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Subject: Representation to draft LPS - land rezoning, West Mooreville Road, East Cam
Attachments: 3218916-REP-A_West Mooreville Road Rezoning Submission.pdf

Hello,

Please find attached a planning submission proposing the rezoning of land located at 135, 149, 159, and 165 West Mooreville Road, East Cam. The proposal is submitted as a representation to the Draft Burnie Local Provisions Schedule.

Can you please acknowledge receipt of this submission?

Don't hesitate to contact me if you require any further information.

Kind regards,

Ryan Robinson

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Burnie City Council

Land Zoning 135, 149, 159 and 165 West Mooreville Road
East Cam

Representation Burnie *draft* Local Provisions Schedule

December 2019

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Appendices

Appendix A – Certificates of Title

Scope and limitations

This report has been prepared by GHD for the Proponents, as identified in Section 2 of this report and may only be used for the purpose set out in that Section. GHD otherwise disclaims responsibility to any person other than the Proponents arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

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The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

1. Executive Summary

- a) *The proposal speaks to the proposition to change the zone classification of the subject sites in recognition of the attributes and services available to the existing properties which will enable the realisation of infill development to maximise efficient use of the land and services.*
- b) *In this sense, the existing status of the subject land and the proposed application of the Low Density Residential (LDR) zone classification represents the most corresponding purpose in terms of the translation to the Burnie draft Local Provisions Schedule (BUR-LPS), given the above and the site's present classification as a residential use. Relevantly the application of the LDR zone to the subject site is consistent with the criteria LDRZ1(a) in Guideline No1.*
- c) *The underlying premise for the request for a change in zoning for the subject sites from Rural Living to the Low Density Residential zone is the suitability of the area and the capacity of the land to meet the prequalification requirements of the Low Density Residential zone specified within the Tasmanian Planning Scheme.*
- d) *In terms of the description of the 'urban area' it is recognised that this is generally characterised by an organised concentration of activity – people, improvement, including building, roads and other activity spaces, to provide a permanent multi-purpose location such as a city, town or village. It is submitted that the location of the subject properties adjacent existing closer settlement residential development and associated services equates to infill development as a part of that urban area.*
- e) *Neither does the proposal represent 'urban expansion,' which is described as enlarging the footprint or extending a defined urban centre beyond the existing designated legal and policy boundaries, and generally involves the conversion of land from another use. The existing use is residential and therefore a change in the zone will not introduce a change in the existing use.*
- f) *As has been recognised by the Tasmanian Planning Commission, the introduction of the Low Density Residential zone provides the opportunity for differentiation within the urban area relative to the market offerings in that lot sizes will differ from that of the closer settlement option within the General Residential zone.*
- g) *Under the State Planning Provisions (SPP's) the area per dwelling within the LDR zone is increased to 1500m² as opposed to the current Burnie Interim Planning Scheme 2013 (BIPS) which allows lot sizes to 500m² thereby recognising the constraints in terms of servicing the land. The subject site is not connected to reticulated stormwater in accordance with the Urban Drainage Act 2013 and is connected to a local road network managed by the Burnie City Council in accordance with the Local Government (Highways) Act 1982.*
- h) *The LDR zone provides a mix of lots in terms of market demand and should also provide a variety in choice. Assuming the proposal recommended under the BUR-LPS to rezone to General Residential the area in Park Grove (Janet Drive) is accepted, this opportunity to provide a choice in offering will be further diminished. Notwithstanding, there is no objection to the zone change at Park Grove, however we note the reality that the result will likely produce more of the same in terms of residential lot types.*
- i) *In the case of LDR zoned land elsewhere within the Burnie urban area, all are significantly impacted as a result of physical constraint whether this be as a result of land stability or potential flooding inundation. This in turn reduces significantly the*

market offerings in terms of variation in lot size available within the LDR zone and ultimately the ability to achieve a meaningful mix in residential development options.

- j) Of particular relevance are the principles underlying the development of the Tasmanian Planning Scheme in the application of the Rural Living zone which is not to be applied to land which is intended and suitable for urban development. In this regard adequate reticulated water and sewerage systems are available to the subject land in accordance with the requirements of the Water and Sewerage Industry Act 2008. This infrastructure allows the opportunity to achieve the highest and best use of the subject site facilitating a greater density of residential development for which the LDR zone is considered the most appropriate.*
- k) The subject site will not represent an area of new release but an opportunity for infill redevelopment of residential land which with infrastructure service constraints, will achieve a greater density and lot supply.*
- l) The supply of serviced vacant residential land as outlined in the assessment related to the LPS determines that the current forecast to meet demand is a period well in excess of 20 years on current trends. Also it is proposed that areas – 62 ha west of Mooreville road be rezoned from General Residential to Agriculture thereby reducing urban residential land stock to approx. 155 hectares. However, this assumes that the land which is currently zoned but not yet subdivided or at least development ready, will be brought on line within that period.*
- m) The concept of ‘development ready’ assumes the availability of lots to the market which are at the moment of need available for immediate residential development. The acute shortage of these residential lots are impacting the potential satisfaction of demand for affordable housing. The provision of additional LDR zoned land in providing greater flexibility in residential living, must assist in addressing the demand by providing an alternative residential option for other than affordable housing needs.*
- n) The Tasmanian Planning Commission has recognised and accepted the proposition that not all land zoned for residential development will necessarily come on line within a predetermined timeframe or even within the period of reasonable demand say a 10-20 year horizon. This is because decision about staging is led by land developers based upon commercial considerations. Likewise land holdings which are staged for development. On that basis the argument that the introduction of the LDR zone will necessarily frustrate or circumvent the development of this land is not a significant determinant, particularly as in the case of the subject land, this will result in the development of land size and density which will necessarily become a different offering.*
- o) The proposal satisfies all applicable specified criteria within the zone purpose statement and the section 8A Guidelines for application of the LDR zone.*

2. Introduction

2.1 Summary

GHD has been engaged by the owners of four properties in East Cam to submit a representation to the *Burnie draft Local Provisions Schedule (BUR-LPS)* exhibited by Burnie City Council. The representation addresses the application of the Rural Living A Zone to land identified in Table 1 seeking application of the Low Density Residential Zone to the land. Copies of the relevant Certificates of Title are included in Appendix A.

Table 1: Identification of Subject Site and Property Owners

Property Addresses	Title References	Property Owners
135 West Mooreville Rd, East Cam	CT 15444/1	Michael Graham Jack and Frances Mary Jack
149 West Mooreville Rd, East Cam	CT 15444/2	Colin James Margetts and Jacqueline Elizabeth Margetts
159 West Mooreville Rd, East Cam	CT 15444/3	Marie Patricia Redman
165 West Mooreville Road, East Cam	CT 112555/1	Derek Royce Howard

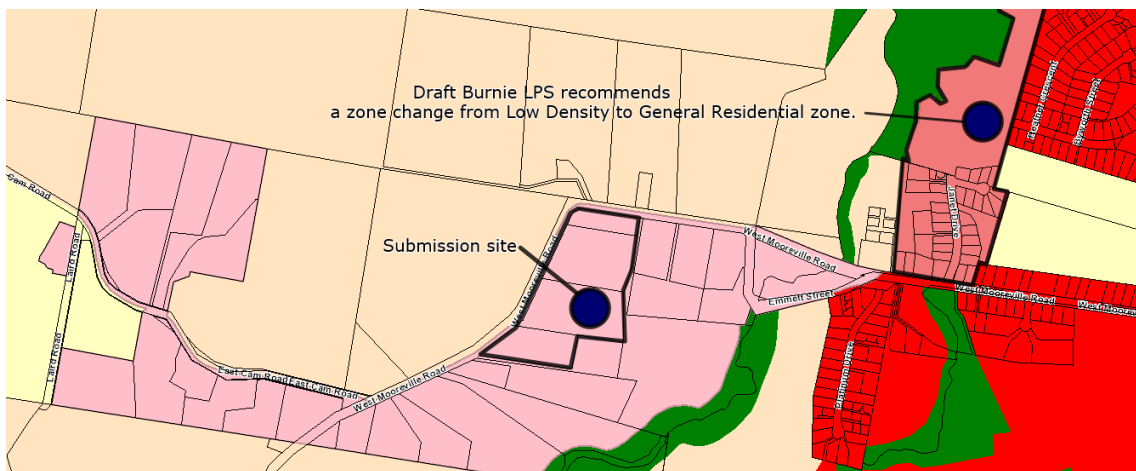


Figure 1: Submission sites - black highlight

This submission seeks an amendment to the *BUR-LPS*, to change the zoning of the subject site to Low Density Residential. It is argued in this report that with consideration of the topography and capability of the subject site in terms of available infrastructure, and the proximity of the site to facilities and services, the site is more appropriately related to the purposes and provisions of the Low Density Residential Zone.

Importantly, the introduction of the Low Density Residential Zone provides simply for infill development of the site at a greater density allowing the introduction of new allotments, which can be serviced without significant impost to the Burnie community, achieving the highest and best use for land located on the edge of the city's residential precincts.

- a) The proposal speaks to the proposition to change the zone classification of the subject sites in recognition of the attributes and services available to the existing properties

which will enable the realisation of infill development to maximise efficient use of the land and services.

b) In this sense, the existing status of the subject land and the proposed application of the Low Density Residential (LDR) zone classification represents the most corresponding purpose in terms of the translation to the draft BUR LPS, given the above and the site's present classification as a residential use. Relevantly the application of the LDR zone to the subject site is consistent with the criteria LDRZ1(a) in Guideline No1.

c) The underlying premise for the request for a change in zoning for the subject sites from Rural Living to the Low Density Residential zone is the suitability of the area and the capacity of the land to meet the prequalification requirements of the Low Density Residential zone specified within the Tasmanian Planning Scheme.

d) The proposal satisfies all applicable specified criteria within the zone purpose statement and the section 8A Guidelines for application of the LDR zone.

The representation is made under Section 35E of the *Land Use Planning and Approvals Act 1993* (LUPAA).

2.2 Report Purpose

This report is provided as part of the documentation to support a representation and amendment to the *BUR-LPS* exhibited by Burnie City Council, in accordance with Part 3A and 3B of the LUPAA. The report provides a detailed assessment of the application with reference to the objectives of the LUPAA, the *Burnie Interim Planning Scheme 2013* (the Scheme), the Cradle Coast Regional Land Use Planning Framework, and applicable State Policies.

3. Background

3.1 2014-2017: Application for subdivision of 149 West Mooreville Road, East Cam

Previous applications to develop the land at 149 West Mooreville Road at a greater density have been unsuccessful, and whilst it is recognised that these densities are challenging in terms of the existing Rural Living Zone, the change of zone to a Low Density Residential classification will recognise the following indicators

- the existence on site of reticulated water and sewerage, electricity, and telecommunications infrastructure, kerbside rubbish collection, daily mail delivery and direct access to West Mooreville Road;
- the existing development pattern in the immediate locality which includes lots ranging in size from 1,900 m² to 21,000 m²; and
- the strategic location of the site on Burnie's urban fringe, within 430 metres of land zoned General Residential and Low Density Residential (Janet Drive property currently recommended for a change to General Residential zone 92 lots).

Given the situation of the nominated properties, it is submitted that the sites at West Mooreville Road are ideally qualified for the application of Low Density Residential zoning. Importantly in accordance with strategic policies outlined in the *Cradle Coast Regional Land Use Planning Framework*, the change in zoning will optimise available infrastructure and infill opportunities within established residential settlements with access to services and facilities.

GHD submits that the context within which the development of these sites at greater density is proposed sits comfortably within the criteria outlined within the *Zone Purpose Statement*, *Local Area Objectives and Desired Future Character Statements of the Low Density Residential Zone* identified in the State Planning Provisions.

Relevantly, the primary use of land within the present Rural Living Zone is residential, as would be the case with the change to the Low Density Residential classification, albeit at increased density. The zone change then does not alter the overriding objective, which is to allow for residential development. The use of the land will not change.

3.2 Current representation and request for amendment

This representation is made to the *BUR-LPS* with respect to the application of the Rural Living Zone to the subject site identified in Section 2, which includes properties at 135, 149, 159 and 165 West Mooreville Road (the subject site). Council is asked to consider a request for an amendment of the *BUR-LPS* to rezone the subject site from Rural Living to Low Density Residential.

An analysis of the subject site is presented in Section 4 of this report. The proposed representation and requested amendment is outlined in Section **Error! Reference source not found.**, and assessment against planning instruments in Section 6.

4. Site Analysis

4.1 Site Characteristics

The subject site is comprised of four (4) separate titles in East Cam, each with access to West Mooreville Road and a combined area of 5.86 hectares, as defined by the boundaries of each site respectively. Table 2 identifies the area of each property.

Table 2: Identification of Subject Site and Area

Property Addresses	Title References	Property Area (m ²)
135 West Mooreville Rd, East Cam	CT 15444/1	5,779
149 West Mooreville Rd, East Cam	CT 15444/2	20,230
159 West Mooreville Rd, East Cam	CT 15444/3	20,630
165 West Mooreville Road, East Cam	CT 112555/1	11,960
Total Area		58,599

The boundaries of the site are defined by West Mooreville Road to the north and west, and by the neighbouring properties to the south and east. The southern and eastern boundaries are adjacent private driveways within the neighbouring properties, each servicing a single detached dwelling between 250 m and 300 m from West Mooreville Road.

Each property within the subject site contains a single detached dwelling, associated outbuildings, and landscaping, and is otherwise undeveloped open ground. Figure 2 identifies the location of each property forming the subject site.



Figure 2: Title references, boundaries, and area of properties within the subject site

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

Site elevation ranges between 110 m and 140 m with the land generally falling toward the east over distances of 140 m to 230 m. Land to the west of the subject site, opposite West Mooreville Road, rises to approximately 150 m. Land to the south and east of the subject site falls toward Cooee Creek with slopes becoming steeper closer to the Creek (see Figure 3).

Beyond the boundaries of the subject site, the slope of the land to Cooee Creek is significant, which reflects the hazard classification and affects the existing development, the pattern of which reflects this issue.

