution	Performance Criteria
A1	P1
A multiple dwelling that is to the north of the private open space of another dwelling, must be setback a distance of 6m from the northern edge of private open space.	A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site.
A2	P2
A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than: <ul style="list-style-type: none"> (a) 2.5m; or (b) 1m if: <ul style="list-style-type: none"> i. it is separated by a screen of not less than 1.7m in height; or ii. the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level. 	A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.

33.4.4 Waste Disposal for Multiple Dwellings

Objective	
To provide for the storage of waste and recycling bins for multiple dwellings	
Acceptable Solution	Performance Criteria
A1	P1
A dwelling must have a storage area, for waste and recycling bins,	A multiple dwelling must have storage for waste and recycling bins that is:

<p>that is an area of not less than 1.5m² per dwelling and is within</p> <p>(a) a common storage area with an impervious surface that:</p> <p>(i) has a setback of not less than 4.5m from a frontage;</p> <p>(ii) is not less than 5.5m from any dwelling; and</p> <p>(iii) is screened from a dwelling by a wall to a height of not less than 1.2m above the finished surface level of the storage area.</p>	<p>(a) capable of storing the number of bins required for the site;</p> <p>(b) screened from the frontage and dwellings; and</p> <p>(c) in a location that can be accessed by a waste collection service.</p>
---	---

33.5 Subdivision

33.5.1 Lot Design

<p>Objective</p>	
<p>That each lot:</p> <p>(a) Has an area and dimensions appropriate for use and development in the zone;</p> <p>(b) Is provided with appropriate access to a road; and</p> <p>(c) Contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards.</p>	
<p>Acceptable Solution</p>	<p>Performance Criteria</p>

<p>A1</p> <p>No Acceptable Solution</p>	<p>P1</p> <p>Each lot or a lot proposed on a plan of subdivision must be suitable for use and development that is consistent with the purpose of the zone, having regard to the combination of:</p> <p>a) slope, shape, orientation and topography of site;</p> <p>b) any established pattern of use and development;</p> <p>c) connection to the road network;</p> <p>d) availability of or likely requirements for utilities;</p> <p>e) any requirement to protect ecological, scientific, historic, cultural or aesthetic values; and</p> <p>f) present of any natural hazards.</p>
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with vehicular access from the</p>	<p>P2</p> <p>Each lot, or proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary</p>

<p>boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p>of a lot or building area on the lot, if any having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; the anticipated nature of vehicles likely to access the site; and (d) the ability for emergency services to access the site.
---	--

33.5.3 Services

<p>Objective</p>	
<p>That the subdivision of land provides services for future use and development of land.</p>	
<p>Acceptable Solution</p>	<p>Performance Criteria</p>
<p>A1</p> <p>Each lot, or lot proposed in a plan of subdivision, must have a connection to a full water supply service.</p>	<p>P1</p> <p>Each lot or a lot proposed on a plan of subdivision must be suitable for use and development that is consistent with the purpose of the zone, having regard to the combination of:</p> <ul style="list-style-type: none"> (a) slope, shape, orientation and topography of a lot; (b) any established pattern of use and development; (c) connection to the road network; (d) availability of or likely requirements for utilities; (e) any requirement to protect ecological, scientific, historic, cultural or aesthetic values; and (f) any natural hazards.
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be have a connection to a reticulated sewerage system.</p>	<p>P2</p> <p>No Performance Criterion</p>
<p>A3</p> <p>Each lot, or lot proposed in a plan of subdivision, must be capable of connecting to:</p> <ul style="list-style-type: none"> (a) a public stormwater system; or (b) existing stormwater system on the site without increasing the rate of discharge to a waterway. 	<p>P3</p> <p>A lot proposed in a plan of subdivision must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, have regard to:</p> <ul style="list-style-type: none"> (a) the size of a lot; (b) topography of the site; (c) the flow and rate of discharge to a waterway; (d) any existing buildings on the site;

	(e) any area of the site covered by impervious surfaces; and (f) water sensitive design measures proposed.
--	---



Appendix D – Lease

(Not included)



Appendix E - Certificates of Title

**RESULT OF SEARCH**

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 42522	FOLIO 4
EDITION 2	DATE OF ISSUE 13-Jan-2012

SEARCH DATE : 28-Feb-2019

SEARCH TIME : 10.35 AM

DESCRIPTION OF LAND

City of DEVONPORT

Lot 4 on Sealed Plan 42522

Derivation : Whole of Lot 40984, 40985 and 40986 Gtd. to
Rynmarc Pty Ltd and Part of 500 Acres Gtd. to J. Thomas
Prior CT 4770/79

SCHEDULE 1

B427410 TRANSFER to RYNMARC PROPRIETARY LIMITED

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

348/47 CROWN GRANT: Land is limited to depth to 15 metres
excludes minerals and is subject to reservations
relating to drains sewers and waterways in favour of
the Crown

348/47 EASEMENTS in Grant

SP 42522 EASEMENTS in Schedule of Easements

C904578 BURDENING EASEMENT: a right of carriageway in favour
of Devonport City Council over the land marked Right
of Way marked ABC, Right of Way marked DEFG and Right
of Way marked HIJK on Sealed Plan 42522 Registered
13-Jan-2012 at noon

B427411 MORTGAGE to Westpac Banking Corporation Registered
08-May-1991 at 12.03 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



SCHEDULE OF EASEMENTS

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



42522

This is the schedule of easements attached to the plan of
(Insert Subdivider's Full Name)

..... affecting land in

.....
(Insert Title Reference)

Sealed by Devonport City Council on 11th December 1987

Solicitor's Reference

Council Clerk/Town Clerk

OSK 3134



FOLIO PLAN

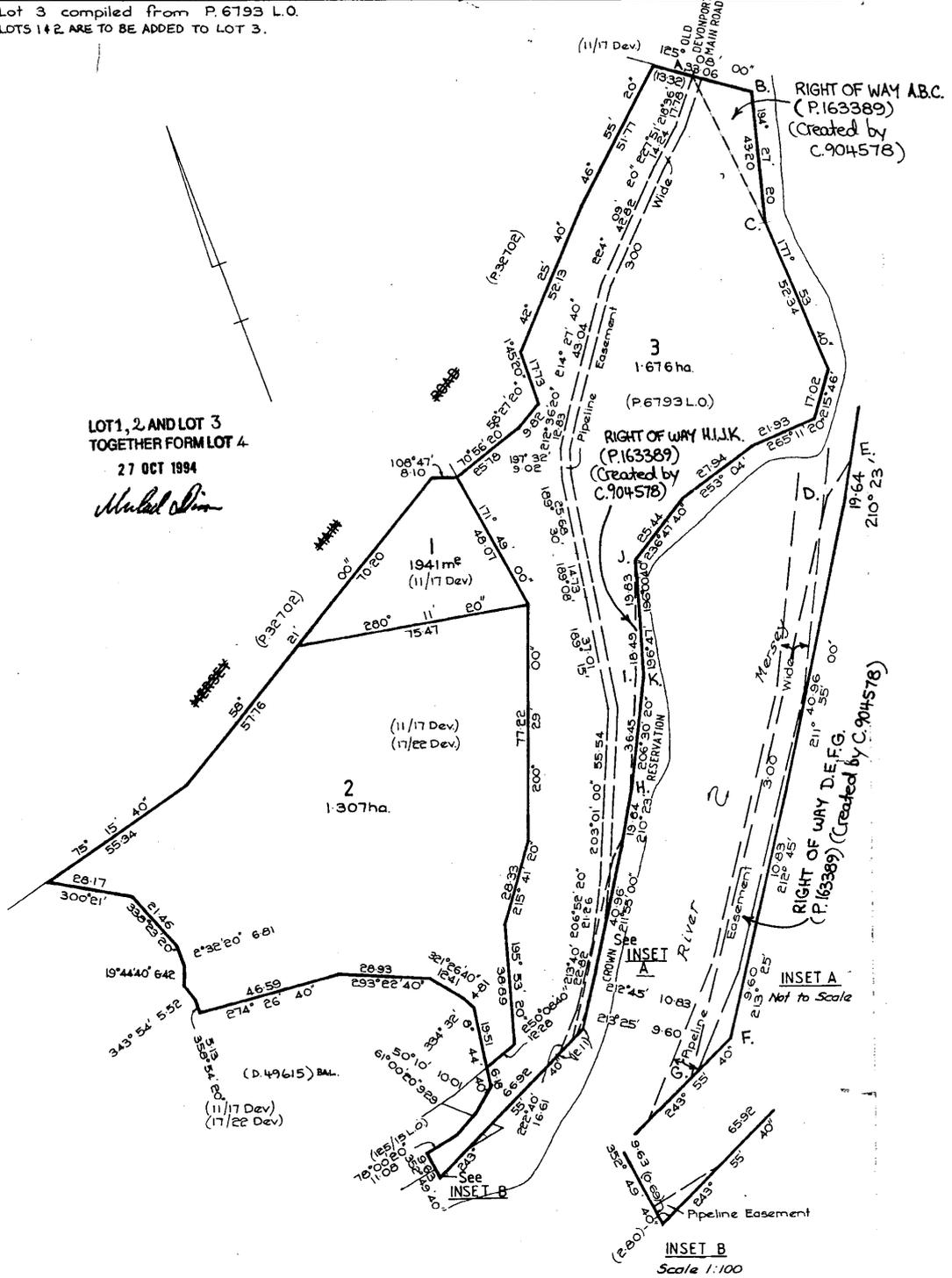
DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Owner: Part of Devonport Authority	PLAN OF SURVEY of land situated in the CITY OF DEVONPORT by Surveyor MR. E. P. FRANKS of LESTER, FRANKS & CO. PTY. LTD. Registered Number: SP42522 Approved: 6 - MAY 1991 Effective from: [Signature] Recorder of Titles
Title Reference: CT. 4602-48 , CT. 4602-5 CT. 4602/63, CT. 4602/64 & CT. 4767/51	
Grantee: Part of Lot 278, 500 Acs, Jocelyn Thomas, pur. WHOLE OF LOT 40984, 1.660 ha LOT 40985, 134m ² & LOT 40986 270.2 sqm TO RANMAR PROPRIETARY LIMITED.	

Lot 3 compiled from P.6793 L.O.
 LOTS 1 & 2 ARE TO BE ADDED TO LOT 3.





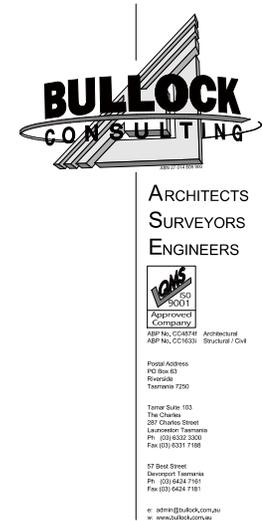
**Appendix F – Endorsed Plans of Planning Permit
PA2014.173 Waterfront Villa Apartments**

Project: **PROPOSED WATERFRONT VILLAS**
At: **17 DEVONPORT ROAD,
DEVONPORT**
For: **RYNMARC PTY LTD**

Project: 13.276

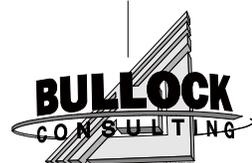
Drawings:

Ap01 TITLE BOUNDARY PLAN
Ap02 SITE PLAN
Ap03 UNIT TYPE 1 PLANS & ELEVATIONS
Ap04 UNIT TYPE 2 PLANS & ELEVATIONS



PLANNING APPROVAL

Issue date: 07-10-14



ARCHITECTS
SURVEYORS
ENGINEERS



Postal Address
P.O. Box 43
Riverside
Tasmania 7250

Tasman Suite 103
The Charles
287 Charles Street
Launceston Tasmania
Ph: (03) 6332 3000
Fax: (03) 6331 7168

57 Brook Street
Devonport Tasmania
Ph: (03) 6424 7161
Fax: (03) 6424 7161

e: admin@bullock.com.au
www.bullock.com.au

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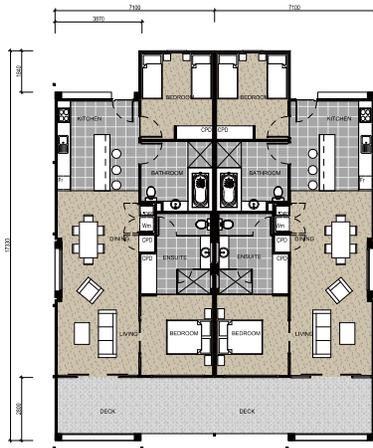
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PROJECT: PROPOSED WATERFRONT VILLAS
AT: 17 DEVONPORT ROAD, DEVONPORT
FOR: RYNMARC PTY LTD
DRAWING: TITLE BOUNDARY PLAN

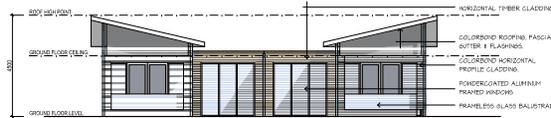
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PROJECT NO. 13.276 DRAWING NO. Ap01





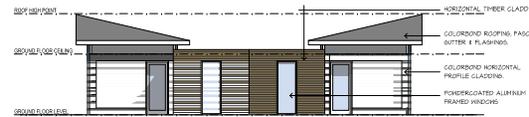
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ELEVATION 1
SCALE 1:100



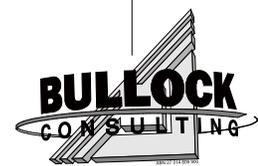
ELEVATION 2
SCALE 1:100



ELEVATION 3
SCALE 1:100



ELEVATION 4
SCALE 1:100



**ARCHITECTS
SURVEYORS
ENGINEERS**



Postal Address
PO Box 43
Riverside
TAMMERS CREEK

Tupper Suite 103
The Charles
287 Charles Street
Launceston Tasmania
Ph (03) 6332 3000
Fax (03) 6331 7188

57 Brook Street
Devonport Tasmania
Ph (03) 6424 7181
Fax (03) 6424 7181

e admin@bullock.com.au
www.bullock.com.au

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PROJECT: **PROPOSED WATERFRONT VILLAS**
 AT: **17 DEVONPORT ROAD, DEVONPORT**
 FOR: **RYNMARC PTY LTD**
 DRAWING: **UNIT TYPE 1 PLANS & ELEVATIONS**
 DESIGNED: **DVG** DRAWN: **MJB** CHECKED:
 SCALE: **1:100** AT A1 SIZE DRAWING SHEET
 PROJECT NO: **13.276** DRAWING NO: **Ap03** -



SITE PLAN
SCALE 1:500



**ARCHITECTS
SURVEYORS
ENGINEERS**



Postal Address
PO Box 63
Riverside
Tasmania 7250

Tamar Suite 103
The Charles
287 Charles Street
Launceston Tasmania
Ph: (03) 6332 3300
Fax: (03) 6331 7188

57 Best Street
Devonport Tasmania
Ph: (03) 6424 7181
Fax: (03) 6424 7181

e: admin@bullock.com.au
w: www.bullock.com.au

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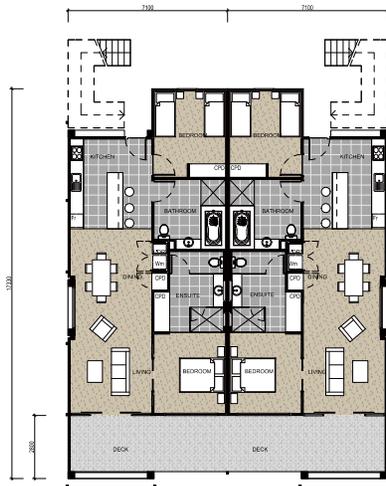


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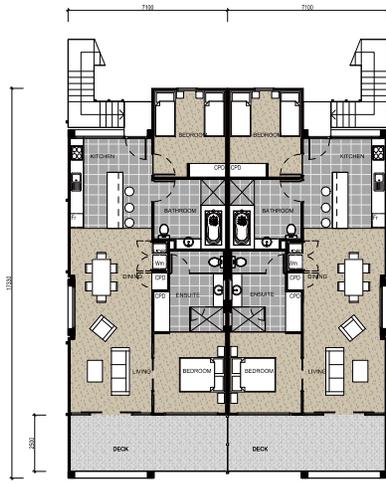
PROJECT: PROPOSED WATERFRONT VILLAS
AT: 17 DEVONPORT ROAD, DEVONPORT
FOR: RYNMARC PTY LTD
DRAWING: SITE PLAN

DESIGNED: DVG DRAWN: MJB CHECKED:
SCALES: 1:500 AT A1 SIZE DRAWING SHEET

PROJECT No. 13.276 DRAWING No. Ap02 REV. -



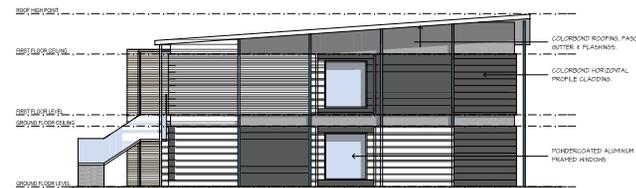
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FIRST FLOOR PLAN
SCALE 1:100



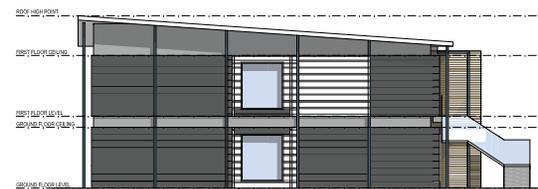
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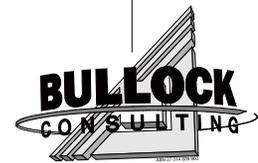
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SCALE 1:100



ELEVATION 3
SCALE 1:100



ELEVATION 4
SCALE 1:100



**ARCHITECTS
SURVEYORS
ENGINEERS**



Professional registration details including registration numbers and titles.

Postal Address: PO Box 43, Riverside, Tasmania 7250

Telephone: 183 The Charles, 287 Charles Street, Launceston Tasmania, Ph: (03) 6322 5000, Fax: (03) 6331 7188

57 Beak Street, Devonport Tasmania, Ph: (03) 6424 7181, Fax: (03) 6424 7181

admin@bullock.com.au, www.bullock.com.au

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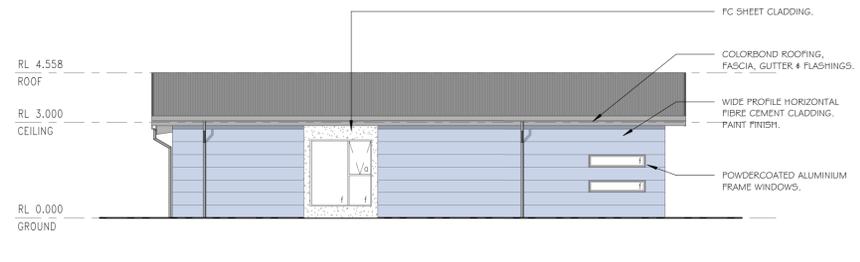
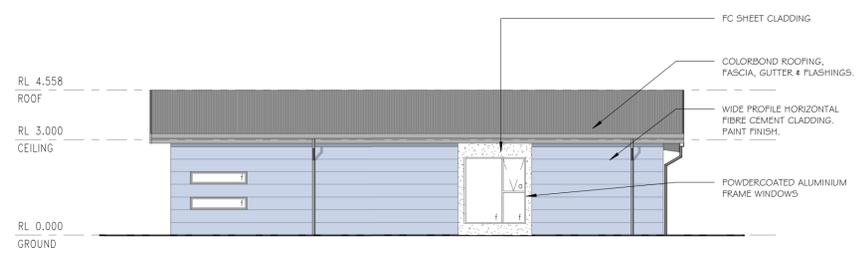
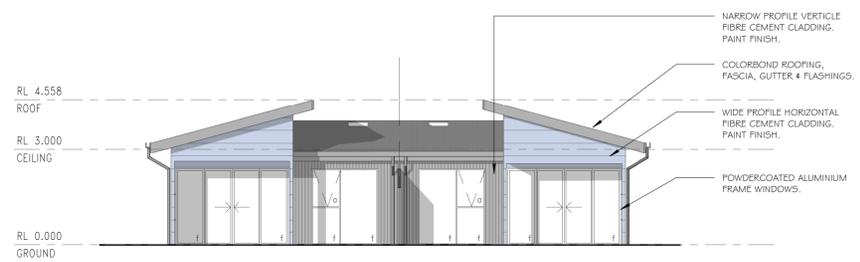
PROJECT NORTH

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PROJECT: **PROPOSED WATERFRONT VILLAS**
 AT: **17 DEVONPORT ROAD, DEVONPORT**
 FOR: **RYNMARC PTY LTD**
 DRAWING: **UNIT TYPE 2 PLANS & ELEVATIONS**

DESIGNED: DVG DRAWN: MJB CHECKED: []
 SCALE: 1:100 AT A1 SIZE DRAWING SHEET

PROJECT NO: **13.276** DRAWING NO: **Ap04** REC: -



Postal Address
PO Box 63
Riverside
Tasmania 7250
W 6ty.com.au
E admin@6ty.com.au

6ty Pty Ltd
ABN 27 014 609 900
Architectural
ABP No. CC4874f
Structural / Civil
ABP No. CC1633i

Tamar Suite 103
The Charles
287 Charles Street
Launceston Tasmania
P (03) 6332 3300



57 Best Street
Devonport Tasmania
P (03) 6424 7161

PLANNING DOCUMENT

ISSUE	DATE	ISSUED FOR	REV.
1	16.09.19	D.A MINOR AMENDMENT	1



DIMENSIONS ARE IN MILLIMETRES. DO NOT SCALE. CHECK AND VERIFY ALL DIMENSIONS ON SITE. REFER DISCREPANCIES TO THE SUPERINTENDENT. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA, APPLICABLE AUSTRALIAN STANDARDS & LOCAL AUTHORITY REQUIREMENTS.

PROJECT: PROPOSED WATERFRONT VILLAS
AT: 17 DEVONPORT RD, DEVONPORT
FOR: RYNMARC PTY LTD
DRAWING: UNIT TYPE 3, PLANS & ELEVATIONS

DESIGNED: MJB DRAWN: CCH CHECKED: MJB
SCALES: 1 : 100 AT A1 SIZE DRAWING SHEET

PROJECT No. 13.276 DRAWING No. Ap05 REV. 1

SCHEDULE OF EASEMENTS

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

PLAN NO.

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

SP42522

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

EASEMENTS AND PROFITS

Each lot on the plan is together with:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits à prendre described hereunder.

Each lot on the plan is subject to:—

- (1) such rights of drainage over the drainage easements shewn on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits à prendre described hereunder.

The direction of the flow of water through the drainage easements shewn on the plan is indicated by arrows.

EASEMENTS

Lot 3 on the plan is SUBJECT TO the full free and uninterrupted right and liberty from time to time at all times hereafter at the will and pleasure of the Mayor Aldermen and Electors of the City of Devonport to lay relay inspect maintain repair renew remove and cleanse a line or lines of water mains and water pipes on and under the surface of the strip of land marked "Pipeline Easement 3.00 wide" hereon together with all such sluice and other valves manholes inspection openings stopcocks and other fittings of whatever nature as may be necessary or expedient and for that purpose full free and uninterrupted right and liberty to go pass and repass over and along the said strip of land TOGETHER WITH the right to enter upon and under the said strip of land with or without inspectors workmen servants agents or other persons authorised by the Mayor Aldermen and Electors of the City of Devonport and for the purposes aforesaid to open and break up the soil of the said strip of land and remove such materials machinery and things in the said strip of land as the Mayor Aldermen and Electors of the City of Devonport shall in its discretion think fit doing as little damage as possible but without being responsible or held liable for any inconvenience to the owner or owners his or their successors heirs and assigns or occupiers for the time being of the said strip of land the Mayor Aldermen and Electors of the City of Devonport repairing maintaining and keeping in good order the said line or lines of water pipe and water mains and all fixtures and fittings therein and at all times hereafter making good any disturbance to the soil.



SCHEDULE OF EASEMENTS

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



- 2 -

COVENANTS

The Owner of each Lot on the plan covenants with each of the others of the said owners and the owners of the balance land to the intent that the burden of this covenant may run with and bind the covenantor's lot and every part thereof and that the benefit thereof may be annexed to and devolved with each and every part of the other Lots on the plan and the balance land not to construct an access or to use any access to or from the said Lot onto the Mersey Main Road other than by means of the existing access at the date hereof without the previous agreement of the Mayor Aldermen and Electors of the City of Devonport, the Owner of the balance land and the Department of Main Roads.

"The balance land" shall mean the balance land comprised in Certificate of Title Volume 3198 Folio 48 and Volume 3199 Folio 5 after excluding Lots 1 and 2 on the Plan.

THE COMMON SEAL OF THE)
PORT OF DEVONPORT AUTHORITY)
THE REGISTERED PROPRIETOR)
OF THE LAND COMPRISED IN)
FOLIOS OF THE REGISTER)
VOLUME 3198 FOLIO 48 AND)
VOLUME 3199 FOLIO 5 WAS)
HEREUNTO AFFIXED IN THE)
PRESENCE OF:)

For THE PORT OF DEVONPORT AUTHORITY

A. King
Master
A. Howard
Secretary

REF: 0297w CKC:LY



**Appendix G – Endorsed Plans of Minor Amendment,
Planning Permit PA2014.173**



Appendix H – Traffic Impact Assessment

Rynmarc Pty Ltd Waterfront Villas Development Assessment of Existing Access

transport | community | industrial & mining | carbon & energy



Prepared for:	Rynmarc Pty Ltd
Client representative:	Marc Higgs
Date:	25 September 2014 Rev00

sustainable*thinking*[®]

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- Appendix A** IPWEA Standard Drawings TSD-RF01-v1
- Appendix B** Site Plan Provided by the Developer
- Appendix C** Figure 4.9 taken from Austroads Guidelines
- Appendix D** Traffic Crash Data

Prepared by:  Date: 25 September 2014
 Phil Bowen

Reviewed by:  Date: 25 September 2014
 Andrew Van Tatenhove

Authorised by:  Date: 25 September 2014
 Phil Bowen

Report Revision History					
Rev No.	Description	Prepared by	Reviewed by	Authorised by	Date
00	Waterfront Villas Development - Assessment of Existing Access	P Bowen	A Van Tatenhove	P Bowen	25/09/14

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1. Introduction

Rynmarc Pty Ltd is proposing a waterfront villas development at 17 Devonport Road, Devonport. The development is to be located adjacent to the Mersey River at a site already used by complimentary facilities, namely a Waterfront Function Centre, Cafe and a “Mini” Golf games area. The existing vehicular access onto Devonport Road is already well developed and appears to have been developed with significant traffic volumes in mind, possibly when the facility was operating as an amusement park.

Devonport City Council (DCC) has requested that a Traffic Impact Assessment (TIA) be presented to accompany a development application. This is to establish the suitability of the existing access for the proposed use. This report addresses that request.

A TIA was previously developed for a proposed motel development which did not go ahead. This report is based on that report and modified accordingly to take into consideration the proposed development.



Figure 1 – Locality Plan (source Google Maps)

2. Surrounding Road Network

Devonport Road is a main connector road between the centre of Devonport and the southern areas of Devonport. This section of Devonport Road is also a designated B-Double Route (HPV). It is formed up as a sealed road with 4m lanes and nominally 1m sealed shoulders. The existing access itself incorporates additional sealed widening and auxiliary lanes to facilitate left and right turns into the site.

The indicated speed limit on Devonport Road is 60 km/hr. The practical speed environment is considered the same as the existing road width and alignment is suitable for such speeds.

In assessing the access as being suitable for the proposed development, traffic volumes for Devonport Road have been sourced from DCC. Although the dates and locations of the counts vary, they provide a good indication of the existing traffic volumes for Devonport Road. (Refer figure 2)

Advice from DCC indicates that this section of Devonport Road experiences peak hourly traffic equivalent to a rural road. As such, peak hourly traffic is approximated by taking 11% of the Average Daily Traffic (ADT).

From the information given the South of the Port access is considered the most applicable.

Location	Date	Average Daily Traffic ADT	Assumed Peak Hourly Traffic
Mersey – Durkins	Jul 1999	7436	820
South of Port Access	Sep 2001	6138	675
South of Horsehead Creek	Sep 2003	5659	622
South of Horsehead Creek	Nov 2001	5194	571

Figure 2 – Indicative traffic volumes for Devonport Road

The existing and proposed development currently accesses Devonport Road at an existing access as shown in figure 3 below.

3. Proposed Access Site of the Development

As previously indicated, as part of the development it is proposed to utilise the existing access onto Devonport Road. This is for a variety of reasons but primarily because it is well developed and suitably located for visibility both north and south of the access. A sketch of the proposed development site provided by the developer has been included in Appendix B of this report. Figure 3 below shows the existing access, looking northward from the exit lane of the access.

The existing access is currently configured with an auxiliary turning lane (AUL) for southbound traffic. For northbound traffic turning the intersection currently has a basic right turn treatment (BAR). Such a configuration is suitable for rural and urban fringe unsignalised intersections for a range of traffic volumes and turning movements.

The suitability of this access for the proposed development is discussed in section 5.



Figure 3 – Existing access into the development site, looking north

4. Available Sight Distance

Specific requirements for new or existing accesses have not been given by DCC. However, the developers have been requested to provide a TIA addressing the proposed development, utilising the existing access. To assist in undertaking this assessment recognised standards have been utilised in its assessment.

During the preparation of the previous report pertaining to the earlier development application, Phillip Bowen of **pitt&sherry** undertook a site visit to determine the available sight distances for the existing access. This investigation was undertaken in accordance with the *Austroads Guideline to Traffic Engineering Practice – Part 5: Intersections at Grade*.

vehicle Speed (km/h)	Safe Intersection Site Dist. (m)	
	60 km/hr or less	Greater than 60 km/hr
50	80	90
60	105	115
70	130	140
80	165	175
90		210
100		250
110		290

Figure 4 – Safe Intersection Site Distance

Figure 4 above has been taken from the *IPWEA/LGAT Standard Drawing for Intersection Site Distance Requirements – TSD-RF01-v1*. For reference purposes, copies have also been included in Appendix A of this report. This drawing also outlines the requirements and methodology for determining the available sight distance for the access.

The sight distances were assessed using a setback of 5m from the centre of the south bound lane, assuming a sight line (driver to object vehicle) between points 1.25m above the road and access surface at the respective vehicle positions. This reference height is in accordance with the relevant standard drawing.

The posted speed limit for Devonport Road in the vicinity of the access is 60km/h. The proposed access is located in the middle of a very slight change in horizontal and vertical alignments that do not negatively impact on the available site distances.

Following several drive-throughs past the proposed developments site, it is considered that it is reasonable to use the posted speed as the prevailing speed environment for approaching vehicles from either north or south and this has been adopted for this assessment.

Given the reasonably intensive nature of the proposed development, it is considered appropriate to assess this access as a rural road intersection, rather than as a private access. For design speeds of 60km/h, the required sight distance is therefore 105m (refer Figure 4 above).



Figure 5 – Looking north from the existing access point maximum visibility at around 300m



Figure 6 – Looking south from the existing access point maximum visibility at around 250m

The available sight distances were measured as per the guidelines and are set out in the table provided in figure 7 below.

Direction	Maximum	Useful
North	300	250
South	250	200

Figure 7 – Measured sight distances

As can be seen the available sight distance, both north and south, exceed the requirements of the recognised standards for both rural and urban environments at the prevailing 60 km/hr vehicular approach speeds. The limiting factor for clear sight distance in both directions is more to do with driver awareness of the approaching intersection rather than limitations of road geometry. This is illustrated in figure 8 and 9 below and hence the indication of a 'useful' distances in the above table.



Figure 8 – Sight distance looking from the northern approach with the access far off in the distance of over 300m



Figure 9 – Sight distance looking from the northern approach with the access more readily visible at 250m

5. Generated Vehicle Use

pitt&sherry generally use the guidelines for traffic generation issued by the Roads and Traffic Authority of New South Wales.

Figure 10 below summarises the expected level of activity that would be generated by the uses nominated by the developer. There are no values given for Cafes, however, it has been assessed as generating similar values to the function centre and restaurant with consideration being given for the traffic generally being generated during the day rather than mornings and evenings. In this way the overall traffic generated can be considered as being spread at a reasonably consistent rate during the day

Land Use	Vehicle Trips/day	Peak Hour
Motels/Casual Units	3/unit	0.4/unit
Restaurants	60/100sq.m floor	5/100sq.m floor

Figure 10 – Typical Land Use Traffic Generation

pitt&sherry understand that the development comprises 30 small single bedroom units whilst the existing café and function centre is around 500 sq.m. This results in around 90 vehicle trips per day for the accommodation and 300 vehicle trips per day being generated by the existing cafe/function centre. Peak traffic volumes per hour are 12 and 25 respectively.

However, due to the nature of the two facilities involved it is considered that the two peak volumes should not be necessarily be considered as acting concurrently. The function centre typically holds functions in either the afternoon or evening whilst the proposed Motel would normally experience peak traffic mid morning due to the usual practice of 10am check out. Accordingly peak traffic volumes of around 30 v/hr, have been assumed to coincide with the peak traffic volume of 675 v/hr for this section of Devonport Road (Refer Figure 2).

Given the location of the access relative to the centre of Devonport and the Bass Highway north of the site, two thirds of the vehicle movements are assumed to be either heading from or to the facility from that direction. It has therefore been assumed that 20 v/hr enter from/to the north (a left turn in/right turn out) whilst 10 v/hour enter or leave to the south (a right turn in/left turn out).

Under the Austroads Guide to Road Design Part 4A – Unsignalised and Signalised Intersections, warrants are indicated for unsignalised intersections. These act as guidelines for the installation of appropriate intersection treatments. From the above, information relevant to the warrants can be summarised as follows:

- Main Road Vehicular Speed - 60 km/hr
- Road environment – Rural
- Peak Traffic Volume – 742 v/hour (10% allowance for growth)
- Traffic Volume for Left Turn into the site – 20 v/hr (Q_L)
- Traffic Volume for Right Turn – 10 v/hr (Q_R)
- $Q_{T1} = Q_{T2} = 371$ v/hour (individual lane through traffic)

In accordance with Figure 4.9b taken from the Ausroads guide the maximum permissible lane traffic volume (Q_{T2}) for an intersection configured with a basic left turn configuration (BAL) is approximately 300 v/hour. A channelised left turn lane (CHL) is recommended for lane traffic volumes greater than 750 v/hour. Therefore, for the above prevailing peak lane traffic volumes of 371 v/hour (Q_{T2}) the existing auxiliary left turn lane (AUL) is considered suitable for the proposed use and furthermore should be suitable for a considerable time even allowing for future growth in traffic volumes.

Figure 4.9b works similar for right hand turn movements, however, in this case the relevant peak hourly traffic volume is the combination of both lanes and the left turning traffic volumes ie. 762 v/hour. The use of a standard channelised right turn lane (CHR) would be required at around 1000 v/hour. Whilst the basic right turn treatment (BAR) is considered adequate for 400 v/hour or less. For the range of traffic volumes between, a short version of the channelised right turn (CHR(S)) is recommended. Such arrangements can typically be achieved by adjusting linemarking if there is sufficient width of seal.

For reference the relevant chart (Figure 4.9b) and generic intersection arrangements are included in Appendix C. Figure 4.9b has been marked up to show the assumed intercept of the prevailing traffic volumes discussed above.

6. Historical Traffic Crash Data

Historical traffic crash data available from the state road authority has been included in appendix D.

There was no recorded data available for the actual location of the access. Slightly further to the south there has been a history of incidents that appear to be related to the previous speed limit of 80 km/hour and the loss of control at changes in the road alignment when the road surface condition is wet.

Based on the available information, there does not appear to be any ongoing safety concerns at the access location.

7. Conclusion

After inspecting the site and reviewing the proposed development plan, it is considered that utilising the existing access provides the best option for access to the proposed development. The existing access can either be utilised as is or possibly modified as discussed below, depending on the requirements of the planning authority.

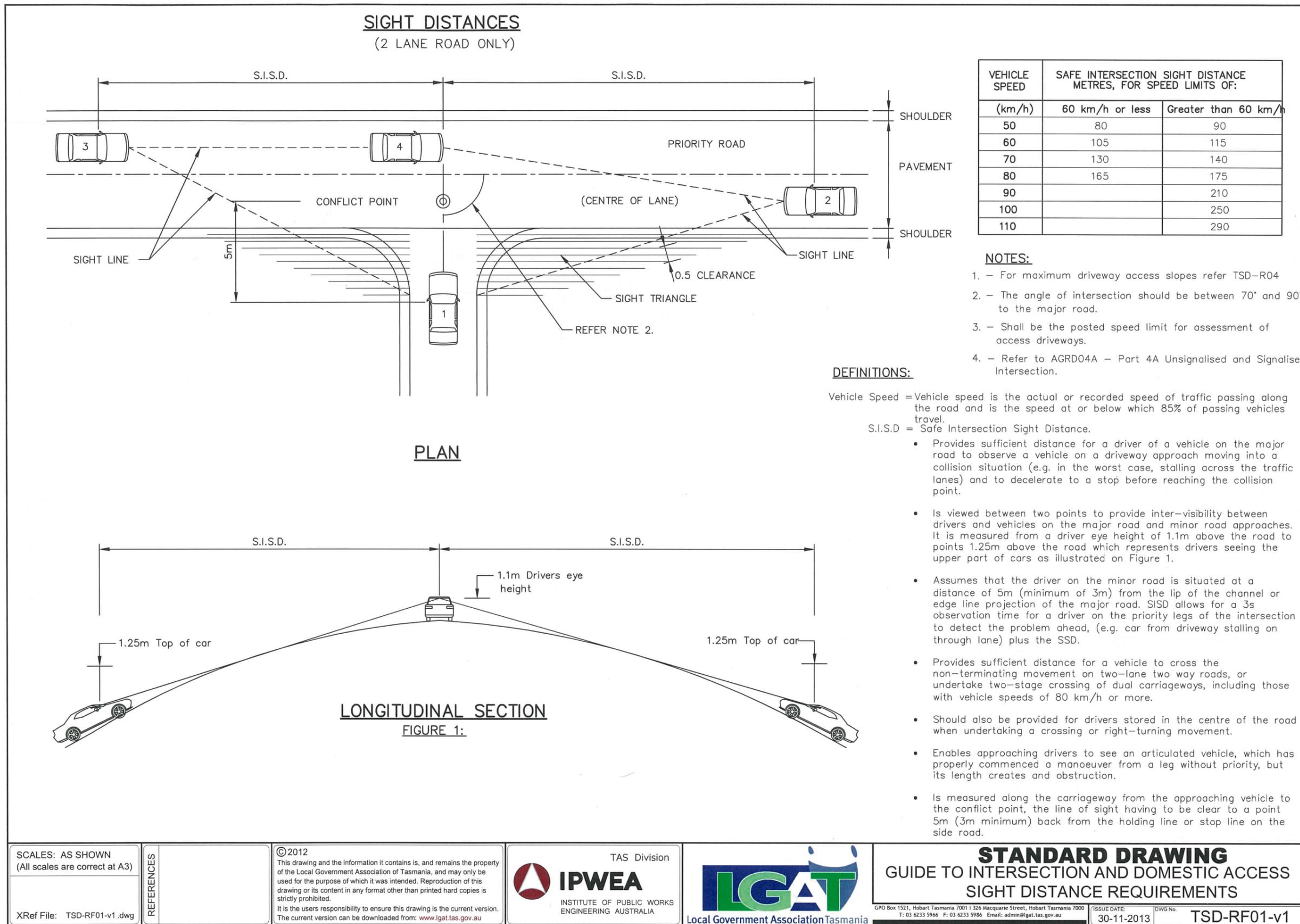
For south bound traffic the existing left turn arrangement is considered adequate.

