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Subject: Geoff Davis - response to TPC additional information required

Good afternoon Jo

Please see attached Planning Authority's response to TPC request for additional information for the LPS Hearing next week.

Best Regards

Mary-Ann Edwards

Land Use Planning Group Leader

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**Central Coast Planning Scheme Hearings-Further Information from Planning Authority As
Requested from the TPC**

Issue 1

Provide further information for recommending the Landscape Conservation Zone with reference to Guideline No1 in response to representations 1,6 8,10,11,34,48,68,96 and 97, various locations.

Comment

The Lots under discussion are zoned Environmental Management and Rural Resource and held in private ownership.

The guidelines No. 1 state the Environmental Zone should be applied to land with significant ecological cultural or scenic values, such as public land reserved for primarily protecting and conserving such values. Private land that has been identified as containing such significant values and where the intention is to limit use and development should also be zoned Environmental Management.

The Landscape Conservation Zone requirements do not include the matter of ownership as per the Environmental Zone but should be applied to areas such as bushland, large areas of vegetation, areas of important scenic values or where some small scale use or development may be appropriate.

The planning authority has taken the view that land held in private ownership should not be zoned Environmental Management. If the site attributes meet the Landscape Conservation zone requirements then it should be zoned Landscape Conservation.

In relation to the subject sites the following points are made;

1. There is no public ownership.
2. No significant scenic or landscape values have been identified.
3. Some sites contain bushland.
4. Some sites include a house and associated outbuildings e.g. Rep 11, Rep.6 which also has limited rural potential.
5. The sites meet the Landscape Conservation Application Guidelines.

Issue 2

Provide further advice about the loss of agricultural land with reference to the PAL policy and the potential increase in residential land with the reference to the regional strategy and any local strategy in response to representation 24, 80 Deviation Road Penguin.

Comment

The following points are made.

With regards to the PAL policy Principle 7 states,

“The protection on non-prime land agricultural land from conversion to non-agricultural use will be determined through the consideration of the local and regional significance of that land for agricultural use.”

The land is not classed as prime land with majority of the land being exempt with a small slither (approx., 1/6) classed as 4.

The land requested to be rezoned is not considered to be significant agricultural land in the local and regional context. It's small in area and includes a residence. To ensure the reduction of vegetation, intermittent grazing with sheep occurs. No other agricultural production occurs. Most of the land under the land capability classification is exempt.

With regards to the regional strategy, Penguin is recognised as a settlement with limited growth potential.

The regional strategy facilitates the requested zoning with policies such as;

- Facilitate choice and diversity in location, form and type of housing to meet the economic, social, health and well- being requirements and preferences of all people.
- Require housing land is separated from and buffered against adverse effect from existing and potential adjacent non-residential use.

The site has adequate separation and vegetation buffers from the nearby rural land.

- Provide land for housing-development requirements which do not unreasonable or unnecessary constrain the following –
 1. Efficient use of land and infrastructure
 2. Housing market and supply
 3. Location of housing outside designated residential estates
 4. Diversity in type, mix within a single urban locality as appropriate to lifestyle preference and changing housing needs
- There is no adverse effect on key natural resource values, including areas of biodiversity significance and landscape aesthetics.

The proposed rezoning satisfies the above. It adjoins residential development, it can be easily serviced, it will not upset the housing supply and offers an opportunity for some diversification from the normal suburb lifestyle.

Issue 3

Provide further advice about the application of Rural Living B zoning rather than rural living A zoning across the municipality, with reference to Guideline No.1 and representations 26, 28 29 and 31.

The zone was applied in accordance with zone applications guidelines.

The Planning Authority believes given the lot size, development constraints and adjoining zoning the draft zoning is a drafting error as it should be Rural living A.

Issue 4

Provide further advice about the loss of agricultural land, with reference to the PAL policy and the potential increase in residential land, with reference to the regional strategy or any local strategy in response to representation 30, Forth.

Comment

An agricultural report submitted by the representor classifies the land capability as being class 4; therefore it's not prime land.

With regards to the PAL policy Principle 7 states,

"The protection on non-prime land agricultural land from conversion to non-agricultural use will be determined through the consideration of the local and regional significance of that land for agricultural use."

The area is small (3.3Ha) and consists of poor pasture with some grazing undertaken. It's not considered to have local or regional significance.

The Cradle Coast Regional Strategy identifies Forth as a settlement with medium growth. A cursory survey suggests there is little if any vacant residential land available in Forth.