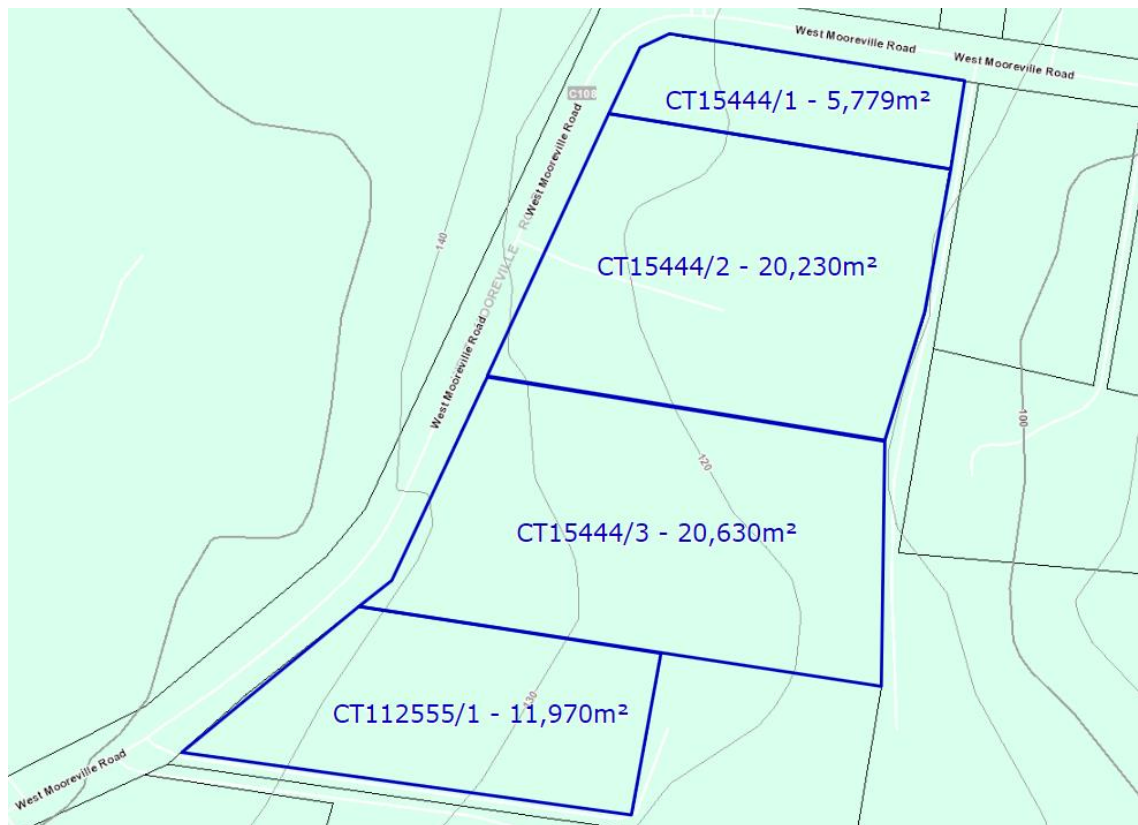


Figure 3: Subject Site with 10 metre elevation contours

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Sewer and water mains run along the northern boundary of 159 West Mooreville Rd (CT15444/3) and transect the south-eastern portion of 149 West Mooreville Rd (CT15444/2). Reticulated water and sewerage services are available for the entire subject site and future development of this land can be serviced accordingly. Stormwater can be managed on site through in-ground absorption and onsite storage systems. See Figure 4 and Figure 5 for water and sewer services available to the subject site.

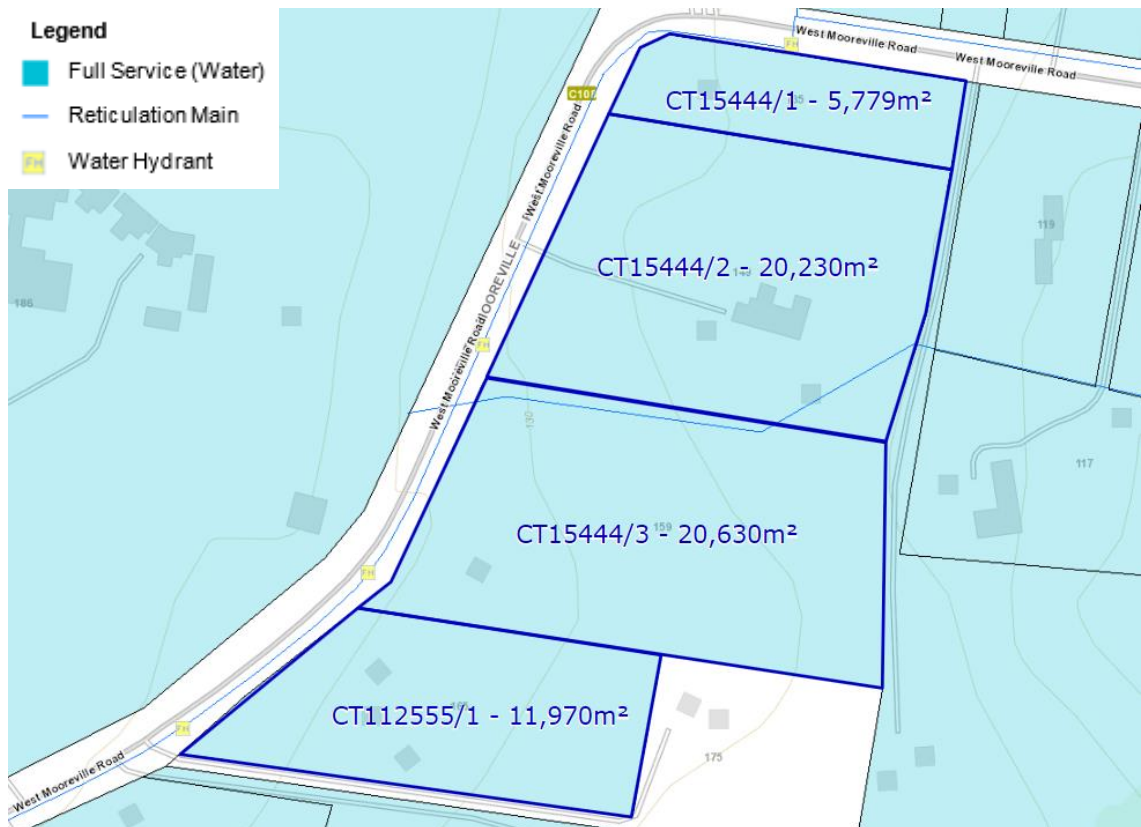


Figure 4: Water serviced land, reticulation mains, and water hydrants

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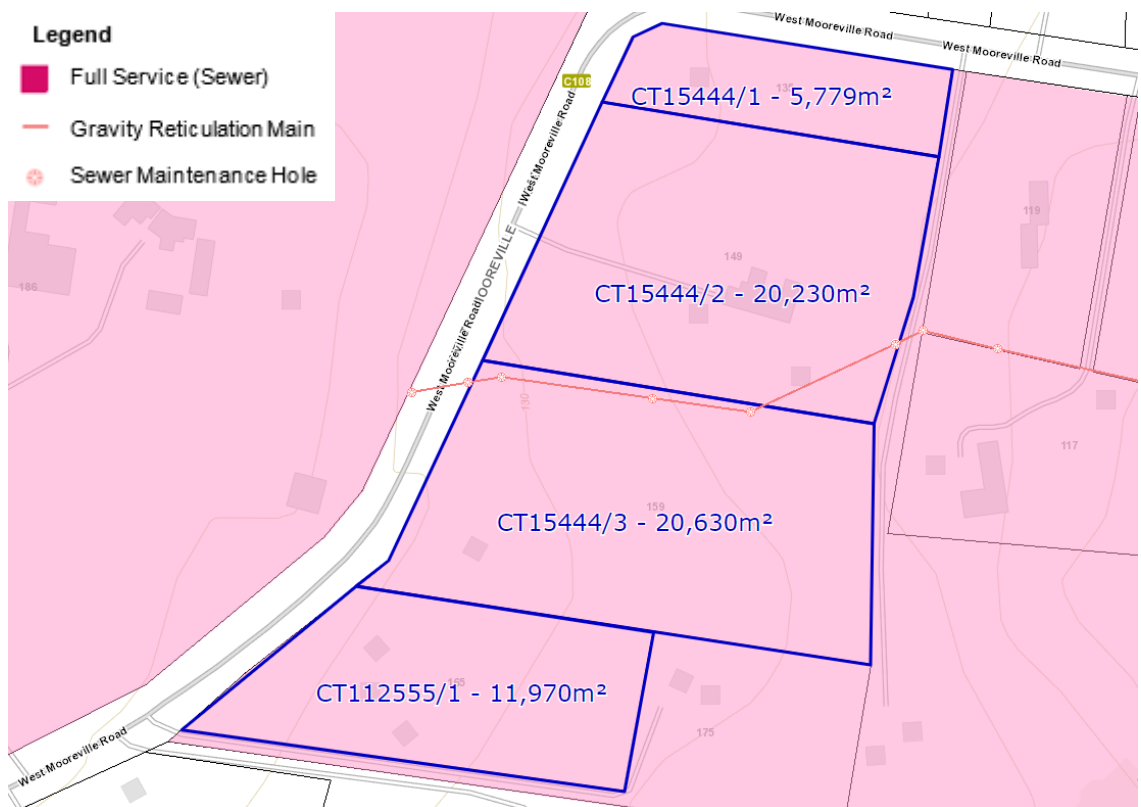


Figure 5: Sewered area

Services available to the site include the National Broadband Network (NBN) with Fibre to the Node (FTTN); power supply via the network along West Mooreville Road; Australia Post deliveries; and weekly refuse collection services.

4.2 Surrounding Area

The subject site is located within a residential corridor to the west of Burnie's urban boundary, and is within 3.0 km of the urban centres of Burnie and Somerset respectively (see Figure 6). Residential land uses dominate the area east of the subject site, including recent residential developments along Platinum Drive and Janet Drive approximately 430 m from the subject site, and continuing to the south of Burnie CBD.

North of the site, opposite West Mooreville Road, are rural properties including farms with and without housing, which continue for approximately 1.4 km to the suburb of Cooee. To the south are properties with housing, which are subject to the Rural Living Zone. This pattern of development continues to Cooee Creek within approximately 250m of the subject site. To the west, opposite West Mooreville Road, is a supported accommodation facility for people with severe disabilities. A mix of agricultural, residential and community land uses predominate further west of the subject site.

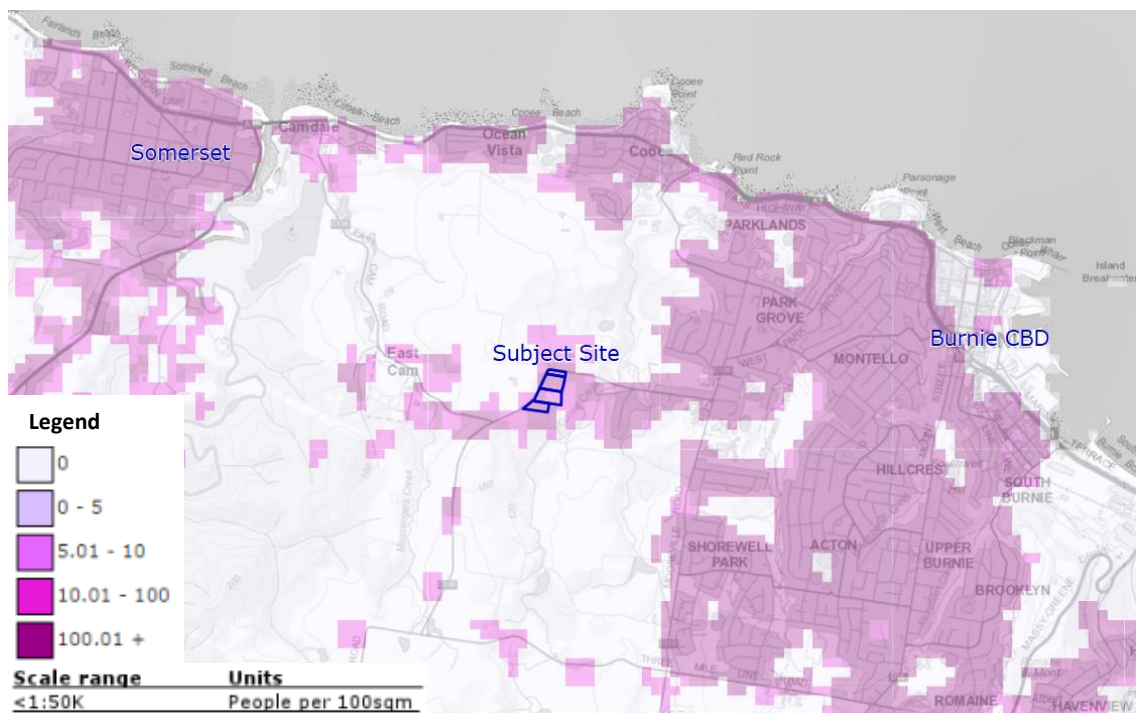


Figure 6: Subject site and regional population density (scale 1:27,084)

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A variety of facilities are located within 3 km of the subject site, especially between the site and Burnie CBD, which provide all services necessary for residential and community land uses. Select facilities within 2.5 km of the subject site are identified in Table 3 and Figure 7.

Table 3: Select facilities within 2.5 km of subject site

Facilities within 2.5 km of the subject site	
Community facilities and organisations	Parks and reserves
Burnie Community House	Cooee Beach
Burnie Girl Guide Hall	Cooee Point (beach)
Burnie Lawn Cemetery	Eastwood Reserve
Burnie Masonic Centre	Jorgensen Street Reserve
Burnie PCYC	Ocean Vista (beach)
Burnie Scouts Hall	Sampson Street Reserve
Burnie Seventh Day Adventist Church	Healthcare
Cooee Memorial Hall	North West Pathology and Laboratory
Cooee Uniting Church	North West Private Hospital
Footprints Education Complex (crèche)	North West Regional Hospital
Kookaburra Junction (crèche)	Pharmacy One
Martin Luther Lutheran Church	Sports grounds, clubs and facilities
Parkside Funerals head office and Chapel	Burnie Aquatic Centre
Riding for the Disabled Association of Tasmania (horse riding)	Burnie Bowls Club
St David's Anglican Church	Burnie Council walking trails
Tasmanian Family History Society	Burnie Golf Course/Club
Education	Burnie Netball Complex
Burnie High School (public)	Burnie Park
Burnie Primary School (public)	Burnie Rugby Club
Cooee Primary School (primary and infant)	Burnie Soccer Club
Hellyer College (secondary private)	Burnie Softball Club
Marist Regional College (private)	Burnie Tennis Club/Centre
Stella Maris Catholic School (private primary and secondary)	Healthglo Fitness and Leisure
TasTAFE Burnie Campus (public)	Montello Recreation Ground
UTAS Cradle Coast Campus Park Grove (public)	TLC Aquatics swim school and remedial pool complex
UTAS Rural Clinical School Cooee	Retail

Residential	Bass Highway Cooe: includes hardware and auto parts stores, take away restaurants, furniture stores, car yards, and other shops.
Abbeyfield House Burnie (assisted living)	Burnie Indoor Market
Hellyer College student accommodation	Camdale Mobil Service Station
Panorama Supported Accommodation	Coee Post Office
TasTAFE student accommodation	Park Grove IGA X-press
Umina Park Nursing Home	Shorewell (Hilltop) Plaza; includes IGA Everyday, BWS, and other shops.
UTAS Cradle Coast Campus student accommodation	Terrylands Shopping Complex; includes Radfords Takeaway and Happy Days Takeaway, Caltex Service Station, and other shops.

