



Devonport City Council

PUBLIC NOTICE

DRAFT AMENDMENT & CONCURRENT APPLICATION DEVONPORT LOCAL PROVISIONS SCHEDULE

Sections 40G & 40Z(2) Land Use Planning Approvals Act 1993

An application for an amendment to the Devonport Local Provisions Schedule of the Tasmanian Planning Scheme and a concurrent planning permit has been made which may affect you.

Application Details

Application Number:	AM2023.02
Proposal:	Rezone part of 200 Stony Rise Road, Stony Rise (CT 163007/2) from Community Purpose to General Residential;
Application Number:	PA2023.0067
Proposal:	Boundary adjustment
Address of the Land:	200 Stony Rise Road, Stony Rise & 1 Lapthorne Close, Don
Date of Notice:	3 April 2024

This application is subject to approval under the *Historic Cultural Heritage Act 1995*

You are invited to view the application and any documents and plans accompanying it on the ground floor of the parnaple centre at 137 Rooke Street, Devonport or on Council's website www.devonport.tas.gov.au

Any person may make a representation relating to the draft amendment and application in accordance with sections 40J and 41 of the Land Use Planning Approvals Act 1993, during a period of 28 days commencing on the date of this notice.

Your representation must:

- be received by close of business on **3 May 2024**;
- be in writing; and
- addressed to the General Manager, Devonport City Council:
 - P.O. Box 604, Devonport, Tasmania, 7310; or
 - council@devonport.tas.gov.au

If you make a representation then Council must consider your submission before making its decision on the application.



Devonport City Council
AM2023.02 & PA2023.0067

200 Stony Rise Road, Stony Rise & 1 Lapthorne Close, Don

This map is made available for the purpose of providing access to Devonport City Council information and not as professional advice. The information contained on the map is diagrammatic only. All information should be verified on site, or with the appropriate State Government Department or Council Office, prior to being used for any purpose.



Devonport City Council

DEVONPORT CITY COUNCIL

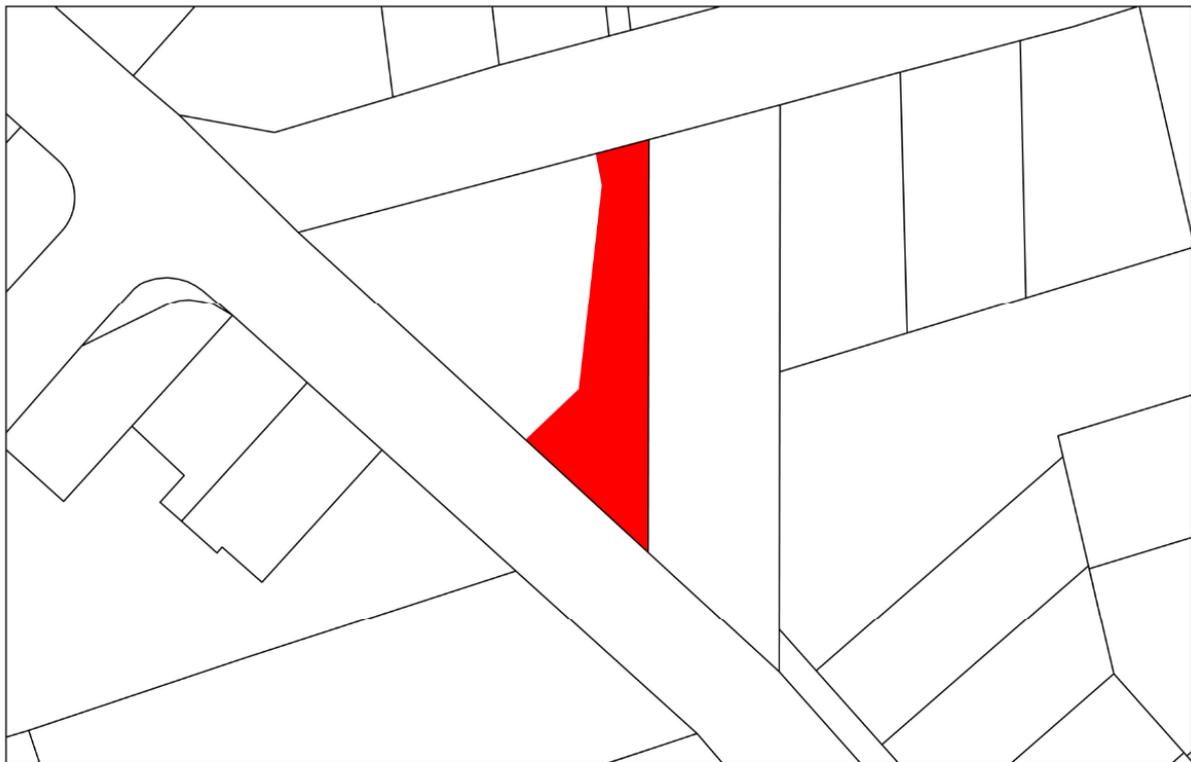
TASMANIAN PLANNING SCHEME – DEVONPORT

Certification of draft amendment to the Devonport Local Provisions Schedule AM2023.02 (s.40F *Land Use Planning and Approvals Act 1993*) & determination of concurrent permit application PA2023.0067 (s.40Y *Land Use Planning and Approvals Act 1993*).

The Devonport Local Provisions Schedule (forming part of the Tasmanian Planning Scheme) is proposed to be amended as follows:

1. Rezone part of 200 Stony Rise Road, Stony Rise (CT 163007/2) from Community Purpose to General Residential;

Approval is also granted for permit application PA2023.0067 that accompanies the draft amendment and seeks approval for a boundary adjustment between 200 Stony Rise Road, Stony Rise and 1 Laphorne Close, Don.



General Residential Zone

The Devonport City Council resolved at its ordinary meeting of 25 March, 2024 that the abovementioned draft amendment meets the local provisions schedule criteria set out under s.34(2) of the *Land Use Planning and Approvals Act 1993*.

The common seal of the Devonport City Council is affixed, pursuant to the Council's resolution of 28 March, 2024



A handwritten signature in black ink, appearing to read 'Matthew Atkins'.

Matthew Atkins
General Manager



Devonport City Council Planning Permit

Permit Number: PA2023.0067

Permit Type Section 57 Land Use Planning and Approvals Act 1993

Development Address: 200 Stony Rise Road, Stony Rise & 1 Lapthorne Close, Don

Applicant Details: Terra Firma Town Planning obo
Anglican Diocese Tasmania
jo@terrafirmaplanning.com.au

This Permit allows for: Boundary adjustment

The following conditions apply to this permit:

Planning Condition

1. The boundary adjustment is to proceed generally in accordance with the endorsed plan and documentation referenced as:
 - Boundary Adjustment - Drawing No. 220076, dated 10/10/2023 by Michell Hodgetts Surveyors;
 - Application Report, dated 11/04/2023 (Version 1) by Terra Firma Town Planning; and
 - Attenuation Code Assessment Report, Project No. 8477, dated 12/09/2022 (Final Version) by es&d.copies of which is attached as documents forming part of this planning permit.
2. If during any excavation work any human remains or associated burial material is unearthed all work is to cease immediately and Devonport City Council's Environmental Health Department is to be contacted.

Tasmanian Heritage Council (THC Works Reference: 8175)

3. The new boundary fence between lots 1 and 2 must be constructed of vertical hardwood palings (unpainted) 1.8 metres in height, with posts and rails to be on east face (i.e. not visible from church) - refer to notes.

Infrastructure Conditions (roads and stormwater)

4. A concrete vehicular access from Lapthorne Close must be provided for 200 Stony Rise Road (lot 1), constructed in accordance with current Tasmanian Standard Drawings and Tasmanian Subdivisional Guidelines (TSD-R09-v3).
5. A DN150 stormwater connection must be provided for 1 Lapthorne Close (lots 2 and 3) to Council's reticulated stormwater system.

Signed

Dated

28 March 2024

TasWater Condition (water and sewerage)

- 6. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*. A copy of this notice is attached.**

Note: The following is provided for information purposes.

The developer must apply for a Permit to Work Within the Road Reserve prior to construction of the vehicular access.

Should any changes be sought to the existing access for 1 Laphorne Close (lots 2 and 3), the developer must liaise with Council's Infrastructure Department.

In regard to the Tasmanian Heritage Council condition, a copy of their decision is attached. The applicant is to note that the area entered in the Tasmanian Heritage Register will not change as a result of this subdivision. Works within the registered area will require heritage approval pursuant to Part 6 of the *Historic Cultural Heritage Act 1995*. The developer is to contact Heritage Tasmania with any queries regarding their decision.

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

No burning of any waste materials (including cleared vegetation) is to be undertaken on site. Any waste material is to be removed and disposed of at a licensed refuse waste disposal facility.

In regard to condition 5 the developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 3-4, the developer should contact Council's Infrastructure Department – Ph 6424 0511 with any enquiries.

Enquiries regarding condition 1 and general notes can be directed to Council's Development Services Department – Ph 6424 0511.

Approved by Council 25 March 2024. Resolution No. 24/40

Signed



Dated

28 March 2024

WHAT HAS BEEN DECIDED?

The Planning Authority has issued a planning permit. This notice sets out on the reverse side what the permit allows and what conditions must be met.

WHEN DOES A PERMIT BEGIN?

A permit takes effect on the last date provided by the following:

- a. where there is no right of appeal - on the day on which it is granted; or
- b. where there is a right of appeal - fourteen days after this notice is served; or
- c. where an appeal has been lodged - when the appeal is determined or abandoned; or
- d. when any other approvals under any Act have been granted.

If you are unsure whether a right of appeal exists please check with a Planning Officer.

WHEN DOES A PERMIT EXPIRE?

A permit lapses two years from the date on which it was granted if the use or development has not substantially commenced.

WHAT ABOUT APPEALS?

- The applicant may appeal against any condition in the permit within 14 days after the day on which this notice was served on the applicant.
- Any person who has made a representation concerning the application may appeal against the decision to grant the permit within 14 days after the day on which notice of this permit was served on that person.
- An appeal must be lodged with the
Tasmanian Civil & Administrative Tribunal
Address: G.P.O. Box 1311, HOBART TAS 7001 or
38 Barrack Street, Hobart
Web: www.tascat.tas.gov.au/resource-and-planning/home
Email: resourceplanning@tascat.tas.gov.au
Telephone: 1800 657 500
- Appeal forms can be obtained directly from the Tribunal.
- A fee is payable when making an appeal. Please check with the Tribunal for details.

4.2 PA2023.0067 & AM2023.02 - 200 STONY RISE ROAD STONY RISE & 1 LAPHORNE CLOSE DON - SUBDIVISION (BOUNDARY ADJUSTMENT) AND REZONE PART OF 200 STONY RISE ROAD (ST OLAVE'S CHURCH) FROM THE COMMUNITY PURPOSE ZONE TO THE GENERAL RESIDENTIAL ZONE

Author: **Alex Mountney, Land Use Planning Coordinator**

Endorser: **Kylie Lunson, Executive Manager**

RECOMMENDATION

That Council:

- agree to certify draft amendment AM2023.02 to the Devonport Local Provisions Schedule for part of land at 200 Stony Rise Road, Stony Rise (CT 163007/2) to:
 - a. Remove the Community Purpose Zone; and
 - b. Assign the General Residential Zone.
- advise the Tasmanian Planning Commission that the Planning Authority is satisfied that the draft amendment meets the Local Provisions Schedule criteria in accordance with section 34(2) of the *Land Use Planning and Approvals Act 1993*.
- place Amendment AM2023.02 and application PA2023.0067 on public exhibition for 28 days in accordance with sections 40G and 40Z of the *Land Use Planning and Approvals Act 1993*; and
- approve draft permit PA2023.0067 for a boundary adjustment involving 200 Stony Rise Road, Stony Rise and 1 Laphorne Close, Don with the following conditions:

Planning Condition

1. The boundary adjustment is to proceed generally in accordance with the endorsed plan and documentation referenced as:
 - Boundary Adjustment - Drawing No. 220076, dated 10/10/2023 by Michell Hodgetts Surveyors;
 - Application Report, dated 11/04/2023 (Version 1) by Terra Firma Town Planning; and
 - Attenuation Code Assessment Report, Project No. 8477, dated 12/09/2022 (Final Version) by es&d.

copies of which is attached as documents forming part of this planning permit.
2. If during any excavation work any human remains or associated burial material is unearthed all work is to cease immediately and Devonport City Council's Environmental Health Department is to be contacted.

Tasmanian Heritage Council (THC Works Reference: 8175)

3. The new boundary fence between lots 1 and 2 must be constructed of vertical hardwood palings (unpainted) 1.8 metres in height, with posts and rails to be on east face (i.e, not visible from church) - refer to the note.

Infrastructure Conditions (roads and stormwater)

4. A concrete vehicular access from Lapthorne Close must be provided for 200 Stony Rise Road (lot 1), constructed in accordance with current Tasmanian Standard Drawings and Tasmanian Subdivisional Guidelines (TSD-R09-v3).
5. A DN150 stormwater connection must be provided for 1 Lapthorne Close (lots 2 and 3) to Council's reticulated stormwater system.

TasWater Condition (water and sewerage)

6. The developer is to comply with the conditions specified in the Submission to Planning Authority Notice which TasWater has required to be included in the planning permit pursuant to section 56P(1) of the *Water and Sewerage Industry Act 2008*. A copy of this notice is attached.

Note: The following is provided for information purposes.

The developer must apply for a Permit to Work Within the Road Reserve prior to construction of the vehicular access.

Should any changes be sought to the existing access for 1 Lapthorne Close (lots 2 and 3), the developer must liaise with Council's Infrastructure Department.

In regard to the Tasmanian Heritage Council condition, a copy of their decision is attached. The applicant is to note that the area entered in the Tasmanian Heritage Register will not change as a result of this subdivision. Works within the registered area will require heritage approval pursuant to Part 6 of the *Historic Cultural Heritage Act 1995*. The developer is to contact Heritage Tasmania with any queries regarding their decision.

During the construction or use of these facilities all measures are to be taken to prevent nuisance. Air, noise and water pollution matters are subject to provisions of the *Building Regulations 2016* or the *Environmental Management and Pollution Control Act 1994*.

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In regard to condition 5 the developer should contact TasWater – Ph 136992 with any enquiries.

In regard to conditions 3-4, the developer should contact Council's Infrastructure Department – Ph 6424 0511 with any enquiries.

Enquiries regarding condition 1 and general notes can be directed to Council's Development Services Department – Ph 6424 0511.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- 2.1 Council's Planning Scheme facilitates appropriate property use and development

SUMMARY

The purpose of this report is to enable Council, acting as a Planning Authority, to determine whether to initiate a draft amendment to the Devonport Local Provisions Schedule in accordance with Section 40T of the *Land Use Planning and Approvals Act 1993* in regard to the following matters:

- Removal of the Community Purpose Zone from part of 200 Stony Rise Road, Stony (CT 163007/2);
- Introduction of the General Residential Zone to 200 Stony Rise Road (CT 163007/2); and
- The concurrent approval of a boundary adjustment between 200 Stony Rise Road, Stony Rise and 1 Laphorne Close, Don.

BACKGROUND

Planning Instrument:	<i>Tasmanian Planning Scheme – Devonport 2020</i>
Property Address:	200 Stony Rise Road, Stony Rise & 1 Laphorne Close, Don
Title Reference:	CT 163007/2 & CT 163007/1
Landowner(s):	200 Stony Rise Road – God Squad CMC Nth West Tas Inc. 1 Laphorne Close – Driftwood Sands Tasmania Pty Ltd.
Applicant:	Terra Firma Town Planning obo Anglican Diocese Tasmania
Proposal Description:	Draft Amendment and Permit - Rezoning part of 200 Stony Rise Road from the Community Purpose Zone to the General Residential Zone and Boundary adjustment between 200 Stony Rise Road and 1 Laphorne Close, Stony Rise
Current Zoning:	200 Stony Rise Road – Community Purpose 1 Laphorne Close – General Residential
Existing Use	200 Stony Rise Road – church 1 Laphorne Close – vacant land
Decision Due	26 March, 2024

SITE DESCRIPTION

The site is located on the south-eastern corner of the Stony Rise Road and Laphorne Close intersection. Two properties, 200 Stony Rise Road (CT 163007/2) and 1 Laphorne Close (CT 163007/1), overlay the site. A recent aerial image of the site showing the two properties is reproduced below as Figure 1. Figure 2 is the respective title plan of each property.

200 Stony Rise Road contains St Olave's Church and cemetery. This property, which has an area of 2403m², is listed on the Tasmanian Heritage Register.

1 Laphorne Close is currently vacant and has an area of 2134m². This property was subdivided from the St Olave's property in 2011.

The site has a gentle slope falling towards the north-east and is surrounded by residential and industrial development. Figures 3 and 4 are recent images of the property from Stony Rise Road and Laphorne Close.



Figure 1 – Aerial image of the site and surrounding locality. The yellow dashed line is the approximate location of the shared boundary between the two properties (DCC, 2023)

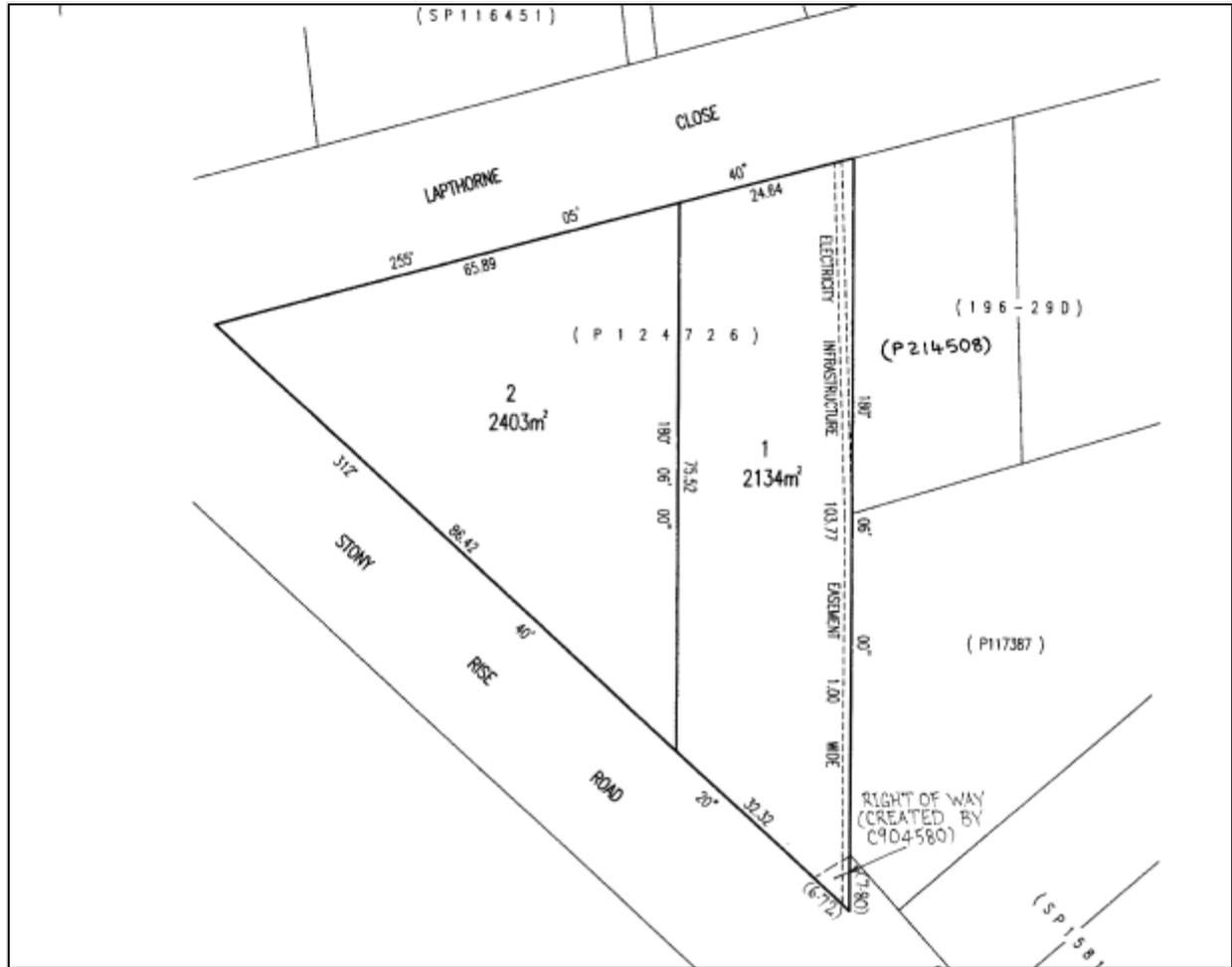


Figure 2 – Title plan for 200 Stony Rise Road (lot 2) and 1 Laphorne Close (lot 1) (LIST, 2011)



Figure 3 – Image of the site looking north from Stony Rise Road (DCC, 2024)



Figure 4 – Image of the site looking south from Laphorne Close (DCC, 2024)

CURRENT LAND USE ZONING & OVERLAY CONTROLS

The site is subject to two land-use zones. The Community Purpose Zone applies to 200 Stony Rise Road, and the General Residential Zone applies to 1 Laphorne Close. Figure 5 below is a zoning map of the site and surrounding locality. An overview of each of the abovementioned zones follows.

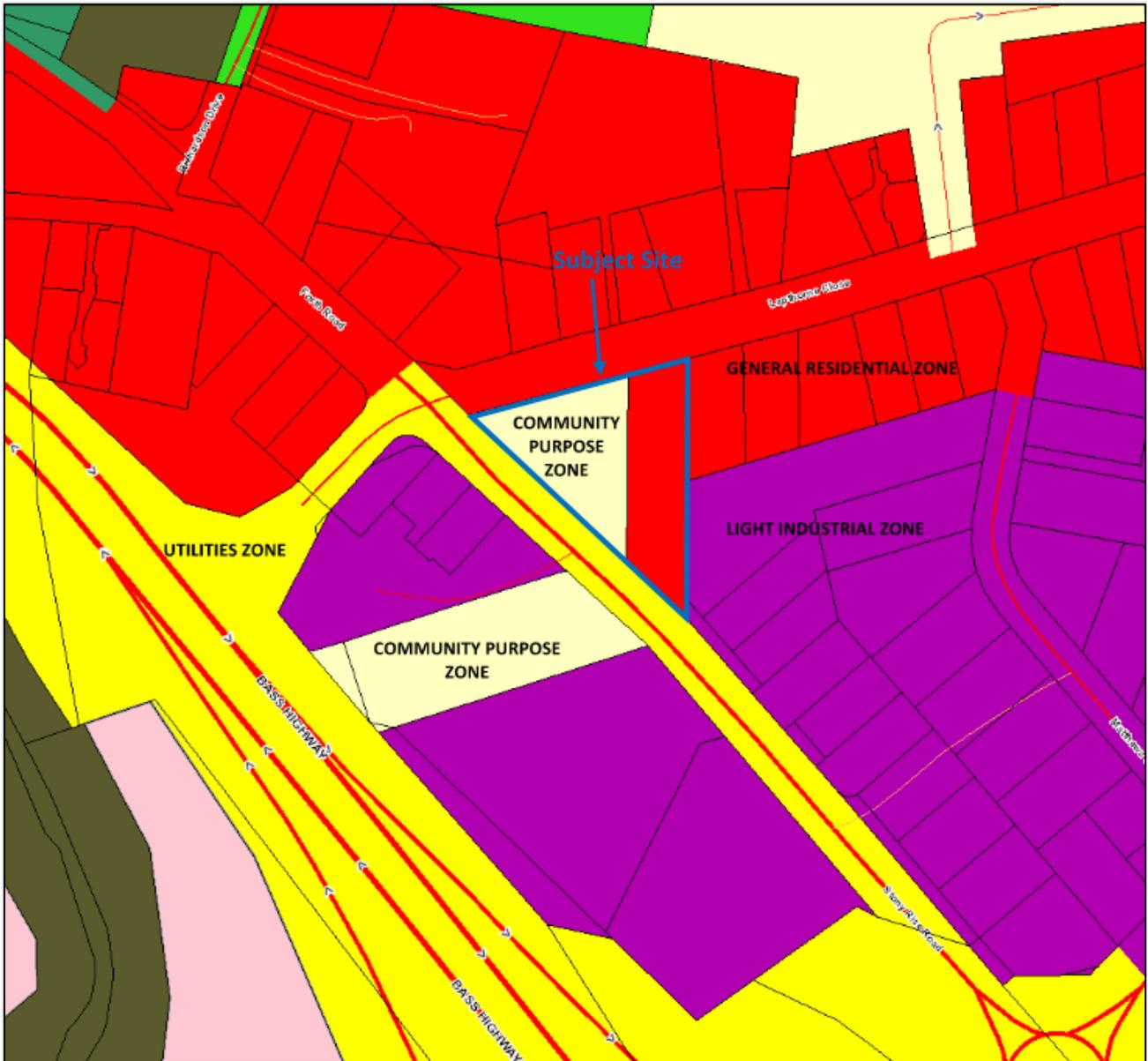


Figure 5 – Zoning map of the site (outlined in blue) and surrounds (Terra Firm Town Planning, 2023)

27.0 Community Purpose Zone

The purpose of the Community Purpose Zone is:

- 27.1.1 To provide for key community facilities and services including health, educational, government, cultural and social facilities.
- 27.1.2 To encourage multi-purpose, flexible and adaptable social infrastructure.

The Use Table for the zone is as follows:

27.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities.
Permitted	
Business and Professional Services	If for: (a) medical centre; (b) a community-based organisation; (c) government offices; or (d) funeral parlour.
Community Meeting and Entertainment	If for a cemetery.
Crematoria and Cemeteries	
Educational and Occasional Care	
Emergency Services	
Hospital Services	
Residential	If for: (a) a residential care facility, respite centre, retirement village or assisted housing; or (b) accommodation for staff or students of a use on the site.
Tourist Operation	If for a visitor centre.
Discretionary	
Business and Professional Services	If not listed as Permitted.
Custodial Facility	If for alterations or extensions to an existing Custodial Facility.
Food Services	
General Retail and Hire	If for a market.
Recycling and Waste Depot	If for alterations or extension to an existing Recycling and Waste Depot.
Sports and Recreation	
Tourist Operation	If not listed as Permitted.
Utilities	If not listed as No Permit Required.

Vehicle Parking	
Prohibited	
All other uses	

8.0 General Residential Zone

The purpose of the General Residential Zone is:

- 8.1.1 *To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.*
- 8.1.2 *To provide for the efficient utilisation of available social, transport and other service infrastructure.*
- 8.1.3 *To provide for non-residential use that:*
 - a) *primarily serves the local community; and*
 - b) *does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.*
- 8.1.4 *To provide for Visitor Accommodation that is compatible with residential character.*

The Use Table for the zone is as follows:

8.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	If for a single dwelling.
Utilities	If for minor utilities.
Permitted	
Residential	If not listed as No Permit Required.
Visitor Accommodation	
Discretionary	
Business and Professional Services	If for a consulting room, medical centre, veterinary centre, child health clinic, or for the provision of residential support services.
Community Meeting and Entertainment	If for a place of worship, art and craft centre, public hall, community centre or neighbourhood centre.
Educational and Occasional Care	If not for a tertiary institution.

Emergency Services	
Food Services	If not for a take away food premises with a drive through facility.
General Retail and Hire	If for a local shop.
Sports and Recreation	If for a fitness centre, gymnasium, public swimming pool or sports ground.
Utilities	If not listed as No Permit Required.
Prohibited	
All other uses	

In addition to the site's land-use zoning, the site is subject to various mapped overlays that form part of the codes under the scheme. The overlays are identified and discussed in further detail below.

C7.0 Natural Assets Code

The entire site is mapped within a priority vegetation area (PVA). The purpose of the Code is:

- C7.1.1 *To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.*
- C7.1.2 *To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.*
- C7.1.3 *To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.*
- C7.1.4 *To minimise impacts on identified priority vegetation.*
- C7.1.5 *To manage impacts on threatened fauna species by minimising clearance of significant habitat.*

Priority vegetation is defined within the Code as:

"native vegetation where any of the following apply:

- (a) it forms an integral part of a threatened native vegetation community as prescribed under Schedule 3A of the Nature Conservation Act 2002;*
- (b) is a threatened flora species;*
- (c) it forms a significant habitat for a threatened fauna species; or*
- (d) it has been identified as native vegetation of local importance"*

PVA is further defined as *"means land shown on an overlay map in the relevant Local Provisions Schedule, as within a priority vegetation area."*

16.0 Safeguarding of Airports Code

The entire site is mapped within an airport obstacle limitation area (AOLA) of 51.5m AHD. The purpose of the Code is:

C16.1.1 To safeguard the operation of airports from incompatible use or development.

C16.1.2 To provide for use and development that is compatible with the operation of airports in accordance with the appropriate future airport noise exposure patterns and with safe air navigation for aircraft approaching and departing an airport.