The regional strategy facilitates the requested zoning with policies such as;

- Facilitate choice and diversity in location, form and type of housing to meet the economic, social, health and well- being requirements and preferences of all people.
- Require housing land is separated from and buffered against adverse effect from existing and potential adjacent non-residential use.
- Provide land for housing-development requirements which do not unreasonable or unnecessary constrain the following –
- Efficient use of land and infrastructure. The area adjoins existing residential land and can be serviced with existing water supply and on site waste disposal can be arranged.
- Housing market and supply
- Location of housing outside designated residential estates is allowed.
- Diversity in type, mix within a single urban locality as appropriate to lifestyle preference and changing housing needs are to be considered.
- There is no adverse effect on key natural resource values, including areas of biodiversity significance and landscape aesthetics.

The site has adequate separation from the nearby rural land with the unmade Dalrymple Street. The site will have no adverse impact on natural resources, not upset market supply and offers further choice for housing development in Forth.

The strategy states there will be no further rezoning of land to Rural Living unless the following criteria are met.

Its noted “the exceptions to this relate to a small number of areas which are now functioning as rural living areas by virtue of the lot pattern, lot size and existing dwellings”(page 2).

The criteria are, with comments in italics:

- The area is not located within an area which will benefit from irrigation, private timber reserve or a mining lease. *The site is not within a mining lease or Timber Reserve. Given its small size and soil type it will not economically benefit from irrigation.*
- No damage to threatened fauna will occur. *No threatened fauna has been identified on the site.*
- Not located on prime land. *On class 4 land.*
- Be located within 10 kilometres from a settlement that will service the area with social and community infrastructure. *Its located approximately 10. kms from Devonport.*
- Not be in a high profile landscape area such as ridgelines and coastal headlands. *It doesn't form a high profile landscape.*
- The land capability of soils, road access, water drainage, and sewage and stormwater disposal is adequate for the proposal development. *Services are adequate or will be adequate.*
- Not be located within an area that will create conflict with an existing or potential resource development. *The land capability report indicates there will be no adverse impact on the adjoining agricultural use or on the proposed residential use from agricultural activities. It's noted that unmade Willian Street provides a buffer between the adjoining agricultural land and the proposed rezoning.*
- Not be in an area containing construction or mineral resources or mining. *Not in a mining area.*
- Not to adversely impact on a vulnerable environmental area such as a marshland or river bank. *No impact on a vulnerable environmental area.*
- Has adequate existing infrastructure or appropriate infrastructure will be constructed at the proponents cost.
- Not adversely impact on cultural or built heritage. *No impact on cultural or built heritage.*
- The area is not required for future urban development. *The area is not required for future urban development.*

Issue 5

Provide further advice about relevant State Policies, the potential increase in residential land with reference to the regional strategy in response to representations 14,15, and 22 and 92, 130A and 170 Preservation Drive.

Comment

Protection of Agricultural Land Policy 2009

Under the land capability system the subject sites are classified as parts 4 (lower areas) and six; therefore it's not prime land.

Principle 7 of the Policy states,

"The protection on non-prime land agricultural land from conversion to non-agricultural use will be determined through the consideration of the local and regional significance of that land for agricultural use."

The land given its topography, poor soil type, small size and is basically only suitable for grazing is considered not to have significant local or regional agricultural significance.

State Coastal Policy 1996

The land is within one kilometre of the coast thus the coastal policy applies.

The following is an extract from the policy

"2.4. URBAN AND RESIDENTIAL DEVELOPMENT

2.4.1. Care will be taken to minimise, or where possible totally avoid, any impact on environmentally sensitive areas from the expansion of urban and residential areas, including the provision of infrastructure for urban and residential areas.

2.4.2. Urban and residential development in the coastal zone will be based on existing towns and townships. Compact and contained planned urban and residential development will be encouraged in order to avoid ribbon development and unrelated cluster developments along the coast.

2.4.3. Any urban and residential development in the coastal zone, future and existing, will be identified through designation of areas in planning schemes consistent with the objectives, principles and outcomes of this Policy."

A ribbon strip of residential development already occurs in the Preservation Bay area. The proposed rezoning adjoins this development and could be considered as infill development. Residential development of the subject areas would be based on the adjoining settlement of Sulphur Creek. The subject areas do not contain sensitive environmental factors that would be adversely impacted with the provision of infrastructure.

State Policy on Water Quality Management.1997

The sites can be provided with appropriate infrastructure to ensure no damage to water quality occurs.

Cradle Coast Regional Strategy

The Strategy has not be revised since it was written and in many instances is redundant.

The Cradle Coast Regional Strategy recognises nearby Sulphur Creek as a settlement with a low growth scenario. However since the strategy was written the Sulphur Creek area has experienced constant growth to the extent there is a shortage of residential land available.