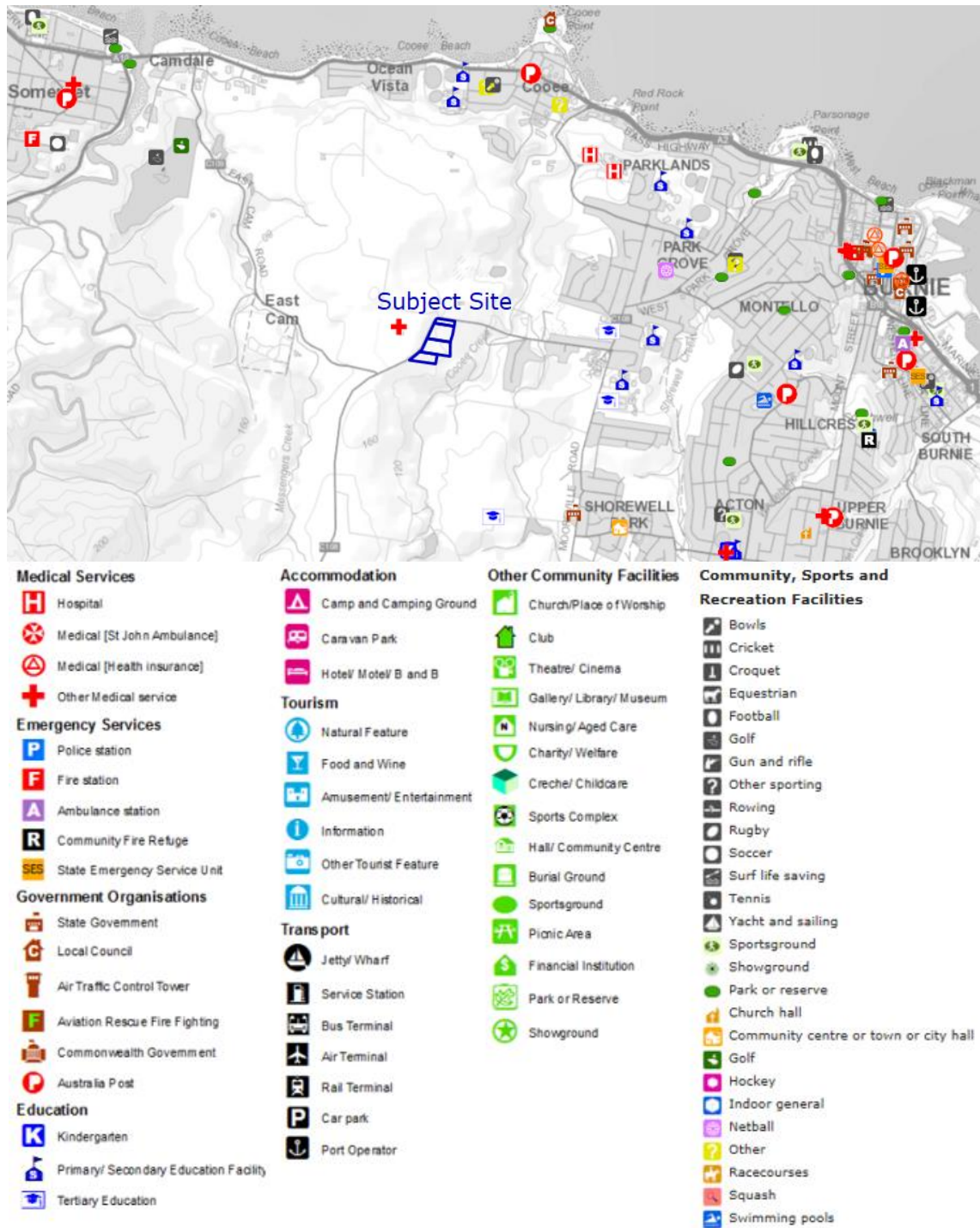


Figure 7: Subject site and facilities within 3.0 km radius

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4.3 Zoning and Overlays

4.3.1 Rural Living Zones

The subject site is within a 51 ha area of Rural Living zoning that borders Laird Road in the west and Cooee Creek in the east (see Figure 8).

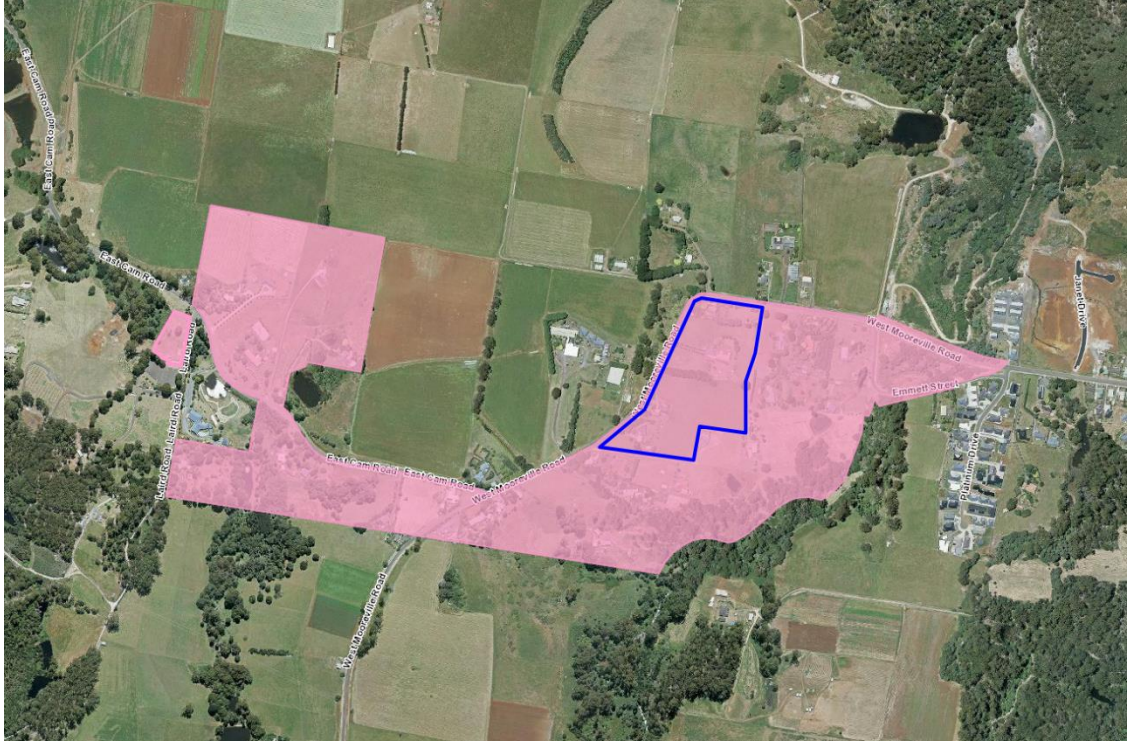


Figure 8: Subject Site within Rural Living Zone

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In the broader context the Rural Living Zone containing the subject site is the only Rural Living Zone west of Burnie that is within the City of Burnie Local Government Area (LGA). A substantially larger Rural Living Zone, over 510 ha, borders the western side of Cam River within the Waratah-Wynyard LGA, between 2.5 km and 4.5 km from the subject site (see Figure 9).

Three Rural Living Zones within the Burnie LGA are located south and south-east of Burnie's urban footprint. Two of these zones are at the south-eastern urban fringe of Burnie, adjacent the Melba railway line, and are approximately 10.3 ha and 5.6 ha respectively.

A larger Rural Living Zone of 154.9 ha is located approximately 6.5 km by road south of Burnie town centre, and shares its western boundary with the Melba railway line. Other Rural Living Zones are located significantly further south in Hampshire, Upper Natone, Natone, and Stowport.

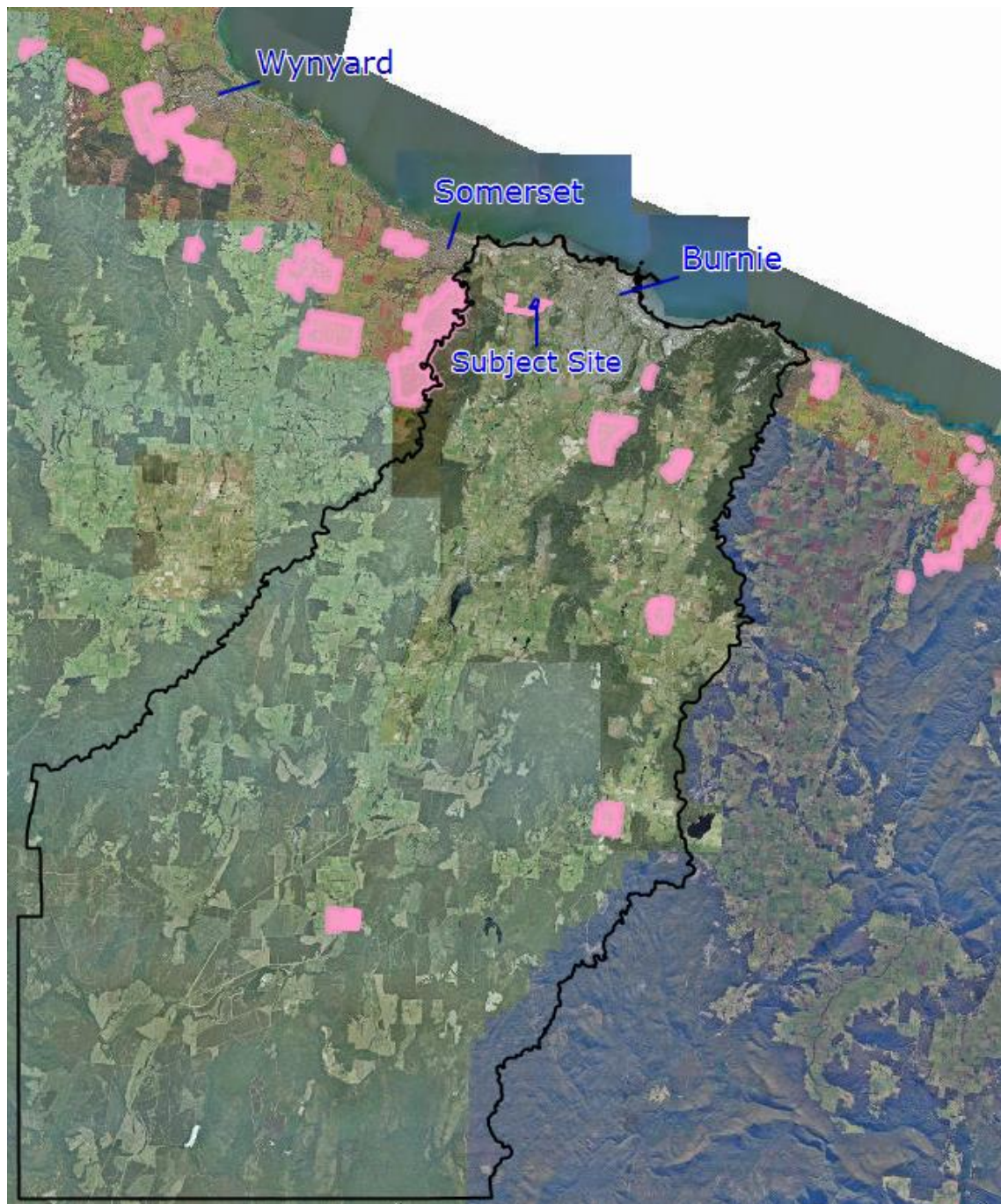


Figure 9: Rural Living Zones and City of Burnie LGA

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

4.3.2 Surrounding Zones

The subject site's Rural Living zone at its western boundary is bordered by West Mooreville Road and the Rural Resource zone to the north and west, an Open Space Zone, which buffers Coeee Creek at its eastern boundary and the General Residential zone to the east a distance of approximately 430 metres.

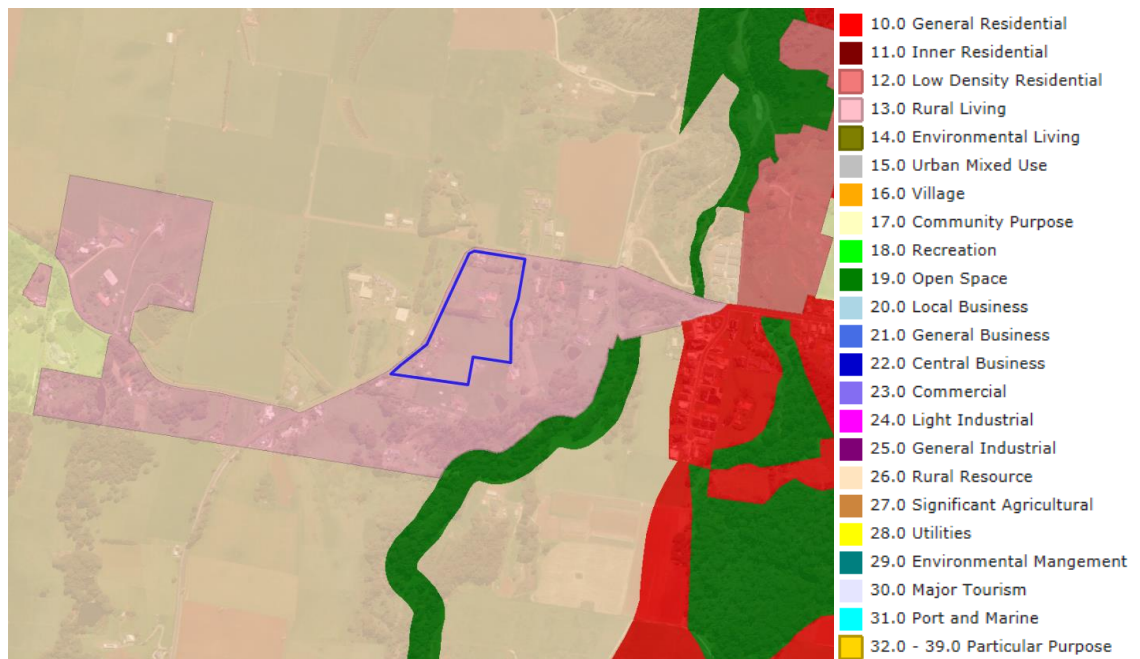


Figure 10: Subject Site and surrounding Zones

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4.3.3 Overlays

The subject site contains areas of low and medium landslide hazard identified on the Landslide Hazard Overlay map. Medium landslide hazard is identified at the eastern boundary of the subject site, which extends further east to Cooee Creek. Low landslide hazard is identified at the western boundary of the subject site, which extends further east for approximately 80 m (see Figure 11). The area of medium risk impacting the subject site has been the subject of geotechnical investigation, which concluded that the risk is tolerable given application of good hillside design.