PROPOSED AMENDMENT

The applicant proposes to amend the Devonport Local Provisions Schedule (LPS) zoning map to:

- (a) Remove the Community Purpose Zone from part of 200 Stony Rise, Stony Rise (CT 163007/2); and
- (b) Assign the General Residential Zone to part of 200 Stony Rise Road, Stony Rise (CT 163007/2).

Terra Firma Town Planning has sought the draft amendment on behalf of the Anglican Diocese of Tasmania. The amendment proposes to rezone 850m² of land. Should the draft amendment be certified, a boundary adjustment between 200 Stony Rise and 1 Laphorne Close is sought, which will align the title boundary with the zone boundary. A full copy of the applicant's draft amendment and permit application is appended as **Attachment 1** to this report.



Figure 6 – Overview of proposed amendment and boundary adjustment (Terra Firma Town Planning, 2023)

STATUTORY REQUIREMENTS

In accordance with section 38 of the *Land Use Planning and Approvals Act, 1993 (LUPAA)*, before deciding whether to prepare a draft amendment to a Local Provisions Schedule (LPS) the Planning Authority must be satisfied that such a draft amendment of an LPS will meet the LPS criteria, as outlined in section 34 of *LUPAA*.

A detailed assessment against the LPS criteria is appended to this report as **Attachment 2**.

Further to satisfying the LUPAA requirements, the draft amendment requires consistency with the Section 8A Guidelines for LPS zone and code application. The guidelines for the relevant zones and codes are reproduced below in Figures 7 & 8 along with further commentary.

27.0 Community Purpose Zone

Zone Application Guidelines	
CPZ 1	The Community Purpose Zone should be applied to land that provides, or is intended to provide, for key community facilities and services, including: <ul style="list-style-type: none"> (a) schools, tertiary institutions or other education facilities; (b) medical centres, hospital services or other care-based facilities; (c) emergency services facilities; or (d) large community halls, places of worship or other key community or cultural facilities.
CPZ 2	Some community facilities and services may be zoned the same as the surrounding zone, such as a residential or business zone, if the zone is appropriate for the nature or scale of the intended use, such as a small scale place of worship, public hall, community centre or neighbourhood centre.
<i>Note:</i>	<i>Major community facilities and services, such as tertiary educational facilities and hospital services, with unique characteristics may be more appropriately located within a Particular Purpose Zone.</i>

Figure 7 – Zone Application Guidelines – Community Purpose Zone (Tasmanian Planning Commission, 2018)

Response: The allocation of the Community Purpose Zone will remain over the St. Olave's property, which serves as a place of worship for the God's Squad Motorcycle Club. The proposed area to be retained for St Olave's is 1550m², allowing for sufficient curtilage around the church and cemetery, as well as designated spaces for vehicular access and parking. The area to be retained within the Community Purpose Zone aligns with the above zone application guidelines.

8.0 General Residential Zone

Zone Application Guidelines	
GRZ 1	The General Residential Zone should be applied to the main urban residential areas within each municipal area which: <ul style="list-style-type: none">(a) are not targeted for higher densities (see Inner Residential Zone); and(b) are connected, or intended to be connected, to a reticulated water supply service and a reticulated sewerage system.
GRZ 2	The General Residential Zone may be applied to green-field, brown-field or grey-field areas that have been identified for future urban residential use and development if: <ul style="list-style-type: none">(a) within the General Residential Zone in an interim planning scheme;(b) within an equivalent zone under a section 29 planning scheme; or(c) justified in accordance 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; and(d) is currently connected, or the intention is for the future lots to be connected, to a reticulated water supply service and a reticulated sewerage system,
<i>Note:</i>	<i>The Future Urban Zone may be used for future urban land for residential use and development where the intention is to prepare detailed structure/precinct plans to guide future development.</i>
GRZ 3	The General Residential Zone should not be applied to land that is highly constrained by hazards, natural values (i.e. threatened vegetation communities) or other impediments to developing the land consistent with the zone purpose of the General Residential Zone, except where those issues have been taken into account and appropriate management put into place during the rezoning process.

**Figure 8 – Zone Application Guidelines – General Residential Zone
(Tasmanian Planning Commission, 2018)**

Response: The area proposed to be allocated to the General Residential Zone is 850m². The rezoning adjoins an existing General Residential Zone to the east along Laphorne Close, with the zone also extending to the north along Forth Road. The site can connect to reticulated services as it is already located in a developed area of Stony Rise/Don. The allocation of the zone is in accordance with the Council's *Greater Devonport Residential Growth Strategy 2021-2041*, as it will encourage residential infill development (refer to **Attachment 2**). The proposed zoning assignment of the General Residential Zone is seen to be consistent with the above zone application guidelines.

A draft zoning map is appended as **Attachment 3** to this report. No changes are proposed to the PVA or AOLA mapping.

COMMUNITY ENGAGEMENT

Should the draft amendment be approved by the Planning Authority it must be placed on public exhibition for a period of 28 days in accordance with section 40G of LUPAA. During this time, people will have the opportunity to comment via representation made to

Council. In accordance with sections 40K & 42 of the Act, should any representations be received, a report must be provided to the Tasmanian Planning Commission regarding the merit of the representations and including any recommendations the Planning Authority sees fit.

PERMIT APPLICATION

As mentioned earlier in the report, the applicant is also seeking approval for a concurrent boundary adjustment. The boundary adjustment proposes reducing the 200 Stony Rise Road to 1550m² and increasing the area of 1 Laphorne Close to 2984m². The applicant, Terra Firma Town Planning, states that the boundary adjustment is proposed as the St Olave's property has been sold as part of the Anglican Diocese redress scheme and the portion of the title that is subject to the amendment and boundary adjustment was agreed between the Diocese and the purchasers of St Olave's, God's Squad Motorcycle Club, and the owner of 1 Laphorne Close, Driftwood Sands Tasmania Pty Ltd.

A copy of the boundary adjustment plan is reproduced below as Figure 9.

The assessment of the boundary adjustment is undertaken on the understanding that the draft amendment to the General Residential Zone is approved pursuant to section 40Y (4) of the LUPAA.

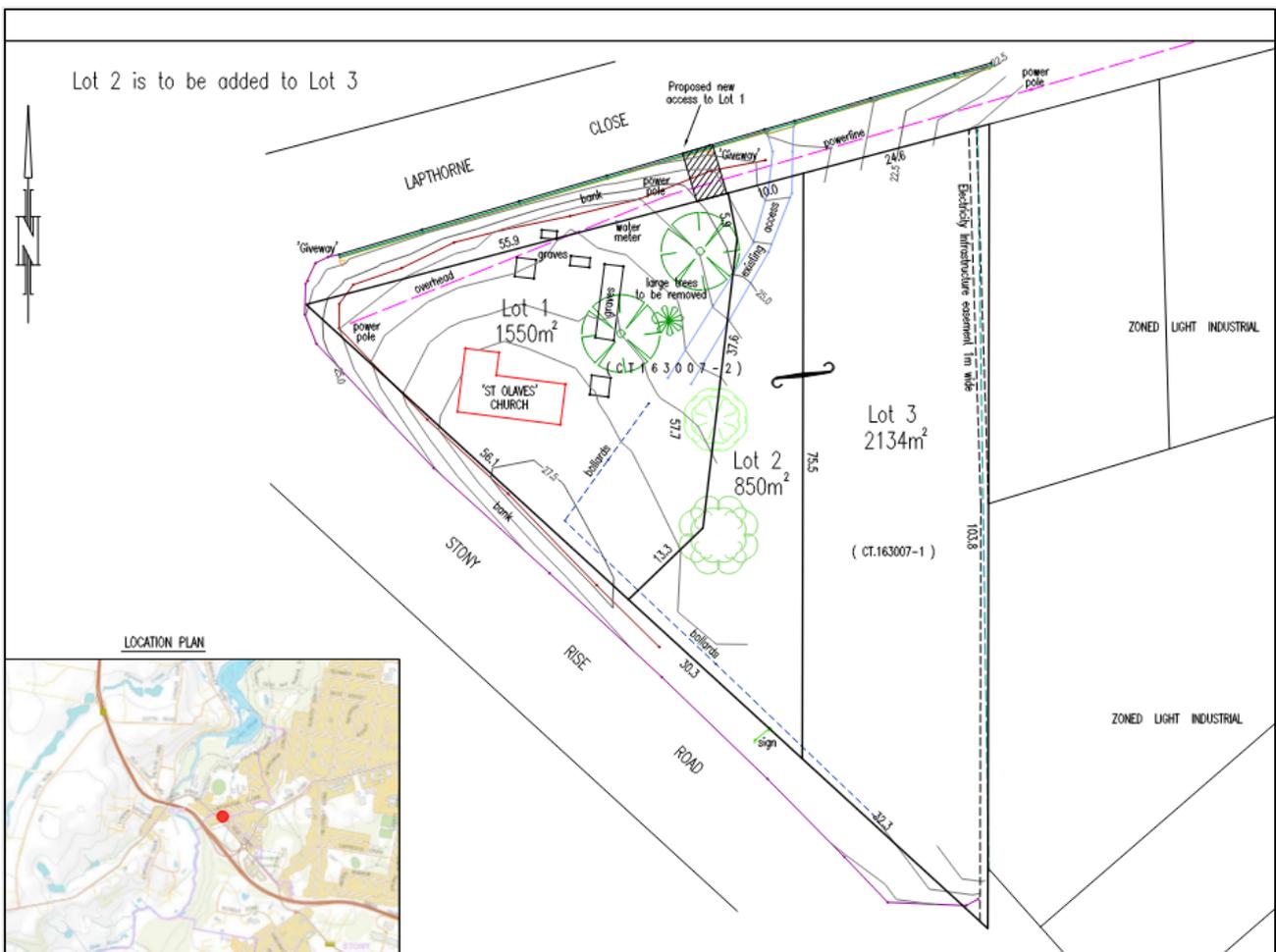


Figure 9 – Boundary adjustment plan (Michell Hodgetts Surveyors, 2022)

PLANNING ISSUES

The land subject to the boundary adjustment is zoned Community Purpose (lot 1) and General Residential (lots 2 & 3) under the *Tasmanian Planning Scheme – Devonport 2020* (the scheme). An overview of the zones is discussed earlier in the report. The boundary adjustment cannot meet the tests to be considered under section 7.3 – *Adjustment of a Boundary* of the scheme as it involves the adjustment of land to different zones.

In accordance with section 6.2.6 of the scheme, subdivision does not require categorisation into a Use Class. The relevant subdivision standards for each zone and applicable codes are reproduced and assessed below.

27.0 Community Purpose Zone (lot 1)

27.5 Development Standards for Subdivision

27.5.1 Lot design

<p>Objective: That each lot: (a) has an area and dimensions appropriate for use and development in the zone; and (b) is provided with appropriate access to a road.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must: (a) have an area of not less than 600m² and: (i) be able to contain a minimum area of 10m x 15m, with a gradient not steeper than 1 in 5, clear of: a. all setbacks required by clause 27.4.2 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 27.4.2 A1 and A2; (b) be required for public use by the Crown, a council or a State authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with</p>	<p>P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to: (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) the presence of any natural hazards; (e) adequate provision of private open space; and (f) the pattern of development existing on established properties in the area.</p>

<p>another lot provided each lot is within the same zone.</p>	
<p>A2 Each lot, or a lot proposed in a plan of subdivision, must have a frontage or legal connection to a road by a right of carriageway of not less than 10m.</p>	<p>P2 Each lot, or a lot proposed in a plan of subdivision, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (b) the topography of the site; (c) the functionality and useability of the frontage; (d) the anticipated nature of vehicles likely to access the site; (e) the ability to manoeuvre vehicles on the site; (f) the ability for emergency services to access the site; and (g) the pattern of development existing on established properties in the area,
<p>A3 Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority</p>	<p>P3 Each lot, or a lot 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 length of the access; (c) the distance between the lot or building area and the carriageway; (d) the nature of the road and the traffic; (e) the pattern of development existing on established properties in the area.

A1 – lot 1 will have an area of 1550m² and has an area more than 15m x 20m with a gradient not steeper than 1 in 5 and is clear of the zone setbacks. A1 is satisfied.

A2 – lot 1 will have a frontage of 55.9m to Lapthorne Close. A2 is satisfied.

A3 – a new access is proposed for this lot, with its location assessed and approved by the road authority. A condition will be included on the permit to ensure the driveway is constructed in accordance with accepted engineering standards. A3 is met.

27.5.2 Services

<p>Objective: That the subdivision of land provides for services for the future use and development of the land.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must:</p> <p>(a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service: or</p> <p>(b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service, unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service. unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.</p>	<p>P1 No Performance Criterion</p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<p>P2 Each lot, or lot proposed in a plan of subdivision, excluding those for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</p>
<p>A3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<p>P3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:</p> <p>(a) the size of the lot;</p> <p>(b) topography of the site;</p> <p>(c) soil conditions;</p> <p>(d) any existing buildings on the site;</p>

	<p>(e) any area of the site covered by impervious surfaces; and</p> <p>(f) any watercourse on the land.</p>
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A1 – lot 1 has connection to a full water supply service. A1 is met.

A2 – lot 1 has connection to a reticulated sewerage system. A2 is met.

A3 – the lot is capable of connection to the public stormwater system. A3 is met.

8.0 General Residential Zone (lots 2 & 3 to be consolidated)

8.6 Development Standards for Subdivision

8.6.1 Lot design

<p>Objective: 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;</p> <p>(c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and</p> <p>(d) is orientated to provide solar access for future dwellings.</p>	
Acceptable Solutions	Performance Criteria
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(e) have an area of not less than 450m² and:</p> <p style="margin-left: 20px;">i. be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of:</p> <p style="margin-left: 40px;">a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and</p> <p style="margin-left: 40px;">b. easements or other title restrictions that limit or restrict development; and</p> <p style="margin-left: 20px;">ii. existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p>(f) be required for public use by the Crown, a council or a State authority;</p> <p>(g) be required for the provision of Utilities; or</p> <p>(h) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(g) the relevant requirements for development of buildings on the lots;</p> <p>(h) the intended location of buildings on the lots;</p> <p>(i) the topography of the site;</p> <p>(j) the presence of any natural hazards;</p> <p>(k) adequate provision of private open space; and</p> <p>(l) the pattern of development existing on established properties in the area.</p>
A2	P2

<p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.</p>	<p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the width of frontage proposed, if any; (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (c) the topography of the site; (d) the topography of the site; (e) the ability to manoeuvre vehicles on the site; and (f) the pattern of development existing on established properties in the area, and is not less than 3.6m wide.
<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority</p>	<p>P3</p> <p>Each lot, or a lot 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"> (f) the topography of the site; (g) the distance between the lot or building area and the carriageway; (h) the nature of the road and the traffic; (i) the anticipated nature of vehicles likely to access the site; and (j) the ability for emergency services to access the site.
<p>A4</p> <p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	<p>P4</p> <p>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</p> <ul style="list-style-type: none"> (a) the size, shape and orientation of the lots; (b) the topography of the site; (c) the extent of overshadowing from adjoining properties; (d) any development on the site; (e) the location of roads and access to

	lots; and (f) the existing pattern of subdivision in the area.
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A1 – the consolidated lot will have an area of 2984m² and provides for an area in excess of 15m x 20m that is clear of required setbacks and the Aurora Energy easement on the eastern boundary. A1 is met.

A2 – the lot will have a frontage of 34.6m. A2 is met.

A3 – the site already has a vehicular access and no upgrades are required by the road authority. A3 is met.

A4 – no new roads are created by the boundary adjustment. A4 is met.

8.5.2 Roads

Objective: That the arrangement of new roads within a subdivision provides for: (a) safe, convenient and efficient connections to assist accessibility and mobility of the community; (b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and (c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.	
Acceptable Solutions	Performance Criteria
A1 The subdivision includes no new roads.	P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to: (a) any road network plan adopted by the council; (b) the existing and proposed road hierarchy; (c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential; (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (e) minimising the travel distance between key destinations such as shops and services and public transport routes; (f) access to public transport; (g) the efficient and safe movement of

	<p>pedestrians, cyclists and public transport;</p> <p>(h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the <i>Guide to Road Design Part 6A: Paths for Walking and Cycling 2016</i>;</p> <p>(i) the topography of the site; and</p> <p>(j) the future subdivision potential of any balance lots on adjoining or adjacent land.</p>
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A1 – no new roads are created by the boundary adjustment. A1 is met.

8.5.3 Services

<p>Objective: That the subdivision of land provides for services for the future use and development of the land.</p>	
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>
<p>A1 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.</p>	<p>P1 A lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a limited water supply service, having regard to: (a) flow rates; (b) the quality of potable water; (c) any existing or proposed infrastructure to provide the water service and its location; (d) the topography of the site; and (e) any advice from a regulated entity.</p>
<p>A2 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<p>P2 No Performance Criterion</p>
<p>A3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<p>P3 Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to: (g) the size of the lot; (h) topography of the site; (i) soil conditions; (j) any existing buildings on the site; (k) any area of the site covered by impervious surfaces; and (l) any watercourse on the land.</p>

A1 – the consolidated lot has connection to a full water supply service. A1 is met.

A2 – the consolidated lot has a connection to a reticulated sewerage system. A2 is met.

A3 – the lot is capable of a connection to the public stormwater system. A3 is met.

Code Assessment

C3.0 Road and Railway Assets Code

The code applies to use or development that:

- (a) will increase the amount of vehicular traffic or the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing;
- (b) will require a new vehicle crossing, junction or level crossing; or
- (c) involves a subdivision or habitable building within a road or railway attenuation area if for a sensitive use.

The boundary adjustment requires the construction of a new vehicle crossing to serve lot 1, the St Olave's property. The applicable provisions of the code are addressed below:

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction.

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

A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.	
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Table C3.1 Acceptable increase in average annual daily traffic to and from the site (total of ingress and egress)

Location of vehicular access	Amount of acceptable increase in annual average daily traffic to and from the site (total of ingress and egress)	
	Vehicles up to 5.5m long	Vehicles longer than 5.5m long
Vehicle crossing on major roads and private level crossings	10% or 10 vehicle movements per day, whichever is the greater	10%
Vehicle crossings on other roads	20% or 40 vehicle movements per day, whichever is the greater	20% or 5 vehicle movements per day, whichever is the greater

A1.1 – Laphorne Close is not a category 1 road. A1.1 is met.

A1.2 – the road authority has consented to the new access location for lot 1. A1.2 is met.

A1.3 – not applicable.

A1.4 – vehicular traffic for the site will not change as a result of the boundary adjustment.

A1.4 is met.

A1.5 – no access is onto a major road. A1.5 is met.

C7.0 Natural Assets Code

The site is subject to a PVA overlay. A small amount of native vegetation is proposed to be removed to facilitate a new access to St Olave's, which invokes assessment under this Code. The area of vegetation to be removed is shown in Figure 10 along with a copy of the applicable standards.



Figure 10 – Image with the dotted yellow area showing the vegetation to be removed for a new access to St Olave’s (Terra Firma Town Planning, 2023)

C7.6.2 Clearance within a priority vegetation area

<p>Objective: That clearance of native vegetation within a priority vegetation area: (a) does not result in unreasonable loss of priority vegetation; (b) is appropriately managed to adequately protect identified priority vegetation; and (c) minimises and appropriately manages impacts from construction and development activities</p>	
<p>Acceptable Solution</p>	<p>Performance Criteria</p>
<p>A1 Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme</p>	<p>P1.1 Clearance of native vegetation within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> (a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person; (b) buildings and works associated with the construction of a single dwelling

	<p>or an associated outbuilding;</p> <p>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</p> <p>(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;</p> <p>(e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</p> <p>(f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p> <p>P1.2</p> <p>Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <p>(a) the design and location of buildings and works and any constraints such as topography or land hazards;</p> <p>(b) any particular requirements for the buildings and works;</p> <p>(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;</p> <p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p>
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	(f) any existing cleared areas on the site.
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P1.1 & P1.2 – the impacts on priority vegetation are negligible, given that the vegetation to be removed for the driveway is not significant habitat but lone, remnant saplings. The retention of existing vegetation will maintain the amenity of St Olave's frontage to Laphorne Close.

C7.7.2 Subdivision within a priority vegetation area

Objective:	
That clearance of native vegetation within a priority vegetation area:	
(a) does not result in unreasonable loss of priority vegetation;	
(b) is appropriately managed to adequately protect identified priority vegetation; and	
(c) minimises and appropriately manages impacts from construction and development activities	
Acceptable Solution	Performance Criteria
A1	P1.1
Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:	Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:
(a) be for the purposes of creating separate lots for existing buildings;	(a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person;
(b) be required for public use by the Crown, a council, or a State authority;	(b) subdivision for the construction of a single dwelling or an associated outbuilding;
(c) be required for the provision of Utilities;	(c) subdivision in the General Residential Zone or Low Density Residential Zone;
(d) be for the consolidation of a lot; or	(d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;
(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.	(e) subdivision involving clearance of native vegetation where it is

	<p>demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or</p> <p>(f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.</p> <p>P1.2</p> <p>Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <p>(a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;</p> <p>(b) any particular requirements for the works and future development likely to be facilitated by the subdivision;</p> <p>(c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;</p> <p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p> <p>(f) any existing cleared areas on the site.</p>
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A1 - the subdivision is for the consolidation of land with 1 Laphorne Close, with the balance lot being a separate lot for the existing St Olave's building and associated infrastructure.

C9.0 Attenuation Code

This code applies as 1 Laphorne Close (future sensitive use) is subject to an attenuation area for the metal fabrication and abrasive blasting business located at 209 Stony Rise Road (opposite the site). The business trades as AL & SM Richardson Pty Ltd. Figure 11 highlights the location of the business in relation to the subject site. Through the application of Table C9.1 – *Attenuation Distances*, the metal fabrication business has an attenuation distance of 500m and abrasive blasting of 300m, if not enclosed.

The applicant engaged es&d to undertake an environmental impact assessment and assess the applicable standards of this code – found within **Attachment 1**.



**Figure 11 – Location of attenuated activity relative to the subject site
(Terra Firma Town Planning, 2023)**

In summary, the environmental impact assessment prepared by es&d finds that the fabrication and sand blasting activities at 209 Stony Rise Road are located at the back of the property, and they are not expected to cause any problems to future residential use

due to the amount of traffic and associated ambient noise on Stony Rise Road. In addition, it is noted that no other industrial uses do not have prescribed attenuation distances that extend to the subject site.

16.0 Safeguarding of Airports Code

Terra Firma Town Planning has provided the following supporting rationale in relation to the application of this code:

"The site is located within the Devonport Airport Obstacle Limitation Area overlay. The overlay map is shown in Figure 12 above. The designated AHD of the obstacle limitation surface over the site is 155.1 metres. The elevation of the site is not higher than 27.5 metres AHD. The maximum height of development allowable under acceptable solution in the General Residential Zone is 8.5 metres.

The height of permitted development in the zone is 127.6 metres below the AHD of the obstacle limitation area and compliant development will be exempt from the code under section C16.4.1.

Whilst the provisions relate to development for the subdivision which, of itself does not propose works above ground level, the potential for any future development proposal on this site that would require a height greater than 136.1 metres and intrude into the Obstacle Limitation Area, is negligible to non-existent.

By way of comparison, communications towers, the most common form of high development in suburban areas, generally require heights in the order of 30 to 40 metres.

The subdivision is therefore exempt from the Code."

The planning authority supports the view that the boundary adjustment is exempt for the reasons provided within the above rationale.

TASMANIAN HERITAGE COUNCIL (THC)

St Olave's is listed on the Tasmanian Heritage Register (THR No. 1358). In accordance with the requirements of the *Historic Cultural Heritage Act 1995*, the draft amendment and permit were referred to the THC.

The THC advised the planning authority of its intent to be involved in determining the combined permit application (THC Works Ref: 8175). The THC has provided a draft condition for the boundary adjustment, which will be included as a permit condition. Furthermore, they have agreed to the draft amendment as sought. Subject to the draft amendment and permit being endorsed, the planning authority will advise the THC if any representations are received during the public exhibition process.

A copy of their decision is appended as **Attachment 4**.

COMMUNITY ENGAGEMENT

The boundary adjustment differs to other discretionary applications in that it is part of an amendment to the Devonport Local Provisions Schedule. As such a decision must be made regarding the application assuming the draft amendment has been adopted, prior to advertising of the application. The application will be subject to a 28 day public notification period during which members of the public may comment on the proposal.

Any representations will be assessed by Council and a report submitted to the Tasmanian Planning Commission with any recommendations proposed as a result.

FINANCIAL IMPLICATIONS

No negative financial implications are anticipated as a result of the proposed rezoning and boundary adjustment.

RISK IMPLICATIONS

In its capacity as a planning authority under the *Land Use Planning and Approvals Act 1993* (LUPAA), Council is required to make a determination on this combined rezoning and permit application. Due diligence has been exercised in the preparation of this report and there are no predicted risks associated with a determination of this application.

CONCLUSION

The proposed rezoning of 850m² from the Community Purpose Zone to the General Residential Zone and the subsequent boundary adjustment of the site to merge the rezoned land with 1 Lapthorne Close represent an efficient and sustainable solution to address the current shortage of 'development-ready' residential land.

Consolidating the land into a larger residential parcel facilitates more streamlined development for multiple dwellings in the future, aligning directly with regional and local policies to promote housing diversity.

The proposed amendment and development of the site have undergone thorough assessment against the relevant provisions of the *Land Use Planning and Approvals Act 1993* (LUPAA) and the *Tasmanian Planning Scheme—Devonport*. It has been demonstrated to be a valuable addition to the municipality's residential land supply.

ATTACHMENTS

1. Application PA2023.0067 & AM2023.02 - 200 Stony Rise Road & 1 Lapthorne Close [4.2.1 - 99 pages]
2. Assessment against section 34 of LUPAA - A M 2023.02 - 200 Stony Rise Road [4.2.2 - 6 pages]
3. Draft Zoning Map - A M 2023.02 - 200 Stony Rise Road [4.2.3 - 1 page]
4. Notice of Heritage Decision WA8175 - PA2023.0067 & AM2023.02 - 200 Stony Rise Road & 1 Lapthorne Close [4.2.4 - 1 page]
5. TasWater Submission to Planning Authority Notice PA2023.0067 & AM2023.02 - 200 Stony Rise Road & 1 Lapthorne Close [4.2.5 - 6 pages]



TERRA FIRMA
TOWN PLANNING

0408 129 133
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Blackwood Creek TAS 7301

13 April 2023

Devonport City Council
PO Box 604
DEVONPORT TAS 7310

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

Dear Devonport City Council Planning Authority

Application for a combined Local Provisions Schedule amendment and permit for a subdivision.

On behalf of the Anglican Diocese of Tasmania, please find attached an application for rezoning of a portion of the lot at 200 Stony Rise Road, known as St Olaves Church, to General Residential Zone and a boundary adjustment to add the area to be rezoned to the adjoining land at 1 Laphorne Close.

As the subdivision requires works for the establishment of a new driveway crossover within the Council road reserve of Laphorne Close, the application requires a Council consent to lodge under section 40T(6) of the *Land Use Planning & Approvals Act 1993*. As such, this correspondence also constitutes an official request for that consent pursuant to s.40T(6) of the LUPAA to enable processing of this application.

Could you please invoice fees to:
Anglican Diocese of Tasmania, GPO Box 748, Hobart 7001
Attn: Judson Williams, Property Development Manager - property@anglicantas.org.au

Could you please copy all correspondence relating to this application to both myself and Mr Williams.

If you have any queries regarding this application, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink that reads 'J. Oliver'.