For north bound traffic the current configuration may not be suitable as a long term arrangement, and subject to further investigation, it may be possible to adjust the existing linemarking to achieve a channelised right turn lane for right turning traffic into the site. This will enable ongoing use of the intersection, for a greater range of turning and main road peak traffic volumes.

It was noted during the earlier inspection three years ago that vegetation had been allowed to encroach onto the gravel shoulder along the western side of Devonport Road. It is understood that is vegetation has subsequently been removed which has allowed full use of the existing sealed width and adjacent gravel verge.

Appendix A

IPWEA Standard Drawings TSD-RF01-v1



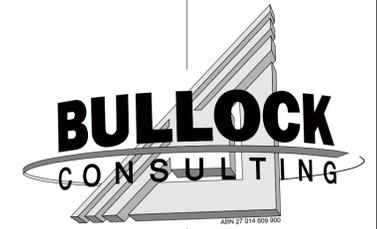
Appendix B

Site Plan Provided by the Developer





SITE PLAN
SCALE 1:500



ARCHITECTS
SURVEYORS
ENGINEERS



ABP No. CC4874f Architectural
ABP No. CC1633i Structural / Civil

Postal Address
PO Box 63
Riverside
Tasmania 7250

Tamar Suite 103
The Charles
287 Charles Street
Launceston Tasmania
Ph (03) 6332 3300
Fax (03) 6331 7188

57 Best Street
Devonport Tasmania
Ph (03) 6424 7181
Fax (03) 6424 7181

e: admin@bullock.com.au
w: www.bullock.com.au

PRELIMINARY - NOT FOR CONSTRUCTION

ISSUE	DATE	ISSUED FOR	REV.
01	29.04.14	INFORMATION	-
02	05.06.14	INFORMATION	-
03	17.06.14	INFORMATION	-
04	27.06.14	INFORMATION	-
05	27.08.14	INFORMATION	-



TRUE NORTH



PROJECT NORTH

DIMENSIONS ARE IN MILLIMETRES. DO NOT SCALE. CHECK AND VERIFY ALL DIMENSIONS ON SITE. REFER DISCREPANCIES TO THE SUPERINTENDENT. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA, APPLICABLE AUSTRALIAN STANDARDS & LOCAL AUTHORITY REQUIREMENTS.

PROJECT: PROPOSED
WATERFRONT VILLAS
AT: 17 DEVONPORT ROAD,
DEVONPORT
FOR: RYNMARC PTY LTD

DRAWING: SITE PLAN

DESIGNED: DVG DRAWN: MJB CHECKED:

SCALE: 1:500 AT A1 SIZE DRAWING SHEET

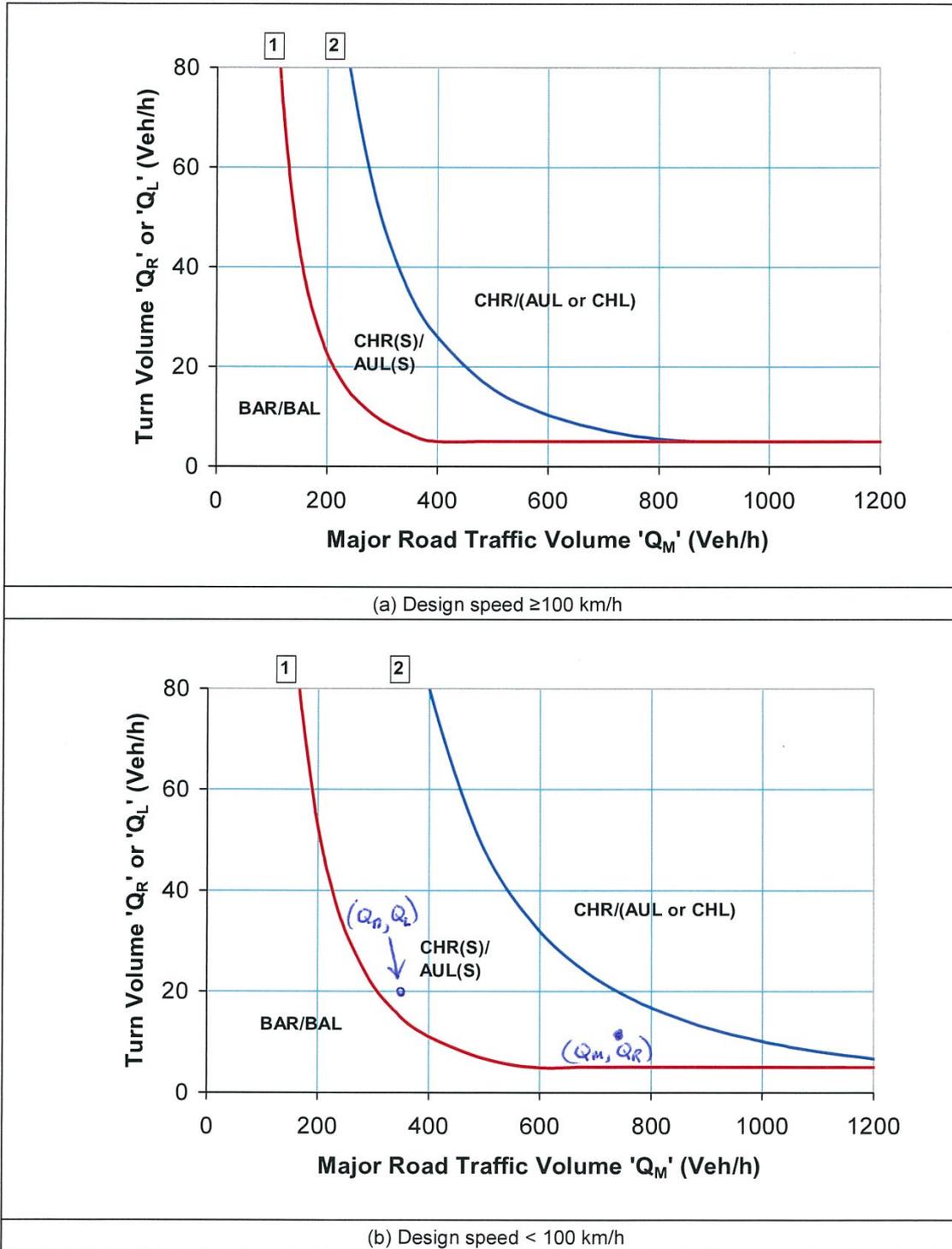
PROJECT No. 13.276 DRAWING No. As00 REV. -

Appendix C

Figure 4.9 taken from Austroads Guidelines



Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



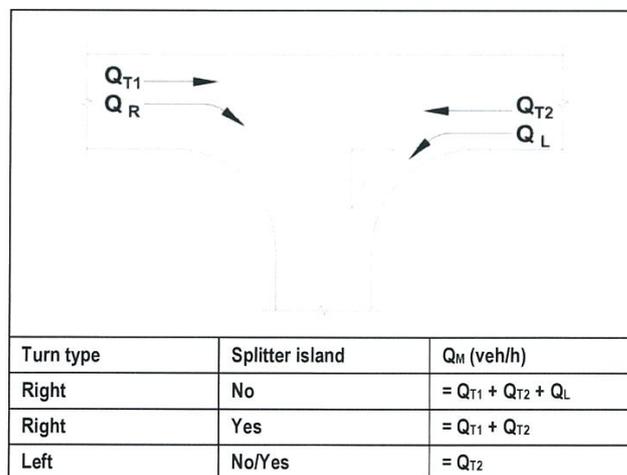
Source: Arndt and Troutbeck (2006).

Figure 4.9: Warrants for turn treatments on the major road at unsignalised intersections

Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections

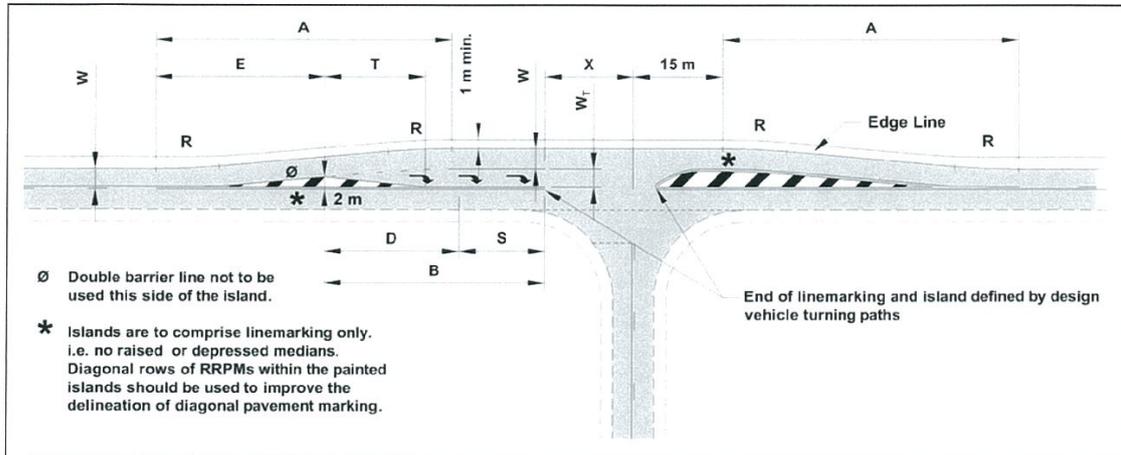
In applying the warrants in Figure 4.9 designers should note that:

- Curve 1 represents the boundary between a BAR and a CHR(S) turn treatment and between a BAL and an AUL(S) turn treatment.
- Curve 2 represents the boundary between a CHR(S) and a CHR turn treatment and between an AUL(S) and an AUL or CHL turn treatment. The choice of CHL over an AUL will depend on factors such as the need to change the give way rule in favour of other manoeuvres at the intersection and the need to define more appropriately the driving path by reducing the area of bitumen surfacing.
- The warrants apply to turning movements from the major road only (the road with priority).
- Figure 4.10 is to be used to calculate the value of the major road traffic volume parameter (Q_M).
- Traffic flows applicable to the warrants are peak hour flows, with each vehicle counted as one unit (i.e. do not use equivalent passenger car units [pcus]). Where peak hour volumes or peak hour percentages are not available, assume that the design peak hour volume equals 8% to 10% of the AADT for urban situations and that the design hour volume equals 11% to 16% of AADT for rural situations.
- If more than 50% of the traffic approaching on a major road leg turns left or right, consideration needs to be given to possible realignment of the intersection to suit the major traffic movement. However, route continuity issues must also be considered (for example, realigning a highway to suit the major traffic movement into and out of a side road would be unlikely to meet driver expectation).
- If a turn is associated with other geometric minima, consideration should be given to the adoption of a turn treatment of a higher order than that indicated by the warrants.
- Some road authorities may consider that the CHR(S) treatment is not a suitable arrangement in all instances. Where this occurs, the Main Roads Western Australia AUR treatment may be used as an alternative. However the CHR(S) treatment is considered to be preferable for general use on major roads.
- Where the major road has four lanes (e.g. two in each direction) the value used for Q_M is the volume in the closest through lane to the turning movement.



Source: Arndt and Troutbeck (2006).

Figure 4.10: Calculation of the major road traffic volume parameter Q_M



Note: The dimensions of the treatment are defined below and values of A, D, R and T are shown in Table 7.1:

W = Nominal through lane width (m) (including widening for curves). For a new intersection on an existing road, the width is to be in accordance with the current link strategy.

W_t = Nominal width of turn lane (m), including widening for curves based on the design turning vehicle = 3.0 m minimum.

B = Total length of auxiliary lane including taper, diverge/deceleration and storage (m).

E = Distance from start of taper to 2.0 m width (m) and is given by:

$$E = 2 \left(\frac{A}{W_t} \right)$$

T = Taper length (m) and is given by:

$$T = \frac{0.33 \times V \times W_t}{3.6}$$

S = Storage length to cater for one design turning vehicle (m).

V = Design speed of major road approach (km/h).

X = Distance based on design vehicle turning path, typically 10–15 m.

Source: QDMR (2006).

Figure 7.6: Channelised right-turn treatment with a short turn slot [CHR(S)] two-lane rural road

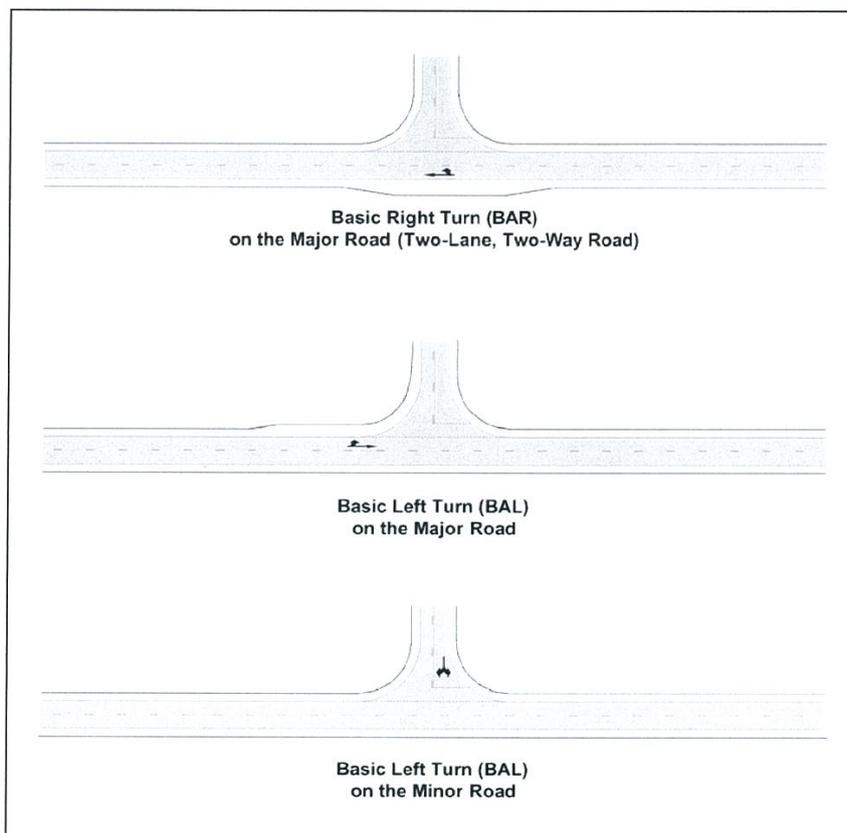
7.5.3 Rural Channelised T-junction – Full Length (CHR)

For this layout, all traffic is required to deviate and therefore the road alignment for the through movement must be designed to suit the operating speed. This deviation requires the pavement to be widened to provide a full-length right-turn lane as shown in Figure 7.7.

The minimum lengths of deceleration (D) for different design speeds are shown in Table 5.2 and should be based on the comfortable deceleration rate of 2.5 m/s². The storage length (S) is usually determined through the use of computer programs such as aaSIDRA.

Details of the departure end of the right-turn lane should be determined using turning path templates (minimum radius 15.0 m). This will depend on the width and the angle of intersection of the road that the turning vehicle is entering.

Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



Note: Arrows indicate movements relevant to the turn type. They do not represent actual pavement markings.

Source: QDMR (2006).

Figure 4.1: Rural basic BA turn treatments

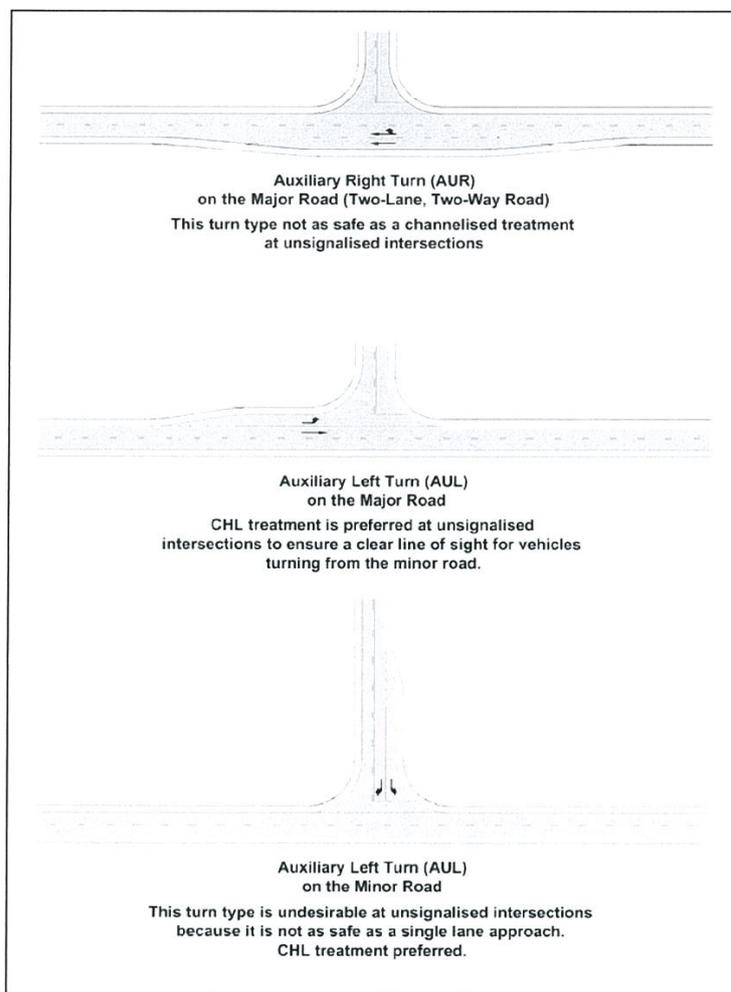
Figure 4.1 shows only basic T-intersection treatments because unsignalised and signalised crossroads should not be provided because of road safety risk in high speed situations (e.g. > 80 km/h) unless treated with channelisation (e.g. roundabout, wide median treatment) and/or traffic management devices. However, CHR treatments may be applied to existing crossroads where there is a need to shelter turning vehicles on the major road and the risk associated with crossing traffic is considered to be low (e.g. no crashes recorded, very low approach speeds, negligible traffic crossing). This treatment is implemented under extended design domain principles (Appendix A and the *Guide to Road Design – Part 2: Design Considerations*, (Austroads 2006c).

4.5.2 Urban Basic (BA) Turn Treatments

Figure 4.2 shows the features of urban BA turn treatments. It can be seen that:

- the basic right-turn treatment and basic left-turn treatments are achieved by resuming parking space at and near the intersection
- a bicycle lane on the major road may be incorporated into the treatment and should always be continued through unsignalised intersections.

 Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



Notes:

1. Arrows indicate movements relevant to the turn type. They do not represent actual pavement markings.
2. Not used by the Queensland Department of Main Roads or the New Zealand Transport Agency.

Source: Based on QDMR (2006).

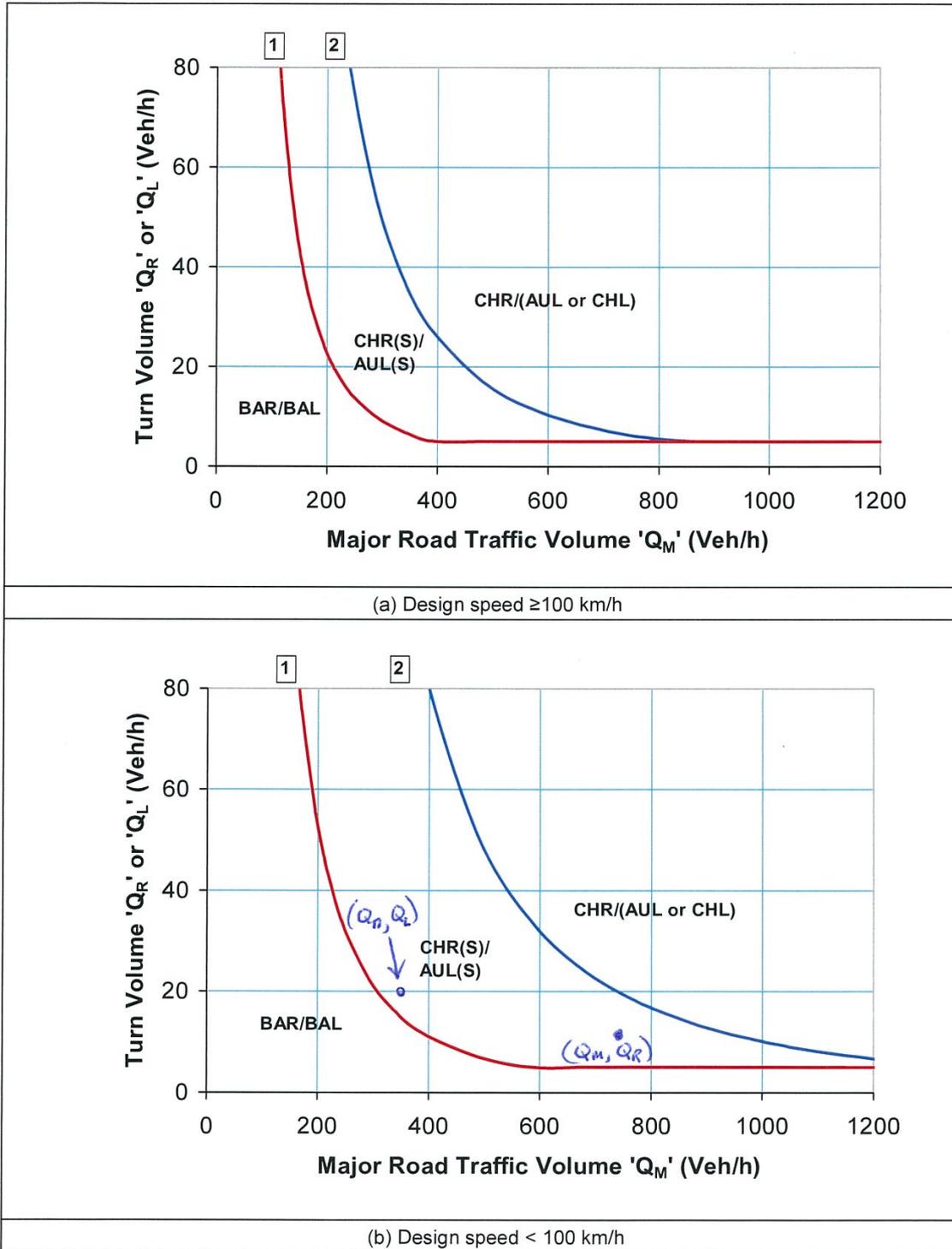
Figure 4.5: Rural auxiliary lane (AU) turn treatments

4.6.2 Urban Auxiliary Lane (AU) Turn Treatments

Figure 4.6 shows the features of urban AU turn treatments at T-intersections, namely:

- AUR turn treatment is created by the addition of a short section of traffic lane with standard painted stripes
- AUL turn treatment on the major road may be a normal indented turn lane or be shielded by a parking lane, depending on the situation
- AUL turn treatment in the minor road may also be a normal indented turn lane or be shielded by parked cars, depending on the situation.

Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



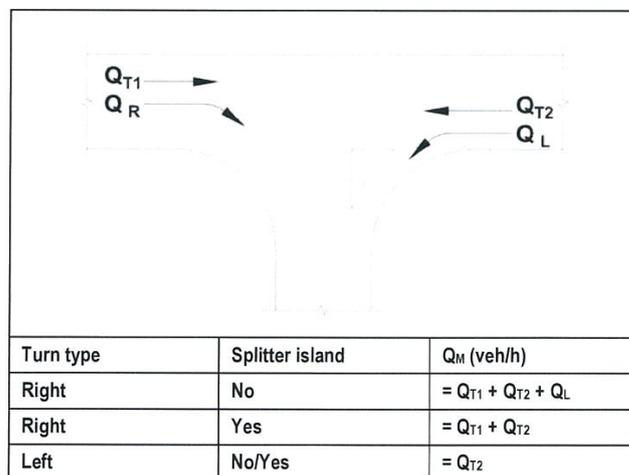
Source: Arndt and Troutbeck (2006).

Figure 4.9: Warrants for turn treatments on the major road at unsignalised intersections

Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections

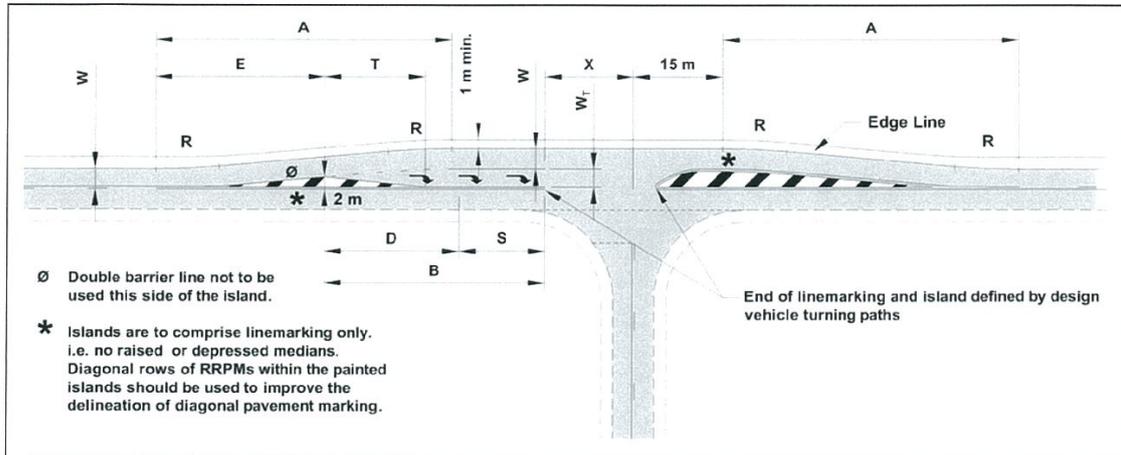
In applying the warrants in Figure 4.9 designers should note that:

- Curve 1 represents the boundary between a BAR and a CHR(S) turn treatment and between a BAL and an AUL(S) turn treatment.
- Curve 2 represents the boundary between a CHR(S) and a CHR turn treatment and between an AUL(S) and an AUL or CHL turn treatment. The choice of CHL over an AUL will depend on factors such as the need to change the give way rule in favour of other manoeuvres at the intersection and the need to define more appropriately the driving path by reducing the area of bitumen surfacing.
- The warrants apply to turning movements from the major road only (the road with priority).
- Figure 4.10 is to be used to calculate the value of the major road traffic volume parameter (Q_M).
- Traffic flows applicable to the warrants are peak hour flows, with each vehicle counted as one unit (i.e. do not use equivalent passenger car units [pcus]). Where peak hour volumes or peak hour percentages are not available, assume that the design peak hour volume equals 8% to 10% of the AADT for urban situations and that the design hour volume equals 11% to 16% of AADT for rural situations.
- If more than 50% of the traffic approaching on a major road leg turns left or right, consideration needs to be given to possible realignment of the intersection to suit the major traffic movement. However, route continuity issues must also be considered (for example, realigning a highway to suit the major traffic movement into and out of a side road would be unlikely to meet driver expectation).
- If a turn is associated with other geometric minima, consideration should be given to the adoption of a turn treatment of a higher order than that indicated by the warrants.
- Some road authorities may consider that the CHR(S) treatment is not a suitable arrangement in all instances. Where this occurs, the Main Roads Western Australia AUR treatment may be used as an alternative. However the CHR(S) treatment is considered to be preferable for general use on major roads.
- Where the major road has four lanes (e.g. two in each direction) the value used for Q_M is the volume in the closest through lane to the turning movement.



Source: Arndt and Troutbeck (2006).

Figure 4.10: Calculation of the major road traffic volume parameter Q_M



Note: The dimensions of the treatment are defined below and values of A, D, R and T are shown in Table 7.1:

W = Nominal through lane width (m) (including widening for curves). For a new intersection on an existing road, the width is to be in accordance with the current link strategy.

W_t = Nominal width of turn lane (m), including widening for curves based on the design turning vehicle = 3.0 m minimum.

B = Total length of auxiliary lane including taper, diverge/deceleration and storage (m).

E = Distance from start of taper to 2.0 m width (m) and is given by:

$$E = 2 \left(\frac{A}{W_t} \right)$$

T = Taper length (m) and is given by:

$$T = \frac{0.33xVxW_t}{3.6}$$

S = Storage length to cater for one design turning vehicle (m).

V = Design speed of major road approach (km/h).

X = Distance based on design vehicle turning path, typically 10–15 m.

Source: QDMR (2006).

Figure 7.6: Channelised right-turn treatment with a short turn slot [CHR(S)] two-lane rural road

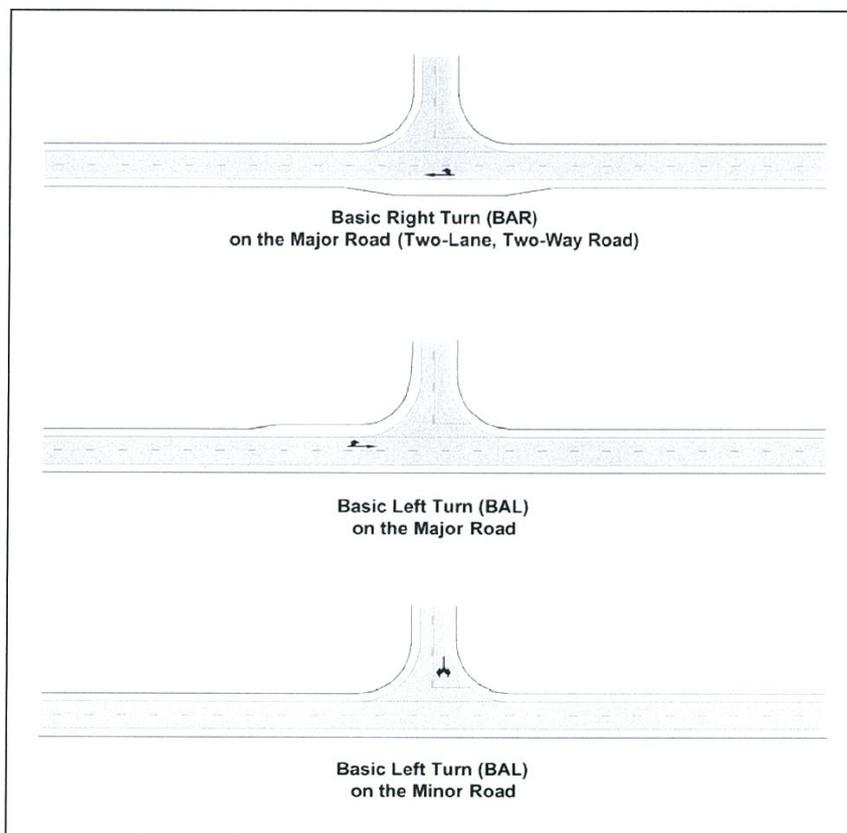
7.5.3 Rural Channelised T-junction – Full Length (CHR)

For this layout, all traffic is required to deviate and therefore the road alignment for the through movement must be designed to suit the operating speed. This deviation requires the pavement to be widened to provide a full-length right-turn lane as shown in Figure 7.7.

The minimum lengths of deceleration (D) for different design speeds are shown in Table 5.2 and should be based on the comfortable deceleration rate of 2.5 m/s². The storage length (S) is usually determined through the use of computer programs such as aaSIDRA.

Details of the departure end of the right-turn lane should be determined using turning path templates (minimum radius 15.0 m). This will depend on the width and the angle of intersection of the road that the turning vehicle is entering.

Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



Note: Arrows indicate movements relevant to the turn type. They do not represent actual pavement markings.

Source: QDMR (2006).

Figure 4.1: Rural basic BA turn treatments

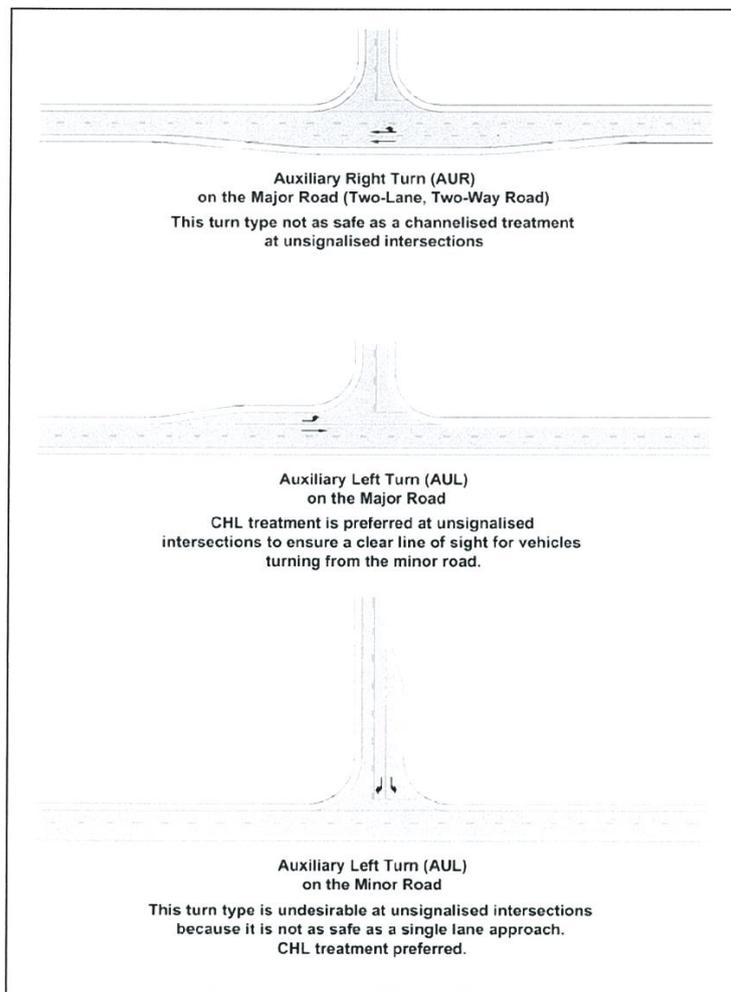
Figure 4.1 shows only basic T-intersection treatments because unsignalised and signalised crossroads should not be provided because of road safety risk in high speed situations (e.g. > 80 km/h) unless treated with channelisation (e.g. roundabout, wide median treatment) and/or traffic management devices. However, CHR treatments may be applied to existing crossroads where there is a need to shelter turning vehicles on the major road and the risk associated with crossing traffic is considered to be low (e.g. no crashes recorded, very low approach speeds, negligible traffic crossing). This treatment is implemented under extended design domain principles (Appendix A and the *Guide to Road Design – Part 2: Design Considerations*, (Austroads 2006c).

4.5.2 Urban Basic (BA) Turn Treatments

Figure 4.2 shows the features of urban BA turn treatments. It can be seen that:

- the basic right-turn treatment and basic left-turn treatments are achieved by resuming parking space at and near the intersection
- a bicycle lane on the major road may be incorporated into the treatment and should always be continued through unsignalised intersections.

 Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections



Notes:

1. Arrows indicate movements relevant to the turn type. They do not represent actual pavement markings.
2. Not used by the Queensland Department of Main Roads or the New Zealand Transport Agency.

Source: Based on QDMR (2006).

Figure 4.5: Rural auxiliary lane (AU) turn treatments

4.6.2 Urban Auxiliary Lane (AU) Turn Treatments

Figure 4.6 shows the features of urban AU turn treatments at T-intersections, namely:

- AUR turn treatment is created by the addition of a short section of traffic lane with standard painted stripes
- AUL turn treatment on the major road may be a normal indented turn lane or be shielded by a parking lane, depending on the situation
- AUL turn treatment in the minor road may also be a normal indented turn lane or be shielded by parked cars, depending on the situation.

Appendix D

Traffic Crash Data



Crash ID	Crash Date	Crash Time	Severity	DCA Code	Speed Limit at crash	Location Description	Surface Condition
30004581	7/08/2006	20:05	Property Damage Only	181 Off right bend into object/parked vehicle	80	Devonport Road, Miandetta, Devonport	Wet
30004863	14/04/2006	22:30	Property Damage Only	183 Off left bend into object/parked vehicle	80	Devonport Road, Miandetta, Devonport	Dry
30011380	28/01/2006	18:50	Property Damage Only	171 Left off carriageway into object or parked vehicle	80	Devonport Road, Miandetta, Devonport	Wet
30028885	20/01/2007	22:15	Property Damage Only	180 Off carriageway right bend	80	Devonport Road, Miandetta, Devonport	Wet
30064663	31/07/2008	16:36	Property Damage Only	120 Wrong side/other head on (not overtaking)	80	Devonport Road, Miandetta, Devonport	Wet
30074600	26/11/2009	20:19	Property Damage Only	184 Out of control on carriageway	80	Devonport Road, Miandetta, Devonport	Wet
30086958	28/05/2010	10:20	Property Damage Only	181 Off right bend into object/parked vehicle	80	Devonport Road, Miandetta, Devonport	Wet
30103549	22/11/2009	10:24	Property Damage Only	181 Off right bend into object/parked vehicle	80	Devonport Road, Miandetta, Devonport	Wet
30103783	24/11/2010	11:20	Property Damage Only	183 Off left bend into object/parked vehicle	80	Devonport Road, Miandetta, Devonport	Wet

Contact

Phil Bowen
 (03) 6424 1641
 pbowen@pittsh.com.au

transport | community | industrial & mining | carbon & energy



pitt&sherry



Brisbane
 Level 2
 276 Edward Street
 Brisbane QLD 4000
 T: (07) 3221 0080
 F: (07) 3221 0083

Hobart
 199 Macquarie Street
 GPO Box 94
 Hobart TAS 7001
 T: (03) 6210 1400
 F: (03) 6223 1299

Melbourne
 Level 1, HWT Tower
 40 City Road
 Southbank VIC 3006
 PO Box 259
 South Melbourne VIC 3205
 T: (03) 9682 5290
 F: (03) 9682 5292

E: info@pittsh.com.au
W: www.pittsh.com.au

incorporated as
 Pitt & Sherry (Operations) Pty Ltd
 ABN 67 140 184 309

Canberra
 LGF, Ethos House
 28-36 Ainslie Place
 Canberra City ACT 2601
 PO Box 122
 Civic Square
 Canberra ACT 2608
 T: (02) 6295 2100

Launceston
 Level 4
 113 Cimitiere Street
 PO Box 1409
 Launceston TAS 7250
 T: (03) 6323 1900
 F: (03) 6334 4651

Sydney
 Level 1
 56 Clarence Street
 Sydney NSW 2000
 T: (02) 8216 4700
 F: (02) 8216 4747

Devonport
 Level 1
 35 Oldaker Street
 PO Box 836
 Devonport TAS 7310
 T: (03) 6424 1641
 F: (03) 6424 9215

sustainablethinking®





Appendix I – Landslide Risk Assessment



Geoton Pty Ltd ABN 69 315 541 003
PO Box 522 Prospect TAS 7250
Office 3 Level 1 Images Centre
2 Trotters Lane Prospect TAS
T (03) 6343 1900 F (03) 6343 1906
www.geoton.com.au

26 June 2014

Reference No. GL14147Aa

Bullock Consulting
PO Box 63
RIVERSIDE TAS 7250

Attention: Ms Heidi Goess

Dear Madam

RE: Fee Proposal
Landslide Risk Assessment
17 Devonport Road, Devonport

1 INTRODUCTION

In response to your enquiry on 25 June 2014, Geoton Pty Ltd is pleased to submit this fee proposal to carry out a landslide risk assessment of a rock cutting situated within a proposed unit development at 17 Devonport Road, Devonport.