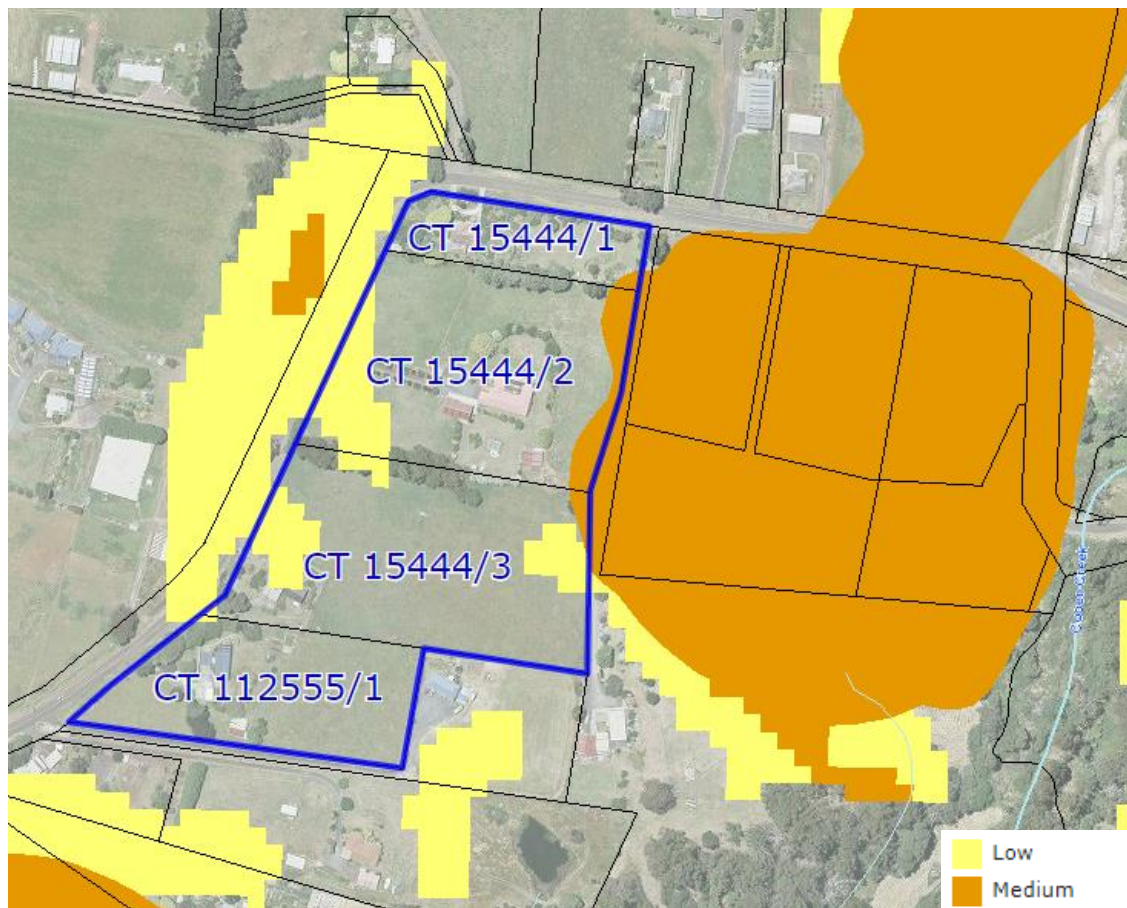


Figure 11: Subject Site and Landslide Hazard Overlay

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

5. Submission

A representation to the application of the Rural Living Zone to the subject site identified in Sections 2 and 4 of this report is made in accordance with Section 35E of the LUPAA,.

The requested change to the proposed *BUR-LPS* to alter the zone of the subject site rezoning will ultimately facilitate the re-subdivision of the respective properties maximising use of existing reticulated infrastructure.

The proposed change to the zoning classification of the land to Low Density Residential is considered to represent a logical progression of the residential area west of Burnie. This is supported by the subject site's access to reticulated water and sewerage, energy and communications utilities, access to West Mooreville Road, and proximity to facilities and services including daily mail delivery and weekly Council refuse collection that support a higher density of residential development. These factors are addressed in more depth in Section 6.

6. Planning Assessment

The statutory requirements for the representation to, and requested change to the *BUR-LPS* are determined through a combination of legislative documents applying at state, regional, and local levels. These include:

State

All planning assessment is guided by the objectives of the Resource Management and Planning System of Tasmania (RMPS). These objectives are considered in the assessment provided in 6.1.1 of this report.

The *Land Use Planning and Approvals Act 1993* (LUPAA) is the primary legislative document in guiding the development and implementation of Planning Schemes in Tasmania, including the creation and implementation of Local Provision Schedules (LPS). The representation to, and requested amendment of the *BUR-LPS* is assessed against the relevant sections of the LUPAA in 6.1.2 of this report.

Regional

Assessment of the proposed amendment in relation to the Cradle Coast Regional Land Use Framework 2010-2030 is required by Section 300 of the LUPAA and is included in Section 6.2.1 of this report.

Local

The *Burnie Interim Planning Scheme 2013* is the key local legislation guiding development in the City of Burnie LGA, and the document to which the requested rezoning amendment applies. An assessment of the proposed amendment in relation to the Scheme is provided in Section 6.3.1

The proposed amendment is also assessed in relation to the *Settlement and Investment Strategy for Burnie to 2026* in Section 6.3.2 of this report.

6.1 State Legislation and Strategies

6.1.1 Resource Management and Planning System of Tasmania

The Resource Management and Planning System of Tasmania (RMPS) is the overarching statutory framework for guiding development and the application of planning legislation in the state. The proposed rezoning accords with the objectives of the RMPS, which are identified in Schedule 1 Part 1 of the LUPAA. Each of the objectives, and a corresponding comment with respect to the proposed rezoning, are provided in Table 4 below.

Table 4: Assessment against the objectives of the RMPS

Objectives of the Resource Management and Planning System of Tasmania	Comment
a. <i>to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;</i>	The proposed zone change will not impact the sustainability of natural or physical resources, the maintenance of ecological processes, or genetic diversity within or surrounding the subject site. The site is currently used for residential purposes and does not contain vegetation communities or species of significant ecological or biological value, and is not subject to a conservation covenant or wildlife corridor.
b. <i>to provide for the fair, orderly and sustainable use and development of air, land and water;</i>	The proposed zone change will provide for the continued orderly intensification of residential uses and development on the urban fringe of the City of Burnie, where utilities and social infrastructure are currently underutilised.
c. <i>to encourage public involvement in resource management and planning;</i>	Community consultation will form part of the amendment process.
d. <i>to facilitate economic development in accordance with the objectives set out in the above paragraphs;</i>	The change in zoning will provide the opportunity for further development within the subject site, which may increase economic activity, including employment opportunities and investment in the local area.
e. <i>to promote the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry in the State.</i>	The statutory process for the proposed zone change facilitates coordination between levels of government, industry and the community.

The objectives of the RMPS are promoted through the application of the LUPAA, which draws on the objectives of the RMPS to guide planning and development processes in Tasmania.

6.1.2 Land Use Planning and Approvals Act 1993

The specific requirements for the contents of a representation to, or an amendment of a LPS are not identified in the current version of the LUPAA. However, these requirements are identified in a previous version of the LUPAA, which applied between 1 April 2015 and 16 December 2015. This report provides assessment against the relevant sections of both versions of the LUPAA. Where a difference exists between the two versions, assessment is made against the current version only.

The relevant sections of the LUPAA included in this assessment are:

Current version

- Schedule 1 Part 1, which defines the objectives of the RMPS, and the objectives of the planning process established by the LUPAA.
- Section 35E, which identifies the requirements for a representation to an LPS.
- Section 37, which identifies the requirements for a request to amend an LPS.

Version in effect between 1 April 2015 and 16 December 2015

- Section 30O, which identified requirements for amendments under Divisions 2 and 2A of the Act (Divisions 2 and 2A of the Act referred to the making of amendments to a Planning Scheme). Section 30O also provides that an amendment is to be consistent with the relevant land use strategy (see 6.2.1 of this report for assessment against the *Cradle Coast Regional Land Use Framework 2010-2030*).
- Section 32, which identified the requirements for the preparation of amendments.

Objectives of the planning process established by the LUPAA

The LUPAA establishes the planning and development processes of Tasmania, and is guided by nine (9) objectives. These objectives support those of the RMPS and are set out in both the previous and current versions of the LUPAA (Schedule 1 Part 1). The objectives of the planning process established by the LUPAA and a corresponding comment with respect to the proposed rezoning are provided in Table 5 below.

Table 5: Assessment against the objectives of the LUPAA

Objectives of the Planning Process Established by the LUPAA	Comment
<i>a. to require sound strategic planning and co-ordinated action by State and local government; and</i>	The proposed zoning change advances strategic planning objectives prescribed by local, regional and state authorities respectively. The rezoning will provide opportunities for continued residential development within a population growth corridor on the urban fringe of the City of Burnie (see Figure 6). The land, which is serviced by utilities infrastructure and is in close proximity to social services and facilities, is underutilised as a result of the current low-density limits of the Rural Living Zone. The proposed rezoning will allow for further densification of this residential land.
<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; and</i>	The proposed zoning change does not conflict with this objective as all aspects of the use and development have been considered and adequately addressed throughout the report.
<i>c. to ensure that the effects on the environment are considered and provide for explicit consideration</i>	The proposed zoning change will have minimal effect on the surrounding environment, as the primary use of the land

Objectives of the Planning Process Established by the LUPAA	Comment
<i>of social and economic effects when decisions are made about the use and development of land; and</i>	will remain residential. Rezoning will provide the opportunity for economic development through the intensification of residential development, which in turn will provide housing in close proximity to physical, commercial and social infrastructure.
d. <i>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; and</i>	This objective is not effected by the rezoning as a policy framework has already been established, which satisfies this requirement.
e. <i>to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i>	The proposed zoning change is considered as a part of the coordinated process.
f. <i>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; and</i>	The proposed zoning change will increase opportunities for people to live in a pleasant and well serviced Tasmanian locality that has convenient access to social and community facilities. The rezoning will allow the development of different residential offerings which provide further choice within the residential market.
g. <i>to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i>	The proposed zoning change, being for residential land on the urban fringe of the City of Burnie, will not alter buildings or areas possessing special cultural values or interest.
h. <i>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; and</i>	The proposed zoning change will provide opportunities, through the intensification of residential development, for the improved utilisation of existing public utilities and social infrastructure. The proposal will not lead to adverse impacts.
i. <i>to provide a planning framework which fully considers land capability.</i>	The present zoning change of the site recognises the primary use of the land as residential as reflected by its land capability.

Compliance with Section 35E of the LUPAA

The submission is a representation to the application of the Rural Living Zone to the subject site in the draft LPS. Section 35E of the LUPAA identifies the requirements for a representation to be made in this context. The proposal is assessed against provisions of Section 35E in Table 6 below.

Table 6: Assessment against provisions of Section 35E of the LUPAA

The LUPAA - Section 35E Representations	Comment
<i>(1) A person or body may make to a planning authority a representation in relation to a draft LPS that is made available by the planning authority for viewing by the public at exhibition premises in accordance with section 35D(1)(a).</i>	(1) This representation is made by GHD on behalf of the Proponents identified in Section 2 of this report.
<p><i>(2) A representation in relation to a draft LPS –</i></p> <p><i>(a) is to be made under subsection (1) within the exhibition period in relation to the draft LPS; and</i></p> <p><i>(b) must be made by submitting the representation to the premises, or to the electronic address, that are specified, in accordance with section 35C(4)(b), in the exhibition notice in relation to the draft LPS.</i></p>	<p>(2) This representation is made:</p> <p>(a) under subsection 35E(1) within the exhibition period; and</p> <p>(b) is made by submission to the electronic address specified in the draft LPS.</p>
<p><i>(3) Without limiting the generality of subsection (1), a person or body may make in relation to a draft LPS a representation as to whether –</i></p> <p><i>(a) a provision of the draft LPS is inconsistent with a provision of the SPPs; or</i></p> <p><i>(b) the draft LPS should, or should not, apply a provision of the SPPs to an area of land; or</i></p> <p><i>(c) the draft LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.</i></p>	<p>(3) This representation submits that:</p> <p>(a) Not applicable.</p> <p>(b) the <i>BUR-LPS</i> should not apply the Rural Living Zone to the subject land identified in sections 2 and 4 of this report.</p> <p>(c) Not applicable.</p>
<i>(4) A representation in relation to a draft LPS must not be a representation to the effect that the content of a provision of the SPPs should be altered.</i>	(4) This representation does not propose the alteration of the content of a provision of the SPP.

(5) For the purposes of this Part, any matter, contained in a representation under subsection (1) in relation to a draft LPS, that –

(a) does not relate to the contents or merits of the draft; or

(b) is not a matter to which subsection (3) relates; or

(c) is a representation to which subsection (4) relates –

is not to be taken to be part of the representation.

(5) All matters to which this representation relates should be taken to be part of the representation as it:

(a) relates to the contents and merits of the application of the Rural Living Zone to the subject land, as per the draft LPS;

(b) relates to subsection (3)(b); and

(c) does not relate to subsection (4).

Compliance with Section 37 of the LUPAA

This submission requests an amendment to the draft LPS to alter the proposed zoning of the subject site from Rural Living to Low Density Residential. Section 37 of the LUPAA identifies the requirements for a request to amend an LPS. The requested amendment is assessed against provisions of Section 37 of the LUPAA in Table 7.

Table 7: Assessment against provisions of Section 37 of the LUPAA

The LUPAA - Section 37 Request for amendment of an LPS	Comment
<i>(1) A person may request a planning authority to amend an LPS that applies to the municipal area of the planning authority.</i>	(1) This representation requests the amendment to the application of the Rural Living Zone to the subject site within the BUR-LPS.
<i>(2) A request under subsection (1) is to be in a form approved by the planning authority or, if a form has been approved by the Commission, is to be in that form.</i>	(2) This application is made in accordance with the relevant provisions of the current and past versions of the LUPAA.
<p><i>(3) A request under subsection (1) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land –</i></p> <p><i>(a) be signed by each owner of the land; or</i></p> <p><i>(b) be accompanied by the written permission of each owner of the land to the making of the request.</i></p>	<p>(3) This representation is made by GHD on behalf of the Proponents identified in Section 2 of this report, and is;</p> <p>(a) contractual approval for GHD to act on the owner's behalf each of whom is identified in Section 2 of this report.</p> <p>(b) Not applicable.</p>

Compliance with Section 300 of the LUPAA

Section 300 of the version of the LUPAA in effect between 1 April 2015 and 16 December 2015 specified the requirements for the amendment of a Planning Scheme. The proposed amendment is assessed against provisions of Section 300 of the LUPAA in Table 8:

Table 8: Amendments under Divisions 2 and 2A of interim planning schemes

300. Amendments under Divisions 2 and 2A of interim planning schemes	Comment
<i>(1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.</i>	The requested amendment to the <i>BUR-LPS</i> is shown to be consistent with the Cradle Coast Regional Land Use Framework 2010-2030 through the assessment provided in Section 6.2.1 of this report.
<p><i>(2) An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if –</i></p> <p><i>(a) the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and</i></p> <p><i>(b) the amendment does not revoke or amend an overriding local provision; and</i></p> <p><i>(c) the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.</i></p>	The representation and requested amendment to the <i>BUR-LPS</i> would result in the rezoning of land from Rural Living to Low Density Residential, but would not alter the content of the provisions (including an overriding provision) of either Zone.
<p><i>(3) Subject to section 30EA, an amendment may be made to a local provision if –</i></p> <p><i>(a) the amendment is to the effect that a common provision is not to apply to an area of land; and</i></p>	Not applicable. The requested amendment, being for rezoning only, will not alter a common provision of the Scheme.