Jo Oliver
Director

RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 163007	FOLIO 1
EDITION 3	DATE OF ISSUE 05-Nov-2019

SEARCH DATE : 12-Mar-2023

SEARCH TIME : 11.31 AM

DESCRIPTION OF LAND

City of DEVONPORT
 Lot 1 on Sealed Plan 163007
 Derivation : Part of Lot 3507, 50 Acres Gtd to James Fenton
 Prior CT 124726/2

SCHEDULE 1

M788283 TRANSFER to DRIFTWOOD SANDS TASMANIA PTY LTD
 Registered 05-Nov-2019 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP163007 EASEMENTS in Schedule of Easements
 SP163007 FENCING PROVISION in Schedule of Easements
 C904580 BURDENING EASEMENT: a right of carriageway
 (appurtenant to Lot 1 on Plan 117387) over the land
 marked Right of Way on Sealed Plan 163007 Registered
 17-May-2016 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 163007	FOLIO 2
EDITION 2	DATE OF ISSUE 26-Aug-2022

SEARCH DATE : 12-Mar-2023

SEARCH TIME : 11.27 AM

DESCRIPTION OF LAND

City of DEVONPORT

Lot 2 on Sealed Plan 163007

Derivation : Part of Lot 3507, 50 Acres Gtd to James Fenton

Prior CTs 124726/2 and 124726/1

SCHEDULE 1

M934942 TRANSFER to GOD'S SQUAD CMC NTH WEST TAS INC

Registered 26-Aug-2022 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP163007 FENCING PROVISION in Schedule of Easements

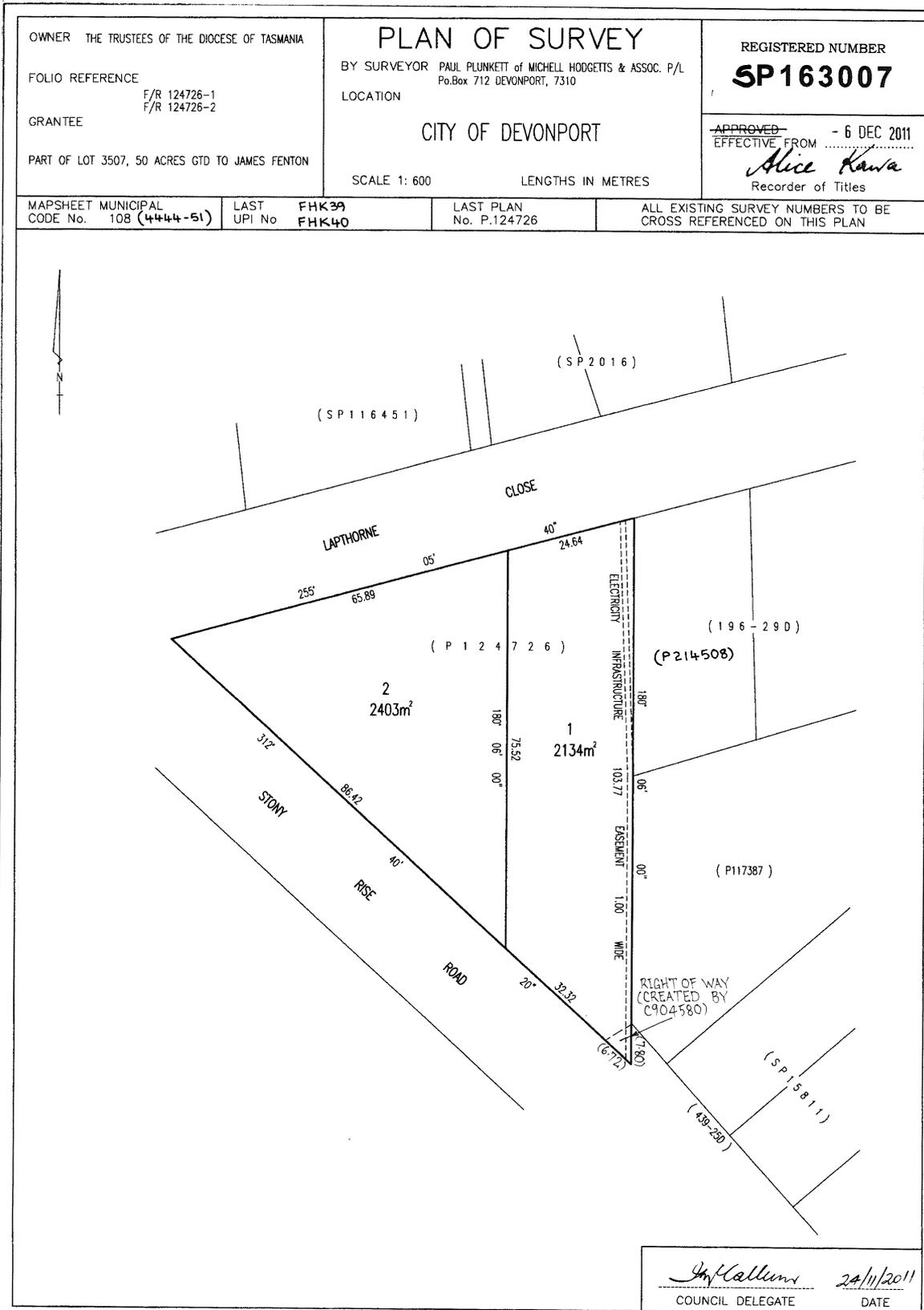
UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

<p style="text-align: center;">SCHEDULE OF EASEMENTS</p> <p>NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.</p>	<p>Registered Number</p> <h2 style="font-size: 2em;">SP 163007</h2>
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PAGE 1 OF 1 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown 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 a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown 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 a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

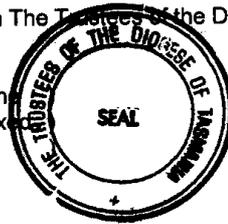
Electricity Infrastructure Easement

Lot 1 on the plan is SUBJECT TO a Electricity Infrastructure Easement with the benefit of a restriction as to user of the land fully defined therein in favour of Aurora Energy Pty Ltd over the land marked "ELECTRICITY INFRASTRUCTURE EASEMENT 1.00 WIDE" on ~~Plan no 124726~~ ^{Plan no 124726} created by and more fully set forth in C174176 (subject to conditions). ^{the Plan}

Fencing provision

In respect of each lot shown on the plan The Trustees of the Diocese of Tasmania will not be required to fence.

The Common Seal of The Trustees of the Diocese of Tasmania was hereunto affixed in the presence of:



Conelia Weeman Trustee

Full Name: *Conelia Weeman*

Charles Mitchell Terry Trustee

Full Name: *Charles Mitchell Terry*

Edwin Siah Lang Secretary

Full Name: *Edwin Siah Lang*

(USE ANNEXURE PAGES FOR CONTINUATION)

<p>SUBDIVIDER: The Trustees of the Diocese of Tasmania</p> <p>FOLIO REF: 124726/1&2</p> <p>SOLICITOR & REFERENCE: Dobson Mitchell & Allport James Ramsay</p>	<p>PLAN SEALED BY: Devonport City Council</p> <p>DATE: <i>24/11/2011</i></p> <p><i>S2011 0006</i> REF NO. <i>McCallum</i> Council Delegate</p>
<p>NOTE: The Council Delegate must sign the Certificate for the purposes of identification.</p>	

TERRA FIRMA
TOWN PLANNING



APPLICATION REPORT



**FOR:
ANGLICAN DIOCESE OF TASMANIA**

Terra Firma Town Planning Pty Ltd
ABN 91650850570

Job	Combined Local Provisions Schedule Amendment and Development Application for Subdivision
Address	200 Stony Rise Rd & 1 Laphorne Close, Stony Rise
Version	1
Date	11 April 2023
Author	Jo Oliver

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- Appendix B: Heritage Tasmania Exemption and Landscaping Plan
- Appendix C: ES&D Environmental Impact Assessment

1. INTRODUCTION

Terra Firma Town Planning has prepared this application on behalf of the Anglican Diocese of Tasmania, for:

- an amendment to the Devonport Local Provisions Schedule to rezone land from Community Purpose Zone to General Residential Zone over part of the property at 200 Stony Rise Road, known as St Olaves; and
- development for a subdivision to adjust the boundary between 200 Stony Rise Road and 1 Laphorne Close.

This application is made pursuant to sections 37 and 40T of the *Land Use Planning & Approvals Act 1993* (LUPAA) through the combined permit and amendment process.

The applicable planning scheme is the *Tasmanian Planning Scheme – Devonport* (the scheme).

Tasmanian Planning Scheme – Devonport			
Current Zoning	200 Stony Rise Road	CT163007/2	Community Purpose Zone
	1 Laphorne Close	CT163007/1	General Residential Zone
Applicable Codes	C3.0 Road and Railway Assets Code C7.0 Natural Assets Code C9.0 Attenuation Code C16.0 Safeguarding of Airports Code		

This report is prepared in accordance with the applicable provisions of the LUPAA.

2. PROPOSAL

2.1 Amendment to the Local Provisions Schedule

The draft amendment proposes to rezone 850m² of the St Olaves property at 200 Stony Rise Road from Community Purpose Zone to General Residential Zone, for the purposes of adjusting the boundary with 1 Laphorne Close to add the 850m² to that property, to make a total lot size of 2984m².

The St Olaves property has been sold as part of the Anglican Diocese redress scheme and the portion of the title that is the subject of the amendment, was agreed between the Anglican Diocese, the purchasers of the St Olaves property and the owner of 1 Laphorne Close, to be transferred upon a successful application for rezoning and subdivision.

The area of land identified for rezoning is surplus to the needs of the new owners, the God's Squad Motorcycle Club. The land is proposed to be added to 1 Laphorne Close to enhance the capability of that title to provide for future multiple dwelling development, which requires an amendment as multiple dwelling use is prohibited in the Community Purpose Zone. The remaining land area of the St Olaves property will be 1550m² and allows for an appropriate curtilage around the building and cemetery, vehicular access and parking.

The current zoning of the two titles and surrounding land is shown in Figure 1 below.

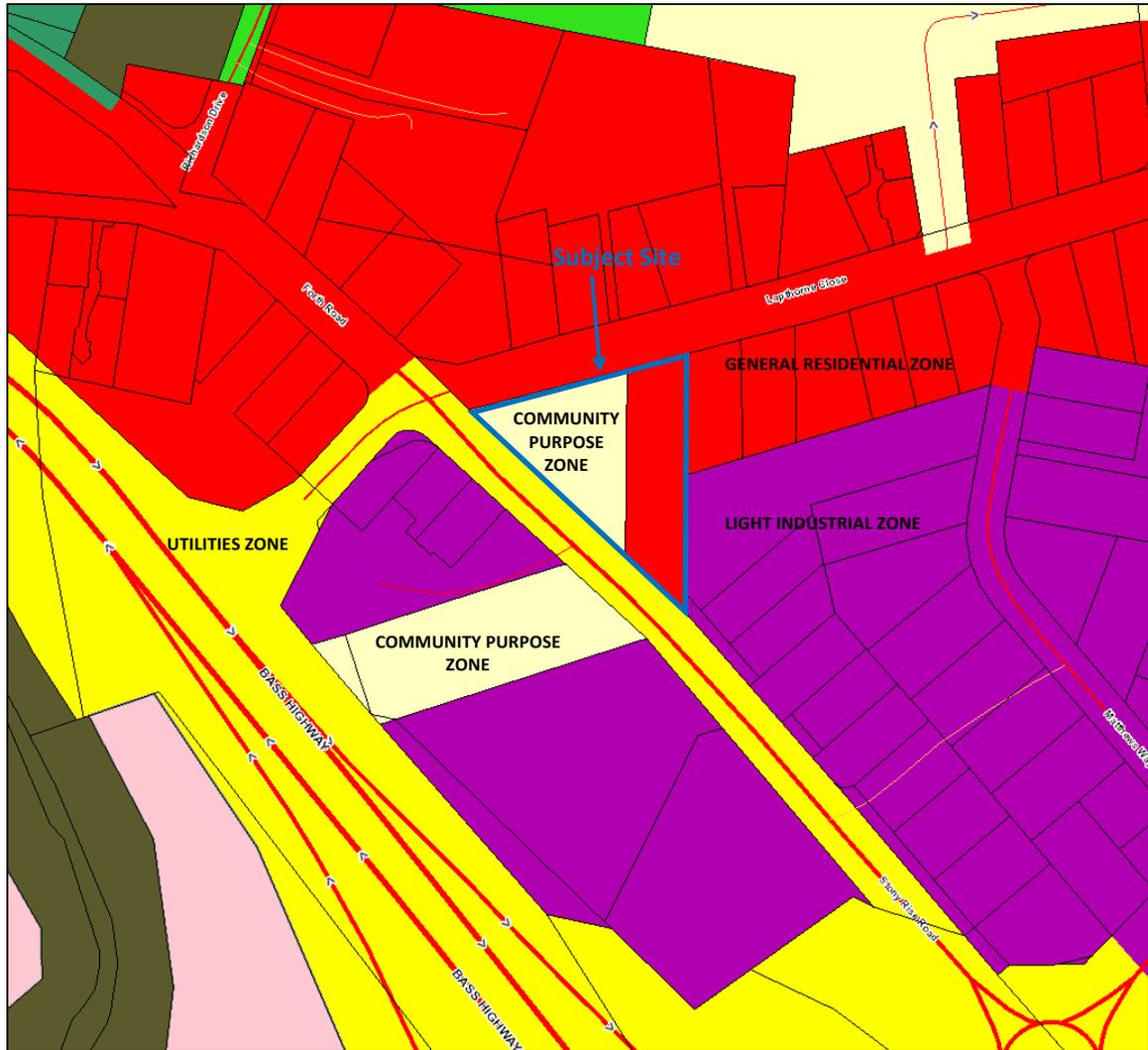


Figure 1: Current zoning of subject site and surrounding land. (Source www.thelist.tas.gov.au)

Figure 2 shows the outline of the 850m² area proposed to be rezoned in the context of current zoning of the site and surrounding land, over the aerial photograph.



Figure 2: Proposed zoning change and boundary adjustment – 850m² of Community Purpose Zone on CT163007/2 rezoned to General Residential Zone (outlined in red) and added to CT163007/1.
(Source www.thelist.tas.gov.au)

2.2 Development for Subdivision

The proposal includes subdivision to adjust the boundary between CT163007/1 and CT163007/2 to add the 850m² area of land to be rezoned to CT163007/1.

The proposed subdivision does not meet the terms of section 7.3 of the Scheme - *Adjustment of a Boundary* and is therefore subject to the subdivision provisions of the General Residential Zone, Community Purpose Zone and any applicable codes.

Section 40T(1)(a) of the LUPAA provides that a person who requests an amendment to the LPS, may also make application for a permit, which could not otherwise be issued unless the LPS was amended as

requested. Section 40T(1)(b) provides for the request to amend the scheme and the application for a permit at the same time.

In regard to the proposed subdivision, the relevant standard that cannot be met is Community Purpose Zone - 27.5.1 Lot Design - subsection (a). The Acceptable Solution requires that each lot, or proposed lot:

- has an area of not less than 600m²,
- is able to contain an area of 10m x 15m that is clear of the frontage, side and rear boundary setback acceptable solutions of the Community Purpose Zone, as well as any easements or title restrictions; and
- that new boundaries meet the frontage, side and rear boundary setback acceptable solutions in relation to any existing buildings.

The scheme provisions do not comfortably account for a multiple zone scenario and boundary adjustment, however due to the configuration of the 850m² area of land contained in the Community Purpose Zone that is to be added to CT163007/1, the acceptable solution 27.5.1(a) cannot be met as it cannot accommodate a 10m x 15m area that can meet the required setbacks from frontage and side boundaries.

The performance criteria of 27.5.1 require that a proposed lot in a plan of subdivision “*must have sufficient useable area and dimensions for its intended use*” having regard to:

- (a) the relevant requirements for development of buildings on the lots;*
- (b) existing buildings and the location of intended buildings on the lots;*
- (c) the topography of the site;*
- (d) the presence of any natural hazards;*
- (e) adequate provision of private open space; and*
- (f) the pattern of development existing on established properties in the area.*

Having regard to these matters, the proposed subdivision cannot provide for sufficient usable area and dimensions for its intended use for the 850m² area of land contained in the Community Purpose Zone as the intended use, which is the purpose of the subdivision, is to use and develop the land for residential purposes that are prohibited in the zone. The subdivision is not to provide for a community purpose use. The subdivision would therefore not be able to obtain a permit without application for a LPS amendment.

The subdivision proposal plan by Michell Hodgetts Surveyors is included at Appendix A. Figure 2 above, shows the outline of the 850m² area proposed to be adjusted from CT163007/2 to CT163007/1.

Both lots take access from Lapthorne Close and the subdivision will require the construction of a new driveway crossover to Lapthorne Close to serve the St Olaves property (CT163007/2).

The site has connection available to reticulated sewer, water and stormwater services.

The Council landowner consent for works in the road reserve to establish the new driveway crossover has been requested with this application.

3. SITE DESCRIPTION AND SURROUNDING LAND USE

3.1 Locality

The site is located to the western edge of the developed urban area of Devonport city, with close access to the Bass Highway and collector roads to the city centre of Devonport, as well as open space linkages along the Don River to the coastal foreshore recreation areas.

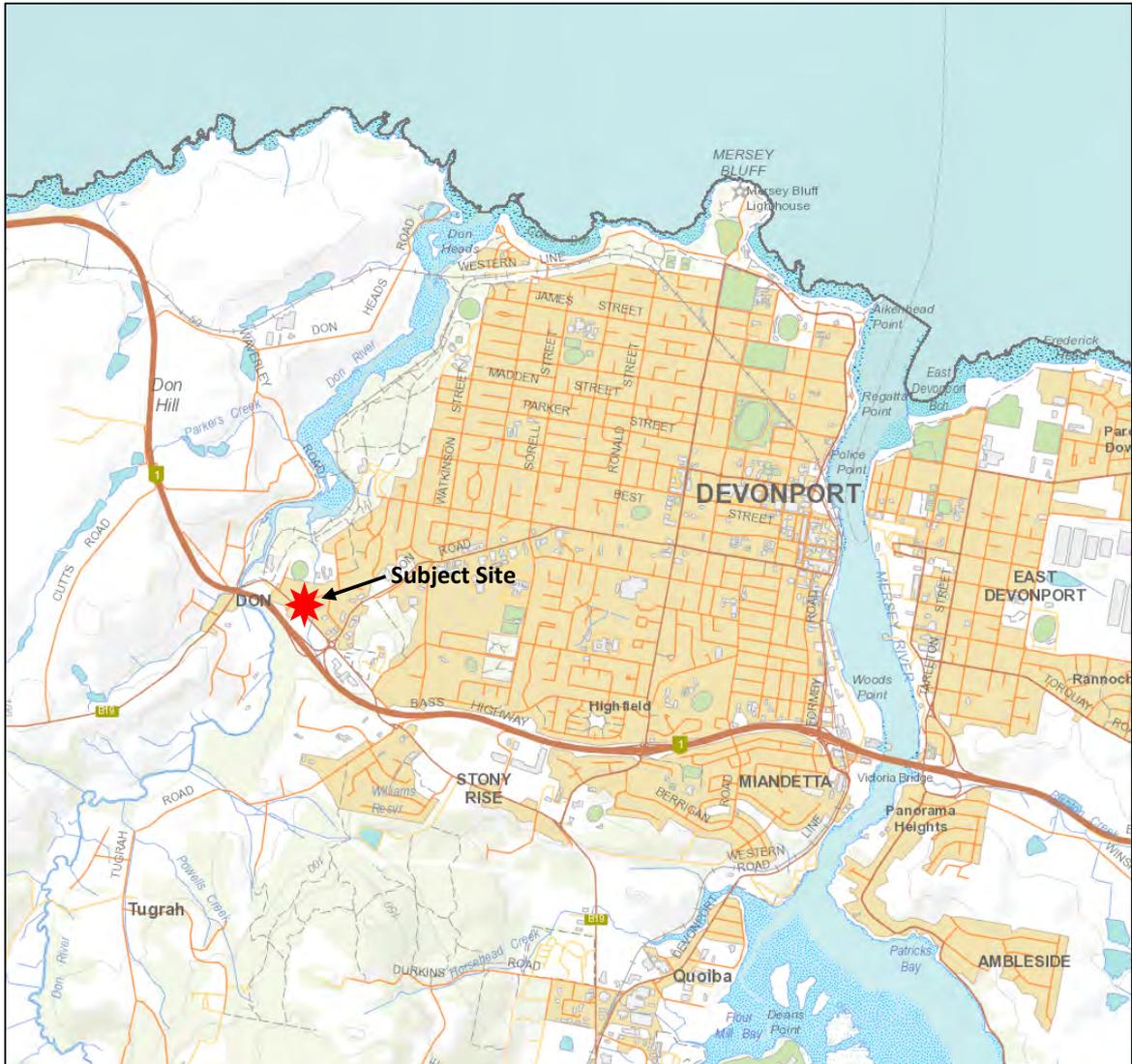


Figure 3: Location of subject site (Source www.thelist.tas.gov.au)

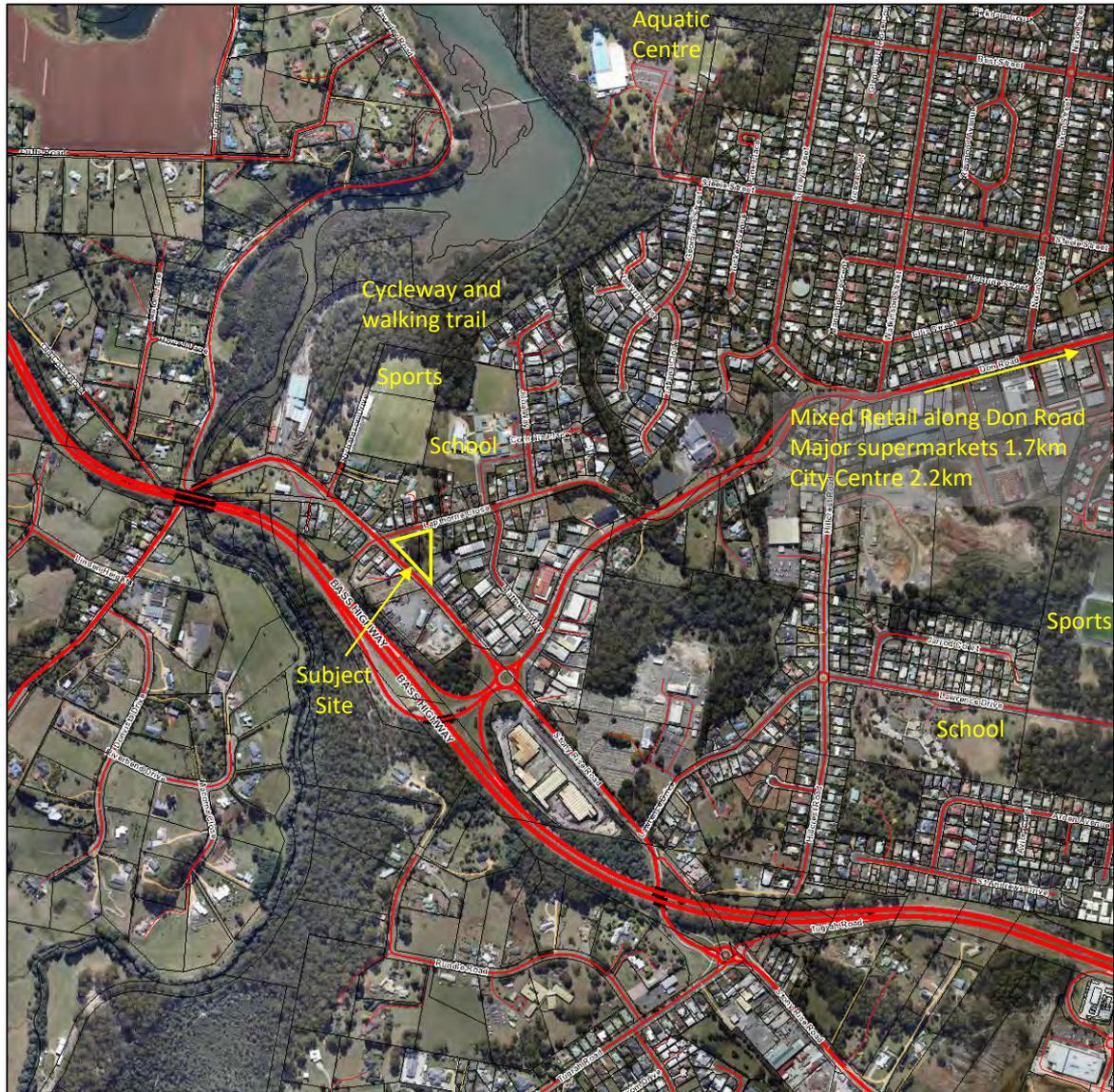


Figure 4: Aerial image of site and proximity to services (Source www.thelist.tas.gov.au)

3.2 Site

As a combination of the two titles the site has an area of 4537m² and is located between Laphorne Close and Stony Rise Road, which is a State road. The site takes access only from Laphorne Close, which is a sealed residential street with established kerb and channel. There is currently one established vehicle crossover at the boundary between the two titles, which is utilised by both properties.

200 Stony Rise Rd, to the corner of Laphorne Close and Stony Rise Road, contains the State heritage listed, St Olaves church and cemetery on a parcel of 2403m². 1 Laphorne Close is a vacant title of 2134m² that was subdivided from the St Olaves property in 2011.

The St Olaves property previously contained large Eucalypt trees, that are evident in the aerial photograph in Figure 5 below. These large trees have recently been removed due to damage being caused to the adjacent grave sites and safety concerns regarding their deteriorating state in the context of a residential

environment and the regular public visitation to the St Olaves property. A heritage exemption for these works was granted on 19 July 2022 by the Tasmanian Heritage Council, on the basis that supplementary new plantings and fencing were undertaken and a landscaping plan to that effect was provided. The submitted landscaping plan is reflective of the proposed subdivision boundary. The Heritage Council exemption and landscaping plan are attached at Appendix B. Toward the frontage, there remain some small, naturally seeded saplings, resulting from the larger trees that have been removed and earlier plantings along the front boundary on the St Olaves property.

1 Laphorne Close is cleared and does not contain any native vegetation.

The most current state of the two titles is shown in photographs 1 -5 below.



Figure 5: Aerial photo of subject site and surrounding land.



Photo 1: View of 1 Laphorne Close and St Olaves property from Laphorne Close.



Photo 2: View north across 1 Laphorne Close from Stony Rise Road boundary.



Photo 3: View northwest from Stony Rise Road boundary across the land to be rezoned and included with 1 Laphorne Close .



Photo 4: View to location of new driveway crossover to St Olaves property, approximately 5 metres to the right of the existing crossover.



Photo 5: View south-west along site frontage of the St Olaves property, which will remain unchanged, apart from the construction of a new driveway crossover to left of the power pole.

3.2.1 Services

The site is within the Taswater Sewer Serviced Land district, with connection available to the sewer main at the frontage of 1 Laphorne Close. St Olaves Church currently has a connection to the sewer main. Figure 6 below shows the subject site in the context of the Taswater sewer serviced land and the location of Taswater sewer mains.

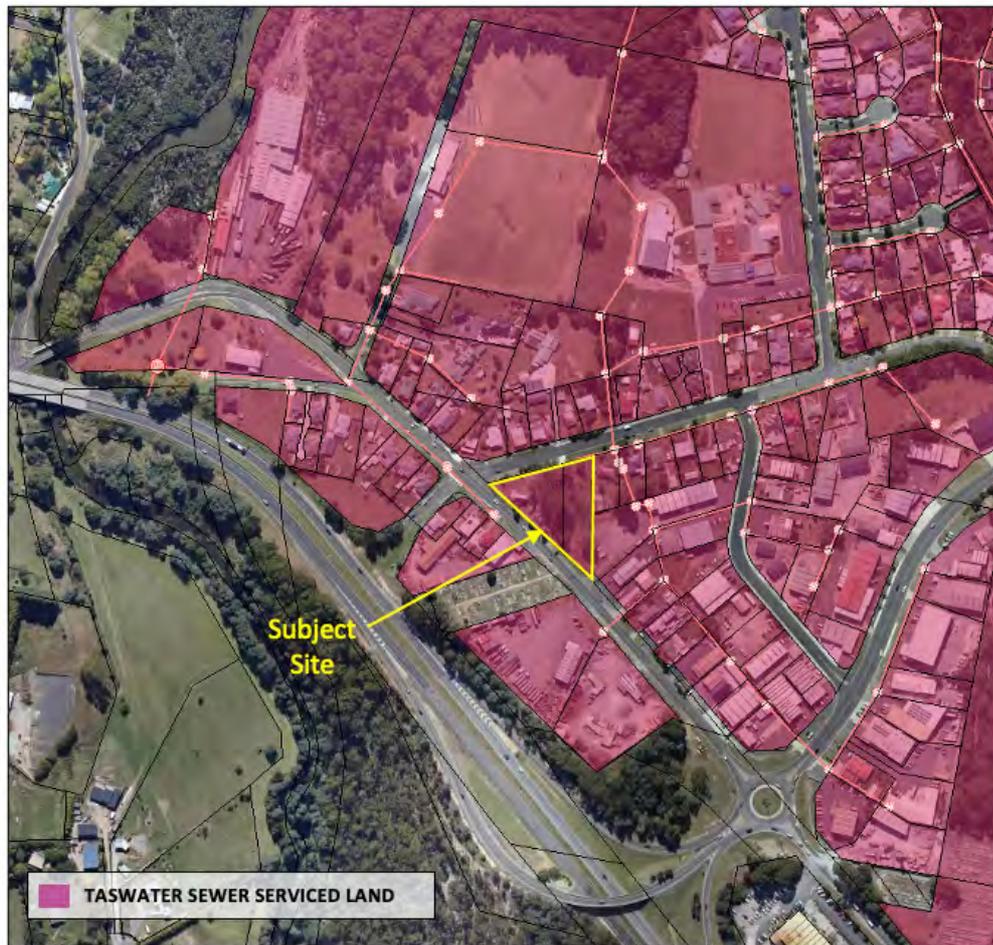


Figure 6: Taswater Sewer Serviced Land and sewer network. (Source www.thelist.tas.gov.au)

The site is within the Taswater Water Serviced Land district. The St Olaves water meter is shown on the survey plan on the Laphorne Close frontage. Connection of 1 Laphorne Close to the water main is on the northern side of Laphorne Close. Figure 7 below shows the subject site in the context of the Taswater water serviced land and the location of Taswater water mains.