In order to prepare this proposal staff visited the site and noted that the rock cutting is approximately 100m long and typically consists of well exposed jointed dolerite rock with a minimal soil cover.

It is understood that the landslide risk assessment requires a rock mapping exercise in order to conduct the risk assessment in relation to rockfall.

A site plan showing the proposed unit development was provided (prepared by Bullock Consulting, Project No.13.276, Drawing No. As00).

2 REPORT REQUIREMENTS

The landslide assessment will be completed in accordance with E6 Hazard Management Code of the Devonport Interim Planning Scheme. As such, the report will be completed by a suitably qualified person with relevant expertise and experience in land stability assessment. The report will be prepared in accordance with the Australian Standard for Geotechnical Site Investigation AS1726 and Practice Note Guidelines for Landslide Risk Management 2007, Australian Geomechanics Journal, Vol 42, No. 1 (2007).

Fee Proposal

3 BACKGROUND

3.1 Geology

The Mineral Resources Tasmania (MRT) Landslide Map Series, Devonport – Geology Map, 1:25,000 Scale, indicates that the site is underlain by Jurassic aged dolerite.

3.2 Landslide Susceptibility

Examination of the MRT Tasmanian Landslide Map Series, Devonport – Rockfall Susceptibility Map, indicates that the rock cut area is situated within susceptibility source and runout zone for rockfall.

4 SCOPE OF WORKS

We propose the following scope of work:

- Carry out a desk study of available MRT records and published information of the site and surrounding area;
- Site walk over including examination of site conditions and surrounding landforms;
- Clear vegetation and topsoil in select areas;
- Rock face mapping including joint orientation mapping;
- Rock slope dips analyses using Rocscience Dips program (engineering analysis of the rock face); and
- Provide a report that details the following:
 - The findings of the desk study;
 - Rock slope dips analysis;
 - Landslide Risk Assessment;
 - Identified rockfall risks and required setbacks (if any); and
 - Recommendations to maintain or possibly lower the potential rockfall risks.

5 YOUR OBLIGATIONS

To enable us to carry out the field activities of this proposal, we request that you:

- Make arrangements for our personnel to enter the site;
- Advise us immediately if you become aware of any matter which may change the scope or timing of the service to be provided by us for the project; and
- Advise us as soon as possible if you require additional work to be carried out.

Fee Proposal

6 PROGRAMME

We can carry out the field work within 2 weeks after receipt of your authorisation to proceed. Analyses and reporting are expected to be completed within 2 weeks of completing the field work.

An authorisation to proceed pro forma is attached to this proposal.

7 FEE ESTIMATE

Our fee estimate to carry out the above scope of works is as follows:

Activity	Cost Estimate (excluding GST)
Planning/communications	\$180
Fieldwork and travel	\$1,500
Analyses, reporting and peer review	\$1,850
Sub Total	\$3,530
GST	\$353
Total (including GST)	\$3,883

8 INVOICE TERMS

Progress Invoices will be issued at the completion of the fieldwork and/or monthly. Where the project completion is to be approximately a month an invoice will be issued at the end of the project.

Payment terms for invoices are strictly 14 days.

9 CLOSURE

We thank you for the opportunity to provide you with our proposal. We shall be pleased to undertake the work described herein for you and look forward to receiving your acceptance of this proposal so work can begin.

Should you require further information or clarification of any details, please do not hesitate to contact this office.

Fee Proposal

For and on behalf of Geoton Pty Ltd

A handwritten signature in blue ink, appearing to read 'Tony Barriera', is positioned below the text 'For and on behalf of Geoton Pty Ltd'.

Tony Barriera

Director

Attachment A: Authorisation to Proceed

Geoton Terms of Agreement

Fee Proposal

Attachment A

Post, Fax or email to:
Geoton Pty Ltd., (ABN 69 315 541 003)
PO Box 522 Prospect Vale TAS 7250
Facsimile No: 03 6343 1906
Email address: tbarriera@geoton.com.au

Attention: Tony Barriera

RE: Authorisation to Proceed with Landslide Risk Assessment at 17 Devonport Road, Devonport

It is hereby agreed that I/we accept the scope of work, programme, cost, terms and conditions as described in Geoton’s proposal Ref: GL14147Aa, dated 26 June 2014 and that Geoton is authorised to proceed.

*Please note that **the organisation who authorises the work is responsible for payment.** Payment is to be made by the due date regardless of any contracts that may be held with third parties. Commissioning of work by third party organisations that are not responsible for the payment will not be accepted.*

Name: _____ Position: _____

Signature: _____ Date: _____

Email Address: _____

Company to Invoice: _____

ACN: _____ ABN: _____

Accounts Mailing Address: _____

State & Postcode: _____

Street Address (must be provided) _____

State & Postcode: _____

Accounts Phone: _____ Accounts Fax: _____

Accounts Email Address: _____

PLEASE SIGN THIS ACCEPTANCE AND FORWARD TO GEOTON BY FAX, MAIL OR EMAIL. UPON RECEIPT OF THIS ACCEPTANCE, GEOTON WILL COMMENCE WORK ON THE PROJECT



Appendix H – Landslide Risk Assessment

GEOTON Pty Ltd

Geotechnical Consultants

Terms of Agreement for Professional Services

1.0 INTRODUCTION

These Terms of Agreement apply to work carried out by the Company. The "Company" shall mean Geoton Pty Ltd and the servants and agents thereof, which is providing the services. The "Client" shall mean and include the body, corporation or person with whom the Company contracts for or in relation to the performance of functions or the provision of goods or services. "Subcontractor" shall mean and include:

- a. any person, firm or company with whom the Company may arrange for any work to be performed for the Client, and
- b. any person who is now or hereafter a servant, agent or subcontractor of any of the persons referred to in (a) above.

2.0 SCOPE OF RESPONSIBILITY

2.1 All goods or services provided by the Company are subject only to these Terms. Except where necessarily incorporated by statute, no other term, condition or warranty shall be incorporated herein unless specifically agreed in writing by the Company.

2.2 The Company undertakes to exercise reasonable care in accordance with standards ordinarily exercised by members of the profession who practice in the same locality and under similar conditions. There shall be no liability whatsoever in respect of any failure to exercise a degree or level of care beyond such reasonable care.

2.3 The Client will indemnify and hold the Company harmless against all claims, costs and demands (including in respect of negligence) by third parties in respect of the service concerned.

2.4 The Client acknowledges that in the event of the Company having failed to exercise reasonable care, the Company's liability, if any, shall be absolutely extinguished after the expiration of twelve months from the date of the Company's invoice in respect of the service.

2.5 In the event that the Company is liable to the Client for failure to exercise reasonable care, such liability shall be limited to the greater of:

- the amount of the fee actually paid by the Client to the Company for the service concerned (to a maximum of \$20,000) or,
- any other amount agreed in writing between the Client and the Company.

2.6 If the Company is liable to the Client for any loss or damage arising in connection with any goods or services provided by the Company pursuant to this Agreement or otherwise, the Client's entitlement to recover damages from the Company shall be reduced by such amount as fairly reflects the extent to which any act, omission or negligence of the Client or any third party caused or contributed to such loss or damage.

2.7 Under no circumstances, whether as a result of any act, neglect or default or otherwise howsoever, shall the Company have any liability for or in relation to any work, reports, information, plans, designs, or specifications supplied or performed by any third party, including a third party engaged by or at the suggestion of the Company.

2.8 The Client acknowledges that:

- the Company does not supervise the work of others who may be working pursuant to directions from the Company. The Company is responsible for exercising reasonable care in giving the directions, but is not responsible for the manner in which the directions are carried out;
- Documents (including reports) required by the Company's servants are signed by them, for and on behalf of the Company and not in any personal capacity
- the copyright in all documents prepared by or at the request or direction of the Company shall be and remain the property of the Company;
- the Client will not supply or permit any report of the Company to be seen by or given to any third party unless that report has incorporated in or attached to it these Terms;
- samples will be retained by the Company for at least 3 months after which they will be disposed of unless the Client has requested in writing that the Company retain samples for a longer period.

2.9 For the purposes of this Clause and without limiting Clause 2.8, the Client acknowledges that the Company is contracting as principal for and on behalf of its servants, agents and Subcontractors. The servants, agents and Subcontractors of the Company shall not be liable in respect of any loss or damage suffered by the Client as a result of goods or services provided by the Company, nor for any consequential loss or damage suffered by any third party.

2.10 Unless advised otherwise by the Client in writing, the Company can use information regarding the project which is the subject of this Agreement in any promotional material it may prepare to use.

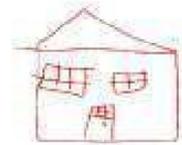
3.0 GENERAL

3.1 Disputes. In the event that a dispute should arise involving litigation relating to the performance of the services to be provided under this Agreement, it is agreed where the Company prevails that it shall be entitled to recover all reasonable costs incurred in the defence of the claim, including staff time, court costs, legal fees assessed on a solicitor and client basis and other claim related expenses.

3.2 Termination. This Agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof. Such termination shall not be effective if that failure has been remedied before expiration of the period specified in the written notice. In the event of termination the Company shall be paid for services performed to the termination notice date plus reasonable termination expenses.. If the Company is prevented by circumstances beyond its direct control from performing the services the Agreement shall end without prejudice to the accrued rights of either party.



Appendix J – Bushfire Hazard Management Plan



Tammy Smith Energy

Bushfire Report

17 Devonport Road, Devonport

Prepared for Rynmarc Pty. Ltd

By: Tammy Smith

Date: 20th December 2016

Report No: B1617-034



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Attachment 01	Bushfire Hazard Management Site Plan
Attachment 02	Bushfire Hazard Management Advice
Attachment 03	Fire Resisting Garden Plants

Introduction

This Bushfire Attack Level (BAL) assessment report has been prepared for the construction of a 2 new units at **17 Devonport Road, Devonport**. The need for the BAL assessment report is required as the proposed new dwelling is to be built on bushfire prone land which is defined as:

- a) Land that is within the boundary of a bushfire-prone area shown on an overlay of a planning scheme map; and
- b) Where there is no overlay on a planning scheme map, or where the land is outside the boundary of a bushfire-prone area shown on an overlay on such a map, land that is within 100 metres of an area of bushfire-prone vegetation equal to, or greater than one hectare. (Building Regulations Version 1 (Tas) 2014)

In this instance the proposed new dwelling is to be situated on, and surrounded by land that is classified as bushfire prone vegetation, and is within 100 m of bushfire-prone vegetation equal to or greater than one hectare.

Aim

This assessment report has been provided to assist the owner with identifying the relevant requirements for the proposed dwelling described in Australian standard AS 3959-2009.

The purpose of this Bushfire Assessment Report is to provide knowledge to the public/ individual/ landholder the need to protect their property from bushfire. And to reduce the occurrence of, and minimise the impact of bushfires, thereby reducing the risk to human life, property, the environment, and the cost to the community caused by bushfires.

To provide for sufficient separation of building areas from bushfire-prone vegetation and to reduce the radiant heat levels, direct flame attack and ember attack at the building site;

The inspection has been undertaken and the report provided is on the understanding that;

- 1) This report assesses the site with respect to Interim Planning Directive No.1 Bushfire-Prone Areas Code. All other statutory assessments are outside the scope of this report unless specifically included.
- 2) The report only identifies the size, volume and status of the vegetation at the time the site inspection was undertaken and cannot be relied upon for any future development or where the vegetation separation distance established in this report has changed.

This assessment is based on an inspection of the site 29th November 2016
The proposed building site has existing buildings present that have been assessed independent of this report.

Property Details:

Property Address:	17 Devonport Road, Devonport
Certificate of Title:	7703892
Land Area:	3 hectares (approx)
Type Of Building/Construction:	2 new villas
NCC Classification:	Class 1
Zoning:	Recreation
Planning Scheme:	Devonport Interim Planning Scheme



Approx. Location of proposed new units

 Location of closest fire hydrants

Description of the Area

Climate The climate in the Devonport area is cool/temperate; the growing season for vegetation is during April/May (autumn) & October/November (spring). The Devonport area has an average rainfall of 700 to 900 mm per year. In general the fire season is in the dryer months during January through to the end of March, with winds predominately prevailing from the West. Due to the topography of the land the land, these new builds are likely to be sheltered from the prevailing Westerly weather

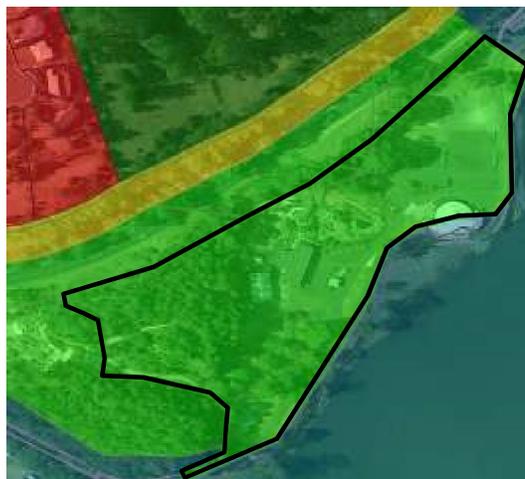
Land Topography: Vegetation/Contours

TOPOGRAPHY: The gradient of the land the proposed new buildings are to be built on is flat. In a western direction the land has a steep cliff face. Located upslope from these new builds. This was determined by a site inspection made on the 29th November, and a site plan provided by Mathew Smith.

Reference to Tasmanian Vegetation Monitoring & Mapping Program (TASVEG) indicates the vegetation immediately surrounding the new builds is maintained gardens and lawns, also cleared carpark area. The vegetation located on top of the cliff face is currently unmanaged, and consist of scrub vegetation. The site these buildings are proposed constructed on is cleared of any tall vegetation, with the exception of sparse native eucalypts.

Devonport Planning Scheme

Tas Veg 3.0



-  Recreation
-  Environmental Management
-  Open Space

-  (FUM) Extra-urban miscellaneous
-  DSC - Dry eucalypt forest and woodland
-  OAQ - Water & Sea



General Site description: - Villa 1

This is a large Recreation allotment, located on the outskirts of Devonport. This allotment currently contains existing buildings consisting of a Café, Managers residence, storage facility and a mini golf course. This Villa is located on the eastern side of a steep rocky outcrop. Villa 1 faces the Mersey River to the South. The construction materials are fibro clad on the external walls, a colourbond roof, constructed on a reinforced concrete slab

NORTH Villa 1 is located approx 95.0 metres from the Northern boundary. An existing storage shed, and manager residence is located in this direction, further North East is a maintained mini golf course. Sparse woodland vegetation is located parallel to Devonport Road. This vegetation is located **85.0 metres** from this villa, at the closest point (North West) and is contiguous with vegetation located further to the West.

WEST A cleared area of vegetation is located to the west of villa 1. This area provides an area for car parking, also road access to Villa 2. A very steep rocky embankment is located 30.0 metres from this villa. The Cliff face has sparse vegetation, this vegetation continues to the apex. The apex of this cliff is 10.0 metres high. The vegetation located on the apex of this steep embankment is native scrub vegetation consisting of leptospermum, and varieties of Acacia. This vegetation located on the top of this cliff is **40.0 metres** from this villa.

SOUTH Villa 2 is located 5.43 metres from this southern elevation of Villa 1. The vegetation located in a Southern direction is maintained, and will continue to be maintained as this site developed further. The Mersey River and a walking/cycle track is parallel to this boundary. Sparse mature eucalyptus trees, form part of the maintained vegetation.

EAST The maintained vegetation continues from the South in this direction. The Mersey River, and footpath also form part of this Eastern boundary. The immediate vegetation is maintained. The distance this new villa is located from this boundary is 12.70 metres.

PHOTOS of SITE and VEGETATION – Villa 1



NORTH View from the building site showing the existing storage shed, and manager’s residence from the western elevation of Villa 1, The vegetation behind the storage shed is parallel to Devonport Road, and located 85 metres from villa 1.



WEST View showing Villa 1, Scrub vegetation is located at the apex of a steep outcrop further to the west.



SOUTH WEST View from villa 1 showing a car parking area, also an access road to villa 2.



EAST View The Mersey River is parallel to this boundary.

Villa 01

Fire Danger Index (FDI) of 50 (1090) for Tasmania

	North West		West		South		East	
Vegetation Classification								
Group A - Forest								
Group B - Woodland	X							
Group C - Shrubland								
Group D - Scrub			X					
Group E - Mallee/Mulga								
Group F - Rainforest								
Group G - Grassland								
Exclusions (refer pg. 14)					(f)		(f)	
Distance to Classified Vegetation	85.0 metres		40.0 metres					
Effective Slope under classified vegetation	Upslope							
	0 degrees	X	0 degrees	X	0 degrees		0 degrees	
	Downslope							
	> 0 to 5		> 0 to 5		> 0 to 5		> 0 to 5	
	> 5 to 10		> 5 to 10		> 5 to 10		> 5 to 10	
	> 10 to 15		> 10 to 15		> 10 to 15		> 10 to 15	
	> 15 to 20		> 15 to 20		> 15 to 20		> 15 to 20	
	BAL Rating for each orientation on the site	BAL 12.5		BAL 12.5		BAL LOW		BAL LOW

Determination of Bushfire Attack Level: BAL 12.5

Description of predicted bushfire attack and levels of BAL 12.5 is primarily concerned with protection from ember attack and radiant heat up to and including 12.5 kW/m2 where the site is less than 100 m from the source of bushfire attack

In this assessment the BAL applicable to the new dwelling is BAL 12.5 to the North West and West direction, and as such no further BAL can occur.



General Site description: - Villa 2

This is a large Recreation allotment, located on the outskirts of Devonport. This allotment currently contains existing buildings consisting of a Café, Managers residence, storage facility, 1 Villa and a mini golf course. This Villa is located on the Eastern side of a steep rocky outcrop. Villa 2 faces the Mersey River to the South. The construction materials are fibro clad on the external walls, a colourbond roof, constructed on a reinforced concrete slab

NORTH Villa 2 is located approx 110.0 metres from the Northern boundary. Mature eucalyptus trees are located parallel to Devonport Road. This vegetation is located 110.0 metres from this villa. An existing storage shed, and manager residence is located in this direction, further North is a maintained mini golf course. Villa 1 is located 5.43 metres South East of this villa.

WEST A cleared area of vegetation is located to the west of villa 2. This area provides an area for car parking, also road access to future developments. A very steep rocky embankment is located 18.0 metres from this villa. The Cliff face has sparse vegetation, this vegetation continues to the apex. The vegetation located on the apex of this steep embankment is sparse native scrub vegetation consisting of leptospermum, and varieties of Acacia. This cliff face is approximately 10.0 metres in height. The vegetation located on the apex of this cliff is **28.0 metres** from this villa.

SOUTH/SOUTH WEST The vegetation located in a South Western direction is located **51.9 metres** from this villa. This vegetation consists of mature eucalyptus trees, with an unmaintained understorey. This vegetation is contiguous with vegetation located to the West, and is under the direction of others. An access road continues in this direction to the boundary. At present relocatable site office is located in this direction. Mersey River and a walking/cycle track is parallel to the Southern boundary. Sparse mature eucalyptus trees, form part of the immediate maintained vegetation.

EAST The maintained vegetation continues from the South in this direction. The Mersey River and footpath also form part of this Eastern boundary. The immediate vegetation is maintained. This villa is located 19.5 metres from this boundary.

PHOTOS of SITE and VEGETATION – Villa 2



NORTH View Villa 1, and numerous outbuildings are located in this direction the tall vegetation located to the rear of the storage shed is located 110 metres from this villa.



WEST view this shows sparse scrub vegetation located on a steep embankment, Villa 2 is located to the right of this picture. The vegetation at the apex of this embankment is scrub located 28 metres from this villa.



SOUTH View from villa 2 showing maintained vegetation to the boundary. Forest vegetation is located 51.9 metres from this villa. The Mersey River is located in a Southern direction.



EAST View the Mersey River is located Parallel to this boundary

Villa 02

Fire Danger Index (FDI) of 50 (1090) for Tasmania

	North		West		South West		East	
Vegetation Classification								
Group A - Forest					X			
Group B - Woodland	X							
Group C - Shrubland								
Group D - Scrub			X					
Group E - Mallee/Mulga								
Group F - Rainforest								
Group G - Grassland								
Exclusions (refer pg. 14)							(f)	
Distance to Classified Vegetation	110.0 metres		28.0 metres		51.9 metres			
Effective Slope under classified vegetation	Upslope							
	0 degrees	X	0 degrees	X	0 degrees	X	0 degrees	
	Downslope							
	> 0 to 5		> 0 to 5		> 0 to 5		> 0 to 5	
	> 5 to 10		> 5 to 10		> 5 to 10		> 5 to 10	
	> 10 to 15		> 10 to 15		> 10 to 15		> 10 to 15	
	> 15 to 20		> 15 to 20		> 15 to 20		> 15 to 20	
BAL Rating for each orientation on the site	BAL LOW		BAL 12.5		BAL 12.5		BAL LOW	

Determination of Bushfire Attack Level: BAL 12.5

Description of predicted bushfire attack and levels of BAL 12.5 is primarily concerned with protection from ember attack and radiant heat up to and including 12.5 kW/m2 where the site is less than 100 m from the source of bushfire attack

In this assessment the BAL applicable to villa 2 is BAL 12.5 in two directions and as such no further BAL can occur.

The bushfire Attack level shall be classified BAL-LOW where the vegetation is one or a combination of any of the following:

- (a) Vegetation of any type that is more than 100 m of other areas of vegetation being classified.
- (b) Single areas of vegetation less than 1 ha in area and not with 100 metres of other areas of vegetation being classified.
- (c) Multiple areas of vegetation less than 0.25 ha in area and not within 20 m of the site, or each other.
- (d) Strips of vegetation less than 20 m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20 m of the site or each other, or other areas of vegetation being classified.
- (e) Non-vegetated areas, including waterways, roads, footpaths, buildings, and rocky outcrops
- (f) Low threat vegetation, including grassland managed in a minimal fuel condition, maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and windbreaks.

NOTE: minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (recognizable as short-cropped grass for example, to nominal height of 100mm)

Property Access

This property has a driveway access/egress to the North East, (Devonport Road) of the property. Devonport Road is a major public sealed road, and travels in a North-East/North-West direction, and is adequate width allowing the safe passing of emergency vehicles. This road is compliant with Table E3: of IPD1 *“Standards for Roads”*

The driveway access is multi-purpose, and services the restaurant, mini golf complex, and associated buildings. Two large sealed carparks are located within this complex. These carparks have adequate width to provide a turning, and parking area for emergency vehicles.

Access to these two villas is through these established carparks. Access to both villa 1 and 2 is less than 30 metres in length, from the large car parking area, this driveway is less than 30.0 metres in length, and therefore no specific design and construction is required as the access complies with Table E4 *“Standards for Property Access”* (IPD1)



Water Supply

Reticulated water supply is available to this allotment.

The location of the nearest fire hydrants is shown on page 4 of this document.

Three fire hydrants are located within the complex. Two Fire Hydrants are a within 120.0 metres hoseslay to these new villas, and are in compliance with IPD1 table E6 “Reticulated Water Supply for firefighting” Requirements, and as such no static water supply for firefighting will be required to be installed on this allotment.

One of the compliant fire hydrants is located within a car park. This fire hydrant would be inaccessible to emergency vehicles should a car be parked over this hydrant.

It is suggested a no parking area be defined over this fire hydrant.



Location of closest fire hydrant

Location of fire hydrant located in the carpark, this hydrant is within 120 metres hoseslay to the new villas, but maybe inaccessible for a fire vehicle should a vehicle be parked over this fire plug.

Summary & Recommendations

This is a large property zoned recreation within the town boundaries of Devonport. The site is currently being utilised as a mini golf course, a restaurant, and function centre.

Devonport Road is parallel to the Northern boundary. The Mersey River is parallel to the South & Eastern boundaries.

A rocky outcrop is located to the Western corner of this allotment. This outcrop covers the majority of West, and North western corner of this lot. This rocky out crop has sparse vegetation on the face, and more dense native scrub vegetation on the apex. This vegetation is approximately 8000m² in total.

To the South West this allotment abuts a parcel of land also zoned recreation. The topography of this land is a continuation of the rocky out crop. The vegetation located on this neighbouring land is dense, and unmanaged, and approx. 9000m² in total. This neighbouring property is approx. 1.5 hectares.

As the vegetation located on this property is contiguous with the neighbouring vegetation totalling in excess of a hectare in total, and as such must be classified.

The vegetation located on the cliffs of the rocky out crop immediately to the West, North West of these new villas is sparse. The vegetation located on the apex is continuous with vegetation located on the neighbouring property.

The winds generally prevail from a Westerly direction, and due to the proximity of these new villas, to this vegetation, the wind may fuel a fire ignited in this vegetation towards these new villas. Should this occur there is an increased possibility of an ember attack on these villas.

Access/egress to these villas is adequate, and falls within the requirements of IPD1.

The availability of reticulated water is also within the IPD1 requirements, It is strongly recommended that the fire hydrant located in the car park be kept clear of any parked vehicles

The assessment of the proposed site, and plans provided by Mathew Smith, has identified that the Bushfire Attack Level (BAL) for the new villas is BAL 12.5.

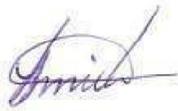
The construction requirements are detailed in sections 3 and 5 of AS3959-2009

This BAL rating has been determined given the knowledge that the owner/caretaker will maintain this vegetation surrounding these villas in a minimum fuel condition. (*refer Bushfire Hazard management site plan, attachment 01*) It is a requirement the attached 'Bushfire Hazard Management Site Plan' be adhered to.

In establishment of the landscaping, minimum fuel condition should be achieved for a distance surrounding the dwelling. (*see attachment Fire Resisting Garden Plants*). To be provided consistent with clause 2.2.3.2 of AS 3959). This allows the planting of trees with a discontinuous canopy and no understorey.

Statement:

I have taken all reasonable steps to ensure that the information provided in this assessment is accurate and reflects the conditions on and around the site and allotment on the date of this assessment.



Tammy Smith
Bush Fire Assessor
Accreditation 126

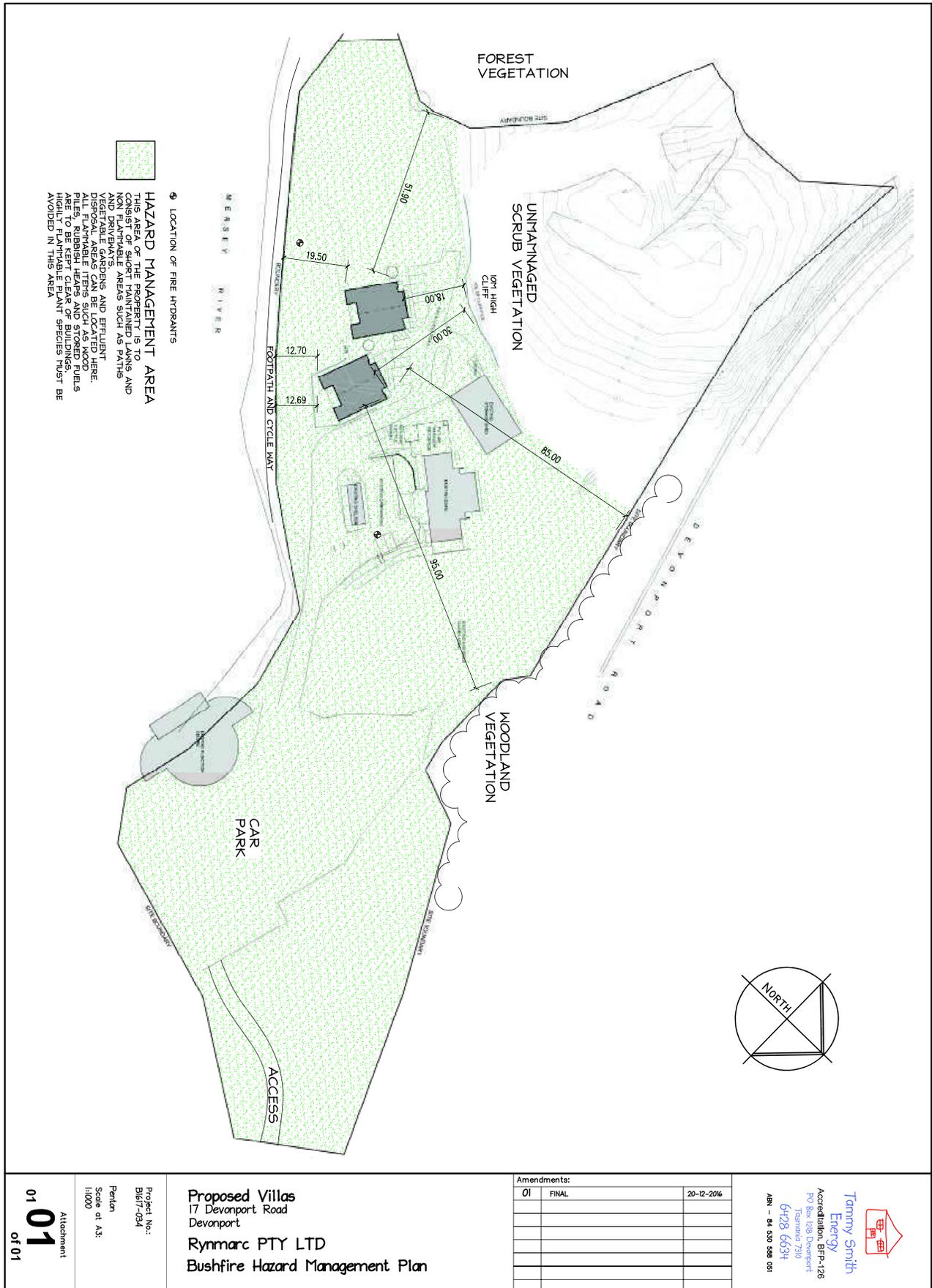
Date: 20th December 2016

64286634
0419 560 727

The measures contained in this report cannot guarantee that a building will survive a bushfire event on every occasion. This is due to the degree of vegetation management, the unpredictable nature and behaviour of fire, and weather conditions.

References

- . Architectural site plan by 6ty
- . Devonport Council- Interim Planning Scheme 2013
- . Australian Standards; AS 3959-2009 (Including amendment No. 3) – Constructions of Buildings in Bushfire-prone areas.
- . Resource Management & Conservation Division of the Department Primary Industry & Water September 2006, TASVEG
- . Interim Planning Directive No. 1 Bushfire-Prone Areas Code
- . Tasmanian Government, Land-Information-Systems-Tasmania.
www.thelist.tas.gov.au
- . Fire resisting Garden Plants - Tas Fire Service/Alan Grey
- . National Construction Code (BCA 2016)



Attachment 02



Tammy Smith Energy

Bushfire Hazard Management Advice

Prepared for Rynmarc Pty Ltd

17 Devonport Road, Devonport

This Bushfire Hazard Management is in relation to 2 new villas located at 17 Devonport Road, Devonport.

This bushfire Hazard Management Advice is to be read in conjunction with the Bushfire Hazard Management Plan (attachment 01), and the Bushfire Report for this new building work.

Implementation of the Bushfire Hazard Management Plan is the responsibility of the owner or occupier of the land.

It is important to recognise that, particularly in extreme and major bushfires, no single option is likely to provide sufficient protection from bushfires. A range of options need to be implemented to reduce the bushfire risk to an acceptable level. While hazard reduction will reduce the severity of a bushfire and therefore improve the chance of survival; people, houses, and other assets. The owners/occupiers may have a better chance of survival from a bushfire if preventative measures have been implemented to make their dwellings less vulnerable to bushfire attack.

The following is recommended:

- 1) Continually maintain your dwelling and other assets in a minimal fuel condition
- 2) Locate flammable fuels away from the residence, and separate from each other
- 3) Road access to the property is to be maintained as an all-weather road, ensuring the height and width of vegetation remains cleared providing clear access for emergency vehicles (in accordance with current BCA)
- 4) Minimise flammable materials around the home.
- 5) Regularly clean vegetation and debris from gutters.
- 6) Develop a household bush fire/evacuation plan and have available the necessary basic bush firefighting equipment.
- 7) Continually check screens on windows and doors are in good condition without breaks or holes in the flyscreen material, and frames are well fitting into sills and window frames. When replacing existing flyscreens, replace with metal flyscreen mesh.
- 8) Ensure painted surfaces are in good condition with decaying timbers given particular attention to prevent the lodging of embers within the gaps

Hazard Management Area:

To be read in conjunction with Bushfire Hazard Management Plan (attachment 01)

A Hazard Management Area within the existing boundaries of the new dwelling and is required, to ensure that potential fuel surrounding this dwelling is minimised. (*Minimal Fuel Condition*)

This area is located within the boundaries of this allotment, ensuring there is little or no material available to burn around the dwelling when bushfires approach.

The Hazard Management Area is achieved by:

- 1) Use non-flammable mulch; do not use woodchips or bark
- 2) Include non-flammable areas such as path, driveways and short cropped lawns
- 3) Locating dams, orchards, vegetable gardens and effluent disposal areas (if possible) on the fire prone side of the building
- 4) Using radiation shields and windbreaks such as non-combustible fences and hedgerows, avoiding highly flammable plants (refer fire resistant garden plants)
- 5) Selectively removing small trees and shrubs to create clumps, rather than a continuous wall separated by open areas
- 6) Removing fire hazards such as wood piles rubbish heaps and stored fuels.
- 7) Replacing highly flammable plants with low flammable species.
- 8) Active weed management – removing the fuel on the ground, around the base of the tree canopy and to a height of at least 2 metres (prune lower branches)
- 9) Allow clear space from the dwelling of at least 4 times the mature height of any shrubs planted – no vegetation should be able to fall on the building.

There is no need to remove all trees as they can be beneficial in trapping embers and reducing wind speeds and may not be involved in a bushfire once the fuels below (understorey) have been modified. Individual trees rarely cause houses to burn in bushfires.

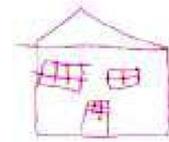


Tammy Smith
BAL Assessor
Accreditation BFP-126

Date: 20th December 2016

Fire Resisting Garden Plants

For the Urban Fringe and Rural Areas



Tammy Smith Energy

Introduction

All vegetation will burn in a bushfire and pose a hazard to people and their homes. However not all vegetation has the same flammability and there is great potential for people living in bushfire prone areas to reduce their fire hazard by changing the plants in their gardens.

Flammability Groups

In the following list:

E denotes an exotic plant.

TN a plant native to Tasmania,

AN a plant native to mainland Australia and

X a known environmental weed.

High Flammability

These plants have been shown to be highly flammable and should not be planted or allowed to remain inside your dwelling's Hazard Management Area. They should also be avoided in the Fuel Modified Zone. Move these plants away from your house and replace them with less flammable plants.

Acacia dealbata	TN	Silver Wattle
Acacia stricta	TN	Hop Wattle
Acacia verticillata	TN	Prickly Moses
Acer palmatum	E	Japanese Maple
Acmena smithii	AN	Lilly Pilly
Aesculus hippocastanum	E	Common Horse Chestnut
Allocasuarina cunninghamiana	AN	River Sheoak
Angophora floribunda	E	Rough-barked Apple
Bambusa vulgaris	E	Bamboo
Banksia integrifolia	AN	Coast Banksia
Banksia marginate	TN	Honeysuckle
Betula pendula	E	Silver birch
Buddleia davidii	E	Butterfly Bush
Callistemon citrinus	AN	Common Red Bottlebrush
Callitris rhomboidea	TF	Oyster Bay Pine
Cassia javanica	E	Pink Cassia
Chanaecypris lawsoniana	E	Lawson Cypress
Cinnamomum camphora	E	Camphor Laurel
Citrus limon	E	Lemon
Cortaderia argentea	EX	Pampus Grass
Corymbia maculata	AN	Spotted Gum
Cupressus funebris	E	Morning Cypress
Dodonaea viscosa	TN	Native Hop
Elaeocarpus reticulatus	TN	Blueberry Ash
Eucalyptus amygdalina	TN	Black Peppermint

Moderate Flammability

These plants should be avoided in the Hazard Management Area. They should not be allowed to dominate your garden and should be well maintained, being especially careful to remove dead material before it accumulates

Acacia baileyana	AN X	Cootamundra Wattle
Acacia decurrens	AN	Green Wattle
Acacia mearnsii	TN	Black Wattle
Acacia melanoxylon	TN	Blackwood
Acacia podalyrifolia	AN	Mt. Morgan Wattle
Actinidia chinensis	E	Kiwi Fruit
Araucaria heterophylla	AN	Norfolk Island Pine
Atherosperma moschatum	TN	Sassafras
Bedfordia salicina	TN	Blanket Bush
Beyeria viscosa	TN	Pinkwood
Brachychiton acerifolius	AN	Illawarra Flame Tree
Brachychiton discolor	AN	Lacebark
Brachychiton rupestris	AN	Bottle Tree
Calodendrum capense	E	Cape Chestnut
Canna indica	E	Canna Lily
Cassia floribunda	E	Smooth Cassia
Ceanothus papillosus	E	Pacific Blue
Chaenomeles japonica	E	Flowering Quince
Chrysanthemum indicum	E	Chrysanthemum
Citrus nobilis	E	Mandarin
Coleonema pulchrum	E	Diosma
Cotoneaster glaucophyllus	E X	Cotoneaster
Cucurbita maxima	E	Pumpkin
Cymbopogon citratus	E	Lemon Grass
Cyphomandra betacea	E	Tamarillo
Delonix regia	E	Poinciana
Dicksonia antarctica	T N	Man Fern
Diospyros sp.	E	Persimmon
Eriobotrya japonica	E	Loquat
Escallonia macrantha	E	Escallonia
Euryops pectinatus	E	Yellow Daisy Bush
Genista monspessulana	E X	Montpellier Broom
Koelreuteria paniculata	E	Golden Rain Tree
Lantana varama	E	Lantana
Ligustrum lucidum	E	Large-leaved Privet
Liquidambar styraciflua	E	Liquidambar
Magnolia grandiflora	E	Magnolia
Morus sp.	E	Mulberry
Myoporum insulare	AN	Boobyalla
Nerium oleander	E	Oleander
Olearia argophylla	TN	Musk
Photinia glabra var. rubens	E	Chinese Fire Bush or Red-leafed photinia
Pittosporum bicolor	TN	Cheesewood
Pteridium esculentum	TN	Bracken Fern
Rhododendron sp	E	Rhododendron
Rosa sp	E X	Roses, Briars
Salix babylonica	E	Weeping Willow
Salix chilensis	E	Pencil Willow
Sorbus aucuparia	E	Rowan
Spathodea campanulata	E	African Tulip Tree
Syringa vulgaris	E	Lilac
Weigela florida	E	Fairy Trumpets
Zieria arborescens	TN	Stinkwood

Low Flammability

These plants are acceptable in the Hazard Management Area and will be valuable replacements for more flammable plants.