<i>(b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.</i>	
<i>(4) An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.</i>	Not applicable. The requested amendment, being for rezoning only, will not alter a common provision of the Scheme.
<p><i>(5) Subject to section 30EA , an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of –</i></p> <p><i>(a) taking an optional common provision out of the scheme; or</i></p> <p><i>(b) taking the provision out of the scheme and replacing it with another optional common provision.</i></p>	Not applicable. The requested amendment, being for rezoning only, will not alter a common provision of the Scheme.

Compliance with Section 32 of the LUPAA

Section 32 of the version of the LUPAA in effect between 1 April 2015 and 16 December 2015 identified the requirements for the preparation of amendments. The proposed amendment is assessed against provisions of Section 32 in Table 9:

Table 9: Requirements for the preparation of amendments

32. Requirements for preparation of amendments	Comment
<p><i>(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –</i></p> <p><i>Note: subsections 32(1)(a)-(d) have been repealed.</i></p> <p><i>(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and</i></p>	<p>(e) The subject site is immediately adjacent residential uses established under the Rural Living Zone, which applies to land south and west of the site. To the east within 550m of the site are recently developed residential settlements within Low Density Residential (Janet Drive) recommended for a zone change to the General Residential Zones.</p> <p>Land under the Rural Resource Zone to the west and north of the subject site, which is separated by West Mooreville Road, contain residential uses, including residential uses within the Panorama Supported Accommodation facility. The Resource Management and Planning Appeal Tribunal in its consideration of the issue of land use conflict associated with the most</p>

<p><i>(ea) must not conflict with the requirements of section 300 ; and</i></p> <p><i>(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.</i></p>	<p>recent application to subdivide the land at 149 West Mooreville Road, found that there was no likelihood of land use conflict, having considered all potential uses within the nearby Rural Resource zone. It is reasonable to conclude given the context of the subject properties, that such a conclusion will result.</p> <p>The zone change to this land will provide opportunities for the intensification of existing residential uses consistent with the nearby residentially zoned areas. Such intensification will access existing, underutilised infrastructure to minimise potential conflict with less intense residential uses in the area.</p> <p>(ea) The requested change to the zoning is consistent with the requirements of 300, as discussed in Table 8 of this report.</p> <p>(f) The proposed zone change will create opportunities for the intensification of residential land use and subsequent economic investment and stimulation in the region.</p> <p>By utilising an underutilised infill site the potential developments will be made without extending into greenfield areas that have separate economic and environmental values.</p>
<p><i>(2) The provisions of section 20 (2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.</i></p>	<p>The requested zone change will not conflict with the provisions of section 20 (2), (3), (4), (5), (6), (7), (8) and (9).</p>

6.2 Regional Legislation and Strategies

6.2.1 Cradle Coast Regional Land Use Framework 2010-2030

The Cradle Coast Regional Land Use Framework 2010-2030 (CCRLUF) provides strategic context at a regional level for planning schemes, and contains strategies for the future use and development of land within the region. Part C Section 1.5 of the CCRLUF includes fifteen Principles for Implementation for a range of overarching goals and strategic directions. A response to each principle that is relevant to the requested rezoning is provided in Table 10 below.

Table 10: Principles for Implementation of the goals of the CCRLUF

Relevant Principles for Implementation of goals of the Cradle Coast Regional Land Use Framework 2010-2030

a. All levels of government, industry and the community work collaboratively, share responsibility, and are accountable for sustainable land use

This is a core objective for the Tasmanian land use planning system. It requires all processes and decisions relevant for land and resource use must be consistent with the outcomes required for the resource management and planning system.

Comment

The proposed zoning change represents a collaboration between members of the Burnie community (the Proponents) to improve the utilisation of residential land through local and state planning regulatory processes. The change to the zone is consistent with the objectives of the RMPS, the goals of the Regional Land Use Strategy, and other regional and local strategic land use initiatives (see section 6.3).

b. Strategies, policies and decisions for land use are integrated across all levels of government, industry and the community

Land use policy must not be made in isolation. A regional perspective must apply and actions must coordinate and be aligned with other management programs applying for the same resource, locality or issue.

Land use planning must operate in concert with all of Tasmania's statutory and structural frameworks and is not to embellish, substitute or override the intentions, rules and requirements of other arrangements for managing social, economic and environmental outcomes for the State.

Comment

The proposed zone change is consistent with the regional pattern of residential land use development, and proposed in accordance with the statutory requirements of State, Regional and Local authorities. It is considered that the proposed zone change will support positive social, economic and environmental outcomes within the regional community.

Relevant Principles for Implementation of goals of the Cradle Coast Regional Land Use Framework 2010-2030

c. Land is a limited, non-renewable resource and is not wasted

Policies are to promote opportunities for use and development to accommodate future population and employment growth without unnecessary or unreasonable adverse effect.

Land is to be used in the manner best matched to its highest capability to support social, cultural and economic endeavour while always protecting health of the environment.

Implementation actions for sustainable development are to provide for intensification and redevelopment of land in preference to new release. Policies are to identify the priority use for land and allow adaptability, flexibility and innovation in the rules and technical requirements applying for matters such as zoning, conforming land use mix, development density, site coverage and urban, building, utility and community service design and provision.

Land is to be provided for –

- *Conservation*
- *Primary production*
- *Economic activity*
- *Housing*
- *Community purposes*

Implementation requires repositioning on many established land use conventions. There must be an acceptance that progress, change and transition will continually occur within the established order of use and development.

Comment

The proposed zone change provides infill opportunities for residential development while making efficient use of existing infrastructure. The subject site would be used in a manner that better matches its capability by intensifying its residential use within the urban development footprint.

The subject site, being fully serviced by reticulated water and sewerage infrastructure and close to a complete range of community facilities, is well suited to a higher density of housing without compromising alternative land uses in the surrounding area.

d. Facilitate use and development

Land use strategy is to encourage use and development provided the costs of adverse impacts of the development on natural, economic and social systems and the impact of natural, economic and social systems on the use or development do not outweigh the benefits a community may derive from such development.

Comment

The proposed zone change will allow future applications to be made for the subdivision and development of serviced residential land, suitable for higher density development. The proposal, and potential subsequent residential developments, will not impact natural systems as the land already comprises residential uses and does not contain features of significant natural value. Economic and social systems stand to benefit from the proposed

Relevant Principles for Implementation of goals of the Cradle Coast Regional Land Use Framework 2010-2030

rezoning as potential subsequent residential developments will provide economic opportunities and diversify housing supply in a well serviced location.

e. Improve the liveability and sustainability of communities

Planning policy assists to provide communities with pleasant, efficient and safe places in which to live, work and visit. Land use has a profound impact on liveability.

Comment

The proposed zone change will provide opportunities for residential development in a well serviced location, convenient to a range of facilities that support pleasant and safe living. The subject site is within two kilometres of education, healthcare, and retail facilities, while employment opportunities are supported throughout Burnie and its surrounds. A higher density of residential development at the subject site represents a more efficient use of the land.

f. Land and resources are consumed at a rate sufficient to meet social and economic needs of the present generation without compromise to the ability of future generations to also meet their own needs

The principle of sustainable development is central to the Tasmanian land use planning system.

Sustainable development helps to enhance the long-term viability of urban and rural places.

Implementation action must have regard to the rate and efficiency of consumption and to the cumulative effect of use and development on the health of all natural, human and economic systems.

Future benefit takes precedent over short-term expediency. The principle of inter-generational responsibility is to apply for all forms of land use. Decisions must be mindful of the long-run consequence on the economic, social and environmental capacity of land and resources for future generations.

The planning system requires a custodial responsibility to ensure land and resources remain available to be used into the future - whether or not for the same purpose.

Comment

The zone change would provide opportunities for intensified use of land and infrastructure for an existing residential purpose, in a location serviced by appropriate social facilities. By intensifying the use of the subject site, the zone change would achieve these things without encroaching upon, nor affecting non-residential uses or land. It is anticipated that the redevelopment would result in the creation of approximately 25 to 35 additional lots.

Relevant Principles for Implementation of goals of the Cradle Coast Regional Land Use Framework 2010-2030

g. Decisions and choices are informed by science and expert knowledge

Knowledge based decisions require authoritative and defensible information.

Implementation actions must focus on objective information and analysis of direct and substantive relevance.

There is an imperative to fill knowledge gaps and to ensure the currency and completeness of information on which strategies and policies are founded.

Decisions with a subjective basis and unfettered discretion are avoided.

Comment

Previous applications for the subdivision of 149 West Mooreville Road were supported by a number of assessments by specialists which evaluated a range of factors of concern to the adaptability of the site for increased residential development. These reports assessed landslip hazard risks, stormwater drainage capacity, agricultural land capability and related land use conflict potential, traffic impacts, water and wastewater capacity. On the basis of the findings of these reports it was concluded there was no substantive issue upon which residential development of the land could not proceed.

h. Consider the complete and cumulative effect of past, present and likely future use and development on the health or carrying capacity of a natural or human system

Assessment for the immediate impact of use and development on a proposal by proposal basis does not allow understanding on the combined impacts over time or identification of appropriate management requirements.

The principle of Inter-generational equity is encompassed within the notion of sustainable development. It warrants particular consideration in the context of regional land use strategy. From a land use perspective the principle implies that use or development should meet the needs of the present without compromising the ability of future generations to meet their own needs. In practical terms, this means that planning decisions should account for the impact not just on present generations, but also on generations to come.

Comment

The subject site is within a growing corridor of residential land use along West Mooreville Road from Burnie (see Figure 6). The proposed zone change will maintain the primary residential purpose of the land, while providing opportunities for the intensification of residential uses into the future, thereby supporting the initiative of sustainable development.

i. Where there are threats of serious or irreversible social, economic or environmental damage the lack of scientific certainty is not to be used as a reason for postponing measures to prevent harm or degradation

The precautionary principle is an essential element in the concept of sustainable development. The principle requires that where the known likelihood of adverse effect cannot be ignored for the reason only that there is an absence of scientific certainty for the magnitude of such impact.

Relevant Principles for Implementation of goals of the Cradle Coast Regional Land Use Framework 2010-2030

Implementation action must adopt a risk management perspective and ensure planning policy and decisions are made having regard to an acceptable level of risk and appropriate measures to avoid, remedy or mitigate risk of serious or irreversible damage.

Comment

Not Applicable

j. Decisions are responsive to changing economic, environmental and social circumstance

Strategy policies reflect the current state of knowledge and an alignment with policy of relevance. The Strategy is not a static instrument. It recognises influences and circumstances of relevance within the region are dynamic.

Implementation actions must continually monitor and adjust policy content and response from a regional perspective as new data, understanding and direction emerge.

Implementation actions must ensure land use planning does not reflect or retain conservative or out-dated models for economic activity, community development or environmental protection. Flexible, organic requirements are necessary.

Comment

The requested zone change responds to the established westward trend in residential development from the Burnie centre toward West Mooreville Road, and the higher residential density developing along this corridor. Importantly, the proposal will result in the intensification of residential use within the existing urban and peri-urban footprint absent the requirement for significant infrastructure upgrades.

k. Principles and policies are reviewed for possible correction, replacement or repeal where negative unintended consequences are identified

The appropriateness, adequacy, and continued relevance of policy and implementation action for all circumstances of the Region must be maintained and adjusted as required.

Comment

The proposed zone change provides an opportunity to improve the residential use of the subject site, whilst the present application of the Rural Living Zone limits the potential to achieve greater residential densities and the associated progress towards the goals of strategic land use policy for the region.

l. Maintain and enhance state, national and international connectedness and competitiveness

Extra-regional and global influences on Strategy must be recognised and considered.

The principle reflects a reality that the Region does not exist and cannot function in isolation from connection with the world beyond its boundaries.

The Strategy has a responsibility to ensure activity within the Region reflect and match trends and requirements necessary to remain relevant and productive from a global perspective. The Region has national and global responsibility for the consequences of its actions.

Relevant Principles for Implementation of goals of the Cradle Coast Regional Land Use Framework 2010-2030

Comment

Not applicable

m. Assessment processes and decision criteria are specific, measurable, reasonable, robust, and attainable

Planning instruments derived from the Strategy provide certain, clear, consistent and credible outcomes which are not subject to political, economic or social expediency, and avoid unreasonable or unnecessary impost on the cost of development and compliance.

Rules and requirements are supported by clear jurisdictional authority and apply only to matters for which intervention is necessary and appropriate.

Comment

Not applicable

n. Market-based mechanisms and incentives are used as an alternative to regulatory control wherever feasible

Planning instruments are not always the only or most effective tool for delivering desired land use actions.

Implementation authorities must consider a range of alternate options.

Comment

Recent and ongoing residential developments throughout the region, including General Residential development within 340m of the subject site, provide a clear indication of the demand and cost effectiveness of higher density residential developments within the immediate locality of the subject site.

o. Decisions and actions provide for broad community involvement on issues which affect them

The land use planning system intends a shared responsibility between government, industry and the community; and encourages public involvement in land use planning processes.

Implementation action must ensure opportunity is available for the community to be both aware of and included within issue identification, policy preparation and review so as to ensure land use planning process remains in accordance with objectives for the system.

Comment

This representation to rezone the subject site will be placed on public view as part of the BUR-LPS process. Potential subsequent subdivisions of the land will also require advertising under the LUPAA.

6.3 Local Legislation and Strategies

6.3.1 Burnie Interim Planning Scheme 2013

Zone Controls

The zoning maps, as they relate to the subject properties, are provided in Section 4.3 of this report. All properties are within the Rural Living Zone, which the representation and requested amendment seek to change.

Use Classification & Approval Status

In accordance with Table 8.2 of the Scheme, the use of the land falls within the Residential Use Class, which is defined as follows:

use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.

The existing use of each property in the subject site falls within the above definition as self-contained accommodation and single dwellings.

The status is prescribed as permitted, with no qualifications, under provisions of both the Rural Living Zone and Low Density Residential Use Tables (Clauses 13.2 and 12.2 of the Scheme respectively).

Rationale for rezoning under the Scheme

Under the Scheme, with respect to the Zone Purpose, the subject site is more appropriately suited to Low Density Residential Zoning. The following tables assess the provisions of the Low Density Residential Zone against the characteristics of the subject site.

The Zone Purpose Statements, Local Area Objectives and Desired Future Character Statements of the Low Density Residential Zone are assessed in Table 11 to Table 13 of this report.