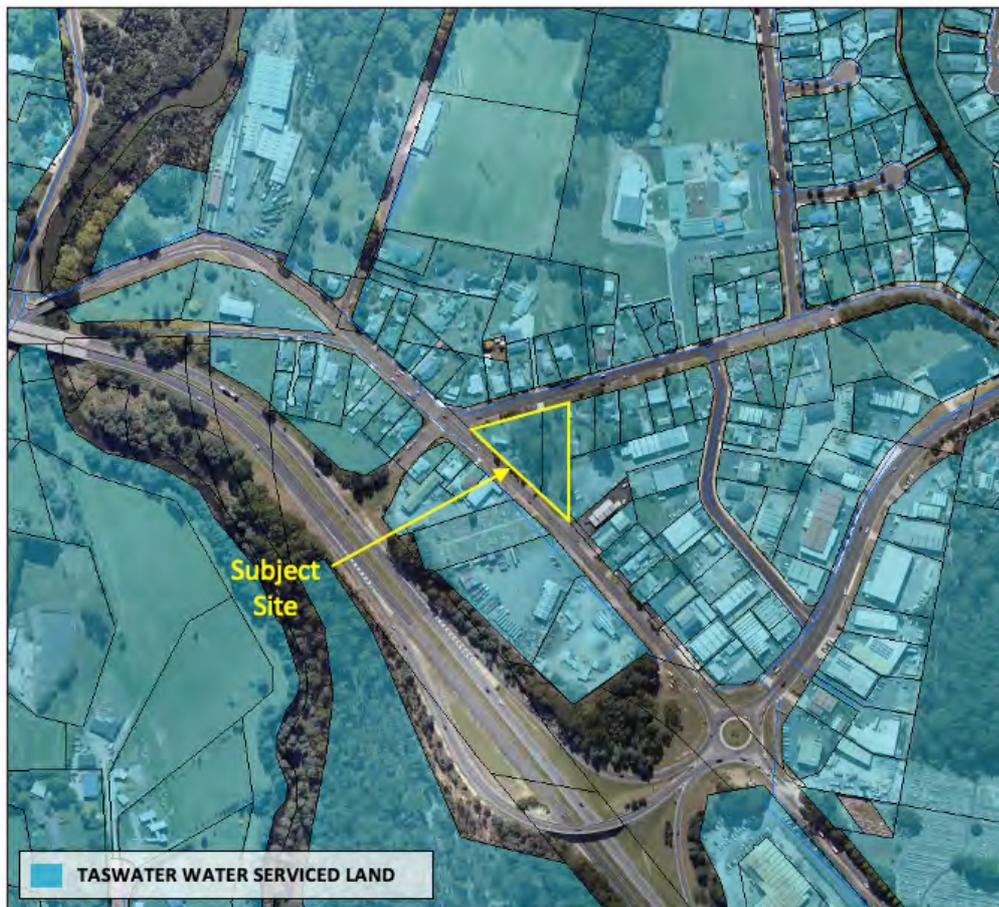


Figure 7: Taswater Water Serviced Land and water supply network. (Source www.thelist.tas.gov.au)

Mapping of the Council’s stormwater network is only available in the *Council’s Stormwater Management Plan (SMP) 2019*, which indicates that the area is serviced by Devonport Council’s piped stormwater network. The area of land proposed for rezoning to General Residential Zone is elevated above the surface of Laphorne Close and appears to be bisected by the Georgiana and Richardson catchments in the SMP. The area to be rezoned will be able to discharge by gravity to the Council reticulated system.

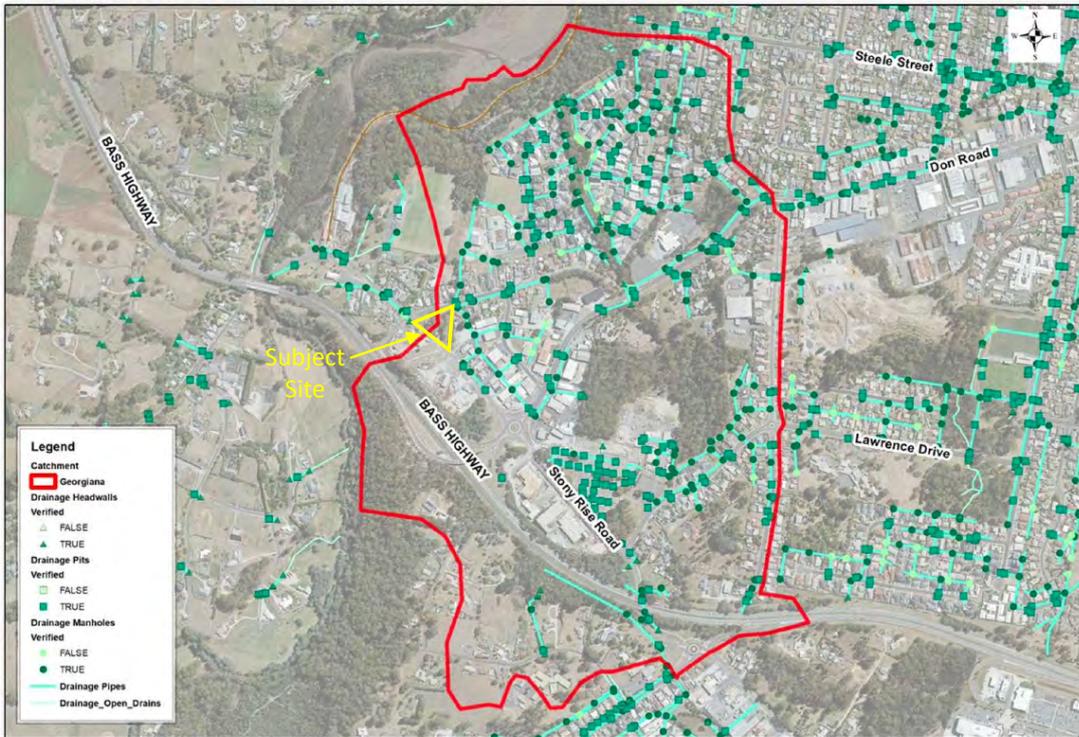


Figure 8: Devonport City Council stormwater system - Georgiana catchment (Source: Devonport City Council – Stormwater Management Plan)

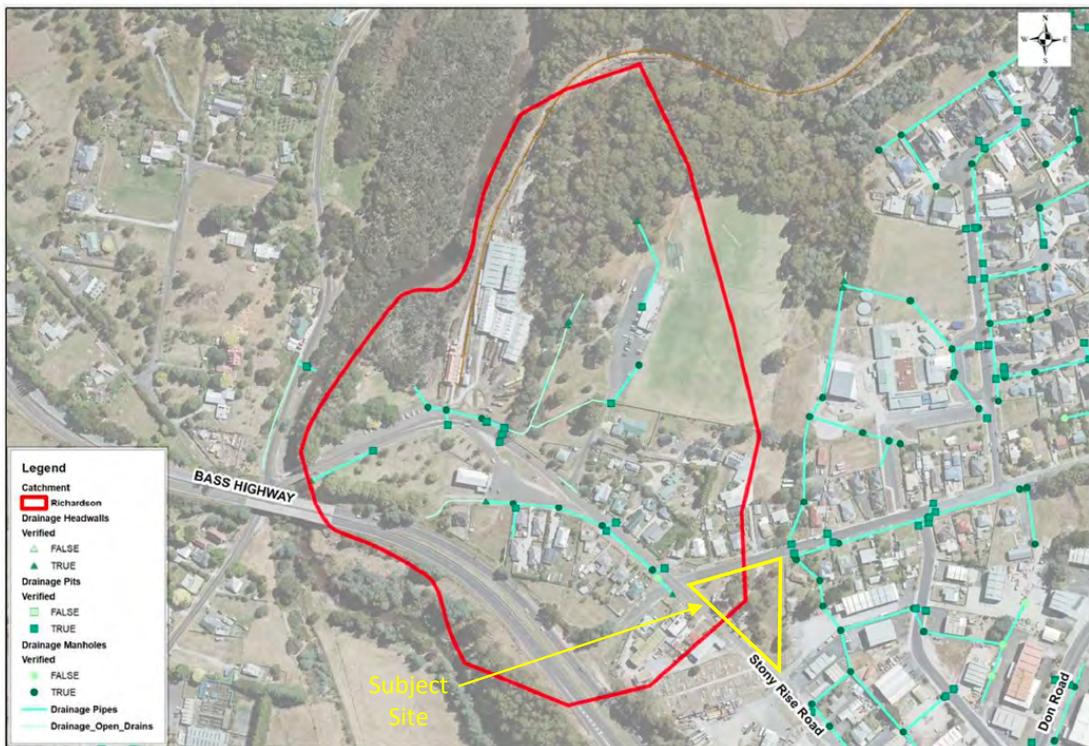


Figure 9: Devonport City Council stormwater system - Richardson catchment (Source: Devonport City Council – Stormwater Management Plan)

3.2.2 Easements

1 Laphorne Close has a one metre wide, electricity infrastructure easement along the eastern boundary, in favour of Aurora Energy Pty Ltd. The easement is not affected by the adjustment of the boundary to western side of the lot.

3.2.3 Tasmanian Planning Scheme Overlays

The site is subject to the following planning scheme code overlay maps:

Priority Vegetation Area:

Figure 10 below shows the extent of the priority vegetation area (PVA) over the site and surrounding land. The PVA is discussed further below in the consideration of the amendment and the assessment against the relevant provisions.



Figure 10: Priority Vegetation Area (green hatch) over subject site and surrounding land. (Source www.thelist.tas.gov.au)

Attenuation Area:

Although not mapped in an overlay, the site is subject to the attenuation area of the metal fabrication and abrasive blasting business located opposite the site at 209 Stony Rise Road, through application of *Table C9.1 Attenuation Distances* in *C9.0 Attenuation Code* of the Tasmanian Planning Scheme. Metal fabrication has an attenuation distance of 500m and abrasive blasting has an attenuation distance of 300m, if not enclosed.

An environmental impact assessment has been undertaken by ES&D against the provisions of the code and is included at Appendix C. The attenuation area is discussed further below in the consideration of the amendment against the objectives of the LUPAA.

Other attenuated activities in the industrial precinct to the east do not have scheduled distances that extend to the subject site.



Figure 11: Location of attenuated activity relative to the subject site. (Source: www.thelist.tas.gov.au)

Airport Obstacle Limitation Area:

The site is located within the Devonport Airport Obstacle Limitation Area (OLA) overlay. The overlay map is shown in the context of the City of Devonport in Figure 7 below. The OLA is discussed further below in the assessment against the provisions of the code.

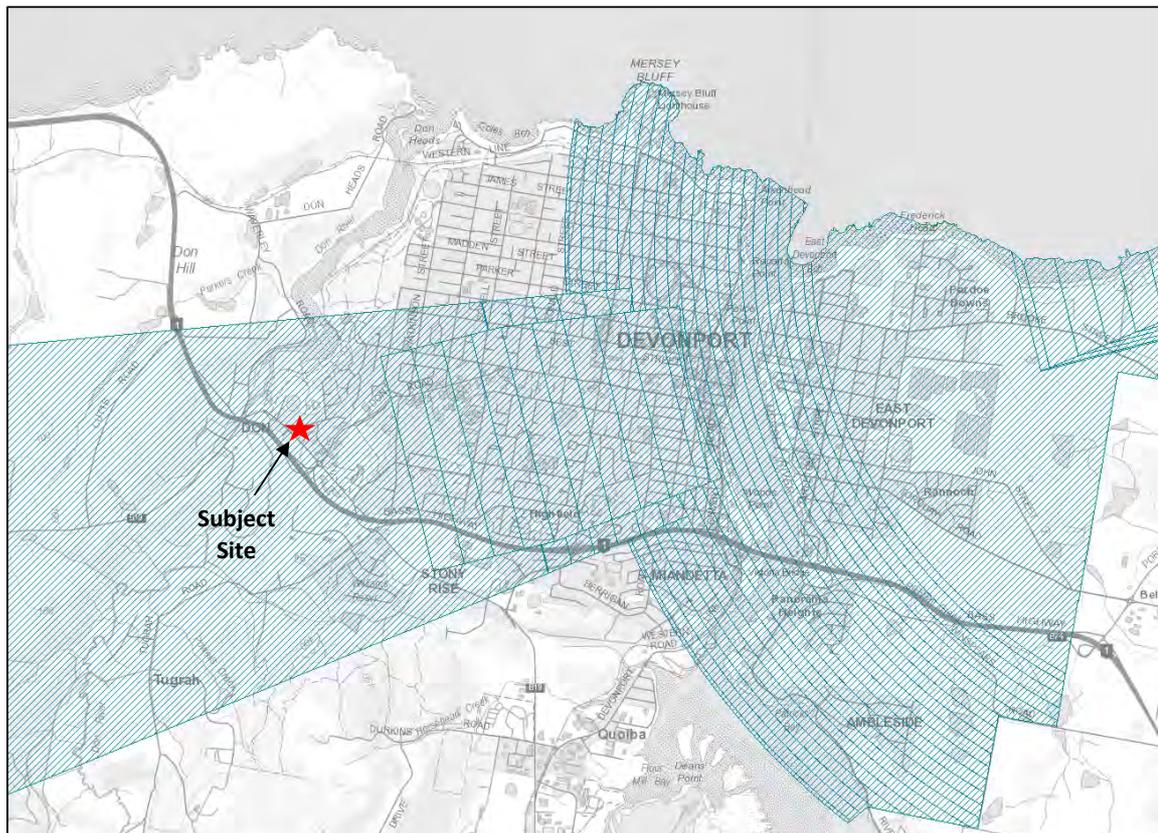


Figure 12: Devonport Airport Obstacle Limitation Area Overlay (blue hatch). (Source: www.thelist.tas.gov.au)

3.2.4 Heritage

The St Olaves title at 200 Stony Rise Road is permanently registered on the Tasmanian Heritage Register (Place ID 1358). This includes the cemetery and land that makes up the extent of the title.

Pursuant to section 36. of the *Historic Cultural Heritage Act 1995*, the application for a combined amendment and development application for subdivision will be referred by the planning authority to the Tasmanian Heritage Council (THC), who will determine if it wishes to be involved in determining the combined permit application and if it requires additional information to make a determination.

Through this process, the THC may require conditions to be applied to any permit issued or may refuse the application. The planning authority must not apply any condition to a permit that conflicts with the conditions of the THC and must refuse to issue the permit if the THC notifies that the combined permit should be refused.

Should the planning authority agree to prepare the amendment pursuant to s.38 of the LUPAA, the Tasmanian Planning Commission (TPC) will take into account the recommendations of the THC in making its decision to either approve, or refuse to approve, the draft amendment.

Heritage considerations are discussed further below in regard to the rezoning and proposed subdivision.

3.3 Surrounding Land Use

The site is bordered to the north, east and north-west by an established residential environment on Laphorne Close and Stony Rise Road, reflected in the General Residential zoning.

To the east and south of the site is the Light Industrial zoned precinct located to either side of Stony Rise Road and Matthews Way, which contains a mix of commercial, storage and industrial businesses including metal fabrication, transport depots and distribution warehouses, joinery and automotive services.

The heritage listed Don cemetery is situated opposite the site on Stony Rise Road and is zoned Community Purpose.

The Bass Highway/Stony Rise Rd/Don Rd interchange is located 230 metres to the southwest of the site.



Photo 6: View north-east along Laphorne Close from St Olaves frontage.



Photo 7: View south-east from subject site to commercial and industrial activities along Stony Rise Road.



Photo 8: View north-west toward site on Stony Rise Road, showing Don Cemetery and metal fabricator opposite the site (Note: Eucalypt trees on the site at right have been removed).



Photo 9: View southwest along Stony Rise Rd at the junction of Laphorne Close and Stony Rise Rd.
(Note: Eucalypt trees on the site at right have been removed)

4. AMENDMENT

4.1 Land Use Planning & Approvals Act 1993

Section 38 of the LUPAA requires that before deciding whether to prepare a draft amendment, the planning authority must be satisfied that the amendment will meet the *LPS Criteria*.

The LPS Criteria to be met are set out in section 34(2) of the LUPAA and require that the draft amendment of the LPS:

- (a) *contains all the provisions that the SPPs specify must be contained in an LPS; and*
- (b) *is in accordance with section 32 ; and*
- (c) *furtheres the objectives set out in Schedule 1 ; and*
- (d) *is consistent with each State policy; and*
- (da) *satisfies the relevant criteria in relation to the TPPs; and*
- (e) *as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*
- (f) *has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993 , that applies in relation to the land to which the relevant planning instrument relates; and*
- (g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*
- (h) *has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.*

Each of the LPS Criteria are addressed in the following sections.

4.2 34(2)(a) - State Planning Provisions

A draft amendment is required to contain all of the provisions that the State Planning Provisions (SPP's) specify must be included in a LPS.

The proposed rezoning to General Residential Zone will apply all of the SPP provisions for that zone and any codes that apply to the land, in accordance with the SPP's.

The draft amendment does not include any components that seek to override the SPPs.

4.3 34(2)(b) - Contents of Local Provisions Schedules

A draft amendment is required to be in accordance with section 32 of the LUPAA, which sets out the prescribed and allowable content of LPS's, particularly the requirements for application of the SPP's and the circumstances by which a LPS may override the provisions of the SPP's.

The proposed draft amendment will apply all of the SPP provisions for the General Residential Zone and any codes that apply to the land, in accordance with the SPP's.

The proposed draft amendment does not include any overriding provisions in the form of a Particular Purpose Zone, Specific Area Plan or Site-Specific Qualification.

4.4 34(2)(c) - Schedule 1 Objectives

The following addresses each of the objectives in Schedule 1 of the LUPAA.

Part 1
<p><i>(a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity</i></p> <p>The site has been heavily modified and is mapped as urban area in Tasveg 4.0. The site is not mapped as containing any threatened vegetation communities or species.</p> <p>The site is however, mapped in the Priority Vegetation Area (PVA) overlay which is likely a result of the methodology underpinning the PVA which buffers threatened fauna and flora records and includes remnant vegetation, which previously existed on the site in a number of large Eucalypts, but which have now been removed due to safety concerns.</p> <p>Two threatened fauna records are proximate to the site, one being the Tasmanian Devil on Stony Rise Road. The other is a Grey Goshawk record which coincides with a street light pole, just off Stony Rise Road. The site is located approximately 250 metres to the east of the Don River, which is a habitat corridor for fauna.</p> <p>Irrespective of the PVA overlay over the site, the exemptions in Section 4.4.1 of the scheme, allow for vegetation removal where the vegetation poses an unacceptable risk to safety or where causing damage to substantial structures. The large Eucalypts on the site have been removed prior to this application under the exemption due to the damage that was escalating in regard to a number of historic grave sites, the deteriorating state of the trees and the interaction of the St Olaves site with the public coupled with the risk to adjoining land.</p> <p>Only a small group of naturally seeded saplings and two young She-Oaks remain within the area required for development, with the cluster of low vegetation along the St Olaves frontage to Laphorne Close being retained, noting that this is primarily located within the road reserve. Photo 10 below shows the vegetation to be removed for the construction of a driveway to serve the St Olaves property.</p>

<p>Photo 10: Vegetation to be removed to provide for access to St Olaves.</p>

<p>In the context of a heavily modified urban environment, the isolated and small patch to be removed does not constitute habitat of conservation value, due to its lack of connectivity with habitat corridors.</p>
<p><i>(b) To provide for the fair, orderly and sustainable use and development of air, land and water.</i></p>
<p>The proposed rezoning of 850m² of land to General Residential Zone together with a boundary adjustment to facilitate an improved provision of higher density housing within close proximity to employment land and public transport, represents a logical, orderly and therefore sustainable use and development of land.</p>
<p><i>(c) To encourage public involvement in resource management and planning</i></p>
<p>The Devonport City Council undertook community consultation as part of its process to formulate the <i>Greater Devonport Residential Growth Strategy 2021 -2041</i> (the strategy). The document represents the most recent expression of policy that has involved public engagement in the city’s aspirations for growth. The strategy recognises “any future land releases are largely contingent on the willingness of landowners to make land available for release” and that it is designed to “guide and inform decision making”.¹ Alignment with the strategy will be able to be scrutinised by the community, should the draft amendment proceed to public notification.</p>
<p><i>(d) To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c) above.</i></p>
<p>The continued ability to develop diverse housing products, contributes to the economic development of Devonport City.</p> <p>The site is a heavily modified parcel of land within an established, and busy, urban environment. The potential impacts on the modest area for additional residential use resulting from surrounding activities, as well as the potential for conflict, has been considered and the risk is considered negligible.</p>
<p><i>(e) To promote sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.</i></p>
<p>The draft amendment takes account of State level interests.</p> <p>Heritage Tasmania has been consulted in the formulation of this proposal, guiding the configuration of the rezoning and subdivision around the heritage listed St Olaves church and cemetery.</p> <p>Stony Rise Road is a State Road, and a key connector route to the city and industrial area. The proposed rezoning to General Residential Zone provides for efficient infill development that can take access through the established residential area, rather than relying on the State Road.</p> <p>The process of draft amendment consideration provides for input from State agencies, the surrounding community and businesses within the nearby industrial area.</p>

¹ Devonport City Council, 2022 - *Greater Devonport Residential Growth Strategy 2021 -2041*, p.2

Part 2
<p>(a) <i>To require sound strategic planning and co-ordinated action by state and local Government.</i></p> <p>The <i>Greater Devonport Residential Growth Strategy 2021 -2041</i> constitutes the most contemporary strategic statement of the Devonport City Council in regard to the provision of land for residential development, to not only meet an identified shortfall in supply in the short term, but also to service longer term aspirational growth targets associated with the <i>'growth catalysed by Council's recent Living City urban renewal initiative'</i>.²</p> <p>The strategy adopts three scenarios for growth rates by the year 2040. The most immediate is a 3 year Estimated Resident Population (ERP) growth rate of 0.7%, based on the experienced growth rate averaged for 2018 -2020. The strategy notes the city being identified in national regional forums as experiencing higher levels of regional growth and inward migration.</p> <p>Additional dwelling demand estimates are provided on page 11 of the strategy. Based on the 3 year average growth scenario, by 2025 an additional 397 dwellings are required, based on 2.3 persons per dwelling. It is noted that the 2021 Census data reveals that Tasmania is experiencing declining household size, with modest increases in lone and two person households. The North West Tasmania Region now has an average household size of 2.25 persons per dwelling. This is somewhat attributed to a correlation with an ageing household profile.³</p> <p>This is particularly relevant to the draft amendment, as its purpose is to facilitate the efficient provision of multiple dwelling development on 1 Laphorne Close. The strategic policy actions include as an ongoing action ... <i>"Ensure that there is sufficient and readily available residential land to accommodate aspirational population growth and actively entice people to live in Devonport"</i>.⁴ The strategy recognises that increasing residential land supply and encouraging a range of dwelling types and densities, positively influences housing affordability and accessibility and that it is necessary to provide a supply that is 'development ready' and not constrained for prompt and efficient delivery to the market.⁵</p> <p>At the time of drafting, taking into account constraints on land, the strategy estimates that there is approximately 2.8 to 4.1 years forward supply of land, which would include the vacant lot at 1 Laphorne Close. Typically, settlement strategies require 10 – 15 years of 'rolling reserve' of land, to be able to efficiently meet market demand. The strategy specifies the provision a 15 year forward supply of 'development ready', General Residential zoned land.⁶ The Cradle Coast Regional Land Use Strategy (CCRLUS) 2011 (amended May 2022) specifies a minimum rolling obligation for a minimum forward period of 10 years, but not exceeding 20 years.⁷ The CCRLUS is discussed in greater detail in section 4.6 below.</p> <p>The strategy recognises multiple dwelling development as <i>"an appropriate and attractive housing option"</i> and <i>"that housing diversity also helps maintain dynamic business activity centres, increased lifestyle choices, and the efficient use of services and infrastructure"</i>, yet notes the complexity in making predictions with any reliability regarding its relative share of the market.⁸ The strategy for implementation at B4.3 is to encourage appropriate opportunities for higher density residential use and</p>

² Ibid

³ .idcommunity, State Growth Tasmania – Community Profile <https://profile.id.com.au/tasmania/household-size?WebID=410>

⁴ Ibid p.14

⁵ Ibid

⁶ Ibid p.16

⁷ *Living on the Coast – Cradle Coast Regional Land Use Planning Framework*, 2011, p.145

⁸ Devonport City Council, 2022 - *Greater Devonport Residential Growth Strategy 2021 -2041*, pgs. 16 & 18

<p>development in close proximity to the CBD and other business areas and where there is good access to public transport, services and employment opportunities.⁹</p> <p>The Strategic Policy Actions at B3.4 includes the following strategy for implementation ... <i>“Encourage and support appropriate opportunities for ‘urban in-fill’ residential use and development at suitable locations (including appropriate opportunities for the application of the Inner Residential Zone)”</i>.¹⁰ The site of the draft amendment is urban infill, being surrounded by long established residential and commercial/industrial uses.</p> <p>The draft amendment and proposed subdivision constitute sound strategic planning in that it proposes a modest adjustment in zoning to facilitate better use of under-utilised land. It expressly serves the strategic objectives outlined in the strategy to provide additional housing at a higher density, within close, walkable proximity to a large employment area and close to bus stops, located 80 metres walking distance to the north on Forth Road and 490 metres walking distance to the east on Don Road.</p>
<p><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></p>
<p>The draft amendment and subdivision comfortably meet the objectives and functions intended by the introduction of the Tasmanian Planning Scheme, which is the principal instrument that determines the outcomes of use and development on the land.</p> <p>The potential sensitivities of additional residential use in proximity to the attenuated steel fabrication business opposite the site has been assessed for impacts, as future residential use and development will be subject to the provisions of C9.0 Attenuation Code of the Tasmanian Planning Scheme.</p> <p>The ES&D Environmental Impact Assessment concludes that the buffered arrangement of the fabrication and sand blasting activities at 209 Stony Rise Road, being to the rear of the premises, together with the operational characteristics, scale and intensity of the industrial activities, is not expected to result in any interference, due to the ambient levels of traffic activity on Stony Rise Road.</p> <p>The proposed rezoning and subdivision, within the land use context of the surrounding area, is compatible with existing zoning and can meet the consequent standard provisions of the Tasmanian Planning Scheme that will apply, such that future development can foreseeably meet the provisions of the scheme and no overriding provisions are considered necessary.</p> <p>The draft amendment and subdivision are consistent with State, Regional and local planning instruments.</p>
<p><i>(c) To ensure 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>The 850m² of land that is proposed for rezoning is located within an established urban area, toward the edge of Devonport City. The site is mapped for large trees that no longer exist on the site and which was likely a consequence of proximity to the habitat corridor of the Don River, approximately 200 metres to the west.</p> <p>The modest expansion of the General Residential Zone to provide for better utilisation of land for higher density housing within an existing urban environment, does not draw down on environmental values to the west. As described above, enabling greater opportunity for higher density housing is in direct support of the social objectives for housing diversity and the economic contribution that continued housing</p>

⁹ Ibid, p.19

¹⁰ Ibid, p.18

<p>development makes to the municipality, as outlined Council’s current growth strategy. The proposal directly serves economic objectives to locate housing near employment areas.</p> <p>The ES&D Environmental Impact Assessment concludes that the buffered arrangement of the fabrication activities opposite the site, in the context of ambient noise levels, is not anticipated to result in any conflict with that business. As such, the economic attributes of the existing commercial area are not affected by the rezoning.</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>The proposal is considered against the detailed objectives and outcomes of State Policies and the Regional Land Use Strategy in the relevant sections below.</p> <p>Compatibility with Council’s local growth strategy is outlined under (a) above.</p> <p>The proposal is compatible with policies at the State, regional and local 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>The application is made specifically to consolidate the approval of the draft amendment with the subdivision to ensure that described intended outcomes can be achieved, without risk of unintended consequences.</p>
<p><i>(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation.</i></p>
<p>The location of the site is well placed with walkable access to high-quality public open space along the Don River and to significant recreation and sporting facilities nearby, such as the aquatic centre and cricket fields.</p> <p>The site is in close proximity to a significant employment area, yet can developed in a way that orients toward the residential environment and can buffer the more intensive activities along Stony Rise Road, enhancing residential amenity.</p>
<p><i>(g) To conserve those buildings, areas or other places which are of scientific, aesthetics, architectural or historical interest, or otherwise of special cultural value.</i></p>
<p>The configuration of the proposed area for rezoning and subdivision has been prepared in consultation with Heritage Tasmania, accounting for an appropriate curtilage around the State listed St Olaves church and cemetery. The prior removal of the large Eucalypts was conditional upon new plantings and fencing arrangements endorsed by the Heritage Council, subsequent to any approval of rezoning and subdivision.</p>
<p><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></p>
<p>Both lots that make up the totality of the site, have connection to services and access to a public road. The legislative processes for the assessment of development for subdivision, and any subsequent housing proposal, protects public infrastructure through conditioning to ensure that the scale and density of development matches infrastructure capability.</p>

<p>1 Lapthorne Close is subject to a 1 metre wide Aurora powerline easement along the eastern boundary. This easement is not affected by the addition of residential zoned land to the western side of the lot. Additional land to the west, serves to ease this constraint on future multiple dwelling development on the site.</p> <p>The modest expansion of the General Residential Zone by 850m², to be added to an existing lot of 2134m² (an increase of 39% in area) to facilitate residential development, constitutes efficient and orderly use of existing, established infrastructure.</p>
<p><i>(i) To provide a planning framework which fully considers land capability.</i></p>
<p>The site is unconstrained in its ability to provide for anticipated development of higher density housing. The area proposed for future residential development has an approximate gradient of 1:14 and is not subject to any environmental or prior land use hazards. The land can be effectively drained to the public, reticulated system. The prior removal of the large Eucalypts has ensured that the site is now safe.</p> <p>The land is fully capable of realising the use and development that is the intention of the proposal.</p>

4.5 34(2)(d) - State Policies

State Policies are made under the State Policies and Projects Act 1993 and include:

- the State Policy on the Protection of Agricultural Land (PAL Policy) 2009;
- the State Policy on Water Quality Management (SPWQM)1993;
- the State Coastal Policy (SCP) 1993; and
- National Environment Protection Measures (NEPMs).