Acacia melanoxylon	TN	Blackwood
Acacia terminalis	TN	Southern Wattle
Allocasuarina monilifera	TN	necklace sheoak
Artemisia sp	E	Wormwood or Angels Hair
Amperea xiphoclada	TN	Broom Spurge
Banksia marginate	TN	Silver Banksia
Camellia sp	E	Camellias
Capsicum annum var.	E	Chilli
Carpobrotus rossii	TN	Native Pigface
Correa blackhouseana	TN	Coast correa
Coprosma hirtella	TN	Coffee berry
Daviesia latifolia	TN	Hop bitter-pea
Diplarrena moraea	TN	White Flag Iris
Gazania hybrid	E	Treasure Flower
Goodenia ovata	TN	Parrots foot
Goodia lotifolia	TN	Smooth goldtip
Grevillea Australis	TN	Southern grevillea
Hakea nodosa	TN	Yellow needlebush
Hebe speciosa	E	Veronica
Hemerocallis aurantiaca	E	Day Lilly
Hydrangea macrophylla	E	Hydrangea
Hymenocallis littoralis	E	Spider Lily or Spider Flower
Hymenosporum flavum	AN	Native Frangipanni
Kennedia prostrate	TN	Running postman
Lomandra longifolia	TN	Sagg
Lomatia tinctoria	TN	Guitar Plant
Lampranthus aurantiacus	E	Pigface or Iceplant
Lavendula angustifolia	E	English Lavender
Myoporum parvifolium	TN	Creeping boobialla
Micrantheum hexandrum	TN	River tridentbush
Notelaea ligustrina	TN	Native Olive
Oxylobium ellipticum	TN	Golden rosemary
Perlargonium austral	TN	Southern storksbill
Passiflora herbertiana	AN	Native Passionfruit
Pelargonium peltatum	E	Geranium
Platylobium obtusangulum	TN	Common flat-pea
Pomaderris apetala	TN	Dogwood
Pomaderris elliptica	TN	Yellow dogwood
Prunus sp	E	Plum
Solanum melongera	E	Eggplant
Veronica formisa	TN	Speedwell bush

Why Plant Flammability is Important?

During a bushfire, the type and arrangement of vegetation is critically important for the survival of your house. The fuel for bushfires is the main danger factor that people can control. Hazard reduction activities such as clearing and fuel reduction burning, aim to lower the vegetation hazard to a safe level. Because some plants have a higher resistance to burning than others, we can use low flammability plants for added protection in addition to normal maintenance and hazard reduction activities. The influence of plant shape is a lot more subjective; low growing plants and ground covers are better than shrubs; plants with dense foliage are better than those with open airy crowns; plants which don't retain dead material are better than those which hold up lots of fuel. Fire retardant plants can absorb more of the heat of an approaching bushfire without burning (than the more flammable plants). They can trap burning embers and sparks, and reduce wind speeds near your house if correctly positioned and, maintained.

When choosing fire retardant plants other attributes should be taken into consideration such as their aesthetic appeal, growth rate, resistance to drought and frost, and possibly their ability to regenerate following fire.

Environmental Weeds; some plants are not wanted in the bush even if they are valued in the garden. Unfortunately there are many ornamental plants which can multiply when they get into the bush they choke out our natives, like blackberries, or become a fire hazard like gorse. Known environmental weeds should be avoided, these are noted on the plant flammability List.

Replacement planting with low flammability plants is not sufficient protection on its own. People living on the urban fringe and in rural areas need to be aware of the risk of bushfires and prepare themselves and their homes for when the fire comes.

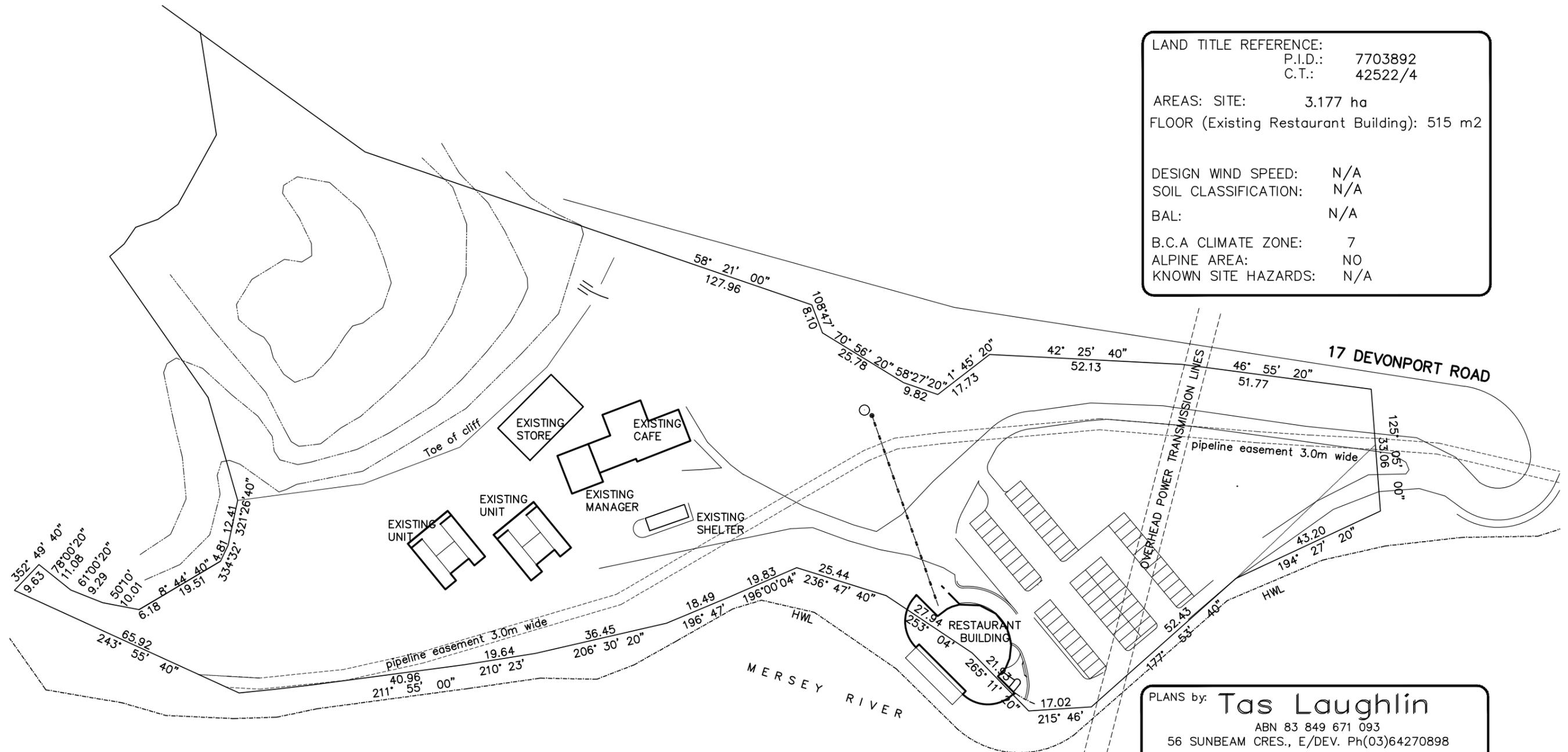
For fire safety advice and other information contact Tasmanian Fire Service



References Fire resistant Garden Plants – Tas fire service
 Alan Gray -



Appendix K – Planning Permit Application



LAND TITLE REFERENCE:
 P.I.D.: 7703892
 C.T.: 42522/4

AREAS: SITE: 3.177 ha
 FLOOR (Existing Restaurant Building): 515 m²

DESIGN WIND SPEED: N/A
 SOIL CLASSIFICATION: N/A
 BAL: N/A

B.C.A CLIMATE ZONE: 7
 ALPINE AREA: NO
 KNOWN SITE HAZARDS: N/A

PLANS by: **Tas Laughlin**
 ABN 83 849 671 093
 56 SUNBEAM CRES., E/DEV. Ph(03)64270898
 P.O. BOX 1092, DEVONPORT 7310.
 Building Practitioner Accreditation No. CC 379 P
 e-mail: tlaughi@bigpond.net.au
GOD HAS A PLAN FOR EVERY LIFE

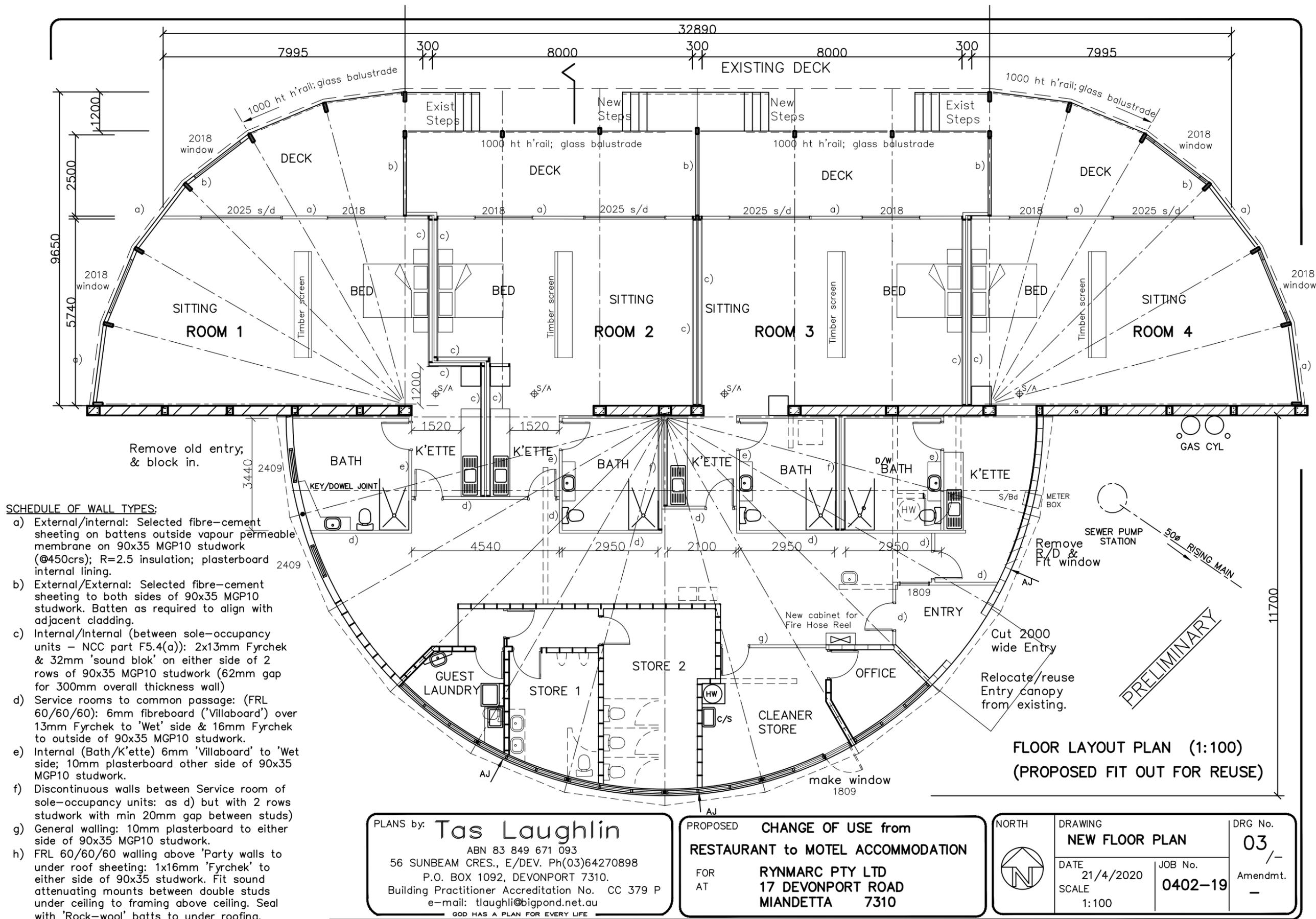
PROPOSED **CHANGE OF USE** from
RESTAURANT to MOTEL ACCOMMODATION

FOR **RYNMARC PTY LTD**
 AT **17 DEVONPORT ROAD**
MIANDETTA 7310

NORTH 	DRAWING SITE LOCATION PLAN	DRG No. 01 /-
	DATE 21/4/2020	JOB No. 0402-19
	SCALE 1:1000	Amendmt. -

- DRAWING SCHEDULE:
- 01 SITE PLAN
 - 02 PLAN as EXISTING (Demolition)
 - 03 FLOOR PLAN
 - 04 DRAINAGE PLAN
 - 05 ELEVATIONS (1)
 - 06 ELEVATIONS (2)
 - 07 SECTIONS & DETAILS

PRELIMINARY



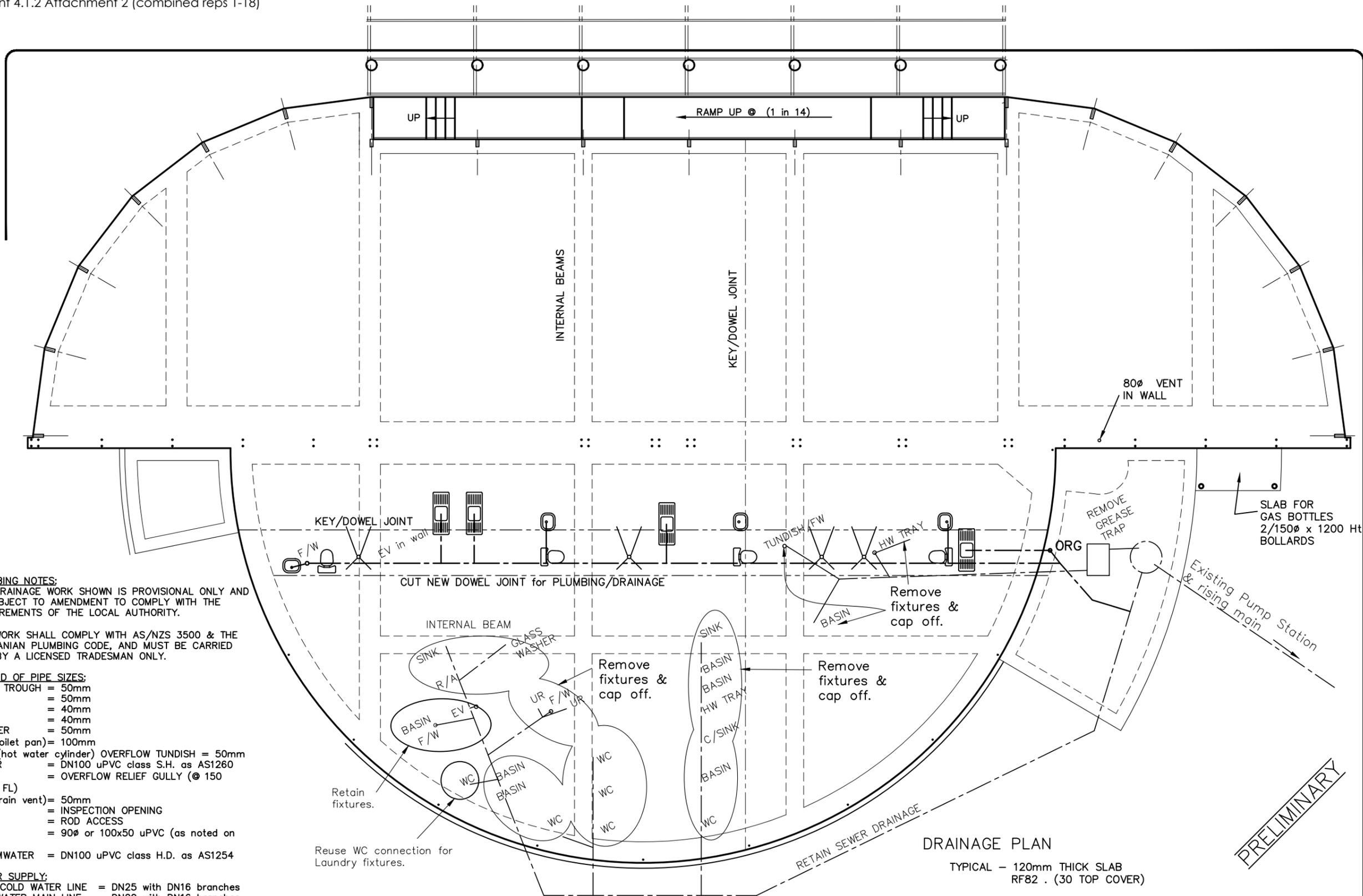
SCHEDULE OF WALL TYPES:

- a) External/internal: Selected fibre-cement sheeting on battens outside vapour permeable membrane on 90x35 MGP10 studwork (@450crs); R=2.5 insulation; plasterboard internal lining.
- b) External/External: Selected fibre-cement sheeting to both sides of 90x35 MGP10 studwork. Batten as required to align with adjacent cladding.
- c) Internal/Internal (between sole-occupancy units - NCC part F5.4(a)): 2x13mm Fyrchek & 32mm 'sound blok' on either side of 2 rows of 90x35 MGP10 studwork (62mm gap for 300mm overall thickness wall)
- d) Service rooms to common passage: (FRL 60/60/60): 6mm fibreboard ('Villaboard') over 13mm Fyrchek to 'Wet' side & 16mm Fyrchek to outside of 90x35 MGP10 studwork.
- e) Internal (Bath/K'ette) 6mm 'Villaboard' to 'Wet' side; 10mm plasterboard other side of 90x35 MGP10 studwork.
- f) Discontinuous walls between Service room of sole-occupancy units: as d) but with 2 rows studwork with min 20mm gap between studs)
- g) General walling: 10mm plasterboard to either side of 90x35 MGP10 studwork.
- h) FRL 60/60/60 walling above 'Party walls to under roof sheeting: 1x16mm 'Fyrchek' to either side of 90x35 studwork. Fit sound attenuating mounts between double studs under ceiling to framing above ceiling. Seal with 'Rock-wool' batts to under roofing.

PLANS by: **Tas Laughlin**
 ABN 83 849 671 093
 56 SUNBEAM CRES., E/DEV. Ph(03)64270898
 P.O. BOX 1092, DEVONPORT 7310.
 Building Practitioner Accreditation No. CC 379 P
 e-mail: tlaughli@bigpond.net.au
 GOD HAS A PLAN FOR EVERY LIFE

PROPOSED **CHANGE OF USE** from
RESTAURANT to MOTEL ACCOMMODATION
 FOR RYNMARC PTY LTD
 AT 17 DEVONPORT ROAD
 MIANDETTA 7310

NORTH 	DRAWING NEW FLOOR PLAN		DRG No. 03
	DATE 21/4/2020	JOB No. 0402-19	Amendmt. -
SCALE 1:100			



PLUMBING NOTES:
 ALL DRAINAGE WORK SHOWN IS PROVISIONAL ONLY AND IS SUBJECT TO AMENDMENT TO COMPLY WITH THE REQUIREMENTS OF THE LOCAL AUTHORITY.

ALL WORK SHALL COMPLY WITH AS/NZS 3500 & THE TASMANIAN PLUMBING CODE, AND MUST BE CARRIED OUT BY A LICENSED TRADESMAN ONLY.

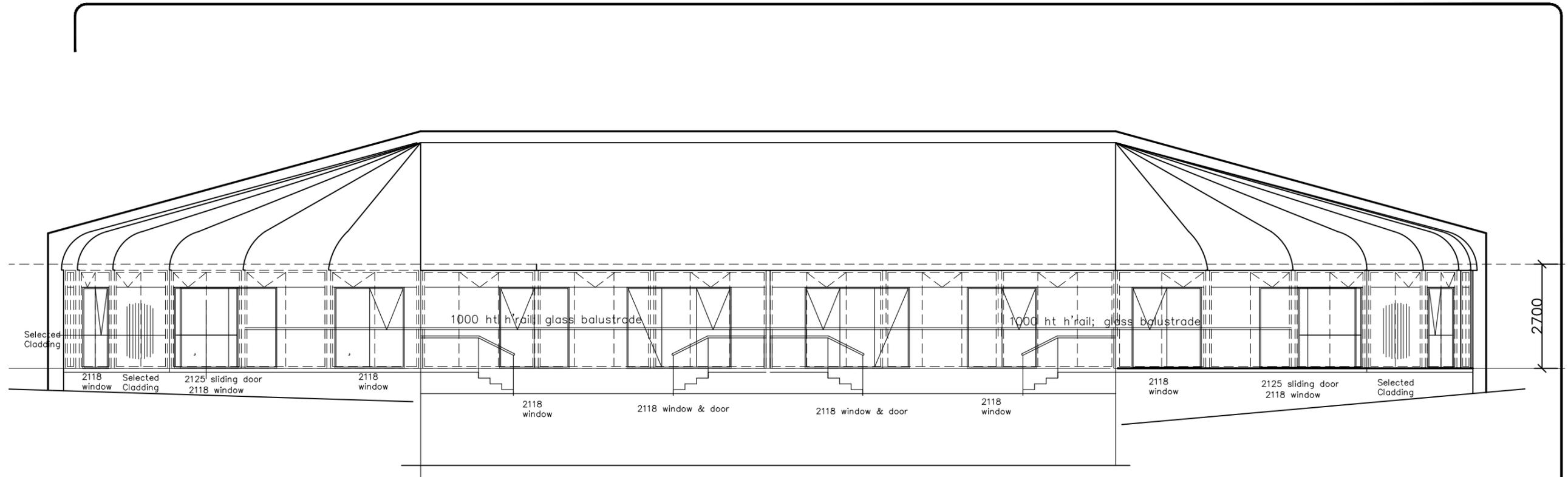
- LEGEND OF PIPE SIZES:**
 WASH TROUGH = 50mm
 SINK = 50mm
 BATH = 40mm
 BASIN = 40mm
 SHOWER = 50mm
 WC (toilet pan) = 100mm
 HWC (hot water cylinder) OVERFLOW TUNDISH = 50mm
 SEWER = DN100 uPVC class S.H. as AS1260
 ORG = OVERFLOW RELIEF GULLY @ 150 below FL)
 EV (drain vent) = 50mm
 IO = INSPECTION OPENING
 RA = ROD ACCESS
 DP = 90ø or 100x50 uPVC (as noted on plan)
 STORMWATER = DN100 uPVC class H.D. as AS1254

WATER SUPPLY:
 MAIN COLD WATER LINE = DN25 with DN16 branches
 HOT WATER MAIN LINE = DN20 with DN16 branches to comply with AS/NZS 3500.5.2000 & AS/NZS 3500.1.2003.
 Main hot water line to be insulated with 19mm Armaflex to requirement of NCC part 3.12.5.
 Hot water cylinder shall have a 500kPa pressure limiting valve (rated at 80°C) installed at exit from cylinder, and the installation shall deliver hot water to ALL SANITARY FIXTURES for personal hygiene at 50°C.
 KITCHEN SINK & LAUNDRY shall be at 60°C as required by AS/NZS3500.5.2000 section 3.4

PLANS by: **Tas Laughlin**
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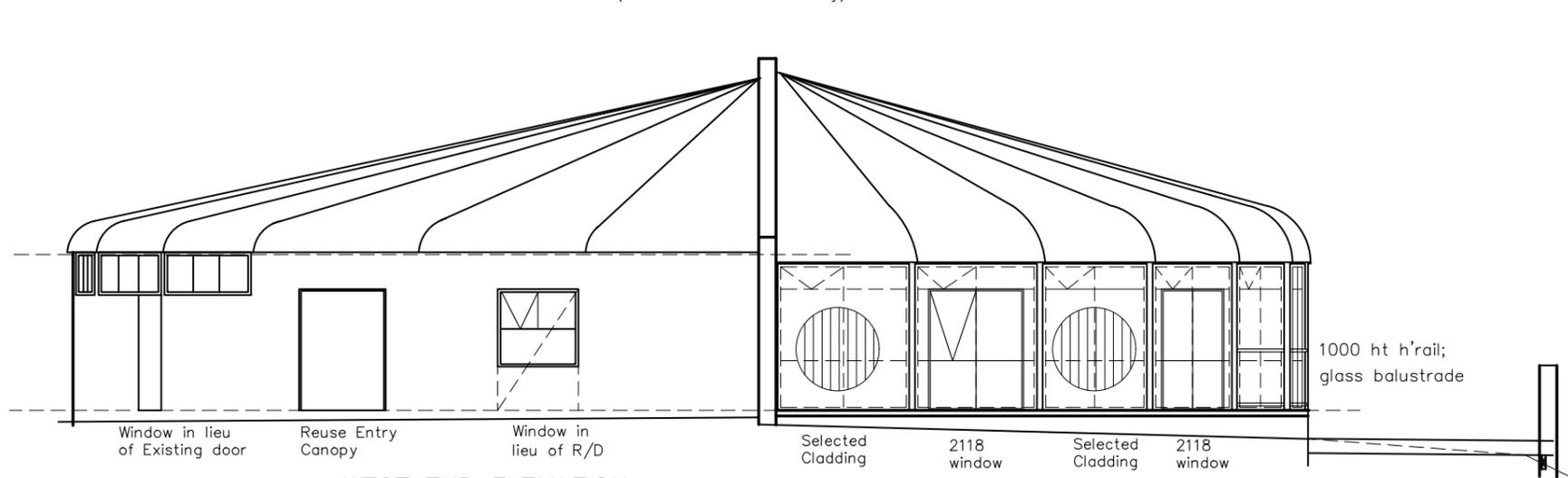
PROPOSED **CHANGE OF USE** from
RESTAURANT to MOTEL ACCOMMODATION
 FOR AT
RYNMARC PTY LTD
 17 DEVONPORT ROAD
 MIANDETTA 7310

NORTH 	DRAWING DRAINAGE PLAN		DRG No. 04
	DATE 21/4/2020	JOB No. 0402-19	Amendmt. -
SCALE 1:100			



SOUTH ELEVATION (TO MERSEY RIVER)

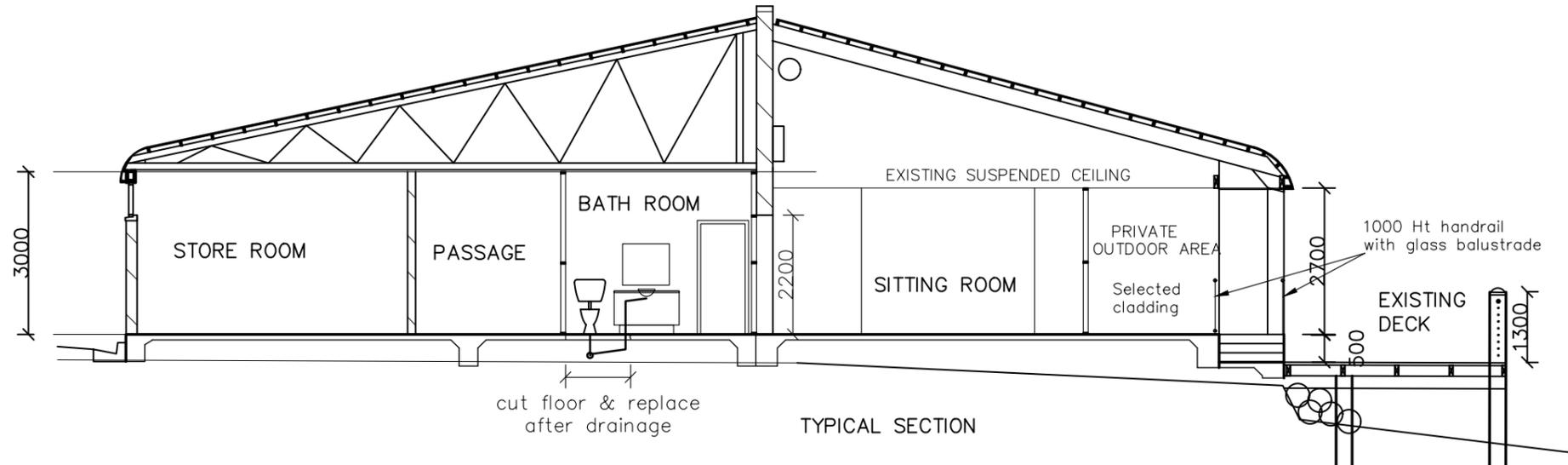
(Deck omitted for clarity)



WEST END ELEVATION

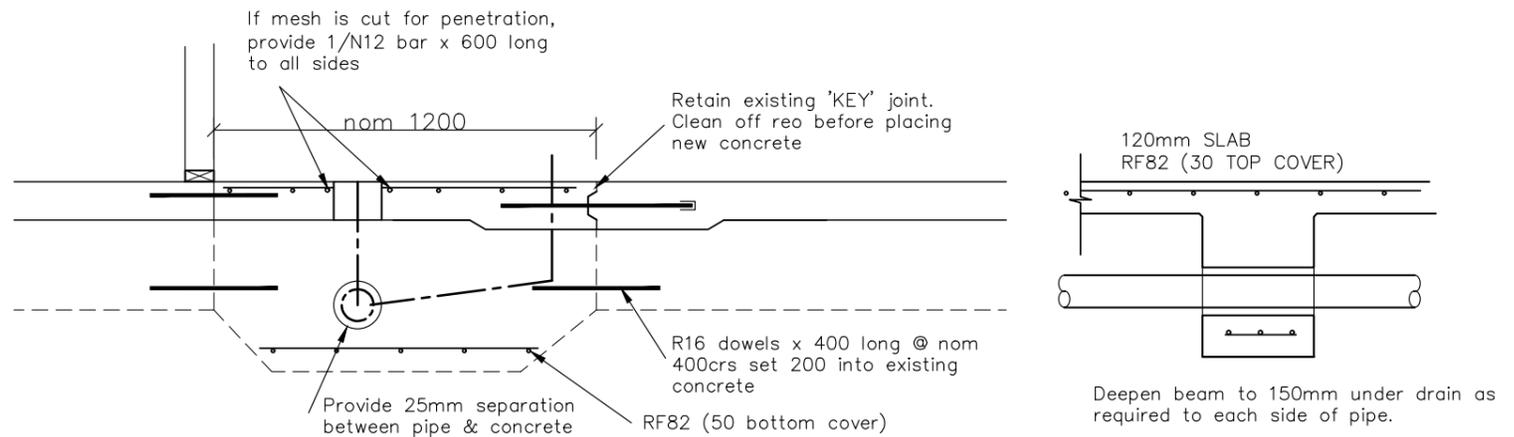
PRELIMINARY

PLANS by: Tas Laughlin ABN 83 849 671 093 56 SUNBEAM CRES., E/DEV. Ph(03)64270898 P.O. BOX 1092, DEVONPORT 7310. Building Practitioner Accreditation No. CC 379 P e-mail: tlaughli@bigpond.net.au <small>GOD HAS A PLAN FOR EVERY LIFE</small>	PROPOSED CHANGE OF USE from RESTAURANT to MOTEL ACCOMMODATION FOR RYNMARC PTY LTD AT 17 DEVONPORT ROAD MIANDETTA 7310	NORTH DRAWING ELEVATIONS (1) DATE 21/4/2020 SCALE 1:100	DRG No. 05
			Amendmt. -

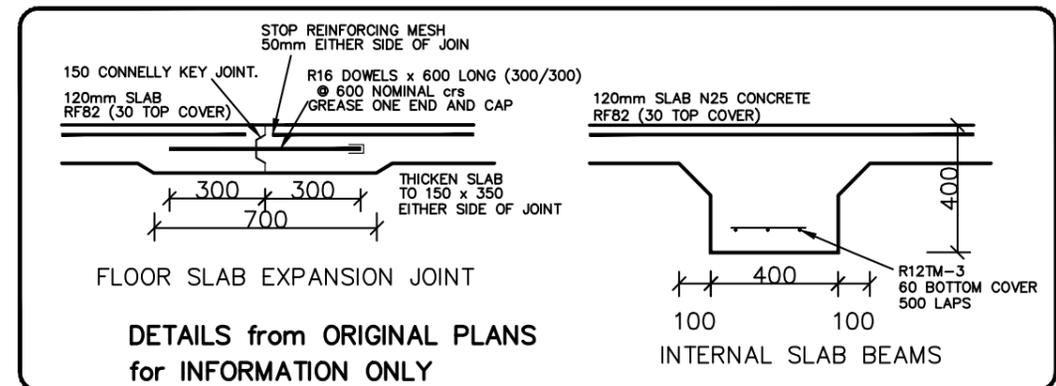


SPECIFICATION NOTES:

- SMOKE ALARMS: To be hard wired to 240v power supply (fitted with battery back-up) and be interconnected where two or more alarms are required by AS3786 & NCC part 3.7.2.2.
- WET AREAS: To floor & walls of 'Wet Areas' as defined in B.C.A part 3.8.1, seal/waterproof with min 2 coats liquid membrane (as 'Hydra Ban' by Laticrete) under tiled surfaces to at least 1.50m radius from shower head. Fall shower floor at 1 in 80 to floor waste outlet.
- SERVICES: Joinery, Electrical & Plumbing to be as directed on site by Owner.
- STEPS & STAIRS: Any step or stair shall have max 190mm riser x min 250 going and be slip resistant to NCC part 3.9.1.3 & 4, and shall not have an opening that would allow a 125Ø sphere to pass.



DRAIN PENETRATIONS THRU BEAMS & SLAB



PLANS by: **Tas Laughlin**
 ABN 83 849 671 093
 56 SUNBEAM CRES., E/DEV. Ph(03)64270898
 P.O. BOX 1092, DEVONPORT 7310.
 Building Practitioner Accreditation No. CC 379 P
 e-mail: tlaughli@bigpond.net.au
 GOD HAS A PLAN FOR EVERY LIFE

PROPOSED **CHANGE OF USE** from
RESTAURANT to MOTEL ACCOMMODATION
 FOR AT **RYNMARC PTY LTD**
17 DEVONPORT ROAD
MIANDETTA 7310

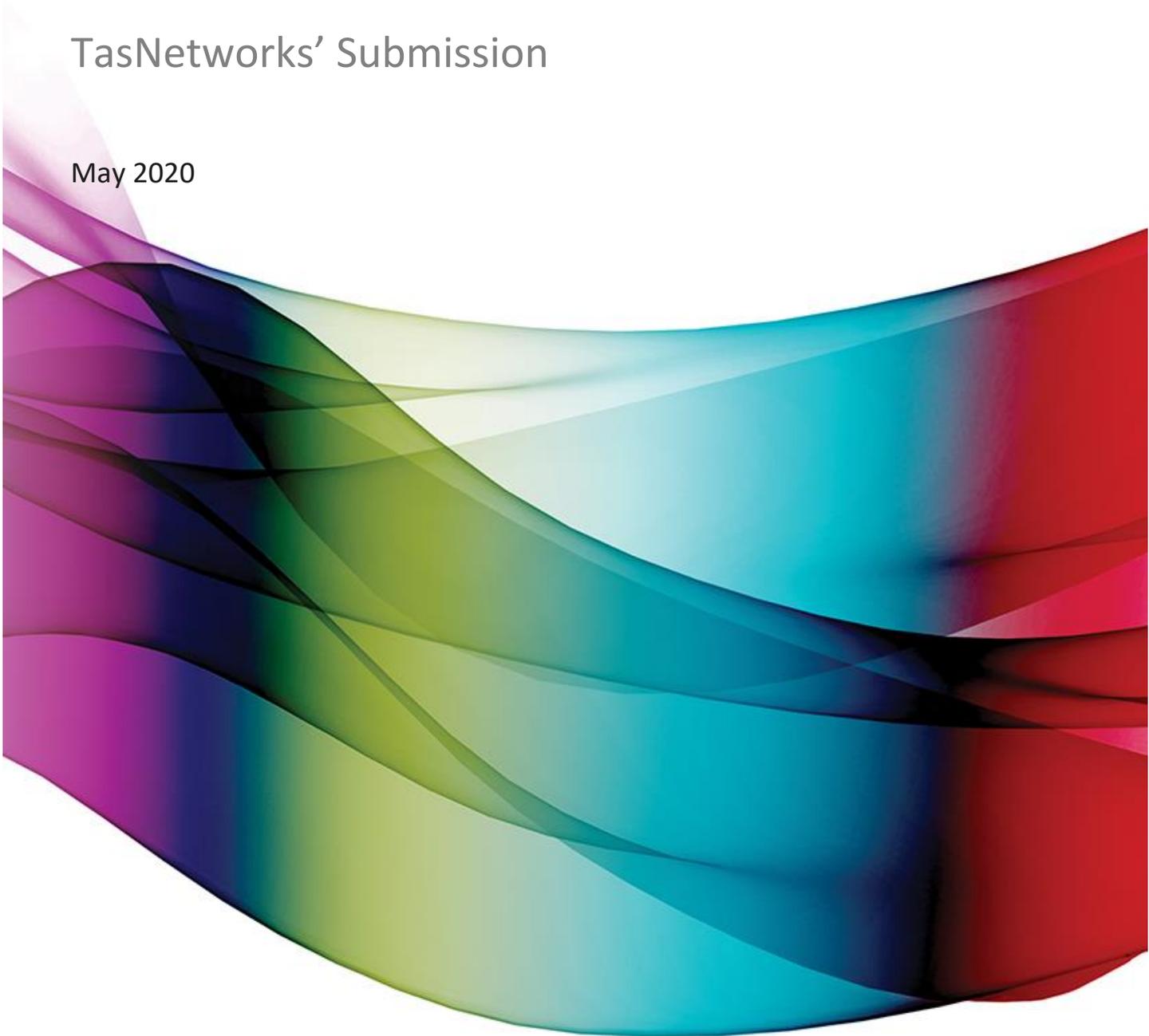
NORTH	DRAWING		DRG No.
	SECTION & DETAILS		
	DATE	JOB No.	Amendmt.
	21/4/2020	0402-19	-
	SCALE		
	1:100; 1:20		



Devonport Council draft Local Provisions Schedule

TasNetworks' Submission

May 2020





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1. Who is TasNetworks?

TasNetworks was formed on 1 July 2014, through a merger between Aurora Energy's distribution network (the poles and wires) and Transend Networks (the big towers and lines). We're a Tasmanian state-owned corporation that supplies power from the generation source to homes and businesses through a network of transmission towers, substations and powerlines.

Transmission

TasNetworks own, operate and maintain 3564 circuit kilometres of transmission lines and underground cables, 49 transmission substations and six switching stations across the state.

Distribution

TasNetworks own, operate and maintain 22,400km of distribution overhead lines and underground cables, 227,000 power poles, 18 large distribution substations and 33,000 small distribution substations. There's also 20,000 embedded generation and photovoltaic (PV) grid-connected installations connected to the distribution network.

Communications

TasNetworks own, operate and maintain communication network infrastructure to enable safe and efficient operation of the electricity system.