Table 11: Zone Purpose Statements of the Low Density Residential Zone

Zone Purpose Statements of the Low Density Residential Zone	
Zone Purpose	
<i>12.1.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.</i>	
<i>12.1.1.2 To provide for non-residential uses that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.</i>	
<i>10.1.3 To provide for Visitor Accommodation that is compatible with residential character.</i>	
Comment	
The proposed zone change of the subject site to Low Density Residential is consistent with the Zone Purpose. The subject properties are currently zoned Rural Living, within which residential use is the prime purpose. Accordingly, the subject titles have all been developed for residential use, and the site therefore fits the category of a 'residential area.'	

Zone Purpose Statements of the Low Density Residential Zone

Infrastructure services are available to the subject sites. Importantly, the rezoning of the land will enable the containment and orderly redevelopment which will capitalise upon infrastructure services available to the land achieving a liveable and sustainable community.

Access to the subject site is via West Mooreville Road, which connects the site to facilities throughout the surrounding region. Electricity is available from power lines along West Mooreville Road, and communications services are available through NBN Fibre to the Home infrastructure, which transects each property within the site. Daily mail deliveries and weekly Council refuse collections are available.

Reticulated water and sewerage mains are located along the northern boundary of 159 West Mooreville Road and transect the south-eastern portion of 149 West Mooreville Road. Reticulated water and sewerage services are available to all properties within the subject site.

Previous applications for the subdivision of 149 West Mooreville Road showed that stormwater could be managed on site with arch absorption trenches, which would operate in tandem with 20,000 L rainwater tanks utilised for firefighting purposes (see **Error! Reference source not found.**). The redevelopment of the site at greater density can be achieved with appropriate stormwater management.

Part 9.5 'Low Density Residential Zone Provisions' of the *Draft State Planning Provisions Explanatory Document* (07/03/2016) provides expanded commentary on the intended purpose of the Zone, which notes that fully serviced residential land should be zoned General Residential.

That document also provides commentary on the density of residential development, which is pertinent to the proposed rezoning. Clause 10.6.1 'Lot Design' notes the importance of Low Density Residential Zoned land being efficiently utilised through densities appropriate to the residential hierarchy. Low Density Residential Living, is the third tier in this hierarchy, which ranges from the Inner Residential Zone through to the Rural Living Zone.

The subject site, through higher residential densities, is capable of more efficient use of access to social infrastructure (such as schools, shops and medical services) while maintaining amenity associated with privacy and the separation of buildings.

Clause 10.6.3 'Services' stipulates that each lot must have a connection to a reticulated water supply, sewerage system, and a stormwater system where available. The lack of reticulated stormwater is considered to be a constraint that may result in the land being zoned Low Density Residential, as opposed to General Residential. Whilst the sites can be serviced with reticulated sewerage it is also noted through advice from the Building Control Unit that lots 1,500 m² in size can be serviced by on-site wastewater systems.

Environmental constraints have minimal impact on the subject sites, being a relatively small portion of the site highlighted as potential medium risk of landslide adjacent the east boundary of titles CT15444/1 and CT15444/2.

Therefore the environmental constraints associated with the site, including landslide hazard, do not affect the potential for higher density residential development. In total, medium landslip hazards are identified as affecting approximately 3.4% of the subject site along the eastern boundary, which protrude no more than 18 m into the site (see Figure 11).

Zone Purpose Statements of the Low Density Residential Zone

A geotechnical report was submitted with the previous application for the subdivision of 149 West Mooreville Road. The report concluded that a tolerable level of risk could be achieved if principles of good hillside practice are followed in the development of the site.

Table 12: Local Area Objective of the Low Density Residential Zone

Local Area Objectives of the Low Density Residential Zone
<p>12.1.2</p> <p><i>(a) Land is available for residential use in urban and semi-urban settings;</i></p> <p><i>(b) Low density residential areas make efficient use of land and optimise available infrastructure provision through a balance between infill and redevelopment of established residential areas and by incremental release of new land;</i></p> <p><i>(c) The type, scale, and intensity of use or development are consistent with the level of permanent constraint on residential use at suburban densities.</i></p> <p><i>(d) New or intensified use or development is restricted if the limit of a known constraint on residential use is uncertain;</i></p> <p><i>(e) Low density residential areas provide equivalent opportunity for single dwelling and multiple dwelling developments and for shared and supported accommodation through private, public, and social investment.</i></p> <p><i>(f) Low density residential areas enable opportunity for convenient access to basic level services and facilities for education, health care, retail, social, and recreation purposes;</i></p> <p><i>(g) Low density residential areas provide small-scale employment opportunities in home occupation and home based business.</i></p> <p><i>(h) The amenity and character of low density residential areas is commensurate with the location of housing and support activity within a shared urban or semi-urban living space, and is to take into account –</i></p> <ul style="list-style-type: none"> <i>(i) the likely impact on residential use from the occurrence and operation of non-housing activity;</i> <i>(ii) suitability of a site for intended use;</i> <i>(iii) possible absence in provision or capacity of community services, transport infrastructure and utilities;</i> <i>(iv) restriction imposed by an environmental constraint;</i> <i>(v) the level of risk from exposure to a natural hazard; and</i> <i>(vi) the effect of location and configuration of buildings within a site on -</i> <ul style="list-style-type: none"> <i>a. apparent bulk and scale of buildings and structures;</i> <i>b. opportunity for on-site provision of private open space and facilities for parking of vehicles;</i> <i>c. opportunity for access to daylight and sunlight;</i> <i>d. visual and acoustic privacy between adjacent dwellings; and</i> <i>e. consistency of the streetscape; and</i> <i>f. the relationship between new sensitive use and the use of land in an adjoining zone</i>
<p>Comment</p>

Local Area Objectives of the Low Density Residential Zone

The proposed change to the zone of the subject site to the Low Density Residential classification is consistent with the Local Area Objectives of the Zone as follows:

The requested zone change is assessed against provisions of the Low Density Residential Zone:

(a) The subject site is currently used for residential purposes adjacent semi-urban settings, including General Residential Zones and the existing Low Density Residential development east of the site. The *BUR-LPS* recommends the zoning of this site be changed to General Residential.

(b) The subject site can more efficiently use and optimise available infrastructure through higher density infill development, having access to West Mooreville Road and being serviced by power, water and sewerage utilities. All services including mail and refuse collection are currently available. The rezoning of the site will support the incremental release of new land.

(c) The subject site is comprised of four (4) properties between 5,779 m² and 20,630 m², each containing a residential dwelling and associated outbuildings, which are used for residential purposes only. The site is within 430 m of General Residential zoning, and shares access to utilities and infrastructure with those areas. These sites are already zoned for residential use.

A detailed review of potential land use conflict associated with the further development of the property at 149 West Mooreville Road in July 2017 demonstrated to the satisfaction of the RMPAT that the further subdivision of the land would not impact, fetter or constrain agricultural activity or the right to farm on land zoned Rural Resource, and in the vicinity. Given also that the existing Rural Living Zone extends south to Cooee Creek, which enables the buffering of the now proposed subject site, the greater density of development will not generate land use conflict.

The site is largely free of risk from natural hazards, with the exception a small section of the site being subject to landslip hazards; these are not expected to significantly limit further residential development if recommendations for proper hillside development practices are adopted based upon the findings of the Geotechnical assessment undertaken relative to this issue.

(d) The subject site has the capacity to accommodate higher density residential uses. Lot yield from the rezoning may increase residential development in the area by up to 35 lots.

(e) The subject site is comprised of four dwellings that do not provide employment or home based-businesses on land that has been assessed as limited capacity for primary production purposes. Re-zoning of the site to Low Density Residential would enable the site to provide single and multiple dwelling development opportunities under various investment models.

(f) The subject site has been assessed to determine its capacity for increased residential densities, and is shown to be capable of accommodating higher densities without constraint by utilities or infrastructure other than for stormwater, which can be managed. The site is also shown on Scheme hazard maps to be largely free of constraints imposed by natural hazards. The subject site is within 2 km of basic facilities, including crèches, primary and high schools, tertiary education, healthcare, retail, social, and recreation facilities.

Local Area Objectives of the Low Density Residential Zone

(g) A land capability assessment of 149 West Mooreville Road has demonstrated that the redevelopment of the site will not impact, fetter or constrain agricultural activities on Rural Resource Zoned land within the area.

By comparison, the existing General Residential Zone to the east of the subject property incorporating the development at Platinum Drive appears not to have impacted the agricultural use of the Rural Resource zoned land, which is immediately adjacent. The proposed rezoning of the subject property differs markedly in its context and the potential impact on agricultural use.

(h) The subject site is comprised of four residential properties. The site is on the western outskirts of the City of Burnie's urban footprint and is within 430 m of General Residential zoning, with which it shares access to infrastructure and utilities, contributing to its consistency with the amenity and character of the surrounding area. This takes into account:

(i) the following factors –

- a. The proposed rezoning to Low Density Residential will not affect the potential occupational and operational practices of primary industry and other uses on rural land. Rural Resource zoned land is separated from the northern boundary of subject site by West Mooreville Road. Rural Resource zoned land to the west of the subject site, also separated by West Mooreville Road, accommodates a respite facility with which the proposed rezoning will not conflict.
- b. The subject site is accessed from West Mooreville Road, which connects the site to facilities throughout the city of Burnie. Utilities infrastructure is located within the subject site (water and sewerage mains, and fibre optic cables) and adjacent the site (power lines).
- c. The subject site is within 3.4 km of the urban centres of Burnie and Somerset respectively. All facilities for convenience retail, education, entertainment, health and social support, and for sports and recreation are within this area.
- d. A section of medium risk landslide hazard is identified along part of the eastern boundary of the subject site, and amounts to approximately 3.4% of total site area. Previous geotechnical analysis of 149 West Mooreville Road concluded that the risk to development could be managed by following principles of good hillside practice.
- e. The subject site is not remote, as it is within 3.0 km of the urban centres of Burnie and Somerset respectively, and is within 2.5 km of a wide range of social infrastructure services including shopping, educational, recreational, and community facilities.

(ii) While no development is proposed with this representation and requested amendment, the effect of location and configuration of buildings within the site are considered as follows:

Local Area Objectives of the Low Density Residential Zone

- a. The apparent bulk and scale of buildings and structures on the subject site can be increased in line with Low Density Residential Zone provisions, which is consistent with adjacent zones east of the subject site.
- b. The provisions of the Low Density Residential Zone, if applied, would maintain a scale and density of development that ensures opportunities for the on-site provision of private open space and facilities for parking.
- c. The scale and density of development under the Low Density Residential Zone would maintain requirements for access to daylight and sunlight.
- d. Visual and acoustic privacy between adjacent dwellings is a requirement under provisions of the Low Density Residential Zone.
- e. The change of zone to Low Density Residential will be consistent with the character of nearby General Residential zoning within 430 m of the subject site.

Table 13: Desired Future Character of the Low Density Residential Zone

Desired Future Character of the Low Density Residential Zone

12.1.3

Use or development in a low density residential area is to provide –

- (a) sites that are typically larger than suburban lots, although size is dependent on availability of utilities and land capability;*
- (b) choice and diversity in the design, construction, and affordability of buildings;*
- (c) housing as a predominant but not exclusive form of development;*
- (d) buildings that are typically of one or two storeys;*
- (e) a streetscape in which buildings are setback consistently from the frontage;*
- (f) buildings that are set apart from adjacent buildings to –*
 - (i) reduce apparent bulk and scale;*
 - (ii) enable each an opportunity for access to sunlight; and*
 - (iii) assist visual and acoustic privacy of adjoining residents;*
- (g) site coverage that retains unbuilt area for recreation, service activity, vehicle parking, and on-site disposal of sewage or stormwater; and*
- (h) an ordered pattern of lots and an internal road network*

Comment

The proposed zone change of the subject site to Low Density Residential is consistent with the Desired Future Character of the Zone as follows:

Characteristics of the subject site, including its proximity to higher density residential development and a range of facilities and services required to support such land uses, demonstrate suitability within the terms of the desired future character of the Low Density Residential Zone rather than the existing Rural Living Zone.

Desired Future Character of the Low Density Residential Zone

(a) A change to the zone of the subject site would encourage an ordered cluster of dwellings supported by access to utilities and infrastructure, and provide a point of difference in the housing market in Burnie.

(b) The subject site is capable of increasing residential density while providing lots that are larger than typical suburban lots. The previous proposal for the subdivision of 149 West Mooreville Road included lots ranging from 2,014 m² to 4,720 m² (averaging 2,717 m²). The recent subdivision of lots within the Low Density Residential Zone of Park Grove for example which is located approximately 520 m east of the subject site, resulted in lots ranging from 642 m² to 2,129 m² (averaging 946 m²). Development within the General Residential Zone at Platinum Drive is within 430 m of the subject site. See Figure 12.

(c) The requested zone change does not include a proposal for development, but would not impede the potential for non-residential uses in the subject site.

(d) Not applicable.

(e) Building heights of one to two storeys are desired future characteristics of both the Rural Living and Low Density Residential Zones.

Given the required minimum lot size of 1,500 m² the requested rezoning will:

(f) maintain a landscape that supports setbacks between buildings that protect access to sunlight, visual and acoustic privacy.

(g) maintain a requirement for “larger than suburban lots” that provide space for car parking, recreation, and on-site disposal of stormwater.

(h) maintain access to water, sewerage, communication and energy utilities, and the capacity for on-site drainage of stormwater.