NEPMs to date relate to the following matters:

- Air toxics
- Ambient Air Quality
- Assessment of site contamination
- Diesel vehicle emissions
- Movement of controlled waste between States and Territories
- National pollutant inventory
- Used packaging materials.

In regard to the proposed amendment and subdivision, only the SPWQM and SCP are relevant as the land is not within proximity to agricultural land and does not relate to any of the NEPM matters.

4.5.1 State Policy on Water Quality Management 1993

The SPWQM 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'*.

Particularly, the following sections are relevant to the proposed expansion of urban residential development:

31. Control of erosion and stormwater runoff from land disturbance

31.1 Planning schemes should require that development proposals with the potential to give rise to off-site polluted stormwater runoff which could cause environmental nuisance or material or serious

environmental harm should include, or be required to develop as a condition of approval, stormwater management strategies including appropriate safeguards to reduce the transport of pollutants off-site.

- 31.2 *Stormwater management strategies required pursuant to clause 31.1 should address both the construction phase and operational phase of the development and use of land and have the maintenance of water quality objectives (where these have been defined) as a performance objective.*
- 31.5 *Planning schemes must require that land use and development is consistent with the physical capability of the land so that the potential for erosion and subsequent water quality degradation is minimised.*
33. *Urban runoff*
- 33.1 *Regulatory authorities must require that erosion and stormwater controls are specifically addressed at the design phase of proposals for new developments, and ensure that best practice environmental management is implemented at development sites in accordance with clause 31 of this Policy.*
- 33.2 *State and Local Governments should develop and maintain strategies to encourage the community to reduce stormwater pollution at source.*

The key management issue for urban areas is the management of surface water runoff prior to entry into the reticulated stormwater system and eventual discharge into watercourses. Any future stormwater design for the development of housing on 1 Laphorne Close, can accurately model for the volume and velocity of stormwater for peak events and incorporate measures in the design for on-site detention, if necessary, to ensure that stormwater flooding or surcharging does not occur and that components can be included to manage water quality.

Section 6.11.2 of the Tasmanian Planning Scheme provides for conditions to be placed on a permit that may include *erosion and stormwater volume and quality controls*. Any future multiple dwelling development will require application for a permit under the LUPAA and can be subject to specific controls as considered necessary by the planning authority at both construction stage and as part of the ongoing inputs from the development.

The regulatory processes for development, which are assessed by the planning authority as well as the stormwater authority under the *Urban Drainage Act 2016*, ensure that the requirements of the SPWQM are upheld. There are no circumstances on the site that would preclude the future management of surface water quality under normal regulatory process for use and development.

4.5.2 State Coastal Policy 2009

The SCP applies to all land that is within the defined 'Coastal Zone'. The *Coastal Zone* is all land to a distance of 1 Kilometre inland from the high-water mark.

The high-water mark extends upstream along the Don River to the Bass Highway bridge. The site is located 370 metres from this part of the Don River and therefore the SCP is applicable to this draft amendment.

The main principles that guide the SCP, and on which the prescribed outcomes are structured, are that:

- *Natural and cultural values of the coast shall be protected.*
- *The coast shall be used and developed in a sustainable manner.*
- *Integrated management and protection of the coastal zone is a shared responsibility.*

The SCP outcomes are addressed, as relevant, below.

State Coastal Policy Outcomes:

1. Protection of Natural and Cultural Values of the Coastal Zone	
1.1 Natural Resources and Ecosystems	
<p>1.1.1. <i>The coastal zone will be managed to ensure sustainability of major ecosystems and natural processes.</i></p> <p>1.1.2. <i>The coastal zone will be managed to protect ecological, geomorphological and geological coastal features and aquatic environments of conservation value.</i></p> <p>1.1.3. <i>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.</i></p> <p>1.1.4. <i>Exotic weeds within the coastal zone will be managed and controlled, where possible, and the use of native flora encouraged.</i></p> <p>1.1.5. <i>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.</i></p> <p>1.1.6. <i>Appropriate monitoring programs and environmental studies will be conducted to improve knowledge, ensure guidelines and standards are met, deal with contaminants or introduced species and generally ensure sustainability of coastal ecosystems and processes and ensure that human health is not threatened.</i></p> <p>1.1.7. <i>Representative ecosystems and areas of special conservation value or special aesthetic quality will be identified and protected as appropriate.</i></p> <p>1.1.8. <i>An effective system of marine reserves will continue to be established to protect marine ecosystems and fish nursery areas.</i></p>	<p>The natural process and ecosystem values are focussed on the Don River environment, which is part of the mapped Coastal Zone. The subject site is within the south-western urban area of Devonport and has no direct relationship to the coastal edge or natural values that critically contribute to coastal flora and fauna diversity.</p> <p>The proposal does not involve any direct access to the Coastal edge.</p> <p>The only matter of relevance is the discharge of stormwater from the reticulated system to the Don River, for the two catchments that apply to site. The draft amendment proposes to add an additional 850m² of land for residential development to the 128.79 hectare <i>Georgiana Catchment</i> (<.1%), which discharges approximately 277m north of the site, through a headwall to the vegetated area of the Don Reserve. It is noted that there is also potential for increased development on the site under the current Community Purpose zoning.</p> <p>The scheme contains mechanisms to condition future development for the management of stormwater discharge from the site to protect water quality and also manage volume of output.</p>

<p>1.1.9. <i>Important coastal wetlands will be identified, protected, repaired and managed so that their full potential for nature conservation and public benefit is realised. Some wetlands will be managed for multiple use, such as recreation and aquaculture, provided conservation values are not compromised.</i></p> <p>1.1.10. <i>The design and siting of buildings, engineering works and other infrastructure, including access routes in the coastal zone, will be subject to planning controls to ensure compatibility with natural landscapes.</i></p> <p>1.1.11. <i>Fire management, for whatever purpose, shall be carried out in a manner which will maintain ecological processes, geomorphological processes and genetic diversity of the natural resources located within the coastal zone.</i></p>	
<p>1.2 Cultural and Historic Resources</p>	
<p>1.2.1. <i>Areas within which Aboriginal sites and relics are identified will be legally protected and conserved where appropriate.</i></p> <p>1.2.2. <i>All Aboriginal sites and relics in the coastal zone are protected and will be identified and managed in consultation with Tasmanian Aboriginal people in accordance with relevant State and Commonwealth legislation.</i></p>	<p>The site is a highly modified urban environment. Any unanticipated discovery of aboriginal sites and relics is regulated through the <i>Aboriginal Heritage Act 1975</i>.</p>
<p>1.3 Cultural Heritage</p>	
<p>1.3.1. <i>Places and items of cultural heritage will be identified, legally protected, managed and conserved where appropriate.</i></p>	<p>The St Olaves church and cemetery is listed on the Tasmanian Heritage Register. This listing is not related to its location in proximity to the coastal edge.</p>
<p>1.4 Coastal Hazards</p>	
<p>1.4.1. <i>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.</i></p> <p>1.4.2. <i>Development on actively mobile landforms such as frontal dunes will not</i></p>	<p>The site is not located within State maps for coastal inundation and coastal erosion, including investigation areas, that is now applied by the scheme as code overlays.</p> <p>The site is not at risk from coastal processes.</p>

<p><i>be permitted except for works consistent with Outcome 1.4.1.</i></p> <p>1.4.3. <i>Policies will be developed to respond to the potential effects of climate change (including sea-level rise) on use and development in the coastal zone.</i></p>	
<p>2. Sustainable Development of Coastal Areas and Resources</p>	
<p>2.1 Coastal Uses and Development</p>	
<p>2.1.1. <i>The coastal zone shall be used and developed in a sustainable manner subject to the objectives, principles and outcomes of this Policy. It is acknowledged that there are conservation reserves and other areas within the coastal zone which will not be available for development.</i></p> <p>2.1.2. <i>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.</i></p> <p>2.1.3. <i>Siting, design, construction and maintenance of buildings, engineering works and other infrastructure, including access routes within the coastal zone will be sensitive to the natural and aesthetic qualities of the coastal environment.</i></p> <p>2.1.4. <i>Competing demands for use and development in the coastal zone will be resolved by relevant statutory bodies and processes, in particular the Land Use Planning Review Panel, the Resource Management and Planning Appeal Tribunal and the Marine Farming Planning Review Panel. Planning schemes, marine farming development plans and other statutory plans will provide guidance for resource allocation and development in accordance with this Policy.</i></p> <p>2.1.5. <i>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.</i></p>	<p>The subject site is within the south-western urban area of Devonport and has no direct relationship to the coastal edge.</p> <p>The proposal constitutes a negligible change in the nature of eventual development that could occur on the site. Development on the site is regarded as infill does not result in any coastal expansion.</p> <p>As above, the design and construction of future development can be conditioned for stormwater quality and quantity of discharge, into the reticulated system.</p> <p>Future development will not be at a level that triggers the regulatory thresholds of the Environmental Management and Pollution Control Act (EMPCA) 1993.</p>

<p>2.1.6. <i>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.</i></p> <p>2.1.7. <i>New industrial developments will be encouraged to locate in specified industrial zones.</i></p> <p>2.1.8. <i>Extraction of construction materials, mineral, oil, and natural gas deposits in the coastal zone will be allowed provided access to areas is allowed under the provisions of the Mining Act 1929.</i></p> <p>2.1.9 <i>Exploration will be conducted in accordance with environmental standards under relevant legislation and the Mineral Exploration Code of Practice. Adequate rehabilitation shall be carried out.</i></p> <p>2.1.10. <i>Extraction will be subject to the Quarry Code of Practice and environmental assessment as required by State legislation including the Environmental Management and Pollution Control Act 1994. Adequate rehabilitation shall be carried out.</i></p> <p>2.1.11. <i>Extraction of sand will be provided for by zoning of appropriate areas in planning schemes.</i></p> <p>2.1.12. <i>Timber harvesting and reforestation in the coastal zone will be conducted in accordance with the Forest Practices Code and have regard to this Policy.</i></p> <p>2.1.13. <i>Whole farm planning and sustainable farming activities will be encouraged on agricultural land in the coastal zone and in coastal catchments in order to minimise problems such as erosion, sedimentation and pollution of coastal waters including surface and ground waters.</i></p> <p>2.1.14. <i>Management arrangements for commercial and recreational fisheries will be further developed in accordance with the objectives, principles and outcomes of this Policy, through a management planning framework designed to maintain sustainability and diversity of fish resources and their habitats and promote economic efficiency under the</i></p>	
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<p><i>Living Marine Resources Management Act 1995.</i></p> <p><i>2.1.15. Harvesting of marine plants shall be conducted in a sustainable manner in accordance with relevant State legislation and this Policy.</i></p> <p><i>2.1.16. Water quality in the coastal zone and in ground water aquifers will accord with the requirements and guidelines established by the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any other relevant State and Commonwealth Policies and statutes.</i></p> <p><i>2.1.17. Waste discharge into the coastal zone, including offshore waters, or likely to affect groundwater aquifers, must comply with provisions of the Environmental Management and Pollution Control Act 1994 or the Environment Protection (Sea Dumping) Act 1987 (as appropriate) and any relevant State and Commonwealth Policies.</i></p> <p><i>2.1.18. Where oil pollution occurs in the coastal zone, and, or, offshore areas, the National Plan to combat Pollution of the Sea by Oil, Tasmanian Supplement, will apply. Efforts to prevent or mitigate maritime accidents and pollution shall be based upon relevant ANZECC and other guidelines.</i></p> <p><i>2.1.19. Every effort will be made to prevent the introduction of foreign marine organisms and species. Relevant Commonwealth provisions for quarantine and ballast water or other ship discharges shall apply.</i></p>	
<p>2.2 Marine Farming</p>	
<p><i>2.2.1. Marine farming will be planned, developed and conducted in the coastal zone having regard to sustainable development considerations and in accordance with the Marine Farming Planning Act 1995 and other relevant terrestrial and marine resource management and planning legislation and consistent with this Policy.</i></p>	<p>Not applicable</p>

<p>2.2.2. <i>Marine Farming Development Plans will be prepared, approved and gazetted under the Marine Farming Planning Act 1995 and consistent with the objectives, principles and outcomes of this Policy.</i></p>	
<p>2.3 Tourism</p>	
<p>2.3.1. <i>Tourism use and development in the coastal zone, including visitor accommodation and other facilities, will be directed to suitable locations based on the objectives, principles and outcomes of this Policy and subject to planning controls.</i></p> <p>2.3.2. <i>Tourism development proposals in the coastal zone will be subject to environmental impact assessment as required by State legislation including a water safety assessment to indicate the level and type of lifesaving facilities and personnel required to protect people.</i></p> <p>2.3.3. <i>Opportunities for tourism development will be identified wherever strategic planning occurs for the coastal zone or any part of it.</i></p> <p>2.3.4. <i>Tourism development will be located where there is environmental capacity and where it does not significantly conflict with the natural and aesthetic qualities of the coastal zone.</i></p>	<p>Whilst visitor accommodation is an allowable use in the General Residential Zone, the draft amendment does not facilitate development that is focussed on coastal tourism.</p>
<p>2.4 Urban and Residential Development</p>	
<p>2.4.1. <i>Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.</i></p> <p>2.4.2. <i>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.</i></p> <p>2.4.3. <i>Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent</i></p>	<p>The site is located within the existing urban environment of Devonport City and constitutes infill development.</p> <p>The draft amendment proposes to designate an additional 850m² area of land to residential development in the planning scheme.</p>

<p><i>with the objectives, principles and outcomes of this Policy.</i></p>	
<p>2.5 Transport</p>	
<p>2.5.1. <i>All transport infrastructure and associated services will be planned, developed and maintained consistent with the State Coastal Policy.</i></p> <p>2.5.2. <i>Significant scenic coastal transport routes and associated facilities will be identified, planned and managed to ensure sustainable benefits for tourism and recreation value and amenity.</i></p> <p>2.5.3. <i>New coast hugging roads will be avoided where possible with vehicular access to the coast being provided by spur roads planned, developed and maintained consistent with the State Coastal Policy.</i></p> <p>2.5.4. <i>Marine structures will be designed, sited, constructed and managed in accordance with best practice environmental management and subject to environmental impact assessment having regard to statutory requirements.</i></p> <p>2.5.5. <i>The multiple use of port areas will be encouraged but priority will be given to efficient port operations and safety requirements subject to cultural, natural and aesthetic values not being compromised.</i></p>	<p>The site takes access from existing public roads. No transport infrastructure will be constructed to serve the site for future development, other than one additional driveway crossover.</p>
<p>2.6 Public Access and Safety</p>	
<p>2.6.1. <i>The public's common right of access to and along the coast, from both land and water, will be maintained and enhanced where it does not conflict with the protection of natural and cultural coastal values, health and safety and security requirements.</i></p> <p>2.6.2. <i>Public access to and along the coast will be directed to identified access points. Uncontrolled access which has the potential to cause significant damage to the fragile coastal environment and is inconsistent with this Policy will be prevented.</i></p> <p>2.6.3. <i>Agreements between landowners, landholders and councils or State Government to grant public access to the coast, and Aborigines access to Aboriginal sites and relics in the coastal</i></p>	<p>The site does not affect public access to the Coastal Zone, which is accessed via pedestrian trails along the Don River Reserve, approximately 300m to the northwest.</p>

<p><i>zone over private and public land will be encouraged and shall be considered when preparing plans or approving development proposals.</i></p> <p>2.6.4. <i>Public facilities such as life saving facilities and essential emergency services, parking facilities, toilet blocks, picnic sites, rubbish disposal containers, boat ramps and jetties will be provided at appropriate locations consistent with the objectives, principles and outcomes of this Policy to facilitate access to and enjoyment of the recreational amenity of the coast and estuarine foreshores.</i></p> <p>2.6.5. <i>Councils will ensure that there will be a coastal safety assessment for any new coastal development likely to attract people to the coast to indicate the level and type of lifesaving facilities and personnel required.</i></p> <p>2.6.6. <i>Developer contributions will be encouraged in respect to the costs of providing public access and safety services for the community.</i></p>	
<p>2.7 Public Land</p>	
<p>2.7.1. <i>All future use and development of public land in the coastal zone will be consistent with this Policy, and subject to planning controls unless otherwise provided by statute.</i></p> <p>2.7.2. <i>Future development of camping areas on public land in the coastal zone will only be permitted where such development does not conflict with the protection of natural features and cultural values, but not within 30 metres above high water mark.</i></p> <p>2.7.3. <i>Expansion of shack sites on public land in the coastal zone will not be permitted.</i></p> <p>2.7.4. <i>Shacks currently located on public land in the coastal zone will continue to be subject to review under the Shack Site Categorisation Program of the Tasmanian Property Services Group.</i></p>	<p>Not applicable.</p>
<p>2.8 Recreation</p>	
<p>2.8.1. <i>Recreational use of the coastal zone will be encouraged where activities can be conducted in a safe and environmentally responsible manner.</i></p>	<p>The site has walkable access to the established recreation trails along the Don River Reserve.</p>

<p>2.8.2. <i>Suitable recreation opportunities will be identified through strategic planning and may be provided in appropriate locations where they do not adversely affect sensitive coastal ecosystems and landforms or in designated areas where such effects can be remedied or mitigated.</i></p> <p>2.8.3. <i>Special recreational vehicle areas may be established as an environmental protection measure and as a means of limiting unauthorised motor vehicle activity in environmentally sensitive areas.</i></p>	
<p>3. Shared Responsibility for Integrated Management of Coastal Areas and Resources</p>	
<p>3.1 Shared Responsibility for Management</p>	
<p>3.1.1. <i>Provision will be made for consistency in policy interpretation and implementation by all spheres of government throughout Tasmania, including consistency in changes to planning schemes affected by this Policy.</i></p> <p>3.1.2. <i>Coastal management should be considered as an integral component of regional planning undertaken in the State.</i></p> <p>3.1.3. <i>Provision shall be made for effective coordination of the activities of governments, industry and local communities in interpreting and implementing the State Coastal Policy.</i></p> <p>3.1.4. <i>Provision for effective and greater involvement of Aboriginal people in areas of particular interest to Aboriginal people will be made as part of community participation processes.</i></p> <p>3.1.5. <i>Planning authorities, the Land Use Planning Review Panel and the Marine Farming Planning Review Panel will use their best endeavours to function in a coordinated and collaborative manner to effectively and efficiently implement the State Coastal Policy.</i></p> <p>3.1.6. <i>Councils will prepare strategic and operational plans for their municipal areas having regard to the principles, objectives and outcomes of this Policy and will be encouraged to function in a coordinated and collaborative manner</i></p>	<p>Regulatory processes to manage future development is the appropriate mechanism for local responsibility in regard to outputs that affect the Coastal environment.</p>

<p><i>with adjacent councils and other planning authorities.</i></p> <p>3.1.7. <i>State government agencies and planning authorities will participate with other State, Territory and Commonwealth agencies in relevant forums to foster a national approach to coastal zone management.</i></p>	
<p>3.2 Institutional Arrangements</p>	
<p>3.2.1. <i>A State Coastal Advisory Committee comprising representatives of State and local government and the community will be established to facilitate implementation, coordination, consistent interpretation, and evaluation of this Policy.</i></p> <p>3.2.2. <i>The State Coastal Advisory Committee will be supported by the Coastal and Marine Program in the Department of Environment and Land Management.</i></p> <p>3.2.3. <i>The Tasmanian Government will provide funding and other resources considered necessary for the effective implementation of this Policy.</i></p> <p>3.2.4. <i>A high level of coastal expertise will progressively be developed in agencies responsible for implementation of the State Coastal Policy.</i></p> <p>3.2.5. <i>The effectiveness of institutional arrangements will be reviewed three years from the date of implementation of the State Coastal Policy.</i></p>	<p>Not applicable.</p>
<p>3.3 Public Participation and Information</p>	
<p>3.3.1. <i>Public awareness of coastal issues and community participation in managing the coastal zone will be encouraged and facilitated, including networking between community groups working in the coastal zone.</i></p> <p>3.3.2. <i>Advice and information will be provided to coastal community groups through councils and State Government agencies responsible for coastal planning and management on the implementation and interpretation of the State Coastal Policy, on government assistance programs or other matters relevant to the coastal zone.</i></p>	<p>The Devonport City Council includes on its website, information relating to water quality and inputs from the urban environment that then discharge from the reticulated network to natural watercourses.</p> <p>The LPS amendment process provides for public representation in regard to the management of coastal impacts as a result of development facilitated by the rezoning.</p>

<p>3.3.3. <i>Community projects and action which benefit the coastal zone and are consistent with this Policy will be encouraged and assisted through the Coastal and Marine Program of the Department of Environment and Land Management or other relevant government programs.</i></p> <p>3.3.4. <i>Communities will be given the opportunity to make submissions to all plans or policies affecting the coastal zone. Consultative meetings with relevant and interested community groups and individuals in local or regional areas will be held in conjunction with the release of policies and plans wherever possible.</i></p> <p>3.3.5. <i>Research into coastal processes and matters related to coastal zone planning and management by government or research institutions will be encouraged and assisted where possible.</i></p>	
<p>4. Implementation, Evaluation and Review</p>	
<p>4.1 <i>Implementation of the State Coastal Policy will be coordinated through the State Coastal Advisory Committee.</i></p> <p>4.2 <i>The main vehicles for implementation of this Policy will be land use planning controls, marine farming development plans, and local council strategic and operational plans.</i></p> <p>4.3 <i>To ensure integration between planning schemes and other plans affecting the coastal zone, all planning authorities (including local councils, Marine Boards, the Secretary of the Department of Primary Industry and Fisheries and other agencies developing plans which cover all or any part of the coastal zone) are required, as appropriate, to consult with the Marine Resources Division (Department of Primary Industry and Fisheries) the Marine Board responsible for the area subject to the plan and the Department of Environment and Land Management.</i></p> <p>4.4 <i>The effectiveness of the State Coastal Policy will be monitored and assessed throughout its term. A report on the coastal zone will be included in all State</i></p>	<p>Potential coastal impacts through stormwater discharge can be effectively managed through land use planning controls in the LPS, as envisaged by this section of the SCP.</p>

<p><i>of the Environment Reports which the Sustainable Development Advisory Council submits to the Minister pursuant to Section 29 of the State Policies and Projects Act 1993.</i></p> <p>4.5. <i>To ensure that policies and plans for the coast are responsive to changing needs and circumstances the Minister responsible for the administration of the State Policies and Projects Act 1993 shall review the State Coastal Policy at the end of three (3) years after this Policy has come into operation and thereafter no less than every five (5) years.</i></p>	
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4.6 34(2)(da) - Tasmanian Planning Policies

At the time of preparation of this report, the Tasmanian Planning Policies (TPPs) are in draft form and are not yet enacted as a statutory instrument.

4.6 34(2)(e) - Regional Land Use Strategy

The applicable Regional Land Use Strategy is *Living on the Coast – Cradle Coast Regional Land Use Planning Framework (CCRLUS)*, as amended 11 May 2022.

It is noted that the CCRLUS will soon be submitted to the Minister for Planning, proposing amendments to improve the structure and interpretability of the document. The rationale for amendment is partly the degree to which the data on which the CCRLUS is based is now significantly outdated, having originally been declared in 2011. To the extent that guidance can be ascertained from the current statutory document, the following analysis is provided.

The main policy focus relating to proposals for additional urban residential development is contained in Part C of the CCRLUS document. Part C sets out five policy groupings, namely:

- *Implementing the Framework;*
- *Wise Use of Resources;*
- *Support for the Economy;*
- *Places for People; and*
- *Planned Provision of Infrastructure.*

Section 1.5 *Principles for Implementation* include... *c. Land is a limited, non-renewable resource and is not wasted and that... Policies are to promote opportunities for use and development to accommodate future population and employment growth without unnecessary or unreasonable adverse effect.*¹¹

Section 4. *Places for People – liveable and sustainable communities* provides the most relevant direction for residential growth.

¹¹ *Living on the Coast – Cradle Coast Regional Land Use Planning Framework, 2011, p.120*

The Strategic Outcomes at section 4.2 include:

Regional settlements provide liveable and sustainable communities where -

- *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;*
- *the pattern of settlement provides a network of compact, well connected and separate centres each with individual character and identity;*
- *land supply is matched to need and there is a balance of infill and expansion;*
- *there is coordinated and equitable access to provision of regional level services;*
- *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;*
- *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;*
- *people and property are not exposed to unacceptable levels of risk;*
- *transport, utility and human service infrastructure is planned and available to meet local and regional need;*
- *energy and resource efficiency is incorporated into the design, construction and operation of all activities.*

Noting that the last point cannot be contemplated within the legal structure of the planning system, the draft amendment supports and delivers on the listed strategic outcomes in that it provides for a very modest degree of residential growth within the contained urban extent of Devonport City and which optimises services and infrastructure. The draft amendment directly aims to serve housing diversity and is not exposed to any natural or human induced hazards.

Sections 4.3 *Land Use Policies for Managing Growth and Development* and 4.7 *Land Use Policies for Housing Land* provide the most relevant direction to this proposal.

The policy statements are discussed in the tables below, noting that not all statements are applicable to the draft amendment:

4.3.1 Urban Settlement Areas

<i>a. Assume a low growth scenario under which demand is driven by internal population change and low rates of inward migration.</i>
This statement was made in 2011, primarily in response to the 2006 Census data, at a time when the region was experiencing a low rate of growth. Recent data from the 2021 Census and captured by the Council's <i>Greater Devonport Residential Growth Strategy 2021 -2041</i> has shown a very different rate of growth attributed to higher rates of inward migration and higher retention of the 20 to 40 year old age group.
<i>b. Promote established settlement areas as the focus for growth and development;</i>
The draft amendment is located within an established settlement area.
<i>c. Promote optimum use of land capability and the capacity of available and planned infrastructure service.</i>
The draft amendment constitutes infill development that makes better use of under-utilised land that has connection to established infrastructure and services.