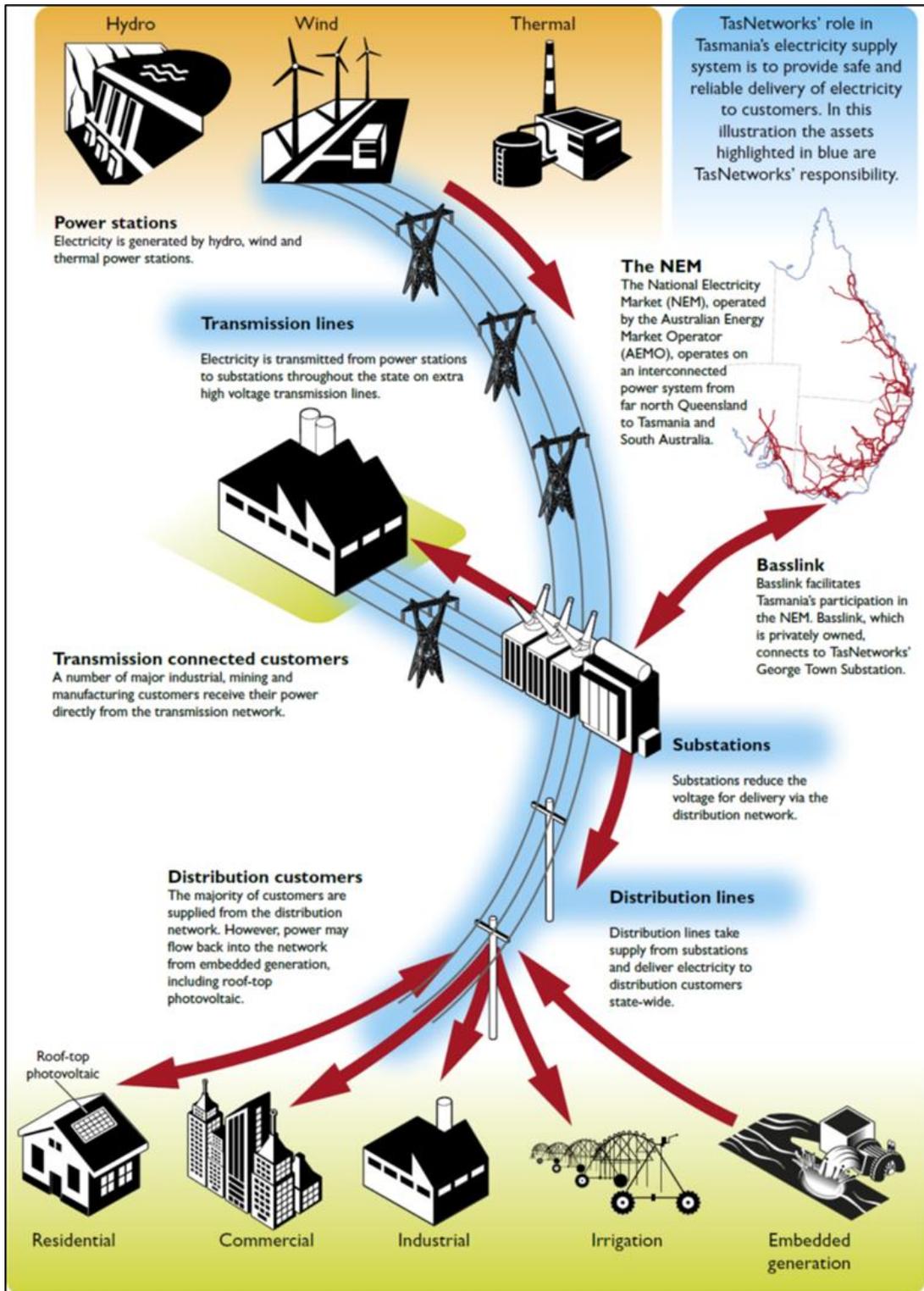


Figure 1 TasNetworks' role in Tasmania's Electricity Supply System



2. Executive Summary

TasNetworks, as a referral agency, has been notified of the public exhibition of Devonport Council's draft Local Provisions Schedule (LPS) under section 35B of the *Land Use Planning and Approvals Act 1993* (LUPAA). Council has been given direction by the Tasmanian Planning Commission (Commission) to publicly exhibit the draft LPS and invite representations. TasNetworks has undertaken a review of the draft LPS and makes the following representation with a view of seeking a state-wide consistent approach to major electricity infrastructure.

TasNetworks assets within the Devonport Council Local Government Area includes one substation, three communication sites and three electricity transmission corridors.

Electricity transmission infrastructure is protected by the Electricity Transmission Infrastructure Protection Code (ETIPC) under the State Planning Provisions (SPP). The ETIPC applies to transmission lines, terminal (or transmission) substations and switching stations and transmission communication assets. The purpose of the ETIPC is:

- *To protect use and development against hazards associated with proximity to electricity transmission infrastructure;*
- *To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure;*
- *To maintain future opportunities for electricity transmission infrastructure.*

The draft LPS includes the ETIPC Overlay maps which is based on data provided by TasNetworks. As part of its review, TasNetworks has examined the ETIPC Overlay maps to ensure that it applies to all relevant assets and that the locations of these assets is correct.

The draft LPS also includes the spatial application of zoning and overlays via the mapping. In preparing this representation, TasNetworks has reviewed the draft LPS maps for each of its assets. This representation seeks to ensure:

- Utilities zoning is applied to existing substations and communication facilities;
- Impacts on the strategic benefits and development potential of existing corridors through the application of the Landscape Conservation Zone are mitigated;
- The Natural Asset Code – Priority Vegetation Overlay is not applied to part of a substation or communication site that is cleared of native vegetation; and
- The Scenic Protection Code – Scenic Protection Area has not been applied to substations, communication site or corridors.

The LPS and the potential impact on future development has also been reviewed. These considerations include whether there is a permissible approval pathway for Utilities under the Particular Purpose Zones (PPZ) or Specific Area Plans (SAP); and any Local Area Objectives or Site Specific Qualifications. TasNetworks representation is made having regard to the draft LPS requirements under LUPAA.



These submissions are consistent with those previously made by TasNetworks (and formerly Transend) on the Meander Valley, Brighton, Central Coast, Burnie, Glamorgan Spring Bay, Clarence and Circular Head draft LPS's as well as the draft State Planning Provisions and Interim Planning Schemes.

3. Overview

3.1. Glossary

The following table provides the definitions of the terms used throughout this submission.

Table 1 Definitions

Term	Definition
Commission	Tasmanian Planning Commission
Council	Devonport Council
D	Discretionary
ESI exemption	Activities classified as 'work of minor environmental impact' for the purposes of Regulation 8 of the <i>Electricity Supply Industry Regulations 2008</i> .
ETC	Electricity Transmission Corridor
ETIPC	Electricity Transmission Infrastructure Protection Code
Guideline	<i>Guideline No. 1 – Local Provisions Schedule Zone and Code Application</i> (Tasmanian Planning Commission, 2018)
interim scheme	Devonport Interim Planning Scheme 2013
IPA	Inner Protection Area
LGA	Local Government Area
LPS	Devonport draft Local Provisions Schedule
LUPAA	<i>Land Use Planning and Approvals Act 1993</i>
NPR	No Permit Required
P	Permitted
PPZ	Particular Purpose Zone
SAP	Specific Area Plan
SPP	State Planning Provisions
SSQ	Site Specific Qualification
UWA	Unregistered Wayleave Agreement



3.2. Existing Assets

Devonport LGA is located in TasNetworks North Western planning geographic area. An operationally significant part of the Tasmanian transmission electricity network is contained within the boundaries of the Devonport LGA. This includes:

- A number of transmission lines which:
 - o Transfer power to Devonport substation via 110kV lines; and
 - o Transfer power to Wesley Vale substation via 110kV lines.
- Devonport Substation which has 110kV transmission assets and is the main 22kV distribution supply point for local customers in the Devonport LGA; and
- A number of communication sites used in operation of the transmission electricity network.

The following table and figure provide more detail regarding these assets. Notification and negotiation of work or changes in land use around these assets is critical for the safety and operation of the electricity network, the safety of people working on these assets and the general public whether living near or traversing the transmission network areas.

Table 2 TasNetworks Assets in Devonport LGA

Asset	Location
Substation sites	- Devonport Substation (CT132779/1)
Communication sites	- Devonport Substation (CT132779/1) fibre connection - Devonport Asset Centre (CT132779/2) - Kelcey Tier (CT162986/1)
Electricity Transmission Corridor	- Transmission Line 437 Sheffield to Devonport 110kV - Transmission Line 440 Wesley Vale Spur 110kV - Unregistered Wayleave Agreement

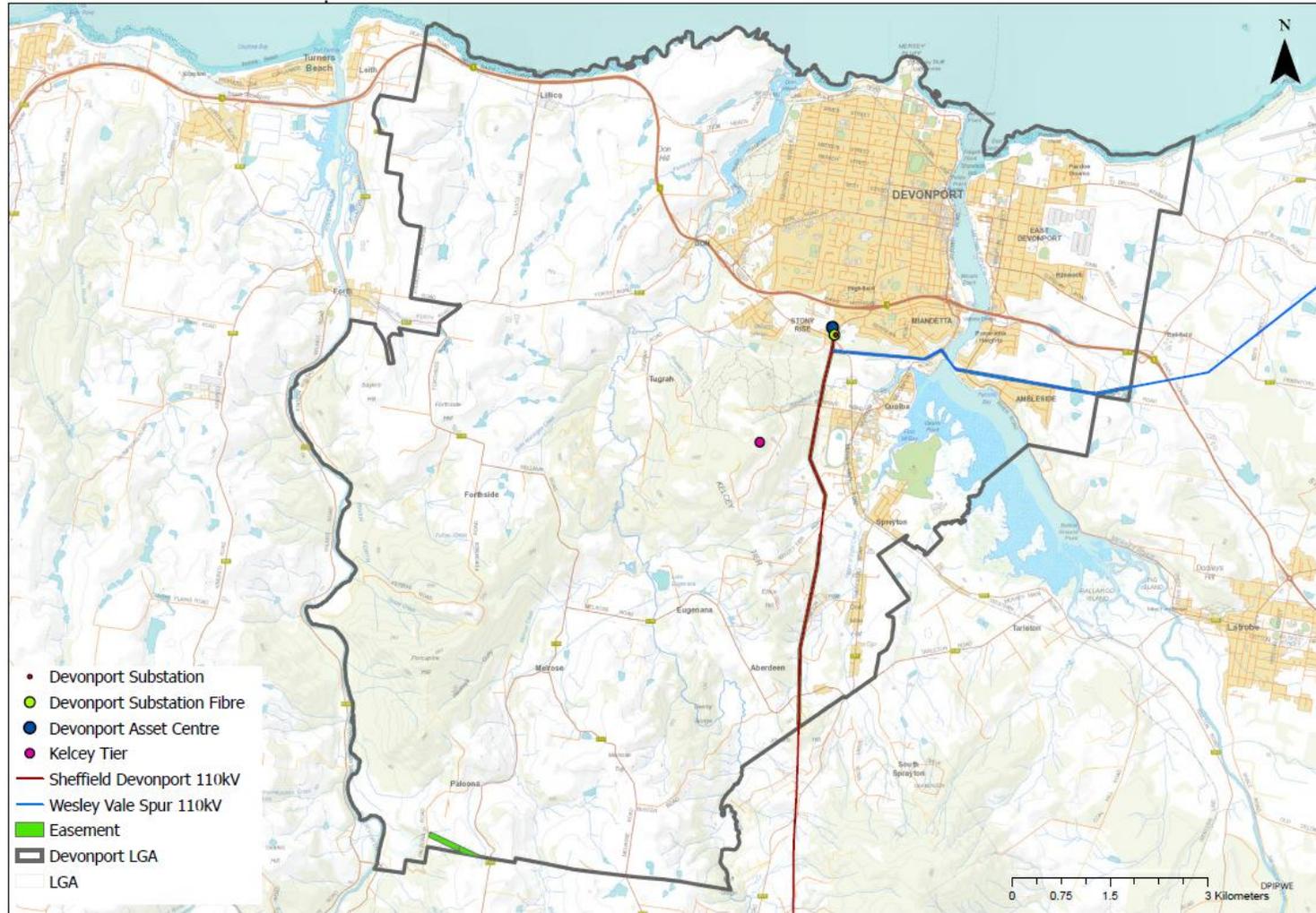


Figure 2 TasNetworks Assets within Devonport LGA



3.3. Planned Future Development

As Tasmania's transmission and distribution network service provider, we have a responsibility to ensure the infrastructure to supply Tasmanians with electricity evolves to meet customer and network requirements in an optimal and sustainable way. We achieve this through our network planning process to ensure the most economic and technically acceptable solution is pursued.

The need for network changes can arise for a number of factors. Annually TasNetworks undertakes a planning review that analyses the existing distribution and transmission networks and considers their future requirements to accommodate changes to load and generations, and whether there are any limitations in meeting the required performance standards.

While our [Annual Planning Report 2019](#) doesn't identify any specific upgrades within the Devonport municipality it does detail that there is significant interest in regards to large scale winds and solar developments in the North West planning area which could result in the need for augmentation.

Integrated into our planning process is our [network transformation road map 2025](#). This ensures that what we do in the next 10 to 15 years facilitates an efficient and orderly transition of the network to its new roles in a changing energy sector. This includes consideration of impact of large scale wind farms, solar systems, pumped hydro (battery of the nation) batteries, electric vehicles, and a potential second inter connector. It is therefore important that the LPS provides for appropriate approval pathways for potential future TasNetworks development works.



4. Submission

4.1. Overview

TasNetworks is seeking state-wide consistency across all LPSs in the treatment of its assets.

TasNetworks policy position is summarised in Table 3 and is further detailed below.

Appendix 1 provides more detailed analysis on an asset by asset basis.

Legend for Table 3:

Consistent with policy position, supported	
Inconsistent with policy position, amendments are possible to achieve consistency	
Inconsistent with policy position, Schedule 6 transition prevents amendments required for consistency	

Table 3 Policy Position – Submission Summary and Devonport LPS evaluation

LPS Mapping / Controls	Policy Position	Rationale	Devonport LPS evaluation summary / submission
Zoning	<ul style="list-style-type: none"> - Substations (terminal and zone) to be zoned Utilities - Communication sites to be zoned Utilities where the communications facility is the primary use of the site. 	<ul style="list-style-type: none"> - Reflects the primary use of the site and the nature of the asset - Reflects the long asset lifespan - Utilities zone allows for the future operation, maintenance modification and development requirements of the asset (this is particularly important for communications sites as these do not enjoy any ESI Act exemptions once established) - Clear message to the community about the existing and long term use of the site. 	<p>Consistent with policy position, supported</p> <p>The following assets are zoned Utilities</p> <ul style="list-style-type: none"> - Devonport Substation; and - Devonport Asset Centre Communication Site
	No specific zoning is to be applied to ETC	<ul style="list-style-type: none"> - Allows for other compatible uses to occur in corridor - Corridors are protected by ETIPC 	<p>Inconsistent with policy position, not supported</p> <ul style="list-style-type: none"> - Kelcey Tier Communication Site is zoned RLZA. TasNetworks requests LPS is amended with the Utilities Zone applied to the site.
	Landscape Conservation Zone (through LPS rezoning) is not applied to ETC	<ul style="list-style-type: none"> - Conflicts with the existing use of the land for electricity transmission - Diminishes strategic benefit of existing corridors making consideration of new corridors more likely 	<p>LPS is consistent with this policy position, supported</p>
			<p>Landscape Conservation Zone is not applied in LPS.</p>

LPS Mapping / Controls	Policy Position	Rationale	Devonport LPS evaluation summary / submission
		<ul style="list-style-type: none"> - More onerous approvals pathway for augmentation of assets - Sends conflicting message to public regarding the ongoing use of the land 	
Natural Asset Code – Priority Vegetation Overlay	<p>Not to be applied to</p> <ul style="list-style-type: none"> - Substations or communication sites where the site is cleared of native vegetation 	<ul style="list-style-type: none"> - Assets are required to be cleared for safety and maintenance - Clearing of vegetation is exempt under ESI Act - Where asset already exists impact on the natural assets have already been assessed / approved and will continue to be impacted for the lifespan of the asset - Supports strategic value of the site - Clear messaging to community regarding the use of the site. 	<p>Inconsistent with policy position, not supported. Amendment sought to remove priority vegetation overlay from:</p> <ul style="list-style-type: none"> - Devonport Substation; - Devonport Asset Centre Communications Site; - Kelcey Tier Communications Site <p>Code has been applied to developed / cleared parts of these sites.</p> <p>Note: vegetation clearance exemptions from the application of a planning scheme for electricity infrastructure.</p>
Scenic Protection Code Overlay	<p>Not to be applied to</p> <ul style="list-style-type: none"> - substations, - communication sites, or - ETC 	<ul style="list-style-type: none"> - Assets are required to be cleared for safety and maintenance - Where asset already exists impact on scenic quality / natural assets have already been assessed / approved and 	Scenic Protection Code is not included in LPS.

LPS Mapping / Controls	Policy Position	Rationale	Devonport LPS evaluation summary / submission
		will continue to be impacted for the lifespan of the asset.	
Utilities Use Approval Status	In all zones, PPZs and SAPs the Use Class for Utilities and Minor Utilities must be either <ul style="list-style-type: none"> - No Permit Required, - Permitted or - Discretionary Utilities must not be Prohibited	The ability to consider Utilities Use Class in all zones is a requirement for the effective planning and development of linear utility infrastructure, which is required to be located in a range of areas and will be subject to multiple zonings.	Inconsistent with policy position, not supported. Utilities is Prohibited in: <ul style="list-style-type: none"> - DEV P1.0 Elimatta Hotel PPZ; - DEVS1.0 Devonport Regional Homemaker Centre SAP; and - DEV S2.0 Devonport Homemaker Service Industrial Centre SAP
SAPs / PPZs	Not to apply to substations	To ensure that future development on these sites is not unreasonably affected by SAP.	LPS is consistent with this policy position, supported
PPZs or SAPs use and development standards	Are drafted with at least a discretionary approval pathway. For example: <ul style="list-style-type: none"> - No absolute height limit - Allow subdivision for utilities 	<ul style="list-style-type: none"> - Consistent with policy in SPPs that enables consideration of Utilities in all zones and no finite quantitative development or subdivision standards. 	LPS is consistent with this policy position and is supported for: <ul style="list-style-type: none"> - DEVS1.0 Devonport Regional Homemaker Centre SAP - DEV S2.0 Devonport Homemaker Service Industrial Centre SAP

LPS Mapping / Controls	Policy Position	Rationale	Devonport LPS evaluation summary / submission
			<p>Inconsistent with policy position, not supported.</p> <ul style="list-style-type: none"> - DEV P1.0 Elimatta Hotel PPZ as subdivision is prohibited - DEV S3.0 Devonport Reserved Residential Land SAP additional discretionary subdivision provisions
ETIPC	Is correctly mapped and applied to relevant transmission infrastructure	Consistent with policy in SPPs	<p>Inconsistent with policy position, not supported</p> <ul style="list-style-type: none"> - Amend mapping of ETIPC at Devonport Substation for consistency with SPP maps.
Local Area Objectives	Are drafted in a manner that does not conflict with the ETIPC if they apply over an area within the Code	<ul style="list-style-type: none"> - Potential impact on future development - Diminishes strategic benefit of existing corridors making consideration of new corridors more likely - More onerous approvals pathway for augmentation of assets - Sends conflicting message to public regarding the ongoing use of the land 	Consistent with policy position, supported.

4.2. SPP Issues

Please note, this aspect of TasNetworks' representation should not be taken as a request to change or amend the SPPs. However, this information is provided to highlight fundamental land use conflict issues that could occur as each LPS implements the SPPs across the State.

4.2.1. Exemptions

In this representation, TasNetworks would like to highlight a failing in the SPPs that causes a fundamental conflict between existing electricity transmission easement rights and SPP Exemptions and will prevent implementation of the purpose of the ETIPC. This failing is resulting from not applying the Code, in particular, the Electricity Transmission Corridor (ETC) and Inner Protection Area (IPA) to certain exemptions that would:

- On almost every occasion, conflict with easement rights (and have the potential to impact human safety) and compromise the Purpose of the Code; and
- Unless managed appropriately, have the potential to conflict with easement rights (and have the potential to impact human safety) and the Purpose of the Code.

Where the Code does not apply, easement rights still exist but can only be enforced once a breach has occurred or (at best) is imminent. This can result in a costly process of removal or relocation and in the interim, could pose a safety risk. When the Code applies, it provides developers, Council and TasNetworks an opportunity to avoid or manage this issue early in the application process. See Appendix 2 for benefits that can be realised by considering electricity transmission assets in the planning process and conflict examples.

4.2.2. Scenic Protection Code

The Scenic Protection Code does not apply to sites in the Utilities Zone. As a result, assuming a Utilities zoning, TasNetworks' substations and communication sites are not subject to the application of this Code, thus supporting the continued and consolidated use and development of these sites for electricity infrastructure.

TasNetworks' recognises that a Council may wish to regulate other activities in the ETC that could impact on scenic values. However, application of the Scenic Protection Code to new electricity transmission use and development within an existing ETC has a number of impacts in conflict with the continued use of these corridors:

- Does not recognise the already established vegetation clearance and scenic quality;
- Does not recognise existing and continued use of these corridors, including vegetation clearance, for significant linear infrastructure on a state wide basis;
- Unreasonably diminishes the strategic benefit of the ETC;
- Devalues the substantial investment already made in the establishment of these corridors;
- Unreasonably fetters augmentation of existing corridors by imposing development standards relating to scenic protection to electricity transmission use and development in an existing electricity transmission corridor;

- Conflicts with the purpose of the ETIPC;
- Supports a misconception in the community that where the Scenic Protection Code (tree preservation) is applied, vegetation clearance will be limited, when in fact vegetation clearance for transmission lines is required and authorised by separate regulatory regimes in these locations.

If the Scenic Protection Code in the SPPs were amended to ensure that, where this Code intersects with an ETC, it does not apply to electricity transmission use and development in that ETC, these impacts could be largely mitigated. This approach recognises the presence of this substantial electricity infrastructure and:

- its place in a broader state-wide network that is essential to the safe and reliable provision of electricity to Tasmania (as recognised in the Regional Land Use Strategy);
- implements the purpose of the ETIPC;
- facilitates continued use or augmentation of existing corridors and ensures that future development (that is not otherwise exempt) can be efficiently provided.

The purpose of the Scenic Protection Code is to recognise and protect landscapes that are identified as important for their scenic values. In accordance with the Commission's Guidelines the Code is applied where: *SPC2 The scenic protection area overlay and the scenic road corridor overlay should be justified as having significant scenic values requiring protection from inappropriate development that would or may diminish those values.*

The ETIPC Code Purpose is: *To protect use and development against hazards associated with proximity to electricity transmission infrastructure. To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure. To maintain future opportunities for electricity transmission infrastructure.*

The application of the Scenic Protection Code to electricity transmission use and development in an ETC is inconsistent with the ETIPC purpose to retain electricity transmission infrastructure in these locations and to maintain future development opportunities.

For works that do not have the benefit of ESI exemptions, it would be difficult to comply with the Scenic Protection Code standards. Further, these assets form part of a wider network that is essential to the safe and reliable provision of electricity to Tasmania which is recognised in the Regional Land Use Strategy.

Please note that these issues have been previously raised and discussed with Meander Valley Council, Brighton Council, Central Coast Council, Glamorgan Spring Bay Council, Clarence Council and Circular Head Council as well as the Commissioners throughout the draft LPS assessment process and will continue to be raised as part of this process.

5. Appendix 1 – Detailed Assessment

5.1. Substations

The only substation within the Devonport municipality that is protected through the ETIPC is the Devonport Substation. Devonport Substation is located at 78-80 Stony Rise Road, Miandetta (CT 132779/1). The following table details TasNetworks planning policy position with respect to substations.

Table 4 Substation Policy Position Summary

Zoning	Overlay	SAP / PPZ	ETIPC
Zoned Utilities	Not applied - Scenic Protection (SP) - Priority Vegetation (PV) - where the site is cleared of native vegetation	Not applied or - Utilities use is NPR, P or D. - No finite discretionary development standards	Applied

Devonport Substation is zoned Utilities within the draft LPS which is supported by TasNetworks. The Utilities zoning reflects the primary and future use of the site and is consistent with the zone application guidelines issued by the State and TasNetworks policy position for substations.

The Priority Vegetation Overlay of the Natural Assets Code has been applied to the Devonport Substation site which is not supported by TasNetworks. The site is identified in the following figure in yellow which is an extract from Map 4 of 5 of the Tasmanian Planning Scheme – Devonport Local Provisions Schedule: Natural Assets Code – Priority Vegetation Area Overlay. The second figure is an extract from LISTmap aerial imagery showing the site developed and void of vegetation. TasNetworks requests that the overlay be removed from the site.



Figure 3 Priority Vegetation Overlay in LPS and Aerial Imagery from LISTmap

No PPZs or SAPs have been applied over substation site which is supported by TasNetworks.

TasNetworks notes that there is a slight discrepancy between the ETIPC layer in the LPS and the ETIPC Overlay on LISTmap. In particular, the boarder of the ETC is highlighted where it meets the substation buffer layer in the LPS mapping. TasNetworks requests that this been amended to match the LISTmap layer for consistency across the State.



Figure 4 ETIPC in LPS and ETIPC in LISTmap

5.2. Communication Sites

There are three communication sites within Devonport municipality that are operated by TasNetworks. These are:

- Devonport Substation (CT132779/1) fibre connection;
- Devonport Asset Centre (CT132779/2); and
- Kelcey Tier (CT162986/1).

The Devonport Substation Communication Site is located at the Devonport Substation and is provided with a fibre connection. As such this communication does not form part of the electricity transmission backbone and is not required to be identified in the ETIPC. No representation is made regarding this communication site.

The following table details TasNetworks planning policy position with respect to communication sites.

Table 5 Policy position regarding communication sites

Zoning	Overlay	SAP / PPZ	ETIPC
Zoned Utilities	Not applied - Scenic Protection (SP) - Priority Vegetation (PV) - where the site is cleared of native vegetation	Not applied or - Utilities use is NPR, P or D. - No finite discretionary development standards	Applied

The Devonport Asset Centre Communication Site is located adjacent to the substation and is within the Utilities Zone which it supported by TasNetworks. However, as shown in Figure 3, the site in its entirety is subject to the Priority Vegetation Overlay. TasNetworks requests that this overlay be removed as the site is developed and cleared of vegetation.

The Kelcey Tier Communication site is zoned Rural Living Zone A within the draft LPS. As the site is located on its own individual title and is solely used as a communication site TasNetworks requests that the site be rezoned to Utilities. The Utilities zoning is required for communication sites to ensure the future operation, maintenance modification and development requirements of the asset. This is particularly important for communications sites as these do not enjoy any ESI Act exemptions once established. The application of the Utilities Zone to these sites is consistent with Guideline No 1 Zone and Code Application issued by the State.

Further, the Kelcey Tier Communication site is subject to the Priority Vegetation Overlay. As the site is cleared of native vegetation and developed TasNetworks requests this overlay be removed from the site. The overlay and aerial imagery are shown in the following figure.



Figure 5 Kelcey Tier Communication Site subject to the Priority Vegetation Overlay

5.3. Electricity Transmission Corridors

There are three TasNetworks Electricity Transmission Corridors that extend across the Devonport municipal area. These are:

- Line 437 Sheffield - Devonport 110 kV;
- Line 440 Wesley Vale Spur 110 kV; and
- An Unregister Wayleave Agreement easement.

These corridors are shown in Figure 2. The following table details TasNetworks policy position regard ETC.

Table 6 ETC Policy Position Summary

Zoning	Overlay	ETIPC	SAP / PPZ
<ul style="list-style-type: none"> - No specific zoning applied to ETC; - Landscape Conservation Zone not applied to ETC 	<ul style="list-style-type: none"> - Scenic Protection Code not applied to ETC 	Applied	<ul style="list-style-type: none"> - Not applied or - Utilities use is NPR, P or D. - No finite discretionary development standards

A range of zones have been applied to the land underneath these corridors and as the SPP allows for consideration of Utilities in all zones this is acceptable to TasNetworks.

The Landscape Conservation Zone has not be used in the draft LPS. Notwithstanding this TasNetworks wishes to raise the following concerns regarding the zone. The introduction and subsequent rezoning of land within the ETC to the Landscape Conservation Zone has created a number of unforeseen issues for TasNetworks. Primarily the Landscape Conservation Zone – Zone Purpose is *to provide for the protection, conservation and management of landscape values*. This is considered to conflict with the Purpose of the ETIPC which is *to maintain future opportunities for electricity transmission infrastructure*.

Additionally, development approval for augmentation of an existing corridor under the Landscape Conservation Zone is more onerous than if under the Environmental Living or Rural Resource zones in the interim scheme or the Rural Zone under the SPP. For example the Acceptable Solution building height requirement in the Landscape Conservation Zone is 6m as opposed to 12m under the Rural Zone.

Further, TasNetworks has concern regarding the rezoning of land within an ETC to the Landscape Conservation Zone and the inconsistent messaging it provides to the public. That being that the land is for ‘conservation’, where in fact clearing of vegetation within the ETC is exempt and augmentation of corridors can occur.

TasNetworks acknowledges that the introduction of the Landscape Conservation Zone is per SPP drafting guidelines however would like to open discussions with Council and relevant stakeholders regarding the impacts that this change in zoning has on the continued operation of electricity transmission infrastructure across the State.

The Scenic Protection Code has not been utilised in the draft LPS.

The Electricity Transmission Infrastructure Protection Code has been applied correctly to the ETCs. It is noted that both Lines intersect with DEV S3.0 Devonport Reserved Residential Land Specific Area Plan.

5.4. Particular Purpose Zones (PPZ) and Specific Area Plans (SAP)

The following table provides an overview of TasNetworks policy position regarding PPZs and SAPs.

Table 7 PPZ and SAP Policy Position Summary

Application	Policy
Use Standards in PPZ or SAP	- Use Class for Utilities or Minor Utilities must be either NPR, P or D. Must not be Prohibited
Development Standards in PPZ or SAP	- Are not drafted without a discretionary approval pathway (e.g not include a finite development standard - an absolute height limit) - Allow subdivision for Utilities use in all zones

The following table provides an assessment of the PPZ and SAPs within the draft LPS. It detailed where amendments are required and whether the instrument is transitioning under Schedule 6 provisions.

Table 8 PPZ and SAP review

Transitioning (Y/N)	Instrument	Clause	Amendment requested	Rationale
Particular Purpose Zones				
Y	DEV P1.0 Elimatta Hotel	1.4 Use Table	Amendment requested to include Utilities Use Class as a Discretionary use.	Current drafting prohibits Utilities Use Class. The ability to consider Utilities in all zones is a requirement for the effective planning and development of linear utility infrastructure.
		1.7 Subdivision	Amendment requested to allow for subdivision. <i>A1 Each lot, or a lot on a plan of subdivision must:</i> <i>(a) be required for public use by the Crown a council or State authority;</i> <i>(b) be required for the provision of Utilities;</i> <i>or</i> <i>(c) be for the consolidation of a lot with another lot provided both lots are within the same zone.</i>	Current drafting prohibits subdivision for any use class. This is inconsistent with drafting in the SPPs and creates a more onerous approvals pathway. The ability to consider subdivision for Utilities in all zones is a requirement for the effective planning and development of linear utility infrastructure.
Specific Area Plans				
Y	DEV S1.0 Devonport Regional	1.5 Use Table	Amendment requested to include Utilities Use Class as a Discretionary use.	Current drafting prohibits Utilities Use Class. The ability to consider Utilities in all zones is a requirement for the effective

Transitioning (Y/N)	Instrument	Clause	Amendment requested	Rationale
	Homemaker Centre SAP			planning and development of linear utility infrastructure.
Y	DEV S2.0 Devonport Homemaker Service Industrial Centre SAP	2.5 Use Table	Amendment requested to include Utilities Use Class as a Discretionary use.	Current drafting prohibits Utilities Use Class. The ability to consider Utilities in all zones is a requirement for the effective planning and development of linear utility infrastructure.
Y	DEV S3.0 Devonport Reserved Residential Land SAP	3.8 Subdivision A1	No Acceptable Solution <i>Each lot, or a lot on a plan of subdivision must:</i> <i>(a) be required for public use by the Crown a council or State authority;</i> <i>(b) be required for the provision of Utilities;</i> <i>(c) or be for the consolidation of a lot with another lot provided both lots are within the same zone.</i>	Current drafting triggers a discretionary application for all subdivision. Creating a more onerous approvals pathway and is inconsistent the subdivision standards for other residential zones. The ability to consider subdivision for Utilities in all zones is a requirement for the effective planning and development of linear utility infrastructure.

6. Appendix 2 – SPP Issues

In addition to TasNetworks' request regarding the Scenic Protection Code application, this appendix outlines the benefits of considering electricity transmission assets in the planning process for new development

The following benefits can be realised if impact on electricity transmission assets are considered in the planning process. (See Table 1 for the list of relevant exemptions):

- Removes the incorrect perception that buildings and other works exempt under the SPPs can safely occur in a transmission line or underground cable easements without the need to consider asset easement rights or operational requirements.
- Empowers the Planning Authority to request further information, condition or refuse a development that conflict with the Code requirements and Purposes.
- Saves developers, Councils, TasNetworks and the community time, cost and distress associated with easement right enforcement after a building, structure or other works have either commenced construction or have been built.
- Reflects the reality with respect to what can and cannot safely occur in an electricity easement.
- Saves developers project delay and cost required as a result of reworking proposals to ensure easement rights are not compromised later in the process.
- Increases the chances of considering the impact of new development on electricity assets early in the planning assessment process, before significant expenditure on project preparation has occurred.
- Prevents land use conflict between existing critical electricity transmission assets and new development.
- Protects human safety.
- Aligns the planning considerations and electricity easement rights.
- Avoids increased acquisition or construction cost for future assets as a result of encroachment (eg: dwelling encroachments within strategically beneficial easements may not cause operational issues for existing assets. However, dwelling acquisition and increased community and social impact of processes required to remove dwellings in the easement if it is required later can be avoided if encroachment is prevented in the first place.
- Supports compliance with AS 7000.

- The strategic benefit of existing electricity easements and the strategic purpose of the Code is preserved.

Conflict Examples

Table 1 presents examples of exempt development where TasNetworks believes conflict with easement rights can occur.

Colour coding indicates the following:

Conflicts with easement rights and may be capable of management to ensure appropriate alignment with easement rights.

Conflicts with easement rights. In almost all cases, this exemption will pose a safety and operational hazard for overhead and underground transmission lines and cables.

Table 9 Exemptions and land use conflict with electricity transmission assets

SPP exemption	Comment
4.3.6 unroofed decks	<p>If not attached to a house and floor level is less than 1m above ground level.</p> <p>A deck of this nature can pose an impediment to safe access and due to other exemptions can be roofed without further assessment which is in conflict with easement rights and could compromise safety.</p> <p>A deck over the operational area required for an underground cable would always be unacceptable.</p>
4.3.7 outbuildings	<p>One shed: up to 18m², roof span 3m, height 2.4m, fill of up to 0.5m.</p> <p>Up to two shed: 10m², sides 3.2m, height 2.4m.</p> <p>Similar to PD1.</p> <p>This type of building almost always poses a safety and operational hazard for transmission lines, cables and human safety.</p> <p>This type of building over the operational area required for an underground cable always poses an unacceptable safety risk.</p>
4.3.8 outbuildings in Rural Living Zone, Rural Zone or Agriculture Zone	<p>4.3.8</p> <p>Provides for an unlimited number of outbuilding per lot as follows:</p>

SPP exemption	Comment
4.3.9 agricultural buildings and works in the Rural Zone or Agriculture Zone	<p>Floor area 108m², height 6m, wall height 4m.</p> <p>Already subject to the Local Historic Heritage Code.</p> <p>Slightly broader than PD1.</p> <p>4.3.9</p> <p>New and broader than PD1 exemptions.</p> <p>Provides for unlimited number of outbuilding per lot as follows:</p> <p>Must be for agricultural use, floor area 200m², height 12m.</p> <p>Already subject to the Local Historic Heritage Code and the Scenic Protection Code.</p> <p>TN COMMENT:</p> <p>These exemptions create a new and potentially more dangerous conflict with electricity transmission lines and cables where a larger and higher building can be constructed in an electricity transmission easement without the need for planning approval.</p> <p>Buildings of this nature can severely impede TasNetworks' ability to safely access, operate and maintain electricity transmission lines. If built, these buildings could also present a threat to human safety.</p> <p>As a result, in almost all cases, if built, buildings covered by these exemptions would necessitate the enforcement of easement rights, either during or after construction and after the planning and building (exemption), process has occurred. This will likely mean relocating the proposal, a further planning assessment and added cost and time to a development.</p> <p>The nature of electricity transmission line assets (ie: running from isolated generation locations into populated areas) means the zones mentioned in this exemption are almost certain to contain (and appropriately so) electricity transmission assets. The cost of removing substantial agricultural buildings from easements required for new assets also adds to future asset construction costs.</p>

SPP exemption	Comment
4.3.11 garden structures	<p>Unlimited number, 20m², 3m height max. Already subject to the Local Historic Heritage Code.</p> <p>If not managed appropriately, this type of structure has the potential to compromise clearances and the safe and reliable operation of transmission lines and underground cables. Depending on location within an easement, could also present a threat to human safety.</p> <p>Cost of removal is limited, however still requires post breach enforcement of easement rights.</p>
4.5.1 ground mounted solar energy installations	<p>Each installation can be 18m² area. Already subject to the Local Historic Heritage Code.</p> <p>This type of activity has the potential to compromise clearances or adversely impact easement access (especially during emergency repair conditions).</p>
4.5.2 roof mounted solar energy installations	<p>Already subject to the Local Historic Heritage Code. This would likely only apply to existing buildings within easements.</p> <p>Encroachment is likely existing, however, this exemption has the potential to compromise clearances in what may be a compliant situation.</p>
4.6.8 retaining walls	<p>4.6.8 Allows for retaining 1m difference in ground level. This exemption is already subject to the Local Historic Heritage Code and the Landslip Hazard Code. Reflects what was in PD1.</p>
4.6.9 land filling	<p>4.6.9 Allows for filling of up to 1m above ground level. This exemption is already subject to the Natural Assets Code, Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard Code and Landslip Hazard Code. Reflects what was in PD1.</p> <p>TN COMMENT:</p> <p>This type of activity has the potential to compromise ground clearances for existing transmission lines and safe operational separation for underground transmission cables. Subject to appropriate management, this type of activity can usually occur within transmission line easements, however, may pose a more challenging risk for underground cables.</p>

SPP exemption	Comment
4.6.13 rain-water tanks	Rainwater, hot water & air conditioner exemptions with the 1.2m stand were already included in PD1 and were carried through to the draft and finalised SPPs.
4.6.14 rain-water tanks in Rural Living Zone, Rural Zone, Agriculture Zone or Landscape Conservation Zone	<p>This was one exemption in the draft SPPs and was modified by the Commission into four exemptions. TasNetworks requested the original exemption be subject to the Code.</p> <p>4.6.13: attached or located to the side or rear of a building and can be on a stand height 1.2m high. Subject to the Local Historic Heritage Code.</p>
4.6.15 fuel tanks in the Light Industrial Zone, General Industrial Zone, Rural Zone, Agriculture Zone or Port and Marine Zone	<p>4.6.14 attached or located to the side or rear of a building with no height limit. Subject to the Local Historic Heritage Code.</p> <p>4.6.15 no height limit, no requirement is be located near a building. Limited when storage of hazardous chemicals is of a manifest quantity and Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard Code, Bushfire-Prone Areas Code or Landslip Hazard Code, applies and requires a permit for the use or development.</p>
4.6.16 fuel tanks in other zones	<p>4.6.16 must be attached or located to the side or rear of a building, max 1kL capacity, on a stand up to 1.2m high and subject to the Local Historic Heritage Code.</p> <p>TN COMMENT:</p> <p>These exemptions allow for water tanks on stands and some have no height limit. These developments have the potential to compromise access to the easement, compromise ground clearances for existing transmission lines and safe operational separation for underground transmission cables. Depending on location in the easement, these developments could pose a threat to human safety. Subject to appropriate management, this type of activity may occur within transmission line easements, however, may pose a more challenging risk for underground cables.</p>

Representation 9 - EnviroPlan



Representation for Planning Scheme Amendment
Draft Local Provisions Schedule
PROPOSED REZONING OF LAND



CT: 113548/67

20 Fraser Street, Spreyton

Supporting Documentation

May 2020



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Document Status

Revision No 1	Author M. Wells	Reviewer	Signature 	Date 20 May 2020
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1 Proposed Amendment

EnviroPlan Australia has been commissioned by Philip & Anne Lynd to prepare supporting documentation for an application to make a representation to the Council in accordance with the Tasmanian Planning Commission's directive for the public exhibition of the Draft Devonport Local Provisions Schedule (LPS) under s. 35B of the *Land Use Planning and Approvals Act 1993 (the Act)*.