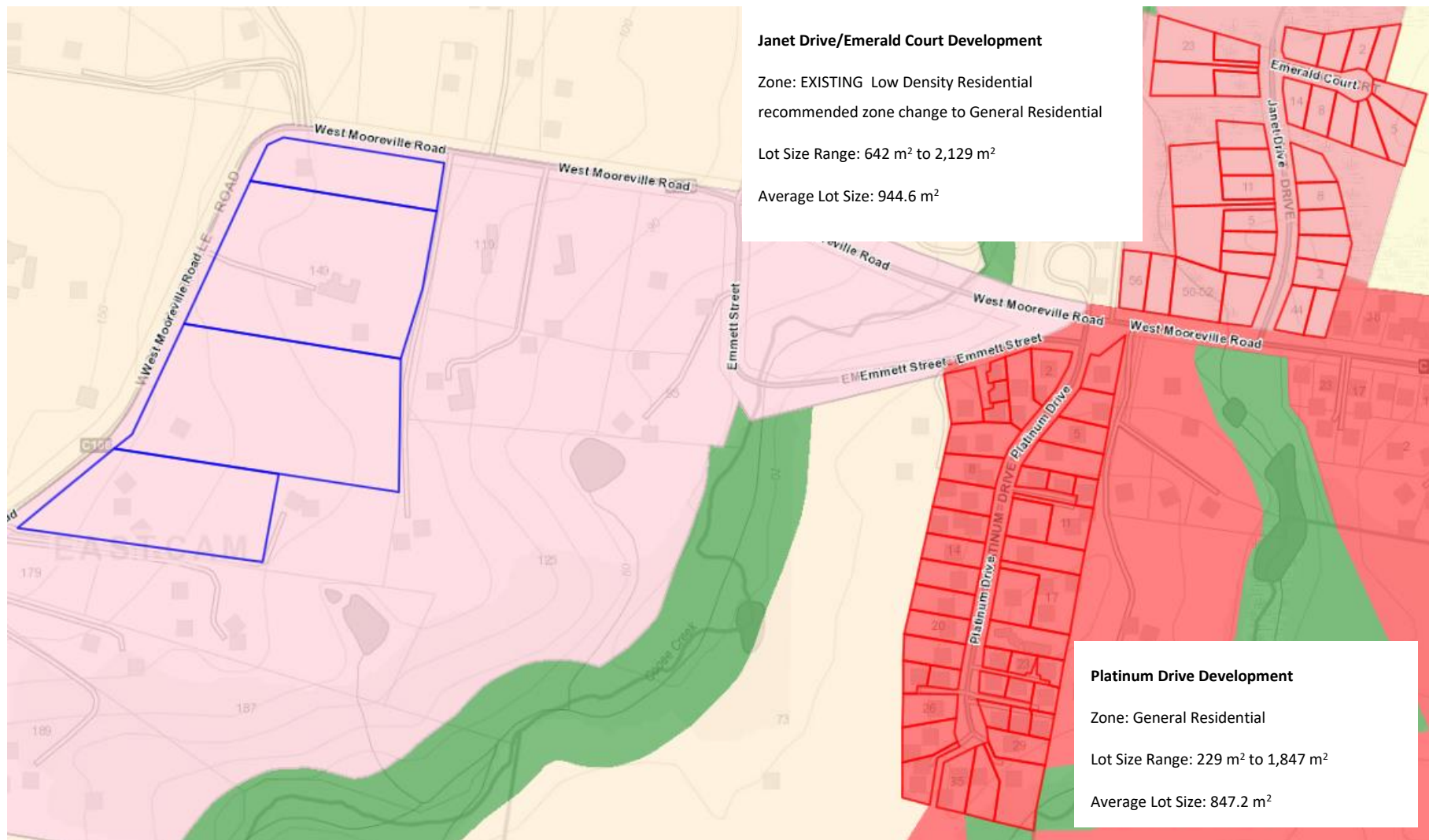


Figure 12: Lot sizes in nearby Low Density and General Residential Zone developments

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

6.3.2 A Settlement and Investment Strategy for Burnie to 2026

A Settlement and Investment Guide for Burnie to 2026 is a key strategic document in considering the appropriateness of rezoning land within the Burnie LGA. The Strategy, originally released in 2007 and revised in 2016, observes that the recent trend in smaller households is expected to continue over the decade to 2026, and that this will be reflected in a demand for at least 59 allotments per annum. The strategy identifies three localities on the fringe of the Burnie urban area (Romaine, Shorewell Park and Park Grove) that have traditionally accounted for 60% of all vacant residential sales over the calendar years 2014 and 2015. In this context, being advanced more than half way through the period 2007-2026, the current request for a zoning amendment accords with a number of the strategic recommendations of the Strategy.

The Strategy is intended to:

“...guide development and investment decisions in Burnie in a manner that will provide a pattern of settlement and infrastructure provision that is achievable, orderly, economic and sustainable, and that will be relevant to future needs, capabilities and potentials.”

The Strategy addresses a range of matters to which this report responds to demonstrate the appropriateness of the requested rezoning.

Table 14: Guiding Principles of the Settlement and Investment Strategy for Burnie to 2026

5.1 Guiding Principles	Response
<i>(a) Actively managing settlement patterns and forms to encourage the right activities in the right locations;</i>	The subject site comprises four residential dwellings and associated buildings, is adjacent higher density residential land use in Park Grove, and has the capacity to accommodate a higher density of residential development.
<i>(b) Reducing conflicts between competing uses;</i>	Being within the Rural Living Zone the Purpose of the subject site is for residential use of an appropriate scale. Adjacent Rural Resource Zoned land is used for primarily residential purposes, including the Panorama Westwood respite centre.
<i>(c) Promoting the economic base of the City;</i>	The redevelopment of the land will result in a further offering of up to 35 new allotments all an area of approximately 1500 m ² , which is a point of difference from many of the existing land within the present urban fringe.
<i>(d) Improving the quality of the environment and avoiding detrimental environmental impact;</i>	Detrimental environmental impact will not result from the redevelopment of the subject site.
<i>(e) Providing for residential, industrial, commercial and community growth in an orderly manner;</i>	The requested zone change will provide land for residential development consistent

	with growth patterns in the surrounding area.
<i>(f) Allowing for the effective development and operation of transport and related services;</i>	The subject site is accessed via West Mooreville Road, which allows for more effective use of existing transport infrastructure.
<i>(g) Providing for the recreational and open space needs of both residents and visitors;</i>	Not applicable.
<i>(h) Recognising new trends in the use of and development of land;</i>	The proposed zone change recognises and supports the trend in higher density residential development in the west of Burnie's urban footprint, including recent developments in the Low Density (recommended for General Residential zone) and General Residential Zone of Park Grove within 430 m of the subject site.
<i>(i) Promoting development at a rate and in locations that can be provided with infrastructure services.</i>	The subject site is serviced by water and sewerage mains, and communications and electricity infrastructure, mail and refuse collection services together with access to West Mooreville Road.
AND	
<i>(a) Preference given to development resulting in urban growth and consolidation on land that adjoins other land which is already being used for urban purposes and is the most economic to service;</i>	The subject site is within 430 m of recent residential developments in Park Grove, and is able to utilise existing water, sewerage, electricity, communications and transport infrastructure.
<i>(b) Not provide for development of land which is unsuitable for urban growth due to its agricultural capability consistent with State policy;</i>	The zoning of the existing properties has as its primary purpose, residential use. The topography of the subject is consistent across the four (4) properties and will allow residential development at attractive and workable densities.
<i>(c) Not include for development land that is unsuitable due to any environmental hazard or sensitivity unless an assessment of the risk has been made and is considered to be minor or alternatively provision is made for the control of that hazard;</i>	The subject site is generally free of environmental hazard, with the exception of a very small section of medium risk landslip hazard along the eastern boundary, which amounts to approximately 3.4% of the subject site. A geotechnical report prepared for the previous application for subdivision of 149 West Mooreville Road concluded that a tolerable level of development risk could be achieved by following principles of good hillside practice.

<i>(d) Not include for development land which has conservation value or which has heritage, environmental or cultural significance;</i>	Not applicable.
<i>(e) Have regard for landscape and scenic values;</i>	The proposed zone change will not alter the primary residential use of the land, but will allow for a higher density of residential development being cognisant of the level of existing infrastructure services. Provisions of the Low Density Residential Zone will maintain appropriate setbacks and site coverage requirements to protect landscape and scenic values.
<i>(f) Have regard to the rural character and heritage significance of small settlements and the need to maintain that character and significance;</i>	Residential developments to the east of the site are advancing the urban footprint of Burnie, which connects to the subject site through a corridor of residential use within the Rural Living Zone.
<i>(g) Integrate land use and transport to minimise the need to travel and encourage energy and resource efficiency; and</i>	The subject site is accessed via West Mooreville Road and is serviced by a range of utilities, which improves the resource efficiency of increasing residential density at the subject site.
<i>(h) Provide for sustainable development within a performance based system that ensures the viability of existing operators and best manages risks associated with under and over investment over the planning period.</i>	The proposed zone change will enable the subject site to be utilised for increased residential development without reliance on new utilities infrastructure, which supports the sustainability of potential development.

7. Conclusion

It is submitted that the proposal to change the zone classification of this land is justified given the context of the site, availability of infrastructure services, and the potential for residential intensification. In particular, the following is advanced in support of the proposition:

1. The proposed amendment is in accordance with the *Land Use Planning and Approvals Act 1993, Division 1* and *Division 2*, section 32 and section 300 relative to the Cradle Coast Regional Land Use Strategy.
2. Through assessment against the Zone Purpose Statement, Local Area Objectives, and Desired Future Character Statement of the Low Density Residential Zone the subject site is demonstrably more suited to use for a higher density of residential development.
3. The Settlement and Investment Guide for Burnie to 2026, through its guiding principles, provides justification for the use of the land for intensified residential purposes.
4. The primary purpose of both the current Rural Living and proposed Low Density Residential Zones is the provision of residential land. Scheme provisions are intended to manage the scale and density of development within the Rural Living Zone. However, an assessment of the subject site in Section 4 of this report demonstrates that the land is more suitable for the increased density of development permitted by the Low Density Residential Zone. Therefore, the opportunity to maximise the capacity of significant infrastructure services available to the site will generate sustainable development of infill residential allotments.
5. Whilst the land is on the fringe of the existing residential growth boundary, it has been demonstrated that the development of the land at greater densities will not impact, fetter or constrain agricultural activity within the nearby Rural Resource zoned land.
6. Further, the subject site is within a residential growth corridor extending westward from Burnie, with new residential development at similar and greater density in Park Grove, within 430 m of the subject site. Importantly, the rezoning of the land will enable the containment and orderly redevelopment which will capitalise upon infrastructure services available to the land achieving a liveable and sustainable community
7. The Local Area Objectives and Desired Future Character of the Low Density Residential Zone suggest that the subject site is well positioned to more efficiently use the land for which the type, scale and intensity of development is consistent with available infrastructure services and land capability. Assessment in this report demonstrates that the subject site and immediate surrounds are used primarily for residential purposes, and that the site possesses the capacity to accommodate a greater density of residential development through further utilisation of services infrastructure and associated services.
8. The opportunity to further develop the subject site is consistent with the guiding principles of the Settlement and Investment Strategy for Burnie to 2026 and of the Cradle Coast Regional Land Use Framework 2010-2030, which promote the continuation of settlement patterns to promote development where existing utilities infrastructure can be more economically utilised.
9. The proposal to alter the zone will improve the efficiency and sustainability in the provision of increased residential development opportunities/offerings while advancing the strategic intentions of local and regional development policies.
10. The proposal speaks to the proposition to change the zone classification of the subject sites in recognition of the attributes and services available to the existing properties which will

enable the realisation of infill development to maximise efficient use of the land and services.

11. In this sense, the existing status of the subject land and the proposed application of the Low Density Residential (LDR) zone classification represents the most corresponding purpose in terms of the translation to the *BUR-LPS*, given the above and the site's present classification as a residential use. Relevantly the application of the LDR zone to the subject site is consistent with the criteria LDRZ1(a) in Guideline No1.
12. The underlying premise for the request for a change in zoning for the subject sites from Rural Living to the Low Density Residential zone is the suitability of the area and the capacity of the land to meet the prequalification requirements of the Low Density Residential zone specified within the Tasmanian Planning Scheme.
13. In terms of the description of the 'urban area' it is recognised that this is generally characterised by an organised concentration of activity – people, improvement, including building, roads and other activity spaces, to provide a permanent multi-purpose location such as a city, town or village. It is submitted that the location of the subject properties adjacent existing closer settlement residential development and associated services equates to infill development as a part of that urban area.
14. Neither does the proposal represent 'urban expansion,' which is described as enlarging the footprint or extending a defined urban centre beyond the existing designated legal and policy boundaries, and generally involves the conversion of land from another use. The existing use is residential and therefore a change in the zone will not introduce a change in the existing use.
15. Of particular relevance are the principles underlying the development of the Tasmanian Planning Scheme in the application of the Rural Living zone which is not to be applied to land which is intended and suitable for urban development. In this regard adequate reticulated water and sewerage systems are available to the subject land in accordance with the requirements of the Water and Sewerage Industry Act 2008. This infrastructure allows the opportunity to achieve the highest and best use of the subject site facilitating a greater density of residential development for which the LDR zone is considered most appropriately applied.
16. Finally, it is argued that the change to the zoning of the land is in keeping with the strategic intent for residential development within the context of the State Planning Framework and State Planning Provisions.

Appendices

Appendix A – Certificates of Title

SEARCH OF TORRENS TITLE

VOLUME 15444	FOLIO 1
EDITION 5	DATE OF ISSUE 23-Sep-2013

SEARCH DATE : 06-Jun-2018

SEARCH TIME : 02.31 PM

DESCRIPTION OF LAND

City of BURNIE

Lot 1 on Plan 15444

(Formerly Lot 1 on SPD No 932)

Derivation : Part of 50,000 Acres Gtd to The Van Diemens Land
Company

Prior CT 4163/7

SCHEDULE 1C216168 TRANSFER to MICHAEL GRAHAM JACK and FRANCES MARY JACK
Registered 22-Feb-2000 at 12.01 PMSCHEDULE 2


Reservations and conditions in the Crown Grant if any

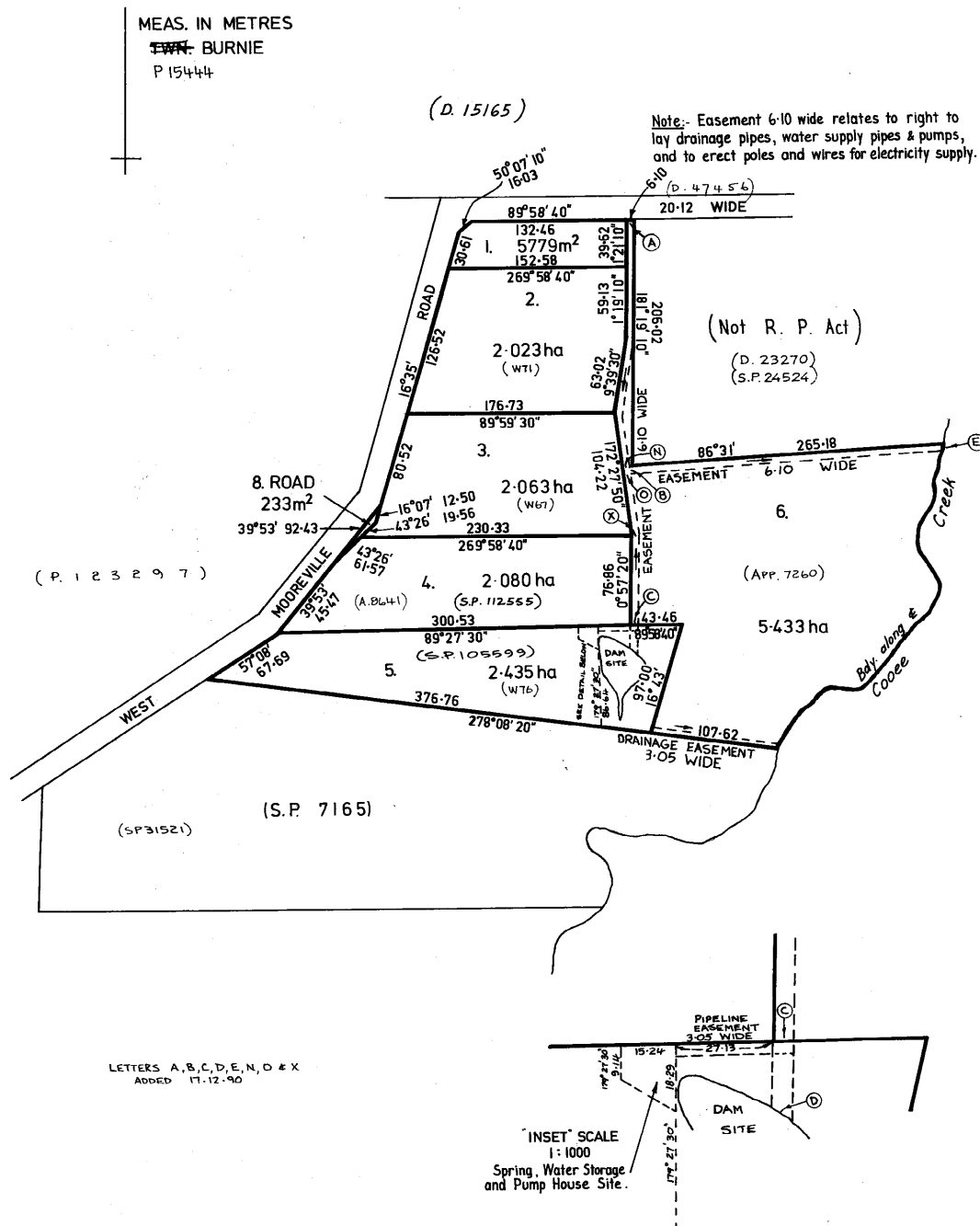
SPD 932 EASEMENTS in Schedule of Easements