<p><i>d. Match land supply to need and provide sufficient land within the designated urban settlement boundaries of each centre to meet forecast need for a time horizon of not less than 10 years but not exceeding 20 years.</i></p>
<p>As described in Council’s <i>Greater Devonport Residential Growth Strategy 2021 -2041</i>, Devonport City currently has less than the minimum 10 years supply of residential land. The site is located within the designated urban settlement boundary and makes a contribution to an increase in supply of residential land.</p>
<p><i>e. Accommodate growth and development for each of the centres identified in Table B4.5 through either:</i></p> <ul style="list-style-type: none"> <i>i. A Stable Growth Strategy which promotes growth and development within the established boundaries of the nominated settlement area without priority for intensification; or</i> <i>ii. A Contained Growth Scenario which promotes a mix of intensification and strategically planned expansion on the established boundaries of the nominated settlement centre.</i>
<p>The reference relates to the table at P.67 of the CCRLUS.</p> <p>This table designates Devonport as a Low Growth Scenario and applies the ‘Contained Settlement Strategy’.</p> <p>Reiterating comments above, whereby the CCRLUS assumptions regarding expectations of future growth have proven to be grossly inaccurate over time, the Low Growth Scenario nevertheless relies on existing land supply and available infrastructure within the designated urban boundary. The site constitutes land supply within the designated urban boundary and connects to available infrastructure.</p> <p>The ‘Contained Strategy’ <i>... promotes a mix of intensification and strategically planned expansion to retain compact urban form and provide a mix of development and growth opportunities. The mix does not need to occur in balanced proportion. The approach allows for optimum use of available and planned infrastructure in both established and new release areas.</i>¹²</p> <p>Noting the inherent conflict in the simultaneous categorisation of ‘Low Growth Scenario’ and the ‘Contained Strategy’, the policy clearly promotes intensification of land within the settlement extent to retain compact urban form. The site constitutes infill development and better use of underutilised land, that makes optimum use of available infrastructure in an established area.</p>
<p><i>f. Provide a pattern of settlement which maintain:</i></p> <ul style="list-style-type: none"> <i>i. Separated towns, villages and communities;</i> <i>ii. Visual and functional transitional space between each individual centre;</i> <i>iii. Absence of linear development or expansion aligned to coastline, ridgeline, or river or road frontage.</i>
<p>The site is located within the established urban extent of Devonport City and does not constitute linear expansion. The proposal maintains the pattern of development of separate townships.</p>
<p><i>g. Implement structure plans and regulatory instruments for each centre which:</i></p> <ul style="list-style-type: none"> <i>i. Identify arrangements for intensification through infill, redevelopment and conversion of vacant and under-developed land, including for intensity of buildings and density of population;</i> <i>ii. Identify arrangements for the expansion of urban boundaries when:</i> <ul style="list-style-type: none"> <i>a. There is insufficient capacity within existing designated land to accommodate forecast growth;</i> <i>b. Areas of expansion are contiguous with established settlement areas;</i>

¹² *Living on the Coast – Cradle Coast Regional Land Use Planning Framework, 2011, p.65*

- c. *Sequence of release is progressive from established settlement areas and consistent with the capacity and orderly provision of infrastructure services;*
- d. *Compact urban form is retained;*
- iii. *Embed opportunity for a mix of use and development within each centre sufficient to meet daily requirements for employment, education, health care, retail, personal care and social and recreation activity;*
- iv. *Avoid encroachment or adverse impact on places of natural or cultural value within the designated urban boundary;*
- v. *Avoid exclusion or restraint on areas significant for natural or cultural value, resource development or utilities in the vicinity of the designated urban boundary;*
- vi. *Minimise exposure of people and property to unacceptable levels of risk to health or safety;*
- vii. *Promote active and healthy communities through arrangements for activity centres, public spaces, and subdivision layout which facilitate walking and cycling;*
- viii. *Buffer the interface between incompatible use or development;*
- ix. *Facilitate any agreed outcomes for future character;*
- x. *Facilitate reduced carbon emission and improved energy efficiency through requirements for the orientation and placement of lots and buildings, access to solar energy and daylight, and the application of energy generation and efficiency technology and construction techniques;*
- xi. *Acknowledge the transient and cyclic nature of resource-based activity in towns such as Rosebery, Zeehan and Grassy and require the legacy of new development for housing, commercial, community, recreation and utility infrastructure does not unreasonable burden the permanent population;*
- xii. *Acknowledge the specialist role of centres such as Cradle village, Strahan, Stanley and Waratah as tourist destinations and require new development be consistent with this purpose without alienation or disadvantage to ability for the centre to remain a liveable community for the permanent resident population.*

The planning scheme is the regulatory instrument that regulates the development of uncomplicated infill development that connects to established infrastructure and services, such as the circumstances for this site. The TPS – Devonport sets a common standard for density of residential development within the General Residential Zone across the State and the draft amendment defaults this standard as in this instance, it appropriately enables and manages the ability to develop the site for multiple dwellings, in service of other policies for additional supply and housing diversity.

As described above, the site is not subject to risk from natural or human induced hazards and does not adversely affect environmental values. The site is well located to employment areas, recreation facilities and public open space.

The proposed subdivision configuration is in response to consultation with Heritage Tasmania to ensure an appropriate curtilage around St Olaves church and cemetery to protect the character of that site.

4.7 Land Use Policies for Housing Land – places to live - Land use planning processes:

- a. *Identify at all times the ability to accommodate forecast housing demand for a minimum future period of 10 years:*
 - i. *through infill, redevelopment or increased densities within each settlement area;*
 - ii. *on land designated for settlement growth and immediately available for residential development under the planning scheme;*

As described in Council’s *Greater Devonport Residential Growth Strategy 2021 -2041*, Devonport City currently has less than the minimum 10 years supply of residential land. The site is located within the designated urban settlement boundary and makes a contribution to an increase in supply of residential

land. The land is immediately available for residential development as it served by established infrastructure. .
<i>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</i>
The modest expansion of the General Residential Zone to be added to 1 Laphorne Close is to facilitate efficient multiple dwelling development in proximity to a significant employment area and public facilities. This facilitates diversity in housing choice in regard to type and location.
<i>c. Direct development for new housing into locations where appropriate levels of employment, business, infrastructure and community service facilities are available or planned</i>
As above.
<i>d. Promote higher dwelling density to optimise use of land and infrastructure and community service facilities</i>
The proposal specifically facilitates higher dwelling densities and efficient development of under-utilised land that connects to established infrastructure and is in proximity to public facilities.
<i>e. Rationalise or remove opportunity for housing in locations where oversupply is identified, and in locations where access, servicing, safety or impact are unacceptable</i>
Currently Devonport City is undersupplied for residential land. The location does not have any unacceptable impacts.
<i>j. Require housing land is separated from and buffered against adverse effect from existing and potential adjacent non-residential use</i>
The Environmental assessment by ES&D in regard to the activities of the attenuated premises opposite the site on Stony Rise Road, concludes that there is no risk of conflict due to the ambient environment and the location and conduct of activities on that site that are buffered by the office building to the front.
<i>f. Provide land for housing development requirements which do not unreasonably or unnecessarily constrain:</i> <i>i. efficient use of land and infrastructure</i> <i>ii. housing market or supply</i> <i>iii. location of housing outside designated residential estates</i> <i>iv. tenure, including for public housing, rental and temporary accommodation</i> <i>v. accessibility and affordability</i> <i>vi. diversity in type, mix and density within a single urban locality as appropriate to lifestyle preference and changing housing needs</i> <i>vii. housing for the elderly, disadvantaged and disabled</i> <i>viii. orientation, configuration, design, materials and technologies</i> <i>ix. inclusion of housing in business and mixed use areas</i>
The proposed addition to the stock of General Residential zoned land within the urban settlement boundary to facilitate future multiple dwelling development, does not constrain, but supports, the listed objectives for residential land.

<p><i>g. Facilitate housing forms which incorporate climate sensitive design, the use of low energy materials, reduction in waste and emissions, and technologies which encourage efficient water and energy use</i></p>
<p>There is no regulatory ability to achieve this through the State planning system.</p>
<p><i>h. Provide opportunity for housing in rural areas where:</i></p> <ul style="list-style-type: none"> <i>i. Required as part of a rural resource use, unless the unique circumstances of the King Island economy require a nuanced approach and that approach is consistent with the State Policy on the Protection of Agricultural Land 2009</i> <i>ii. There is no adverse effect for access to and use of rural resource land, including to land significant for agriculture</i> <i>iii. There is no adverse effect on key natural resource values, including areas of biodiversity significance and landscape aesthetics</i> <i>iv. Adequate arrangements are available for transport and there is convenient access to basic retail needs, community services, and employment opportunities, whether or not in an alternate settlement area</i> <i>v. There is no restraint on options for settlement expansion or provision of employment land</i> <i>vi. There is an acceptable level of risk from exposure to natural or man-made hazard</i> <i>vii. Capacity is available to meet basic utility needs at reasonable cost or there is capacity for self-sufficiency in on-site generation, collection and disposal without risk to human or environmental health.</i>
<p>Not applicable. The site is located within the urban area.</p>

Section 2.9 of the CCRLUS relates to *Land Use Policies for Cultural and Historic Heritage*.

Specifically, the section requires that land use planning processes:

- *Rely on the scope and accuracy of statutory archaeological and heritage registers to identify all buildings, items, landscapes, places, precincts and relics of scientific, aesthetic, architectural and historic interest or otherwise of special cultural value of national, state and local significance;*
- *Facilitate sympathetic re-use of historic heritage assets through planning incentives and design requirements;*
- *Promote settlement and development compatible with the under-lying heritage values of a location.*¹³

The St Olaves church and cemetery are listed on the Tasmanian Heritage Register and the proposed configuration of the subdivision is the result of consultation with Heritage Tasmania to provide an appropriate curtilage around the church building and cemetery. The St Olaves property has been purchased by a community based club and is being re-used for that purpose, with all works being in consultation with Heritage Tasmania, including the establishment of landscaping following the removal of large, unsafe Eucalypt trees that is based on intended subdivision outcome.

The proposed adjustment of 850m² of land from the St Olaves property to 1 Laphorne Close promotes development that is compatible with the heritage values of the location.

¹³ *Living on the Coast – Cradle Coast Regional Land Use Planning Framework, 2011, p.134*

4.7 34(2)(f) - Devonport Council Strategic Plan

The *Devonport City Council Strategic Plan 2009 – 2030* sets out a number of goals with associated outcomes and strategies. These are addressed as relevant to the proposal as follows:

1. LIVING LIGHTLY ON OUR ENVIRONMENT	
<p>1.2 Sustainability is promoted and integrated across all sectors:</p> <p>1.2.1 Support the conservation and maintenance of biodiversity including coastal landscapes and preservation of areas of remnant vegetation;</p> <p>1.2.2 Develop and implement local and regional policies and initiatives to mitigate climate change impacts in partnership with all spheres of Government.</p>	<p>The draft amendment does not adversely impact on the maintenance of biodiversity along the coast or in inland environments.</p> <p>Future stormwater discharge from the land can be regulated for quality and quantity, prior to entering the reticulated system which discharges to the Don River.</p>
2. BUILDING A UNIQUE CITY	
<p>2.1 Council's Planning Scheme facilitates appropriate property use and development:</p> <p>2.1.1 Apply and review the Planning Scheme as required, to ensure it delivers local community character and appropriate land use;</p> <p>2.1.2 Provide consistent and responsive development assessment and compliance processes;</p> <p>2.1.3 Work in partnership with neighbouring councils, State Government and other key stakeholders on regional planning and development issues.</p>	<p>The proposed amendment applies the State Planning Provisions (SPP's) as part of the Tasmanian Planning Scheme, which is a consistent set of development provisions that apply across the State.</p> <p>In this instance, as the area is an established residential neighbourhood, local character is reasonably reflected in the standard provisions such that overriding controls are not considered warranted. In addition, the SPP's appropriately serve Council's policies in its <i>Greater Devonport Residential Growth Strategy 2021 -2041</i> to provide for housing diversity in meeting growing demand.</p> <p>The character of the St Olaves property has been accounted for in the configuration of the subdivision in consultation with Heritage Tasmania, to ensure that there remains an appropriate curtilage around the church building and cemetery.</p>
3. GROWING A VIBRANT ECONOMY	
<p>3.4 Our economic progress continuously improves:</p> <p>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;</p>	<p>The <i>Greater Devonport Residential Growth Strategy 2021 - 2041</i> identifies that providing housing for the increased rates of population growth serves an overall economic benefit for the city.</p> <p>Particularly, diverse housing choice in proximity to employment areas is recognised as an objective.</p>

<p>3.4.2 <i>Promote, encourage and develop initiatives that support the local economy.</i></p>	
<p>4. BUILDING QUALITY OF LIFE</p>	
<p>4.3 <i>Heritage is valued:</i> 4.3.1 <i>Develop and implement initiatives to preserve and maintain heritage buildings, items and places of interest.</i></p>	<p>The heritage listed St Olaves property is appropriately protected through the configuration of the subdivision in consultation with Heritage Tasmania, to ensure that there remains an appropriate curtilage around the church building and cemetery.</p> <p>Divesting underutilised land from the St Olaves property will assist with making the future maintenance of the site more manageable for the community group, which has now taken ownership of the property.</p>
<p>5. PRACTICING EXCELLENCE IN GOVERNANCE</p>	
<p>5.3 <i>Council looks to employ best practice governance:</i> 5.3.1 <i>Review and amend structures, policies and procedures to adapt to changing circumstances.</i></p>	<p>In preparing and endorsing the <i>Greater Devonport Residential Growth Strategy 2021 -2041</i>, Council has taken a proactive step in developing policies to address the unprecedented levels of population growth and housing demand in the city.</p> <p>This document stands as the most contemporary appreciation of the current housing shortfall and seeks to urgently supply diverse, 'development ready' housing development within the settlement extent.</p>

4.8 34(2)(g) - Consistency with Adjacent Local Provisions Schedules

The Devonport municipal area shares boundaries with the Central Coast, Latrobe and Kentish municipalities. Only the Central Coast Council has transitioned to the Tasmanian Planning Scheme with a Local Provisions Schedule.

The site is located a little over 4 kilometres from the municipal boundary with Central Coast Council and as such, there are no immediate cross-boundary implications of the proposed rezoning. The application of the SPP's through the General Residential Zone is consistent with the application of that zone in the Central Coast Local Provisions Schedule.

4.9 34(2)(h) - Gas Safety Act 2019

The site is not located within proximity to the gas pipeline planning corridor, easement or distribution network.

5. SUBDIVISION

The assessment of the proposed subdivision is undertaken on the basis that the draft amendment to General Residential Zone is approved, pursuant to section 40Y(4) of the LUPAA.

The proposed plan of subdivision is attached at Appendix A.

Section 6.2.6 of the Tasmanian Planning Scheme specifies development that is not required to be categorised into a use class. Subdivision is a form of development that is not required to be categorised for use.

5.1 General Residential Zone - Development for a Subdivision

The development is assessed against the applicable General Residential Zone subdivision provisions below.

8.1 Zone Purpose

8.1.1	To provide for residential use or development that accommodates a range of dwelling types where full infrastructure services are available or can be provided.
8.1.2	To provide for the efficient utilisation of available social, transport and other service infrastructure.
8.1.3	To provide for non-residential use that: <ul style="list-style-type: none"> (a) primarily serves the local community; and (b) does not cause an unreasonable loss of amenity through scale, intensity, noise, activity outside of business hours, traffic generation and movement, or other off site impacts.
8.1.4	To provide for Visitor Accommodation that is compatible with residential character.

8.6 Development Standards for Subdivision

8.6.1 Lot Design			
	Standard	Comment	Compliance
A1	Each lot, or a lot proposed in a plan of subdivision, must: <ul style="list-style-type: none"> (a) have an area of not less than 450m² and: <ul style="list-style-type: none"> (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and 	Lot 2 is identified for the purpose of describing the land to be consolidated with 1 Laphorne Close (Lot 3). 1 Laphorne Close will have a total area has an area 2984m ² and provides for an area in excess of 15m x 20m that is clear of required setbacks and the Aurora Energy easement on the eastern boundary. The balance of Lot 1 is retained in the Community Purpose Zone.	Complies

	<p>(ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2;</p> <p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>		
A2	Each lot, or a lot proposed in a plan of subdivision, must have a frontage of not less than 12m.	Upon consolidation, 1 Lapthorne Close will have a frontage of 34.6 metres.	Complies
A3	Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.	Design of the driveway crossovers is in accordance with LGAT/IPWEA Standard Drawing <i>TSD-R09-v3 Urban Roads Driveways and TSD-RF01-v3 Domestic Access Sight Distance Requirements</i> .	Complies
A4	Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.	The subdivision does not create or extend a road.	Not applicable

8.6.2 Roads

	Standard	Comment	Compliance
A1	The subdivision includes no new roads.	The subdivision does not create or extend a road.	Complies

8.6.3 Services

	Standard	Comment	Compliance
A1	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.	Each lot has connection to a full water supply service.	Complies
A2	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian	Each lot has connection to a reticulated sewerage system.	Complies

	or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.		
A3	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.	Each lot is capable of connection to the public stormwater system.	Complies

5.1 Community Purpose Zone - Development for a Subdivision

The development is assessed against the applicable Community Purpose Zone subdivision provisions below.

8.1 Zone Purpose

27.1.1	To provide for key community facilities and services including health, educational, government, cultural and social facilities.
27.1.2	To encourage multi-purpose, flexible and adaptable social infrastructure.

27.5 Development Standards for Subdivision

27.5.1 Lot Design			
	Standard	Comment	Compliance
A1	Each lot, or a lot proposed in a plan of subdivision, must: (a) have an area of not less than 600m ² and: (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: a. all setbacks required by clause 27.4.2 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 27.4.2 A1 and A2;	Lot 1 is the balance lot following adjustment of 850m ² to 1 Laphorne Close. The balance Lot 1 will have a total area of 1550m ² and provides for an area in excess of 15m x 20m on a gradient of 1:50, that is clear of the zone setbacks.	Complies

	(b) be required for public use by the Crown, a council or a State authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone.		
A2	Each lot, or a lot proposed in a plan of subdivision, must have a frontage of not less than 10m.	Following adjustment, 200 Stony Rise Road will have a frontage of 55.9 metres to Laphorne Close, the frontage from which the lot takes access.	Complies
A3	Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.	Design of the driveway crossover is in accordance with LGAT/IPWEA Standard Drawing <i>TSD-R09-v3 Urban Roads Driveways</i> and <i>TSD-RF01-v3 Domestic Access Sight Distance Requirements</i> .	Complies

8.6.3 Services			
	Standard	Comment	Compliance
A1	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must: (a) be connected to a full water supply service if the frontage of the lot is within 30m of a full water supply service; or (b) be connected to a limited water supply service if the frontage of the lot is within 30m of a limited water supply service, unless a regulated entity advises that the lot is unable to be connected to the relevant water supply service.	The lot has connection to a full water supply service.	Complies
A2	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a	The lot has connection to a reticulated sewerage system.	Complies

	connection to a reticulated sewerage system.		
A3	Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.	The lot is capable of connection to the public stormwater system.	Complies

6. CODES

6.1 C2.0 Road and Railway Assets Code

The code applies to use or development that:

- (a) will increase the amount of vehicular traffic or the number of movements of vehicles longer than 5.5m using an existing vehicle crossing or private level crossing;
- (b) will require a new vehicle crossing, junction or level crossing; or
- (c) involves a subdivision or habitable building within a road or railway attenuation area if for a sensitive use.

The subdivision requires the construction of a new vehicle crossing to serve the balance Lot 1, the St Olaves church property.

The applicable provisions are addressed below.

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction.			
	Standard	Comment	Compliance
A1.1	For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing.	Laphorne Close is not a Category 1 road.	Not applicable.
A1.2	For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.	Prior approval from the road authority for a new vehicle crossing for Lot 1 has not been obtained.	Relies on Performance Criteria
A1.3	For the rail network, written consent for a new private level crossing to serve the use and		Not applicable

	development has been issued by the rail authority.		
A1.4	Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than: (a) the amounts in Table C3.1; or (b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road.	Vehicular traffic will not alter as result of the subdivision.	Not applicable
A1.5	Vehicular traffic must be able to enter and leave a major road in a forward direction.	The subdivision does not access a major road.	Not applicable

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction - Performance Criteria	
Objective	To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.
P1	<p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.
Comment:	<p>The subdivision proposes one new vehicle crossing to Laphorne Close to serve the balance Lot 1 containing St Olaves church and cemetery.</p> <p>Design of the driveway crossover is in accordance with LGAT/IPWEA Standard Drawing <i>TSD-R09-v3 Urban Roads Driveways and TSD-RF01-v3 Domestic Access Sight Distance Requirements</i>. There is clear visibility to the junction with Stony Rise Road and to the left along Laphorne Close.</p> <p>The proposed vehicle crossing complies with the relevant municipal standards and is consistent with the objective.</p>

6.2 C7.0 Natural Assets Code

The site is subject to the Priority Vegetation Area overlay. Refer Figure 6.

The code provides exemptions for clearance of vegetation if within a private garden, provided the vegetation is not protected by legislation.

In this instance, the small amount of remaining native vegetation to be removed to provide for a new vehicular access, is located on the heritage listed St Olaves property and is therefore subject to a ‘works’ assessment under the Historic Cultural Heritage Act 1995. This means that it is technically protected by that legislation and does not fall within the ambit of the exemption.

The vegetation to be removed is shown in Photo 10.

The applicable standards of the Code are addressed below.

C7.6.2 Clearance within a priority vegetation area			
Standard	Comment	Compliance	
A1	Clearance of native vegetation within a priority vegetation area must be within a building area on a sealed plan approved under this planning scheme.	The subdivision requires clearance of native vegetation and there are currently no building areas on the sealed plan.	Relies on performance criteria

C7.6.1 Clearance within a priority vegetation area – Performance Criteria	
Objective	That clearance of native vegetation within a priority vegetation area: <ul style="list-style-type: none"> (a) does not result in unreasonable loss of priority vegetation; (b) is appropriately managed to adequately protect identified priority vegetation; and (c) minimises and appropriately manages impacts from construction and development activities.
P1.1	<p>Clearance of native vegetation within a priority vegetation area must be for:</p> <ul style="list-style-type: none"> (a) an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmanian Fire Service or an accredited person; (b) buildings and works associated with the construction of a single dwelling or an associated outbuilding; (c) subdivision in the General Residential Zone or Low Density Residential Zone; (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design; (e) clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or (f) the clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.
P1.2	<p>Clearance of native vegetation within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:</p> <ul style="list-style-type: none"> (a) the design and location of buildings and works and any constraints such as topography or land hazards;

<p>(b) any particular requirements for the buildings and works;</p> <p>(c) minimising impacts resulting from bushfire hazard management measures through siting and fire-resistant design of habitable buildings;</p> <p>(d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;</p> <p>(e) any on-site biodiversity offsets; and</p> <p>(f) any existing cleared areas on the site.</p>
<p>Comment:</p> <p>Clearance of native vegetation is required for subdivision in the General Residential Zone in accordance with P1.1(c).</p> <p>As described above, it is likely that the site has been included in the overlay due to the large Eucalypt trees that previously existed on the site, but which have now been removed. The required clearance of remnant saplings and stand-alone small specimens in a private garden is considered to be reasonable, in the context of retained vegetation along the Laphorne Close frontage, in accordance with the objective of the standard.</p>

C7.7.2 Subdivision within a priority vegetation area			
	Standard	Comment	Compliance
A1	<p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <p>(a) be for the purposes of creating separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p> <p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</p>	<p>The subdivision is for the consolidation of land with 1 Laphorne Close, with the balance lot being a separate lot for the existing St Olaves building.</p>	Complies

6.3 C16.0 Safeguarding of Airports Code

The site is located within the Devonport Airport Obstacle Limitation Area overlay. The overlay map is shown in Figure 12 above. The designated AHD of the obstacle limitation surface over the site is 155.1 metres. The elevation of the site is not higher than 27.5 metres AHD. The maximum height of development allowable under acceptable solution in the General Residential Zone is 8.5 metres.

The height of permitted development in the zone is 127.6 metres below the AHD of the obstacle limitation area and compliant development will be exempt from the code under section C16.4.1.

Whilst the provisions relate to development for the subdivision which, of itself does not propose works above ground level, the potential for any future development proposal on this site that would require a height greater than 136.1 metres and intrude into the Obstacle Limitation Area, is negligible to non-existent. By way of comparison, communications towers, the most common form of high development in suburban areas, generally require heights in the order of 30 to 40 metres.

The subdivision is therefore exempt from the Code.

6. DEVELOPMENT NOT REQUIRED TO BE CATEGORISED INTO A USE CLASS

Section 7.10 of the Tasmanian Planning Scheme outlines the matters to be considered for development that is not required to be categorised into a use class. Subdivision is a form of development that is not required to be categorised for use.

Section 7.10 requires that in exercising discretion pursuant to sections 6.8.2 and 7.10.2, there is to be no unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area, having regard to:

- (a) The purpose of the applicable zone;
- (b) The purpose of any applicable code;
- (c) Any relevant local area objectives;
- (d) The purpose of any specific area plan.

The subdivision relies on performance criteria under the:

- Road and Railway Assets Code - discretion is exercised in standard C3.5.1 - Traffic generation at a vehicle crossing, level crossing or new junction as prior consent has not been obtained from the road authority for the new vehicle crossings for Lot 1; and
- Natural Assets Code – discretion is exercised in standard C7.6.2 – Clearance within a priority vegetation area.

In regard to section 7.10.3 and the discretions under C3.5.1 and C7.6.2, the following submissions are made:

(a) Zone Purpose:

The purpose of the Community Purpose Zone is:

27.1.1 *To provide for key community facilities and services including health, educational, government, cultural and social facilities.*

27.1.2 *To encourage multi-purpose, flexible and adaptable social infrastructure.*

The subdivision is consistent with the zone purpose in that it provides for the new use of the St Olaves site for a community club. There is no unreasonable detrimental impact on adjoining uses or the amenity of the surrounding area in regard to the establishment of one new vehicle crossing and the removal of a very small amount of vegetation (the subject of the discretions) and the purpose of the zone, which allows for a number of community type uses. In any respect, the use of the St Olaves property is existing and it is only the configuration of the boundary that will change.

The lot sizes and layout comply with the applicable zone standards and as such, can readily support the purpose of the zone without impacts on other land. The new vehicle crossing is in close proximity to the crossover for the residential zoned lot and as such, minimises potential future impacts on the amenity of that lot. The remaining vegetation along the Laphorne Close frontage will be retained.

(b) The purpose of any applicable code:

The applicable codes under which discretion is invoked is C3.0 Road and Railway Assets Code and C7.0 Natural Assets Code.

The purpose of C3.0 Road and Railway Assets Code is:

C3.1.1 To protect the safety and efficiency of the road and railway networks; and

C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

As described above, the new vehicle crossings for Lot 1 meets the applicable local government/IPWEA standards and safe intersection sight distance is achieved. This avoids any detrimental impacts on the use of Laphorne Close, the junction with Stony Rose Road and other nearby properties.

The purpose of C7.0 Natural Assets Code is:

C7.1.1 To minimise impacts on water quality, natural assets including native riparian vegetation, river condition and the natural ecological function of watercourses, wetlands and lakes.

C7.1.2 To minimise impacts on coastal and foreshore assets, native littoral vegetation, natural coastal processes and the natural ecological function of the coast.

C7.1.3 To protect vulnerable coastal areas to enable natural processes to continue to occur, including the landward transgression of sand dunes, wetlands, saltmarshes and other sensitive coastal habitats due to sea-level rise.

C7.1.4 To minimise impacts on identified priority vegetation.

C7.1.5 To manage impacts on threatened fauna species by minimising clearance of significant habitat.

The impacts on priority vegetation are negligible to non-existent given the vegetation to be removed for the driveway is not significant habitat, but lone, remnant saplings and isolated, stand-alone species. The amenity of the St Olaves frontage to Laphorne Close will be maintained through the retention of existing vegetation.

(c) Any relevant local area objectives:

Not applicable

(d) The purpose of any specific area plan.