This representation for the proposed amendment seeks to rezone a portion of land located on CT: 113548/67 from Rural Resource to Rural Living under the LPS. The subject land is approximately 4.30 ha and located at 20 Fraser Street, Spreyton.

The purpose of the amendment is to rezone the site for rural living purposes which seeks to provide a buffer between the general residential zone to the rural resource uses to the north and east of the subject site.

The amendment to the proposed zoning of the land will enable the land to be utilised for residential uses that contain a rural character within this plateaued area. The amended zoning of the subject land accommodates the expansion of residential use and development in the Spreyton area that is consistent with an established development pattern, provides for the appropriate arrangement and juxtaposition of zoning, and is consistent with guiding principles of the Cradle Coast Regional Land Use Strategy 2010 - 2030.

This report provides an analysis of the site and the consideration of the statutory requirements and the Devonport Strategic Plan 2009-2030 as well as the Cradle Coast Regional Land Use Strategy 2010 – 2030 against the merits of the proposed amendment.

2 Site Analysis

2.1 Title & Location

The Certificate of Title for the subject site is CT: 113548/67 (PID: 1540906). The approximately 4.30 ha area fronts onto 20 Fraser Street, Spreyton and Philip & Anne Lynd are the proponents of the amendment to the LPS.



Figure 1 – Location of land CT: 113548/67 20 Fraser Street, Spreyton. (Source: www.thelist.tas.gov.au)

2.2 Existing Zoning and Overlays of the Site and Surrounds

The current zoning of the site under the Devonport Interim Planning Scheme 2013 is Rural Resource (as identified by Figure 3 below). The zoning in this area is proposed to be retained whilst the land surrounding the site is to be designated as General Residential and Rural.

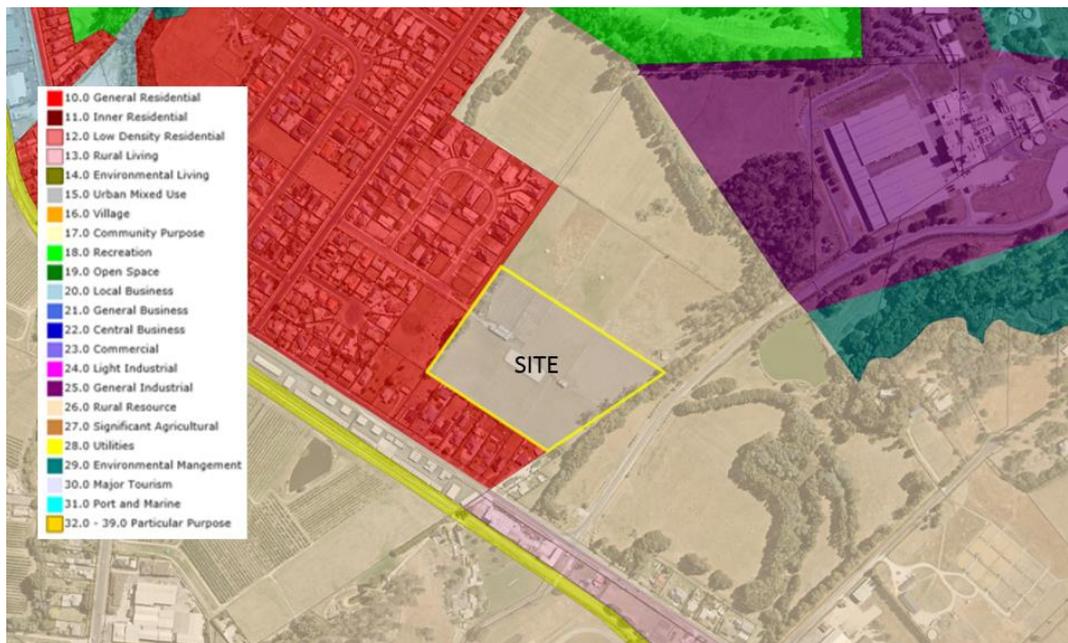


Figure 3 – Zoning of Site under the *Devonport Interim Planning Scheme 2013*. (Source: www.thelist.tas.gov.au)

No landslip overlays are contained over the site as demonstrated in Figure 4 below.
 No specific area provisions nominated under the Draft Devonport Local Provisions Schedule or under the current Interim Scheme are observed for the subject land.

2.3 Topography

The subject site sits on a plateaued area east of the existing general residential areas.

Land to the north is grazing land and is used as a buffer to the industrial uses further north.

2.4 Land Stability

It is understood that the landslide mapping incorporated into the Devonport Interim Planning Scheme 2013 is based upon mapping produced by the Department of Premier and Cabinet (DPAC) in consultation with Mineral Resources Tasmania (MRT), and provides for the State land area to be mapped and categorised into four Landslide Hazard Bands. This is understood to be transferred through to the new LPS.

In accordance with Figure 4 below, no landslide risks are present on the land within the site.



Figure 4 – Landslide Hazard susceptibility of Site. Source: www.thelist.tas.gov.au (Landslide Planning Map – Hazard Bands)

2.5 Infrastructure

2.5.1 Access and Connectivity

The site fronts onto Fraser Street to the west of the allotment. The access onto Fraser Street has good sight line distances to the west and the proposed rezone of land will have no detrimental impact on access or connectivity to the site.

2.5.2 Water Supply

Water reticulation is available to the subject site where a 150mm PVC-U water main is located within 46m of the frontage of the site.

2.5.3 Sewerage and Stormwater Disposal

Sewerage reticulation and Stormwater infrastructure is available within the area however the land is extremely flat and gravity reticulation is a significant challenge in this area. Therefore on site disposal is a logical response to the issues presented by the site constraints.

2.6 Existing Use and Development of the Site and Surrounds

The subject site is used for low intensity grazing and is located on CT: 113548/67 (PID: 1540906)

The site is observed to contain an existing sheds with grassland located over the entirety of the site. No native vegetation is featured within the allotment

Surrounding land to the west of the subject allotment is predominantly residential uses. Lands to the north and east is land used for commercial grazing.

2.7 Land Capability

The site is identified as containing Class 4 soils throughout the site however the site does not contain water storages.



Figure 5 – Land Capability - Site

2.8 Natural Values

The entirety of the 4.30 ha site is cleared of native vegetation and consists of grassland and is devoid of any natural values.

3 Statutory and Devonport Strategic Plan 2009-2030 Analysis

3.1 Land Use Planning and Approvals Act 1993 (the Act)

The *Land Use Planning and Approvals Act 1993* (the Act) provides transitional arrangements (as described in Schedule 6 of the Act) with respect to the commencement of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015* (the Amending Act).

These transitional arrangements being - that Parts 2A and 3 of the former provisions (i.e. those existing prior to 17 December 2015) of the Act remain in force for an interim planning scheme that was in effect before the commencement day of the Amending Act (being 17 December 2015) until a Local Provisions Schedule (made under the Tasmanian Planning Scheme) comes into effect for a municipal area.

However, for the purposes of this proposed amendment to the draft zoning; the Act prescribes the requirements for the preparation of an amendment to a planning scheme which is carried forward for consideration for the amendment to the draft LPS. Specifically, section 32 of the Act provides:

- (e) An LPS is to consist of provisions that apply only to a single municipal area specified in the LPS.
- (ea) must not contain a provision that is inconsistent with a provision of section 11 or 12 ; and
- (3) Without limiting subsection (2) but subject to subsection (4), an LPS may, if permitted to do so by the SPPs, include –
 - (c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.
- (4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –
 - (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

In addition to the above requirements any amendment to the draft LPS must have further regard to:

- *The furtherance of the objectives set out in Schedule 1 of the Act;*
- *State Policies made under the section 11 of the State Policies and Projects Act 1993;*
- *The strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993; and*
- *Safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000;*

3.1.2 Land Use Planning and Approvals Act 1993 - Schedule 1 Objectives

Part 1 – Objectives of the Resource Management and Planning System of Tasmania

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*

Comment:

The rezoning of the subject land accommodates the expansion of residential use and development in the Spreyton area that is consistent with an established development pattern, consistent with the zoning within the immediate area, use and development of adjacent land. The proposed amendment seeks to zone land appropriately for the existing infrastructure and physical resources of the site to promote sustainable development within the Spreyton area.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*

Comment:

The proposed rezoning of the land located on CT: 113548/67 (PID: 1540906) is

identified as an area appropriate from the Draft LPS zoning from Rural to Rural Living. The proposed amendment to the LPS is consistent with the *Devonport Strategic Plan 2009-2030* which serves as a master plan for the designation of proposed use and development (including expansion) of land within the defined master plan area.

The rezoning of the subject land accommodates the expansion of sustainable residential use and development in the Spreyton area that is consistent with Councils key focus areas for living lightly on our environment, building a unique city, growing a vibrant economy, building quality of life and practicing excellence in governance.

- (c) *to encourage public involvement in resource management and planning; and*

Comment:

The proposed amendment is consistent with the *Devonport Strategic Plan 2009-2030* where it ensures that appropriate property use and development occurs on land within the municipal area. This *Devonport Strategic Plan 2009-2030* Plan was developed in accordance with public consultation. Should the planning authority determine to initiate the draft amendment of the LPS presented through this representation; the planning authority must make available all representations for public viewing when a report is prepared for the Council.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b), and (c); and*

Comment:

This proposed amendment seeks to facilitate economic development within the Spreyton area through residential development in an area of established residential growth.

This proposed amendment via representation to the Draft LPS seeks to facilitate economic development within the area and is consistent with the objectives set out in the paragraphs (a), (b), and (c).

- (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.*

Comment:

The proposed amendment to the Draft LPS facilitates the rezoning of the subject land from Rural to Rural Living zone is consistent with the *Devonport Strategic Plan 2009-2030*.

The *Devonport Strategic Plan 2009-2030* provides for the guidance of appropriate future use and development of the settlement areas of the entire municipal area governed by the Devonport Council.

The above-mentioned Devonport Strategic Plan 2009-2030 planning documents, and recommendation/guiding principles contained therein, have been developed in accordance with public and community consultation.

The statutory processes associated with the making of an application for a planning scheme amendment further provide for public consultation, and local and state government involvement in the process.

Part 2 – Objectives of the Planning Process Established by this Act

It is considered that the prescribed Part 2 objectives are furthered predominantly by the statutory processes associated with the assessment of the merits of representations received in the exhibition of the Draft LPS and for any future use and development of the subject land under a revised zoning as proposed through this representation. Such processes include the planning authority's assessment of the proposed amendment, public consultation (if the amendment is initiated), environmental considerations, and the final determination of an initiated amendment by the Tasmanian Planning Commission.

This representation has provided appropriate rationale that the proposed amendment to the LPS and is consistent with the *Cradle Coast Regional Land Use Strategy 2010 – 2030*, and further consistent with the *Devonport Strategic Plan 2009-2030*.

3.1.3 State Policies

3.1.3.1 State Policy on the Protection of Agricultural Land 2009

As the proposed amendment involves the rezoning of the subject land from Rural to Rural Living zone, the consideration of the *State Policy on the Protection of Agricultural Land 2009* (the PAL Policy) is applicable and relevant. The purpose of the PAL Policy is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

The land is mapped as class 4 soils and is not being used for any purpose currently; rather used for seldom grazing to keep grasses maintained and left as surplus to need.

The site abuts rural zoned land to the north and east which provides a minor buffer to industrial zoned land to the north east.

Accordingly, the amendment to the Draft LPS of the subject land accommodates the expansion of agricultural use and development in the Spreyton area that is not only consistent with an established settlement development pattern and provides for the appropriate arrangement and juxtaposition of zoning.

Given the existing land use and zonings; the proposed amendment to the Draft LPS is not considered to result in the unnecessary or unreasonable loss of locally or regionally significant land as it is surplus to need, and is therefore considered to be appropriately consistent with the PAL Policy.

3.1.3.2 State Coastal Policy 1996

The State Coastal Policy 1996 (the Coastal Policy) is applicable to the proposed amendment as the subject land is identified as being outside the coastal zone (including State Waters) and all land to a distance of 1km from the high-water mark.

The proposed amendment to the Draft LPS seeks to rezone a portion the land located on CT: 113548/67 (PID: 1540906) from Rural to a Rural Living zoning under the Draft Devonport Local Provisions Schedule. The subject site is approximately 0.8km south west of the high tide water mark of a tidal inland water way.

Accordingly, the rezoning is considered to be appropriately consistent with the Coastal Policy.

3.1.3.3 State Policy on Water Quality Management 1997

The *State Policy for Water Quality Management 1997* (the Water Quality Policy) applies to all surface waters, including coastal waters and ground waters.

The proposed amendment to the Draft LPS seeks to rezone a portion of the land located CT: 113548/67 from Rural to a Rural Living zoning under the Draft Devonport Local Provisions Schedule. The revised rezoning of the land will enable the land to be utilised for existing and future agricultural use and development.

The declaration of the Draft Devonport Local Provisions Schedule in accordance with section 35(B) of the Act provides that it has been prepared in accordance with State Policies. Accordingly, any future use and development will be assessed against the applicable provisions of the LPS, which reflect the requirements of the Water Quality Policy.

Accordingly, the representation for the amendment to zoning is considered to be appropriately consistent with the Water Quality Policy.

3.1.3.4 National Environment Protection Measures

National Environment Protection Measures (NEPMs) are developed under the *National Environmental Protection Council (Tasmania) Act 1995*, and outline common national objectives for the protection or management of particular aspects of the environment. In accordance with section 12A of the *State Policies and Projects Act 1993*, an NEPM is taken to be a State Policy.

The NEPMS adopted as Tasmanian State Policies are:

- National Environment Protection (Used Packaging Materials) Measure;
- National Environment Protection (Ambient Air Quality) Measure;
- National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure;
- National Environment Protection (National Pollutant Inventory) Measure;
- National Environment Protection (Assessment of Site Contamination) Measure;
- National Environment Protection (Diesel Vehicle Emissions) Measure; and
- National Environment Protection (Air Toxics) Measure

The proposed amendment seeks to rezone a portion of the land located on CT's: 113548/67 from Rural to a Rural Living zoning under the Draft LPS. The proposed amendment to zoning of the land will enable the land to be utilised for future agricultural use and development.

It is considered that the representation for the amendment to zoning is not directly relevant to the NEPMs.

3.1.4 Devonport Strategic Plan 2009-2030

The Devonport Strategic Plan 2009-2030 provides a framework to inform the Council's decision making into the future.

The representation for the amendment to zoning of the land located on CT's: 113548/67 is consistent with the *Devonport Strategic Plan 2009-2030* where it contributes toward the Council's key focus areas and accordingly is considered consistent with the Devonport Strategic Plan 2009-2030.

Given the broad nature of policy direction established by the Strategic Plan; it is perhaps difficult to reconcile that one particular principle (or policy statement) should be read in isolation from the others to imply a particular action or consequence.

Notwithstanding the above comment, the Act provides for any person to make request upon a planning authority (local council) to amend a planning scheme which it administers including for representations to draft planning schemes. This representation provides an analysis of the site and the considerations of statutory requirements and strategic merits of the amendment to proposed zoning. The use of the site as a utility area enables the consolidation and co-location of similar use and development, and utilises the locational advantages for the site with respect to proximity and access to established transport routes and linkages as well as established municipal infrastructure.

Accordingly, the proposed draft amendment to the Draft LPS and the development of a rural living zoning within the site is not considered to conflict with the Devonport Strategic Plan 2009-2030.

3.1.5 Gas Pipelines Act 2000

The subject land is not identified as being within the vicinity of the gas pipeline infrastructure corridor.

3.2 Cradle Coast Regional Land Use Strategy 2010 – 2030

The Cradle Coast Regional Land Use Strategy 2010 – 2030 (the Regional Strategy) provides the Devonport Council policy foundation for the preparation of planning schemes under the Regional Planning Initiative. The Regional Strategy is given effect as a statutory instrument under the Act, which provides that planning schemes must be consistent with, and further the objectives and outcomes of the Regional Strategy.

The Regional Strategy outlines the Devonport Strategic Plan 2009-2030 directions and desired outcomes for land use planning, and is intended to guide the land use planning process within the Cradle Coast Region through to 2030¹.

¹ *Cradle Coast Regional Land Use Strategy 2010 – 2030*, Cradle Coast Regional Planning Initiative (2011).

3.2.1 Settlement Management Strategies

The Cradle Coast Settlement Management Strategy² details growth scenarios and settlement strategies for the major settlement areas of the Cradle Coast Region. Spreyton is described under a low growth scenario which provides that *demand is driven largely by internal population change and very low rates of inward migration. Growth relies on existing land supply (including vacant zoned land) and available infrastructure within the designated urban boundary without need for intensification*³.

The management strategy prescribed for the Spreyton settlement area is a *stable* strategy which *restricts new development to existing land supply within the designated urban boundary without priority for intensification. The strategy is appropriate for low growth settlements*⁴. A stable growth strategy is not considered to exclude the release of new land, but provide for the appropriate expansion and development of land in settlement areas that provides for development and that is further appropriately consistent with defined local settlement strategies and boundaries⁵.

The proposed amendment to the zoning contained within the Draft LPS of the land located on CT's: 113548/67 is identified as an area appropriate for a rezoning from Rural to Rural Living zone. The proposed amendment to the Draft LPS is further consistent with the Devonport Strategic Plan 2009-2030 which serves as a master plan for the designation of proposed use and development (including expansion) of land within the defined master plan area.

The proposed amendment to the Draft LPS zoning of the subject land accommodates the expansion of residential use and development in the Spreyton area that is consistent with an established settlement development pattern, consistent with the zoning, use and development of adjacent land, and in accordance with the defined local settlement strategy.

3.2.2 Regional Protection of Agricultural Land

As the proposed amendment of the Draft LPS involves the rezoning of a portion of the subject land from Rural to Rural Living zone; it is relevant to consider the value of the land as an agricultural land resource both in a local and regional context.

As detailed under section 2.7 of this Report; the area has been assessed as containing class 4 soils and the land abuts existing residential uses to the west and south west of the site. The predominant agricultural use of land within the vicinity of the site is agisting dairy cattle and it is therefore not considered to have a negative impact on regional agricultural land.

The rezoning of the subject land accommodates the expansion of established residential use and development in the Spreyton area that is consistent with an established settlement development pattern, provides for the appropriate arrangement and juxtaposition of zoning.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

3.3 Demand and Supply Considerations

The *Devonport Strategic Plan 2009-2030* provides for the guidance of appropriate future use and development of the settlement areas of land throughout the municipal area and is a master planning document, which prescribes key focus areas of the plan in the use and development of land within the identified master plan area.

3.4 Demand Considerations

Residential use and development in the Spreyton area is the predominant zoning type and the area has an inherent attraction for such lifestyle and business opportunity. As such the demand for sustainable transportation and freight handling is a necessity to the regional agricultural viability and extended business opportunity. It seems further reasonable to expect that demand for such opportunity would increase with an increasing business opportunities.

Residential use and development presents as a legitimate land use option for this un-used section of land, and given the predicted growth prospects for the Spreyton area under the current and un-forecasted population increases (and thereby business opportunities) it is considered to be a reasonable justification for an increase in appropriately zoned grassland, and particularly in such areas that have been identified as appropriate for such agricultural expansion.

4 Conclusion

The subject land is within the *Spreyton* area and is appropriate for the amendment of zoning through representation to Council of the Draft LPS to an Rural Living zone. The amendment of the zoning contained within the Draft LPS of the subject land accommodates the expansion of residential land use and development in the Spreyton area and is consistent with an established settlement development pattern, consistent with the zoning and the use and development of adjacent land.

The amended rezoning of the land located on CT: 113548/67 (PID: 1540906) is a logical utilisation of land as the land has limited use or ability as an agricultural block and has resulted in a maintenance liability itself where the lack of water storages limits commercial decisions and abilities.

It is further considered commensurate with the anticipated growth of the settlement area of Spreyton and surrounds whilst providing the subject title with an appropriate zoning for the future use of land.

Accordingly, it is submitted through representation that the proposed amendment to Draft LPS zoning of land located on CT: 113548/67 (PID: 1540906) 20 Fraser Street, Spreyton can be supported by the planning authority.



Representation 10 - June Hilder



ONLINE FORM - SUBMIT A REPRESENTATION ON THE DRAFT DEVONPORT LOCAL PROVISIONS SCHEDULE

Please note the following information regarding the public disclosure of representations:

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Representations may also be discussed as part of any public hearing conducted by the Tasmanian Planning Commission in its assessment of the draft LPS.

Submission Date
27/05/2020

Contact Information for person(s) making the representation

Name
June Hilder

Contact Address (Postal)
PO Box 3026
14 Hedstrom Drive Devonport, Tasmania 7310
Australia

Email Address
jehilder@gmail.com



Where an email address is provided in the space above, then Council will use this email address as the principal means of contacting you in relation to your submitted representation. Please ensure that the correct email address is supplied.

Phone

(042) 435-0183

Details of Representation

As a resident of Devonport for the last three years, I wish to make comments on the Devonport Local Provisions Schedule, in particular those areas which relate to protection of Devonport's natural and cultural environment and actions to mitigate the effects of climate change :

I support the assignment of the Environmental Management Zone to all areas shown on the map Tasmanian Planning Scheme - Devonport Local Provisions Schedule: Zones including but not limited to, the Devonport Municipality coastal strip, the Don Reserve, Kelcey Tier Green Belt, The Arboretum, riparian areas of the Don River and the Mersey River south of Victoria bridge. I especially welcome the reassignment of Champion Park and the Forth Scout Camp to the Environmental Management Zone.

I wish to query the application of the zone 'Open Space' to the land area of the Mersey Bluff and ask if it could be reassigned to the Environmental Management Zone where it would receive more protection as it appears to at least meet the criteria requirements of zone purpose 1 'To provide for the protection, conservation and management of land with significant ecological, scientific, cultural or scenic value'.

I support the coverage of the areas included in the Natural Assets Code Priority Vegetation Overlay but again ask why the Mersey Bluff has no inclusion in this overlay?

The Devonport City Council Environment Strategy 2019-2024 states (p6, item 3.1 Flora and Fauna), that several smaller reserves including the Mary Street Wetlands contain remnant vegetation in varying condition. Why is this reserve not covered by the Natural Assets Code Priority Vegetation Overlay?

Cradle Coast Regional Land Use Strategy 2010-2030, Land Use Policies for Cultural and Historic Heritage requires that Aboriginal heritage is recognised and an understanding of Aboriginal heritage is promoted including places, features, landscapes and items of spiritual and cultural significance. The draft LPS compliance statement to this is that appropriate recognition of local heritage interests will be managed by the Local Historic Heritage Code. My question is, given the extensive Aboriginal Heritage identified at the Mersey Bluff, why is the Mersey Bluff not covered by one of the Local Historic Heritage Code overlays?

I support the Devonport Reserved Residential Land Specific Area Plan requirement that under any future use, there must be no impact on threatened flora and fauna.

I support the Coastal Hazard Management Code and the Natural Assets Code overlays, Waterway and Coastal Protection and Future Coastal Refugia Area which recognise the threat of sea level rise, coastal erosion and inundation due to climate change.

I support the LPS compliance statement to the Cradle Coast Regional Land Use Strategy 2010-2030, Land Use Policies for a Changing Climate. In the light of this compliance statement, I ask why the Parking and Sustainable Transport code overlay is limited to a Parking Precinct Plan?

June Hilder

Please provide your written comments on the draft LPS in the space above. If the representation relates to a particular property or properties, please include details of that property address above.



Consent and acknowledgement (required):

1.

I agree to the statement below

By providing an email address I consent to receiving any communication and notice in relation to this representation by email.

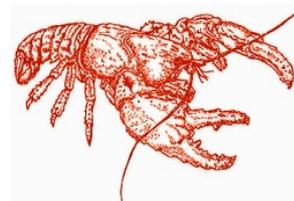
2.

I agree to the statement below

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- Representations may also be discussed as part of any public hearing conducted by the Tasmanian Planning Commission in its assessment of the draft LPS.



Representation 11 - Central North Field Naturalists Inc.**Central North Field Naturalists Inc.**email: disjunctnaturalists@gmail.com2nd June 2020

General Manager
Devonport City Council
council@devonport.tas.gov.au

Draft Devonport Local Provisions Schedule

I am writing on behalf of the Central North Field Naturalists Inc. (CNFN) to provide comment on the draft Devonport Local Provisions Schedule (LPS) of the Tasmanian Planning Scheme.

The CNFN is a community group dedicated to the exploration and preservation of Tasmania's natural environment. Our activities mostly take place in the central north of Tasmania, including the Devonport municipality, and involve organising walks for members to places of special environmental interest, participating in surveys and research, providing and disseminating information about the natural environment, and acting as a responsible apolitical advocate on environmental conservation matters. With our interests in the natural environment, our comments are focussed on the Environmental Management Zone and the Priority Vegetation Overlay of the Natural Assets Code.

The Environmental Management Zone: We give our full support to all the areas covered by the Zone on the map shown on the 'Tasmanian Planning Scheme – Devonport Local Provisions Schedule: Zones'. These include the following areas, which we understand will transition from the Interim Planning Scheme:

- the coastal strip between the boundaries of the Devonport Municipality with Central Coast Council and Latrobe Council;
- the Don Reserve and other riparian areas along the Don River
- the Mersey River and its riparian areas south of the Victoria Bridge
- the public land on Kelcey Tier
- the Tasmanian Arboretum Inc.
- the area which straddles the ridge of Porcupine Hill between the Don and Forth valleys.

We also welcome and support the three proposed additions to the Zone: Forth Scout Camp and Champion Park in Pumping Station Road on the banks of the Forth River and the land under conservation covenant at 189 Buster Road, Melrose.

There is one other area that we consider may be more appropriately zoned under the Environmental Management Zone than its proposed zoning of Open Space. This is the Hiller Flora Reserve, which we believe could meet criteria under Guideline No. 1 – Local

Provisions Schedule (LPS): zone and code application (June 2018) issued by the Tasmanian Planning Commission in accordance with s.8A of the Land Use Planning & Approvals Act 1993. The Reserve is public land and it may have significant ecological values. Because of the COVID-19 restrictions that have been in place during the public comment period for the draft LPS, it has been too difficult to carry out the necessary research to support our suggestion but we believe it may warrant further investigation before the LPS is finalised.

The Priority Vegetation Overlay: We support the areas of priority vegetation included in the map illustrated in the ‘Tasmanian Planning Scheme – Devonport Local Provisions Schedule: Natural Assets Code – Priority Vegetation Area Overlay’. We consider this is an important part of the Planning Scheme, particularly where the priority vegetation occurs on zones other than the Environmental Management Zone. It is reassuring, for example, that the Hiller Flora Reserve is included in the Overlay.

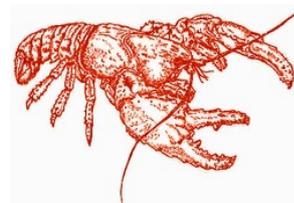
Two areas that the Overlay does not include are the Mersey Bluff and the Mary Binks Wetland. Although much of the top of the Bluff is covered in exotic grasses and parking areas, it also contains areas of significant native vegetation, particularly close to Tiagarra; and the remnant vegetation in the Mary Street Wetland provides habitat for the endangered Central North Burrowing Crayfish, *Engaeus granulatus*. We query why these areas are not included.

In addition to our comments regarding the Environmental Management Zone and the Priority Vegetation Overlay, we would also like to give our support to the requirement under the **Devonport Reserved Residential Land Specific Area Plan** that any future use must not impact on threatened flora and fauna.

Thank you,

Patricia Ellison

President

Central North Field Naturalists Inc.email: disjunctnaturalists@gmail.com11th June 2020

General Manager
 Devonport City Council
council@devonport.tas.gov.au

Draft Devonport Local Provisions ScheduleAdditional Submission by the Central North Field Naturalists Inc.

Since our original submission on the draft Devonport Local Provisions Schedule, dated 2nd June 2020, the Central North Field Naturalists Inc. wish to add the following comments regarding four Public Reserves listed under the Crown Lands Act. These Reserves, which do not appear to have individual names, cover a continuous area of land in the neighbourhood of the Tasmanian Arboretum, stretching from the Don River Valley in the east to the northern part of the ridge of Porcupine Hill in the west (please see the areas shaded in purple on the attached map). Details of the locations of these Reserves, taken from the LIST, are as follows (from south-west to north-east):

1. POI: GDA94 MGA53; 440172E, 5436308N;
2. POI: GDA94 MGA55; 441181E, 5436558N;
3. POI: GDA94 MGA55; 441494E, 5437222N;
4. POI: GDA94 MGA55; 441587E, 5437276N.

Under the draft Devonport LPS, all of these Reserves are included in the Rural Zone. While the vegetation they contain is also included in the Priority Vegetation Overlay, we consider they may also qualify for zoning under the Environmental Management Zone for the reasons outlined below.

- (a) Reserves 2-4 all border the Don River and are important for the protection they provide for the River's riparian areas.
- (b) This is a particularly important function of Reserve 2, which covers the steep western side of the Don River gorge to the immediate north of the Tasmanian Arboretum. In the *Don Rivercare Plan and Initial Works Plan* (June 2002)*, this gorge was included in *Category 1. Conservation of the Priority Categories for River Rehabilitation*. This means the gorge was one of the least disturbed parts of the Don River catchment and had assets that should be protected. The vegetation in the gorge was described as relatively intact, from a habitat perspective, however 'weed control (including isolated willows...) is a high priority for the Arboretum gorge.' Although it is now 18 years since this document was written, we believe its arguments for protection of the gorge are still relevant.

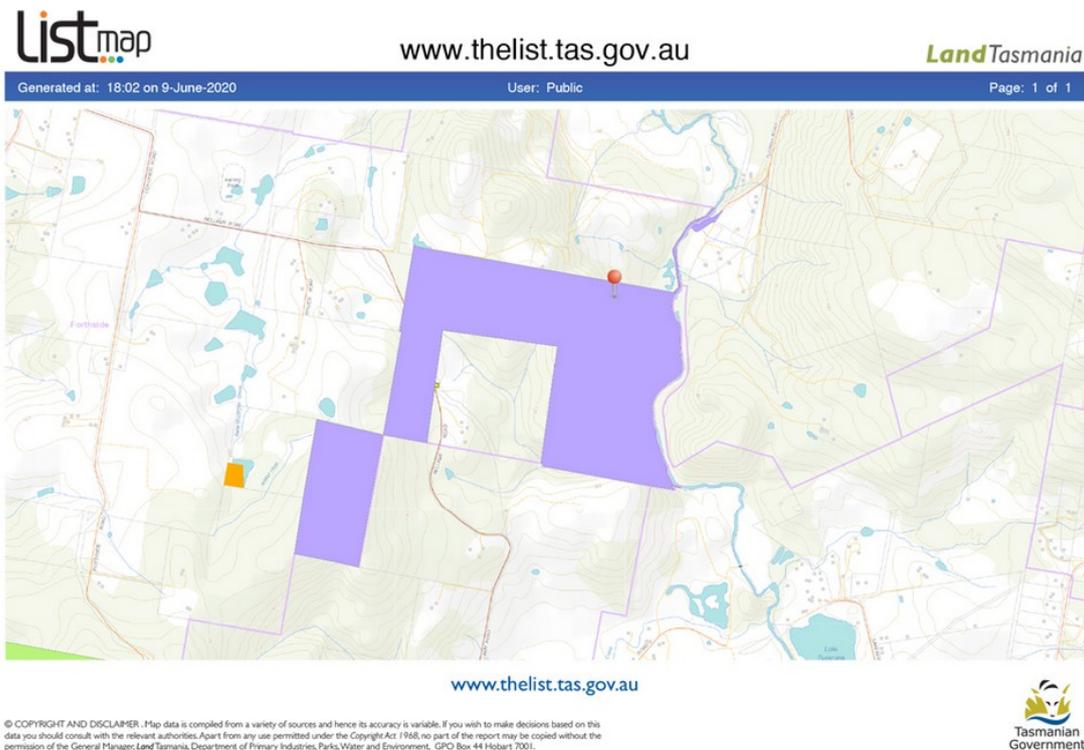
- (c) These three Reserves are also important for the scenic values they protect along the Don River.
- (d) Reserves 1 and 2 cover over 95% of the land area included in the four reserves and together make up a significant area of publicly-owned native vegetation in the Devonport Municipality. They form part of an area of outstanding scenic amenity in the Municipality and also help to protect connectivity between the habitats of the Don River and those of the higher slopes of the Don Valley.
- (e) Upgrading the zoning of these Reserves would also, we believe, give increased protection to the Tasmanian Arboretum. The Arboretum is already part of the Environmental Management Zone and adjoins the south-east corner of Reserve 2.

Thank you for considering our submission,

Patricia Ellison

President

* The *Don Rivercare Plan and Initial Works Plan* (June 2002) was prepared by Armstrong Agricultural Services Pty Ltd and Ecosynthesis for the Mersey Natural Resource Management Group Inc. The project was funded by the Natural Heritage Trust and supported by the Department of Primary Industries, Water and Environment, the City of Devonport and Kentish Council.



Representation 12 - David Bennett

From: David Bennett <waterskiaustralia@gmail.com>
Sent: Monday, 8 June 2020 8:37 PM
To: Devonport City Council
Subject: Draft Devonport Local Provisions Schedule

Dear Sir.

Below is a submission for your consideration regarding proposed zoning.

Best Regards
David Bennett

100a Nixon St
Devonport
Mob 0448038125
Home 03 64246097

Re: 179 Winspears Rd. East Devonport

It is proposed that the property at 179 Winspears Rd be zoned as Rural Living.

The proposed zone of Agriculture would seem inappropriate.

The land immediately adjacent to 179 Winspears Rd to the North, East and South is some of the best farming land available, being beautiful red chocolate soil (or Ferrosols) and should rightly be preserved as a high level rural zone for agriculture.

179 Winspears Rd, however, is composed of a variety of soils of much lower quality and its topography drastically reduces its suitability for cropping.

It was one of the last properties in this immediate vicinity to be cleared of trees and one can only assume that experienced farmers over the many decades prior to 1970 considered this particular land was not worth clearing due to its soil quality.

For 50 years since then, the land has been used simply to grow grass and run cattle. Stocking rates have always been low due to the poor soil quality and resultant low quality pasture.

Despite the installation of numerous agricultural drains, much of the soil remains sodden during winter months making it unsuitable for cropping.

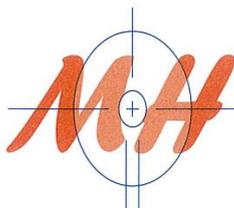
In recent years an effort has been made to cultivate crops (with minimal success) and only then on a small proportion of the land area.

Given the current scarcity of Rural Living lots available within the Devonport Municipality, it seems that many buyers seeking small rural lots are forced to purchase properties in locations outside of the Devonport Municipal boundaries.

It would seem that 179 Winspears Rd. is of reduced significance for agriculture and would appear to fit the majority (if not all) of the objectives listed for Rural Living.

--

David Bennett
100a Nixon Street
Devonport
Tasmania
Australia 7310
Ph. 0364246097
Mob. 0448038125


Representation 13 - Mitchell Hodgetts & Associates Pty. Ltd.
MICHELL HODGETTS & ASSOCIATES PTY. LTD.
AUTHORISED SURVEYORS

 ABN 29 109 596 152
 ACN 109 596 152

 TOWN AND DEVELOPMENT PLANNING
 LAND AND ENGINEERING SURVEYS
 BUILDING ESTATES AND SUBDIVISIONS

Address all Correspondence to:

 P.O. Box 712, DEVONPORT 7310
 AUSDOC DX70346, DEVONPORT 7310
www.michellhodgetts.com.au
Paul Hodgetts L.S.B.Surv. Member I.S. Tas., Member I.S.Vic.

John A. Turnbull Assoc. Dip. (SURV.DRAFT)

Michael J. Bushnell B.Surv.

Kenneth R. Mitchell L.S. - Consultant

 9th June 2020

 General Manager
 Devonport City Council
 PO Box 604
 DEVONPORT TAS 7310

Dear Sir

Re: Draft Devonport Local Provisions Schedule

This representation is made on behalf of the eleven landowners as listed at the end of this submission together with each property I. D. no.

It is the concern and consideration of all the landowners listed that the retention of the land as Rural Resource Zone is erroneous and does not reflect the optimum use of the land.

In the 1990's the whole of the land east of Tugrah Road was owned by a Forestry Co. who had a full Forest Practices Report carried out by an accredited Forester prior to logging. Nothing of significance was found in both flora and fauna and as a result the total area together with the land to the north, (Forest Heights Drive). Following this action, it was assessed that the harvest was so poor that a decision was made to sell the land off. As the size of the land was of no interest to any farming sector due to its poor quality, in conjunction with this office it was subdivided to the standard allowed at the time. Basically all the allotments created at the time were taken up and occupied as rural living except that occupied by the writer P.I.D. 3549875 & 3549867 where an attempt was made to create a small rural holding by clearing a total of only 6 ha to create a stud of Dexter cattle. This was not successful as grass growth could not be achieved.

Referring to the report that was received prior to logging it is quite a puzzlement that an overlay has been proposed. Natural Assets Code - Priority vegetation Area Overlay. It is to be further noted that P.I.D. 7740554 has a Private Forests Registration in existence.

It should further be noted that the western portions of P.I.D's 7126888, 7586235, 7259672 are all subject to intermittent flooding making them unsuitable for farming.

When the land to the north was developed it was a requirement that access be provided to the land to the south as it was seen then 20 years ago the eventual and logical conversion to rural living.

In a small-scale subdivision of the northern portion of P.I.D.7740554 a condition of the development was to provide full width road access to the balance land to allow for future further Rural Living development.

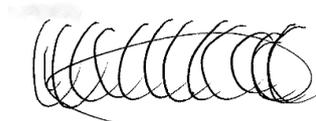
These extra access points together with new through roads will allow for the land the subject of this submission to link with the existing Rural Living Zone related to Wrenswood Drive.

2 | Page

Finally, the supply of Rural Living land has almost been exhausted in the Devonport City Council Area and the conversion of the subject land to Rural Living will allow for the further development almost immediately by several of the owners.

On behalf of the listed owners we look forward to a positive response to this submission.

Yours sincerely



KENNETH R MICHELL

Consultant

Encl.