45/4898 CONVEYANCE Made Subject to Boundary Fences Condition

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

<p>Owner:</p>	<p>PLAN OF SURVEY</p> <p>by Surveyor _____ of land situated in the _____</p> <p>TOWN OF BURNIE</p> <p>SCALE 1: 3000</p>	<p>Registered Number:</p> <p>P. 15444</p> <p><i>Approved</i> 15 DEC 1980 <i>Effective from</i></p> <p><i>J. Strowd</i> ACTING DEPUTY Recorder of Titles</p>
<p>Title Reference:</p> <p>Grantee: PART OF ^{Sections 29 & 30} 50,000 Acres, EMU BAY BLOCK, GRANTED TO THE VAN DIEMANS LAND COMPANY.</p>		



CERTIFICATE OF TITLE

LAND TITLES ACT 1980



TASMANIA

TORRENS TITLE

VOLUME		FOLIO
15444		2
EDITION	DATE OF ISSUE	
3	07-Jan-2008	
Page 1		of 2

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

Alice Kawa

Recorder of Titles.



DESCRIPTION OF LAND

City of BURNIE
Lot 2 on Plan 15444
(formerly Lot 2 on S.P.D. 932)
Derivation : Part of 50,000 Acres Gtd. to The Van Diemens Land Company
Prior CT 4163/8

SCHEDULE 1

C783115 TRANSFER to COLIN JAMES MARGETTS and JACQUELINE ELIZABETH MARGETTS Registered 07-Jan-2008 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP 15444 EASEMENTS in Schedule of Easements
BURDENING EASEMENT: the rights created by Indenture No. 55/4049 made between Oscar Nielson and Mary Ann Nielson (hereinafter called "the Grantors") of the one part and the Society for Multiply Handicapped of Tasmania (Multicap) Incorporated (hereinafter called "the Grantee") of the other part whereby the Grantors as registered proprietors of the said land within described (hereinafter called "the Servient Tenement") granted to the Grantee as registered proprietors of an estate in fee simple of 12.95 hectares comprised in Certificate of Title Volume 3443 Folio 68 and 13.76 hectares comprised in Conveyance No. 52/4056 (hereinafter called "the Dominant Tenement") the right to lay a water pipe and sewerage pipe and mains under the surface of the land marked Drainage Easement 2.00 metres wide part of their land described as aforesaid for the purpose of installing a water supply and sewer mains servicing the dominant tenement known as Multicap Heights in the following terms The full and free right and liberty at all times to use the drainage easement to be laid under the surface of the servient tenement in common with any other person lawfully entitled thereto and freely to run and pass water and sewerage

WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER

CERTIFICATE OF TITLE

LAND TITLES ACT 1980



TASMANIA

TORRENS TITLE

VOLUME 15444		FOLIO 2
EDITION 3	DATE OF ISSUE 07-Jan-2008	
Page 2		of 2

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

Alice Kawa

Recorder of Titles.



through under and along the respective pipes and from time to time and at all times to enter upon that portion of the servient tenement where the drainage easement is located to inspect cleanse repair and maintain the drainage easement and when and where necessary to lay new pipes in substitution therefor AND (a) For the purposes of the full enjoyment of the aforesaid rights the Grantee shall have full free and uninterrupted right and liberty at all times and from time to time to enter upon to go pass and repass over and along the drainage easement and shall have the right to enter upon and under the servient tenement with or without inspectors workmen or other persons or to open or brake only the soil necessary of the servient tenement as well the sub-surface thereof and to bring and place in and upon the servient tenement and remove such materials machinery tools and other articles and to do such things as the Grantee shall in its discretion shall think fit doing as little damage or inconvenience as may be to the owners or occupiers for the time being of the sevient tenement (b) The grantors will not at any time build upon that portion of the servient tenement upon which the drainage easement is located or use or permit the said land to be used in such a way as to obstruct or interfere with the drainage easement. (c) The Grantee hereby agrees with the Grantors that the Grantee will at all times hereafter exercise the rights and privileges hereby granted in a proper and workmanlike manner so as to cause as little inconvenience as possible and to do as little damage as practicable to the servient tenement

C755960

MORTGAGE to Westpac Banking Corporation Registered
07-Jan-2008 at 12.02 PM

SEARCH OF TORRENS TITLE

VOLUME 15444	FOLIO 3
EDITION 3	DATE OF ISSUE 09-Dec-2014

SEARCH DATE : 06-Jun-2018

SEARCH TIME : 02.31 PM

DESCRIPTION OF LAND

City of BURNIE

Lot 3 on Plan 15444

formerly Lot 3 on S.P.D. No. 932

Derivation : Part of 50,000 Acres Gtd. to The Van Diemens Land
Company

Prior CT 4162/93

SCHEDULE 1D150464 MARIE PATRICIA REDMAN Registered 09-Dec-2014 at 12.
01 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

SPD 932 EASEMENTS in Schedule of Easements

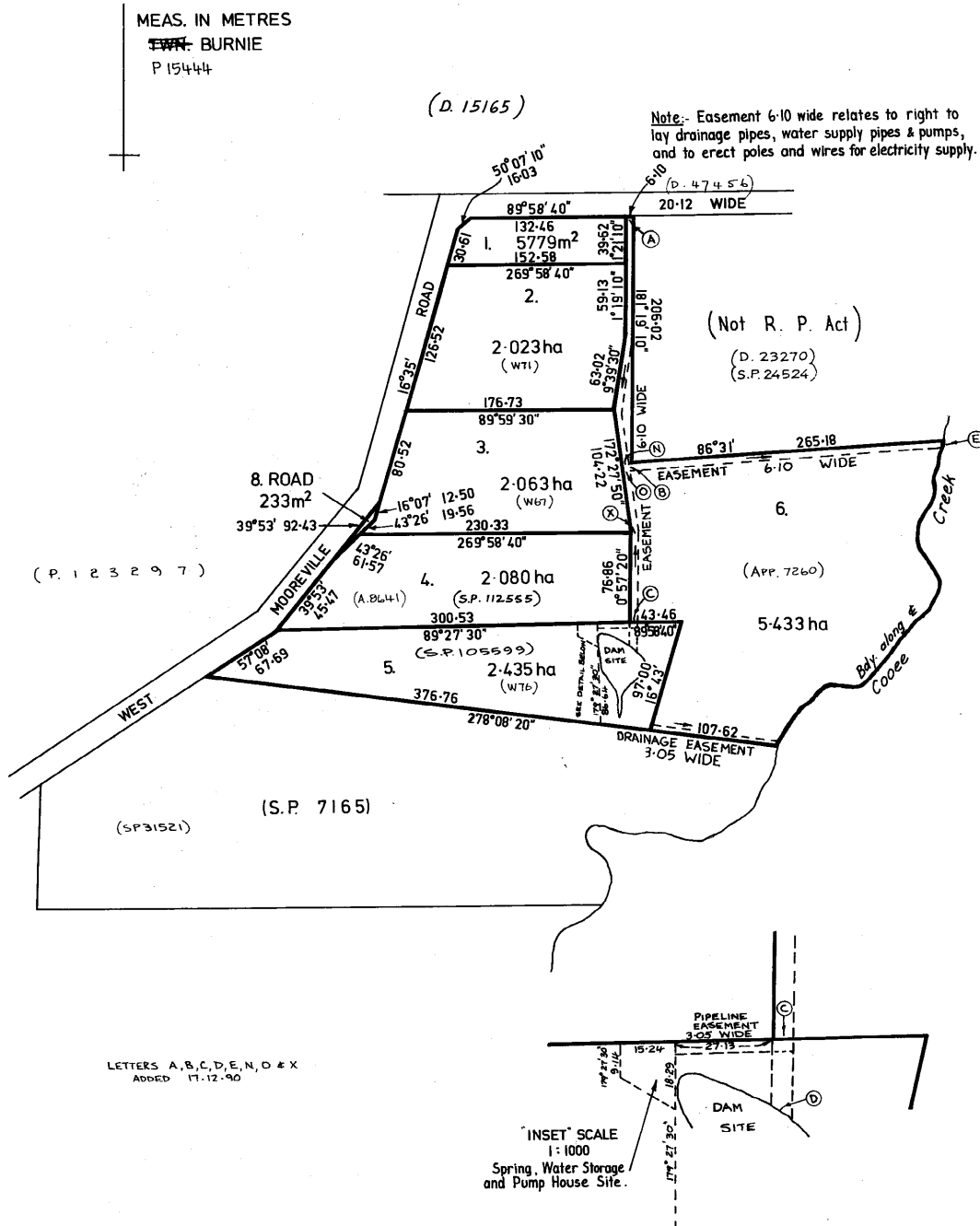
BURDENING EASEMENT: Rights created by Indenture No. 55/3506 made between Kevin Frederick Redman and Marie Patricia Redman (hereinafter called "the Grantors") of the one part and The Society for Multiply Handicapped of Tasmania (Multicap) Incorporated (hereinafter called "the Grantee") of the other part whereby the Grantors as registered proprietors of the said land within described (hereinafter called "the Servient Tenement") granted to the Grantee as registered proprietors of an estate in fee simple of 12.95 hectares comprised in Certificate of Title Volume 3443 Folio 68 and 13.76 hectares comprised in Conveyance No. 52/4050 (hereinafter called "the Dominant Tenement") the right to lay a water pipe and sewerage pipe and mains under the surface of the land marked Drainage Easement 2.00 metres wide on P15444 for the purpose of installing a water supply and sewer mains servicing the dominant tenement known as Multicap Heights in the following terms: The full and free right and liberty at all times to use the drainage easement to be laid under the surface of the servient tenement in common with any other person

lawfully entitled thereto and freely to run and pass water and sewerage through under and along the respective pipes and from time to time and at all times to enter upon that portion of the servient tenement where the drainage easement is located to inspect cleanse repair and maintain the drainage easement and when and where necessary to lay new pipes in substitution therefor AND (a) For the purposes of the full enjoyment of the aforesaid rights the Grantee shall have full free and uninterrupted right and liberty at all times and from time to time to enter upon to go pass and repass over and along the drainage easement and shall have the right to enter upon and under the servient tenement with or without inspectors workmen or other persons or to open or brake only the soil necessary of the servient tenement as well the sub-surface thereof and to bring and place in and upon the servient tenement and remove such materials machinery tools and other articles and to do such things as the Grantee shall in its discretion shall think fit doing as little damage or inconvenience as may be to the owners or occupiers for the time being of the servient tenement; (b) The Grantors will not at any time build upon that portion of the servient tenement upon which the drainage easement is located or use or permit the said land to be used in such a way as to obstruct or interfere with the drainage easement; (c) The Grantee hereby agrees with the Grantors that the Grantee will at all times hereafter hereby exercise the rights and privileges hereby granted in a proper and workmanlike manner so as to cause as little inconvenience as possible and to do as little damage as practicable to the servient tenement

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

Owner:	PLAN OF SURVEY	Registered Number:
Title Reference:	by Surveyor of land situated in the	P. 15444
Grantee: Sections 29 & 30 PART OF 50,000 Acres EMU BAY BLOCK, GRANTED TO THE VAN DIEMANS LAND COMPANY.	TOWN OF BURNIE	Approved Effective from 15 DEC 1980 J. Gould ACTING DEPUTY Recorder of Titles
	SCALE 1: 3000	



SEARCH OF TORRENS TITLE

VOLUME 112555	FOLIO 1
EDITION 4	DATE OF ISSUE 19-Sep-2012

SEARCH DATE : 06-Jun-2018

SEARCH TIME : 02.32 PM

DESCRIPTION OF LAND

City of BURNIE

Lot 1 on Sealed Plan 112555

Derivation : Part of 50,000 Acres Gtd. to Van Diemens Land

Company

Prior CT 15444/4

SCHEDULE 1

B955927 & C950937 TRANSFER to DEREK ROYCE HOWARD Registered
19-Sep-2012 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 112555 EASEMENTS in Schedule of Easements

SP 112555 COVENANTS in Schedule of Easements

SP 112555 FENCING COVENANT in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

OWNER G.A. & G.L. AITKEN FOLIO REFERENCE CT 4162/93 C.T. 15444-4 GRANTEE Part of 50000 acres Emu Bay Block to Van Diemens Land Company		PLAN OF SURVEY BY SURVEYOR Len C. MACKENZIE LOCATION CITY of BURNIE SCALE 1:2000 LENGTHS IN METRES		REGISTERED NUMBER SP112555 APPROVED EFFECTIVE FROM 3.0 NOV. 1994 <i>Record of Titles</i>
MAPSHEET MUNICIPAL CODE No. 42	LAST UPI No. 4060	LAST PLAN No. P15444	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	

The diagram shows a survey plan with two main parcels, 1 and 2. Parcel 1 is a rectangular area measuring 1.197ha, with dimensions 133.49m by 195.12m. Parcel 2 is an adjacent area measuring 8814m², with dimensions 96.83m by 71.86m. The plan includes several easements: a 3.00m wide pipeline easement (SP105599) running along the bottom of Parcel 1, and a 3.05m wide pipeline easement running along the right side of Parcel 2. A dam site is located near Parcel 2, with a spring water storage and pump house site nearby. The plan also shows West Mooreville Road and Mooreville Road. Various other dimensions and angles are provided for the boundaries and easements.

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Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
Final	Ryan Robinson	John Ayers	On File	John Ayers		11/12/2019

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