Not applicable

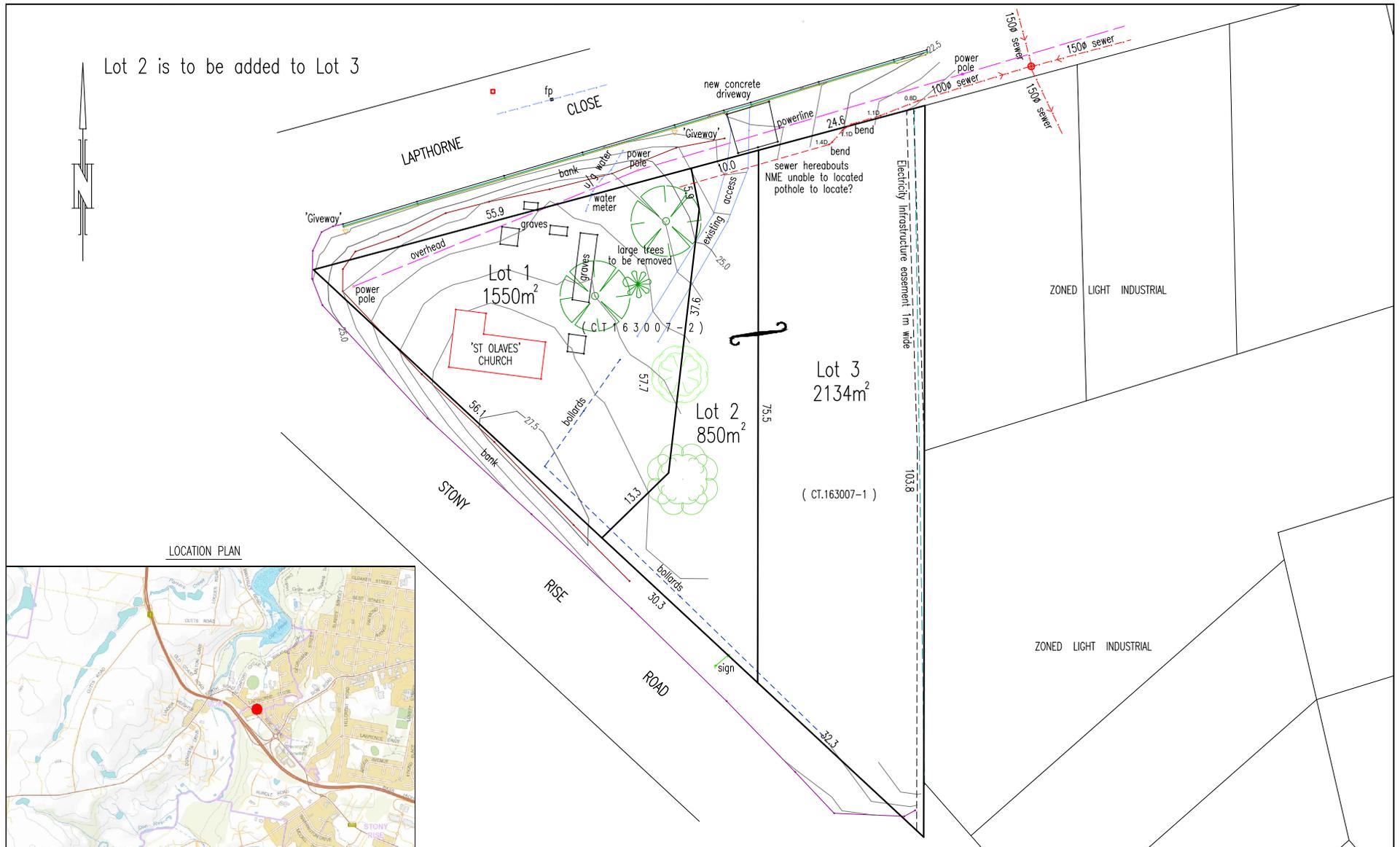
7. CONCLUSION

The proposed rezoning of 850m² from Community Purpose Zone to General Residential Zone and subdivision of the site to consolidate the rezoned land with 1 Laphorne Close, is an effective and sustainable response to the current shortfall in residential land that is 'development ready'. The consolidation of land into a larger residential parcel facilitates a more efficient development of the land in the future for multiple dwellings. This directly serves policy at regional and local levels to promote housing diversity.

The proposed amendment and development of the site has been assessed against the relevant provisions of the LUPAA and the *Tasmanian Planning Scheme – Devonport* and is demonstrated as being a valuable addition to Devonport City's residential land supply.

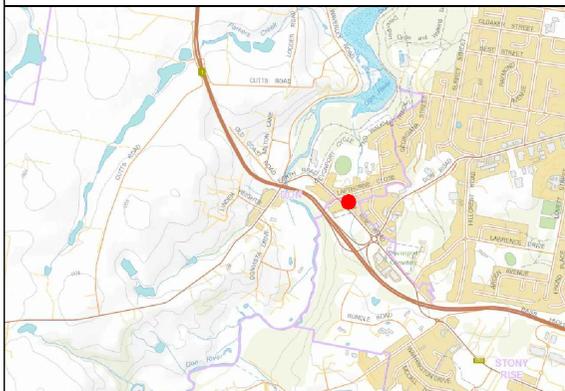
APPENDIX A

Plan of Subdivision



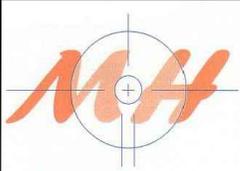
Lot 2 is to be added to Lot 3

LOCATION PLAN



This plan has been prepared only for the purpose of obtaining subdivision approval from the local planning authority & the information shown hereon should be used for no other purpose.

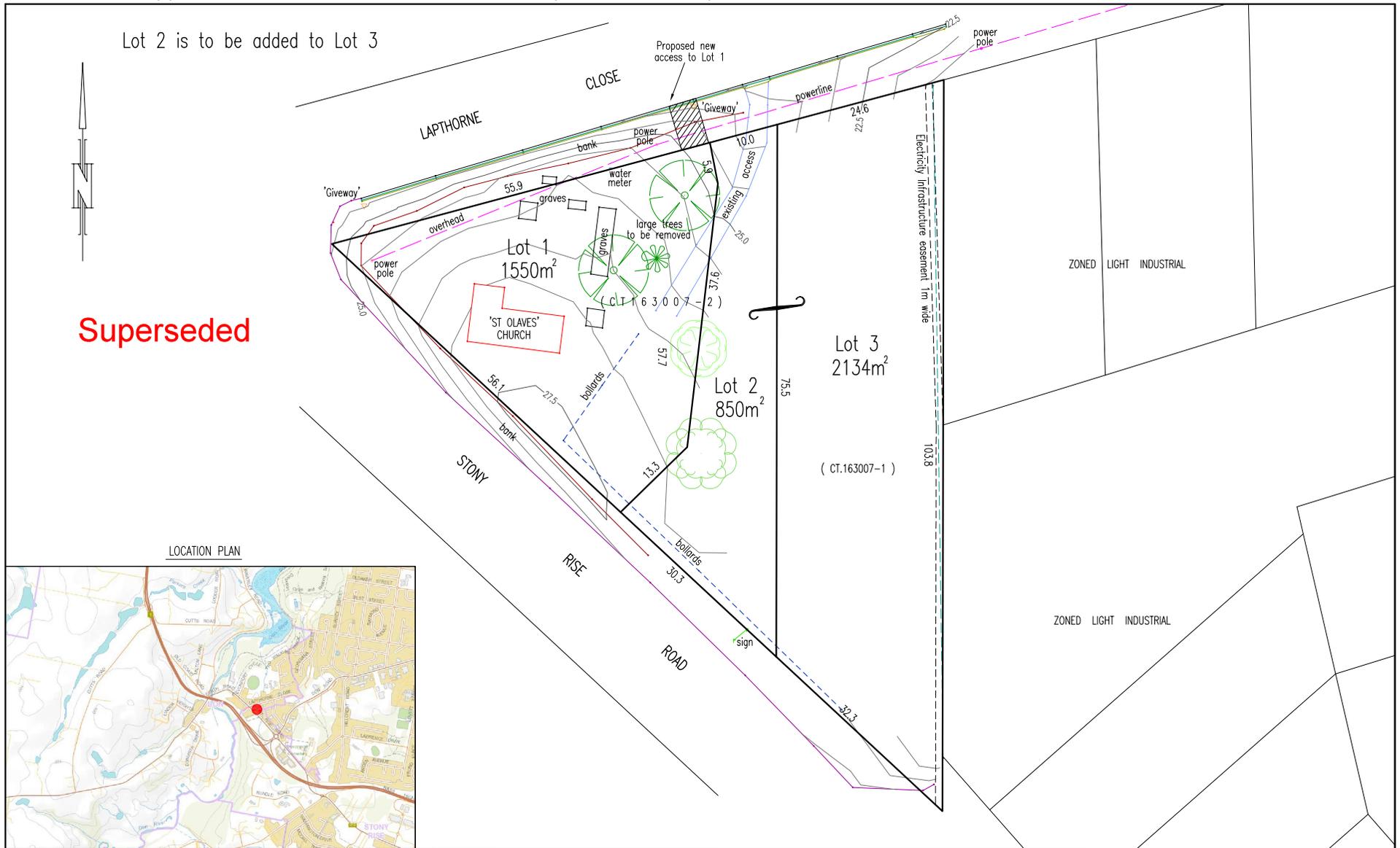
All dimensions & areas subject to final survey .
All measurements are in metres .



MICHELL HODGETTS SURVEYORS
A.C.N. 109 596 152
AUTHORISED SURVEYORS
DEVONPORT – SMITHTON – LAUNCESTON – SCOTTSDALE
P.O. Box 712 , Devonport 7310 Telephone (03) 6424 5144
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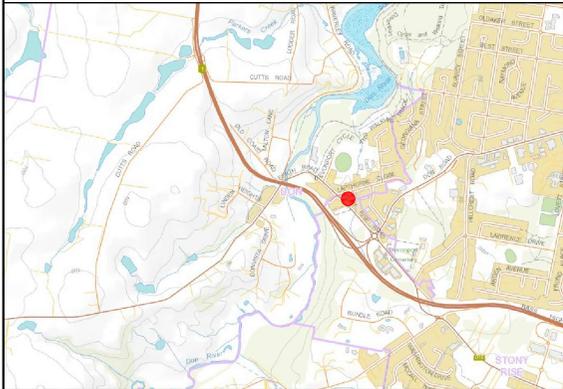
BOUNDARY AMENDMENT
St Olaves Anglican Church, Driftwood Sands Tas P/L
Stony Rise Road – Laphorne Close, Stony Rise
Drawn : J.A.T Scale :1:500 (A3) Date :10/10/23

Drawing No.
220076
REVISION 2
Paul Hodgetts – Registered Land Surveyor



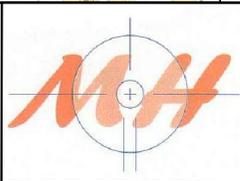
Superseded

LOCATION PLAN



This plan has been prepared only for the purpose of obtaining subdivision approval from the local planning authority & the information shown hereon should be used for no other purpose.

All dimensions & areas subject to final survey .
All measurements are in metres .



MICHELL HODGETTS SURVEYORS
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BOUNDARY AMENDMENT

St Olaves Anglican Church, Driftwood Sands Tas P/L
Stony Rise Road – Laphorne Close, Stony Rise

Drawn : J.A.T Scale :1:500 (A3) Date :02/03/22

Drawing No.
220076

REVISION 1

Paul Hodgetts – Registered Land Surveyor

APPENDIX B

Heritage Tasmania Exemption



Tasmanian Heritage Council
GPO Box 618 Hobart Tasmania 7000
134 Macquarie St, Hobart Tasmania 7000
Tel: 1300 850 332
enquiries@heritage.tas.gov.au
www.heritage.tas.gov.au

PLANNING REF: n/a
EXEMPTION NO: 4997
REGISTERED PLACE NO 1358
FILE NO: 10-10-71 THC
APPLICANT: Neil Doyle
DATE: 19-Jul-2022

CERTIFICATE OF EXEMPTION

(Historic Cultural Heritage Act 1995)

The Place: St Olave's Anglican Church and Cemetery
200 STONY RISE RD STONY RISE 7310 TAS

Thank you for your application for a Certificate of Exemption for works to the above place. Your application has been approved by the Heritage Council under section 42(3) (a) of the *Historic Cultural Heritage Act 1995* for the following works:

Works:

1. Landscaping works as shown on plan provided, including:
 - (a) Removal of two large and one juvenile Eucalypt trees;
 - (b) Transplanting, to new location on site, of one ornamental bush;
 - (c) Establishment screen plantings along new east boundary, and maintenance of the same; and,
 - (d) New gravel driveway.
2. Repaint exterior of church building (change of colours).

Documents: Exemption certificate application form accompanied by plan (Proposed tree removal and new plantings for St Olaves, Stony Rise Road, Don – 30/06/2022), lodged by email on 10/07/2022.

Comments: The two large Eucalypts contribute to the landscape setting of the place but present an unacceptable safety risk due to the frequency of limb falls and the damage from uplift that the roots are causing to nearby graves. The juvenile Eucalypt is within such close proximity to the church building that its continued growth can reasonably be expected to cause maintenance and structural problems to the building. The introduction of a new belt of trees and shrubs along the eastern boundary will offset the detriment caused by removal of these trees, and will assist in screening

Certificate of Exemption # 4,997, Page 1 of 2

the site from any visual intrusion that may result from development of the adjoining land.

A copy of this certificate will be forwarded to the local planning authority for their information. Please note, this certificate of exemption is an approval under the *Historic Cultural Heritage Act 1995* only. This certificate is not an approval under any other Act. Further approvals such as planning, building or plumbing may be required. For information regarding these or any other approval, contact your local Council.

Information on the types of work that may be eligible for a certificate of exemption is available in the Tasmanian Heritage Council's *Works Guidelines for Historic Heritage Places* (Nov. 2015). The Works Guidelines can be downloaded from www.heritage.tas.gov.au.

Please contact the undersigned on 1300 850 332 if you require clarification of any details in this certificate.

Signed:



Ian Boersma

Works Manager - Heritage Tasmania

Under delegation of the Tasmanian Heritage Council



Tasmanian Heritage Council
 GPO Box 618 Hobart Tasmania 7000
 Tel: 1300 850 332
 enquiries@heritage.tas.gov.au
 www.heritage.tas.gov.au

EXEMPTION CERTIFICATE APPLICATION

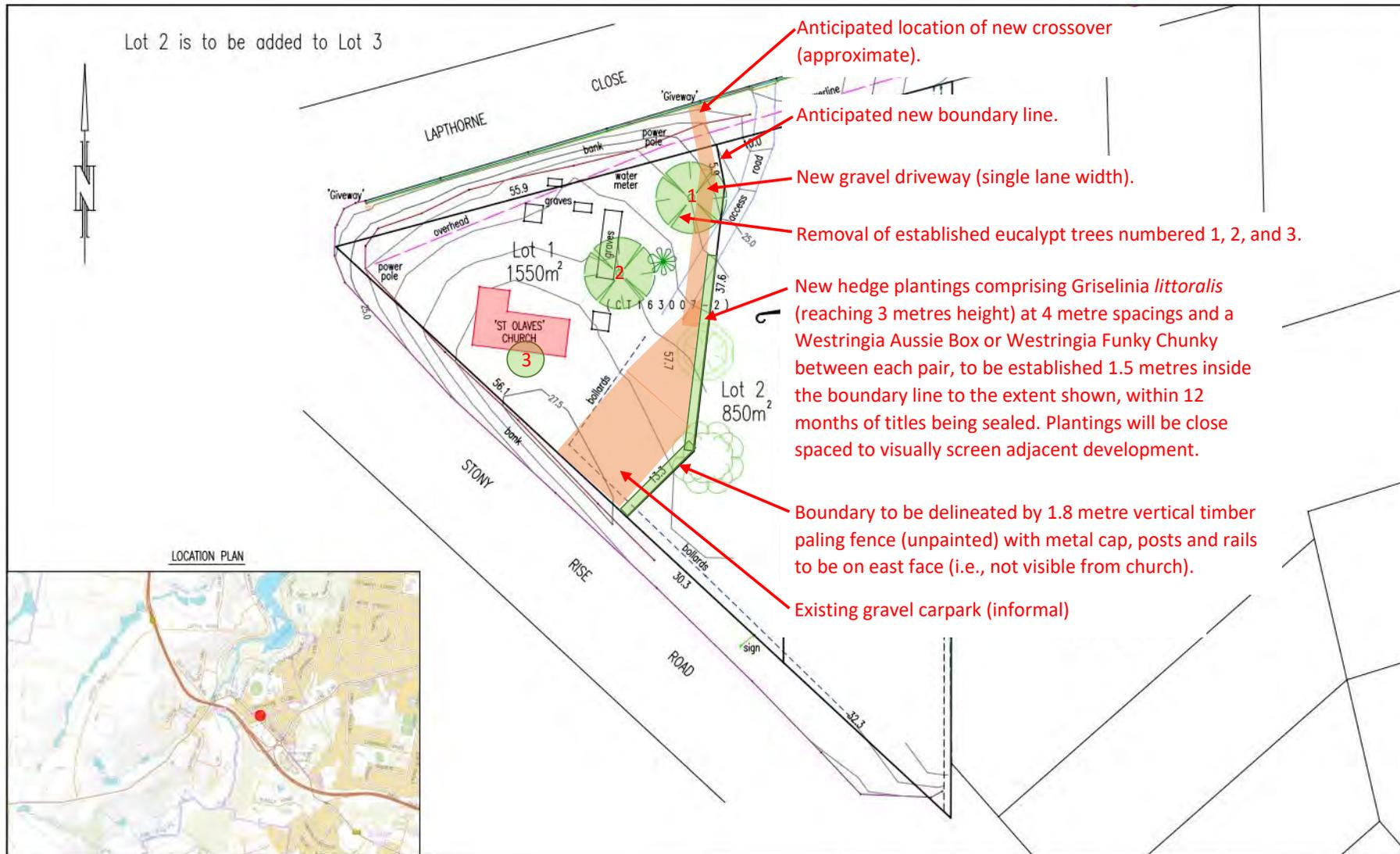
For applications made under section 42(1) of the *Historic Cultural Heritage Act 1995*.

ADDRESS OF PLACE:	St Olaves, 200 Stony Rise Road, Don
-------------------	-------------------------------------

APPLICANT DETAILS:			
NAME:	Neil Doyle		
POSTAL ADDRESS:	4 Rosedean Road		
TOWN:	Caveside	POSTCODE:	7310
TELEPHONE:	0413506106		
EMAIL:	Neil Doyle <neildoyle777@gmail.com>		

BRIEF DESCRIPTION OF THE PROPOSED WORKS:
<p>1. Remove two large Eucalypt trees (estimated to be 20+ metres tall, approximately 70 years old, and possibly <i>E. amygdalina</i>) located NW of the church building, and also the juvenile Eucalypt tree (approximately 6m tall and 12 years old) located near the south side of the church building.</p> <p>2. Relocate ornamental plant (likely to be <i>Cordyline australis</i>) currently growing against south side of the church building, to a location shown on the attached landscaping plan.</p> <p>3. Establish (and maintain) trees and hedges in locations shown on attached landscaping plan.</p> <p>4. Repaint exterior of church building: Weatherboards and downpipes pale grey (Colorbond 'Surfmist'); stop ends, architraves, finial, barges, gutters, fascia boards and eaves brackets warm-grey (Colorbond 'Shail Grey'); roof sheeting dark grey (Colorbond 'Basalt'); and sashes, (Colorbond 'Shail Grey') and doors red (Colorbond 'Manor Red'). Concrete plinth to be painted in a flat cement paint, grey to match existing cement grey colour. Stonework to remain unpainted.</p>

ESTIMATED VALUE OF THE PROPOSED WORKS:	\$ 7,000
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Proposed tree removal and new plantings for St Olaves, Stony Rise Road, Don – 30/06/2022.

Base plan from that prepared by Michell Hodgetts Surveyors on 2/03/2022

APPENDIX C

ES&D Environmental Impact assessment

Attenuation Code Assessment Report

200 Stony Rise
Road and
1 Laphorne Close
STONY RISE

**For: Anglican Diocese of
Tasmania**

Project No: 8477



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Version:			Date:
DRAFT 1	Bruce Harpley	ES&D	17/08/2022
FINAL	Bruce Harpley	ES&D	12/09/2022

This report has been prepared, based on information generated by Environmental Service and Design Pty Ltd from a wide range of sources. If you believe that Environmental Service and Design Pty Ltd has misrepresented or overlooked any relevant information, it is your responsibility to bring this to the attention of Environmental Service and Design Pty Ltd before implementing any of the report’s recommendations. In preparing this report, we have relied on information supplied to Environmental Service and Design Pty Ltd, which, where reasonable, Environmental Service and Design Pty Ltd has assumed to be correct. Whilst all reasonable efforts have been made to substantiate such information, no responsibility will be accepted if the information is incorrect or inaccurate.

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Project Summary

Municipality	Devonport
Location	200 Stony Rise Road 1 Laphorne Close
Client	Anglican Diocese of Tasmania
Date of Assessment	6 September 2022



Figure 1 – Site Aerial

200 Stony Rise Road STONY RISE

1 Background

Environmental Services and Design Pty Ltd have been engaged to conduct an environmental impacts assessment - noise and dust survey - under Code C9 – Attenuation Code of the Tasmanian Planning Scheme – Devonport.

The noise and dust assessment relates to a proposed sensitive use – subdivision and new residences - within 500m of an existing metal fabrication workshop which also conducts sandblasting.

Council has requested an attenuation zone assessment as the proposed residential use is 30m from the existing workshop.

As the proposal is for subdivision and a sensitive use assessment must be carried out under Code C9.5.2 P1 and C9.6 P1.

Table C9.1 – Attenuation distances indicates that the proposal is within the 300m attenuation zone for abrasive blasting activity and within 500m of a metal fabrication workshop. The sand blasting and metal fabrication occurs on the same site at 209 Stony Rise Road.

2 Site Assessment

A site assessment was conducted on 9 August 2022 to measure noise levels and dust/particulate emissions at the southwestern boundary of the proposed subdivision. This location is directly opposite the metal fabrication workshop.



Figure 2 – Southeast along Stony Rise Road



Figure 3 – Northwest along Stony Rise Road

200 Stony Rise Road STONY RISE

2.1 Noise and Dust

Noise measurements were recorded at the southwest boundary based on initial site observation and proximity to the workshop.

Code C9 of the Tasmanian Planning Scheme – Devonport does not set limits for nor require measurement of background noise levels. Therefore, background noise measurements were not taken as there is no limit to compare results to.

The noise measurement location at the boundary of the property was chosen based on initial site observations and proximity to the existing workshop as a 'worse case' scenario.

No dust or particulate measurements using a 'dustracker' were possible as no sandblasting was being conducted on the day of the assessment.

2.2 Observations

The area slopes to the northwest from the Don Road round-about to Waverley Road and to the north towards Laphorne Close.

Noise intrusion by traffic was a significant factor affecting the measurements from the workshop. Grinding and other activities from the workshop were barely audible due to the high traffic flow with the dominant noise source being road traffic along Stony Rise Road.

Based on the dominant traffic noise the assessment focused on the traffic volume and noise generated by trucks, buses, cars and motorcycles.

2.3 Workshop Operations

The AL & SM Richardson metal fabrication workshop operates between 8am and 4.30m weekdays and rarely on weekends.

On the day of the survey the workshop was closed at 3.50pm during the noise measurements.

2.4 Sound Level Meter

All measurements were taken with a Type 1 Rion NL32 sound level meter with an annual calibration conducted 26 August 2020 with re-calibration due 26 August 2022. Pre and post measurement field calibrations were conducted with a Rion acoustic calibrator model NC-74 last calibrated 26 August 2020. There were no deviations in the pre and post calibration measurements.

2.5 Conditions

Conditions for the sound level measurements were as follows:

- 9 August 2022 between 2pm – 5pm,
- Clear with minimal cloud cover,
- Wind – calm,
- Sound level meter mounted on tripod at 1.2m above ground level,
- Free field - no walls or reflective surfaces within 10m,
- Measurements taken generally in accordance with the Noise Measurements Procedures Manual 2008.

2.6 Field Measurements - Noise

Noise measurements were taken at the southwest boundary of the proposed subdivision and future sensitive residential use. Prior to conducting the sound level measurements, it was noted that:

- noise from the workshop was barely audible above traffic noise, and
- the dominant noise source is the traffic along Stony Rise Road.

Based on the initial field observations the noise survey was carried out based on the dominant noise sources. Noise measurements were taken in accordance with the Noise Measurement Procedures Manual – Part D – Transport Infrastructure.

The measurement procedure used complies with clause 18.9 – Shortened $L_{10(18hr)}$ measurement procedure.

One hourly L_{10} measurements were taken over 3 consecutive hours between 2pm – 5pm. During this period noise from the workshop, grinding and hammering, were barely audible above the traffic noise.



Figure 4 – Meter at southwest boundary opposite workshop

Table 1 – Noise Measurement Data

Time	L ₁₀	L _{aeq90}	L _{Max}	Traffic volumes
2-3pm	70.2	51.3	84.3	464
3-4pm	70.7	51.7	83.5	728
4-5pm	70.9	52.9	93.4	755

The mean of the L_{10(3hr)} is 76dB(A). L_{10(18hr)} is derived by the L_{10(3hr)} – 1dB(A) = 69.6dB(A).

In accordance with section 18.3 an ‘absence-of-facade’ adjustment of 2.5dB(A) must be added to any measurement as no sensitive buildings existing on the site.

$$69.6\text{dB(A)} + 2.5\text{dB(A)} = 71.1\text{dB(A)}$$

2.7 Field Observations

During the survey it was noted that there are a number of external contributing factors to the measured noise levels.

- Noise created by metal fabrication activities were barely audible and not measurable above the dominant traffic noise,
- The dominant noise source is traffic along Stony Rise Road and Lapthorne Close,
- The noise measurements included noise from vehicles (cars, trucks and buses) travelling from Stony Rise Road into and out of Lapthorne Close,
- Measurements included truck movements within properties to the south and southeast.

2.8 Noise Limits

There are no limits specified in Code C9 of the Tasmanian Planning Scheme – Devonport.

As noted in section 2.7 the dominant noise source is traffic. Grinding and hammering at the workshop were during the period between 2-3pm. It was not possible to measure the 15 minute $L_{a(eq)}$ for the workshop due to traffic movements.

2.9 Dust/Particulates

No measurements could be taken for dust or particulates as no sandblasting was conducted on the day of the survey. The majority of sandblasting is carried out on larger equipment in an area to the west of the workshops.

Being a dry day, it was noted that there is small amount of dust and particulates generated by traffic travelling in both directions along Stony Rise Road and the unsealed sections of commercial premises to the southeast.

3 Discussion

3.1 Noise – Workshop Operations

Noise from the workshop was barely audible at the boundary of the subject property. The current noise from all sources is calculated in section 2.7 as 71.1dB(A) and dominated by traffic from the existing roadways.

It should be noted that in the absence of a site plan for the proposed dwellings measurements were taken at the boundary and give a 'worst case' reading. Attenuation for a further 3-4m was not calculated due to the short distance.

The traffic noise may have an effect on the subdivision and sensitive use however, this could be reduced by general dwelling design such as double-glazed windows and acoustic wall and ceiling insulation and the construction of a noise barrier along Stony Rise Road and Laphorne Close.

General dwelling design noise reduction methods will also result in a reduced potential for the development to constrain the workshop activities.

3.2 Dust/Particulates

The proposed subdivision and future sensitive use are located to the northeast of the workshop. The Bureau of Meteorology windrose for Devonport (Dec 1990 to August 2022) indicates that the wind is blowing to the northeast towards the proposed development only 15% of the time with wind speeds in excess of 20km/h only 6% of the time.

The proposed development is shielded from sandblasting dust and particulates by the existing workshops and office building.

Based on the wind direction and speed data and the shielding by the existing buildings it is unlikely that the proposed development will be adversely affected by dust or particulates from the workshop and sandblasting.

3.3 Code C9.5.2 and Code C9.6 Performance Criteria

Sensitive use within an attenuation area, must not interfere with or constrain an existing activity listed in Tables C9.1 or C9.2, having regard to:

- (a) the nature of the activity with potential to cause emissions including:
 - (i) operational characteristics of the activity;*
 - (ii) scale and intensity of the activity; and*
 - (iii) degree of hazard or pollution that may be emitted from the activity;**
- (b) the nature of the sensitive use;*
- (c) the extent of encroachment by the sensitive use into the attenuation area;*
- (d) measures in the design, layout and construction of the development for the sensitive use to eliminate, mitigate or manage effects of emissions of the activity;*
- (e) any advice from the Director, Environment Protection Authority; and*
- (f) any advice from the Director of Mines.*

Assessment Against Performance Criteria

- (a) The workshop operates Monday to Friday during daytime conducting metal fabrication, sandblasting, grinding and welding. The emissions assumed most likely to be constrained by the proposed subdivision and proposed dwellings are general fabrication noise and dust/particulates. However, the measurements indicate that the dominant noise source is traffic from Stony Rise Road and Lapthorne Close.

The operational characteristic, scale and intensity are such that any interference above the traffic noise is restricted to daytimes Monday to Friday.

The noise and dust/particulates emitted by the site are dominated by the normal traffic noise and dust/particulates from Stony Road and Lapthorne Close.

As the dominant noise source is traffic noise the proposal will not constrain or interfere with the existing workshop.

- (b) The proposal is for residences to be constructed approximately 30m northeast of the current metalwork operations.
- (c) The proposed dwellings encroach on the existing metalwork activity attenuation zone by 475m. This is similar to encroachment for existing dwellings to the northwest, northeast and north which are within the current attenuation zone.
- (d) Noise generated by the existing fabrication business is over-ridden by the existing traffic noise. Alteration of the road infrastructure to reduce rolling noise from vehicles is beyond the scope of this assessment.

- (e) No specific advice was sought from the EPA as the activity is a level 1 and regulated by Council under appropriate planning provisions. The proposed subdivision and sensitive use is regulated by Council.
- (f) Mineral Resources Tasmania was not consulted as there are no mining leases for either the metal fabrication operations or the proposed lot for the dwellings.

Overall, the development of dwellings (sensitive use) on the subject site will have minimal effect on the metal fabrication workshop and sandblasting due to the high noise levels and dust/particulates generated by traffic on Stony Rise Road and Laphorne Close.

4 Conclusion

Current operations at the workshop are barely audible at the boundary of the subject property due to the high ambient noise in the area created by the traffic along Stony Rise Road and Laphorne Close.

The subdivision and proposed sensitive use are unlikely to constrain the existing workshop operations.