KRM:tr

Head Office

6 Barker Street, DEVONPORT 7310
Telephone: (03) 6424 5144
Fax: (03) 6423 4090
Mobile: 0438 269 363
Email: mhasurv@bigpond.net.au

Launceston Office

25 York Street, LAUNCESTON 7250
Mobile: 0419 306 009
Email: paulho04@bigpond.net.au

Smithton Office

Telephone: (03) 6424 5144
Fax: (03) 6423 4090
Mobile: 0438 269 363
Email: mhasurv@bigpond.net.au

Land Owners

	NAME	ADDRESS	PID
1	WW BUTTRESS	44-48 GREENWOOD LANE	2031396
2	SA MILLER	372 TUGRAH ROAD	7126888
3	GJ & HJ MAHONEY	381 TUGRAH ROAD	7586235
4	DJ & BJ MOTT	405 TUGRAH ROAD	7259672
5	DJ & LE KARAFILIS	373 TUGRAH ROAD	3449225
6	EST. S B MICHELL	59 NEILSON ROAD	1972936
7	SRS & ST CAIRNS	259 TUGRAH ROAD	1972944
8	KD LYND	78 NEILSON ROAD	7740546
9	S & SF KROMKAMP	203 WRENSWOOD DRIVE	7740594
10	KR & SM MICHELL	349 TUGRAH ROAD	8549875
11	A SONG	351 TUGRAH ROAD	8549867

Head Office

6 Barker Street, DEVONPORT 7310
 Telephone: (03) 6424 5144
 Fax: (03) 6423 4090
 Mobile: 0438 269 363
 Email: mhasurv@bigpond.net.au

Launceston Office

25 York Street, LAUNCESTON 7250
 Mobile: 0419 306 009
 Email: paulho04@bigpond.net.au

Smithton Office

Telephone: (03) 6424 5144
 Fax: (03) 6423 4090
 Mobile: 0438 269 363
 Email: mhasurv@bigpond.net.au



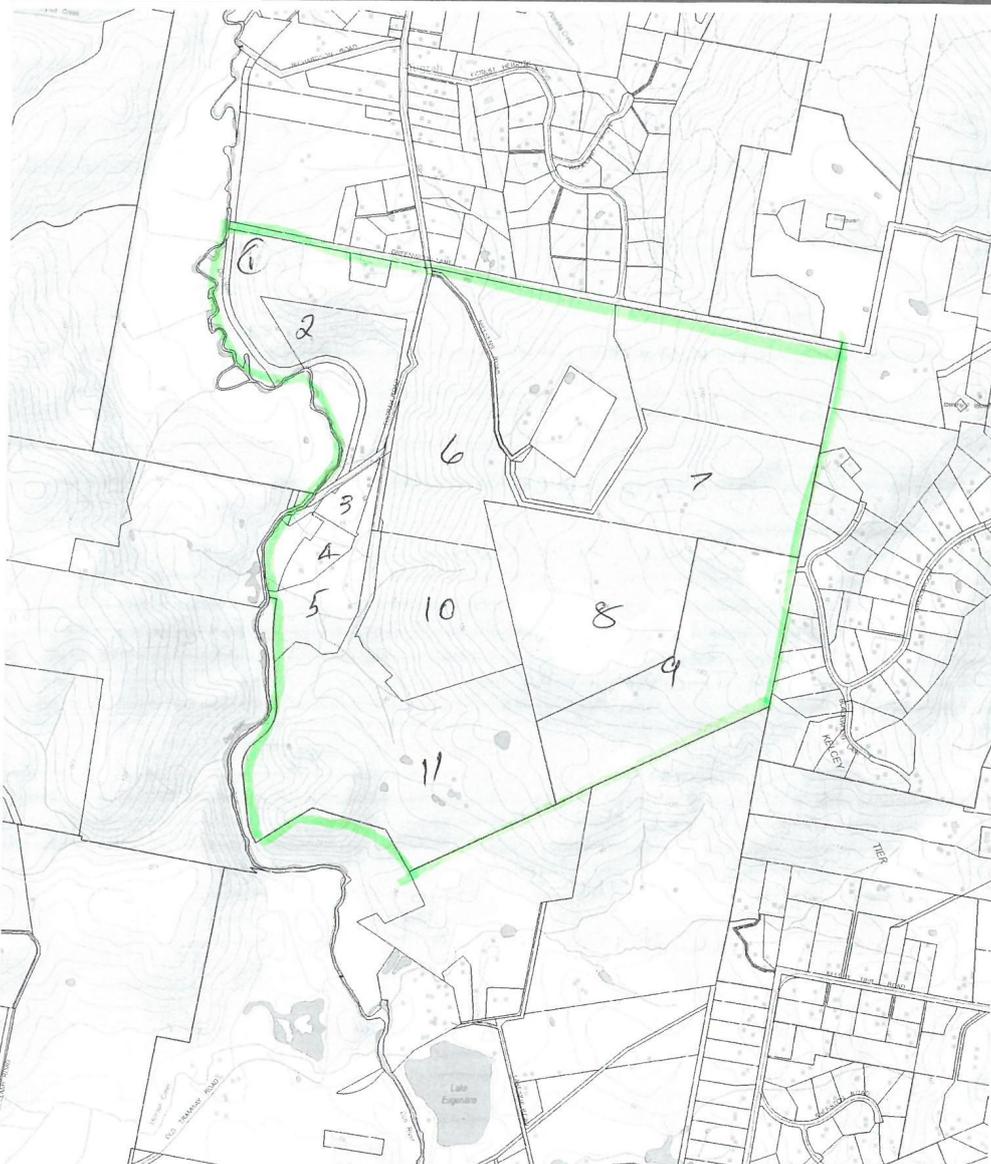
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Land Tasmania

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Page: 1 of 1



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Head Office
6 Barker Street, DEVONPORT 7310
Telephone: (03) 6424 5144
Fax: (03) 6423 4090
Mobile: 0438 269 363
Email: mhasurv@bigpond.net.au

Launceston Office
25 York Street, LAUNCESTON 7250
Mobile: 0419 306 009
Email: paulho04@bigpond.net.au

Smithton Office
Telephone: (03) 6424 5144
Fax: (03) 6423 4090
Mobile: 0438 269 363
Email: mhasurv@bigpond.net.au

Representation 14 - Vishnu Prahalad**DEVONPORT CITY COUNCIL**

ABN: 47 611 446 016

PO Box 604 Devonport TAS 7310 - 137 Rooke Street, Devonport

Telephone 03 6424 0511

Email council@devonport.tas.gov.au Web www.devonport.tas.gov.au

ONLINE FORM - SUBMIT A REPRESENTATION ON THE DRAFT DEVONPORT LOCAL PROVISIONS SCHEDULE

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Representations may also be discussed as part of any public hearing conducted by the Tasmanian Planning Commission in its assessment of the draft LPS.

Submission Date

12/06/2020

Contact Information for person(s) making the representation**Name**

Vishnu Prahalad

Contact Address (Postal)

Private Bag 78
HOBART, TAS 7001
Australia

Email Addressvishnu.prahalad@utas.edu.au*The City with Spirit*

Where an email address is provided in the space above, then Council will use this email address as the principal means of contacting you in relation to your submitted representation. Please ensure that the correct email address is supplied.

Details of Representation

In the Future Coastal Refugia Area Overlay map - I note that the areas mapped under Special Consideration, Case by Case Consideration and Incompatible Zones are not shown. I request that all of these Zones are shown/included in the Overlay map. In particular, there is a large area in Woodrising Golf Course, with potential for wetland retreat and establishment, and I seek for this area - mapped as Case by Case Consideration Zone - be included in the Overlay map. I also request that an area in Don River (south of Bass Highway) - mapped as Special Consideration Zone - be included in the Overlay map.

Please provide your written comments on the draft LPS in the space above. If the representation relates to a particular property or properties, please include details of that property address above.

Consent and acknowledgement (required):

1.

I agree to the statement below

By providing an email address I consent to receiving any communication and notice in relation to this representation by email.

2.

I agree to the statement below

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Representation 15 - Dept. of State Growth

Department of State Growth

4 Salamanca Place, Hobart TAS 7000
GPO Box 536, Hobart TAS 7001 Australia
Ph 1800 030 688 Fax (03) 6233 5800
Email info@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.



Mr Matthew Atkins
General Manager
Devonport City Council
137 Rooke Street
Devonport TAS 7310

By email: council@devonport.tas.gov.au

Tasmanian Planning Scheme – draft Devonport Local Provisions Schedule

Dear Mr Atkins

Thank you for your invitation to comment on the draft Devonport Local Provisions Schedule (draft LPS). The Department of State Growth (State Growth) has reviewed the draft LPS; and supporting mapping and overlay information and believes it largely reflects a sound translation from the *Devonport Interim Planning Scheme 2013* in accordance with the Tasmanian Planning Commission's Guideline No. 1 Local Provisions Schedule (LPS): zone and code application.

A detailed review has however highlighted a small number of issues that will require further discussions with Council and the Tasmanian Planning Commission. These issues are outlined in the attached document, for your consideration.

Please do not hesitate to contact Lucy Thorne, A/G Manager Planning Policy on 0429 698 118 or at Lucy.Thorne@stategrowth.tas.gov.au who can arrange for the relevant officers to respond to any of the matters raised in this submission.

Yours sincerely

A handwritten signature in blue ink, appearing to read "K. Evans".

Kim Evans
Secretary

// June 2020

Attachment I. State Growth comments - draft Devonport Local Provisions Schedule

Forest Resources

The draft Devonport Local Provisions Schedule (draft LPS) has applied the Agriculture Zone rather than Rural Zone to a number of Private Timber Reserves (PTRs) across the municipality.

While it is understood that forest operations are exempt from the *Land Use Planning and Approvals Act 1993* the position of State Growth is that the Rural Zone is still better suited to land set aside for a forestry purpose such as Permanent Timber Production Zone land (PTPZL), Private Timber Reserves (PTR), or land identified for a future forestry purpose, such as Future Potential Production Forest (FPPF) outside of the Tasmanian Wilderness World Heritage Area (TWWHA).

The proposed zoning of the following properties is queried:

2 Palooa Reservoir Road, Palooa (CTs 168203/1 and 168208/1)

These blocks are currently zoned Rural Resource and are proposed to be zoned Agriculture. From aerial imagery these blocks have a mix of tree plantation and pasture with the tree plantations covered by a PTR. These areas therefore do appear intended for forestry use. These properties are located immediately adjacent to another area of forestry land to the north (a PTPZL property), which is proposed to be zoned Rural.

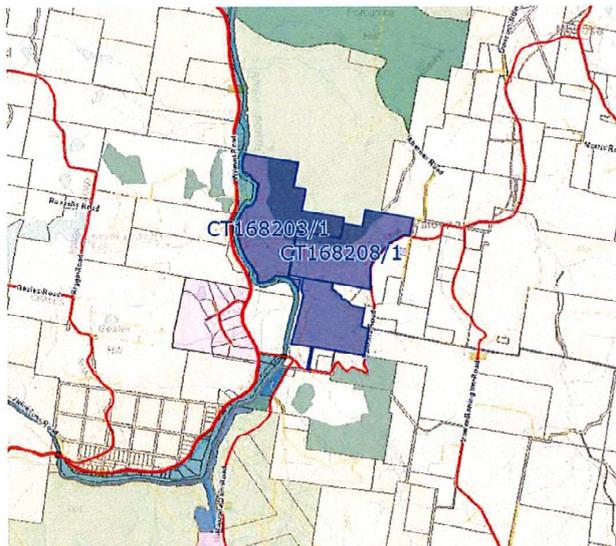


Fig 1. 2 Palooa Road, Palooa properties currently zoned Rural Resource with PTR overlaid

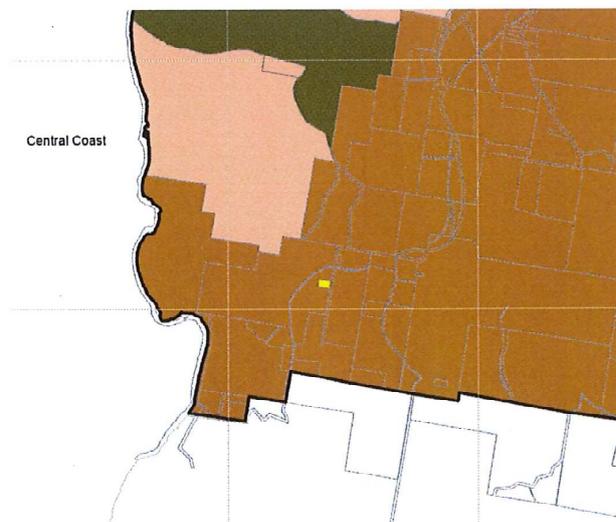


Fig 2. Proposed Agriculture zoning of 2 Palooa Road, Palooa properties (from map 2 of 2)

99 and 129 Braddons Lookout Road, Leith (CTs 124019/1 and 206727/1 and CT 38018/1 respectively)

Parts of 99 and 129 Braddons Lookout Road, Leith form small PTRs and are currently zoned Rural Resource. The proposed zoning for both properties is however Agriculture. In both cases, aerial imagery does not suggest a forestry use, and it is possible the PTRs could be revoked. Otherwise, it is recommended that the Rural Zone is applied.

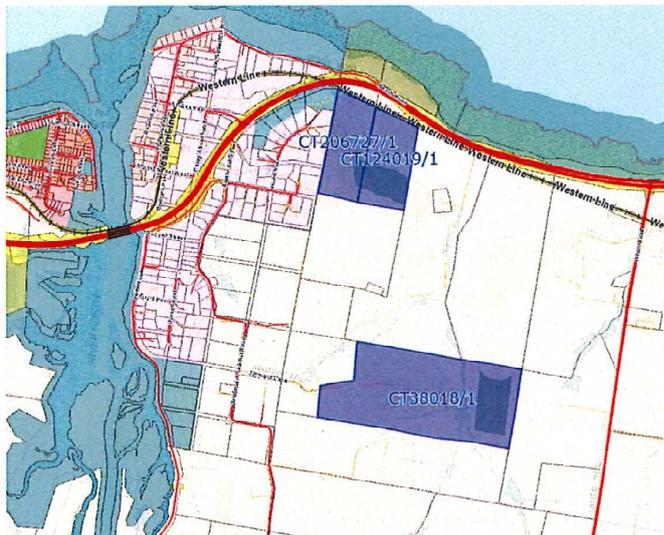


Fig 3. 99 and 129 Braddons Lookout Road, Leith currently zoned Rural Resource with PTRs overlaid

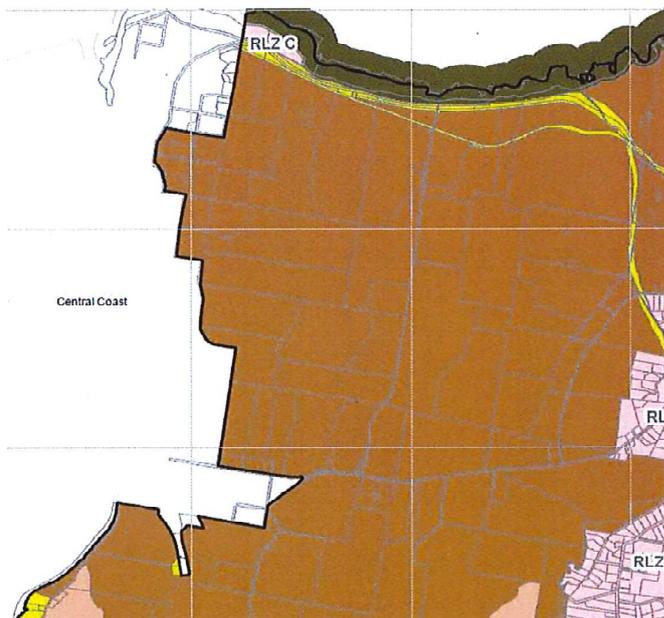


Fig 4. Proposed Agriculture zoning (from map 1 of 2)

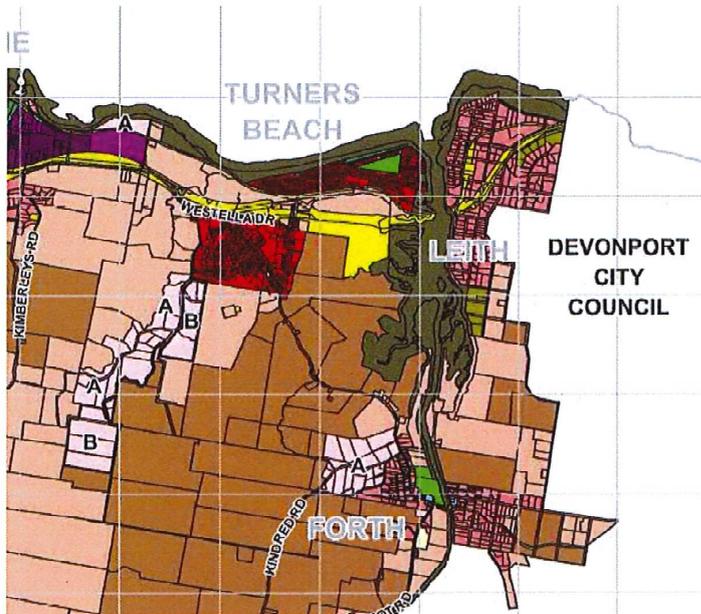


Fig 5. Proposed mix of Agriculture and Rural zoning on adjacent land in the Central Coast municipality (from map 15 of 21 of draft Central Coast Council LPS zone maps)

State Road Network

Council's supporting report states that the Utilities Zone is being applied to State roads as per the State Roads Casement, in accordance with the Zone Application Guidelines. A review of the zoning maps indicates Council has applied the State Road Casement correctly, including to Stony Rise and Sheffield Roads which are not currently zoned Utilities under the existing Interim Planning Scheme.

State Growth also supports Council's decision not to include mapped overlays under the Road and Railway Assets Code for future major road and road attenuation areas at this time.

Industrial Land

The proposed changes from General Industrial to Light Industrial at Quoiba are queried.

There are a mixture of industrial activities and a crematorium in this area, and while most would be permitted or discretionary in the Light Industry Zone, the main concern is the impact of the changes on discretionary uses, and in particular the ability of existing activities to expand in the future.

The Desired Future Character statement for the General Industry Zone more strongly aligns with the existing industrial activities in the area and provides the required scope for expansion of industrial activities with higher thresholds for level of impact. Also, given the land proposed to change is between major roads, a rail line and other industrial areas, maintaining the General Industrial zoning to accommodate future industrial activities (expansion or new investment) requiring this zoning is considered appropriate.

Industrial zoning changes reflecting the current land uses at East Devonport are of less concern, however caution should be taken in increasing any more residential zoning given encroachment impacts on existing industrial uses.

Representation 16 - Tasmania Fire Service

Tasmania Fire Service

Bushfire Risk Unit

File No: AD3703

General Manager
Devonport City Council
council@devonport.tas.gov.au

Dear Sir/Madam,

DRAFT DEVONPORT LOCAL PROVISIONS SCHEDULE

I write in relation to the draft Devonport Local Provisions Schedule (LPS). Please accept this as Tasmania Fire Service's representation on this matter.

This representation relates to two elements of the draft LPS:

1. The Bushfire-Prone Areas Overlay; and
2. DEV-S3.0 Devonport Reserved Residential Land Specific Area Plan.

Bushfire-Prone Areas Overlay

The draft Bushfire-Prone Areas Overlay was produced by Tasmania Fire Service in collaboration with Devonport City Council.

The data used in the exhibited version of the draft Bushfire-Prone Areas Overlay was produced in March 2019. Since then, there have been some new developments that have proceeded and Tasmania Fire Service has received further advice on the management of some specific sites.

Tasmania Fire Service and Council's Project Officer have agreed that some minor refinements to the overlay are appropriate to avoid unnecessarily including properties that could now be mapped-out. It is therefore recommended that the overlay be modified prior to final approval. The enclosed maps show the advertised draft overlay and the proposed refined boundaries.

A summary of the proposed updates is provided in Table 1. The proposed updates would remove total of 146 residential lots from the draft overlay.

State Headquarters Cnr Argyle and Melville Streets | GPO Box 1526 Hobart Tasmania 7001 | Phone (03) 6173 2740
Southern Region 1040 Cambridge Road, Cambridge Tasmania 7170 | Phone (03) 6166 5500
Northern Region 339 Hobart Road Youngtown Tasmania 7249 | Phone (03) 6777 3666 | Fax (03) 6345 5860
North West Region 15 Three Mile Line | PO Box 1015 Burnie Tasmania 7320 | Phone (03) 6477 7250 Fax (03) 6433 1551

www.fire.tas.gov.au



Table 1 – Proposed updated to bushfire-prone areas overlay

Maps 1, 3,	Five residential lots are proposed to be removed from draft overlay. These lots achieve 100m (BAL-LOW) separation from the nearest bushland and were therefore incorrectly mapped as bushfire-prone. Removing these lots will remove this inconsistency.
Maps 1, 4,	A residential subdivision at 101A Brooke Street, East Devonport has now been partially constructed, removing an area of unmanaged Grassland fuels. This development, combined with the existing dwelling at 9A Tandara Place to the north, reduces exposure of a number of lots along the eastern edge of the existing urban area.
Maps 1, 6	<p>A 1.8ha site at 80-100 Brooke Street, East Devonport has been developed with a 40-cabin workers accommodation facility, effectively in-filling a previous gap in development along this street and reducing risk to surrounding properties.</p> <p>Land at 103 John Street, East Devonport has been developed with extensive polytunnels that are used for agricultural production. When exposed to fire, these structures will melt (as opposed to undergoing flaming combustion). These types of structures are used to grow irrigated crops and subsequently contain minimal fuel. Land surrounding these structures is considered to be adequately managed. The site and adjacent residential lots are subsequently proposed to be removed from the draft overlay.</p>
Maps 1, 5	<p>A narrow strip of riparian vegetation exists on Council land at 46 Laphorne Close, Don. The fuel is approximately 20m in width and is contiguous with larger areas of fuel to the north, hence adjacent lots were originally included within the draft overlay.</p> <p>Council has subsequently confirmed that it manages firebreaks on either side of the reserve to protect adjoining properties. TFS is satisfied that the residual risk to surrounding properties is sufficiently low to not require a planning or built response.</p>
Map 1, 2, 8, 9	<p>A residential subdivision at 35 Fleetwood Drive, Spreyton has now been partially constructed, removing an area of unmanaged Grassland fuels. This consequently reduces exposure of a number of adjoining existing residential lots.</p> <p>The extent to which the overlay applies to the Devonport Golf Course at 66 Woodrising Avenue, Spreyton has been reviewed and updated to exclude an area of saltmarsh/wetland.</p>

Importantly, the proposed updates will only remove properties from the overlay - it is not proposed to include any additional properties within the overlay that were not shown as 'bushfire-prone' on the exhibited Devonport LPS maps. The proposed updates will therefore not cause detriment to any person and it is likely unnecessary to re-exhibit the LPS on account of these updates alone.

In our view, it is in the community's interest to adopt the proposed refinements as part of the LPS process. Notwithstanding this, an alternate option would be to initiate a draft amendment to the Devonport LPS once the Tasmanian Planning Scheme had been enacted.

DEV-S3.0 Devonport Reserved Residential Land SAP

The Devonport Reserved Residential Land SAP seeks to guide future residential growth in Quoiba and Miandetta. The SAP area is also mapped within the draft Bushfire-Prone Areas Overlay.

Clause 5.3.1 of the State Planning Provisions states that a specific area plan may be in addition to, may modify or substitute a use or development standard in a zone or code.

Clause DEV-S3.2.2 states that the SAP applies in addition to the General Residential Zone and Natural Assets Code. Presumably this is so that the SAP requirements do not override the subdivision requirements of those parts of the scheme, to the extent of any inconsistency. The clause is silent with respect to the Bushfire-Prone Areas Code.

DEV-S3.8.2 Subdivision applies in addition to the subdivision requirements of the General Residential Zone and Natural Assets Code. The clause is silent with respect to the Bushfire-Prone Areas Code. The clause objective is to provide for efficient use of land whilst also minimising impact on natural values.

There is naturally some tension between lot yield, the retention of natural values and bushfire protection. Notwithstanding this, there is no strategic merit in compromising minimum bushfire safety requirements to improve lot yield and it is important that the Bushfire-Prone Areas Code be applied to any future subdivision of this land.

Tasmania Fire Service recommends that the SAP be amended to provide certainty with that it applies in addition to the Bushfire-Prone Areas Code by amending the abovementioned clauses as follows:

DEV-S3.2 Application of this Plan

DEV-S3.2.1 The specific area plan applies to the area of land designated as Devonport Reserved Residential Land Specific Area Plan on the overlay maps.

DEV-S3.2.2 In the area of land to this plan applies to, the provisions of the specific area plan are in addition to the provisions of:
 (a) General Residential Zone; and
 (b) Natural Assets Code, [and](#)
 (c) [Bushfire-Prone Areas Code](#),

as specified in the relevant provision.

...

DEV-S3.8.1 Subdivision

This clause is in addition to the General Residential Zone – clause 8.6 Development Standards for Subdivision, ~~and in addition to~~ Natural Assets Code – clause C7.7.2 Subdivision within a priority vegetation area [and Bushfire-Prone Areas Code – clause C13.6](#).

If Tasmania Fire Service can provide any clarification or further information in relation to this submission, please contact me at tom.oconnor@fire.tas.gov.au.

Yours faithfully,

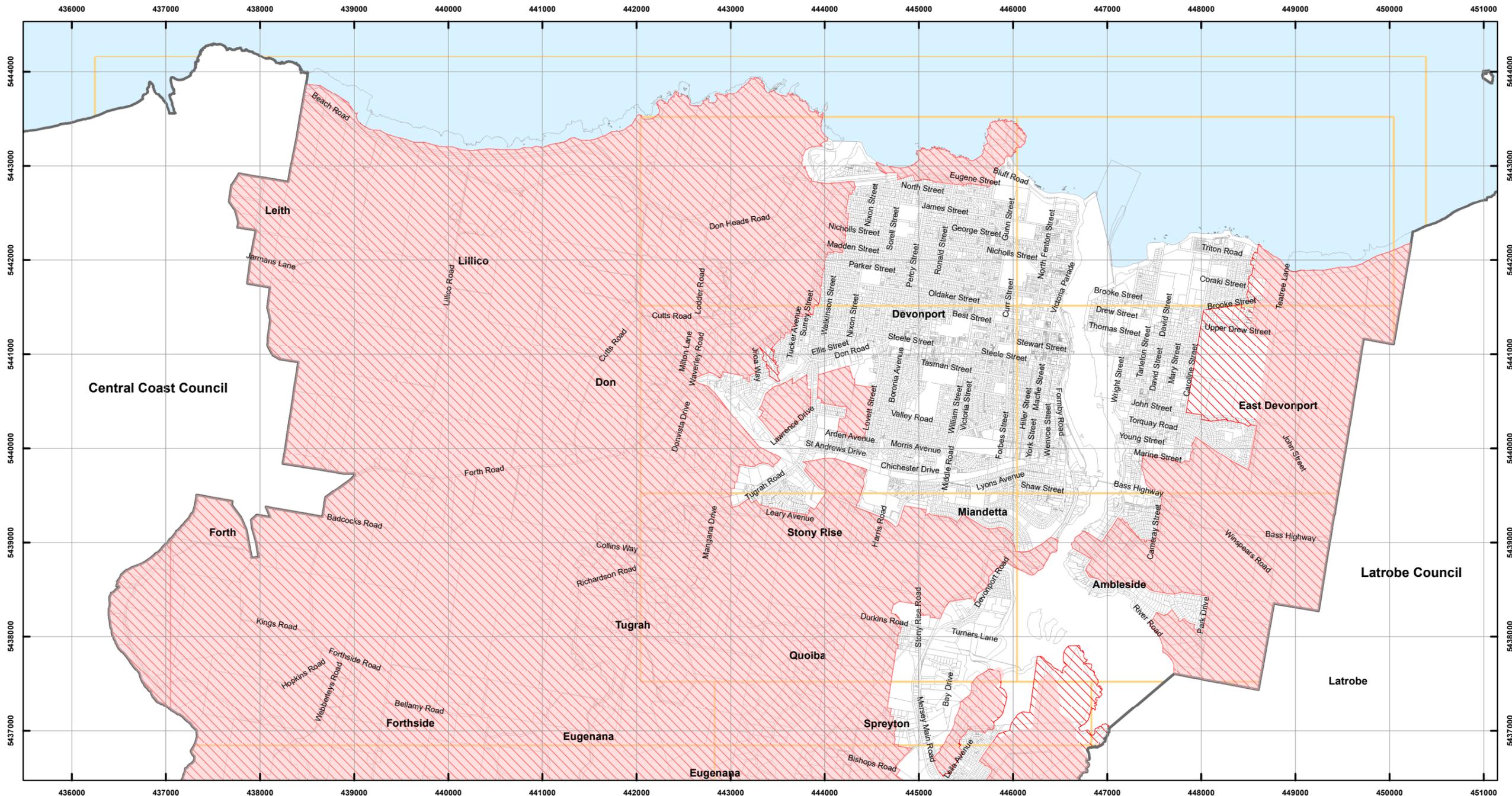
A handwritten signature in black ink, appearing to be 'Tom O'Connor', written in a cursive style.

Tom O'Connor
PLANNING & ASSESSMENT OFFICER

12 June 2020

Cc

Tasmanian Planning Scheme - Devonport Local Provisions Schedule: Bushfire-Prone Areas Overlay



Legend

- Bushfire Prone Areas - proposed updated overlay
- Bushfire Prone Area - exhibited draft overlay
- Parcels

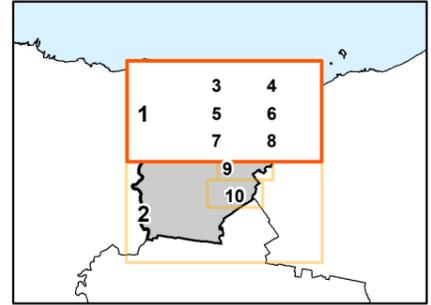
Map 1 of 10

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Metres

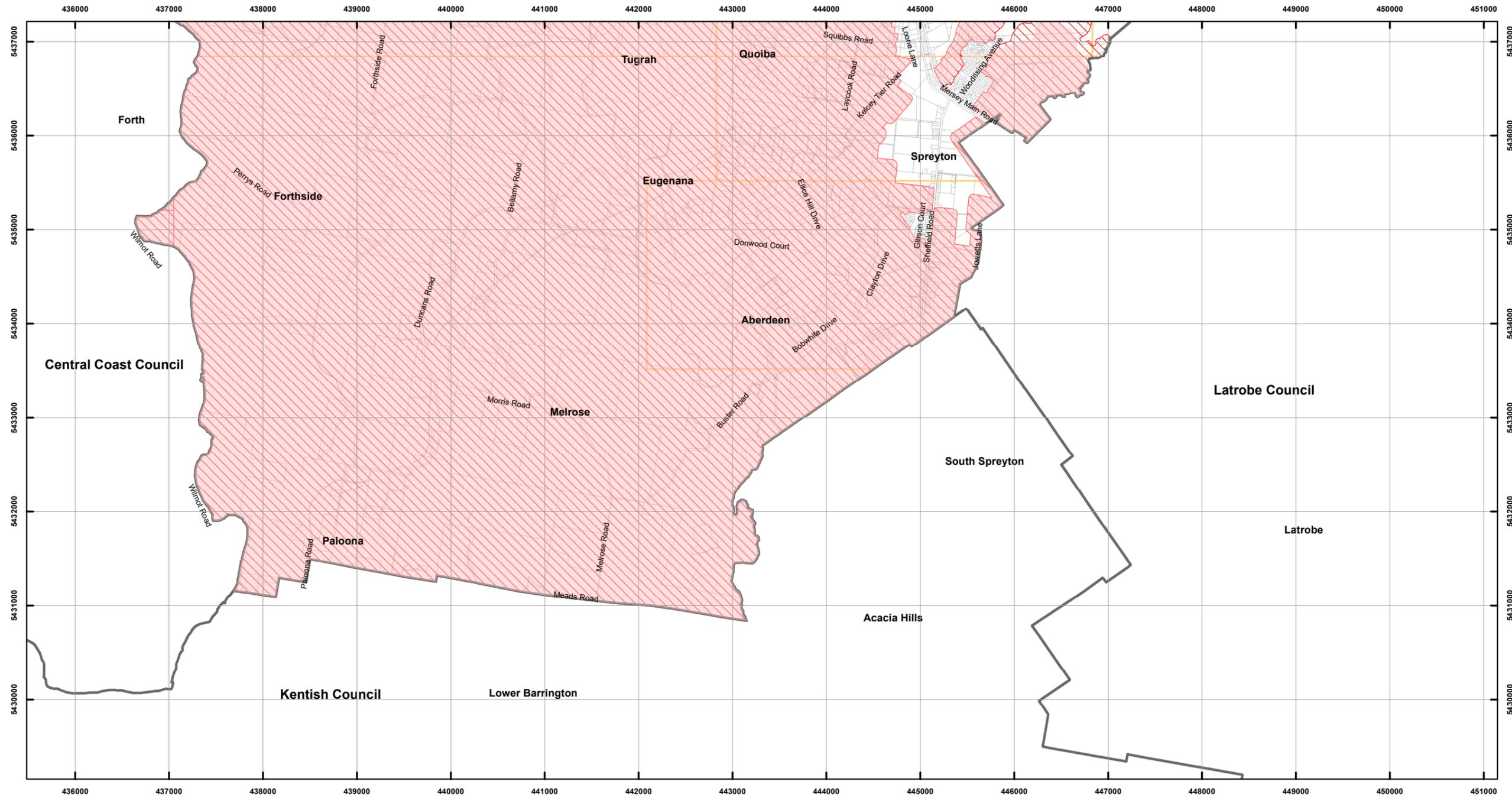
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Devonport Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania

Print Date: 12/06/2020



Tasmanian Planning Scheme - Devonport Local Provisions Schedule: Bushfire-Prone Areas Overlay



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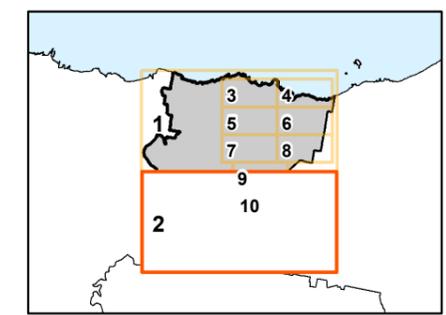
Map 2 of 10

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Metres

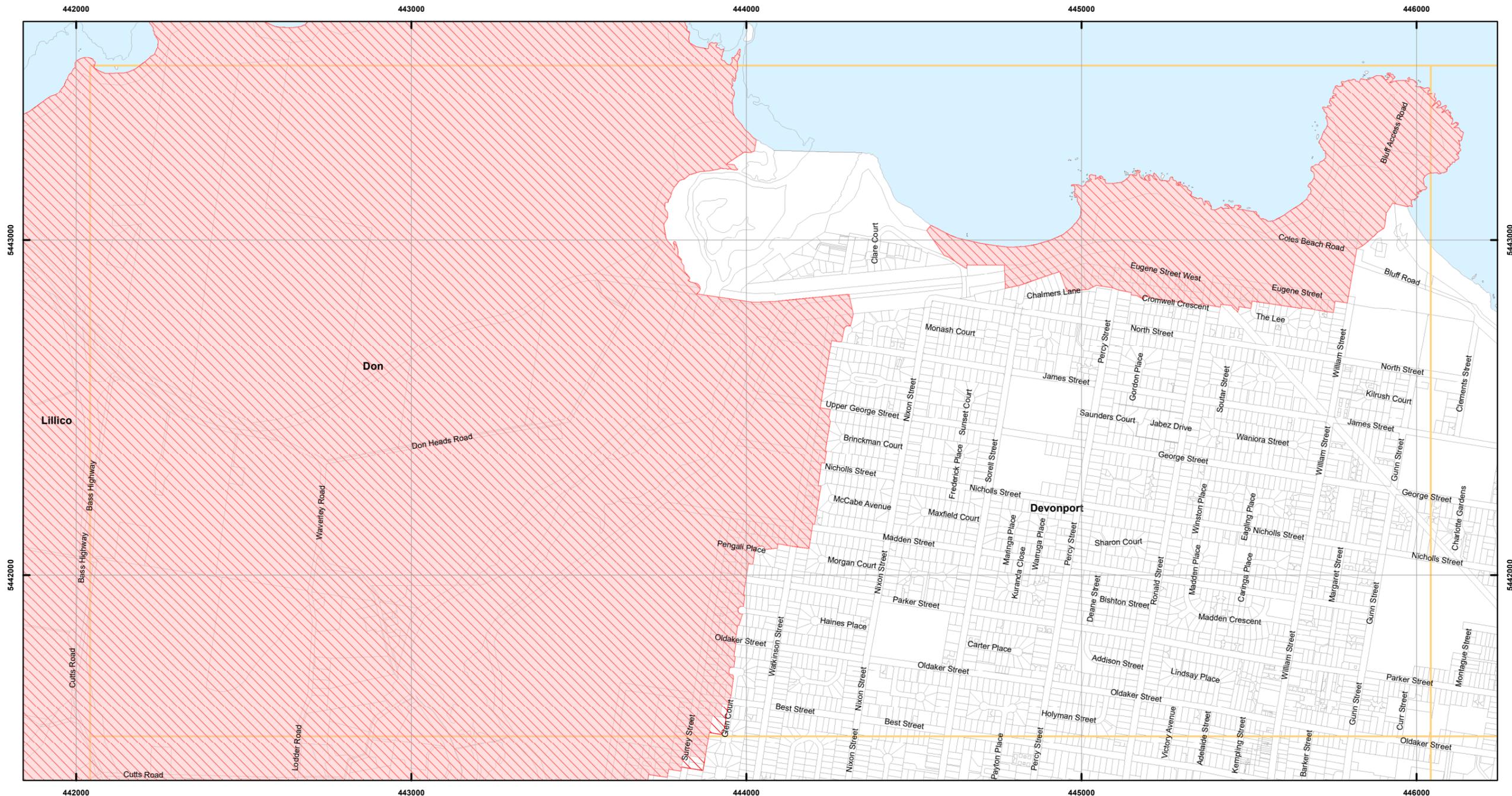
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Devonport Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania

Print Date: 12/06/2020



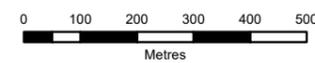
Tasmanian Planning Scheme - Devonport Local Provisions Schedule: Bushfire-Prone Areas Overlay



Legend

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- Parcels

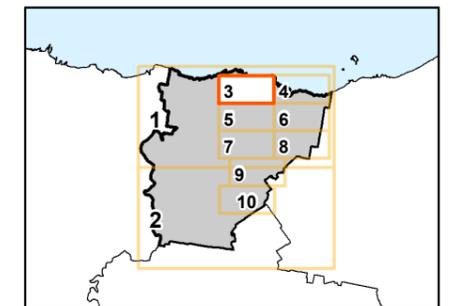
Map 3 of 10



Coordinate System: GDA 94 MGA Zone 55

Overlay data from Devonport Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania

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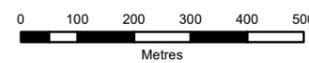
Tasmanian Planning Scheme - Devonport Local Provisions Schedule: Bushfire-Prone Areas Overlay



Legend

- Bushfire Prone Areas - proposed updated overlay
- Bushfire Prone Area - exhibited draft overlay
- Parcels

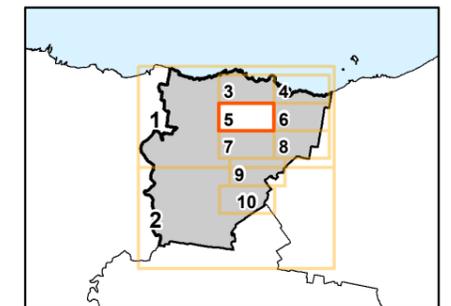
Map 5 of 10



Coordinate System: GDA 94 MGA Zone 55

Overlay data from Devonport Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania

Print Date: 12/06/2020



Tasmanian Planning Scheme - Devonport Local Provisions Schedule: Bushfire-Prone Areas Overlay



Legend

- Bushfire Prone Areas - proposed updated overlay
- Bushfire Prone Area - exhibited draft overlay
- Parcels

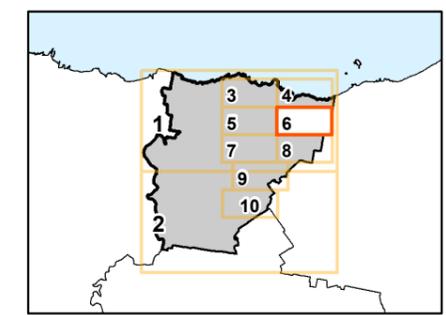
Map 6 of 10

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Metres

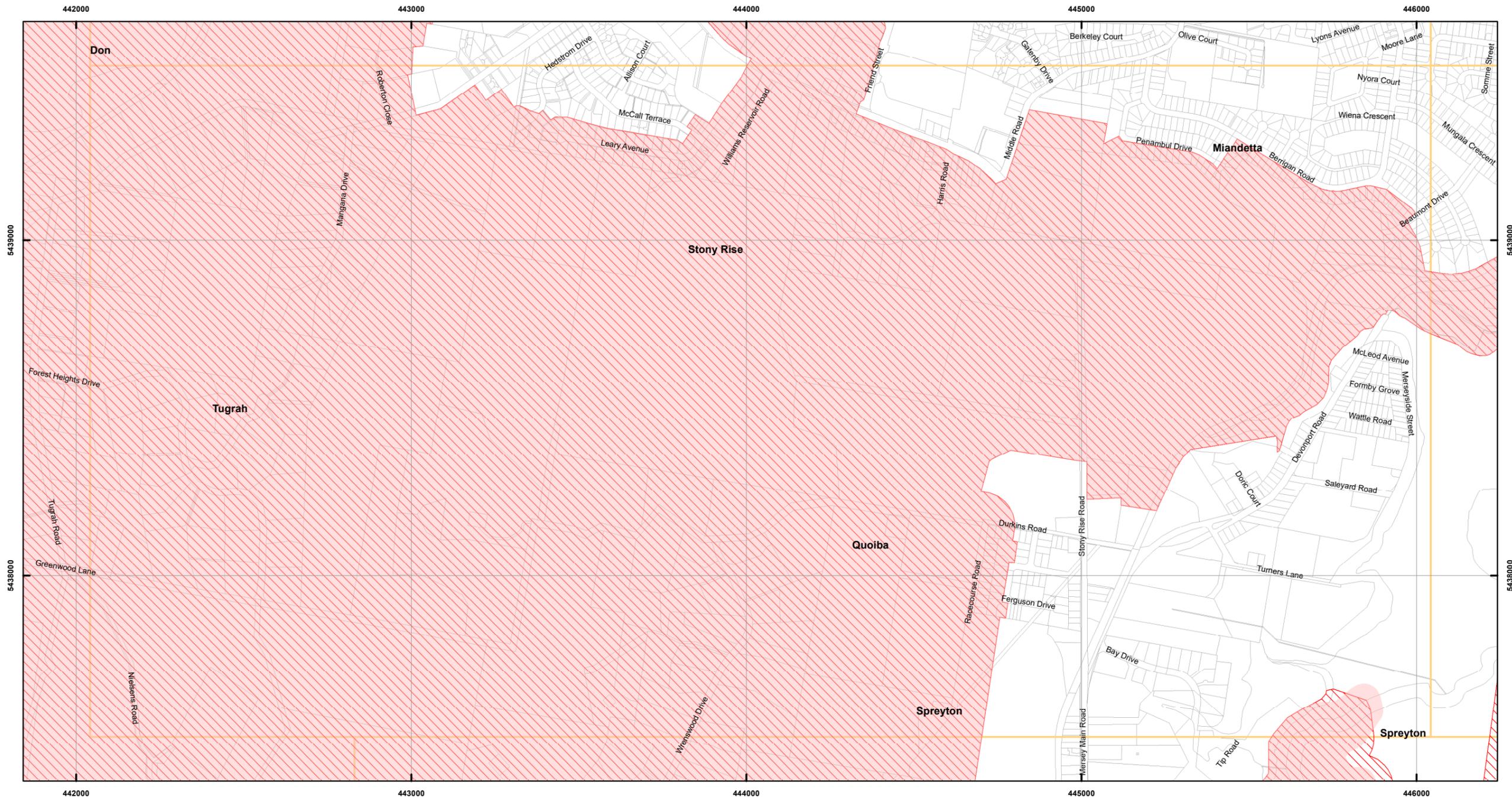
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Devonport Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania

Print Date: 12/06/2020



Tasmanian Planning Scheme - Devonport Local Provisions Schedule: Bushfire-Prone Areas Overlay



Legend

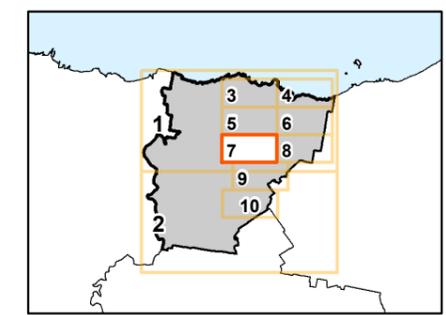
- Bushfire Prone Areas - proposed updated overlay
- Bushfire Prone Area - exhibited draft overlay
- Parcels

Map 7 of 10

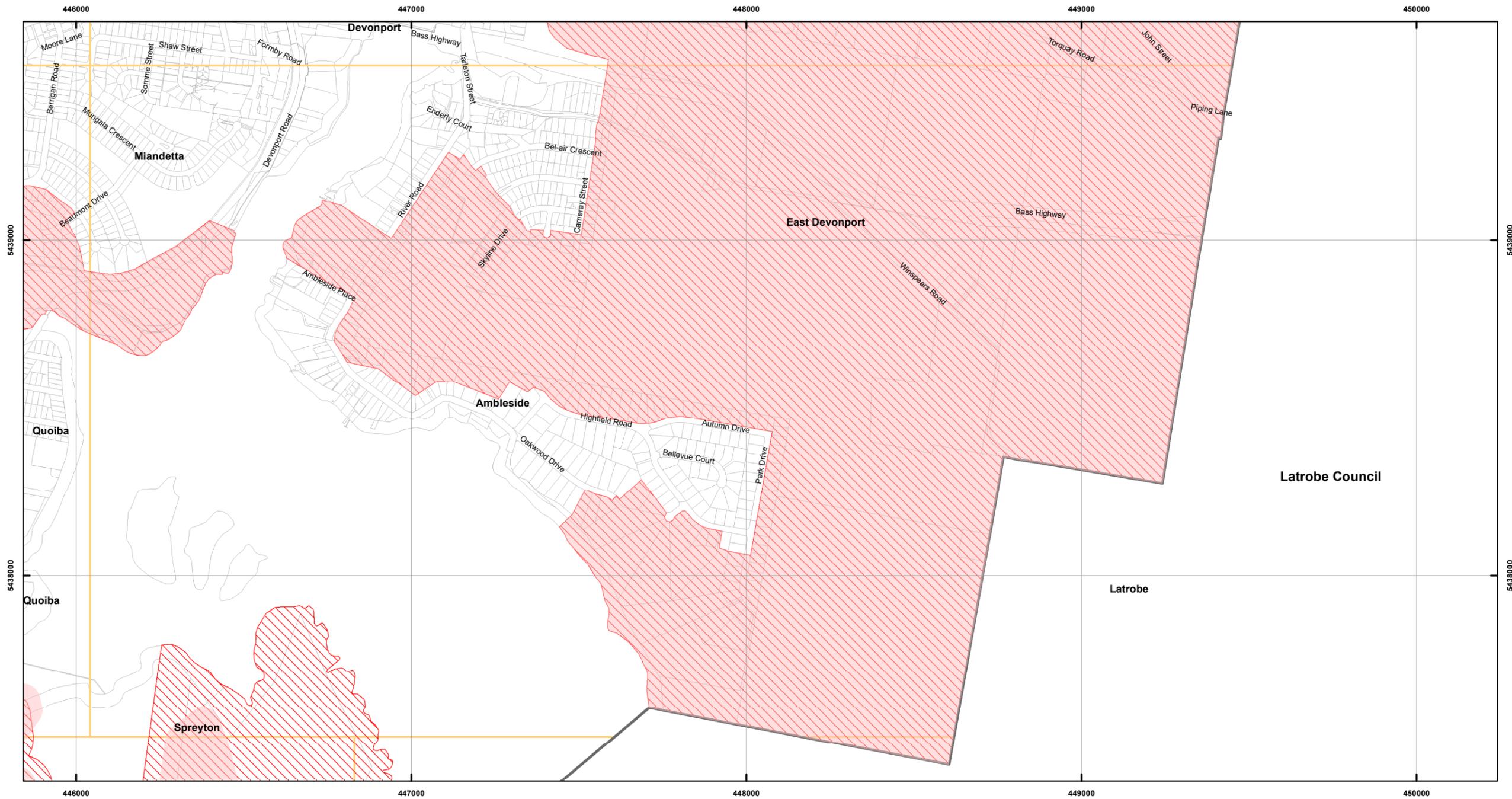
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Devonport Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania

Print Date: 12/06/2020



Tasmanian Planning Scheme - Devonport Local Provisions Schedule: Bushfire-Prone Areas Overlay



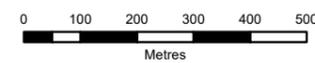
Latrobe Council

Latrobe

Legend

- Bushfire Prone Areas - proposed updated overlay
- Bushfire Prone Area - exhibited draft overlay
- Parcels

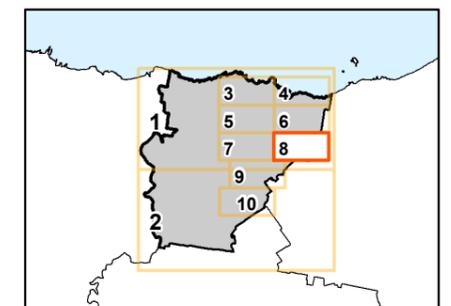
Map 8 of 10



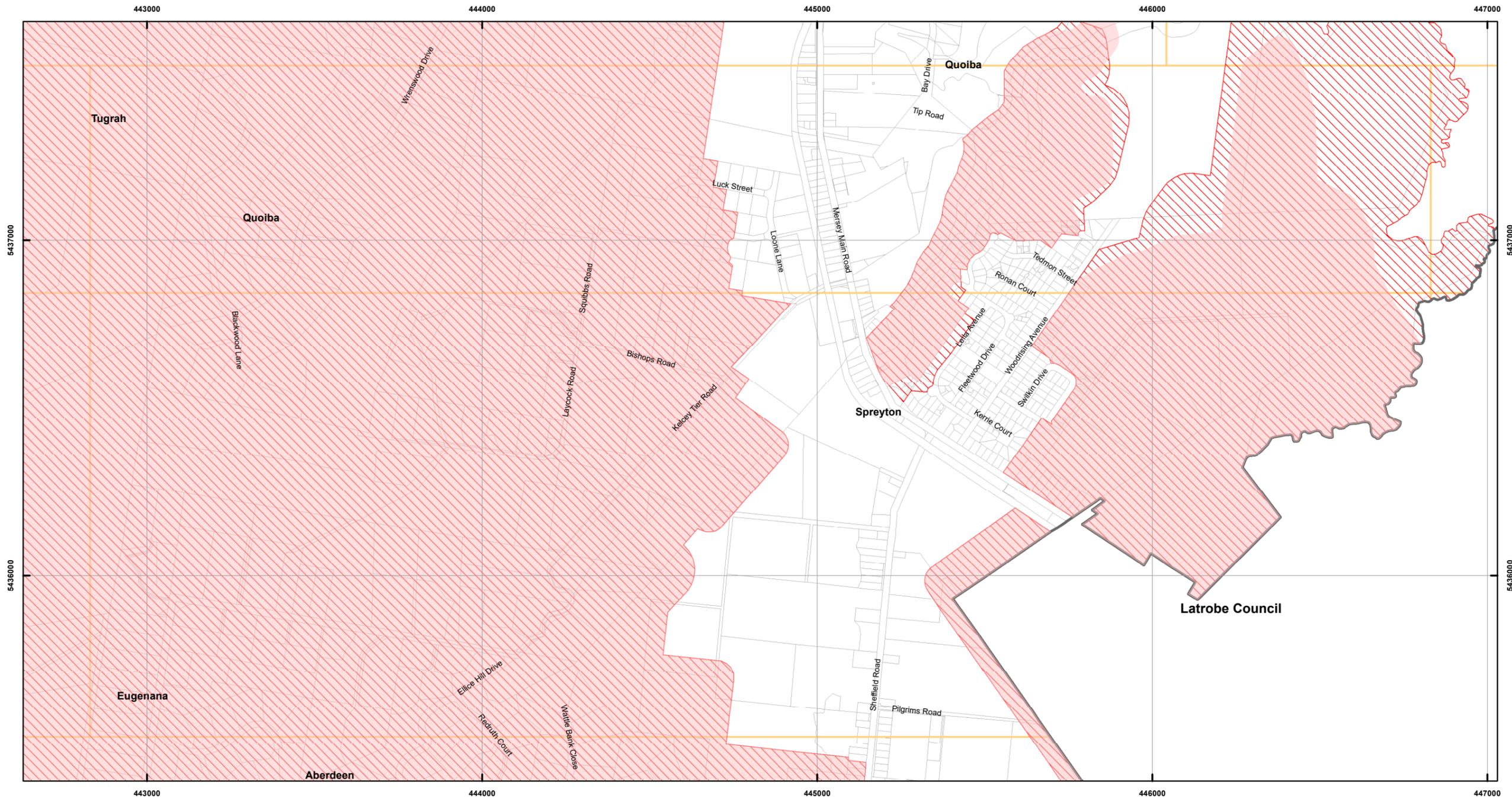
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Devonport Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania

Print Date: 12/06/2020



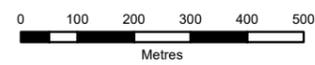
Tasmanian Planning Scheme - Devonport Local Provisions Schedule: Bushfire-Prone Areas Overlay



Legend

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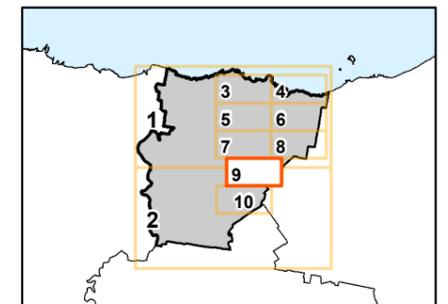
Map 9 of 10



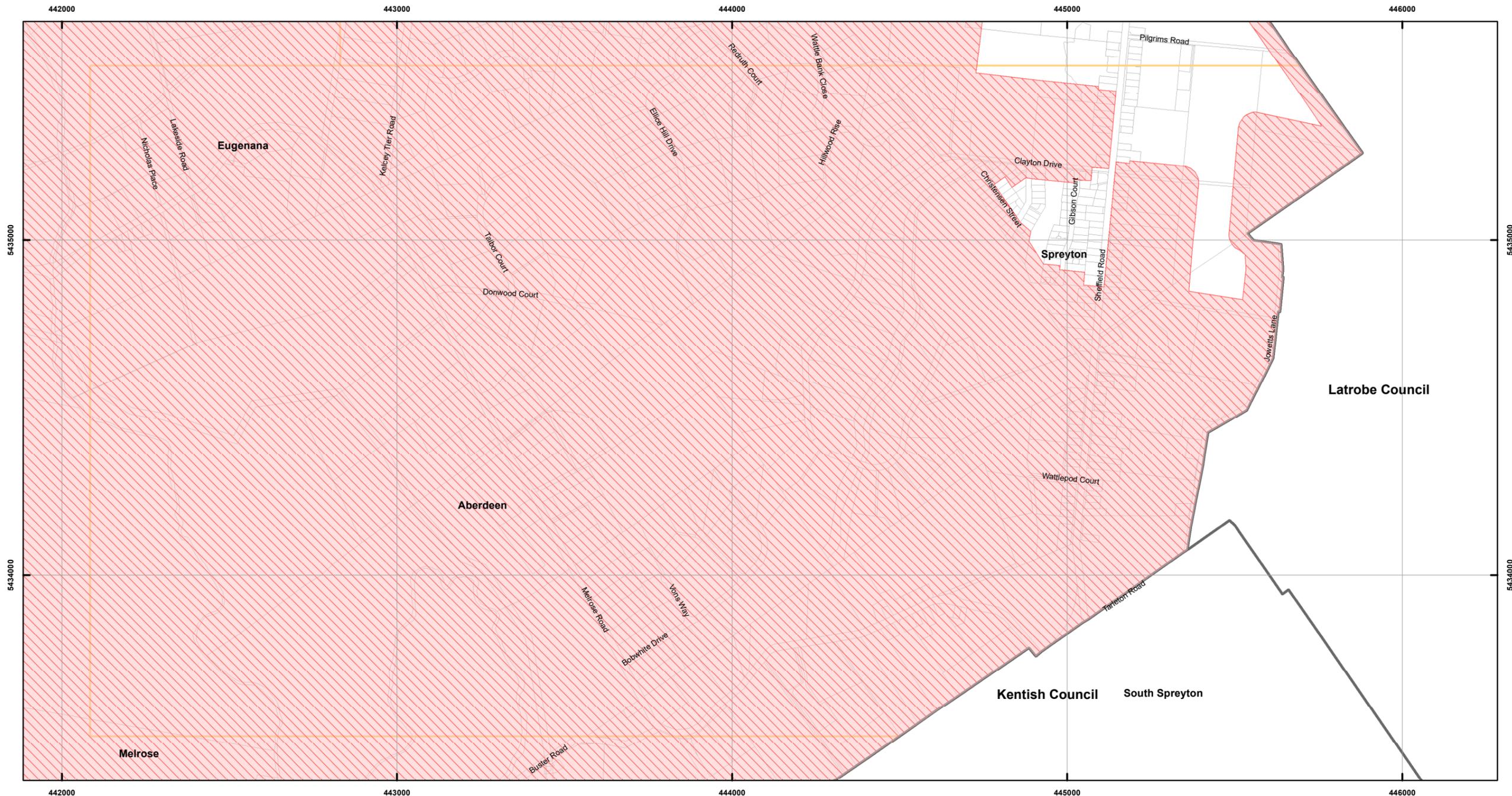
Coordinate System: GDA 94 MGA Zone 55

Overlay data from Devonport Council and Tasmania Fire Service
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Print Date: 12/06/2020



Tasmanian Planning Scheme - Devonport Local Provisions Schedule: Bushfire-Prone Areas Overlay



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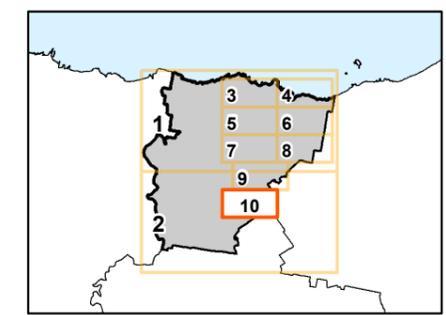
Map 10 of 10

0 100 200 300 400 500
Metres

Coordinate System: GDA 94 MGA Zone 55

Overlay data from Devonport Council and Tasmania Fire Service
Base topographic data from the LIST © State of Tasmania

Print Date: 12/06/2020



Representation 17 - TasRail

From: Jennifer Jarvis <Jennifer.Jarvis@tasrail.com.au>
Sent: Friday, 12 June 2020 6:55 PM
To: Devonport City Council
Subject: Fwd: Devonport Draft LPS
Attachments: image001.jpg; ATT00001.htm; TasRail requested Amendments.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: Jennifer Jarvis <Jennifer.Jarvis@tasrail.com.au>
Date: 12 June 2020 at 5:22:00 pm AEST
To: "council@devonport.tas.gov.au" <council@devonport.tas.gov.au>
Subject: **Devonport Draft LPS**

Resending this email as previous email did not include the attachment.

Dear Planning Department

Re: Devonport Draft Local Provisions Schedule (LPS)

Thank you for notifying TasRail of the Devonport Draft Local Provisions Schedule (LPS). TasRail has reviewed the documentation and notes there are omissions in relation to (1) the acknowledgement of rail infrastructure and (2) the zoning of the State Rail Network (rail infrastructure) within the Devonport Municipality.

TasRail therefore requests that the Devonport Draft LPS be amended so that:

- **all State Rail Network land be zoned Utilities and covered by the Road and Railway Assets Code.**
- **where State Rail Network Land or attendant rail infrastructure is currently covered under a different zoning, then a split zoning must be applied. For example where a TasRail rail track or siding may be currently zoned Port and Marine.**
- **all attendant rail infrastructure be recognised as State Rail Network land in accordance with the Rail Infrastructure Act, and zoned Utilities and covered by the Road and Rail Assets Code.**
- **all attendant rail infrastructure, irrespective of the ownership of the adjoining land be recognised as State Rail Network land in accordance with the Rail Infrastructure Act, and be subject to a split zoning.**

The attached PDF sets out each of the seven specific omissions where TasRail has identified either an incorrect zoning, or the need for a split zoning. TasRail requests that Devonport Draft LPS be amended as requested on each of the seven identified omissions.

For the avoidance of doubt, the relevant sections of the Rail Infrastructure Act 2007 are as follows:

- The Rail Infrastructure Act 2007 (Tas) is one part of the legal and regulatory framework that governs rail assets and operations in Tasmania. Under this Act, TasRail is the Rail

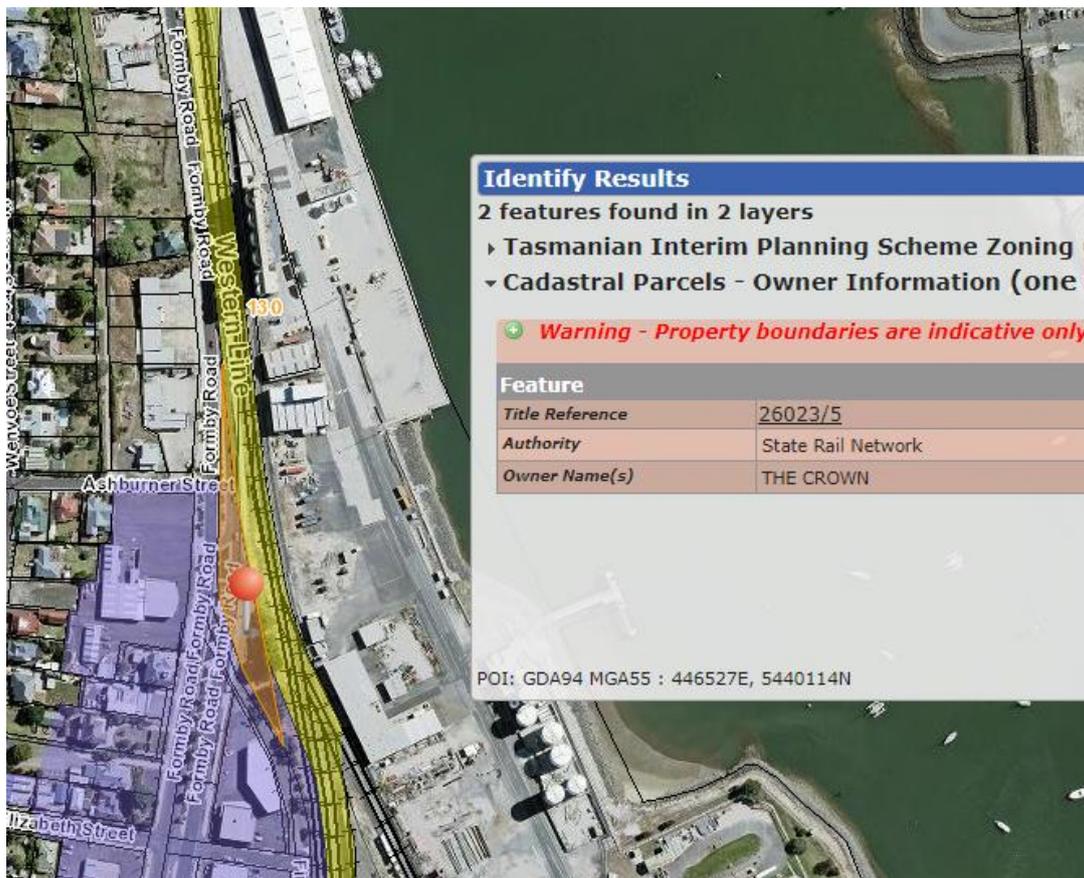
Infrastructure Owner (RIO) and the Rail Infrastructure Manager (RIM) of the State Rail Network (and all of the attendant rail infrastructure)

- The Rail Network consists of the railways specified in Schedule One of the Act. It is important to read Schedule One in conjunction with the definition of rail infrastructure and subsection (2) of the Act.
- Subsection (2) states” ‘In this Act, unless the contrary intention appears, a reference to a railway is taken to be a reference to the track of the railway, the land corridor along which the track of the railway is laid and all of the attendant rail infrastructure.
- *Rail infrastructure* is defined as being:
 - (a) Rail lines and fastenings; and
 - (b) Crossing loops, sidings, switches and points; and
 - (c) Sleepers and ballast; and
 - (d) Drains and culverts; and
 - (e) Bridges, cuttings, tunnels and embankments; and
 - (f) Poles and pylons; and
 - (g) Structures and supports; and
 - (h) Overhead lines; and
 - (i) Platforms and railway stations; and
 - (j) Rail yards; and
 - (k) Freight sheds, workshops and associated buildings; and
 - (l) Electrical substations; and
 - (m) Signs and signalling equipment; and
 - (n) Train control and communication systems; and
 - (o) Traffic control devices that are capable of being automatically activated by trains; and
 - (p) Plant, machinery and other fixed equipment;.

TasRail notes that Devonport Draft LPS does not include an overlap map to inform the application of the various codes, but acknowledges that a request for an overlap map is therefore unlikely to be supported by the Council.

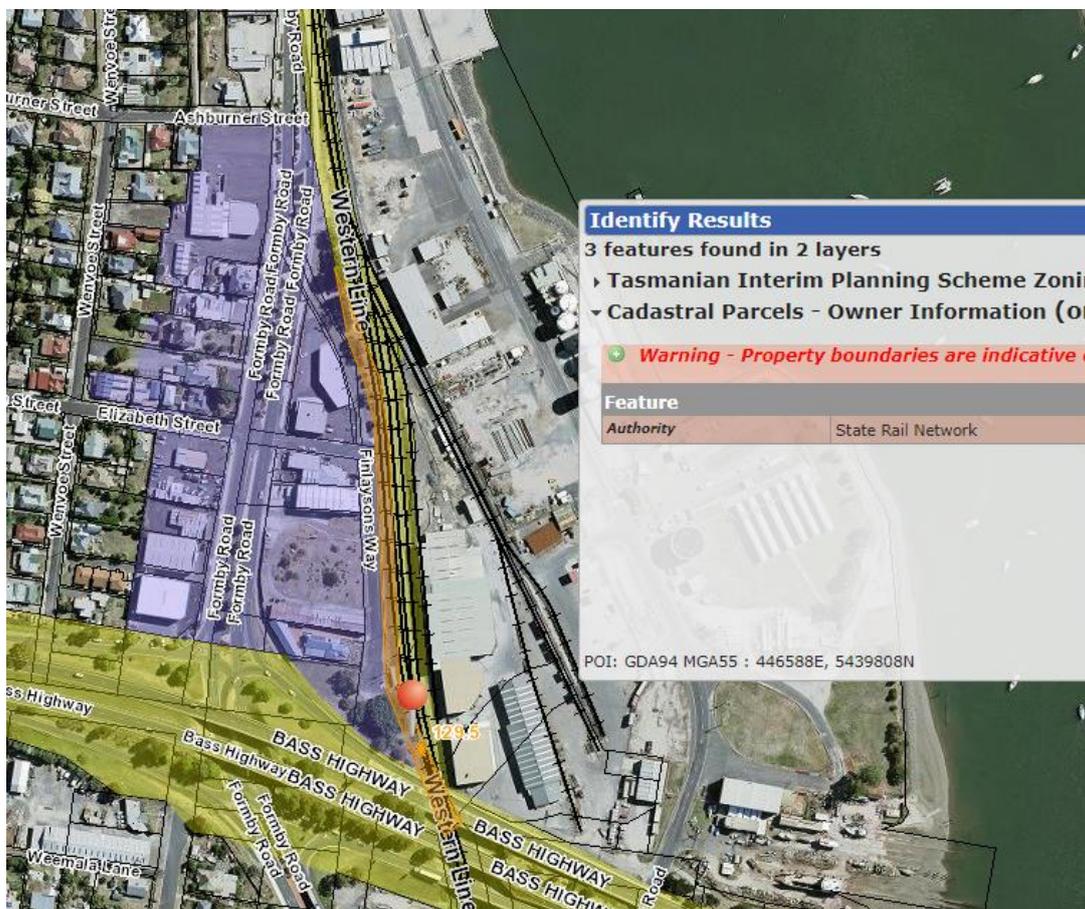
Should you have any questions in relation to these representations please don't hesitate to contact me.

Jennifer Jarvis



Certificate of Title Volume 26023 Folio 5

Area highlighted in orange is currently zoned commercial. This is State Rail Network land and must be changed to Utilities zoning.



Area highlighted in orange (Off Finlaysons Way No Title Reference) is currently zoned commercial. This is State Rail Network land and must be changed to Utilities zoning



1 Devonport Road Devonport – Multiple titles – part of CT 230641/1, CT 78162/1, CT203089/1, CT 203204/1, CT 33075/1, CT 33075/2 – PID 7506135

All the above land titles (as highlighted in orange) should be recognised as State Rail Network land. Therefore all of this land must be zoned Utilities or be subject to a split zoning of Utilities and Port and Marine.

Note these buildings are within the definition of rail infrastructure as per the Rail Infrastructure Act 2007. .



The Don River Rail Bridge that crosses over the river needs is part of the State Rail Network and therefore must be subject to either a Utilities zoning or a split zoning of Utilities and Environmental Management.



Refer Coles Beach Road (rail crossing).

- 1) The State Rail Network (railway track) runs over Coles Beach Road and is covered under Subsection 2 of the Rail Infrastructure Act. Therefore this rail corridor should be subject to a Utilities zoning.
- 2) TasRail notes that the Devonport Draft LPS shows Coles Beach Road as zoned 'open space'
- 3) TasRail queries why Coles Beach Road (as a public road) is not zoned Utilities and covered by the Road & Rail Assets Code



The rail track highlighted in red above is rail infrastructure as per the Rail Infrastructure Act and therefore needs to be recognised as State Rail Network and subject to a split zoning of Utilities and Port and Marine.

Note subsection 2 of the Rail Infrastructure Act states a reference to a railway is taken to be a reference to the track of the railway, the land corridor along which the track of a railway is laid and all of the attendant rail infrastructure.



The rail track highlighted in red above is rail infrastructure as per the Rail Infrastructure Act and therefore needs to be recognised as State Rail Network and subject to a split zoning of Utilities and Port and Marine.

Note subsection 2 of the Rail Infrastructure Act states a reference to a railway is taken to be a reference to the track of the railway, the land corridor along which the track of a railway is laid and all of the attendant rail infrastructure.

Representation 18 - Devonport City Council**DEVONPORT CITY COUNCIL**

ABN: 47 611 446 016

PO Box 604 Devonport TAS 7310 – 137 Rooke Street, Devonport

Telephone 03 6424 0511

Email council@devonport.tas.gov.au Web www.devonport.tas.gov.au

12 June 2020

Mr Matthew Atkins
General Manager
Devonport City Council

Email: council@devonport.tas.gov.au

Dear Matthew,

Representation on the draft Devonport Local Provisions Schedule (LPS)

Pursuant to section 35E of the *Land Use Planning and Approvals Act 1993* (LUPAA), this representation is made to the draft Devonport Local Provisions Schedule (LPS). The representation relates to what is considered to be a relatively minor and anomalous mapping inconsistency associated with the Waterway and Coastal Protection Area overlay applying to the land occupied by the Devonport Tennis Club facilities at 18-32 North Street, Devonport (Certificate of Title reference 156211/1). This is land owned by the Devonport City Council.

Further particulars on the representation are set out below.

Yours sincerely,

Mark McIver
PROJECT OFFICER

Waterway and Coastal Protection Area (WCPA) overlay – land occupied by the Devonport Tennis Club facilities at 18-32 North Street, Devonport**Background**

- (1) The Natural Assets Code of the State Planning Provides requires a Waterway and Coastal Protection Area (WCPA) to be included with the draft LPS by means of a mapped overlay. This overlay map will show where the standardised requirements of the Natural Assets Code of the State Planning Provisions (relating to waterway and coastal protection) will be applied in the Devonport local government area.
- (2) The WCPA overlay map included with the draft Devonport LPS has been derived from the "Waterway and Coastal Protection Area Guidance Map" (the Guidance Map) published on the Land Information System Tasmania (LIST) database. This Guidance Map was generated by the Derwent Estuary Program in conjunction with UTAS as an extension to the work that was completed to apply the WCPA overlay for the equivalent code in the current interim planning schemes of local councils in the Southern Region of the State.
- (3) The Guidance Map published on the LIST map database attempts to identify:
 - (a) wetlands and saltmarshes based on the Department of Primary Industries, Parks, Water and Environment (DPIPWE) Conservation of Freshwater Ecosystem Values (CFEV) Program mapping, TASVEG 3.0, and additional areas identified by UTAS; and
 - (b) the applicable buffer areas from tidal coastlines, water bodies (e.g. lakes and artificial storage areas, excluding farm dams) and waterways based on CFEV catchment mapping and other relevant data obtained from the LIST database.

*The City with Spirit*

- (4) The WCPA overlay map which formed part of the draft LPS that was originally submitted to the Tasmanian Planning Commission (the Commission) in June 2019 included some modifications where there was variation from the information shown on the LIST Guidance Map.
- (5) These modifications were made in accordance with the instruction contained within the State Planning Provisions and also Guideline No.1 – Local Provisions Schedule (LPS): zone and code application (the LPS Zone and Code Application Guideline) which was issued by the Tasmanian Planning Commission pursuant to section 8A of LUPAA. Further supporting rationale for these modifications were outlined in the draft LPS Supporting Report.
- (6) The LPS Zone and Code Application Guideline is the principal point of instruction for the zone and code applications included with the draft Devonport LPS.
- (7) The abovementioned modifications included how the WCPA overlay was to be applied to the land area occupied by the Devonport Tennis Club facilities at 18-32 North Street, Devonport (forming part of the land described by Certificate of Title 156211/1). This land is owned by the Devonport City Council. The yellow outline in Figure 1 below shows the full extent of this land parcel which extends well beyond that area occupied by the tennis club.



Figure 1: Aerial image of 18-32 North Street, Devonport (Source: www.thelist.tas.gov.au)

- (8) The resultant WCPA overlay map originally included with the draft LPS showed the land area occupied by the Devonport Tennis Club as being excluded from the overlay area. This modification was made in accordance with the requirements of the LPS Zone and Code Application Guideline which contemplates modifications to the areas shown on the LIST Guidance Map to remove areas of existing development – refer to instruction NAC 3(d). In furtherance of this logic, the existing nature of the tennis club facilities at this location represents long established development upon land that has been significantly modified from its natural state.
- (9) The below table shows the extent of the LIST Guidance Map for the WCPA overlay at this location and also a similar version of the rationale for this modification that was provided with the original submission of the WCPA overlay map to the Commission in June 2019.

Location	Rationale for modification to Guidance Map	Reference to LPS Zone and Code Application Guideline
<p>18-32 North Street, Devonport (Part of CT156211/1)</p>  <p>(Source: www.thelist.tas.gov.au)</p>	<p>Site contains the Devonport Tennis Club facilities. Propose variation to the Guidance Map to remove the overlay where it overlaps the tennis club facilities.</p>	<p>Modify in accordance with instruction NAC 3(d).</p>

Commission’s direction to modify the draft LPS

- (10) Before the draft LPS was made available for public exhibition, the Commission was required to be satisfied that the particular set of criteria contemplated under section 34(2) of LUPAA were met. As part of this assessment process, the Commission directed Council (pursuant to section 35(5)(b) of LUPAA) to undertake some modifications to the draft LPS from that which was originally submitted in June 2019.

- 3 -

(11) Some of the modifications directed by the Commission related to the WCPA overlay – including the land at 18-32 North Street, Devonport which was subject to the following instruction:

'The Waterway and Coastal Protection Area overlay must apply according to the widths provided by the guidance mapping in the following areas:

.....

..... the Open Space and Recreation zones 18-32 North Street'

(12) As part of the modifications made in accordance with the Commission's direction under section 35(5)(b) of LUPAA, this revised version of the WCPA overlay at this location was incorporated into the exhibited draft LPS.

(13) Immediately prior to the exhibition of the draft LPS, the query was raised with the Commission's planning staff on the matter of the WCPA overlay being reinstated over the land occupied by the Devonport Tennis Club at 18-32 North Street, Devonport which Council had originally sought to exclude. At this point it was reiterated that Council's position is that the appropriate rationale had previously been made out for this modification in accordance with the variations contemplated under the LPS Zone and Code Application Guideline (specifically instruction NAC 3(d)).

(14) There was general acknowledgement from the Commission's planning staff on this matter and there was ensuing discussion around whether the public exhibition of the draft LPS should be delayed to make this adjustment – or, given the relatively minor nature of the issue, whether it could instead be addressed as part of the public exhibition period. The latter option was decided upon and it was agreed that Council would seek to correct the issue by making a representation during the public exhibition period.

Representation with request to modify

(15) The area occupied by the Devonport Tennis Club facilities at 18-32 North Street, Devonport represents land that has been heavily modified from its natural state. The WCPA overlay is not considered compatible with this circumstance and the application of the overlay may unreasonably impact/constrain the existing use and development of the tennis club site. On these terms, and consistent with the instruction contained at NAC 3(d) of the LPS Zone and Code Application Guideline, the WCPA should be removed from where it overlaps the tennis club facilities.

(16) The suggested modification is that the WCPA overlay should be concluded at edge of the tennis club facilities which are readily evident from the aerial imagery and which correlate to the existing fence line around the site. The red outline detailed in Figure 2 below shows the proposed revised boundary of the WCPA overlay around the tennis club area.



Figure 2: Proposed revised boundary for the WCPA overlay around the Devonport Tennis Club facilities at 18-32 North Street, Devonport (Source: www.thelist.tas.gov.au)

(17) The modification to the WCPA overlay proposed in paragraphs 15 and 16 above is deemed to be of a relatively minor nature and which is essentially to correct what is perceived to be an anomalous mapping inconsistency. This modification was originally proposed with the draft LPS endorsed by Council and submitted to the Commission in June 2019 under section 35(1) of LUPAA.

(18) The proposed modification is appropriately consistent with the requirements of the State Planning Provisions, is consistent with the modifications contemplated by the LPS Zone and Code Application Guideline for the preparation of the WCPA overlay map, and can appropriately satisfy the LPS criteria prescribed under 34(2) of LUPAA.