5 Recommendations

To reduce the effects of the traffic noise on the subdivision and sensitive uses it is recommended the following general noise reduction measures be included in the construction:

- Sensitive rooms such as bedrooms and living rooms can be located on the northeast and eastern elevations,
- Double glazed windows with an R_w factor of 20dB(A) can be installed to meet energy efficiency requirements and reduce internal noise levels,
- Acoustic insulation can be installed in the southwestern walls and ceiling to assist with energy efficiency rating and reduce internal noise levels,
- A noise barrier consisting of a minimum 1.8m high 20mm lapped pine timber fence with timber both sides be constructed along the southwestern Stony Rise Road boundary will reduce outdoor traffic noise to the proposed residences and any potential workshop noise.



Bruce Harpley
Senior Environmental Consultant

AM2023.02 & PA2023.0067 – 200 Stony Rise Road & 1 Laphorne Close, Don - Assessment against the requirements of the Land Use Planning and Approvals Act 1993 (the Act)

Section 34 of the Act states that:

(2) The LPS criteria to be met by a relevant planning instrument are that the instrument –

(a) contains all the provisions that the SPPs specify must be contained in an LPS;

Response: The proposed amendment does not alter any provisions that the SPPs specify must be contained in an LPS.

(b) is in accordance with section 32;

Response: The proposed amendment is in accordance with section 32 which specifies the requirements of an LPS. The LPS will remain unaltered except in relation to the spatial application of the SPPs. The proposed rezoning is in keeping with *Guideline No. 1 Local Provisions Schedule (LPS): zone and code application*.

(c) furthers the objectives set out in Schedule 1;

Part 1

(a) To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;

Response: The site has no record of containing any threatened vegetation communities or species. The site is heavily modified and is surrounded by a mix of established residential development. The planning authority notes the site is mapped within a priority vegetation area (PVA) under the Natural Assets Code of the scheme. The site is generally free from vegetation, noting that some large eucalypts adjacent to St Olave's Church were recently removed due to safety concerns and were assessed as exempt as per clause 4.4.1 of the scheme. The Tasmanian Heritage Council (THC) also issued an exemption for the works. A small area of naturally seeded saplings is to be removed to facilitate a new access to St Olave's. The small patch has no identified conservation value due to the highly modified environment at and around the site.

(b) To provide for the fair, orderly and sustainable use and development of air, land and water;

Response: The site adjoins an already established General Residential Zone to the east along Laphorne Close. The rezoning is considered to provide for a fair, orderly and sustainable use and development of land.

(c) To encourage public involvement in resource management and planning;

Response: Subject to the draft amendment being certified by the Planning Authority, the statutory process will enable community public involvement in the decision-making process.

- (d) *To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c) above;*

Response: The allocation of the General Residential Zone will facilitate the likely construction of residential development in an existing urban area of Devonport. Furthermore, future occupiers add to the local economy and employment.

- (e) *To promote sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

Response: 200 Stony Rise Road is listed on the Tasmanian Heritage Register. The draft amendment has been referred to the THC and which has stated that the draft amendment can be supported under the *Local Cultural Heritage Act 1995*.

TasWater has issued a Submission to Planning Authority Notice regarding the proposed boundary adjustment. As part of this process, they have not objected to the amendment.

As required under the statutory approval process, other state agencies will be referred a copy of the draft amendment during the public notification period.

Part 2

- (a) *To require sound strategic planning and co-ordinated action by state and local Government;*

Response: The *Greater Devonport Residential Growth Strategy 2021-2041* (the Residential Growth Strategy) was formally adopted by the Devonport City Council in June 2022 and represents Council's principal local strategic policy instrument to inform and guide future residential settlement growth within the Devonport local government area.

Following the various dwelling approval scenarios presented in Table B2.1 of the Residential Growth Strategy, current estimates indicate a forward land supply of appropriate development-ready General Residential Zone land in the range of only 2.8 – 4.1 years. This current supply is well below common practice strategic planning thresholds for the forward supply of urban residential land, which usually contemplate a minimum 10 year forward supply as identified within the *Cradle Coast Land Use Strategy (CCLUS)*.

The partial rezoning of 200 Stony Rise Road adheres to the objectives of the Residential Growth Strategy. In addition, Figure 1 below produced by the State Planning Office (Department of Premier and Cabinet), illustrates the role of local strategies in the hierarchy of Tasmanian planning instruments.

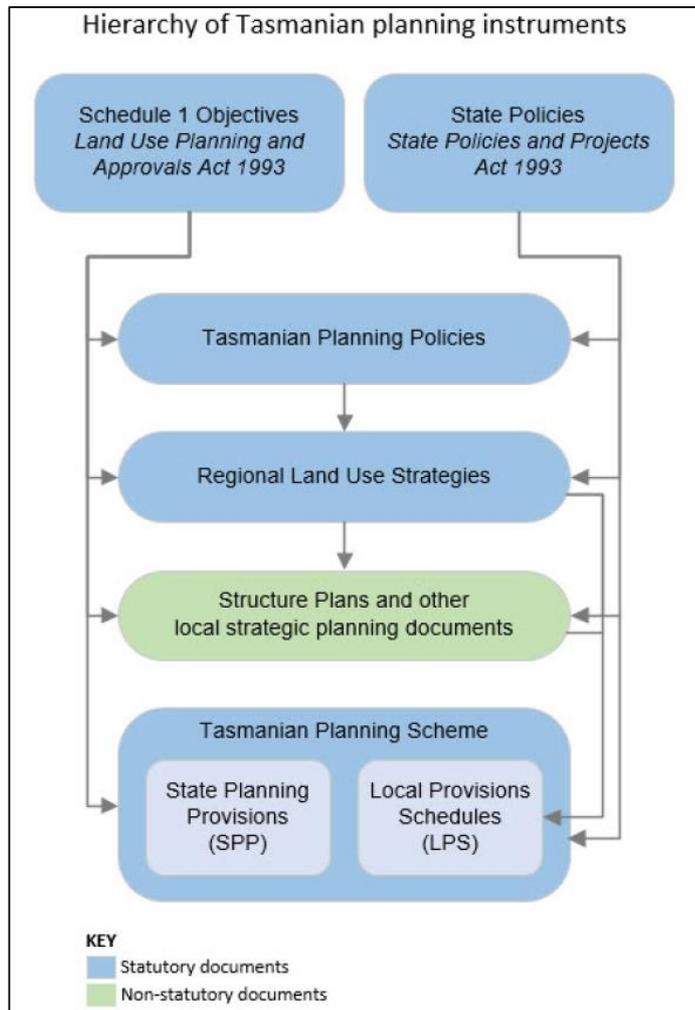


Figure 1 – Hierarchy of Tasmanian Planning Instruments (State Planning Office, 2022)

(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;

Response: The rezoning aligns with the current zoning regulations and can adhere to the standard provisions of the planning scheme that will be in effect. This ensures that potential future development can reasonably comply with the requirements of the scheme, without the need for additional overriding provisions to be considered.

(c) To ensure 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;

Response: The site is positioned within a highly modified environment with no identified environmental significance. The rezoning will facilitate social objectives for housing diversity and the accompanying Environmental Impact Assessment by ES&D (2022) finds that the fabrication business on the opposite

side of Stony Rise Road will not have any conflict with future sensitive development on the rezoned portion of land.

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;*

Response: It has been demonstrated earlier within section (a) that the rezoning is compatible with the objectives of the Residential Growth Strategy. The amendment is also seen to be compatible with other policies at the state, regional and local level.

(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;*

Response: The rezoning if approved is proposed to be considered with a concurrent permit application for subdivision which will likely facilitate future residential development.

(f) *to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation;*

Response: The site is situated within walking distance to the Don Reserve, which contains numerous maintained tracks and parks.

(g) *To conserve those buildings, areas or other places which are of scientific, aesthetics, architectural or historical interest, or otherwise of special cultural value;*

Response: The proposed rezoning and subdivision layout, developed with input from the THC, includes a designated boundary around the heritage listed St. Olave's Church and cemetery.

(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;*

Response: Council's Infrastructure Department and TasWater have provided conditions pertaining to the boundary adjustment in relation to infrastructure considerations. No infrastructure issues have been identified for the rezoning of land.

(i) *To provide a planning framework which fully considers land capability.*

Response: The land is fully capable of realising the use and development that is the intention of the proposal.

(d) is consistent with each State policy;

The state policies listed below are relevant to the assessment of this draft amendment and boundary adjustment.

State Coastal Policy, 1996

Response: The site is within 1km of the highwater mark of the Don River and therefore this Policy is relevant to the application.

The purpose of the State Coastal Policy is:

"To protect the natural and cultural values of the coast, provide for sustainable use and development of the coast, and promote shared responsibility for its integrated management and protection."

The proposed spatial application of the General Residential Zone will not have any negative impacts on the coast as any future development will utilise Council's existing reticulated stormwater system.

State Policy on Water Quality Management, 1997

Response: The development will be required to connect to the public reticulated stormwater system which will mitigate factors such as urban water runoff. Works undertaken during the subdivision will be regularly inspected by Council's Infrastructure staff to ensure adequate silt and erosion protection measures are in place.

(da) satisfies the relevant criteria in relation to the TPPs;

Response: The TPPs are yet to be adopted.

(e) as far as practicable, is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates;

Response: The proposed amendment is seen to be consistent with the overarching objectives of the *Living on the Coast - Cradle Coast Regional Land Use Strategy* (CCRLUS).

The CCRLUS was recently amended on the 28 February 2024 by the Minister for Planning pursuant to section 5A of the *Land Use Planning and Approvals Act 1993*. The amendments were undertaken to respond to the region's changing residential land-use needs, remedy document structure issues and correct minor errors and anomalies.

The amendments to the CCRLUS provide further support for the rezoning application, noting that the site adjoins existing General Residential land and constitutes infill development that makes more efficient use of under-utilised land. Furthermore, the rezoning aligns with Council's Residential Growth Strategy – The Strategy identifies that the site is already located within the urban settlement boundary and increases the supply of residential land.

- (f) has regard to the strategic plan, prepared under section 66 of the Local Government Act 1993, that applies in relation to the land to which the relevant planning instrument relates;**

Response: The proposal is in keeping with Strategy 2.1.1 of the *Devonport Strategic Plan 2009-2030* as the application of the General Residential Zone will facilitate residential development and impacts to the surrounding area are not envisaged.

- (g) as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates;**

Response: The proposal will not impact any adjacent municipal areas.

- (h) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.**

Response: The site is not located within proximity to an identified gas pipeline corridor.

- (2A) A relevant planning instrument satisfies the relevant criteria in relation to the TPPs if –**

- (a) where the SPPs and the relevant regional land use strategy have not been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument is consistent with the TPPs, as in force before the relevant planning instrument is made; and**

- (b) whether or not the SPPs and the applicable regional land use strategy have been reviewed under section 30T(1) or section 5A(8) after the TPPs, or an amendment to the TPPs, is or are made – the relevant planning instrument complies with each direction, contained in the TPPs in accordance with section 12B(3), as to the manner in which the TPPs are to be implemented into the LPSs.**

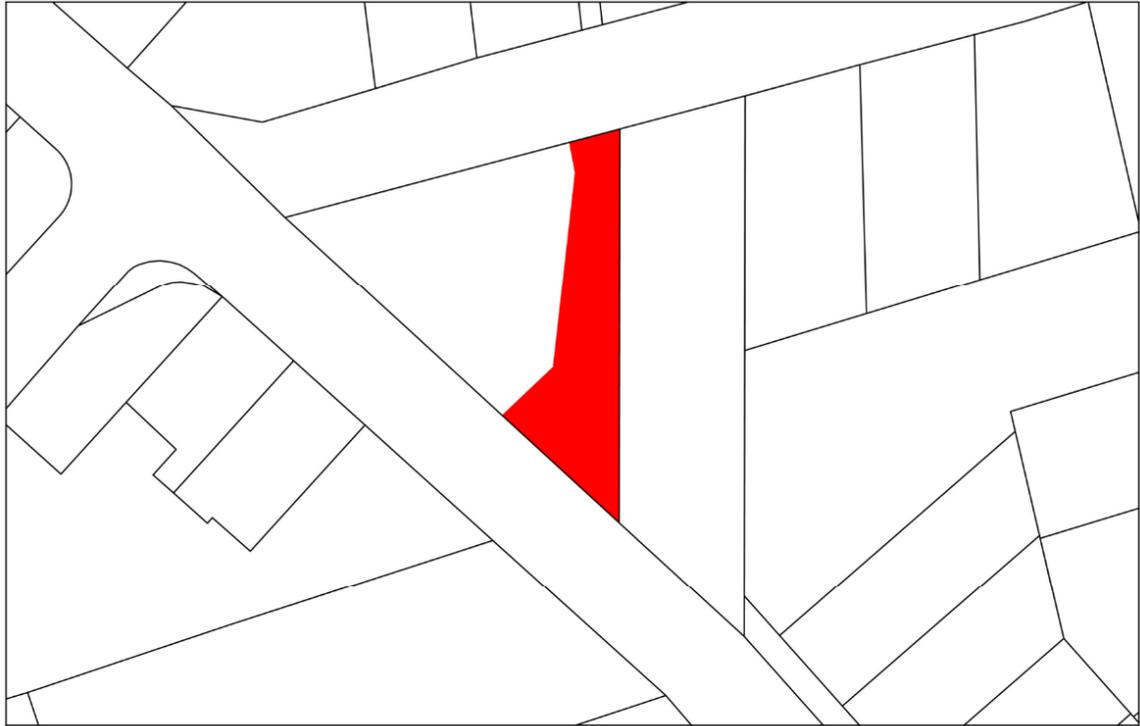
Response: The TPPs are yet to be adopted.

- (3) An amendment of an LPS, or a draft amendment of an LPS, is taken to meet the LPS criteria if the amendment of the LPS, or the draft amendment of the LPS, if made, will not have the effect that the LPS, as amended, will cease to meet the LPS criteria.**

Response: The proposed amendment to the LPS will not result in the LPS ceasing to meet the LPS criteria.

Draft Amendment AM2023.02 – 200 Stony Rise Road, Stony Rise and 1 Laphorne Close, Don

Proposed zoning map as amended



 General Residential Zone



Tasmanian Heritage Council
GPO Box 618 Hobart Tasmania 7000
Tel: 1300 850 332
enquiries@heritage.tas.gov.au
www.heritage.tas.gov.au

PLANNING REF: PA2023.0067 & AM2023.02
THC WORKS REF: 8175
REGISTERED PLACE NO: 1358
FILE NO: 10-10-71 THC
APPLICANT: Terra Firma Town Planning
DATE: 18 March 2024

NOTICE OF HERITAGE DECISION

(Historic Cultural Heritage Act 1995)

The Place: St Olave's Church, 200 Stony Rise, Don.
Proposed Works: Subdivision.

Under section 39A(6)(b) of the *Historic Cultural Heritage Act 1995*, the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with the documentation submitted with Combined Permit Application PA2023.0067 & AM2023.02, subject to the following conditions:

- I. The new boundary fence between Lots 1 and 2 must be constructed of vertical hardwood palings (unpainted) 1.8 metres in height, with posts and rails to be on east face (i.e., not visible from church).**

Reason for condition

To provide a boundary fence that is complementary to the heritage character of the church and cemetery, consistent with the plan dated 30/06/2022 provided in Appendix B of the application.

Advice

The applicant should note that the area entered in the Tasmanian Heritage Register is not changed as a result of this subdivision. Heritage works within the registered area will require heritage approval pursuant to Part 6 of the *Historic Cultural Heritage Act 1995*.

Should you require clarification of any matters contained in this notice, please contact Heritage Tasmania's Works Manager, Ian Boersma, on 0429 979 586 or 1300 850 332.

A handwritten signature in black ink, appearing to read "A Roberts", with a long horizontal flourish extending to the right.

Andrew Roberts
Director – Heritage Tasmania
Under delegation of the Tasmanian Heritage Council



Submission to Planning Authority Notice

Council Planning Permit No.	PA2023.0067 & AM2023.02	Council notice date	22/05/2023
TasWater details			
TasWater Reference No.	TWDA 2023/00649-DCC	Date of response	20/02/2024
TasWater Contact	David Boyle	Phone No.	0436 629 652
Response issued to			
Council name	DEVONPORT COUNCIL		
Contact details	council@devonport.tas.gov.au		
Development details			
Address	200 STONY RISE RD, STONEY RISE	Property ID (PID)	3148545
Description of development	Subdivision (boundary adjustment) inc 1 Lapthorne Cl, Don		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Civilvision Consulting	Services Layout Plan (1) / 24022 C01		9/02/2024
Civilvision Consulting	Sewer Line Longsection (1) / 24022 C01		9/02/2024
Michell Hodgetts Surveyors	220076 / Boundary Adjustment		10/10/2023
Conditions			
Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
CONNECTIONS, METERING & BACKFLOW			
<ol style="list-style-type: none"> 1. A suitably sized water supply with metered connections and sewerage system and connections to each lot of the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit. 2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost. 3. Prior to commencing construction of the subdivision/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater. 			
ASSET CREATION & INFRASTRUCTURE WORKS			
<ol style="list-style-type: none"> 4. Plans submitted with the application for Engineering Design Approval must, to the satisfaction of TasWater show, all existing, redundant and/or proposed property services and mains. 5. Prior to applying for a Permit to Construct to construct new infrastructure the developer must obtain from TasWater Engineering Design Approval for new TasWater infrastructure. The application for Engineering Design Approval must include engineering design plans prepared by a suitably qualified person showing the hydraulic servicing requirements for sewerage to TasWater's satisfaction. 6. Prior to works commencing, a Permit to Construct must be applied for and issued by TasWater. All infrastructure works must be inspected by TasWater and be to TasWater's satisfaction. 7. In addition to any other conditions in this permit, all works must be constructed under the 			



supervision of a suitably qualified person in accordance with TasWater's requirements.

8. Prior to the issue of a Consent to Register a Legal Document all additions, extensions, alterations or upgrades to TasWater's water and sewerage infrastructure required to service the development, are to be completed generally as shown on, and in accordance with, the plans listed in the schedule of drawings/documents, and are to be constructed at the expense of the developer to the satisfaction of TasWater, with live connections performed by TasWater.
9. After testing, to TasWater's requirements, of newly created works, the developer must apply to TasWater for connection of these works to existing TasWater infrastructure, at the developer's cost.
10. At practical completion of the water and sewerage works and prior to TasWater issuing a Consent to a Register Legal Document, the developer must obtain a Certificate of Practical Completion from TasWater for the works that will be transferred to TasWater. To obtain a Certificate of Practical Completion:
 - a. Written confirmation from the supervising suitably qualified person certifying that the works have been constructed in accordance with the TasWater approved plans and specifications and that the appropriate level of workmanship has been achieved.
 - b. A request for a joint on-site inspection with TasWater's authorised representative must be made.
 - c. Security for the twelve (12) month defects liability period to the value of 10% of the works must be lodged with TasWater. This security must be in the form of a bank guarantee.
 - d. Work As Constructed drawings and documentation must be prepared by a suitably qualified person to TasWater's satisfaction and forwarded to TasWater.

Upon TasWater issuing a Certificate of Practical Completion, the newly constructed infrastructure is deemed to have transferred to TasWater.

11. After the Certificate of Practical Completion has been issued, a 12-month defects liability period applies to this infrastructure. During this period all defects must be rectified at the developer's cost and to the satisfaction of TasWater. A further 12-month defects liability period may be applied to defects after rectification. TasWater may, at its discretion, undertake rectification of any defects at the developer's cost. Upon completion, of the defects liability period the developer must request TasWater to issue a "Certificate of Final Acceptance". TasWater will release any security held for the defect's liability period.
12. The developer must take all precautions to protect existing TasWater infrastructure. Any damage caused to existing TasWater infrastructure during the construction period must be promptly reported to TasWater and repaired by TasWater at the developer's cost.
13. Ground levels over the TasWater assets and/or easements must not be altered without the written approval of TasWater.
14. A construction management plan must be submitted with the application for TasWater Engineering Design Approval. The construction management plan must detail how the new TasWater infrastructure will be constructed while maintaining current levels of services provided by TasWater to the community. The construction plan must also include a risk assessment and contingency plans covering major risks to TasWater during any works. The construction plan must be to the satisfaction of TasWater prior to TasWater's Engineering Design Approval being issued.

FINAL PLANS, EASEMENTS & ENDORSEMENTS

15. Prior to the Sealing of the Final Plan of Survey, a Consent to Register a Legal Document must be obtained from TasWater as evidence of compliance with these conditions when application for sealing is made.



<p><i>Advice: Council will refer the Final Plan of Survey to TasWater requesting Consent to Register a Legal Document be issued directly to them on behalf of the applicant.</i></p> <p>DEVELOPMENT ASSESSMENT FEES</p> <p>16. The applicant or landowner as the case may be, must pay a development assessment fee of \$234.64 and a Consent to Register a Legal Document fee of \$248.30 to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date paid to TasWater.</p> <p>The payment is required within 30 days of the issue of an invoice by TasWater.</p>											
<p>Advice</p> <p>General</p> <p>For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards</p> <p>For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form</p>											
<p>Declaration</p> <p>The drawings/documents and conditions stated above constitute TasWater’s Submission to Planning Authority Notice.</p>											
<p>TasWater Contact Details</p> <table border="1"> <tr> <td>Phone</td> <td>13 6992</td> <td>Email</td> <td>development@taswater.com.au</td> </tr> <tr> <td>Mail</td> <td>GPO Box 1393 Hobart TAS 7001</td> <td>Web</td> <td>www.taswater.com.au</td> </tr> </table>				Phone	13 6992	Email	development@taswater.com.au	Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au
Phone	13 6992	Email	development@taswater.com.au								
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au								



LEGEND

- (ESV) (ESV) (ESV) (ESV) EXISTING STORMWATER
- (ES) (ES) (ES) (ES) EXISTING SEWER
- (EW) (EW) (EW) (EW) EXISTING WATER
- (ET) (ET) (ET) (ET) EXISTING TELECOM
- (E) (E) (E) (E) EXISTING ELECTRICITY
- - - (S) (S) (S) (S) NEW SEWER
- - - (S) (S) (S) (S) NEW SEWER PROP CNXN.
- - - (W) (W) (W) (W) NEW WATER PROP CNXN.
- NEW CONCRETE DRIVEWAY

COUNCIL APPROVAL

TASWATER APPROVAL

WARNING

ALL SERVICES SHOWN ARE APPROXIMATE ONLY. NO GUARANTEE CAN BE GIVEN THAT ALL RELEVANT SERVICES ARE SHOWN. IT REMAINS THE RESPONSIBILITY OF THE CONTRACTOR TO IDENTIFY AND CONFIRM TRUE POSITION OF ALL SERVICES PRIOR TO COMMENCING CONSTRUCTION.

NOTES:

1. TYPE R BACKFILL UNDER ALL NEW DRIVEWAYS
2. INSTALL ALL WATER SERVICE ROAD CROSSINGS IN Ø100 SNB PVC CONDUITS.
3. FILL WITHIN THE ROAD RESERVE SHALL BE PLACED AND COMPACTED IN ACCORDANCE WITH MUNICIPAL STANDARD SPECIFICATION.
4. LOCATIONS OF SERVICE CONNECTIONS ARE INDICATIVE ONLY
5. ALL PE WATER PIPES ARE "BLUELINE" CLASS PN16
6. CONTRACTOR TO ENSURE ALL EXISTING SERVICES ARE LOCATED AND POTHOLED PRIOR TO EXCAVATION.

REV.	DESCRIPTION	BY	DATE

STATUS: **FOR APPROVAL**

CIVILVISION CONSULTING
CREATIVE ENGINEERING
info@civildvisionengineering.com

20b Loone Lane
Spreyton TAS
Mob: 0412 439 184
ABN: 66 644 575 468

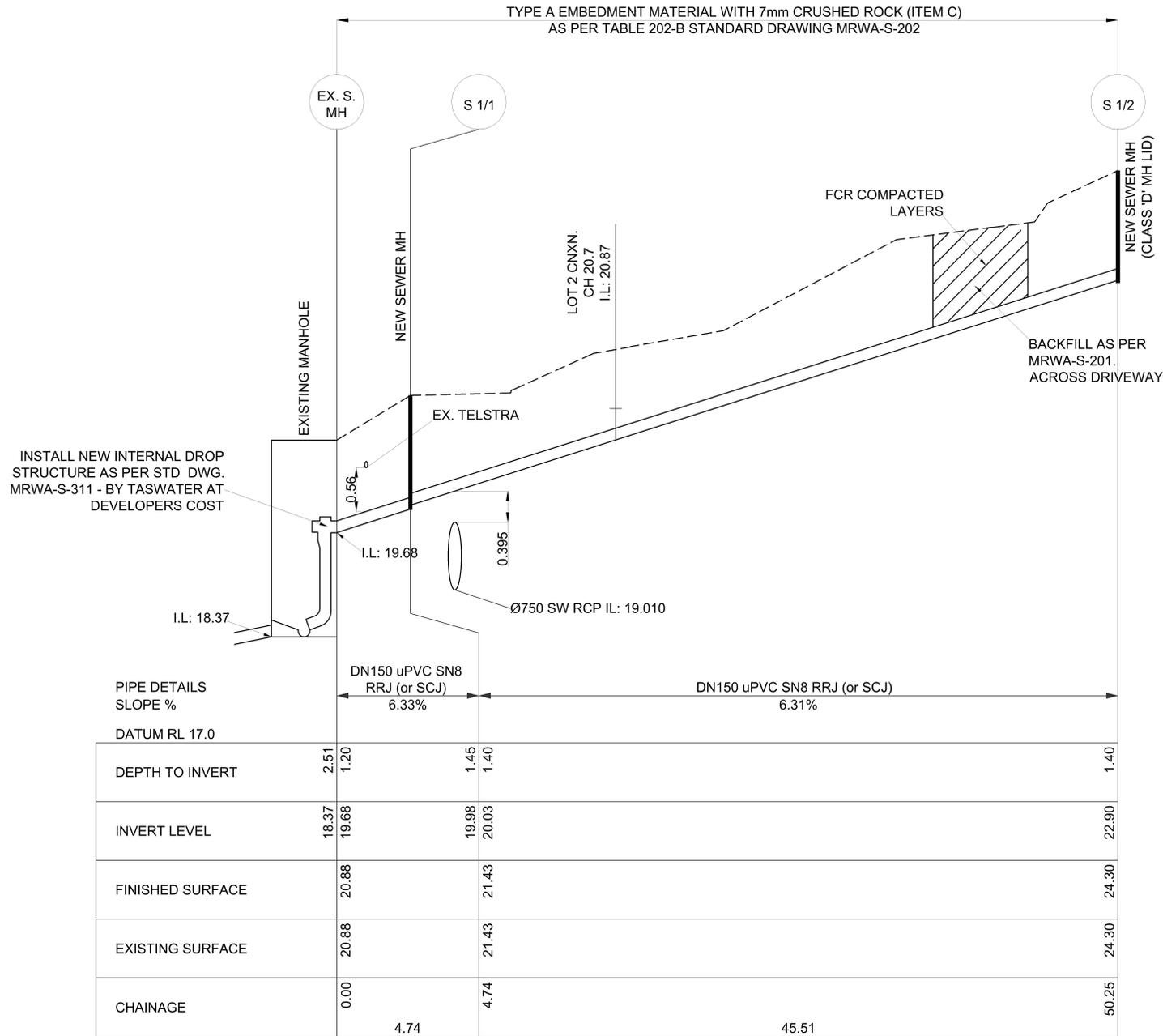
PROJECT:
200 STONY RISE ROAD SUBDIVISION,
STONY RISE

CLIENT:
ANDREW RAND

DRAWING TITLE:
SERVICES LAYOUT PLAN (1)

SCALE AT AS	DATE	DRAWN	CHECKED
1:500	9/02/24	A.B	J.M.

PROJECT NO.	DRAWING NO.	REVISION
24022	C01	0



SEWER LONGITUDINAL SECTION FOR LINE 1
 SCALES: HORIZONTAL 1:250 VERTICAL 1:50

COUNCIL APPROVAL

TASWATER APPROVAL

REV:	DESCRIPTION:	BY:	DATE:
FOR APPROVAL			


 20b Loone Lane
 Spreyton TAS
 Mob: 0412 439 184
CIVILVISION CONSULTING
 CREATIVE ENGINEERING
 info@civilvisionengineering.com
 ABN: 66 644 575 468

PROJECT:
 200 STONY RISE ROAD SUBDIVISION,
 STONY RISE

CLIENT:
 ANDREW RAND

DRAWING TITLE:
 SEWER LINE 1 LONGSECTION (1)

SCALE AT AS SHOWN	DATE	DRAWN	CHECKED
24022	9/02/24	A.B	J.M.
PROJECT NO.	DRAWING NO.	REVISION:	
24022	C02	0	

